



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Deepwater Horizon Gulf Restoration Office  
341 Greeno Road North, Suite A  
Fairhope, Alabama 36532



In Reply Refer To:  
FWS/R4/DH NRDAR

Memorandum

March 28, 2023

To: Memorandum To File

From: Michael Barron, Deepwater Horizon Gulf Restoration Office

Subject: No Further Consultation Required for Louisiana Trustee Implementation Group's (LA TIG) Restoration Planning Activity: Louisiana Coastwide Fish and Shellfish Monitoring Program

Under the Endangered Species Act (ESA) Section 7(a)(2), each Federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species, or destroy/adversely modify designated critical habitat. If a Federal agency determines that a Federal action will have no effect on ESA-listed species or designated critical habitat, then the Federal agency is not required to consult with the US Fish and Wildlife Service (USFWS) for purposes of ESA. This memo does not include any information or effects determinations for protected species under the jurisdiction of the National Marine Fisheries Service.

We have reviewed the project materials provided (see attached Biological Evaluation Form and Cooperative Agreement), for the proposed planning activity titled "Louisiana Coastwide Fish and Shellfish Monitoring Program". This project will be implemented by the Louisiana Coastal Protection and Restoration Authority under their existing ESA Section 6 Cooperative Agreement (Agreement) which allows authorized employees or agents to take threatened and endangered species when acting in the course of official duties (e.g., scientific data collection for the purpose of monitoring fish and shellfish). There will be no effect to other listed or proposed species or proposed or designated critical habitats. Thus, this activity will require no further ESA evaluation. Should the project be modified in a way that could adversely impact ESA-listed species or habitats not consistent with the Agreement or if the Agreement is nullified, this determination will be reevaluated as appropriate.

We have also reviewed the proposed projects for impacts to bald eagles (*Haliaeetus leucocephalus*) in accordance with the Bald and Golden Eagle Protection Act of 1940 as amended (16 U.S.C. 668-668c) and impacts to migratory birds in accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712 and determined that take would be avoided, and best management practices will be followed. In accordance with the Marine

Mammal Protection Act of 1972 as amended (16 U.S.C. 1361-1383b, 1401-1406, 1411-1421h), no marine mammals under the jurisdiction of the USFWS will be impacted.

If you have questions or concerns regarding this action, please contact Michael Barron, Fish and Wildlife Biologist, at 251-421-7030 or [michael\\_barron@fws.gov](mailto:michael_barron@fws.gov).

Attachments (2)

**Attachment 1: Biological Evaluation Form**  
**Biological Evaluation Form**  
*Deepwater Horizon Oil Spill Restoration*  
 U.S. Fish and Wildlife Service & National Marine Fisheries Service

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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: Michael Barron at michael\_barron@fws.gov  
 NMFS: Christy Fellas at christina.fellas@noaa.gov

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## A. Project Identification

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

Implementing Trustee(s): Louisiana Coastal Protection and Restoration Authority

Contact Name: Theryn Henkel Phone: 504-280-1005 Email: Theryn.Henkel@la.gov

Project Name: Louisiana Coastwide Fish and Shellfish Monitoring Program

DIVER ID# 175 TIG: Louisiana TIG Restoration Plan # N/A

## B. Project Phase

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

Construction/Implementation  Planning/Conceptual  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.](#)

