Version: August 21, 2018

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This form will be filled out by the Implementing Trustee and used by the regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA) and Section 106 of the National Historic Preservation Act (NHPA).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
USFWS: Erin Chandler at erin_chandler@fws.gov
NMFS: Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency(one or more):USFWS ☒ NOAA ☒ EPA ☐ USDA ☐

Implementing Trustee(s): CPRA

Contact Name: Katie Freer and Ann Howard Phone: Katie Freer: 225-342-4635 Ann Howard: 225-765-2838 Email:

Katie.Freer@la.gov | ahoward@wlf.la.gov

Project Name: Isle au Pitre Restoration

DIVER ID# N/A TIG: Louisiana TIG Restoration Plan # 7

B. Project Phase and Supporting Documentation

Please choose the box which best describes the project status, as proposed in this BE form:

Planning/Conceptual ☒ Construction/Implementation ☐ Engineering & Design ☒

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

Click here to enter text.

Supporting Documentation

Please attach any maps, aerial photographs, or design drawings that will support the information in this BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area

Map of project area with elements proposed (polygons showing proposed construction elements)
Map of action area with critical habitat units or sensitive habitats overlayed

IsleAu PitreExemplar.pdf

Please see embedded PDF (above) for additional project details.

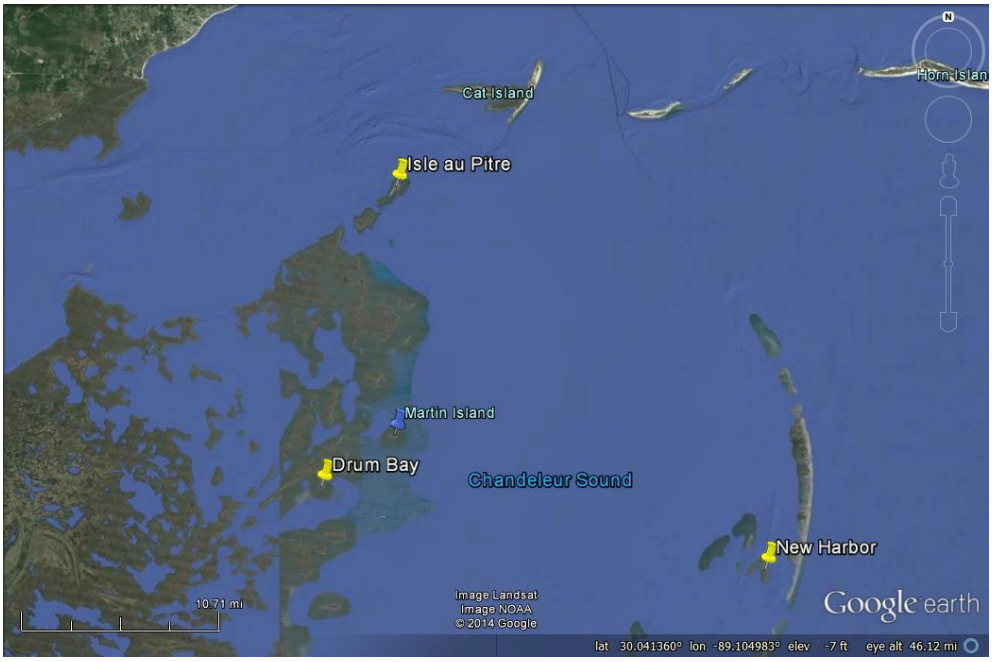
C. Project Location

I. State and County/Parish of action area

St. Bernard Parish, Louisiana

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83) [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

30.153231 N, 89.195690 W



D. Existing Compliance Documentation

NEPA Documents

Are there any existing draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☐ NO☒

Examples:
-TIG Restoration Plan/EA or EIS (draft or final)
-USACE programmatic NEPA analysis
-USACE Clean Water Act individual permit for the project
-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click or tap here to enter text

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click or tap here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to the NEPA document, or name of the document, year, lead federal agency, POC, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan.

Click here to enter text.

Any documentation or information provided will be very helpful in moving your project forward.

Name of Person Completing this Form: Caitlin Glymph
Name of Project Lead: Katie Freer and Ann Howard
Date Form Completed: 5/28/2020
Date Form Updated: 5/28/2020

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action.

If CH is not designated in the area, then describe any suitable habitat in the area

Isle au Pitre is a privately owned island which serves as an important colonial bird colony in St. Bernard Parish. The island is currently 40 acres in size, but suitable nesting habitat on the island has been reduced to less than 2 acres. Natural and manmade forces have contributed to the erosion of the island. No construction would occur as part of this proposed project. This is an engineering and design project.

