In Reply Refer To: July 2, 2025

2025-0106104 Development of a Diatom and Bacteria Community Assessment

Memorandum

To: Compliance Supervisor, Gulf Restoration Office, Fairhope, AL

From: Field Supervisor, Mississippi Ecological Services Field Office, USFWS

JAMES AUSTIN Digitally signed by JAMES AUSTIN
Date: 2025.07.07 13:09:52 -05'00'

Subject: Informal consultation for the proposed project referred to as: Development of a Diatom and Bacteria Community Assessment Tool for Coastal Mississippi.

This memorandum acknowledges our receipt of your request for consultation email on the subject project on June 5, 2025. This response is in accordance with Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA) and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d). We have reviewed your proposed project and concur with your June 5, 2025, determinations for threatened and endangered species. We based our concurrence on the justification below. Where more than one justification was applicable, multiple boxes are checked and additional comments are added.

☐ Species-specific surveys were conducted and there are no endangered, threatened, or at-risk species or designated critical habitat on site.

☐ Endangered, threatened, and at-risk species are not known from and are not expected to occur within the vicinity of the proposed project.

☒ Appropriate avoidance and minimization measures have been included within the project description to ensure that any effects to bald eagles, listed species (or at-risk species should they become listed) are insignificant or discountable.

Applicant has agreed to the following:

- Maintain sufficient streamside management zones (SMZ's) and adhere to guidelines
- Avoid stream crossings; leave instream gravel beds undisturbed
- Do not remove or alter existing sandbars during nesting season (May – September)
- Avoid introducing organic and inorganic debris into streams
- Avoid impoundment of streams and rivers
- Avoid rutting instream that could alter water flow
- Avoid instream disturbance during spawning/breeding season (typically, April – May) where there are known records of listed species
- Sites with Louisiana quillwort present will be avoided. However, all personnel will receive training in identifying the species and will avoid it if seen
- If any of the mobile species are encountered, all work will cease until the species has vacated the area of its own volition.
- 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).

- 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.
- 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.
- 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.

☐ Critical habitat is not present on site and does not occur within the vicinity of the proposed project.

☒ Appropriate avoidance and minimization measures have been included within the project description to ensure PCEs and/or critical habitat will not be adversely modified or destroyed.

☐ The proposed project is completely beneficial to the listed or at-risk species and/or critical habitat considered.

As provided in 50 CFR 402.16, re-initiation of consultation is required and shall be requested by the Federal agency, where discretionary Federal involvement or control over the action has been retained or is authorized by law and if (1) take occurs, or (2) new information reveals effects of the action not previously considered, or (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or (4) if a new species is listed or critical habitat designated that may be affected by the action.

If you have any questions regarding this project, please contact Paul Necaise, Fish and Wildlife Biologist, at paul_necaise@fws.gov or (228) 493-6631.