United States Department of the Interior

FISH AND WILDLIFE SERVICE
Deepwater Horizon Gulf Restoration Office
341 Greeno Road North, Suite A
Fairhope, Alabama 36532

In Reply Refer To:
FWS/R4/DH NRDAR

Memorandum October 6, 2021

To: David Hoth, Texas Coastal Ecological Services Field Office, Houston, TX

From: Compliance Supervisor, Deepwater Horizon Gulf Restoration Office

Subject: Coastal Barrier Resources Act Consistency Determination Request for Implementation of Eight Restoration Projects proposed in the Region Wide Trustee Implementation Group's Restoration Plan #1

The Department of the Interior (DOI) Deepwater Horizon Gulf Restoration Office is working through various environmental compliance consultations on post-settlement proposed restoration alternatives. We are now working on the Coastal Barrier Resources Act consistency determinations for twenty (20) proposed projects. The Region Wide Trustee Implementation Group (RW TIG) has evaluated these projects as potential restoration projects under the draft Region Wide Trustee Implementation Group Final Restoration Plan #1 and Environmental Assessment. Public comment for this plan closed on May 6, 2021. If the RW TIG selects these projects, after consideration of public comments, the RW TIG partners would implement the projects. For those projects that occur in multiple states, please respond only for those under your jurisdiction.

We used the Coastal Barrier Resources System mapper – Beta (https://www.fws.gov/cbra/maps/mapper.html [accessed September 15, 2021]) to determine if the proposed actions are located within an Otherwise Protected Area (OPA) or within a System Unit (CBRS). If the proposed action occurs in an OPA or outside of a System Unit, no additional analysis was developed. Please refer to Table 1 below for a list of projects, Unit Numbers (if applicable), and consistency determinations.

We have incorporated the Inter-Agency Consultation Template and U.S. Fish and Wildlife Service Response Template below.

Project Location
The actions or projects are located in coastal Texas and include activities that may partially occur within a Unit of the Coastal Barrier Resources System (CBRS). Please see below for project maps.

Description of the Proposed Action or Project
The proposed projects are designed to restore natural resources injured by the Deepwater Horizon oil spill. Please see below for project descriptions and consistency analyses.

Applicable Exception(s) under 16 U.S.C. 3505(a)
Specific Exceptions

☒ 16 U.S.C. 3505(a)(6)(A): **Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats**, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

Justification for Exception(s)
Please see below for Justification for Exception.

Contact Information
Please provide response via email to the following:

Michael Barron
Environmental Compliance Coordinator
Deepwater Horizon Gulf Restoration Office
Tel: 251-421-7030
michael_barron@fws.gov

U.S. Fish and Wildlife Service Response

Below is the Service's response to the Gulf Restoration Office request for a consultation under the CBRA for the Region Wide Trustee Implementation Group's Restoration Plan #1. This response represents the Service's opinion. **The final decision regarding the expenditure of funds for this action or project rests with the Federal funding agency.** The Gulf Restoration Office has fulfilled its obligation to consult with the Service under the CBRA for this particular action or project within the CBRS. Please note that any new commitment of Federal funds associated with this action or project, or change in the project design and/or scope, is subject to the CBRA's consultation requirement.

The Service has reviewed the information provided by The Gulf Restoration Office, and believes the referenced action/project is:

☐ Not located within a System Unit of the CBRS and the CBRA does not apply (except with respect to the restrictions on Federal flood insurance)

☒ Located within a System Unit of the CBRS and meets the exception(s) to the CBRA selected above

☐ Located within a System Unit of the CBRS and meets different exception(s) than the one(s) selected above (see additional information/comments below)

☐ Located within a System Unit of the CBRS and does not meet an exception to the CBRA (see additional information/comments below)

☐ Due to many competing priorities, the Service is unable to provide an opinion on the applicability of the CBRA's exceptions to this action/project at this time. The Gulf Restoration Office may elect to proceed with the action/project if it has determined that the action/project is allowable under the CBRA. Please note that any new commitment of Federal funds associated with this action/project or a related future project is subject to the CBRA's consultation requirement.

Additional Information/Comments
Include any additional information/comments.

This response does not constitute consultation for any project pursuant to section 7 of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) or comments afforded by the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*); nor does it preclude comment on any forthcoming environmental documents pursuant to the National Environmental Policy Act (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

SERVICE FIELD OFFICE SIGNATORY AND TITLE DATE

CHARLES ARDIZZONE Digitally signed by CHARLES ARDIZZONE
Date: 2021.10.08 05:22:02 -05'00'

