



United States Department of the Interior


FISH AND WILDLIFE SERVICE
Louisiana Ecological Services
200 Dulles Drive
Lafayette, Louisiana 70506



October 15, 2020

Memorandum

To: Deputy *Deepwater Horizon* Department of the Interior Natural Resource Damage Assessment and Restoration (NRDAR) Case Manager

From: Field Supervisor, Louisiana Ecological Services Office 

Subject: Informal Consultation for the Bird's Foot Delta Hydrologic Restoration Project

Please reference your August 24, 2020, memorandum requesting our review of the subject project which would be implemented in Louisiana by the Deepwater Horizon NRDAR Louisiana Trustee Implementation Group (LA TIG). Additional information was provided to this office on September 17, 2020. The LA TIG has evaluated this project as a potential restoration project to restore natural resources in Louisiana that were injured as a result of the *Deepwater Horizon* (DWH) oil spill. The Fish and Wildlife Service (Service), Louisiana Ecological Services Office has reviewed the information provided and offers the following comments in accordance with the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The subject action is an engineering and design project only; thus, no construction activities are proposed. Activities associated with this proposed project may include:

1. Bathymetric and topographic surveys of access channels, dredging areas, and fill areas;
2. Magnetometer surveys;
3. Geotechnical data collection, including borings and/or cone penetrometer tests, possibly in both dredging and fill areas;
4. Other geophysical surveys;
5. Possible probing to confirm pipeline locations/depth of cover;
6. Cultural resources surveys; and
7. Sediment load and flow distribution sampling within Plaquemines Parish, Louisiana.

Your office provide a Biological Evaluation (BE), dated August 21, 2020, addressing the potential effects, conservation measures, and justifications of the proposed project and requested our concurrence with your determination of effects on federally listed threatened and endangered species in Louisiana under the Service's jurisdiction.

West Indian Manatee

The proposed project would involve in-water activities in an area where the federally threatened West Indian manatee (*Trichechus manatus*) may occur. The West Indian manatee is known to regularly occur in Lakes Pontchartrain and Maurepas and their associated coastal waters and streams. It also can be found less regularly in other Louisiana coastal areas, most likely while the average water temperature is warm. Based on data maintained by the Louisiana Wildlife Diversity Program, over 80 percent of reported manatee sightings in Louisiana have occurred from the months of June through December. Manatee occurrences in Louisiana appear to be increasing and they have been regularly reported in the Amite, Blind, Tchefuncte, and Tickfaw Rivers, and in canals within the adjacent coastal marshes of southeastern Louisiana. Manatees may also infrequently be observed in the Mississippi River and coastal areas of southwestern Louisiana. Cold weather and outbreaks of red tide may adversely affect these animals; however, human activity is the primary cause for declines in species number due to collisions with boats and barges, entrapment in flood control structures, poaching, habitat loss, and pollution.

According to the BE, the West Indian manatee protection measures would be employed to minimize potential interactions with manatees. Based on the above information, the Service's Louisiana Ecological Services Office concurs with your determination that implementation of the proposed action is not likely to adversely affect the West Indian manatee.

Piping Plover and Red Knot

The piping plover is a small (7 inches long), pale, sand-colored shorebird that winters in coastal Louisiana and may be present for 8 to 10 months annually. Piping plovers arrive from their northern breeding grounds as early as late July and remain until late March or April. They feed on polychaete marine worms, various crustaceans, insects and their larvae, and bivalve mollusks that they peck from the top of or just beneath the sand. Piping plovers forage on intertidal beaches, mudflats, sand flats, algal flats, and wash-over passes with no or very sparse emergent vegetation. They roost in unvegetated or sparsely vegetated areas, which may have debris, detritus, or micro-topographic relief offering refuge to plovers from high winds and cold weather. They also forage and roost in wrack (e.g., seaweed or other marine vegetation) deposited on beaches. In most areas, wintering piping plovers are dependent on a mosaic of sites distributed throughout the landscape, because the suitability of a particular site for foraging or roosting is dependent on local weather and tidal conditions. Plovers move among sites as environmental conditions change, and studies have indicated that they generally remain within a 2-mile area. Major threats to this species include the loss and degradation of habitat due to development, disturbance by humans and pets, and predation.

The federally threatened red knot (*Calidris canutus rufa*) is a medium-sized shorebird about 9 to 11 inches in length with a disproportionately small head, small eyes, short neck, and short legs. The black bill tapers steadily from a relatively thick base to a relatively fine tip; bill length is not much longer than head length. The legs are typically dark gray to black but are sometimes greenish in juveniles or older birds in non-breeding plumage. Non-breeding plumage is dusky gray above and whitish below. The red knot breeds in the central Canadian arctic but is found in Louisiana during spring and fall migrations and the winter months (generally September through May). During migration and on their wintering grounds, red knots forage along sandy beaches, tidal mudflats, salt marshes, and peat banks. Observations along the Texas coast indicate that red

knots forage on beaches, oyster reefs, and exposed bay bottoms, and they roost on high sand flats, reefs, and other sites protected from high tides. In wintering and migration habitats, red knots commonly forage on bivalves, gastropods, and crustaceans. Coquina clams (*Donax variabilis*), a frequent and often important food resource for red knots, are common along many gulf beaches.