Additional information regarding the existing environment will be collected during E&D.

a. Waterbody

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

Isle au Pitre is a barrier island located in the Biloxi Sound.

Does the project area include a river or estuary?

YES☐ NO☒

If yes, please approximate the navigable distance from the project location to the marine environment.
Click or tap here to enter text.

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

N/A

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

N/A- Additional information regarding the existing environment will be collected during E&D.

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

N/A- Additional information regarding the existing environment will be collected during E&D.

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area. Click here to enter text.

N/A

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

NA- Additional information regarding the existing environment will be collected during E&D.

g. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins	YES☒	NO☐
Whales	YES☐	NO☒
Manatees	YES☒	YES☐

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

Click here to enter text.

h. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

According to the NRCS Soil Survey website, Isle au Pitre soils are predominately tidal, scatlake mucky clay with 0 to 0.2 percent slopes. These soils are very poorly drained and flooding is frequent. Minor soil components are Bancker, tidal and Clovelly, tidal.

i. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

NA

j. Essential Fish Habitat

If applicable. Describe any designated Essential Fish Habitat within the project area

The Gulf of Mexico Fishery Management Council delineated Essential Fish Habitat (EFH) for federally managed species in coastal Louisiana. The project area is within Eco-Region 3, and is likely to contain a variety of estuarine and marine habitat types designated as EFH including: open water, emergent saline and brackish marsh, submerged aquatic grass beds, sand/shell bottom, and mud/soft bottom. The National Marine Fishery Service (NMFS) also manages highly migratory species (e.g., sharks) for which EFH is identified by geographical area rather than habitat type.

Fifteen species with designated EFH are likely to be within the Isle au Pitre Project Area, including shrimp (three species), fish (four species), and sharks (eight species). The following table lists the federally managed species found within the Isle Au Pitre Project Area. No Habitat Areas of Particular Concern (HAPC) or EFH Areas Protected from Fishing (EFHA) were identified within the Project Area.

Table 1. Federally Managed Species in the Isle Au Pitre Project Area

Common Name	Scientific Name
REEF FISH	
Gray (mangrove) snapper	*Lutjanus griseus*
Lane snapper	*Lutjanus synagris*
MACKERELS	
Spanish mackerel	*Scomberomorus maculatus*
SHRIMP	
Brown shrimp	*Farfantepenaeus aztecus*
Pink shrimp	*Farfantepenaeus duorarum*
White shrimp	*Litopenaeus setiferus*
SHARKS	
Atlantic sharpnose shark	*Rhizoprionodon terraenovae*
Blacktip shark	*Carcharhinus limbatus*
Bull shark	*Carcharhinus leucas*
Finetooth shark	*Carcharhinus isodon*
Scalloped hammerhead shark	*Sphyrna lewini*
Hammerhead shark	*Sphyrna mokarran*
Spinner shark	*Carcharhinus brevipinna*
Blacknose shark	*Carcharhinus acronotus*
RED DRUM	
Red drum	*Sciaenops ocellatus*

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

No construction would occur as part of this proposed project. This is an engineering and design project. Activities in the project area may include:

- Bathymetric and topographic surveys of access channels, dredging areas, and fill areas
- Magnetometer surveys
- Geotechnical data collection, including borings and/or cone penetrometer tests, possibly in both dredging and fill areas
- Other geophysical surveys
- Possible probing to confirm pipeline locations/depth of cover
- Possible cultural resources surveys
- Oyster surveys, assessments, and appraisals

- Nesting surveys

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*
E&D will take approximately 2 years to complete

III. *Specific In-Water and/or Terrestrial Construction Methods*

Please check yes or no for the following questions related to in-water work and overwater structures

TBD

Does this project include in-water work?	YES☐	NO☐
Does this project include terrestrial construction?	YES☐	NO☐
Does this project include construction of an overwater structure?	YES☐	NO☐
Will fishing be allowed from this overwater structure?	YES☐	NO☐
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☐
Will boat docking be allowed from this overwater structure?	YES☐	NO☐
Will fishing be allowed from this overwater structure?	YES☐	NO☐

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

NA

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* *http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/dockkey2002.pdf*
iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*
v. *Height above Mean High Water (MHW) elevation?*
vi. *Directional orientation of main axis of dock?*
vii. *Overwater area (sq ft)?*

