



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-2021-01987

Christy Fellas
DWH Environmental Compliance Coordinator
NOAA Restoration Center
263 13th Ave. South
St. Petersburg, FL 33701

Dear Christy 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
San Antonio Bay Bird Island Restoration	Texas General Land Office	SERO-2021-01987	Island Habitat Restoration

Consultation History

We received your letter requesting consultation on August 17, 2021, and initiated consultation that day. This project has been assigned a tracking number in our NMFS Environmental Consultation Organizer (ECO), SERO-2021-01987. Please refer to this number in any future inquiries regarding this project.

Project Location

Location	Latitude/Longitude (North American Vertical Datum of 1988)	Water body
San Antonio Bay, 0.8 miles south of Seadrift, TX	28.397430° -96.721850°	San Antonio Bay, Gulf of Mexico

Existing Site Conditions

The proposed construction site is located approximately 0.8 miles south of Seadrift, Texas, within shallow open water of San Antonio Bay (Figure 1). Water depths at the site range between -2 to -3 feet North American Vertical Datum (NAVD). No seagrass or other aquatic vegetation is present within or in close proximity to the proposed project site. The sediment at the site is clay and sand with scattered oyster clumps. There are oyster reefs near the site but not within the proposed island footprint. The proposed site is approximately 26 miles from the nearest pass leading out to the Gulf of Mexico.





Figure 1. Overview of the proposed project area located in San Antonio Bay, Texas (Figure 1 in the Biological Evaluation Form for the San Antonio Bay Bird Island Restoration Project)

Project Description

The proposed project would build a rookery island in San Antonio Bay, Texas near the town of Seadrift. The proposed island would measure approximately 920-feet (ft) long by 450-ft 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 (Figure 2). The island would be constructed using a containment berm and rock revetment. In-situ sediment from the center of the proposed island footprint would be excavated and sidecast around the proposed perimeter to create a containment berm with a crest elevation of approximately +6.5 ft NAVD (temporarily) and a crest-width of approximately 5 ft. Once the containment berm is constructed, the outside of the berm 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 ft NAVD. A 5-ft 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 (Figure 2). A reef would be constructed just outside of the beach opening using graded riprap, built up 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. Sand fill material suitable for placement inside the berm will be transported in from an upland source.

Shoreline protection/sediment management structures will be constructed with the use of marine barges to transport rock material and construction equipment such as excavators to place the rock material into the structure configurations. In-situ sediment from the center of the proposed rookery island footprint would be excavated using aquatic marsh hoes and side cast, around the proposed perimeter to create the containment berm. Equipment, fill, and rock would be transported to the site via existing channels. No new channels or dredging to access the site will be required.

