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

April 2, 2025

To: Memorandum to File

From: Michael Barron, Deepwater Horizon Gulf Restoration Office

Subject: Regulatory Compliance Determinations for the Reducing Marine Debris Impacts on Birds and Sea Turtles Project Components in the Region Wide Implementation Group's Restoration Plan #1: Birds, Marine Mammals, Oysters, and Sea Turtles

We have reviewed the project materials provided for the Mississippi, Alabama, Texas and Florida components of the Reducing Marine Debris Impacts on Birds and Sea Turtles Project which was approved for implementation in Region Wide Implementation Group's Restoration Plan #1: Birds, Marine Mammals, Oysters, and Sea Turtles. Our review concludes that implementation of these components will be in compliance with the Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. §§ 668-668d), as amended and the Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712), as amended.

Should any project be modified in a way that could adversely impact species or habitats, these determinations will be reevaluated as appropriate.

If you have questions or concerns regarding this action, please contact Michael Barron, Fish and Wildlife Biologist, at 251-421-7030 or michael_barron@fws.gov.

Attachments (4)

Attachment 1: Mississippi Component Biological Evaluation Form

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This form will be filled out by the Implementing Trustee and used by the regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA) and Section 106 of the National Historic Preservation Act (NHPA).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
USFWS: Michael Barron at michael_barron@fws.gov
NMFS: Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency(one or more):USFWS ☒ NOAA ☐ EPA ☐ USDA ☐

Implementing Trustee(s): Mississippi Department of Environmental Quality

Contact Name: Valerie Alley Phone: 601-961-5182 Email: VAlley@mdeq.ms.gov

Project Name: Reducing Marine Debris Impacts on Birds and Sea Turtles

DIVER ID# 292 TIG: Regionwide TIG Restoration Plan # RP/EA1

Supplemental BE Form for Mississippi Component

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☐ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:
Click here to enter text.

C. Project Location

I. State and County/Parish of action area

Debris removal activities would be implemented at key hotspots. This may include offshore, nearshore, and upland locations. Specific marine debris removal locations, or hotspots, would be identified by Implementing Trustees. Debris removal hotspots will be focused on publicly owned areas such as municipal marinas, fishing piers, boat launches, beaches, and parks along coastal waterbodies primarily south of US Highway 90 across all three coastal counties (Hancock, Harrison, and Jackson). In some instances, debris collection locations may include similar public areas along bays, rivers, and bayous north of Highway 90 and south of Interstate 10 in the three coastal counties.

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

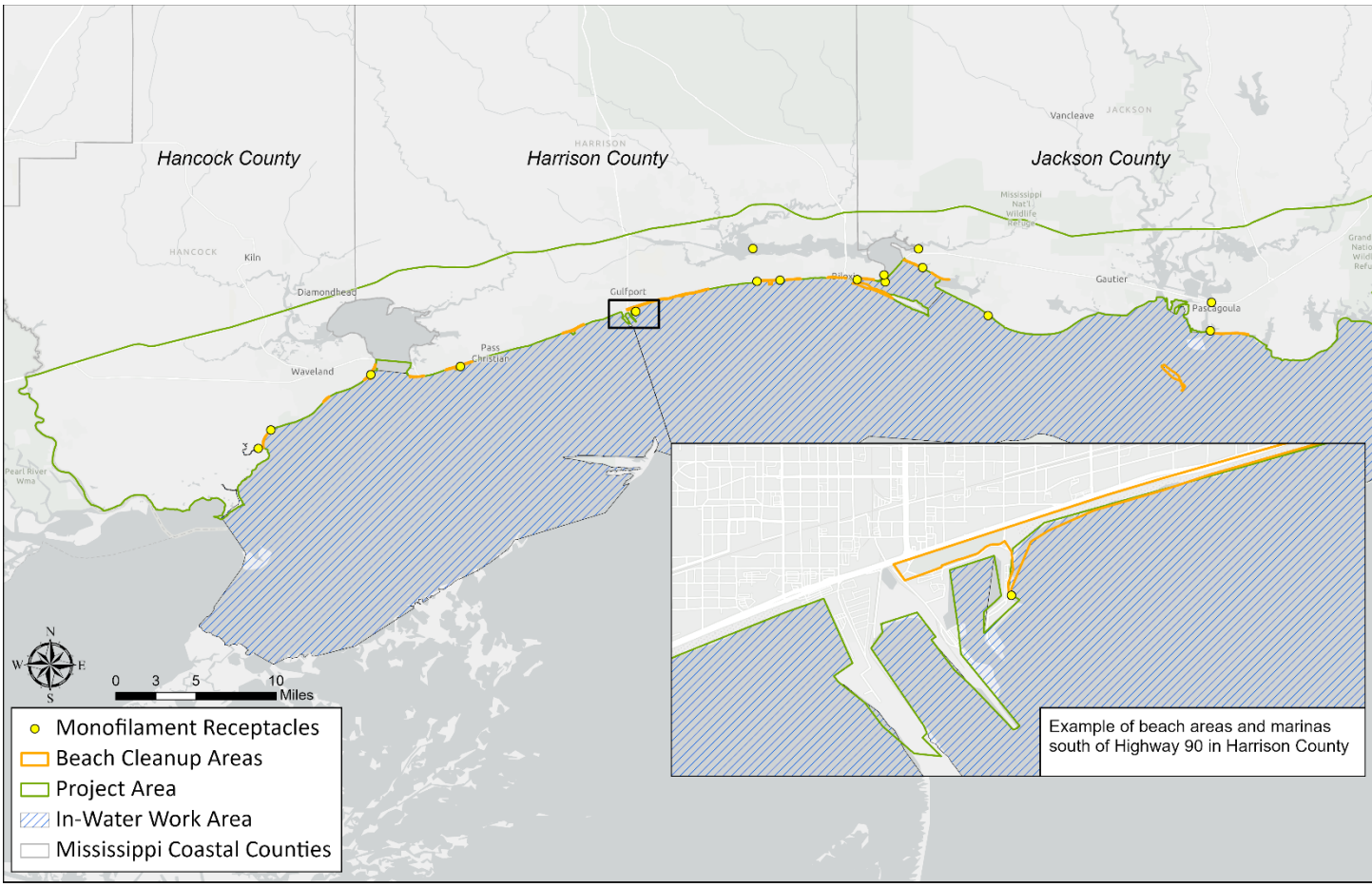
[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

Project area central coordinates: 30.414578 °N, 89.02083277 °W

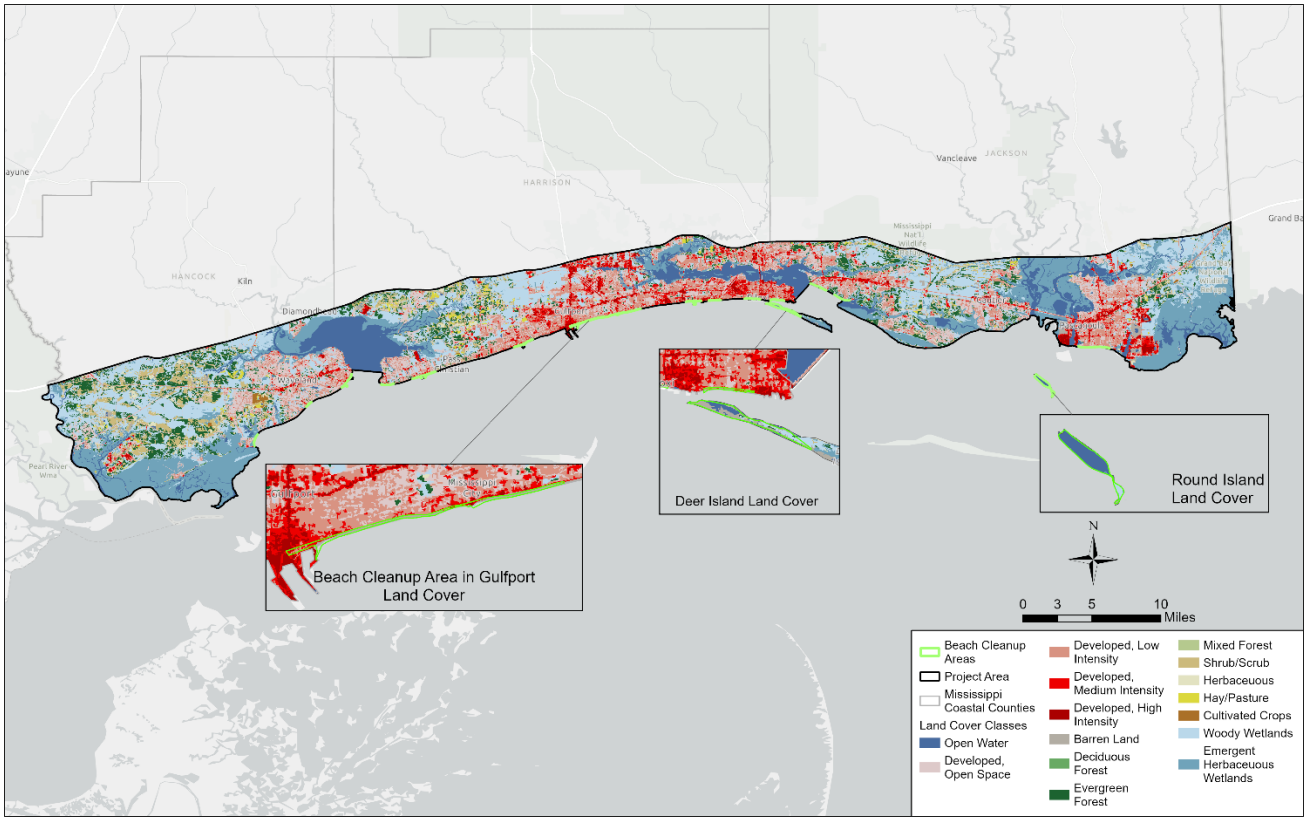
III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files may be added to the same folder location as where this BE is filed on Sharepoint . Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component