Table 1. Proposed Projects and Locations Relative to CBRS Units and OPA Units

Proposed Project	CBRA Consistency Determination
B: Conservation and Enhancement of Nesting and Foraging Birds, Component 3: San Antonio Bay Island, TX	Programmatic activities include the following Texas counties: Calhoun. Potential actions could occur within the following CBRS units and OPAs: CBRS Units/OPAs: None
B: Conservation and Enhancement of Nesting and Foraging Birds, Component 4: Matagorda Bay Bird Island (Chester Island), TX	Programmatic activities include the following Texas counties: Matagorda. Potential actions could occur within the following CBRS units and OPAs: CBRS Units: None OPAs: T07P
B: Bird Nesting and Foraging Area Stewardship	Programmatic activities include the following Gulf Coast counties: Multiple. Potential actions could occur within the following CBRS unites and OPAs: CBRS/OPA Units: Multiple
B: Reducing Marine Debris Impacts on Birds and Sea Turtles	Programmatic activities include the following Gulf and Atlantic Coast counties: Multiple. Potential actions could occur within the following CBRS unites and OPAs: CBRS/OPA Units: Multiple
MM: Reducing Injury and Mortality of Bottlenose Dolphins by Utilizing Fishery Surveys, Social Science, and Collaborative Problem Solving	Programmatic activities include the following Gulf Coast counties: Multiple. Potential actions could occur within the following CBRS unites and OPAs: CBRS/OPA Units: Multiple
MM: Voluntary Modifications to Commercial Shrimp Lazy Lines to Reduce Dolphin Entanglements	Programmatic activities include the following: Texas counties/parishes: Galveston; Louisiana: Plaquemines; Mississippi: Jackson; Florida: Bay Potential actions could occur within the following CBRS unites and OPAs: CBRS Units: Texas: TX-04; Louisiana: S01, S01A, S02; Florida: P31 OPA Units: Texas: TX-05P; Louisiana: None; Mississippi: MS-01P; Florida: P31P
MM: Enhance Marine Mammal Stranding Network Diagnostic Capabilities and Consistency across the Gulf of Mexico	Programmatic activities include the following Gulf Coast counties: Multiple. Potential actions could occur within the following CBRS unites and OPAs: CBRS/OPA Units: Multiple

O: Improving Resilience for Oysters by Linking Brood Reefs and Sink Reefs, Component 1: Texas	Programmatic activities include the following Texas counties: Chambers. Potential actions could occur within the following CBRS unites and OPAs: CBRS/OPA Units: None
ST: Regionwide Enhancements to the Sea Turtle Stranding and Salvage Network, Component 1: Enhancing Response, Coordination, and Preparedness in the Gulf of Mexico	Programmatic activities include the following Gulf Coast counties: Multiple. Potential actions could occur within the following CBRS unites and OPAs: CBRS/OPA Units: Multiple
ST: Regionwide Enhancements to the Sea Turtle Stranding and Salvage Network, Component 2: Texas Rehabilitation Facility	Programmatic activities include the following Texas counties: Galveston. Potential actions could occur within the following CBRS unites and OPAs: CBRS/OPA Units: None
ST: Reducing Sea Turtle Bycatch at Recreational Fishing Sites	Programmatic activities include the following Gulf Coast counties: Multiple. Potential actions could occur within the following CBRS unites and OPAs: CBRS/OPA Units: Multiple
ST: Pilot Implementation of Automatic Identification System (AIS) in the GOM Inshore Fishery to Inform Efforts to Reduce Sea Turtle Bycatch	Programmatic activities include the following Gulf Coast counties: Multiple. Potential actions could occur within the following CBRS unites and OPAs: CBRS/OPA Units: Multiple
ST: Restore and Enhance Sea Turtle Nest Productivity on Gulf of Mexico Beaches	Programmatic activities include the following Gulf Coast counties: Multiple. Potential actions could occur within the following CBRS unites and OPAs: CBRS/OPA Units: Multiple

1. **B: Conservation and Enhancement of Nesting and Foraging Birds, Component 3: San Antonio Bay Island, TX**

This project would complete the engineering and build a rookery island in San Antonio Bay, Texas near the town of Seadrift. The recommended design for the proposed Mid-Coast Bird Rookery Island was developed to capture a full range of desired bird nesting and foraging habitats. The proposed island would measure approximately 920-feet long by 450-feet wide, and would have a total footprint of approximately 8.0 acres, including 4.0 acres of habitat above the shoreline and 1.0 acre of submerged reef habitat. The island would be oriented NW-SE based on predominant wind direction from the southeast. The island will slope from +3.5 feet to +4.5 feet at the southeast end to +1.0 feet to +2.5 feet NAVD at the northwest end, where the island transitions to a shoreline and shallow lagoon for shorebird habitat. In order to stabilize the perimeter of the rookery island, the proposed island would include shoreline protection to protect it from wave erosion. The island would be constructed using a containment berm and rock revetment. In-situ sediment from the center of the proposed rookery island footprint would be excavated and sidecast around the proposed perimeter to create a containment berm with a crest elevation of approximately +6.5 feet NAVD (temporarily) and a crest-width of approximately 5 feet. The containment berm would contain loose sediments and reduce potential fill/impacts to surrounding natural resources. Once the containment berm is constructed, the outside of the berms would be armored with revetment type shoreline protection. The revetment would be constructed with a 2:1 slope and the crest of the final containment berms would be reduced so that the top of the rock is at +6.0 feet NAVD. A 5-feet wide toe would be constructed at the base of the revetment. The toe would be constructed to an elevation of approximately +2.5 feet above the bay bottom. The containment berm and revetment shoreline protection will not encapsulate the island entirely. An approximately 120-foot wide shallow water beach opening would be included at the northwestern side of the island. A reef would be constructed on the northwestern side of the island at the beach opening. The reef would be constructed with graded riprap to an elevation of approximately -1.0 foot NAVD. The reef would reduce wave energy into the beach, provide oyster reef habitat, and provide foraging habitat for several bird species. Fill material for placement inside the berm will be provided from an upland source.

Consistency Analysis
The proposed action is not within any System Units. Therefore, this project is not subject to a Consistency Analysis under CBRA.

