



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

November 8, 2019

To: Field Supervisor, Ecological Services Office, Lafayette, LA

From: Assistant Gulf Restoration Manager, *Deepwater Horizon* Gulf Restoration Office 

Subject: Informal Consultation Request for Two Restoration Projects in Louisiana

Overview

Projects are currently being evaluated as potential restoration projects to restore natural resources in Louisiana that were injured as a result of the *Deepwater Horizon (DWH)* oil spill. We have reviewed two projects in accordance with Section 7 of the ESA. We have made a May Affect, Not Likely to Adversely Affect determination both projects. We are requesting concurrence on these determinations. A list and brief description of the projects is provided in Table 1 below. Species determinations are summarized in Table 2 below.

Background

After the *DWH* oil spill, federal and state natural resource trustee agencies (Trustees) came together to assess the effects of the spill and plan for the restoration of injured natural resources. As part of the legal settlement reached with BP in 2016, the Trustees prepared a Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS), to provide the framework for *DWH* oil spill restoration across the Gulf.

The Final PDARP/PEIS established Trustee Implementation Groups (TIGs) that develop plans for, choose, and implement specific restoration actions under the Final PDARP/PEIS. The Louisiana Trustee Implementation Group (TIG) includes five Louisiana state trustee agencies and four federal trustee agencies: the Louisiana Coastal Protection and Restoration Authority (CPRA); the Louisiana Department of Natural Resources (LDNR); the Louisiana Department of Environmental Quality (LDEQ); the Louisiana Oil Spill Coordinator's Office (LOSCO); the Louisiana Department of Wildlife and Fisheries (LDWF); the United States Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); the United States Department of the Interior (USDOI), represented by the United States Fish and Wildlife Service (USFWS) and National Park Service (NPS); the United States Department of Agriculture (USDA); and the United States Environmental Protection Agency (EPA).

The LA TIG has evaluated these two projects as potential restoration projects under the *Draft*

Phase 2 Restoration Plan/Environmental Assessment #1.2: Spanish Pass Ridge and Marsh Creation Project and Lake Borgne Marsh Creation Project, which was released for public review and comment on October 18, 2019. If the LA TIG selects the projects, the Louisiana Department of Wildlife and Fisheries would implement the projects. A brief description of each project is provided in Table 1 below.

These facts lead us to the conclusion that consultation under Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.S 1531 *et seq.*), is required for the proposed projects and we wish to engage in such consultation. We have reviewed each of the projects for potential impacts to listed, candidate, and proposed species, and designated and proposed critical habitats in accordance with Section 7 of the ESA. Potential effects, conservation measures, and justifications for our determinations are presented in the attached Biological Evaluation (BE) forms. Our determinations are summarized in Table 2 below.

Within the BE form, we have also reviewed the proposed projects for impacts to bald eagles in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and we determined take would be avoided.

This letter requests your concurrence with our determinations for these projects.

To facilitate your response, should you concur with our determination, we have attached a template response letter. If you have questions or concerns regarding this request, please contact Erin Chandler, Fish and Wildlife Biologist, at 470-361-3153 or erin_chandler@fws.gov.

Attachments (3)

- BE form including project maps (2)
- Template response letter

Table 1. Brief descriptions of two projects in LA TIG RP/EA #1.2.

Proposed Projects	Brief Description
Spanish Pass Ridge and Marsh Creation Project	<p>The Project is part of the restoration strategy for what is historically known as Spanish Pass and is a part of the Louisiana State Coastal Master Plan. Specific goals of the project are to create/nourish approximately 1,794 acres of brackish marsh and create 139 acres of marsh ridge. Construction will likely be accomplished through cutterhead and bucket dredges, accompanied by marsh buggies and bulldozers to shape containment dikes, ridges, and relocate fill. Fill material will be transported to fill areas via conveyance pipelines. Restoration of marsh and ridge habitats would result in long-term beneficial impacts to coastal substrate stability, coastal habitats, and the various fish and wildlife species that inhabit the project area, including protected species. The project would also result in beneficial impacts to visual resources, tourism and recreation and land and marine management. The expected duration of construction is 2-3 years.</p>
Lake Borgne Marsh Creation Project	<p>Large-scale restoration strategy for the southwestern shoreline of Lake Borgne that will restore approximately 2,935 acres of degraded intertidal marsh habitat through strategic placement of approximately 13.0 MCY of fill material. This project is expected to facilitate growth of healthy marsh in and around the marsh creation areas. The goal of restoring and creating marsh will be achieved by the use of a cutterhead dredge to dredge and pump sediments from Lake Borgne into the Marsh Creation Areas. The expected duration of construction is 2-3 years.</p>

Table 2. Summary of ESA determinations for two proposed projects in LA TIG RP/EA 1.2.
 (NE = No Effect, NLAA = May Affect, Not Likely to Adversely Affect)

ESA Species under USFWS jurisdiction	Status	Spanish Pass Ridge and Marsh Creation Project	Lake Borgne Marsh Creation Project
Pallid sturgeon	Endangered	NLAA	--
West Indian Manatee	Endangered	NLAA	NLAA
Piping plover	Threatened	NE	--
Red knot	Threatened	NE	--
-- indicates the species or critical habitat does not occur in the project area			