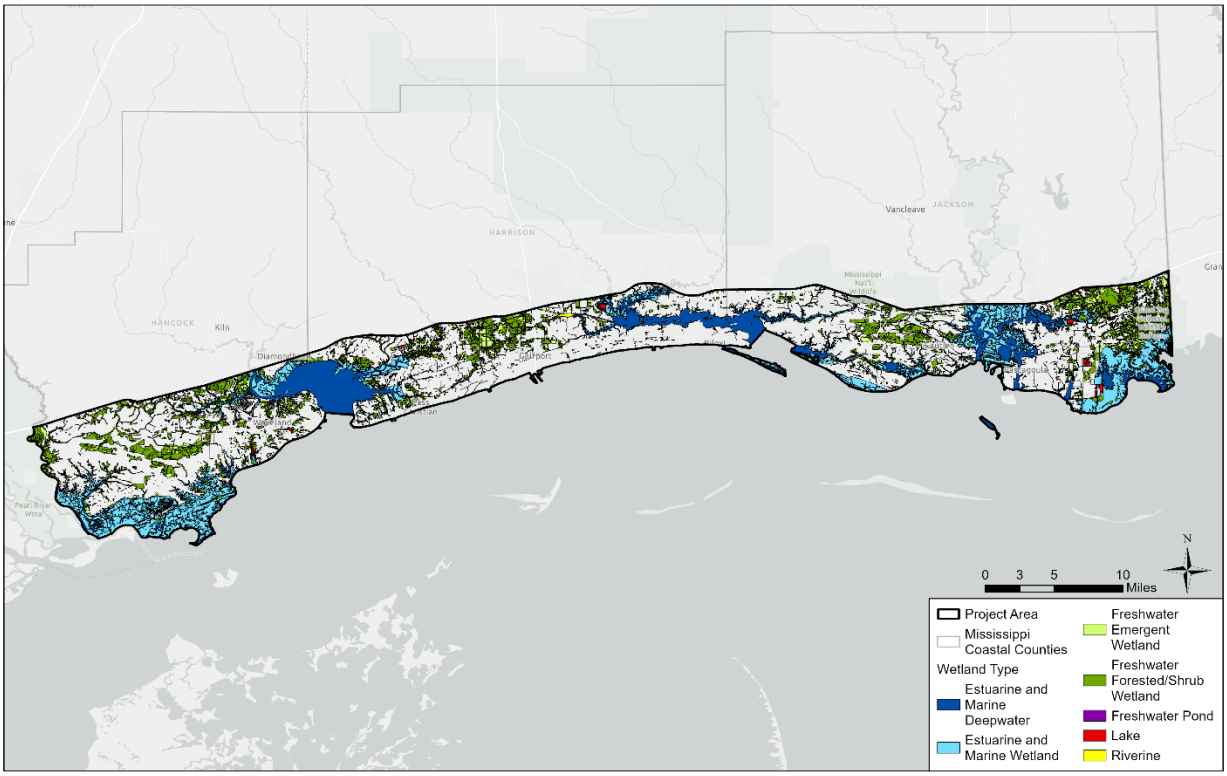


RW1: Reducing Marine Debris Impacts on Birds and Sea Turtles Project Area Map

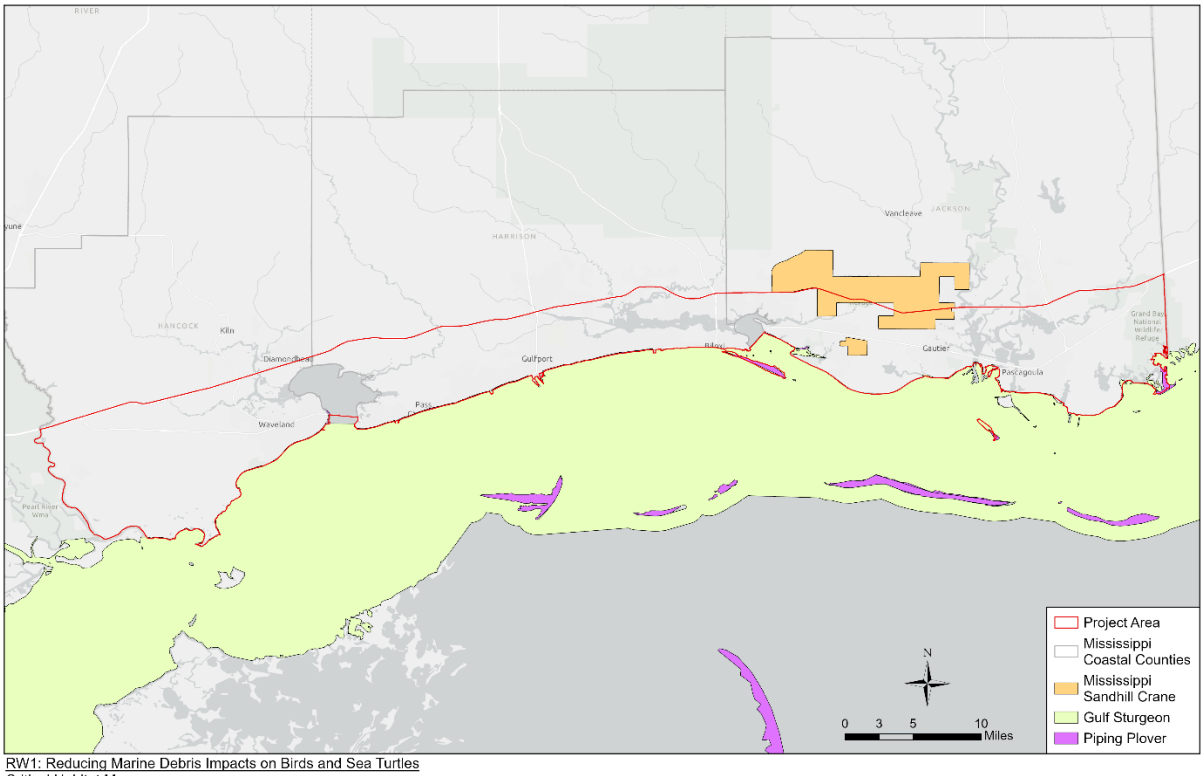


RW1: Reducing Marine Debris Impacts on Birds and Sea Turtles
Land Use Map

RW1: Reducing Marine Debris Impacts on Birds and Sea Turtles Essential Fish Habitat Map



RW1: Reducing Marine Debris Impacts on Birds and Sea Turtles Wetland Map



RW1: Reducing Marine Debris Impacts on Birds and Sea Turtles Critical Habitat Map

D. Existing Compliance Documentation

NEPA Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:
-TIG Restoration Plan/EA or EIS (draft or final)
-USACE programmatic NEPA analysis
-USACE Clean Water Act individual permit for the project
-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click or tap here to enter text

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click or tap here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to the NEPA document, or name of the document, year, lead federal agency, POC, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan.
NEPA analysis was conducted for this project as part of the Final Regionwide TIG RP/EA 1.

Any documentation or information provided will be very helpful in moving your project forward.

Name of Person Completing this Form: Rachel Kistler
Name of Project Lead: Tina Nations
Date Form Completed: 10/19/23
Date Form Updated: Click here to enter text.

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

Specific marine debris removal locations, or hotspots, could include offshore and nearshore locations. The project area encompasses the Mississippi Sound and associated estuaries including regions designated as wetlands, such as Estuarine and Marine Wetlands, Freshwater Forested/Shrub Wetland, and Estuarine and Marine Deepwater, however cleanup activities will likely benefit these habitats. Project activities will be limited to pre-existing developed areas, such as highly-used recreational zones, boat ramps, public fishing piers, and municipal storm drains.

Does the project area include a river or estuary?
YES☒ NO☐

If yes, please approximate the navigable distance from the project location to the marine environment.
Work may be conducted in the Mississippi Sound and adjacent coastal bays. The Gulf of Mexico is south of the barrier islands, which are approximately 7-8 miles south of the Mississippi coastline.

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

Hotspots in Mississippi would include locations where bird or sea turtle habitats intersect with high-recreational use locations/structures such as Gulf coast boat ramps, fishing piers, jetties, and artificial reefs.

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

Hotspots could include sea turtle and bird foraging habitat, such as Submerged Aquatic Vegetation (SAV) beds, where marine debris can accumulate and impact these resources. No construction activities are proposed for this project. Short-term, minor adverse impacts to SAV beds could occur as a result of debris removal activities, such as disturbance of sediments and vegetation. Long-term benefits to SAV beds are expected due to removal and reduction of marine debris.

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

N/A

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area. Click here to enter text.

N/A

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

Hotspots could include sea turtle and bird nesting and foraging habitat, such as supratidal beach and dune, where marine debris can accumulate and impact these resources.

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

Soft bottom sediment, characterized by a mixture of sand, silt, and clay, is the dominant substrate type (96%) in the northern Gulf of Mexico. Hard substrate (artificial reefs, oil and gas platforms, and natural reef or rock) accounts for the remaining 4 percent. Sediment transported by the Mississippi River dominates the continental shelf and deep sea.
No construction activities are proposed for this project. Short-term, minor adverse impacts, such as disturbance of sediments, could occur due to human activities and use of equipment associated with land-based debris removal efforts.

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

Click here to enter text.

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins YES☐ NO☒
Whales YES☐ NO☒
Manatees YES☒ NO☒

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

Click here to enter text.

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

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). This project would require a coordinated effort (e.g., among Trustees, NGOs, and other partners) to address prevention, removal, data collection, and management of marine debris.

No construction activities are proposed for this project.

Proposed Project Activities in Mississippi may include:

- Recurring clean-up events focused on removal of small to medium-sized surface litter/debris on beaches and developed municipal marine areas. Debris removed during these events will be collected by hand.
- Recurring clean-up events focused on removal of debris of any size (surface level or slightly embedded) on Round Island. Debris removed during these events will be primarily collected by hand but may occasionally require the use of mechanical equipment (skid-steer loader or equivalent) if larger pieces of debris are encountered.
- Installation of debris collection devices on existing municipal storm drains, especially on or near the coastline, and recurring removal of accumulated debris.
- Removing marine debris at identified hotspots- Implementing Trustees would provide support (e.g., capacity, equipment, fuel, etc.) for organized, large-scale debris removal events, regularly conducted targeted site-specific events, and/or 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.
- Monofilament recycling bins may be installed at public piers and boat launches on existing pilings or on paved surfaces. Additionally, similar receptacles may be provided to private or commercial fishing vessels for debris collection and drop-off at central marina locations.
- Public education and outreach efforts will also not involve ground disturbing activities. These activities will primarily take place at organized events or will include the distribution of educational materials.
- Monitoring activities pertaining to all described project implementation activities will include visual assessments and tabulations only.

If any additional methods for debris removal or in-water debris removal activities are considered that are not discussed here, the MS TIG will initiate environmental compliance reviews separately for those activities prior to implementation.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

Click here to enter text.

III. *Specific In-Water and/or Terrestrial Construction Methods*

Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☒ NO☐
Does this project include terrestrial construction?	YES☐ NO☒
Does this project include construction of an overwater structure?	YES☐ NO☒
Will fishing be allowed from this overwater structure?	YES☐ NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐ NO☒
Will boat docking be allowed from this overwater structure?	YES☐ NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

Click here to enter text.