Figure 1. Map showing the B: Conservation and Enhancement of Nesting and Foraging Birds, Component 3: San Antonio Bay Island, TX project area.

2. B: Conservation and Enhancement of Nesting and Foraging Birds, Component 4: Matagorda Bay Bird Island (Chester Island), TX

This project would slow the erosion of Chester Island by constructing sediment control and shoreline protection measures such as groins and breakwaters along the channel side of the island to protect the island from wave action and to contain future U.S. Army Corps of Engineers (USACE) dredge material placement events. A restoration plan for Chester Island was finalized in 2017 that includes design templates to rebuild the island with material dredged by USACE from the Matagorda Ship Channel and Gulf Intracoastal Water Way during channel maintenance and recommendations for erosion response structures. Phase I includes the completion of 100% engineering and design for sediment control structures in addition to beach templates. The potential installation of sediment control structures would occur along the high energy shorelines of the island. No vegetative plantings are contemplated as part of this project.

Consistency Analysis
The proposed action is not within any CBRS System Units but is within OPA Unit T07P. Therefore, this project is not subject to a Consistency Analysis under CBRA.

Figure 2. Map showing the B: Conservation and Enhancement of Nesting and Foraging Birds, Component 4: Matagorda Bay Bird Island (Chester Island), TX project area.

3. B: Bird Nesting and Foraging Area Stewardship

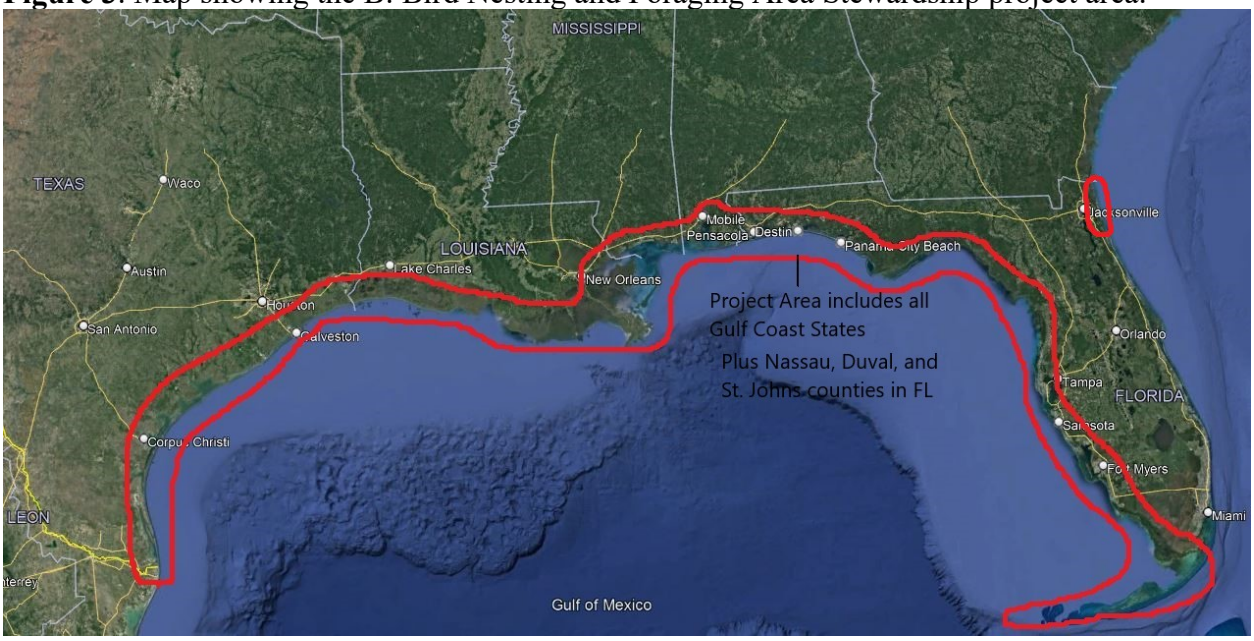
This project would steward and monitor beach and bay shorebirds by reducing human disturbance to and predation of nests and chicks of coastal nesting shorebird species and by reducing disturbance during stopover and overwintering periods thus increasing productivity and survival. This project would complement the work of similar initiatives in the Gulf of Mexico in Florida, Mississippi, Louisiana, Alabama, and Texas.

Specific activities and target locations may vary from year to year based on a number of factors including, but not limited to where nesting and/or foraging occurs, what management activities are most successful at each area, and where project implementers are supported by site land managers. The project would occur in coastal Texas, Mississippi, Alabama and Florida. Proposed initial target areas may include: Mississippi: Hancock, Harrison and Jackson County and coastal and barrier islands in the Mississippi Sound; Alabama: Mobile and Baldwin Counties and coastal islands in Mobile Bay and the Mississippi Sound; Florida: Florida Gulf Coast counties (Escambia-Monroe) and some select sites in Northeast Florida (Nassau, Duval, and St. Johns counties); and Texas: Texas Gulf Coast counties within the Coastal Zone Boundary

Stewardship may be implemented in several ways, depending on the location, including, but not limited to: habitat management/enhancement such as placement of exclusion devices and vegetated buffers, virtual fencing around nesting areas, and/or maintaining beach wrack and distance buffers; lethal and nonlethal predator control; vegetation management; nesting platforms; placement of symbolic and/or permanent fencing; signage; development of site management plans; coordinate rooftop management; provide comprehensive monitoring coverage; reduced vehicle speed limits or vehicular access; bird banding and recapture/re-sighting; patrols by wildlife stewards or law enforcement (including training and support); and targeted community engagement, outreach, and education.

