



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
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St. Petersburg, Florida 33701-5505  
<https://www.fisheries.noaa.gov/region/southeast>

F/SER31:MT  
SERO-2019-03354

Christy Fellas  
DWH Environmental Compliance Coordinator  
NOAA Restoration Center  
263 13<sup>th</sup> Ave. South  
St. Petersburg, FL 33701

Dear Ms. Fellas:

This letter responds to your request for consultation with us, the National Marine Fisheries Service (NMFS), pursuant to Section 7 of the Endangered Species Act (ESA) for the following action.

Project Name	Applicant	SERO Number	Project Type
Spanish Pass Marsh Creation Project	Louisiana Trustee Implementation Group (TIG)	SERO-2019-03352	Marsh Restoration

### Consultation History

We received your letter requesting consultation on October 22, 2019. On December 11, 2019, NMFS was informed that the project proponent had proposed to make changes to the project design, and on December 16, 2019, a teleconference was held among the participating parties to discuss those changes. On January 6, 2020, the final changes were made to the Biological Evaluation Form for the project, and consultation was initiated that day. This project has been assigned a tracking number in our NMFS Environmental Consultation Organizer (ECO), SERO-2019-03352. Please refer to this number in any future inquiries regarding this project.

### Project Location

Location	Latitude/Longitude	Water body
Immediately west of the town of Venice, Plaquemines Parish, Louisiana	29.259522, -89.421922 (North American Datum 1983)	Barataria Bay, Gulf of Mexico

### Existing Site Conditions

The proposed marsh creation areas are to the west of Venice, Louisiana, along the historic Spanish Pass in the estuarine Barataria Basin. The salinity and marsh type vary across the creation area from intermediate brackish marsh to saline marsh habitat. Vegetation is predominantly salt-tolerant grasses. Existing water depths and topography in the marsh creation areas vary between -5.0' and +3.0' North American Vertical Datum of 1988 (NAVD88). Less



than 2 acres of ridge exist above a 3.0' NAVD88 within the marsh and ridge creation areas. The lower slopes of the ridges are vegetated with emergent wetland grasses. The upper slopes of some ridges contain scattered small trees and shrubs (e.g., wax myrtle, marsh elder, saltbush, etc.) and grasses and forbs (e.g., wiregrass, jointgrass, seaside goldenrod, etc.) typical of coastal dune grassland/shrub thicket habitats. The soils in the proposed marsh creation areas consist mostly of naturally consolidated silts and clays. Slopes are generally below 1% throughout the project area.

Fill material will be sourced from one or more of three nearby borrow areas in the Mississippi River (B2, DDDD, BBBB; Figure 1). The B2 borrow area is located between River Miles (RM) 12.2 and 17.1. The width varies from 500 to 600 ft. The DDDD borrow area is approximately 3.8-miles long, between RM 7.5 and RM 11.3. The width varies from 750 to 1450 ft. The BBBB borrow area is approximately 5.7-mile long, between RM 0.9 and RM 6.6. The BBBB borrow area varies between 750 and 1700 ft wide. Water depths in the riverine borrow areas range from approximately 5 to 60 feet. The riverine borrow area substrates are silty sands consisting of 25% to >92% sand.

The proposed marsh creation areas are high up in the northern marshes of Barataria Bay where sea turtles have rarely been documented. The proposed dredge borrow areas are in the Mississippi River where no ESA-listed species under NMFS' jurisdiction occur.

### **Project Description**

The Louisiana TIG proposed to restore ridge and marsh habitat in the Historic Spanish Pass area by raising soil elevations to a level that would sustain impacts from sea level rise and subsidence for at least 20 years (Figure 1). Approximately 137 acres of ridge and 1,551 acres of marsh habitat would be created or nourished using an estimated 12.2 million cubic yards of fill from nearby borrow areas in the Mississippi River. The major components of construction include mobilization, pre-construction surveys, containment dike construction, transport of fill from borrow areas, and placement/shaping of marsh and ridge habitat.

