



United States Department of the Interior




FISH AND WILDLIFE SERVICE
Deepwater Horizon Gulf Restoration Office
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Fairhope, Alabama 36532

In Reply Refer To:
FWS/R4/DH NRDAR

Memorandum

January 7, 2020

To: Field Supervisor, Ecological Services Office, Lafayette, LA

From: Assistant Gulf Restoration Manager, *Deepwater Horizon* Gulf Restoration Office 

Subject: Informal Consultation Request for Two Restoration Projects in Louisiana

Overview

Projects are currently being evaluated as potential restoration projects to restore natural resources in Louisiana that were injured as a result of the *Deepwater Horizon (DWH)* oil spill. We have reviewed two projects in accordance with Section 7 of the ESA. We have made a May Affect, Not Likely to Adversely Affect determination both projects. We are requesting concurrence on these determinations. A list and brief description of the projects is provided in Table 1 below. Species determinations are summarized in Table 2 below.

Background

After the *DWH* oil spill, federal and state natural resource trustee agencies (Trustees) came together to assess the effects of the spill and plan for the restoration of injured natural resources. As part of the legal settlement reached with BP in 2016, the Trustees prepared a Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS), to provide the framework for *DWH* oil spill restoration across the Gulf.

The Final PDARP/PEIS established Trustee Implementation Groups (TIGs) that develop plans for, choose, and implement specific restoration actions under the Final PDARP/PEIS. The Louisiana Trustee Implementation Group (TIG) includes five Louisiana state trustee agencies and four federal trustee agencies: the Louisiana Coastal Protection and Restoration Authority (CPRA); the Louisiana Department of Natural Resources (LDNR); the Louisiana Department of Environmental Quality (LDEQ); the Louisiana Oil Spill Coordinator's Office (LOSCO); the Louisiana Department of Wildlife and Fisheries (LDWF); the United States Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); the United States Department of the Interior (USDOI), represented by the United States Fish and Wildlife Service (USFWS) and National Park Service (NPS); the United States Department of Agriculture (USDA); and the United States Environmental Protection Agency (EPA).

The LA TIG has evaluated these two projects as potential restoration projects under the

Louisiana Trustee Implementation Group Draft Restoration Plan #1.3: Rabbit Island Restoration Project and Jean Lafitte Shoreline Protection Project, which was open to public comment through December 20, 2019. If the LA TIG selects the projects, the Louisiana Department of Wildlife and Fisheries would implement the projects. A brief description of each project is provided in Table 1 below.

These facts lead us to the conclusion that consultation under Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.S 1531 *et seq.*), is required for the proposed projects and we wish to engage in such consultation. We have reviewed each of the projects for potential impacts to listed, candidate, and proposed species, and designated and proposed critical habitats in accordance with Section 7 of the ESA. Potential effects, conservation measures, and justifications for our determinations are presented in the attached Biological Evaluation (BE) forms. Our determinations are summarized in Table 2 below.

Within the BE form, we have also reviewed the proposed projects for impacts to bald eagles in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and we determined take would be avoided.

This letter requests your concurrence with our determinations for these projects.

To facilitate your response, should you concur with our determination, we have attached a template response letter. If you have questions or concerns regarding this request, please contact Erin Chandler, Fish and Wildlife Biologist, at 470-361-3153 or erin_chandler@fws.gov.

Attachments (3)

- BE form including project maps (2)
- Template response letter

Table 1. Brief descriptions of two projects in LA TIG RP/EA #1.3.

Proposed Projects	Brief Description
Rabbit Island Restoration Project	<p>The goal of the Rabbit Island Restoration Project (CS-0080) is to restore and conserve bird resources impacted in the State of Louisiana as a result of the Deepwater Horizon (DWH) oil spill. Specifically, the project objective is to restore and enhance suitable colonial waterbird nesting and brood-rearing habitat on Rabbit Island, which is located approximately 5 miles from Cameron, Louisiana, the parish seat of Cameron Parish. The island represents the state's westernmost colony for a host of colonial waterbird species, including brown pelicans (<i>Pelecanus occidentalis</i>), reddish egrets (<i>Egretta rufescens</i>), and American oystercatchers (<i>Haematopus palliatus</i>) (Selman and Davis 2015). Additionally, extensive numbers of birds and other wildlife species have been documented on or adjacent to the island and the broader Calcasieu Basin. Since 1955, Rabbit Island has lost 89 acres of landmass, which is approximately 35 percent of its former area. Land loss is primarily associated with effects from wind-generated waves and periodic high tides that are amplified by the nearby ship channel.</p>
Shoreline Protection at Jean Lafitte National Historical Park and Preserve	<p>The primary objective of this project is to restore 50 acres of SAV as described in the Final PDARP/PEIS. DWH settlement funds from the Federally Managed Lands category will fully fund the Proposed Alternative (Alternative 4C), construction of the southern breakwater, selected to achieve this objective. However, erosion from wave energy is an ongoing issue along the entire shoreline of the preserve. The National Park Service (NPS) has long-term plans to construct additional shoreline protection along the entire shoreline of the preserve in both Lake Cataouatche and Lake Salvador as funds are made available.</p>

Table 2. Summary of ESA determinations for two proposed projects in LA TIG RP/EA 1.3.
 (NE = No Effect, NLAA = May Affect, Not Likely to Adversely Affect)

ESA Species under USFWS jurisdiction	Status	Rabbit Island Restoration Project	Shoreline Protection at Jean Lafitte National Historical Park and Preserve
West Indian Manatee	Endangered	NLAA	NLAA
Pallid sturgeon	Endangered	NE	--
Hawksbill sea turtle	Endangered	NE	--
Kemp's Ridley sea turtle	Endangered	NE	--
Loggerhead sea turtle	Threatened	NE	--
Green sea turtle	Threatened	NE	--
Piping plover	Threatened	NE	--
Red knot	Threatened	NE	--
-- indicates the species or critical habitat does not occur in the project area			