## C. Project Location

### I. State and County/Parish of action area

Coastwide, Louisiana

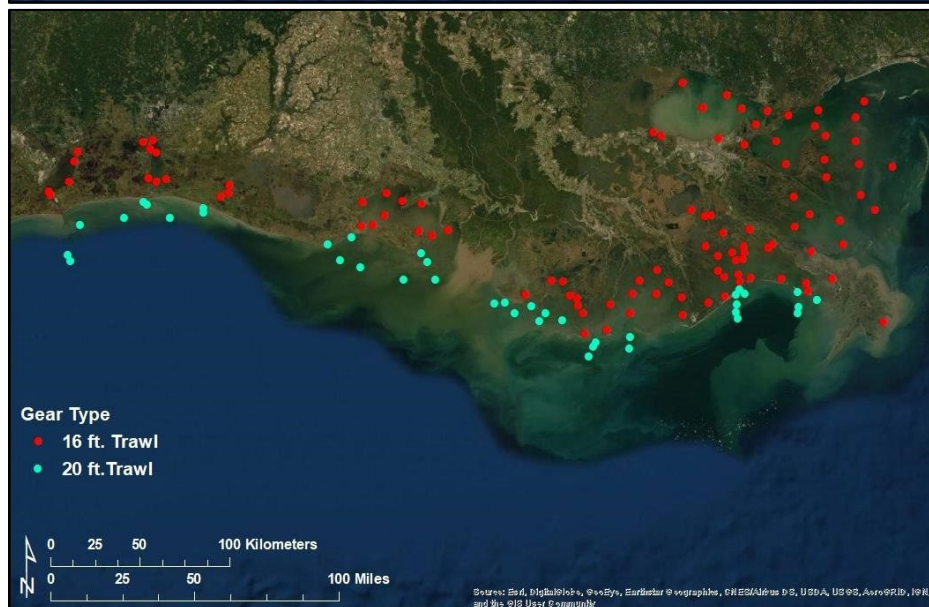
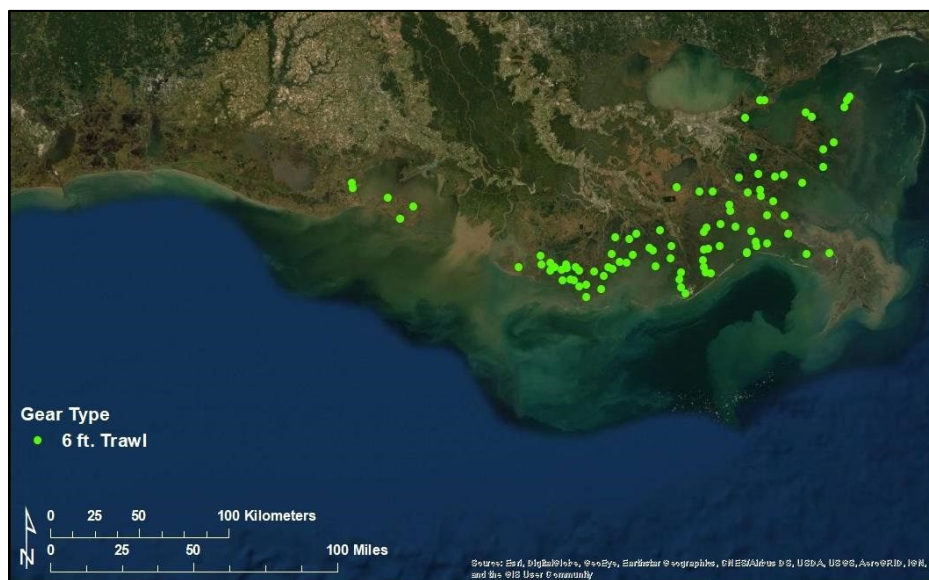
II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: <https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees>] Sampling stations are coastwide, there is not one GPS location.