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

Click here to enter text.

b. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. *Method of pile installation*	
2. *Material type of piles used*	
3. *Size (width) of piles/sheets*	
4. *Total number of piles/sheets*	
5. *Number of strikes for each single pile*	
6. *Number of strikes per hour (for a single pile)*	
7. *Expected number of piles to be driven each day*	
8. *Expected amount of time needed to drive each pile (minutes of driving activities)*	
9. *Expected number of sequential days spent pile driving*	
10. *Whether pile driving occurring in-water or on land*	

11. Depth of water where piles will be driven	

c. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:
https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast
Click here to enter text.

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:
https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐
Eco-Region 2: North Florida (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☐	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama (*Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐
Eco-Region 4: East Texas and West Louisiana (*Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas (*Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☒
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) *If yes, please proceed to additional boxes below.*	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☐
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☐
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☐This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.
These methods and activities were reviewed at the time of RW RP#1 and no additional NMFS ESA is required at this time.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section H. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the firs column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☐This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section G. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section G.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Piping Plover			May Affect, Not Likely to Adversely Affect	Choose an item

Piping Plover CH			No Effect	Habitat will not be modified
Loggerhead Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	Choose an item
Loggerhead Sea Turtle CH		Terrestrial	No Effect	Habitat will not be modified
Kemp's Ridley		Terrestrial	May Affect, Not Likely to Adversely Affect	Choose an item
West Indian Manatee			May Affect, Not Likely to Adversely Affect	Choose an item
Leatherback Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	Choose an item
Green Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	Choose an item
Hawksbill Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	Choose an item
Eastern Black Rail			No Effect	No suitable habitat action area
Mississippi Sandhill Crane			No Effect	No suitable habitat action area
Mississippi Sandhill Crane CH			No Effect	No suitable habitat action area
Red-cockaded Woodpecker			No Effect	No suitable habitat action area.
Red Knot			No Effect	No suitable habitat action area.
Alabama Red-bellied Turtle			No Effect	No suitable habitat action area.
Alligator Snapping Turtle			No Effect	No suitable habitat action area.
Black Pinesnake			No Effect	No suitable habitat action area.
Eastern Indigo Snake			No Effect	No suitable habitat action area.
Gopher Tortoise			No Effect	No suitable habitat action area.
Ringed Map Turtle			No Effect	No suitable habitat action area.
Yellow-blotched Map Turtle			No Effect	No suitable habitat action area.
Dusky Gopher Frog			No Effect	No suitable habitat action area.
Pearl Darter			No Effect	No suitable habitat action area.
Inflated Heelsplitter			No Effect	No suitable habitat action area.
Monarch Butterfly			No Effect	No suitable habitat action area.

Louisiana Quillwort			No Effect	No suitable habitat action area.
Gulf Sturgeon			May Affect, Not Likely to Adversely Affect	Choose an item
Gulf Sturgeon CH	2, 8	Riverine	No Effect	No suitable habitat action area
Tri-colored Bat			No Effect	No suitable habitat action area

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

As described in section F, project activities would occur only on primarily man-made beaches, developed municipal marine areas, and existing municipal storm drains. Staging areas for collected debris would be expected to be set up in previously disturbed or developed land such as parking areas or piers. In some cases, staging areas will be set up on designated spots on beaches. Fishing gear collection bin installation and municipal storm drain debris-trapping devices would only occur in previously disturbed or developed habitat. Additionally, project activities are anticipated to be short in duration and infrequent.

Debris removal activities in beach or dune habitat with documented sea turtle, shorebird, or seabird nesting, would not occur during nesting season. Long-term benefits to bird and sea turtle species by removing and/or reducing marine debris from their habitats (and thereby reducing related bird and sea turtle incidences int these locations) are expected. Potential impacts to sensitive habitat or designated critical habitat would be avoided and minimized to the maximum extent practicable. Debris removal activities in beach or dune habitats with documented sea turtle, shorebird, or seabird nesting would not occur during nesting season. All personnel performing the activities will be educated about the species they may encounter and what to do if encountered. If any species listed in Section H is encountered during project activities, all activities will cease until the animal(s) have vacated the area of their own volition.

Birds: To limit disturbance to birds in shoreline and wetland areas (including piping plover and red knot Critical Habitat), work crews should be limited in size and number to the minimum number of personnel and equipment required to complete marine debris removal in an efficient time frame. Equipment and personnel should work as closely together as is feasible and limit repetitive alongshore transits to and from work areas, to minimize disturbance. On beaches, if it is necessary to excavate debris or if equipment rutting occurs, return the beach to its original profile at the end of each day. Avoid and minimize disturbance of beach and dune vegetation and natural wrack deposits, equipment and personnel should use existing beach access locations and transit alongshore on the lower beach.

Manatees: All work vessels shall operate at "Idle Speed/No Wake" at all times while in immediate work areas and while in water where the draft of the vessel provides less than a 4-ft clearance from the bottom. All vessels will follow routes of deep water whenever possible. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut down if a manatee(s) comes within 50 ft of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-ft radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 ft of the operation. Animals must not be herded away or harassed into leaving.

Sea Turtles: Be aware of the potential for sea turtle nesting activity on all Ocean and Gulf-facing sand beaches. Adult sea turtles, crawls, nests, eggs, and hatchlings should be protected during marine debris removal activities on sea turtle nesting beaches, including hatchling turtles as they emerge from the nest and crawl to the sea. Entry onto the turtle nesting beach will occur only after a morning survey (before 09:00) has been conducted. Any staging activities on the beach should be conducted after 09:00 and before sunset. After the beach has been surveyed for nesting/hatching activity, work crew will be set up within the established work area. If an unmarked sea turtle crawl is encountered during or prior to marine debris removal activities, the work crew will not disturb the integrity of the crawl or follow the crawl up the beach or into the dune. Any marked nests within the areas where marine debris removal will occur (including access areas) shall be left in place. Marked nests shall be delineated by stake and survey tape or string around the nest. A circle with a 10-ft radius centered at the nest is recommended for nest protection. Marked nests and areas with unmarked nests must be avoided during marine debris removal.

All marine debris removal actions, equipment, and personnel shall observe a 10-ft buffer from marked sea turtle nests. Equipment and work crews will only transit the beach seaward of the nesting area on the hard-packed sand on the lower beach. Work shall only occur during daylight hours on nesting beaches. If a sea turtle is observed, work crews will maintain at least 200 ft between the turtle. If sea turtle hatchlings are encountered, maintain at least 200 ft between the hatchlings and all personnel, allow the hatchlings to crawl unobstructed to the water. Do not carry the hatchlings to the water. In the event a sea turtle nest is inadvertently excavated during marine debris removal activities, all work shall cease in that area immediately and the appropriate State or Federal representatives will be contacted to either rebury the eggs or relocate the clutch to a safe location.

Gulf Sturgeon: All activities will take place in shallow waters near the shoreline allowing sufficient area for passage of individuals. Gulf sturgeon are highly mobile and will likely avoid the area due to project activity. Normal behavior patterns of Gulf sturgeon are not likely to be disrupted by the project activities because of the short-term localized nature of the activities and the ability of Gulf sturgeon to avoid the immediate area.

Long-term benefits to protected species by removing and/or reducing marine debris form their habitats (and thereby reducing related bird and sea turtle incidences in these locations) are expected. For these reasons, project activities may affect, but are not likely to adversely affect, terrestrial species listed in Section H.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☒ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)**[1]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173.
http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf

[1] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

USFWS Guidelines for Activities in Proximity to Manatees and Their Habitat - Mississippi

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

Onshore project activities (pre-removal surveys, debris removal, education/outreach and installation of signage or fishing gear receptacles, staging, or water access) could cause minor, short-term negative impacts to terrestrial critical habitat listed in Section H from human disturbance, noise, vehicle movement, use of equipment, or installation of project elements. Potential impacts to sensitive habitat or designated critical habitat would be avoided and minimized to the maximum extent practical.

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

No essential components of the habitat will be altered, therefore there will be no impact to critical habitat. For these reasons, project activities will have no effect on critical habitat listed in Section H.

L. Marine Mammals

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☐NO ☒YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY

☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

Click here to enter text.

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[2]
☐	NMFS Protected Species Construction Conditions (2021)[3]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[4]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals.

All in-water activities will take place in shallow waters near the shoreline allowing sufficient area for passage of individuals. Protected marine species likely to be present in project areas are highly mobile and will likely avoid the area due to project activity. Normal behavior patterns are not likely to be disrupted by the project activities because of the short-term localized nature of the activities and the ability of the species to avoid the immediate area. If individuals are encountered during debris removal activities, work will cease until the individuals have vacated the area of their own volition.

[2] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[3] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[4] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

M. Bald Eagles

Are bald eagles present in the action area? ☐NO ☒YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at this website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic
Biological Opinion completed by NMFS on February 10, 2016.

To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS.

