



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Deepwater Horizon Gulf Restoration Office
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Fairhope, Alabama 36532




In Reply Refer To:
FWS/R4/DH NRDAR

Memorandum

March 23, 2020

To: Field Supervisor, Ecological Services Office, Lafayette, LA

From: Assistant Gulf Restoration Manager, *Deepwater Horizon* Gulf Restoration Office 

Subject: Informal Consultation Request for Three Restoration Projects in Louisiana

Overview

Projects are currently being evaluated as potential restoration projects to restore natural resources in Louisiana that were injured as a result of the *Deepwater Horizon (DWH)* oil spill. We have reviewed three projects in accordance with Section 7 of the ESA. We have made a May Affect, Not Likely to Adversely Affect determination these projects. We are requesting concurrence on these determinations. A list and brief description of the projects is provided in Table 1 below. Species determinations are summarized in Table 2 below.

Background

After the *DWH* oil spill, federal and state natural resource trustee agencies (Trustees) came together to assess the effects of the spill and plan for the restoration of injured natural resources. As part of the legal settlement reached with BP in 2016, the Trustees prepared a Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS), to provide the framework for *DWH* oil spill restoration across the Gulf.

The Final PDARP/PEIS established Trustee Implementation Groups (TIGs) that develop plans for, choose, and implement specific restoration actions under the Final PDARP/PEIS. The Louisiana Trustee Implementation Group (TIG) includes five Louisiana state trustee agencies and four federal trustee agencies: the Louisiana Coastal Protection and Restoration Authority (CPRA); the Louisiana Department of Natural Resources (LDNR); the Louisiana Department of Environmental Quality (LDEQ); the Louisiana Oil Spill Coordinator's Office (LOSCO); the Louisiana Department of Wildlife and Fisheries (LDWF); the United States Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); the United States Department of the Interior (USDOI), represented by the United States Fish and Wildlife Service (USFWS) and National Park Service (NPS); the United States Department of Agriculture (USDA); and the United States Environmental Protection Agency (EPA).

The LA TIG has evaluated these three projects as potential restoration projects under the

Louisiana Trustee Implementation Group Final Restoration Plan and Environmental Assessment #6: Restore and Conserve Wetlands, Coastal, and Nearshore Habitats, which was open to public comment through January 21, 2020. If the LA TIG selects the projects, the Louisiana Department of Wildlife and Fisheries would implement the projects. A brief description of each project is provided in Table 1 below.

These facts lead us to the conclusion that consultation under Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.S 1531 *et seq.*), is required for the proposed projects and we wish to engage in such consultation. We have reviewed each of the projects for potential impacts to listed, candidate, and proposed species, and designated and proposed critical habitats in accordance with Section 7 of the ESA. Potential effects, conservation measures, and justifications for our determinations are presented in the attached Biological Evaluation (BE) forms. Our determinations are summarized in Table 2 below.

Within the BE form, we have also reviewed the proposed projects for impacts to bald eagles in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and we determined take would be avoided.

This letter requests your concurrence with our determinations for these projects.

To facilitate your response, should you concur with our determination, we have attached a template response letter. If you have questions or concerns regarding this request, please contact Erin Chandler, Fish and Wildlife Biologist, at 470-361-3153 or erin_chandler@fws.gov.

Attachments (4)

- BE form including project maps (3)
- Template response letter

Table 1. Brief descriptions of three projects in LA TIG RP/EA #6.

Proposed Projects	Brief Description
<p>Biloxi Marsh Living Shoreline Alternative</p>	<p>The purpose of this Proposed Project is to create bioengineered, marsh-fringing oyster reefs to promote the formation of self-sustaining living shoreline protection structures, reduce wave erosion, provide oyster habitat, and prevent further marsh degradation.</p> <p>The goals of the Proposed Project are to:</p> <ol style="list-style-type: none"> 1. provide shoreline protection by using living shoreline products to attenuate wave energy 2. stimulate oyster growth in the project area. <p>This project proposed to install 9 to 11 miles (and no more than 12.5 miles) of reef breakwaters, marine mattresses, and/or rock revetment along the eastern shore of Biloxi Marsh. Bioengineered oyster reefs would be created by placing a manufactured product, or products, off the shoreline to establish a living breakwater structure.</p>
<p>Golden Triangle Marsh Creation Project</p>	<p>The Golden Triangle Marsh is a narrow band of brackish marsh located directly east of New Orleans between Lake Borgne and the confluence of the Mississippi River Gulf Outlet (MRGO) and the Gulf Intracoastal Waterway (GIWW).</p> <p>The goals of the Proposed Project are:</p> <ol style="list-style-type: none"> 1. Restore approximately 600 acres of brackish marsh. 2. Restore and protect wetland, fish, and wildlife habitats. 3. Restore degraded marsh and reduce wave/wake erosion. 4. Maintain landscape integrity and enhance community resilience. 5. Promote natural resource stewardship and environmental education and outreach. <p>The Proposed Project includes restoration areas in the Golden Triangle Marsh; a borrow area located within Lake Borgne; a pipeline corridor connecting the borrow area to the restoration site; and an access corridor from Chef Menteur Pass, northeast of the marsh, to the borrow area.</p>
<p>West Grand Terre Beach Nourishment and Stabilization Project</p>	<p>Barrier islands in Louisiana are typically low lying and comprised of three primary physical features, the beach, dune, and back-barrier marsh. They act as a buffer to reduce the full force and effects of wave action, saltwater intrusion, storm surge, and tidal currents on associated estuaries and wetlands. The primary objective of this Proposed Project is to address Gulf shoreline erosion, diminished protection against storm surge, and subsidence of back-barrier marshes, as well as restore dune and back-barrier marsh habitat on West Grand Terre Island to provide storm surge and wave attenuation. Between issuance of the Draft REPEA and this Final RP/EA, the LA TIG reevaluated the</p>

	<p>maximum restoration potential on West Grand Terre Island to include the dredged material recently placed by USACE and the +1.5-foot tolerance acreage discussed below. The revised alternative would create or restore up to 371 acres of beach and dune habitat, create or restore approximately 160 acres of intertidal marsh habitat, and protect approximately 14,000 linear feet of shoreline on West Grand Terre Island. A rock revetment will be constructed to protect restored marsh and a rock revetment spur will capture sand transported by longshore currents.</p>
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Table 2. Summary of ESA determinations for three proposed projects in LA TIG RP/EA #6.
 (NE = No Effect, NLAA = May Affect, Not Likely to Adversely Affect)

ESA Species under USFWS jurisdiction	Status	Biloxi Marsh Living Shoreline Alternative	Golden Triangle Marsh Creation Project	West Grand Terre Beach Nourishment and Stabilization Project
West Indian Manatee	Endangered	NLAA	NLAA	NLAA
Gulf Sturgeon	Threatened	NE	--	NE
Pallid sturgeon	Endangered	--	NE	--
Hawksbill sea turtle	Endangered	NE	--	NE
Kemp's Ridley sea turtle	Endangered	NE	--	NE
Loggerhead sea turtle	Threatened	NE	--	NLAA
Leatherback sea turtle	Endangered	NE	--	NE
Green sea turtle	Threatened	NE	--	NE
Piping plover	Threatened	NE	--	NLAA
Red knot	Threatened	NE	--	NLAA
-- indicates the species or critical habitat does not occur in the project area				