### III. Maps, Drawings, and GIS Data

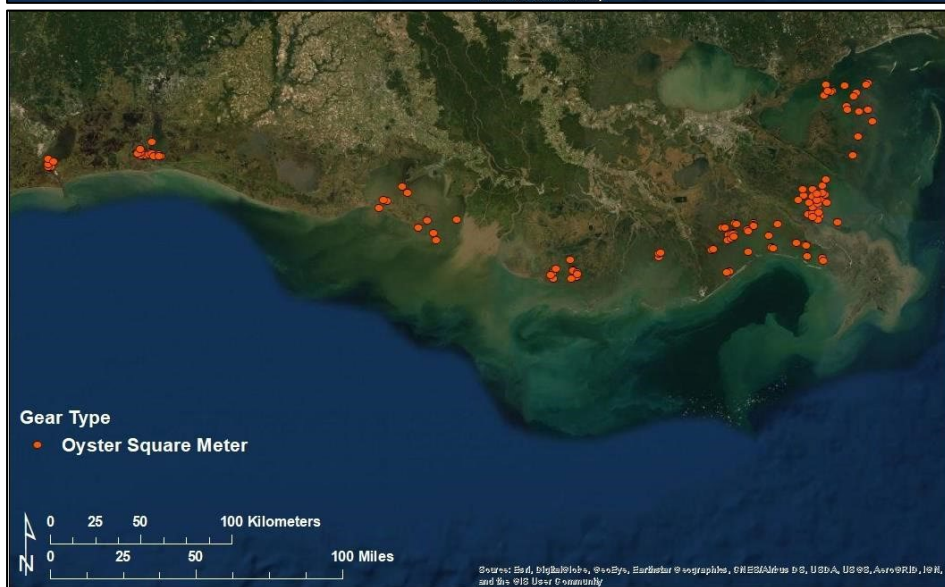
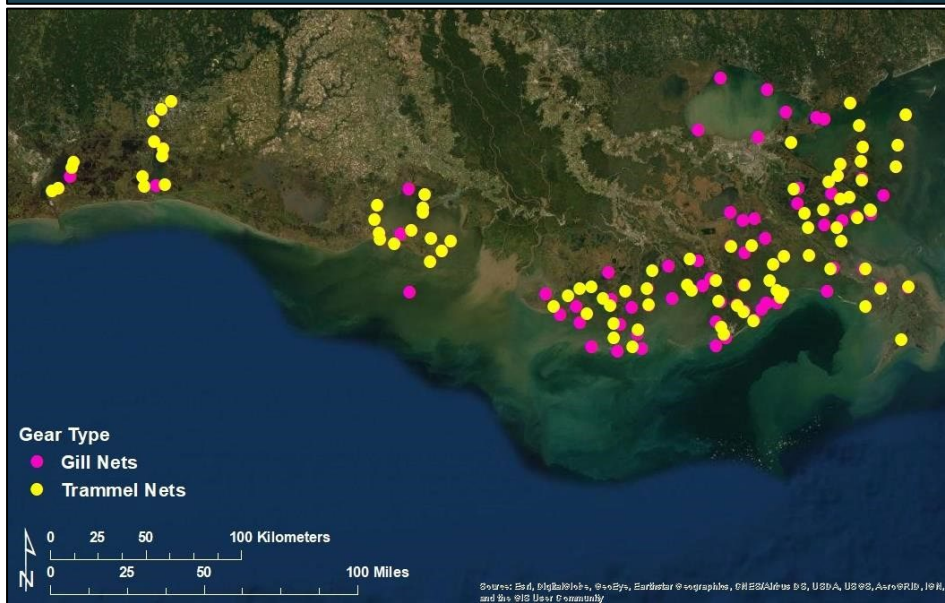
Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files may be added to the same folder location as where this BE is filed on Sharepoint . Examples of such supporting documentation include, but are not limited to:

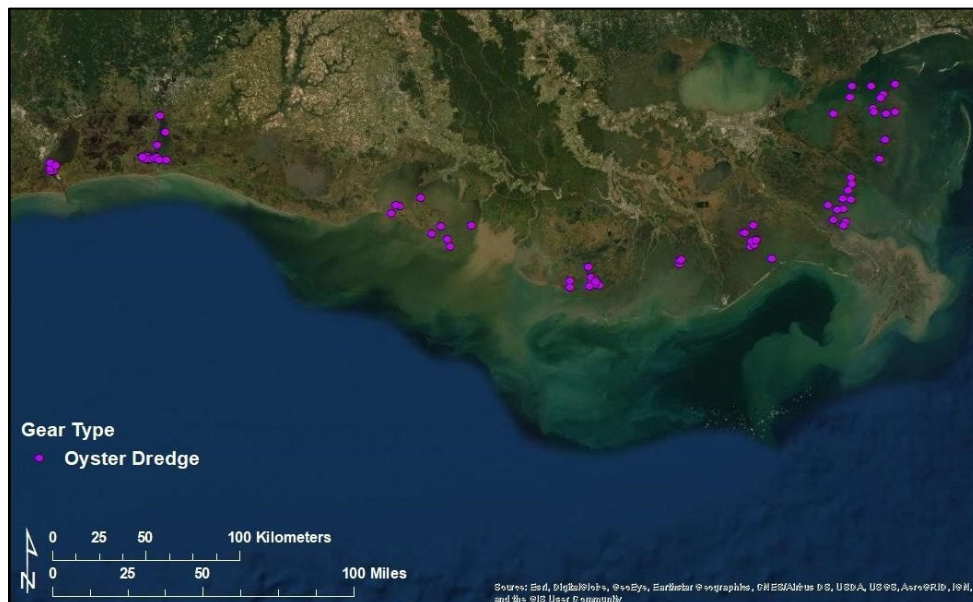
**Plan view of design drawings Aerial images of project action area and surrounding area, showing state or regional scale Map of project area with elements proposed (polygons showing proposed construction elements) Map of action area with critical**

habitat units or sensitive habitats overlaid GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component









#### 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.

This request is for another three years of funding (2023-2026) on a new MAIP that is a continuation of previous three years (2020-2023) of funding. In the first MAIP submitted for these activities, there was a NEPA conclusion by the Louisiana TIG fall within the range of impacts described in Section 6.4.14 of the PDARP/EIS and that no further NEPA evaluation was necessary (2020 FIMP MAIP; LA TIG Resolution # LA-2020-015).

