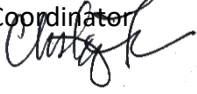




MEMORANDUM FOR: FILE

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

DATE: October 31, 2019

SUBJECT: Project Proposed in Louisiana Trustee Implementation Group
Restoration Plan #1.3 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 (Fall 2019) for the Rabbit Island restoration project in coordination with representatives from NOAA's Protected Resource Division in the Southeast Regional Office, the NOAA Restoration Center determined that the project proposed for implementation in the Louisiana TIG Restoration Plan/Environmental Assessment 1.3 does not require further MMPA evaluation. Best management practices, as described in the biological evaluation form, are in place to avoid effects to marine mammals. Should any project be modified in a way that could adversely impact marine mammals, this determination will be reevaluated as appropriate.