Consistency Analysis
The proposed action is within multiple System Units. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System units, the proposed action involves no construction and consists primarily of management, protection, and enhancement of fish and wildlife resources and habitats. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to enhance natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

Figure 3. Map showing the B: Bird Nesting and Foraging Area Stewardship project area.



4. B: Reducing Marine Debris Impacts on Birds and Sea Turtles

The Project Objective is to reduce the threat and impacts (e.g., entanglement, entrapment, and/or ingestion) of marine debris to DWH-injured bird and sea turtle species across the Gulf of Mexico, including but not limited to reducing derelict fishing gear (i.e., monofilament fishing line, nets, trap/pot gear, and other recreational/commercial fishing equipment that has been lost, abandoned, or discarded).

No construction activities are proposed for this project. Proposed Project Activities include:

* Identify marine debris that impact birds and sea turtles across the Gulf of Mexico. Hotspots would be identified and prioritized for birds and sea turtles separately.
* Remove marine debris at identified hotspots and may include the use of professional divers or marine salvage crews for in-water debris removal around deep structures. Debris removal may be a one-time event or a multi-event effort depending on the degree/frequency of debris accumulation, impact on birds or sea turtles, cost, and logistics. Debris removal may be conducted in coordination with or to enhance existing marine debris networks (e.g., Gulf coast clean-ups) and/or as additional stand-alone events.
* Conduct public education/outreach that could include increasing availability of and methods for collection and disposal of fishing gear (e.g., monofilament recycling bins, maintenance services, sustainable disposal options); providing educational signage in high-use areas (e.g., fishing piers) and businesses (e.g., fishing gear retailers) or distributing outreach materials on the risks to birds and sea turtles from marine debris; and presenting to local communities, organizations, key stakeholders, and user groups
* Monitoring and adaptive management to include development of a management plan that would include the restoration techniques to be used at each identified hotspot (including implementation details if available), a schedule/timeline for restoration and monitoring, and details associated with data collection/management and monitoring. Monitoring would adhere to the Regionwide Project Monitoring and Adaptive Management (MAM) Plan. All marine debris removal events would report the amount and type of materials removed. Efforts would be made to utilize a uniform/standardized methodology to track, characterize, and quantify debris and to upload findings to a public data pool.

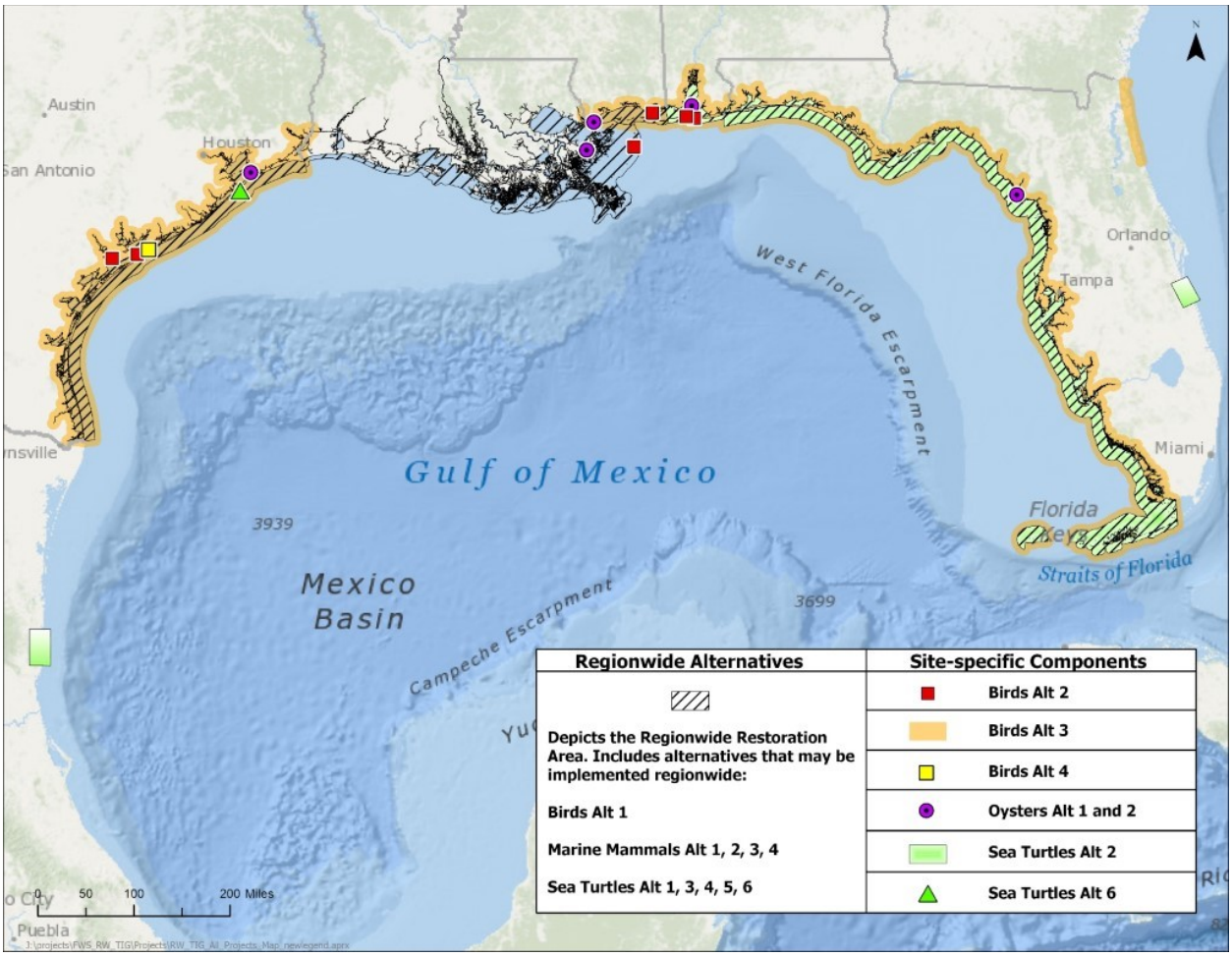
Monitoring would occur throughout the project life, which is anticipated to cover 8 years, concurrent with restoration activities. Monitoring would occur (estimated twice/year) for two years at each hotspot to determine the rate of debris re-accumulation, use/maintenance of monofilament bins (if present), and/or debris-related injuries or mortalities to birds and/or sea turtles (if available). This data may highlight differences between re-accumulation rates across location types (reefs, piers, jetties, etc.) or regions and would help inform identification of additional hotspots, any corrective actions (i.e., adaptive management) needed during implementation, and/or future restoration planning.