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

Name of Person Completing this Form: Theryn Henkel

Name of Project Lead: Richard Raynie

Date Form Completed: 1/25/2023

Date Form Updated: [Click here to enter text.](#)

## 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 critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.*

### a. Waterbody & Wetlands

*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.*

The FIMP sampling takes place across coastal Louisiana in the estuarine environment. Therefore, the sampling occurs over a range of salinity, tidal, depth etc. conditions. The



FIMP program is under the marine section of the LDWF, and therefore does not include inland sampling.

*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.*

N/A

#### 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

#### 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

#### 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.).*

N/A

#### g. Soils and Sediments

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

N/A

#### h. Land Use

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

N/A

#### i. Marine Mammals

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

Dolphins YES  NO

Whales YES  NO

Manatees YES  NO

*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>*

Marine Mammals could be present during fish sampling. However, LDWF has procedures in their SOP to avoid impacts to marine mammals and the work is not expected to take marine mammals.

## 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.*

The coastwide FIMP provides valuable data for the nearshore habitats and resources targeted for NRDA restoration, including coastal wetlands, oysters, nekton, and prey resources (e.g., shrimp, crab, fishes) for threatened and/or endangered species such as the gulf sturgeon, sea turtles, and marine mammals. The

LA TIG can use the data provided by the coastwide FIMP to assess changes in the fish, shellfish and their associated habitats (physical habitat with accompanying environmental data including, conductivity, dissolved oxygen, salinity, air and water temperature, turbidity, and pH) in the basins over time, allowing for assessment of the influence of the comprehensive, integrated portfolio of restoration projects at a coastwide or regional-scale within the Gulf of Mexico (GOM) and relative to other drivers and long-term trends in the basins. Refer to the maps in Section C for sampling coverage and locations

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

N/A

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*

<i>Does this project include in-water work?</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<i>Does this project include terrestrial construction?</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<i>Does this project include construction of an overwater structure?</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<i>Will fishing be allowed from this overwater structure?</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<i>Will wildlife observation be allowed from this overwater structure?</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<i>Will boat docking be allowed from this overwater structure?</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>

*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).*

N/A

*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"?* <https://media.fisheries.noaa.gov/dam-migration/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)?*

N/A

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

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

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.)*

**N/A**

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.)*

**N/A**

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.*

N/A

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft<sup>2</sup>) to be dredged, volume of material (yd<sup>3</sup>) 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.*

N/A

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.)*

N/A

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.*

N/A

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)).*

The trawls and nets used in fish sampling could entangle or capture protected species. However, LDWF has procedures in their SOP for when these types of animals are captures. The procedure reads as follows:

**MARINE MAMMALS, SEA TURTLES, DIAMONDBACK TERRAPINS, and STURGEON**

Personnel are to always visually survey an area for marine mammals, sea turtles, and any threatened or endangered



species prior to sampling. If such are observed directly in a sample area, personnel should delay sampling until the animal has left the site, or retrieve gear immediately if an animal is observed directly in the sample site, then continue sampling once the animal has left the area.

Marine mammals captured in any sampling gear from any project should have a Level A Marine Mammal Stranding Report completed. NOAA Marine Mammal Handling and Release Guidelines shall be adhered to for all marine mammal encounters.

Sea turtles captured in any sampling gear from any project should have a Sea Turtle Stranding and Salvage Network (STSSN) Stranding Report completed (incidental capture) with all pertinent biological and environmental data collected per the stranding form. The Curved Carapace Length (Notch-Notch) measurement (mm) should be entered into DMS with the corresponding length method selected - Curved Carapace Length (Notch-Notch). NOAA Sea Turtle Handling and Release Guidelines shall be adhered to for all sea turtle encounters.

Diamondback terrapins captured in any sampling gear from any project should be measured by plastron length (mm) and released, and this data entered into DMS with the corresponding length method selected - Plastron Length.

The disposition of any marine mammal, sea turtle, diamondback terrapin, or sturgeon (any species) captured in any sampling gear shall be recorded on field datasheets, along with any pertinent comments, and that information shall be entered into DMS. The same procedure shall apply for any threatened or endangered species captured in any sampling gear.

## G. NOAA Essential Fish Habitat (EFH)

*If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.*

*Depending on the effects of your project, EFH consultation with NMFS may be required:*

<https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast>

All of the FIMP sampling occurs in essential fish habitat according to the NOAA EFH mapper. However, the proposed activities will not affect EFH, and therefore an EFH consultation is not required.