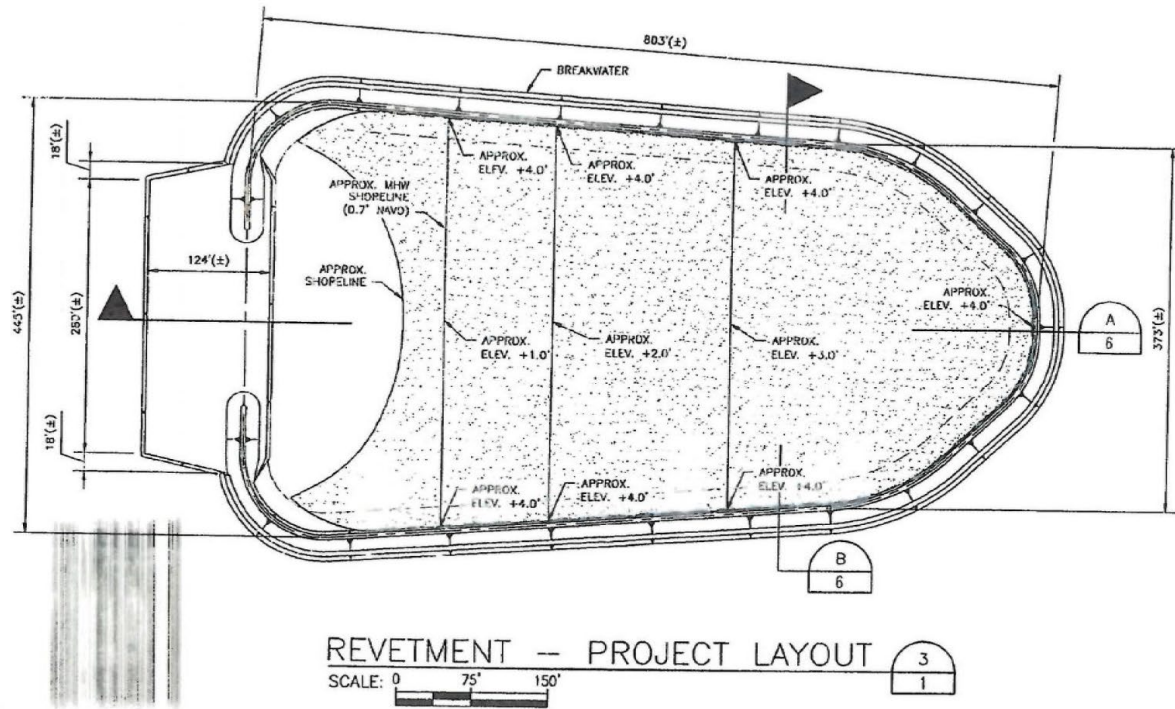


Figure 2. Schematic drawing of the proposed layout of the new rookery island (Figure 2 in the Biological Evaluation Form for the San Antonio Bay Bird Island Restoration Project)

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 project-related vessels will adhere to NMFS's Vessel Strike Avoidance Measures and Reporting for Mariners (https://media.fisheries.noaa.gov/dam-migration/vessel_strike_avoidance_february_2008.pdf).
- Construction contractors will implement the NMFS Protected Species Construction Conditions (https://media.fisheries.noaa.gov/2021-06/Protected_Species_Construction_Conditions_1.pdf?null).
- Construction contractors will implement the NMFS Measures for Reducing the Entrapment Risk to Protected Species (https://media.fisheries.noaa.gov/dam-migration/entrapment_bmps_final.pdf).

Effects Determination(s) for Species the Action Agency or NMFS Believes May Be Affected by the Proposed Action

Species	ESA Listing Status	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
Hawksbill	E	NLAA	NLAA
Fish			
Giant manta ray	T	NLAA	NLAA

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

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

Giant manta and sea turtles may be injured if struck by construction related vessels, equipment, or materials (e.g. marine barges, excavators, etc.). The risk of this occurring is extremely unlikely because these species are highly mobile and are expected to avoid the noise and disturbance associated with construction vessels/activities. The implementation of NMFS's *Protected Species Construction Conditions and Vessel Strike Avoidance Measures and Reporting for Mariners* 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 protected species. Operation of any mechanical equipment will cease immediately if a protected species is detected within a 150-ft radius of the equipment. Activities will not resume until the animal(s) have departed the project area of their own volition.

Construction-related noise and turbidity may deter giant mantas and sea turtles from utilizing the project area during construction activities. We believe any such effects from avoidance of the project area will be insignificant, given the availability of similar habitat nearby and the abundance of habitat outside of the project areas. We expect any individuals that are excluded from the construction area to continue their normal behavior in similar habitats outside of the affected zone.

Giant manta and sea turtles may be affected by the permanent loss of shallow water habitat that will be filled in by the proposed project. Approximately 8 acres of shallow, unvegetated, soft-sediment bottom will be completely filled in, and become inaccessible to these species (turtle nesting is not expected on the island as it is inside the bay, and no nesting has been previously documented on these inner-bay island). We believe this loss of marginal habitat will be

insignificant to the species given the relatively small area to be filed and the availability of more suitable habitat nearby. There are extensive shallow flats and discontinuous seagrass resources throughout the surrounding area that would provide more suitable foraging and shelter habitat outside of the project area.

Conclusion

Because all potential project effects to listed species and critical habitat were found to be extremely unlikely to occur, insignificant, or beneficial, we conclude that the proposed action is not likely to adversely affect listed species or critical habitat 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,

David Bernhart
Assistant Regional Administrator
for Protected Resources

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