Consistency Analysis

The proposed action is within multiple System Units. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System units, the proposed action involves no construction and consists primarily of management, protection, and enhancement of fish and wildlife resources and habitats. Consequently, this activity is consistent with CBRA per

exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to enhance natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

Figure 4: Map showing the B: Reducing Marine Debris Impacts on Birds and Sea Turtles project area.



5. MM: Reducing Injury and Mortality of Bottlenose Dolphins by Utilizing Fishery Surveys, Social Science, and Collaborative Problem Solving

This project will not involve construction and no in- or on-water work will occur.
The overall goal of this project is to provide benefits to Gulf of Mexico bottlenose dolphins (*Tursiops truncatus truncatus*) by reducing the number of injuries and mortalities due to interactions with rod and reel fishing gear and fishing activities, as well as associated with illegally feeding dolphins. The project would characterize the nature and magnitude of interactions between dolphins and hook-and-line gear through systematic fishery surveys, social science studies and evaluation of stranding data and then use this information to collaboratively identify possible solution(s) to reduce interactions. The project will include the following activities: 1) conducting systematic fishery surveys of a portion of rod and reel anglers in each Gulf state fishing from piers and vessels (both private and for-hire) in a variety of habitats (e.g., coastal and estuarine); 2) characterizing the rod and reel gear found on stranded bottlenose dolphins and locations of strandings, and comparing those to fishery survey results; 3) conducting human dimension social science studies in hot spot areas identified from the surveys to characterize anglers' attitudes towards dolphins, dolphins' interactions, and their likelihood to take various actions (both preventative and retaliatory) and to identify potential measures to reduce interactions; and 4) identifying potential solution(s) (e.g., gear modifications, fishery practice changes, deterrence measures, etc.) through collaborative workshops developed based on results of the systematic fishery surveys and social science studies.

Consistency Analysis
The proposed action is within multiple System Units. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System units, the proposed action involves no construction and consists primarily of management, protection, and enhancement of fish and wildlife resources and habitats. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to enhance natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

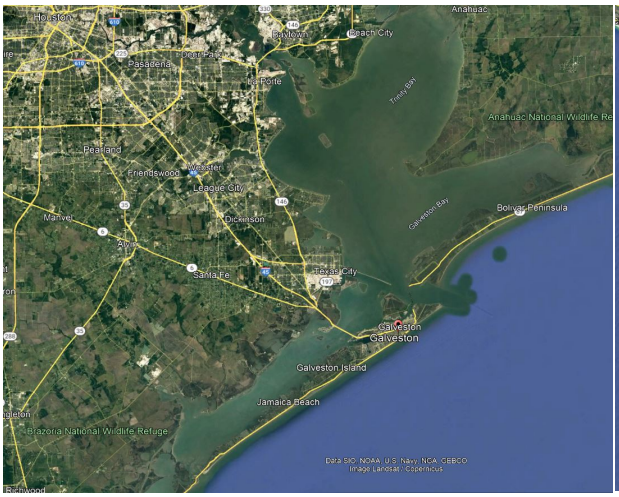
Figure 5: Map showing the MM: Reducing Injury and Mortality of Bottlenose Dolphins by Utilizing Fishery Surveys, Social Science, and Collaborative Problem Solving project area.