*In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:*

<https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb>  
<https://portal.gulfcouncil.org/EFHreview.html>

<u>Gulf of Mexico EFH Eco-Region</u>	<u>Estuarine</u>	<u>Nearshore</u>	<u>Offshore</u>
<b>Eco-Region 1: South Florida</b> <i>(Florida Keys north to Tarpon Springs, Florida)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Eco-Region 2: North Florida</b> <i>(Tarpon Springs, Florida, north and west to Pensacola Bay, Florida)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Eco-Region 3: East Louisiana, Mississippi, and Alabama</b> <i>(Pensacola Bay, Florida, west to the Mississippi River Delta)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Eco-Region 4: East Texas and West Louisiana</b> <i>(Mississippi River Delta west and south to Freeport, Texas)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Eco-Region 5: West Texas</b> <i>(Freeport, Texas south to the U.S./Mexico border)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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*In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.*

<i>Will this project affect EFH?</i>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<i>If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.</i>	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

## H. NOAA ESA Species and 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 H. and proceed to Section I.*

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. For species not included in the drop down menu please add manually to the table.*

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](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf).*

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section H. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section H.

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon <u>only</u> )	Determinations (see definitions below)	For "No Effect", please select justification.
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.		Choose an item.	Choose an item.	Choose an item.
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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

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

**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





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

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

**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.

### J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

*NOTE: Species selected as “No Effect” with justification in tables above 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.

Click here to enter text.

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 and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs 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 reinstate this consultation.

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

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | <b>USFWS Standard Manatee In Water Conditions</b>                                      |
| <input type="checkbox"/> | <b>NMFS Protected Species Construction Conditions (2021)<sup>1</sup></b>               |
| <input type="checkbox"/> | <b>NMFS Measures for Reducing the Entrapment Risk to Protected Species<sup>1</sup></b> |
| <input type="checkbox"/> | <b>NMFS Vessel Strike Avoidance Measures (2021)<sup>1</sup></b>                        |

***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](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**

<sup>1</sup> <https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>

## K. 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.*

N/A

*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.*

N/A

## L. 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
<input type="checkbox"/>	<input type="checkbox"/>	a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz
<input type="checkbox"/>	<input type="checkbox"/>	b) In-water construction or demolition
<input type="checkbox"/>	<input type="checkbox"/>	c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)
<input type="checkbox"/>	<input type="checkbox"/>	d) In-water Explosive detonation
<input type="checkbox"/>	<input type="checkbox"/>	e) Aquaculture
<input type="checkbox"/>	<input type="checkbox"/>	f) Restoration of barrier islands, levee construction or similar projects
<input type="checkbox"/>	<input type="checkbox"/>	g) Fresh-water river diversions
<input type="checkbox"/>	<input type="checkbox"/>	h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)
<input type="checkbox"/>	<input type="checkbox"/>	i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.
<input type="checkbox"/>	<input type="checkbox"/>	j) Conducting driving of sheet piles or pilings
<input type="checkbox"/>	<input type="checkbox"/>	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:*

<input type="checkbox"/>	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines <sup>2</sup>
<input type="checkbox"/>	NMFS Protected Species Construction Conditions (2021) <sup>3</sup>
<input type="checkbox"/>	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012) <sup>3</sup>
<input type="checkbox"/>	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021) <sup>3</sup>
<input type="checkbox"/>	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don’t Feed Wild Dolphins sign <sup>4</sup>

If not listed above, please describe any additional BMPs or conservation measures that may be implemented for

<sup>2</sup> <https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines>

<sup>3</sup> <https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>

<sup>4</sup> <https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>

marine mammals. [Click here to enter text.](#)

### **M. 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

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.  
Texas – (505) 248-7882 or by email: [permitsR2MB@fws.gov](mailto:permitsR2MB@fws.gov)  
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: [permitsR4MB@fws.gov](mailto:permitsR4MB@fws.gov)

### **N. Migratory Bird Treaty Act**

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act?  NO  YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at this website and implement the appropriate measures to the extent practicable:

<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>



NO     YES

If NO, please explain:

## O. 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
<input type="checkbox"/>	<input type="checkbox"/>	<b>Oyster Reef Creation and Enhancement</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Marine Debris Removal</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Construction of Living Shorelines</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Marsh Creation and Enhancement</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Construction of Non-Fishing Piers</b>

## P. 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](mailto:Christina.Fellas@noaa.gov)

Phone: 727-551-5714

## **USFWS ESA § 7 Consultation**

Michael Barron, Department of the Interior

Email: [michael\\_barron@fws.gov](mailto:michael_barron@fws.gov)