Species in the project area may be temporarily disturbed by the noise and vibrations of the proposed work, but these impacts are of short duration and limited in scope. Furthermore, should piping plovers or red knots occur within the project area during construction only a small portion of suitable habitat would be impacted at a time. Therefore, individuals are likely to move to nearby areas of suitable habitat (i.e., within two miles of the site). Based on the information provided, the Service's Louisiana Ecological Services Office concurs with your determination that implementation of the proposed action is not likely to adversely affect the piping plover (and its critical habitat) or the red knot.

Loggerhead Sea Turtle and Kemp's Ridley Sea Turtle

Federally listed as a threatened species, loggerhead sea turtles (*Caretta caretta*) nest within the coastal United States from Virginia to Louisiana, with major nesting concentrations occurring on the coastal islands of North Carolina, South Carolina, and Georgia, and on the Atlantic and Gulf coasts of Florida. Historically in Louisiana, loggerheads have been known to nest on the Chandeleur Islands and recent data indicate rare nesting attempts along Fourchon Beach in Lafourche Parish. Nesting and hatching dates for the loggerhead in the northern Gulf of Mexico are from May 1 through November 30. Threats to this species include destruction of nesting habitat and drowning in fishing nets.

The endangered Kemp's ridley (*Lepidochelys kempii*) is one of the smallest sea turtles with adults reaching lengths up to 19.5 to 27.5 inches (50 to 70 centimeters) (Ernst and Barbour 1972). Its carapace is heart-shaped or nearly round and is generally wider than it is long. The carapace ranges in color from grayish brown to olive green (Rebel 1974), and the plastron is white in juveniles and yellow in adults. The Kemp's ridley generally has a restricted distribution, and nesting is usually limited to the beaches of the western Gulf of Mexico, primarily in Mexico. However, Kemp's ridley nests have been documented in Texas and Alabama, and nesting attempts were observed on the Chandeleur Islands of Louisiana. The Kemp's ridley nesting season occurs from April through July, and the egg incubation period is approximately 55 days. Kemp's ridleys are coastal inhabitants throughout the Gulf of Mexico and the northwestern Atlantic Ocean, as far north as the Grand Banks and Nova Scotia, Canada. Juveniles and sub-adults occupy shallow, coastal regions and are commonly associated with crab-laden, sandy or muddy water bottoms. They are generally found in near shore areas of the Louisiana coast from May through October. Adults may be abundant near the mouth of the Mississippi River in the spring and summer. Adults and juveniles move offshore to deeper, warmer water during the winter. Between the East Gulf Coast of Texas and the Mississippi River Delta, Kemp's ridleys use near shore waters, ocean sides of jetties, small boat passageways through jetties, and dredged and nondredged channels. They have been observed within both Sabine and Calcasieu Lakes. Major threats to this species include over-exploitation on their nesting beaches, drowning in fishing nets, and pollution.

Loggerhead and Kemp's ridley sea turtles are not known to nest within the proposed project area; in addition, soils are predominately Aquents which are poorly drained and unsuitable for nesting. Based on the above information, the Service's Louisiana Ecological Services Office concurs with your determination that implementation of the proposed action is not likely to adversely affect the loggerhead or Kemp's ridley sea turtles.

Pallid Sturgeon

The pallid sturgeon (*Scaphirhynchus albus*) is an endangered, bottom-oriented, fish that inhabits large river systems from Montana to Louisiana. Within this range, pallid sturgeon tend to select main channel habitats in the Mississippi River and main channel areas with islands or sand bars in the upper Missouri River. In Louisiana it occurs in the Atchafalaya and Mississippi Rivers, and below Lock and Dam Number 3 on the Red River (with known concentrations in the vicinity of the Old River Control Structure Complex). The pallid sturgeon is adapted to large, free-flowing, turbid rivers with a diverse assemblage of physical characteristics that are in a constant state of change. Many life history details and subsequent habitat requirements of this fish are not known. However, the pallid sturgeon is believed to utilize Louisiana riverine habitat during reproductive stages of its life cycle. Habitat loss through river channelization and dams has adversely affected this species throughout its range.

The density of pallid sturgeon in the Mississippi River Delta is thought to be low; however, sampling efforts in that area have not been extensive so population estimates in these areas are uncertain (USFWS 2010). If present, however, impacts are expected to be short-term and insignificant as a result of temporary disturbance. Pallid sturgeon are highly mobile and individuals disturbed by the proposed activities would likely leave the area and move to suitable nearby habitats. Based on the above information, the Service's Louisiana Ecological Service Office concurs with your determination that implementation of the proposed action is not likely to adversely affect pallid sturgeon.

The Service's, Louisiana Ecological Services Office appreciates the opportunity to provide comments in the planning stages of this proposed project. If you have questions regarding this letter, please contact Ms. Karen Soileau (337-291-3132) of this office for further assistance.

Copies provided via electronic mail:

LDWF, Wildlife Diversity Program, Baton Rouge, LA

Literature Cited

U.S. Fish & Wildlife Service (USFWS). 2010. Biological Opinion for proposed Medium Diversion at White Ditch.