6. MM: Voluntary Modifications to Commercial Shrimp Lazy Lines to Reduce Dolphin Entanglements

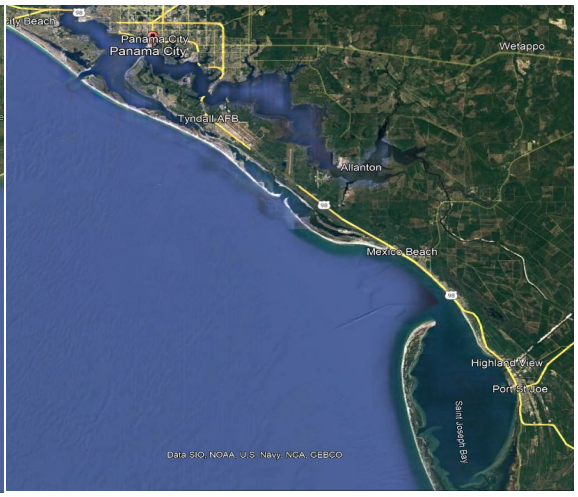
This project will not involve construction activities. This project will implement gear testing in a currently operating fishery. This project will not increase fishing effort, but will use alternative gears on boats that are already operating as they normally would. The specific activities of this project are designed to reduce the number of dolphin entanglements in lazy lines on commercial shrimp trawl (otter and skimmer) vessels operating within state inshore and coastal waters and thus associated mortality from entanglements. Lazy lines are commonly made from polypropylene material that is considered to be a soft lay line, which allows it to loop and entangle a dolphin more readily. Alternative lazy line materials that may reduce the ability to loop, and thus entangle a dolphin, have been identified through prior research and show promise. Therefore, this project would include researchers and the fishing community cooperatively testing the performance and usability of previously identified alternative lazy line materials. Cooperative testing with the commercial fishing industry would be conducted through establishing vessel contracts during the first phase of the project. All testing will occur within the current extent of shrimp fishery locations. After in-water testing, the project team would identify the preferred lazy line material that decreases the potential for tangling and looping, and thus, for dolphins to become entangled and killed while maintaining successful fishing. Commercial fishing practices and level of effort will not be altered during this project. The only part of the gear that will be modified is the lazy line, which will be changed to alternative types of lazy line.

Consistency Analysis
The proposed action is within the following CBRS System Units: Texas: TX-04; Louisiana: S01, S01A, S02; and Florida: P31 and the following OPA Units: Texas: TX-05P; Louisiana: None; Mississippi: MS-01P; and Florida: P31P. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System units, the proposed action involves no construction and consists primarily of management, protection, and enhancement of fish and wildlife resources and habitats. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to enhance natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

Figure 6: Map showing the MM: Voluntary Modification to Commercial Shrimp Lazy Lines to Reduce Dolphin Entanglements project area.



Galveston, TX



Panama City, FL

Venice, LA

Pascagoula, MS

7. MM: Enhance Marine Mammal Stranding Network Diagnostic Capabilities and Consistency across the Gulf of Mexico

This project is focused on activities that could support or enhance Marine Mammal Stranding Network (MMSN) diagnostic capabilities and consistency across the Gulf of Mexico MMSN as a whole. This project is scalable based on the duration of activities, and the specific components that are included, which may include: 1) Supporting a National Oceanic and Atmospheric Administration data manager to work with MMSNs in the Gulf of Mexico states to provide quality control of stranding data, provide data entry training, and assist with entering and maintaining data in regional marine mammal health and stranding databases (e.g., GulfMAP or CETACEAN); 2) Ensuring data are collected consistently across the Gulf and that important skills are maintained across MMSN organizations. The project will do this by establishing regular (i.e., 3x per year) training sessions (e.g., HAZWOPER, identifying signs of human interaction, necropsy techniques, and data/sample management) to improve and maintain the MMSN's capabilities over time and through personnel turnover; 3) Increasing diagnostic capabilities by establishing contracts with service laboratories to analyze tissue and other diagnostic samples collected from stranded cetaceans across the Gulf of Mexico; 4) Providing MMSN organizations that respond to live stranded animals with hand-held blood analyzer machines (iStat machines and cartridges) to diagnose illness in the field; and5) Funding development to update and improve the Auditory Evoked Potentials (AEP) equipment. This project will not involve construction or any groundwork. Response activities are part of the existing MMSN activities.

Consistency Analysis
The proposed action is within multiple System Units. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System units, the proposed action involves no construction and consists primarily of management, protection, and enhancement of fish and wildlife resources and habitats. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to enhance natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

