



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 17, 2022

To: Patricia Kelly, Panama City Ecological Services Field Office, Panama City, FL

From: Assistant Restoration Manager, Deepwater Horizon Gulf Restoration Office

Subject: Coastal Barrier Resources Act Consistency Determination Request for Implementation of the Louisiana Secretive Marsh Bird Habitat Relationships and Distributions in Selected Coastal Louisiana Marshes Project

The Department of the Interior Deepwater Horizon Gulf Restoration Office is working through various environmental compliance consultations on post-settlement proposed restoration projects. We are currently working on the Coastal Barrier Resources Act (CBRA) consistency determination for the project: Louisiana Secretive Marsh Bird Habitat Relationships and Distributions in Selected Coastal Louisiana Marshes Project. The Louisiana Trustee Implementation Group has evaluated and intends to implement the project.

We used the Coastal Barrier Resources System (CBRS) mapper (<https://www.fws.gov/cbra/maps-and-data> [accessed March 16, 2022]) to determine if the proposed project is located within a CBRS Unit or within an Otherwise Protected Area (OPA). The proposed project does occur within a CBRS Unit but not any OPAs.

Project Location

The proposed project is located in coastal Louisiana. Please see project map below (Figure 1).

Description of the Proposed Action or Project

The proposed project is designed to restore natural resources injured by the Deepwater Horizon oil spill. Please see below for project description and consistency analysis.

Justification for Exception

Please see below for Justification for Exception.

Contact Information

Please provide response via email to the following:

Michael Barron
Environmental Compliance Coordinator
Deepwater Horizon Gulf Restoration Office
Tel: 251-421-7030
michael_barron@fws.gov

1. Louisiana Secretive Marsh Bird Habitat Relationships and Distributions in Selected Coastal Louisiana Marshes Project

This monitoring and adaptive management activity is intended to address significant informational needs related to overall secretive marsh bird (SMB) population numbers, predictive SMB habitat relationships, benefits to SMBs provided by coastal restoration projects, and key features that could be added to coastal restoration projects to benefit SMBs to facilitate future LA TIG restoration planning and implementation activities for this suite of species. The objectives and tasks for this project are as follows and data collection will occur at specified survey locations as indicated in Figure 1: a) Determine population estimates of breeding SMBs in select basins of the Louisiana coastal zone; b) Determine multi-scale habitat relationships of SMBs in select basins of the Louisiana coastal zone; c) Determine benefits provided by selected coastal restoration projects on SMB populations; and d) Identify key restoration features, including basin-specific features, to improve SMB habitat in the Louisiana coastal zone. No construction will occur as part of the project as it only involves surveys and data collection.

Consistency Analysis

The proposed action is within the following CBRS Unit: S04. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the CBRS Unit, the proposed action involves no construction and consists primarily of the study of fish and wildlife resources and habitats. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for “Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.” The purposes of CBRA are “to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts...” 16 U.S.C. §3501(b). This project is designed to enhance natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of CBRA and the exemption discussed above.

Applicable Exception(s) under 16 U.S.C. 3505(a)

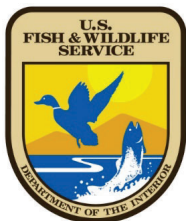
- 16 U.S.C. 3505(a)(6)(A): **Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats**, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

Consistency Determination

- Located within OPA and not subject to a consistency determination.
- Meets the selected CBRA exception(s) and requires no further case-by-case consultation
- Meets different CBRA exception(s) than the one(s) selected above (see additional information/comments below) and requires no further case-by-case consultation
- Does not meet the selected CBRA exception or requires separate case-by-case consultation (see additional information/comments below)

Additional Information/Comments:

FWS# CBRA-FWCA-2022-35 until put into Ecosphere.



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A handwritten signature in black ink, appearing to read "Patricia Kelly", is written over the contact information.

Patricia Kelly, Regions 2 & 4 CBRA Coordinator

Date

8/17/2022

Figure 1. Map showing the Louisiana Secretive Marsh Bird Habitat Relationships and Distributions in Selected Coastal Louisiana Marshes Project project area.



Figure 1. Geographic distribution of secretive marsh bird study area