Final constructed marsh elevations will vary between a maximum of +3.3 feet (ft) and a minimum of +1.6 ftNAVD88. Any ridge feature will be constructed to a +5.0 ft elevation NAVD88. Several types of equipment will be utilized during construction. Dredging will be conducted using barge mounted cutterhead dredges and barge-mounted draglines. Marsh creation activities, including construction of containment dikes, movement and shaping of fill material, and manipulation of the dredge pipe will require marsh buggies, bulldozers, and front-end loaders. Dredge pipe will be transported to the project area using a pipe barge. The contractor may also elect to bring a quarters barge to the site to house the workers. The borrow areas range from approximately 2 to 10 miles from the Spanish Pass project area (Figure 1), so booster pumps will be utilized as needed along the pipeline route.



**Figure 1. Overview of the project location and surrounding area (Figure 1 in the Biological Evaluation Form for the Spanish Pass Marsh Creation Project, 1/14/2020)**

### Construction Conditions

To minimize any potential effects to ESA-listed species, the construction contractors will implement the following conditions during all in-water construction activities:

- All construction related vessels will adhere to NMFS’s Vessel Strike Avoidance Measures and Reporting for Mariners.<sup>1</sup>
- Construction contractors will implement the NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions.<sup>2</sup>
- Construction contractors will implement the NMFS Measures for Reducing the Entrapment Risk to Protected Species.<sup>3</sup>
- All individuals working on the project shall be provided with information in support of general awareness of and means to avoid impacts to protected species and their habitats present at the specific project site.

<sup>1</sup> <http://www.fisheries.noaa.gov/webdam/download/92937962>

<sup>2</sup> <https://www.fisheries.noaa.gov/webdam/download/92937961>

<sup>3</sup> <https://www.fisheries.noaa.gov/webdam/download/92937957>

**Effects Determination(s) for Species the Action Agency or NMFS Believes May Be Affected by the Proposed Action**

Species	ESA Listing Status <sup>4</sup>	Action Agency Effect Determination	NMFS Effect Determination
<b>Sea Turtles</b>			
Green (North Atlantic [NA] distinct population segment [DPS])	T	NLAA	NLAA
Green (South Atlantic [SA] DPS)	T	NLAA	NLAA
Kemp's ridley	E	NLAA	NLAA
Loggerhead (Northwest Atlantic [NWA] DPS)	T	NLAA	NLAA

**Critical Habitat**

The project is not located in designated critical habitat, and there are no potential routes of effect to any designated critical habitat.

**Analysis of Potential Routes of Effects to Species**

Sea turtles may be injured if struck by construction related vessels or equipment (e.g. barge tugs, dredge pipe, etc.). The risk of this occurring is discountable because these species are highly mobile and are expected to avoid the noise and disturbance associated with construction activities. The implementation of NMFS's *Vessel Strike Avoidance Measures and Reporting for Mariners* and *Sea Turtle and Smalltooth Sawfish Construction Conditions* will further reduce any risk by requiring all construction vessels to maintain slow transit speeds (5 knots or less), and all workers shall keep watch for sea turtles. Operation of any mechanical equipment will cease immediately if a sea turtle is seen within a 50-ft radius of the equipment. Activities will not resume until the protected species has departed the project area of its own volition.

Sea turtles may avoid the in-water construction areas due to turbidity and noise resulting from marsh creation activities. We believe any potential effects on sea turtles from temporary avoidance of these construction areas would be insignificant, as these are open water areas surrounded by large expanses of similar or higher quality habitats that would remain accessible to sea turtles throughout the construction process.

**Conclusion**

Because all potential project effects to listed species were found to be discountable, insignificant, or beneficial, we conclude that the proposed action is not likely to adversely affect listed species under NMFS's purview. This concludes your consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action. NMFS's findings on the project's potential effects are based on the project description in this response. Any changes to the

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<sup>4</sup> E = endangered; T = threatened; NLAA = may affect, not likely to adversely affect.

proposed action may negate the findings of this consultation and may require reinitiation of consultation with NMFS.

We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions on this consultation, please contact Michael Tucker, Consultation Biologist, at (727) 209-5981 or by email at Michael.Tucker@noaa.gov.

Sincerely,

Mark A. Lamb  
Acting Assistant Regional Administrator  
for Protected Resources

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