Phone: 251-421-7030

## Attachment 2: Cooperative Agreement

Full Authorities Cooperative Agreement between the United States Fish & Wildlife Service and  
the Louisiana Department of Wildlife and Fisheries

This Cooperative Agreement ("Agreement") is entered into pursuant to section 6(c) of the Endangered Species Act of 1973, as amended, 16 U.S.C. 55 1531-43 ("Act"), and Title 56, Chap. 8, Part 4 of the Louisiana Revised Statutes (La. R.S. 5 56:1901 et seq. "Threatened and endangered species conservation") between the U.S. Fish and Wildlife Service ("USFWS"), a bureau of the U.S. Department of the Interior, and the Louisiana Department of Wildlife and Fisheries ("**LDWF**") (collectively "Parties").

WHEREAS, the Congress of the United States has found that there are resident species of fish, wildlife and plants that are in danger of extinction or in danger of extinction in the foreseeable future and that these species are of aesthetic, ecological, educational, scientific, economic, and other value to the Nation and its people;

WHEREAS, the purposes of the Act are to provide a means to encourage the protection and conservation of the ecosystems upon which endangered and threatened fish, wildlife and plants depend, to provide a program for the conservation of such plant species, and to take such steps as may be appropriate to achieve the purposes of the various treaties and conventions related to the conservation of fish, wildlife and plants;

WHEREAS, the Congress of the United States has declared that encouraging the States and other interested parties, through Federal financial assistance and a system of incentives, to develop and maintain conservation programs that meet national and international standards is a key to meeting the Nation's international commitments and to better safeguarding, for the benefit of all citizens, the Nation's heritage in its fish, wildlife and plant resources;

WHEREAS, the Secretary of the U.S. Department of the Interior has delegated his responsibilities under the Act to the Director of the USFWS ("Director"), who, in turn, has delegated such responsibilities to the respective Regional Directors of the USFWS;

WHEREAS, the Southeast Regional Director of the USFWS ("Regional Director") desires to enter this Agreement for the purpose of assisting the LDWF in the implementation of the State of Louisiana's ("State") conservation program for endangered, threatened, and at-risk (i.e., petitioned, proposed, and candidate for listing under the Act) fish, wildlife, and plant species listed in Appendix "A" to this Agreement which the Regional Director and the LDWF agree are most urgently in need of a conservation program;

WHEREAS, the State of Louisiana, acting through the LDWF, wishes to administer its program for the conservation of the endangered, threatened and at-risk fish, wildlife and plant species listed in Appendix "A" to this Agreement in harmony with the terms and spirit of the Act; WHEREAS, the Regional Director has the statutory and administrative responsibility to establish authorized programs for the conservation of endangered and threatened species of fish, wildlife and plants; to reach agreement with the LDWF as to which resident endangered and threatened fish, wildlife and plant species are most in need of a conservation program in the

State; to provide periodic review of the State program at no greater than annual intervals; to provide funding for such program to the extent such funding is available and in accordance with the terms of the Act; to provide coordination among the programs of the various States; and, to exchange with the LDWF such biological data or other information which may result in the enhancement of the continued survival of endangered, threatened and at-risk fish, wildlife and plants;

WHEREAS, the LDWF is responsible for the conservation of those endangered, threatened and at-risk fish, wildlife and plants that are resident in the State and most urgently in need of a conservation program; and,

WHEREAS, the LDWF (a) is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish, wildlife and plants; (b) agrees to provide for public participation in the designation of resident species of fish, wildlife and plants as endangered or threatened; (c) has developed acceptable conservation programs under which immediate attention will be given to those resident species of endangered and threatened fish, wildlife and plants that the Regional Director and the LDWF agree are most urgently in need of conservation; and, (d) is authorized to implement conservation programs for resident fish, wildlife and plants determined by the USFWS and/or the State to be endangered or threatened. Now therefore the Parties agree as follows:

