



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
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 13th 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
Rabbit Island Restoration Project	Louisiana Trustee Implementation Group (TIG)	SERO-2019-03354	Island Restoration

Consultation History

We received your letter requesting consultation on October 31, 2019, and initiated consultation that day. This project has been assigned a tracking number in our NMFS Environmental Consultation Organizer (ECO), SERO-2019-03354. Please refer to this number in any future inquiries regarding this project.

Project Location

Location	Latitude/Longitude	Water body
Approximately 4.7 miles northwest of Cameron, Cameron Parish, Louisiana	29.853562, -93.383506 (North American Datum 1983)	Calcasieu Lake, Gulf of Mexico



Existing Site Conditions

Rabbit Island geology is characterized by dark-colored marine muds, sandy and shelly beach deposits, organic marsh clays, and bay muds. Rabbit Island is primarily characterized by low-elevation emergent salt marshes and tidal ponds, which provide habitat for a diversity of plant and animal species. Due to erosion via wave action, sea level rise, tidal influence, and influence from the nearby Calcasieu Ship Channel, much of the island's current footprint is open water. Since 1955, Rabbit Island has lost 89 acres of landmass, which is approximately 35 percent of its former area. A primary goal of the proposed action is to create and restore colonial waterbird nesting and brooding habitats.

Based on the Final 2016 Louisiana Water Quality Integrated Report, Calcasieu Lake, which includes Rabbit Island, is listed as fully supporting the designated use for primary contact recreation, secondary contact recreation, fish and wildlife propagation, and oyster propagation. Therefore, there are no current water quality impairments at Rabbit Island and the adjacent waters.

The borrow area in the Calcasieu Ship Channel is a highly industrialized waterway which is dredged approximately every 3 years for navigational purposes, leaving a scoured clay/sand substrate with little or no aquatic vegetation in the proposed borrow area.

Project Description

The proposed action consists of placing dredged fill materials in open water and inter-tidal areas within and around Rabbit Island (Figure 1) in order to restore and enhance suitable colonial waterbird nesting and brood-rearing habitat on the island.

On-island construction equipment will consist of marsh buggies. These will be transported to Rabbit Island via deck barges maneuvered by tug boats or shallower-drafting crew boats. Small work boats will also be used to access the site. Borrow material will be excavated in the Calcasieu Ship Channel using a barge-mounted hydraulic cutterhead dredge. The total volume of material necessary to complete the project has been estimated to be 428,327 cubic yards (CY). The preferred borrow area includes an available borrow quantity of 707,000 CY. Dredged material will be pumped via pipeline through Joe's Cut and across West Cove to Rabbit Island within a delineated 140 feet (ft) wide access route (Figure 2). This access corridor will be bordered by turbidity curtains as a measure to keep sediment plumes from impacting nearby oyster seed grounds. On-island activities will include construction of containment dikes along the perimeter of Rabbit Island using marsh buggy excavators. Material for the containment dikes will be sourced from borrow channels adjacent to the dikes, with an offset to avoid slope stability issues. Marsh buggies will also be used on the island to move the dredge pipe outfall as necessary. Containment dikes will be built to approximately 5 ft above mean high water (MHW), and the filled areas within the island will be brought up to between 3 and 3.5 ft above MHW. In-water work activities are expected to last approximately 75 to 100 days.