NO	YES	ACTIVITY
☐	☐	**Oyster Reef Creation and Enhancement**
☐	☐	**Marine Debris Removal**
☐	☐	**Construction of Living Shorelines**
☐	☐	**Marsh Creation and Enhancement**
☐	☐	**Construction of Non-Fishing Piers**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

Attachment 2: Alabama Component Biological Evaluation Form

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies.
The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):
USFWS ☐ NOAA ☐ Environmental Protection Agency (EPA) ☒ U.S. Department of Agriculture (USDA) ☐
Implementing Trustee(s): Alabama Department of Conservation Resources
Contact Name: Jaime Miller Phone: 251-621-1216 Email: Jaime.Miller@dcnr.alabama.gov
Project Name: Reducing Marine Debris Impacts on Birds and Sea Turtles
DIVER ID# 292 Trustee Implementation Group (TIG): Regionwide TIG
Restoration Plan # RP/EA 1
Name of Person Completing this Form: Madison Reckman
Name of Project Lead: Jaime Miller
Date Form Completed: 2/23/2024
Date Form Updated: 4/26/2024

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☐ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

N/A

C. Project Location

I. State and County/Parish of action area

Alabama – Mobile and Baldwin Counties

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimaldegrees]

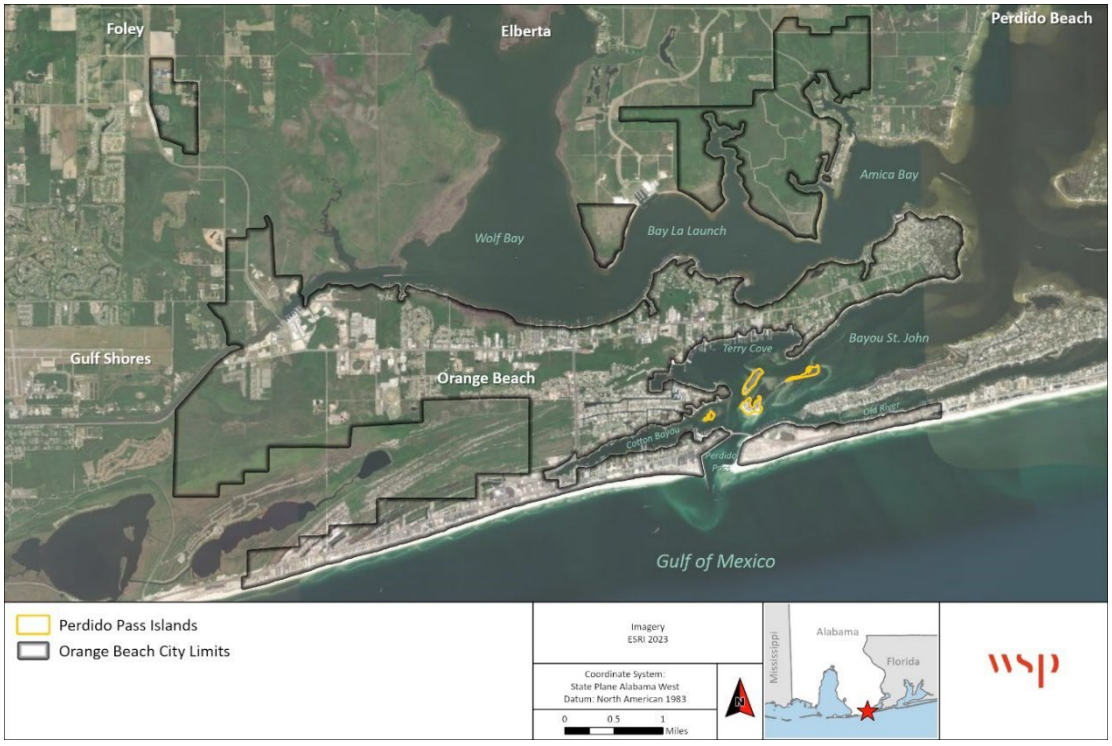
N/A

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form.
GIS files are required and should be added to the same Sharepoint folder location as the BE form.

Examples of such supporting documentation include, but are not limited to: Plan view of design drawings

Aerial images of project action area and surrounding area, showing state or regional scale Map of project area with elements proposed (polygons showing proposed construction elements) Map of action area with critical habitat units or sensitive habitats overlayed GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines



The action area for this project includes all of the Alabama Gulf Coast with the Perdido Pass Islands and the shorelines of Orange Beach being priority areas for marine debris removal.

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES☐NO☒Permit Number and Type: Click here to enter text

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐NO☒Permit Number and Type: Click here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

This project was originally analyzed in the RWTIG RP1/EA. The proposed action is an extension of the previously analyzed project.

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

This regionwide project would target marine debris “hotspots” where marine debris poses a hazard

to birds
and sea turtles. This may include offshore (e.g., open water, reefs), nearshore (e.g., bays, intertidal beach/mudflats, coastal wetlands), and upland areas across the proposed project area.

Does the project area include a river or estuary?

YES☒ NO☐

If yes, please approximate the navigable distance from the project location to the marine environment.

Project activities could occur anywhere in coastal Alabama, including bays, rivers, and estuaries, as well as throughout the Gulf of Mexico.

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

Marine debris hotspots in Alabama include locations where bird or sea turtle habitats intersect with highrecreational use locations/structures such as Gulf coast boat launches and fishing piers.

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

Common Submerged Aquatic Vegetation (SAV) species that occur within Baldwin and Mobile counties include wigeongrass (Ruppia maritime), American wild celery (Vallisneria americana), shoal grass (Halodule wrightii), southern naiad (Najas guadalupenis), slender pondweed (Potamogeton pusillus) and Eurasian watermilfoil (Myriophyllum spicatum). Marine debris hotspots could include sea turtle and bird foraging habitat, such as SAV beds, where marine debris can accumulate and impact these resources. No construction activities are proposed for this project.

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

N/A

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

N/A

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest,

meadows, beach and dune habitats, etc.).

Hotspots could include sea turtle and bird nesting and foraging habitat, such as beaches and dunes, where marine debris can accumulate and impact these resources. Most project activities occurring in upland areas will take place in pre-existing developed areas, such as highly used recreational zones, boat launches, public fishing piers and central marina locations.

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

Sediment within the project area is quartz-dominated, fine sand. Large amounts of sediment-nearly five million metric tons-are carried into Mobile Bay every year. About 33% of it remains in the delta at the mouth of the Mobile River, 50% of it settles in Mobile Bay, and the remaining 15% makes its way into the Gulf. The sediments of Mobile Bay are uniform with mud dominating the estuary except for a thin margin where some sand is present. Clay minerals are the primary grain type with montmorillonite being dominant. The other clays present are kaolinite and illite. The total organic carbon content is high throughout; some areas have concentrations we all above 2% by weight. *h.*

Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

The Alabama Coast is both residential and commercial with a large portion of it being recreational, being comprised of wildlife management and refuge areas as well as public beaches.

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins	YES☒	NO☐
Whales	YES☐	NO☒
Manatees	YES☒	NO☐

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

Bottlenose dolphin (*Tursiops truncates*) and West Indian manatee (*Trichechus manatus*) could occur in any waters in the project area.

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring,*

dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.

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). This project would require a coordinated effort (e.g., among Trustees, NGOs, and other partners) to address prevention, removal, data collection, and management of marine debris.

No construction activities are proposed for this project.

Proposed Project Activities in Alabama may include:

- Recurring clean-up events focused on removal of small to medium-sized surface litter/debris on beaches and developed municipal marine areas. Debris removed during these events will be collected by hand.
- Public education and outreach efforts will not involve ground disturbing activities. These activities will primarily take place at organized events or will include the distribution of educational materials.
- Monofilament recycling bins may be installed at public piers and boat launches on existing pilings or on paved surfaces. Additionally, similar, receptacles may be provided to private or commercial fishing vessels for debris collection and drop-off at central marina locations.
- Removing marine debris at identified hotspots- Implementing Trustees would provide support (e.g., capacity, equipment, fuel, etc.) for organized, large-scale debris removal events, regularly conducted targeted site-specific events, and/or the use of professional divers or marine salvage crews for the in-water debris removal around deep structures. Onshore removal may involve personnel on foot removing debris manually or using small tools such as tongs, trash cans, dumpsters, small utility vehicles for collecting bags of debris, and for larger debris, tracked vehicles such as backhoes or excavators. Debris removal may be a one-time event or a multievent 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.
- Monitoring activities pertaining to all described project implementation activities will include visual assessments and tabulations only.

The attached BMPs developed by NMFS during the Regionwide RP development will be followed. If any additional methods for debris removal or in-water debris removal activities are considered that are not discussed here, the AL TIG will initiate environmental compliance

reviews separately for those activities prior to implementation.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)* No construction activities are proposed for this project. In-water work could include the use of professional divers or marine salvage crews for the in-water debris removal around deep structures. In-water removal may involve the use of self-contained underwater breathing apparatus (SCUBA) equipment and boating safety gear, dive knives, hooks, floats, lift bags, and barges or other heavy equipment such as cranes, buckets and grapples, rigging, backhoes, excavators, hoists and winches, water jets, booms, boats, and dumpsters. 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.

III. *Specific In-Water and/or Terrestrial Construction Methods*
Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☒	NO☐
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	
2. Material type of piles used	
3. Size (width) of piles/sheets	
4. Total number of piles/sheets	
5. Number of strikes for each single pile	
6. Number of strikes per hour (for a single pile)	
7. Expected number of piles to be driven each day	
8. Expected amount of time needed to drive each pile (minutes of driving activities)	
9. Expected number of sequential days spent pile driving	
10. Whether pile driving occurring in-water or on land	
11. Depth of water where piles will be driven	

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walkover structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:
https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast
EFH review was completed at the time RW RP1 was developed and the proposed actions in AL fit within the activities previously analyzed.

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located.
For more information about EFH Eco Regions see the references here:
https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐
Eco-Region 2: North Florida (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☐	☐	☐

Eco-Region 3: East Louisiana, Mississippi, and Alabama *(Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐
Eco-Region 4: East Texas and West Louisiana *(Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas *(Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☐
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

Will this project have beneficial effects to EFH?	YES☐ NO☐
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☒ NO☐
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☐This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☒ESA effects have been accounted for under an existing consultation.

ESA consultation was completed at the time RW RP1 was developed and the proposed actions in AL fit within the activities previously analyzed.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at: https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☐This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
West Indian Manatee		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Piping Plover		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Red Knot		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Alabama Beach Mouse	Units 1,2,3,4 and 5	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Perdido Key Beach Mouse	PKBM-1	Choose an item.	No Effect	Species does not occur within action area
Tricolored Bat		Choose an item.	No Effect	No suitable habitat in action area
Alligator Snapping Turtle		Choose an item.	No Effect	No suitable habitat in action area
Eastern Indigo Snake		Choose an item.	No Effect	No suitable habitat in action area
Eastern Black Rail			May Affect, Not Likely To Adversely Affect	
Monarch Butterfly			No effect	No suitable habitat in action area
Northern Long-Eared Bat			No Effect	No suitable habitat in action area
Green Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	
Kemp's Ridley Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	

Leatherback Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	
Loggerhead Sea Turtle	LOGG-T-AL-01 LOGG-T-AL-02 LOGG-T-AL-03	Terrestrial	May Affect, Not Likely to Adversely Affect	
Gulf Sturgeon		Riverine/freshwater	May Affect, Not Likely to Adversely Affect	

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

Long-term benefits to species by removing and/or reducing marine debris from their habitats (and thereby reducing related incidences) are expected. The combination of recurring clean-up events, public education and outreach, implementation of recycling receptacles and monitoring activities will reduce the threat and impact of marine debris to species across the Gulf of Mexico.