#### 1. Cooperative Program

- (a) The LDWF shall provide for adequate public participation in the designation of resident species of fish, wildlife and plants as "endangered," "threatened," and "at-risk" and in the process of acquiring properties containing designated fish, wildlife and plant species, Adequate public participation shall include notice and comment or public hearings as appropriate.
- (b) The LDWF shall carry out the activities identified in its conservation program for those fish, wildlife and plant species listed in Appendix "A" to this Agreement as endangered, threatened or at-risk species most urgently in need of immediate attention.
- (c) The Regional Director may agree with the State to provide financial assistance for the implementation of an acceptable project for the conservation of endangered, threatened or at-risk fish, wildlife and plant species listed in Appendix "A." Such financial assistance will require the submission of an application for Federal Assistance and the successful negotiation of a project agreement in accordance with the USFWS's implementing regulations at 50 CFR Part 81 and the USFWS Wildlife and Sportfish Restoration Manual.
- (d) The law enforcement authorities of the USFWS and the LDWF shall work cooperatively in the detection, apprehension, and prosecution of violators of the Act and/or the State laws that are intended to conserve endangered and threatened fish, wildlife and plants.
- (e) The Parties agree to review the list of fish, wildlife and plant species listed in Appendix "A" to this Agreement whenever: (1) a new species of fish, wildlife or plant is

listed, as "endangered," "threatened" or "at-risk" by the USFWS or the State, or (2) either Party determines that a particular species, listed at the time of the previous program submission but not included in Appendix "A," is now urgently in need of immediate attention through the development of a conservation program.

(f) It is understood that any Federal funding awarded to the State pursuant to section 6(d) of the Act is contingent on the State's continued implementation of an adequate and active program for the conservation of those endangered, threatened and at-risk fish, wildlife and plant species listed in Appendix "A" to this Agreement. If the Regional Director deems the State's conservation plan to be inadequate or inactive, this Agreement and the associated Federal funding shall be terminated in accordance with Sections 5 and 7 of this Agreement.

(g) As part of the consultation process provided by section 7 of the Act for the determination of critical habitat for Federally-listed endangered or threatened fish, wildlife and plant species, the Parties agree to exchange biological and other data as necessary to facilitate such determination by the Director.

(h) The Parties agree to share data, upon request, included in their respective files (including, but not limited to reports, data, maps, expert opinion of their respective staff, etc). Such data is subject to data-sharing agreements and/or other restrictions to ensure the protection of any sensitive data.

## 2. Permits

### General Rule

(a) With respect to the importation or exportation of, or interstate or foreign commerce in, Federally-listed endangered or threatened fish, wildlife and plants, the LDWF agrees not to (1) permit that which is prohibited by the Act or any regulation issued thereunder, or (2) prohibit that which is authorized pursuant to an exemption under or permit issued in accordance with the Act or any regulation issued thereunder.

### Endangered Fish, Wildlife and Plants

(b) Any qualified employee or agent of the LDWF who is designated by the LDWF for such purposes, may, when acting in the course of his/her official duties, take any resident Federally-listed endangered fish, wildlife or plant for conservation purposes that are consistent with the purposes of the Act, this Agreement or any project agreement attached hereto, provided that such taking is not reasonably anticipated to result in:

1. The death or permanent disabling of the specimen;
2. The removal of the specimen from the state of Louisiana;
3. The introduction of the specimen or any of its progeny in areas beyond the historical range of the species; or,
4. The holding of the species in captivity for a period of more than forty-five (45) consecutive days.

### Threatened Fish Wildlife and Plants

(c) Any employee or agent of the LDWF who is designated by the LDWF for such purposes may, when acting in the course of his/her official duties, take any resident Federally-listed threatened fish, wildlife or plant species for conservation purposes that are

consistent with the purposes of the Act, this Agreement or any project agreement attached hereto provided, however, that the authority conveyed to the LDWF by this subsection may, at any time, be temporarily suspended for a particular project or . conservation program by written notification from the Regional Director upon his/her receipt of substantial evidence demonstrating the use of this authority for purposes inconsistent with the purposes of the Act. Upon notification of the temporary suspension and the reasons therefor, the LDWF may request that the Director provide an opportunity to demonstrate compliance with the purposes of the Act. The Director will promptly consider the evidence so submitted by the LDWF and either reaffirm the conclusion of the Regional Director and revoke the authority, temporarily suspend pursuant to this subsection, or reverse the conclusion of the Regional Director and reinstate the authority temporarily suspended.

#### Emergency Provisions

(d) Any employee or agent of the LDWF who is designated by the LDWF for such purposes may, when acting in the course of his/her official duties, take Federally-listed endangered or threatened fish, wildlife, or plants without a permit if such action is necessary to:

1. aid a sick, injured, or orphaned specimen; or
2. dispose of a dead specimen; or
3. salvage a dead specimen which may be useful for scientific study; or
4. remove specimens which constitute a demonstrable but non-immediate threat to human safety provided that the taking is done in a humane manner. The taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live capturing and releasing the specimen unharmed in a remote area; or
5. defending his/her own life or the lives of others. Any taking pursuant to this subsection 2(d) must be reported in writing within five (5) days to the Regional Director for transmission to the Division of Law Enforcement, USFWS, in Washington, D.C. The specimen may be retained, disposed of, or salvaged only in accordance with directions from the USFWS.

