



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Deepwater Horizon Gulf Restoration Office
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In Reply Refer To:
FWS/R4/DH NRDAR

Memorandum

April 4, 2023

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

From: Compliance Supervisor, Deepwater Horizon Gulf Restoration Office

Subject: Coastal Barrier Resources Act Consistency Determination Request for Implementation for One Louisiana Trustee Implementation Group Project

The Department of the Interior (DOI) Deepwater Horizon Gulf Restoration Office is working through various environmental compliance consultations on post-settlement proposed restoration projects. We are now working on the Coastal Barrier Resources Act consistency determination for one (1) project proposed by the Louisiana Trustee Implementation Group (LA TIG): “Louisiana’s Coastwide Reference Monitoring System (CRMS)”. Our analysis of this project and the associated materials concluded that the project activities are covered by an existing Cooperative Agreement between the United States Fish and Wildlife Service (Service) and the Louisiana Department of Wildlife and Fisheries. Therefore, no consultation will be initiated with the Service’s Louisiana Field Office.

We used the Coastal Barrier Resources System mapper – Beta (<https://www.fws.gov/cbra/maps/mapper.html> [accessed March 28, 2023]) to determine if the proposed project is located within an Otherwise Protected Area (OPA) or within a System Unit (CBRS). If the proposed project occurs in an OPA or outside of a System Unit, no additional analysis was developed. Please refer to Table 1 below for the project, Unit Numbers, and consistency determination.

We have incorporated the Inter-Agency Consultation Template and U.S. Fish and Wildlife Service Response Template below.

Project Location

The project is located in coastal Louisiana and include activities that may partially occur within a Unit of the CBRS. Please see below for project maps.

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 descriptions and consistency analyses.

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

- 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.

Justification for Exception(s)

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

U.S. Fish and Wildlife Service Response

Below is the Service's response to the Gulf Restoration Office's request for a consultation under the CBRA for the Louisiana Trustee Implementation Group Project: Louisiana Coastwide Fish and Shellfish Monitoring Program. This response represents the Service's opinion. **The final decision regarding the expenditure of funds for this action or project rests with the Federal funding agency.** The Gulf Restoration Office has fulfilled its obligation to consult with the Service under the CBRA for this particular action or project within the CBRS. Please note that any new commitment of Federal funds associated with this action or project, or change in the project design and/or scope, is subject to the CBRA's consultation requirement.

The Service has reviewed the information provided by the Gulf Restoration Office, and believes the referenced action/project is:

- Not located within a System Unit of the CBRS and the CBRA does not apply (except with respect to the restrictions on Federal flood insurance)
- Located within a System Unit of the CBRS and meets the exception(s) to the CBRA selected above
- Located within a System Unit of the CBRS and meets different exception(s) than the one(s) selected above (see additional information/comments below)
- Located within a System Unit of the CBRS and does not meet an exception to the CBRA (see additional information/comments below)
- Due to many competing priorities, the Service is unable to provide an opinion on the applicability of the CBRA's exceptions to this action/project at this time. The Gulf Restoration Office may elect to proceed with the action/project if it has determined that the action/project is allowable under the CBRA. Please note that any new commitment of Federal funds associated with this action/project or a related future project is subject to the CBRA's consultation requirement.

Additional Information/Comments

Include any additional information/comments.

This response does not constitute consultation for any project pursuant to section 7 of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) or comments afforded by the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*); nor does it preclude comment on any forthcoming environmental documents pursuant to the National Environmental Policy Act (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

SERVICE FIELD OFFICE SIGNATORY A



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Patricia P. Kelly

Patricia Kelly, Region 4 CBRA Coordinator

June 14, 2023

Date

Table 1. Proposed Project and Location Relative to CBRS Units and OPA Units

Proposed Project	CBRA Consistency Determination
Louisiana's Coastwide Reference Monitoring System (CRMS)	<p>Programmatic activities include the following Louisiana parishes: Cameron, Vermillion, Terrebonne, La Fourche, Plaquemines, St. Bernard.</p> <p>Potential actions could occur within the following CBRS units and OPAs:</p> <p>CBRS Units: LA-01, LA-02, LA-07, LA-09, LA-10, S01, S01A, S02, S03, S04, S05, S06, S07, S08, S09, S10, S11</p> <p>OPA Units: LA-03P, LA-04P, LA-05P, LA-08P</p>

1. Louisiana's Coastwide Reference Monitoring System (CRMS)

The CRMS Program is a coastwide reference monitoring network intended to help identify coastal trends and to facilitate assessment of coastal restoration projects constructed in Louisiana's coastal zone (see fact sheet below). The program has been collection water, vegetation, soils and land change data continuously since 2006. Interactive charts, maps and derived data downloads are available through the CRMS website: <https://lacoast.gov/crms/>.

Consistency Analysis

The proposed action is within System Units: LA-01, LA-02, LA-07, LA-09, LA-10, S01, S01A, S02, S03, S04, S05, S06, S07, S08, S09, S10, and S11. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System units, the proposed action involves the sampling water, vegetation, and soil. 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 the CBRA and falls within the CBRA exemption discussed above.

Figure 1. Maps showing the Louisiana's Coastwide Reference Monitoring System (CRMS) project area.