Terrestrial Sea Turtles: The following sea turtle species May be Affected, but are Not Likely to be Adversely Affected: Loggerhead sea turtle, Kemp's Ridley sea turtle, Green sea turtle, and Leatherback sea turtle. Onshore trash removal may temporarily disturb sea turtle nesting habitats, however, all project activities are anticipated to be short in duration and infrequent. Long-term benefits are expected by removing and/or reducing marine debris from habitats thereby reducing the likelihood of entanglement or ingestion. Efforts to minimize adverse impacts are provided in Section J II. For these reasons, project activities may affect, but are not likely to adversely affect the listed sea turtles.

Birds: The Piping Plover, Red Knot and Eastern Black Rail are likely to experience temporary imapcts through onshore project activities that involve human disturbance, noise, vehicle movement, use of equipment, or installation of project elements. Critical habitat for the Piping Plover will be avoided when plovers are present as well as wintering sites for Red Knots when they are present. Potential impacts to sensitive/critical habitats would be minimized to the maximum extent possible. Efforts to avoid/minimize adverse impacts are further discussed below in Section J II. For these reasons, project activities may affect, but are not likely to adversely affect the listed bird species.

Alabama Beach Mouse: Onshore project activities such as pre-removal surveys, debris removal, education/outreach and installation of project elements could cause impacts to the Alabama Beach Mouse through human disturbance, noise, vehicle movement, use of equipment, or installation of recycling receptacles. Critical habitat will be avoided, and efforts will take place in order to minimize any and all adverse impacts. For these reasons, project activities may affect, but are not likely to adversely affect the Alabama beach Mouse.

West Indian Manatee: Impacts could result from the increased presence of boat traffic through monitoring and human disturbance through in water project activities. These activities will be short in duration and infrequent. Long-term benefits are anticipated due to the removal of marine debris thereby reducing the likelihood of entanglement and ingestion. Efforts to minimize adverse impacts will take place and are discussed further below in Section J II. For these reasons, project activities may affect, but are not likely to adversely affect the West Indian manatee.

Alabama Red Bellied Turtle: Potential impacts could result from clean-up efforts that take place within freshwaters, river channels and marsh areas through human disturbance, noise, and use of equipment. Long-term benefits are anticipated through the removal of marine debris, therefor, reducing the likelihood of harmful incidences to the Alabama Red Bellied Turtle. Efforts to minimize adverse impacts will take place and are discussed further below in Section J II. For these reasons, project activities may affect, but are not likely to adversely affect the Alabama Red Bellied Turtle.

Gulf Sturgeon: Impacts could result from the increased presence of boat traffic through monitoring and human disturbance through in water project activities. These activities will be short in duration and infrequent. Riverine Gulf Sturgeon critical habitat will be avoided when sturgeon are likely to be present (April to October). Long-term benefits are anticipated due to the removal of marine debris thereby reducing the likelihood of entanglement and ingestion. Efforts to minimize adverse impacts will take place and are discussed further below in Section J II. For these reasons, project activities may affect, but are not likely to adversely affect the Gulf Sturgeon.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Debris removal activities in beach or dune habitat with documented sea turtle, shorebird, or seabird nesting, would not occur during nesting season. Long term benefits to bird and sea turtle species by removing and/or reducing marine debris from their habitats are expected. Potential impacts to sensitive habitat would be avoided and minimized to the maximum extent possible.

Sea Turtles: Throughout the duration of the project, clean-up crews and project staff will continually be aware of the potential for sea turtle nesting activity on all Ocean and Gulf-facing sand beaches. Adult sea turtles, crawls, nests, eggs, and hatchlings for the species listed in Section J.I should be protected during marine debris removal activities on sea turtle nesting beaches, including hatchling turtles as they emerge from the nest and crawl to the sea. Entry onto the turtle nesting beach will occur only after a morning survey (before 09:00) has been conducted. Any staging activities on the beach should be conducted after 09:00 and before sunset. After the beach has been surveyed for nesting/hatching activity, work crew will be set up within the established work area. If an unmarked sea turtle crawl is encountered during or prior to marine debris removal activities, the work crew will not disturb the integrity of the crawl or follow the crawl up the beach or into the dune.
Any marked nests within the areas where marine debris removal will occur (including access areas) shall be left in place. Marked nests shall be delineated by stake and survey tape or string around the nest. A circle with a 10-ft radius centered at the nest is recommended for nest protection. Marked nests and areas with unmarked nests must be avoided during marine debris removal. All marine debris removal actions, equipment, and personnel shall observe a 10-ft buffer from marked sea turtle nests. Equipment and work crews will only transit the beach seaward of the nesting area on the hard-packed sand on the lower beach. Work shall only occur during daylight hours on nesting beaches. If a sea turtle is observed, work crews will maintain at least 200 ft between the turtles. If sea turtle hatchlings are encountered, maintain at least 200 ft between the hatchlings and all personnel, allow the hatchlings to crawl unobstructed to the water. Do not carry the hatchlings to the water. In the event a sea turtle nest is inadvertently excavated during marine debris removal activities, all work shall cease in that area immediately and the appropriate State or Federal representatives will be contacted to either rebury the eggs or relocate the clutch to a safe location.

Birds: Critical habitat for the Piping Plover and the Red Knot will be avoided. To limit disturbance to birds listed in Section J.I, work crews should be limited in size and number to the minimum number of personnel and equipment required to complete marine debris removal in an efficient time frame. Equipment and personnel should work as closely together as is feasible and limit repetitive alongshore transits to and from work areas, to minimize disturbance. On beaches, if it is necessary to excavate debris or if equipment rutting occurs, return the beach to its original profile at the end of each day. Avoid and minimize disturbance of beach and dune vegetation and natural wrack deposits, equipment and personnel should use existing beach access locations and transit alongshore on the lower beach.

Alabama Beach Mouse: Work crews will be limited in size and number when working on beaches in order to limit disturbances caused from increased human presence. For clean up events occuring on beaches, personnel will use existing beach access points and transit alongshore on the lower beach as to avoid any potential Alabama Beach Mouse habitat. Besides from removing debris, the beach will be returned to its original profile at the end of each day. Critical habitat for the Alabama Beach Mouse will be entirely avoided during all project related activities.

West Indian Manatee: All work vessels shall operate at "Idle Speed/No Wake" at all times while in immediate work areas and while in water where the draft of the vessel provides less than a 4-ft clearance from the bottom. All vessels will follow routes of deep water whenever possible. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut down if a manatee(s) comes within 50 ft of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-ft radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 ft of the operation. Animals must not be herded away or harassed into leaving.

Gulf Sturgeon: All activities will take place in shallow waters near the shoreline allowing sufficient area for passage of individuals. Gulf sturgeon are highly mobile and will likely avoid the area due to project activity. Normal behavior patterns of Gulf sturgeon are not likely to be disrupted by the project activities because of the short-term localized nature of the activities and the ability of Gulf sturgeon to avoid the immediate area.

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☐ **NMFS Protected Species Construction Conditions (2021)[5]**
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species[1]**
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)[1]**
- ☒ **USFWS Standard Manatee In Water Conditions (2011)[6] and Appropriate State Manatee Conditions[7]**

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

[5] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

[6] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work

[7] Contact USFWS representative for appropriate documents

Onshore project activities could cause minor, short-term negative impacts to critical habitat for the Piping Plover and the Alabama Beach Mouse from human disturbance, noise, vehicle movement, use of equipment, or installation of project elements. All potential impacts would be avoided and minimized to the maximum extent practical. In water project activities could cause minor, short-term adverse impacts to the Loggerhead Sea Turtle and Gulf Sturgeon critical habitat through boat traffic due to monitoring activities and an increase in human disturbance through targeted site-specific clean-up events in which divers or marine salvage crews would be utilized. Removal of marine debris would improve the overall quality of critical habitats over the long term because habitats would be returned to a more natural state.

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Project activities would avoid riverine Gulf Sturgeon critical habitat when sturgeon are likely to be present (April to October). Project activities would also avoid piping plover critical habitat when plovers are present (approximately late July through mid-May) and/or important wintering sites for red knots when they are present. The measures described above under section J II would avoid adverse impacts to critical nesting habitat. Temporary impacts to Alabama beach mouse critical habitat from removal of marine debris that may have been transported into dunes would be minimized to the extent practicable. Areas would be avoided if beach mice are observed. The proposed project would not result in damage or adverse modification to critical habitat for any listed species. Removal of marine debris would improve the overall quality of critical habitats over the long term because habitats would be returned to a more natural state.

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☐NO ☒YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*

☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

Click here to enter text.

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[8]
☐	NMFS Protected Species Construction Conditions (2021)[9]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☒	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]

☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[10]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. N/A

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☐NO ☒YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the

[8] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[9] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[10] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).

2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☐	**Marsh Creation, Maintenance, or Enhancement**
☐	☐	**Living Shorelines Construction Maintenance, or Expansion**
☐	☐	**Removal of Fishing Gear and Other Marine Debris**
☐	☐	**Oyster Reefs Creation, Maintenance, or Enhancement**
☐	☐	**Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts**
☐	☐	**Artificial Reefs Construction, Maintenance, or Expansion**
☐	☐	**Boat Ramps Installation, Repair, Replacement, or Removal**
☐	☐	**Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal**
☐	☐	**Establishing or Restoring SAV**
☐	☐	**Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations. Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov

Phone: 251-421-7030

NHPA Consultation
Benjamin Frater, Department of the Interior Email: benjamin_frater@fws.gov
Phone: 404-314-8815

Best Management Practices and Project Conditions for the Regionwide TIG's RP#1 Project "Reducing Marine Debris Impacts to Birds and Turtles"

The following best management practices (BMPs) will be followed by all RW TIG Trustees during the implementation of this project to ensure compliance with the NMFS Endangered Species Act Project Design Criteria (PDCs) for removal of derelict fishing gear and other marine debris.

NOTE: *Additional BMPs or protective measures may be required as the result of ESA consultation with USFWS for species and habitats under their jurisdiction.*

1. All on-water operations will occur during daylight hours.
2. Vessels and other equipment involved in marine debris removal activities shall not block or impede the movement of ESA-listed species at major ingress or egress points in channels, rivers, passes, and bays.
3. To avoid harassment of listed species, aerial debris surveys shall not be conducted below 1,000 ft (305 m) altitude for manned aircraft. Drone surveys may be conducted at a lower altitude.
4. Debris removal activities shall not affect access by sea turtles to or from nesting sites and will be avoided to the extent practicable during nesting season. If removal activities will be conducted during the nesting season adjacent to a known nesting site, the following BMPs will be implemented:
    1. Sea turtle and bird nesting surveys are to be conducted daily during the nesting and hatching seasons (state seasons vary, minimal time period May 1 through October 31), and all nests within 100 feet (ft.) of the area of operations are to be marked and avoided with a 10 ft. buffer.
    2. A designated individual will be assigned to observe for sea turtles for in-water work adjacent to a known nesting site during nesting season, when the work involves mechanical equipment or is otherwise likely to restrict sea turtle access to the nesting beach (i.e. use of boom or blocking of beach).
    3. If a sea turtle or listed bird is observed, maintain at least 200 ft. between the turtle or bird and response personnel and equipment when practicable.
    4. During the nesting and hatching seasons, no vehicles or equipment shall be used, parked or stored between the waterline and the primary dune, with the exception of existing access points (ramps, walkovers, piers, etc.)
5. Follow the NMFS Southeast Region's *Protected Species Construction Conditions (2021)*[1].
6. Follow the NMFS Southeast Region's *Vessel Strike Avoidance Measures (2021)*[2]

7. If approached by a marine mammal or sea turtle, cease activity and allow the animal to pass or move your vessel away slowly.

