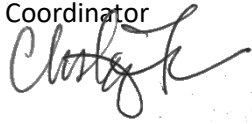




MEMORANDUM FOR: FILE

FROM: Christy Fellas, DWH Environmental Compliance Coordinator
NOAA Restoration Center, Southeast Region 

DATE: October 2, 2019

SUBJECT: Open Ocean TIG RP/EA #2: Activities Covered by Existing Compliance

Based on my review of project materials including the Biological Evaluation forms (Summer 2019), and in coordination with representatives from NOAA's Protected Resource Division (PRD) and Habitat Conservation Division in the Southeast Regional Office, the NOAA Restoration Center (RC) determined that the following projects have existing coverage from previous compliance efforts under one of more of these statutes: the Endangered Species Act, the Magnuson Stevens Act (designates Essential Fish Habitat) or animals protected by the Marine Mammal Protection Act under the jurisdiction of National Marine Fisheries Service (NMFS).

Restoration Type	Project	ESA	EFH	MMPA
Fish and Water Column Invertebrates	Better By-catch Reduction Devices for the Gulf of Mexico Commercial Shrimp Trawl Fishery	Activities covered under existing biological opinions issued by NMFS	N/A due to scope and location	No authorization needed, BMPs to protect marine mammals incorporated into project (see BE form)
	Restoring Bluefin Tuna via Fishing Depth Optimization in Pelagic Longline Fishery	Activities covered under existing biological opinions issued by NMFS	N/A due to scope and location	The Gulf of Mexico pelagic longline fishery is listed as a Category I in the 2018 List of Fisheries under the MMPA, reporting requirements are in effect
Sea Turtles	Reducing Juvenile Sea Turtle Bycatch in the Southeast Otter Trawl Shrimp Fishery Through Development of Reduced Bar Spacing in TEDs	Activities covered under existing biological opinions issued by NMFS	N/A due to scope and location	No authorization needed, BMPs to protect marine mammals incorporated into project (see BE form)
	Developing Methods to Observe Sea Turtle Interactions in the Gulf of Mexico Menhaden Purse Seine Fishery	Activities covered under existing biological opinions issued by or observer programs currently authorized by NMFS	N/A due to scope and location	The Gulf of Mexico menhaden purse seine fishery is listed as a Category II in the 2018 List of Fisheries under the MMPA, reporting requirements are in effect



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

For more detail on the existing compliance documents refer to the Biological Evaluation form for each project listed above. These projects will not require further evaluation under ESA, EFH or MMPA for species or habitats under the jurisdiction of NMFS. If the project is modified in a way that may not be covered by existing analyses, it will be reevaluated as appropriate.