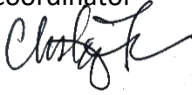




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

MEMORANDUM FOR: FILE

FROM: Christy Fellas, DWH Environmental Compliance Coordinator
NOAA Restoration Center, Southeast Region 

DATE: April 16, 2020

SUBJECT: Lake Borgne Marsh Creation Project Proposed in Louisiana Trustee
Implementation Group Restoration Plan #1.2 and Environmental
Assessment: No Further Action Needed for NMFS Species Protected
under the MMPA

There are more than 22 species of marine mammals in the Gulf of Mexico, including dolphins and whales. The Marine Mammal Protection Act (MMPA), as amended, prohibits the taking of marine mammals, where "take" is defined as "the act of hunting, killing, capture, and/or harassment of any marine mammal; or, the attempt at such" 16 U.S.C. § 1362(13). The Marine Mammal Protection Act does provide a mechanism (section 101(a)(5) (A-D)) for allowing, upon request, the "incidental", but not intentional, taking of small numbers of marine mammals by U.S citizens who engage in a specified activity (other than commercial fishing) within a specified geographic region. Proposed projects were analyzed to evaluate the potential for any such non-fishery interactions with marine mammals.

Based on my review of project materials (early 2020) for the Lake Borgne marsh creation project, in coordination with representatives from NOAA's Protected Resource Division in the Southeast Regional Office, the NOAA Restoration Center determined that this project proposed for implementation in the Louisiana TIG Restoration Plan/Environmental Assessment #1.2 does not require further MMPA evaluation. Take authorization for this project is not needed. Best management practices, as described in the biological evaluation form, are in place to avoid effects to marine mammals. If the project is modified in a way that could adversely impact marine mammals, this determination will be reevaluated as appropriate.