NA

b. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	NA
2. Material type of piles used	NA
3. Size (width) of piles/sheets	NA
4. Total number of piles/sheets	NA
5. Number of strikes for each single pile	NA
6. Number of strikes per hour (for a single pile)	NA
7. Expected number of piles to be driven each day	NA
8. Expected amount of time needed to drive each pile (minutes of driving activities)	NA
9. Expected number of sequential days spent pile driving	NA
10. Whether pile driving occurring in-water or on land	NA
11. Depth of water where piles will be driven	NA

c. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

NA

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

NA

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

NA

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

NA

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

NA

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

NA

i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

NA

G. NOAA Species & Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section G. and proceed to Section H.

☐This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit:
http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon only)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Loggerhead Sea Turtle		Marine	No Effect	No effect – no construction activities
Green Sea Turtle (T)		Marine	No Effect	No effect – no construction activities
Kemp's Ridley Sea Turtle (E)		Marine	No Effect	No effect – no construction activities
Hawksbill Sea Turtle (E)		Marine	No Effect	No effect – no construction activities
Leatherback Sea Turtle (E)		Marine	No Effect	No effect – no construction activities
Gulf Sturgeon CH		Marine	No Effect	No effect – no construction activities
Gulf Sturgeon (T)		Marine	No Effect	No effect – no construction activities
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

H. USFWS Species & Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section G. and proceed to Section H.

☐This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit:
http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon only)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
West Indian Manatee		Choose an item.	May Affect, Not Likely to Adversely Affect	

Piping Plover		Choose an item.	May Affect, Not Likely to Adversely Affect	
Red Knot		Choose an item.	May Affect, Not Likely to Adversely Affect	
Hawksbill Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	
Kemp's Ridley		Terrestrial	May Affect, Not Likely to Adversely Affect	
Leatherback Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	
Loggerhead Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

I. Effects of the proposed project to the species and actions to reduce impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

This project would not include any construction activities and would be limited to data collection and monitoring needed for the engineering and design of the proposed project. Project planning, feasibility studies, design engineering studies, and permitting activities are intended to support the development of projects to propose in more detail in subsequent restoration plans. Some preliminary phases of project planning may cause direct, short-term, minor impacts through associated fieldwork (e.g., including drilling into soil or sediment with an augur, drill rig, or other tools to remove surface, subsurface, or core samples). These impacts would be very minor and localized to the project site given how small such areas are in relation to an overall project area. Temporary impacts to the biological and physical environment also could include short-term, temporary disturbance of habitats and species; minor emissions from vehicles; and minor disturbance to terrestrial, estuarine, and marine environments. Permits for E&D activities will be secured when necessary. In cases where the appropriate permit or other environmental review has been secured (e.g., for photographing, handling, or disturbing listed species) or determined to be unnecessary (e.g., certain minor, temporary disturbance of marine mammals that does not constitute harassment), minor impacts to certain protected and managed resources also could occur and be considered minor.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Project-planning actions for this project fall within the scope of the analysis in the PDARP/PEIS. The use of airboats, marsh buggies, augers and other equipment for bathymetric surveys, gathering elevation data, soil strength and compaction data may cause short-term, temporary impacts. Adherence to permit conditions and other requirements would minimize any adverse impacts.

***Frequently Recommended BMPs*: This checklist provides standard BMPs recommended by NOAA and USFWS. Please select any BMPs that will be implemented:**

☒	**USFWS Standard Manatee In Water Conditions**
☒	**NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions**[1]
☒	**NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
☒	**NFMS Vessel Strike Avoidance Measures and Reporting for Mariners**[1]

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

[1] Documents can be found here: http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html

J. Effects to critical habitats and actions to reduce impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

The project is adjacent to the border of gulf sturgeon critical habitat, however, the proposed engineering and design activities are not anticipated to cause adverse effects.

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Adherence to permit conditions and other requirements would minimize any adverse impacts.

K. Marine Mammals

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☐NO ☒YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*

☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

Click here to enter text.

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[2]
☒	NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions[3]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species[3]
☒	NFMS Vessel Strike Avoidance Measures and Reporting for Mariners[3]
☐	Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[3]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals.
Click here to enter text.

L. Bald Eagles

Are bald eagles present in the action area? ☒NO ☐YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES *

*Bald eagles are not in project area, according to IPaC database.

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.

[2] Documents can be found here: http://sero.nmfs.noaa.gov/protected_resources/outreach_and_education/index.html
[3] Documents can be found here: http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html

Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

M. Request approval for use of NMFS PDCs for this project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion completed by NMFS on February 10, 2016. To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS.

NO	YES	ACTIVITY
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**
☒	☐	**Construction of Non-Fishing Piers**

N. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 727-551-5714

USFWS ESA § 7 Consultation
Erin Chandler, Department of the Interior
Email: Erin_Chandler@fws.gov
Phone: 470-361-3153