



MEMORANDUM FOR: FILE

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

DATE: October 16, 2019

SUBJECT: Projects Proposed in Louisiana Trustee Implementation Group
Restoration Plan #1.3 (Rabbit Island) and Environmental Impact
Statement: No Further EFH Consultation Required

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), established procedures designed to identify, conserve, and enhance Essential Fish Habitat (EFH) for those species regulated under a Federal fisheries management plan (FMP). A Federal agency must prepare an EFH Assessment for any Federal action that may adversely affect EFH (50 CFR 600.920(e)(1)). A Federal agency must first determine whether their action may adversely impact EFH. If a Federal agency determines that a Federal action may adversely impact EFH, then the Federal agency must prepare an EFH Assessment. The EFH regulations at 50 CFR 600.920e(5) allow incorporation by reference of a completed EFH assessment and 50 CFR 600.920e(5) allows a completed EFH consultation to suffice for multiple federal actions, such as permitting and funding an activity.

CPRA (implementing trustee on the LA TIG) applied for a Corps permit (MVN-2018-01009-WLL) and HCD reviewed materials through the Corps permit process. In a letter dated June 6, 2019, HCD concluded that EFH consultation procedures with the Corps have been satisfied. Since that time, the LA TIG has made some projects updates which would reduce impact to EFH. The revised proposed project fits within the previous analysis that evaluated effects on EFH and therefore no further consultation should be required.

Based on my review of project materials (2018-2019) in coordination with representatives from NOAA's Habitat Conservation Division (HCD) in the South East Regional Office (SERO), the NOAA Restoration Center determined that no further consultation is necessary under NRDA for the Rabbit Island restoration project proposed in LA TIG restoration plan 1.3.