#### 3. Records

The LDWF shall maintain records of its Federally-funded projects for the conservation of endangered, threatened or at-risk fish, wildlife and plant species in accordance with the USFWS Federal Aid Manual.

#### 4. Notification

The LDWF shall promptly inform the USFWS of any change in circumstances which could cause the program to be out of conformance with the requirements of section 6(c) of the Act, including without limitation are changes in the LDWF's relevant constitutional, statutory, regulation, or judicial authority. The State shall promptly furnish the USFWS with an assessment of the effect(s) of such a change on the State's ability to remain in compliance with the requirements of section 6(c) of the Act. In accordance with section 4 of the Act, the Regional Director shall notify the State of all regulations and rulemakings that might affect the State's conservation program.

5. Effective Date and Renewal of the Agreement

(a) This Agreement shall become effective when signed by the Regional Director and the Secretary of the LDWF and may be renewed in the following manner: Not later than June 30th of each year, the LDWF shall submit the following items to the USFWS: (1) an updated list of the Federal and State-listed endangered, threatened and at-risk fish, wildlife and plant species that are resident in the State and most urgently in need of immediate attention along with a statement of any modifications the State wishes to propose to the list of fish, wildlife and plant species identified in Appendix "A" to this Agreement; (2) a memorandum of law analyzing any changes in the LDWF's statutory authority or regulatory program for endangered and threatened fish, wildlife and plant species which were made since the date of the previous program submission. This memorandum shall also analyze the application of State law to any resident fish, wildlife and plant species that had been added to the Federal lists of endangered and threatened fish, wildlife and plant species since the date of the previous program submission; (3) a list of any substantial changes in the conservation program since the date of the previous program submission; and, (4) copies of reports prepared by the LDWF since the previous program submission that discuss the agency's conservation program accomplishments for listed endangered and threatened fish, wildlife and plants.

(b) The USFWS shall notify the LDWF in writing that the Agreement shall be renewed effective October 1st of that year or that the State's program or authorities are not in compliance with the criteria of section 6(c) of the Act and that this Agreement will be terminated unless appropriate changes are made by June 30th of the following year. If the LDWF has not received notification concerning the renewal of this Agreement by October 1st of each year, the Agreement shall continue in force and effect as if renewed.

(c) For purposes of this Agreement, the phrase "previous program submission" means either the program submission of (1) the original cooperative agreement or (2) the most recent renewal application for the cooperative agreement, whichever is later in time.

6. Amendment

This Agreement may be amended at any time with the written concurrence of the signatory Parties.

7. Termination

This Agreement may be terminated: (a) by mutual agreement; (b) by the LDWF upon sixty (60) day written notice to the USFWS; or (c) notwithstanding the renewal provisions in Section 5(b) of this Agreement, by the USFWS upon sixty (60) days written notice to the State's signatory to this Agreement from the Regional Director stating that the State's endangered and threatened fish, wildlife and plant conservation program is no longer in compliance with the criteria of section 6(c) of the Act or that the State has violated a provision of this Agreement. The LDWF may submit a written request for review to the Regional Director within thirty (30) days of receipt of the termination notice. The Regional Director will consider all evidence submitted by the LDWF in its request for review and either reaffirm the conclusion of the Regional Director and

terminate this Agreement at the end of the sixty (60) day notification period or reverse the conclusion of the Regional Director and revoke the notice of termination. All Federal funds which have been obligated to, but not expended by, the LDWF as of the date of the termination notice shall be retained by the USFWS for reallocation pursuant to section 6(d) of the Act unless: (1) those funds are specifically approved by the Regional Director for expenditure before the date of actual termination; or, (2) the notice of termination is revoked by the Director.

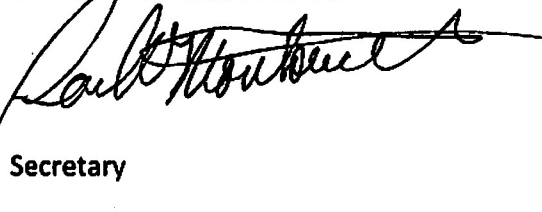
Signed:



Southeast Regional Director

APR 13 2018

**US Fish and Wildlife Service**



**Secretary**

US Fish and Wildlife Service

Louisiana Department of Wildlife and Fisheries