1 This 2021 revision supersedes the previous document "Sea Turtle and Smalltooth Sawfish Construction Conditions". The most recent version is available at: https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

2 This document was revised in 2021 and the most recent version is available at: https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

Additional Project Conditions (included in the NMFS ESA Project Design Criteria):

Monitoring

1) Monitoring reports shall include:
   a) Total amount of materials removed
   b) Type of materials removed
   c) Any interactions with protected species

Reporting

1) Report all interactions with, or sightings of stranded, entangled, dead or injured sea turtles, Gulf sturgeon, sawfish, or marine mammals, immediately to:
   a) **Sea Turtles:**
   i) Florida**:** (888) 404-FWCC (888-404-3922) ii) Alabama**:** (866) SEA-TURTLE (866-732-8878) iii) Mississippi**:** (228) 369-4796 or 1-844-SEA-TRTL iv) Louisiana**:** (844) SEA-TRTL
   v) Texas**:** (361) 949-8173 x 226
   b) **Marine Mammals** - Marine Mammal Stranding Network: 1-877-WHALE HELP (1-877-942-5343)
   c) **Gulf sturgeon** - NMFS's Protected Resources Division:
   i) Telephone: 1-844-788-7491 (1-844-STURG 911) ii) Email: nmfs.ser.sturgeonnetwork@noaa.gov iii) When possible provide:
      (1) the location where the fish was found or caught
      (2) the condition of the fish
      (3) the presence of any research tags
      (4) the length of the fish
      (5) a photograph
   d) **Smalltooth sawfish** – FWC Fish and Wildlife Research Institute:
   i) Email: Sawfish@MyFWC.com ii) Telephone: 1-941-255-7403

2) Final reports from project monitoring shall be submitted to:

NOAA Fisheries Southeast Region - Protected Resources Division
Restoration Project Monitoring Reports
263 13th Avenue South
Saint Petersburg, Florida 33701

Attachment 3: Texas Component Biological Evaluation Form

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This form will be filled out by the Implementing Trustee and used by the regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA) and Section 106 of the National Historic Preservation Act (NHPA).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
USFWS: Michael Barron at michael_barron@fws.gov
NMFS: Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency(one or more):USFWS ☒ NOAA ☐ EPA ☐ USDA ☐

Implementing Trustee(s): Texas Commission on Environmental Quality

Contact Name: Taylor Alexander Phone: 512-239-2523 Email: taylor.alexander@tceq.texas.gov

Project Name: Reducing Marine Debris Impacts on Birds and Sea Turtles

DIVER ID# 292 TIG: Regionwide TIG Restoration Plan # RP/EA 1

Supplemental BE Form for Texas Component

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☐ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

Click here to enter text.

C. Project Location

I. State and County/Parish of action area

Texas - Galveston, Brazoria, Refugio, Calhoun, Aransas, San Patricio, Nueces, Kleberg, Kenedy, and Willacy Counties.

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

Approximate project area central coordinates: 27.96649°N, 97.16125°W(near Aransas Pass, TX)

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files may be added to the same folder location as where this BE is filed on Sharepoint . Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component

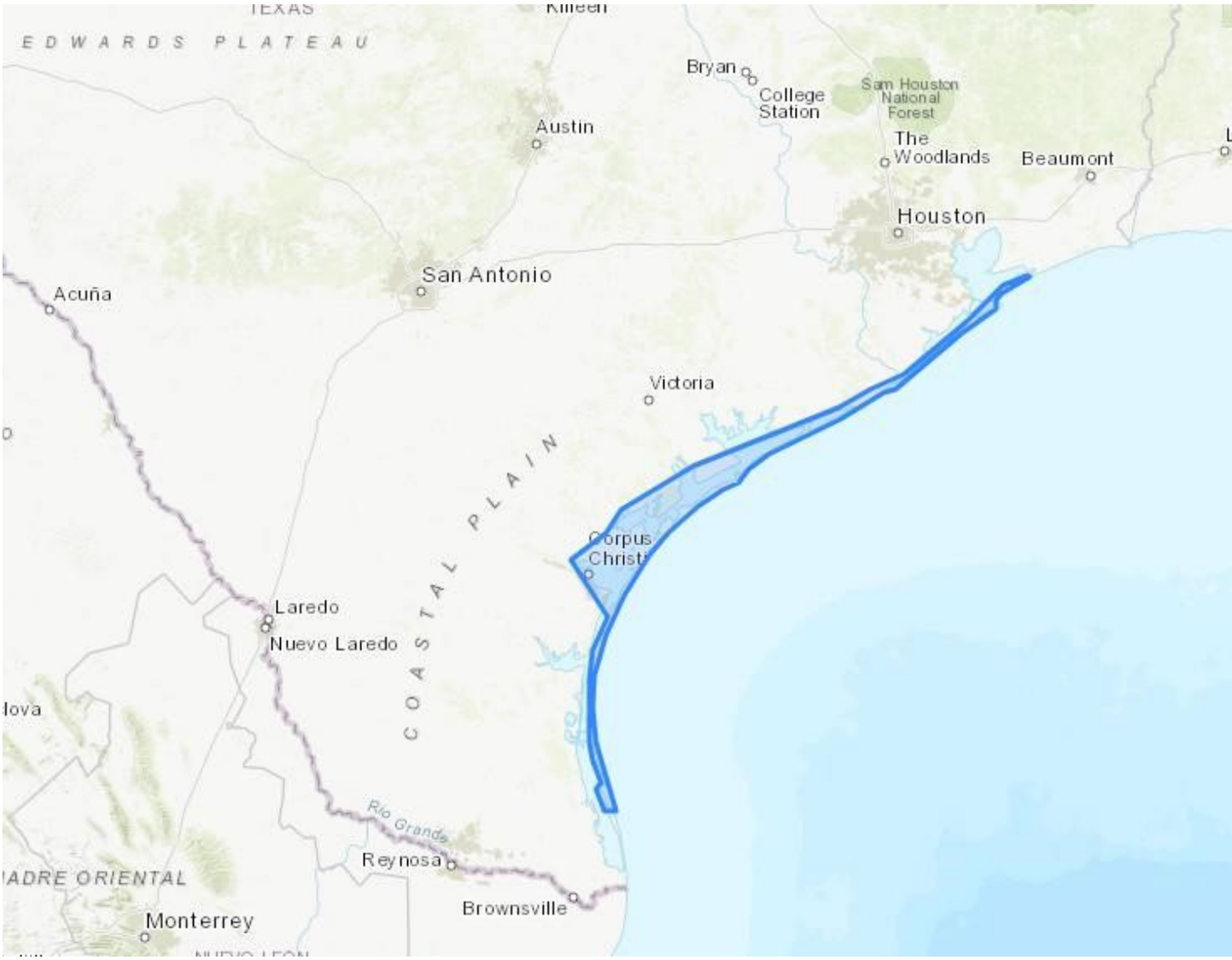


Figure 1: Texas Project Area

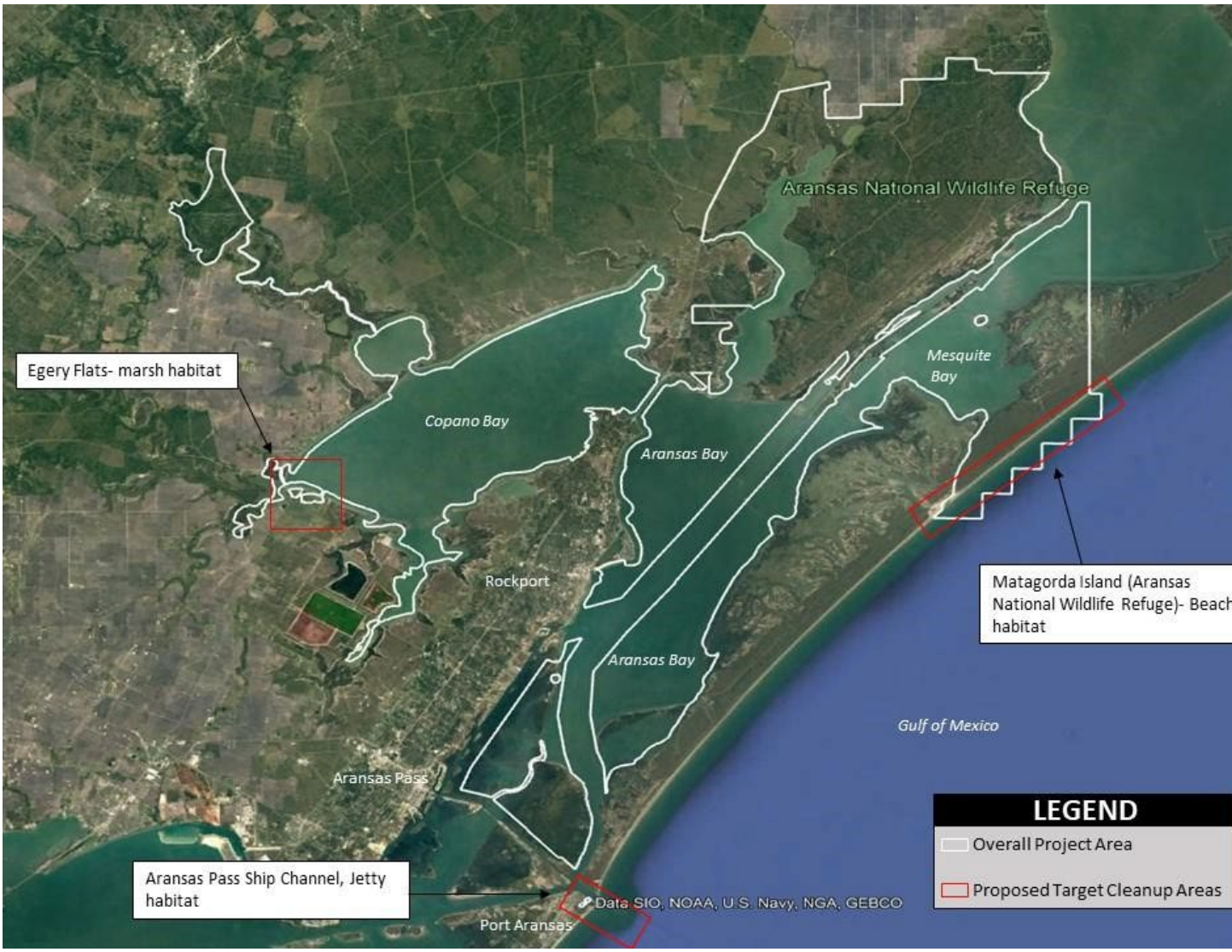


Figure 2: Central Project Area Map with Example Locations.