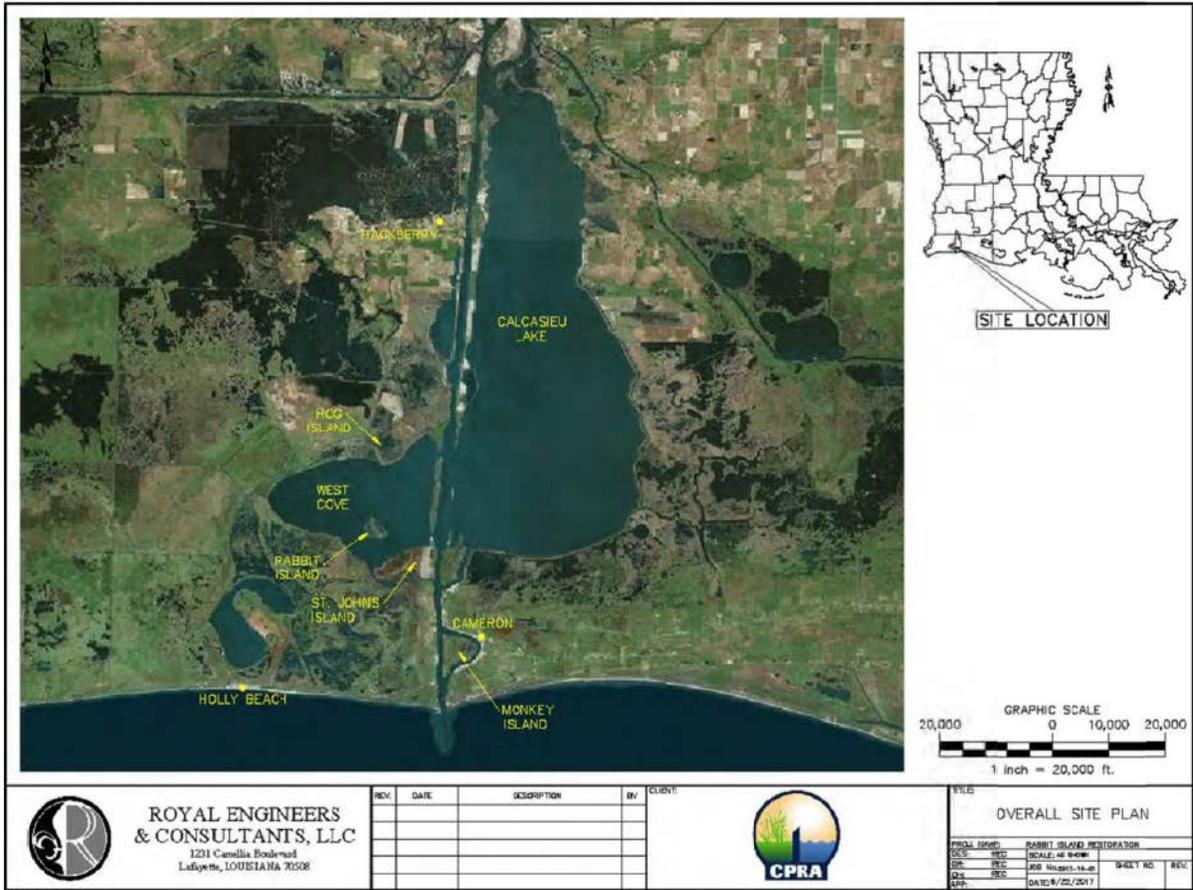


Figure 1. Overview of the project location and surrounding area (Figure 1 in the Biological Evaluation Form for the Rabbit Island Restoration Project, 10/31/2019)

