



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 20, 2020

To: Field Supervisor, Ecological Services Office, Jackson, MS

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

Subject: Informal Consultation Request for Four Restoration Projects in Mississippi

Overview

Projects are currently being evaluated as potential restoration projects to restore natural resources in Mississippi that were injured as a result of the *Deepwater Horizon (DWH)* oil spill. We have reviewed four projects in accordance with Section 7 of the ESA. We have made a May Affect, Not Likely to Adversely Affect determination for these four 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 Mississippi Trustee Implementation Group (TIG) includes one Mississippi state trustee agency and four federal trustee agencies: Mississippi Department of Environmental Quality (MDEQ); 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 MS TIG has evaluated these four projects as potential restoration projects under the *Mississippi Trustee Implementation Group Draft Restoration Plan II and Environmental Assessment: Wetlands, Coastal, and Nearshore Habitats and Oysters*, which will be released for

public comment in March or April 2020. If the MS TIG selects the projects, the trustees 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 (5)

- BE form including project maps (4)
- Template response letter

Table 1. Brief descriptions of two projects in MS TIG RP/EA II.

Proposed Projects	Brief Description
Mississippi Oyster Gardening Program	This proposed Mississippi Oyster Gardening Program (MSOGP) would be implemented over a five-year period utilizing volunteers along the Mississippi Gulf Coast. This program would be a continuation of the current NFWF-GEBF funded project. The Program would grow sub-adult oysters from spat in gardens on shell stock that hang from waterfront piers/wharves and docks located in coastal waters anywhere along the Mississippi Gulf Coast. The restoration approach is to restore oyster reef habitat. The proposed technique is to enhance oyster reef productivity through spawning stock enhancement projects such as planting hatchery raised oysters, relocating wild oysters to restoration sites, establishing oyster gardening programs, and other similar projects. Objectives outlined in this proposed project include the development of a community, volunteer-based oyster gardening program that would grow sub-adult oyster from spat on shell stock that would then be transferred to designated areas in coastal MS waters that are not open to oyster harvesting. The proposed MSOGP would be managed by MDEQ with the assistance of two partners: Mississippi Department of Marine Resources and Mississippi-Alabama Sea Grant Consortium
Oyster Spawning Reefs in Mississippi	The proposed project would include the restoration or creation of a minimum of 100 acres and a maximum of 400 + acres of high-relief cultch placements in up to six locations in the Mississippi Sound and areas including St. Louis Bay, Heron Bay, Back Bay/Biloxi Bay, Graveline Bay, Pascagoula Bay, and Grand Bay in Hancock, Harrison, and Jackson Counties. It is estimated that, historically, greater than 7,000 acres of oyster reefs occurred in the locations that encompass the Oyster Spawning Reefs in Mississippi project area.
Hancock County Marshes Coastal Preserve Habitat Management- Wachovia Tract	The Wachovia Tract is in the Hancock County Coastal Preserve, Hancock County, Mississippi. The restoration approach is to protect and conserve marine, coastal, estuarine and riparian habitats. The proposed restoration technique would be to develop and implement management actions in conservation areas. The Hancock County Coastal Preserve-Wachovia Tract is a 1,203-acre area located south of I10, east of the Pearl River and west of the Possum Walk Trail which is managed by the MDMR CPP. MDMR CPP has initiated

	<p>management activities on the Hancock County Coastal Preserve Wachovia Tract Component under the Invasive Species Management on Coastal State Land Project, which is funded by the NFWF GEBF. Management activities have included chemical treatment, prescribed fire and mechanical treatment. The proposed project would fund continued management activities on the Wachovia Tract.</p>
<p>Wolf River Coastal Preserve Habitat Management- Dupont and Bell's Ferry Tracts</p>	<p>The Wolf River Coastal Preserve is a 2,500-acre area located near the confluence of the Wolf River with St. Louis Bay which is managed by the Mississippi Department of Marine Resources Coastal Preserve Program (MDMR CPP). MDMR CPP has performed management activities on the Wolf River Preserve Dupont Tract under the Invasive Species Management on Coastal State Land Project which is funded by the National Fish and Wildlife Federation (NFWF) Gulf Environmental Benefit Fund (GEBF); the management activities are currently complete. Management activities have included chemical treatment and prescribed fire on the Dupont Tract. The proposed project would continue the management activities that have been previously implemented on the Dupont Tract, and could initiate similar management activities on the Bell's Ferry Tract. The restoration approach is to protect and conserve marine, coastal, estuarine and riparian habitats. The proposed technique for restoration would be to restore hydrologic connections to enhance coastal habitats; and develop and implement management actions in conservation areas.</p>

Table 2. Summary of ESA determinations for four proposed projects in MS TIG RP/EA II.
 (NE = No Effect, NLAA = May Affect, Not Likely to Adversely Affect)

ESA Species under USFWS jurisdiction	Status	Mississippi Oyster Gardening Program	Oyster Spawning Reefs in Mississippi	Hancock County Marshes Coastal Preserve Habitat Management-Wachovia Tract	Wolf River Coastal Preserve Habitat Management-Dupont and Bell's Ferry Tracts
West Indian Manatee	Endangered	NLAA	NLAA	--	NE
Dusky gopher frog	Endangered	--	--	NLAA	NLAA
Gopher Tortoise	Threatened	--	--	NLAA	NLAA
Wood stork	Threatened	--	--	NLAA	NLAA
Piping plover	Threatened	NE	NE	--	--
Red knot	Threatened	NE	NE	--	--
Eastern Black Rail	Candidate	NE	--	NLAA	NLAA
Black Pine Snake	Threatened	--	--	--	NLAA
Louisiana Quillwort	Endangered	--	--	--	NLAA
-- indicates the species or critical habitat does not occur in the project area					