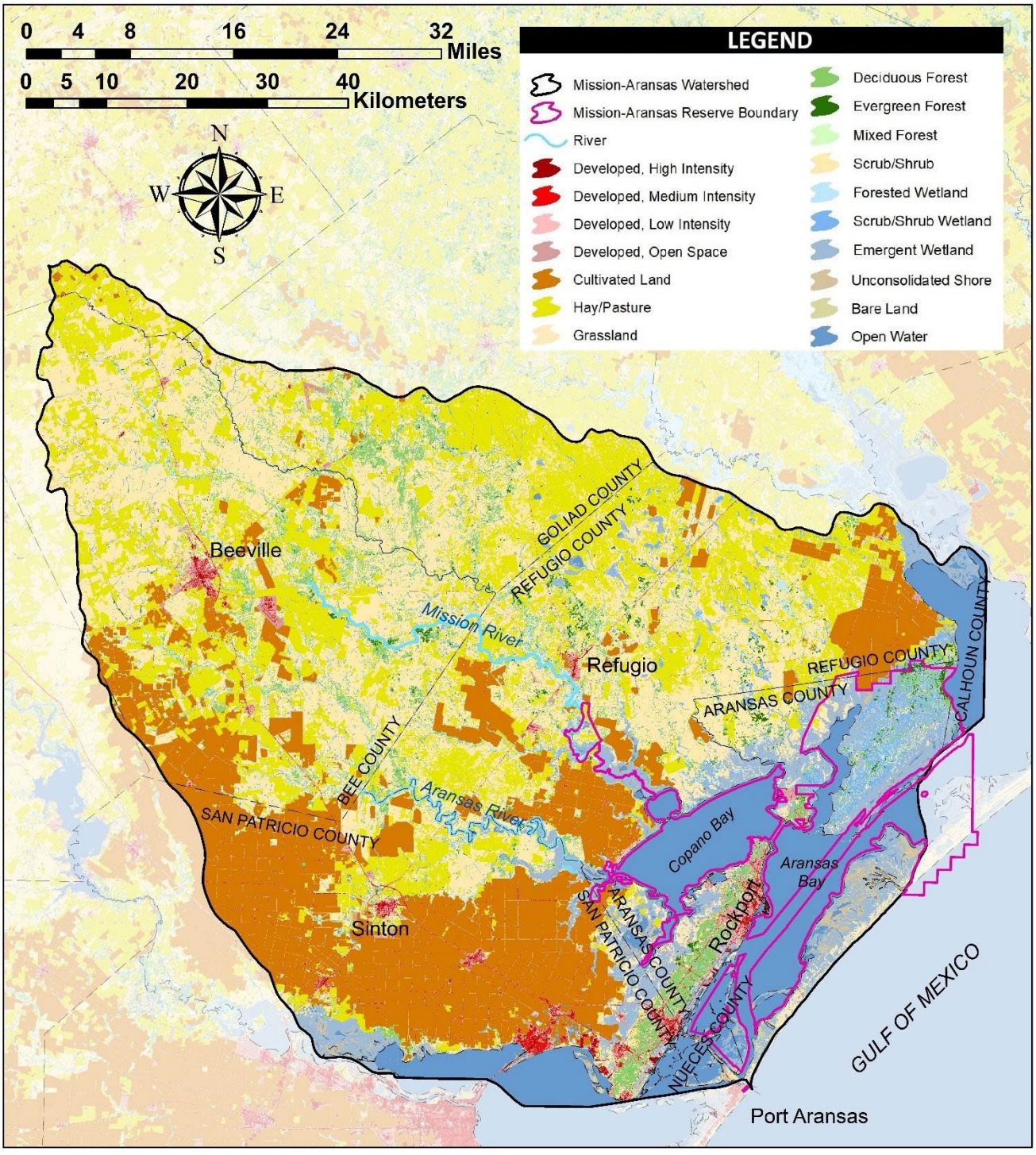


Figure 3: Central Project Area Land Use Map.

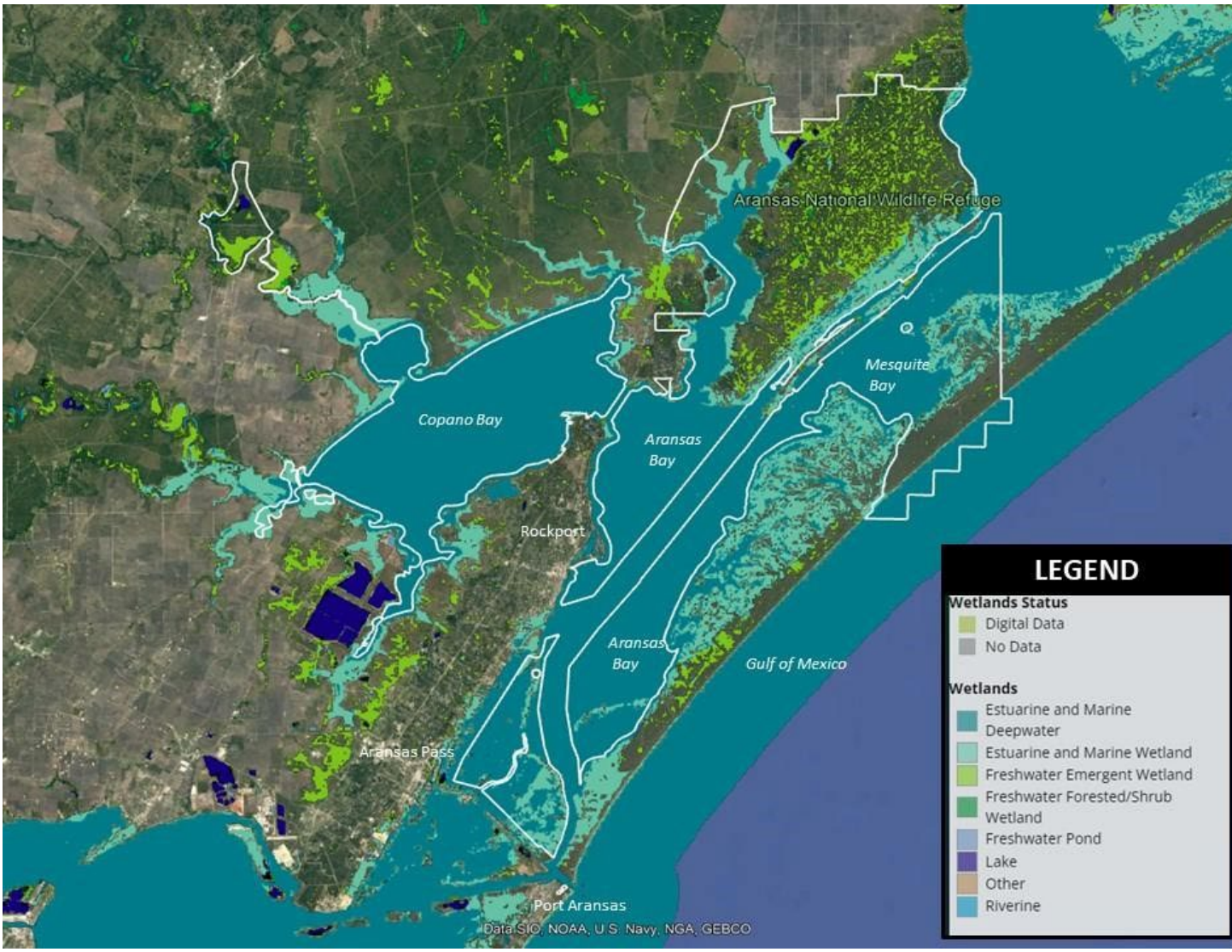


Figure 4: Central Project Area Wetland Map.