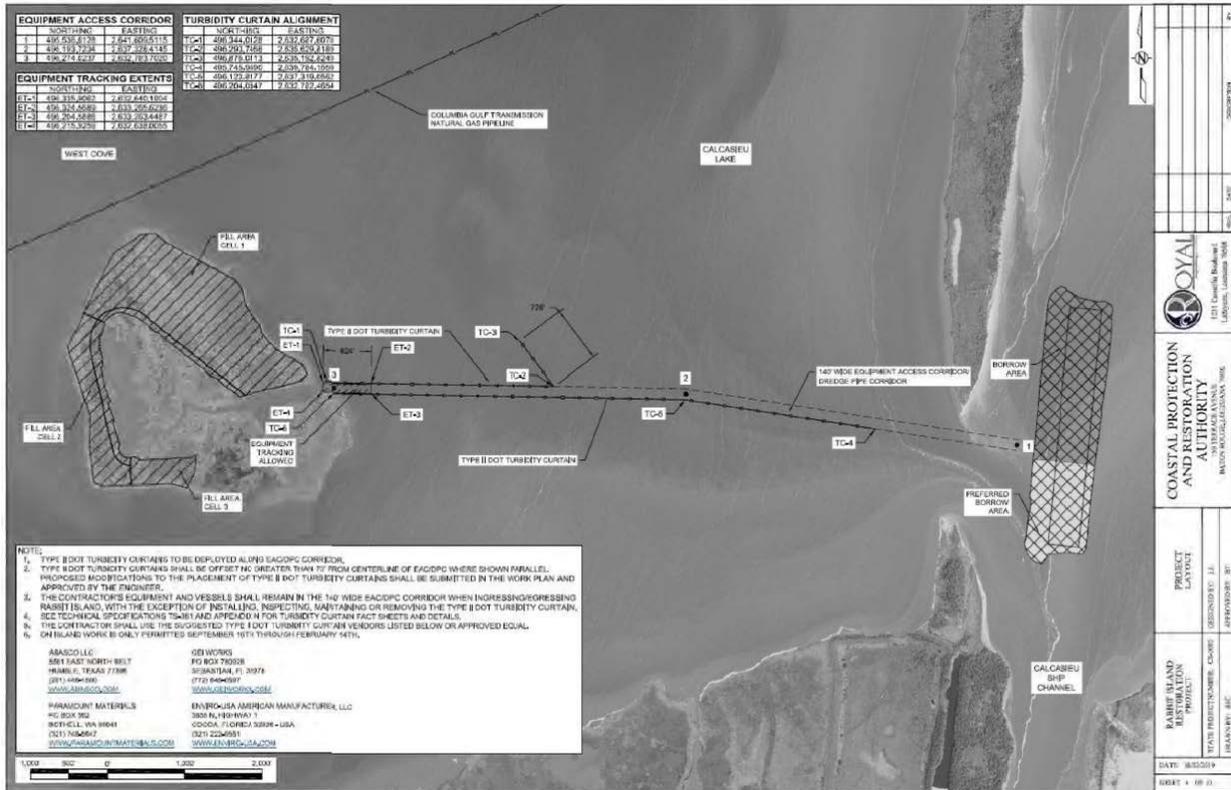


Figure 2. Overview of the proposed action area, including dredge borrow area, pipeline access corridor and fill areas on Rabbit Island (Figure 3 in the Biological Evaluation Form for the Rabbit Island Restoration Project, 10/31/2019)

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.¹
- Construction contractors will implement the NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions.²
- Construction contractors will implement the NMFS Measures for Reducing the Entrapment Risk to Protected Species.³
- 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.
- The access corridor will be bordered by turbidity curtains to prevent disturbed sediments from escaping the immediate area.

¹ <http://www.fisheries.noaa.gov/webdam/download/92937962>
² <https://www.fisheries.noaa.gov/webdam/download/92937961>
³ <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 ⁴	Action Agency Effect Determination	NMFS Effect Determination
Sea Turtles			
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 be physically injured if struck or entrained during dredging of the borrow materials. We believe this effect is highly unlikely and therefore discountable. Because these species are highly mobile, we expect them to move away from the dredging activities if disturbed. Additionally, NMFS has previously determined in dredging Biological Opinions that, while ocean-going hopper-type dredges may lethally entrain sea turtles, non-hopper type dredging methods, such as the hydraulic cutterhead methods proposed in this project, are slower and extremely unlikely to adversely affect these species.⁵

Sea turtles may avoid the in-water construction and dredging areas due to turbidity and noise resulting from dredging and placement 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.

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

⁵ NMFS. 2007b. Revision 2 to the National Marine Fisheries Service (NMFS) November 19, 2003, Gulf of Mexico regional biological opinion (GRBO) to the U.S. Army Corps of Engineers (COE) on hopper dredging of navigation channels and borrow areas in the U.S. Gulf of Mexico. National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Regional Office, Protected Resources Division, St. Petersburg, Florida.

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 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

File: 1514-22.c