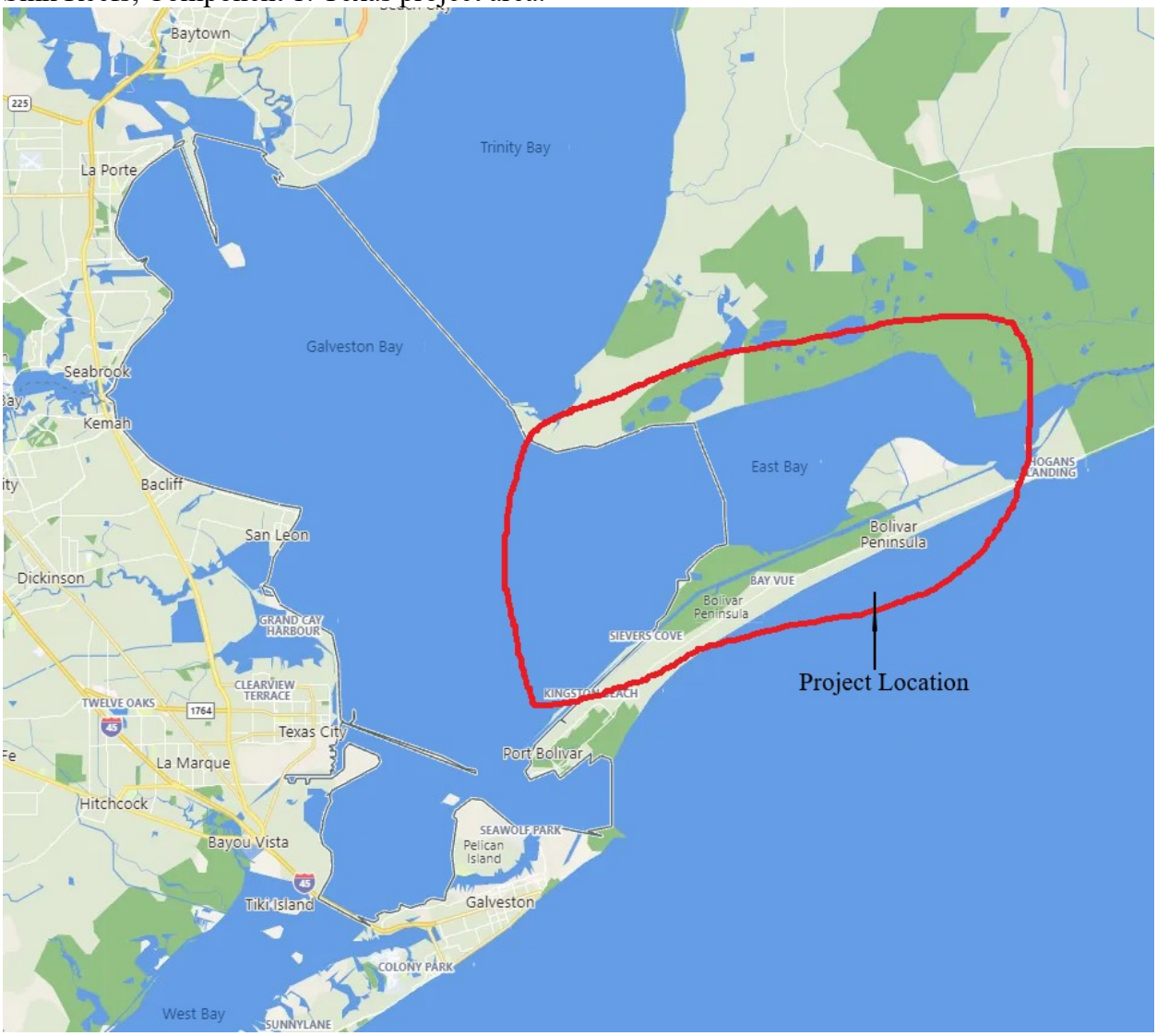
Figure 7: Map showing the MM: Enhance Marine Mammal Stranding Network Diagnostic Capabilities and Consistency across the Gulf of Mexico project area.

8. O: Improving Resilience for Oysters by Linking Brood Reefs and Sink Reefs, Component 1: Texas

The objective of this project is to increase abundance and long-term resiliency of oysters through the creation of a network of subtidal and nearshore reefs linked by larval transport. This project will increase oyster abundance, spawning stock and improve habitat by restoring a network of oyster reefs at multiple sites across habitat and salinity gradients using a variety of substrates and/or reef configurations. Brood reefs will be built with large, high-relief material that will still permit harvesting based on limited harvest technique(s). Based on the best available science, the reefs will be sited in such a way that larvae produced on the brood reefs will drift toward the commercially harvestable reefs. Restored reef sites will be constructed with the use of marine barges to transport cultch material and construction equipment such as excavators to place the material into reef configurations. Reefs will be placed along a salinity gradient based on site conditions. Reefs will be constructed at a height to keep oysters out of hypoxic bottom waters and where possible, reefs will be constructed on suitable hard substrate that currently does not support oysters. If the restoration site is not naturally colonized by spat, other methods will be used such as remote spat setting or the transfer of adult oysters to the site. The project is anticipated to last 6 years, including planning, implementation, and monitoring.

Consistency Analysis
The proposed action is not within any System Units. Therefore, this project is not subject to a Consistency Analysis under CBRA.

Figure 8: Map showing the O: Improving Resilience for Oysters by Linking Brood Reefs and Sink Reefs, Component 1: Texas project area.



9. ST: Regionwide Enhancements to the Sea Turtle Stranding and Salvage Network, Component 1: Enhancing Response, Coordination, and Preparedness in the Gulf of Mexico

This project involves the following activities: 1) Evaluate and prioritize critical enhancement needs and current funding gaps for Gulf-wide Sea Turtle Stranding and Salvage Network (STSSN) response and rehabilitation; 2) Provide funding to support enhanced capacity for stranding response (e.g., large-scale cold-stuns, red tide, other unusual stranding events) or other identified gaps in STSSN response coverage where increased response effort and capacity (e.g., education outreach, picking up and transporting live sea turtles to rehab, stranding patrols, and veterinary services) have a benefit to sea turtles; 3) Provide funding to support enhancements to rehabilitation efforts and the improve rehabilitation outcomes.

Consistency Analysis
The proposed action is within multiple System Units. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System units, the proposed action involves no construction and consists primarily of management, protection, and enhancement of fish and wildlife resources and habitats. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to enhance natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

Figure 9: Map showing the ST: Regionwide Enhancements to the Sea Turtle Stranding and Salvage Network, Component 1: Enhancing Response, Coordination, and Preparedness in the Gulf of Mexico project area.

10. ST: Regionwide Enhancements to the Sea Turtle Stranding and Salvage Network, Component 2: Texas Rehabilitation Facility

The proposed project will construct a Sea Turtle Rehabilitation Center on the Texas A&M University campus on Pelican Island, in Galveston County Texas that will facilitate the treatment of injured, cold stunned, or sick sea turtles. The project area is located within the Gulf Coastal Plain physiographic region. Landforms are generally comprised of Holocene sediments composed of sand, silt, and clay. Construction will include clearing an area located within an existing dredge placement area with heavy equipment and construction of the facility, parking area, and driveways. The site is located in a previous disturbed area with no wetlands. The water system to support this rehabilitation center will tie to existing university water infrastructure.

During construction, activities there would be short-term, minor and localized impacts to the area and placement of fill. Installation of new pavements would cause long-term, minor, adverse impacts to approximately 2 acres of soils. Some erosion of soils may occur prior to revegetation of the site. However, a stormwater pollution prevention plan (SWPPP) would be prepared, and erosion, sedimentation, and stormwater runoff would be managed in accordance with Texas Commission on Environmental Quality stormwater requirements.

Consistency Analysis
The proposed action is not within any System Units. Therefore, this project is not subject to a Consistency Analysis under CBRA.

Figure 10: Map showing the ST: Regionwide Enhancements to the Sea Turtle Stranding and Salvage Network, Component 2: Texas Rehabilitation Facility project area.

11. ST: Reducing Sea Turtle Bycatch at Recreational Fishing Sites

This project will identify factors contributing to sea turtle bycatch at shore-based recreational fishing sites (e.g., piers, bridges, jetties, and other shoreline structures where fishing occurs) and implement voluntary angler education and other programs to reduce bycatch and bycatch-associated injuries. The project is anticipated to last five years.

Consistency Analysis
The proposed action is within multiple System Units. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System units, the proposed action involves no construction and consists primarily of management, protection, and enhancement of fish and wildlife resources and habitats. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to enhance natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

Figure 11: Map showing the ST: Reducing Sea Turtle Bycatch at Recreational Fishing Sites project area.

12. ST: Pilot Implementation of Automatic Identification System (AIS) in the GOM Inshore Fishery to Inform Efforts to Reduce Sea Turtle Bycatch

This project would consist of implementing AIS in a voluntary portion of the state-permitted shrimp trawl fishery that operates nearshore/inshore. The project would include the purchase and installation of AIS Class B equipment on shrimp trawl fishing vessels. Installing this equipment on vessels that currently operate in this fishery will not change the current fishing effort or the areas in which these permitted fishing vessels are currently operating. The fishery is currently operating under an existing NMFS ESA consultation. The project would occur over the course of multiple fishing seasons (2-5 seasons, project is scalable).

Consistency Analysis
The proposed action is within multiple System Units. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System units, the proposed action involves no construction and consists primarily of management, protection, and enhancement of fish and wildlife resources and habitats. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to enhance natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

Figure 12: Map showing the ST: Pilot Implementation of Automatic Identification System (AIS) in the GOM Inshore Fishery to Inform Efforts to Reduce Sea Turtle Bycatch project area.

13. ST: Restore and Enhance Sea Turtle Nest Productivity on Gulf of Mexico Beaches

This project proposes to implement restoration actions to improve hatchling production for loggerhead, Kemp's ridley, and green sea turtles on Gulf of Mexico sandy beaches and high density nesting beaches in and adjacent to Archie Carr National Wildlife Refuge, FL. Project managers will identify the highest-priority threats to key nesting beaches in northern Mexico, TX, MS, AL, and FL and implement appropriate restoration actions to enhance nesting. Implementation will occur over a five to ten year period.

On existing and potential nesting beaches, physical characteristics including substrate type, moisture content, elevation, geomorphology, hydrologic regimes, and elevation; productivity including nest diversity (number of species nesting there), density, and reproductive productivity by species; existing threats such as barriers, lighting, predation, poaching, over wash, compaction, moisture content, and disturbance; and management actions (nest relocation, predator control, light management, habitat improvement) will be collected and compiled into a database. This information will be used to develop site-specific restoration plans to restore nesting beaches or to enhance reproductive success.

Site- and area-specific plans will include activities targeted to reduce ongoing impacts that interfere with nesting females' access to suitable nesting habitat or return to the water (barriers, beachfront lighting, disturbance); interfere with successful nest excavation (compaction, debris, sand depth); or reduce successful nest incubation, hatch, emergence, and hatchling seaward migration (predation, slope, upland drainage, compaction, beachfront lighting, debris, barriers, disturbance. Plans may require construction or physical modifications of the beach to meet restoration goals such as sand placement or removing terrestrial hazards and barriers such as dilapidated seawalls and grounded vessels. Other actions such as reducing impacts from lighting, predators, poaching, temporary items left on the beach overnight, and other types of human disturbance will require either providing funding to existing land managers or local communities (lighting, predator control, leave no trace programs, creating beach education programs) or to support existing or establish new monitoring and management programs. Plans may include funds to augment existing nesting surveys and productivity assessments.

Consistency Analysis
The proposed action is within multiple System Units. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System units, the proposed action involves no construction and consists primarily of management, protection, and enhancement of fish and wildlife resources and habitats. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to enhance natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

Figure 13: Map showing the ST: Restore and Enhance Sea Turtle Nest Productivity on Gulf of Mexico Beaches project area.