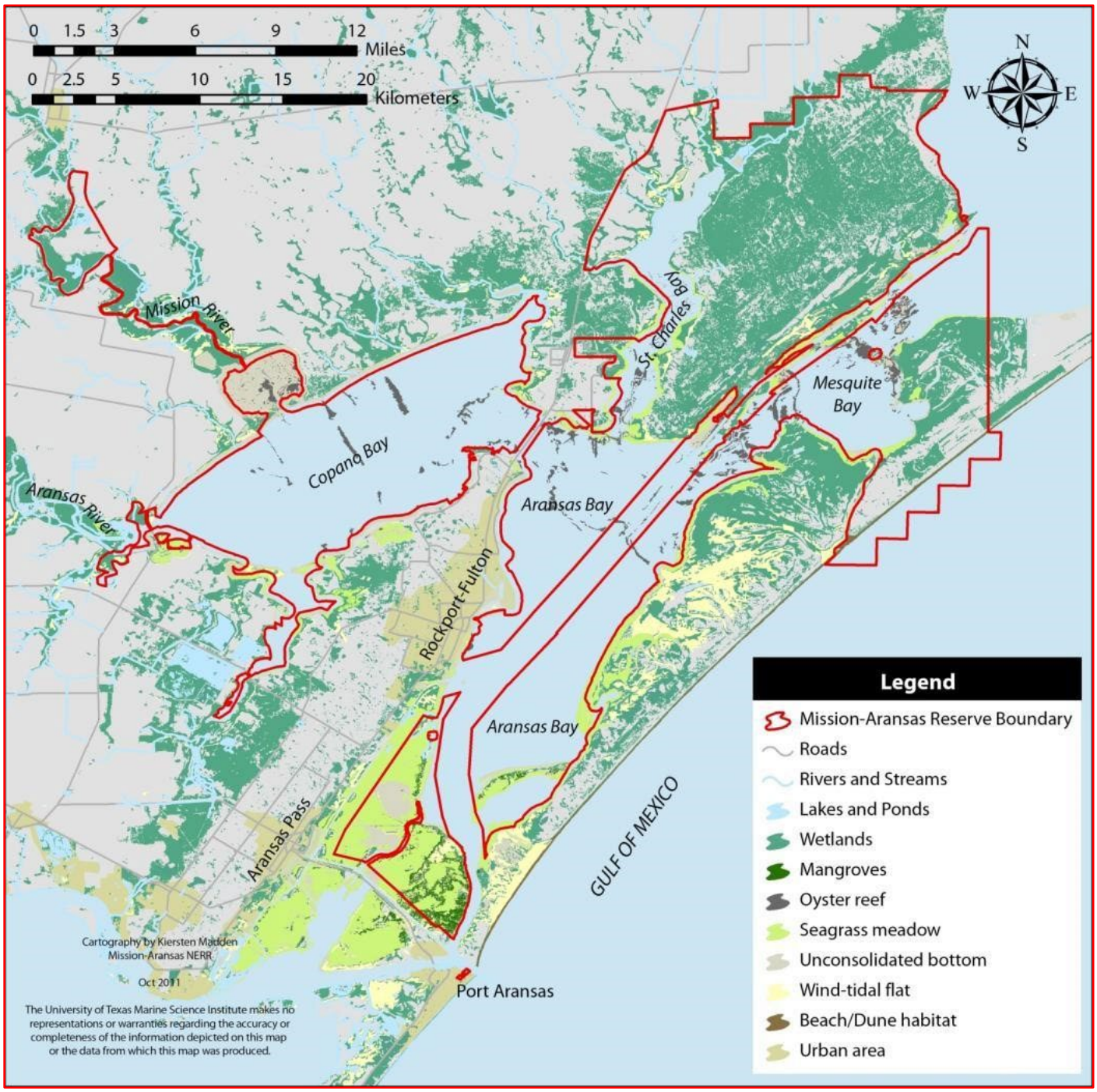


Figure 5: Central Project Area Habitat Map

D. Existing Compliance Documentation

NEPA Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:
-TIG Restoration Plan/EA or EIS (draft or final)
-USACE programmatic NEPA analysis
-USACE Clean Water Act individual permit for the project
-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click or tap here to enter text

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click or tap here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to the NEPA document, or name of the document, year, lead federal agency, POC, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan.

NEPA analysis was conducted for this project as part of the Final Regionwide TIG RP/EA 1.

Any documentation or information provided will be very helpful in moving your project forward.

Name of Person Completing this Form: Taylor Alexander
Name of Project Lead: Taylor Alexander
Date Form Completed: 12/15/2023
Date Form Updated: Click here to enter text.

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

Specific project locations could include, but are not limited to the following:

- Egery Flats (28.062686°, -97.214484°)- salt marsh habitat containing saltgrass, cordgrass, and sea oxeye daisy; this area is an important bird, blue crab, and shrimp nursery. This area is a restricted tidal wetland, with water flow entering and existing the habitat through 2 culverts. The area is at the base of the Aransas River.
- Matagorda Island (28.101361°, -96.806962°)- this is Gulf of Mexico-facing beach habitat; there is dune habitat consisting of sea oats, panic grass, and coastal bluestem. This beach is part of the Aransas National Wildlife Refuge
  and is a protected beach with no development. Debris is pushed onto the beach through tides and storms.
- Aransas Pass Ship Channel Jetties (27.834222°, -97.044158°)- the jetties are at the entrance to the Aransas Pass Ship Channel. Minimal vegetation present on the jetties (macroalgae). Water flow is dependent on tides, and directly connected to the Gulf of Mexico. These jetties are often used by fishermen.

Does the project area include a river or estuary?

YES☒ NO☐

If yes, please approximate the navigable distance from the project location to the marine environment.

For the mid-coast portion of the project, potential project areas will likely be located within the Copano and Aransas
Bay systems. The Gulf of Mexico is to the east and connected to these bays through the Aransas Pass Ship Channel and Cedar Bayou. From the center of Copano and Aransas Bays, the distance to the Gulf of Mexico is 14 and 6 miles (as the crow flies), respectively.

For the upper coast portion of the project, all sites are on the beach adjacent to the Gulf of Mexico. Activities will occur between the water line of the Gulf of Mexico and the dune system. Substrate is sand and we will not be working within any vegetated areas.

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

Hotspots in Coastal Texas would include locations where bird or sea turtle habitats intersect with high-recreational use locations/structures such as Gulf coast beaches, boat ramps, fishing piers, and jetties. In hotspot locations that do not experience high recreational use (e.g., Matagorda Island beach)- no structures exist.

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

Hotspots could include sea turtle and bird foraging habitat, such as Submerged Aquatic Vegetation (SAV) beds, where marine debris can accumulate and impact these resources. No construction activities are proposed for this project. Short-term minor adverse impacts to SAV and other vegetation could occur as a result of debris removal activities, such as disturbance of sediments and vegetation. Long-term benefits to SAV beds and other vegetation is expected due to marine debris removal and reduction. Data on SAVs with Texas can be found at https://www.texasseagrass.org/.

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

Black mangroves are located within the region. No hot spots are expected to be located within mangrove habitat. See Figure 6 above for mangrove locations with the region. Note- this area had a hard freeze in 2021 and loss ~90% of mangroves. There has been some recovery of the species.

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area. Click here to enter text.

NA

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

Hotspots could include sea turtle and bird nesting and forging habitat, such as supratidal beach and dunes, shell hash (rookery island), and coastal prairies, where marine debris can and has accumulate and impact these resources.

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

The following are from the NRCS:

- Southern Coastal Sand: The soils are very deep, light-colored, somewhat poorly drained, strongly acid to strongly alkaline, fine sands and loamy fine sands. The depth of the surface horizon ranges from 6 to 35 inches and the depth of the soil profile is greater than 80 inches. Surface runoff is negligible to low. Because of seepage from adjoining sites and the relative landscape position, a water table is present in this soil at a depth of 30 to 60 inches. Soils correlated to this site include: Padre, Panam, Rockport, and Twinpalms.
- Low Coastal Sand: The soils are very deep, poorly drained, very slowly permeable, neutral to strongly alkaline, fine sands. The depth of the surface horizon ranges from 6 to 19 inches, and the depth of the soils are greater than 80 inches. Surface runoff is negligible because of seepage

from adjoining sites and the relative landscape position; a water table is present in this soil at a depth of 10 to 30 inches. Soils correlated to this site include: Lopeno, Mustang, and Potrero.

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

See Figure 3 for mid-coast land use. In the upper coast, the beach is used for recreation as well as bird and sea turtle nesting habitat.

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins	YES☒	NO☐
Whales	YES☐	NO☒
Manatees	YES☒	NO☐

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

Click here to enter text.

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

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). This project would require a coordinated effort (e.g., among Trustees, NGOs, and other partners) to address prevention, removal, data collection, and management of marine debris.

No construction activities are proposed for this project.

Proposed Project Activities in Texas to be implemented by Project partners (Texas A&M at Galveston, Mission-Aransas National Estuarine Research Reserve, and the National Park Service at Padre Island National Seashore) may include:

- Recurring clean-up events focused on removal of small to medium-sized surface litter/debris on beaches, boat ramps, fishing piers, and jetties. Debris removed during these events will be collected by hand.
- Removing marine debris at identified hotspots- Implementing Trustees would provide support (e.g., capacity, equipment, fuel, etc.) for organized, large-scale debris removal events, regularly conducted targeted site-specific events. 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 and/or as additional stand-alone events. Individuals will be walking and wading to collect debris by hand. Hand retrieval will be the only collection method utilized for this project. Impacts to SAV, if any, would be minimal and include walking on SAV to get to debris or potential removal if the SAV is entangled in debris being removed. Attempts will be made to stay clear of SAV when accessing debris and untangling any SAV from debris being removed.
- Monofilament recycling bins may be installed at public piers and boat launches on existing pilings or on paved surfaces. Additionally, similar receptacles may be provided to private or commercial fishing vessels for debris collection and drop-off at central marina locations.
- Public education and outreach efforts will also not involve ground disturbing activities. These activities will primarily take place at organized events or will include the distribution of educational materials.
- Monitoring activities pertaining to all described project implementation activities will include visual assessments and tabulations only.

All the proposed marine debris removal methods are included in the NMFS ESA BMPs that were part of the RW RP1/EA BE form submitted in 2020.

If any additional methods for debris removal or in-water debris removal activities are considered that are not discussed here, TCEQ will initiate environmental compliance reviews separately for those activities prior to implementation.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)* N/A

III. *Specific In-Water and/or Terrestrial Construction Methods*

Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☒ NO☐

Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

Click or tap here to enter text.

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* *https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf* iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?* v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

Click here to enter text.

b. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	
2. Material type of piles used	
3. Size (width) of piles/sheets	
4. Total number of piles/sheets	
5. Number of strikes for each single pile	
6. Number of strikes per hour (for a single pile)	
7. Expected number of piles to be driven each day	
8. Expected amount of time needed to drive each pile (minutes of driving activities)	
9. Expected number of sequential days spent pile driving	
10. Whether pile driving occurring in-water or on land	
11. Depth of water where piles will be driven	

c. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:
https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast
EFH consultation was completed at the time of RW RP1/EA. The activities described here fit within that original analysis and no further EFH review is needed

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:
https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐
Eco-Region 2: North Florida (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☐	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama (*Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐
Eco-Region 4: East Texas and West Louisiana (*Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas (*Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☒
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☐This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☒ESA effects have been accounted for under an existing consultation.

These methods and activities were reviewed at the time of RW RP/EA 1, and no additional NMFS ESA is required at this time.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section H. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the firs column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☐This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section G. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section G.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Tricolored Bat		Choose an item.	No Effect	No suitable habitat action area
West Indian Manatee		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Attwater's Greater Prairie-chicken		Choose an item.	No Effect	No suitable habitat action area
Eastern Black Rail		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Northern Aplomado Falcon		Choose an item.	No Effect	No suitable habitat action area
Piping Plover		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Rufa Red Knot		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Whooping Crane		Terrestrial	May Affect, Not Likely to Adversely Affect	Choose an item.
Green Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	Choose an item.

Hawksbill Sea Turtle		Terrestrial	No Effect	Species does not occur within action area
Kemp's Ridley Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	Choose an item.
Leatherback Sea Turtle		Terrestrial	No Effect	Species does not occur within action area
Loggerhead Sea Turtle		Terrestrial	No Effect	Species does not occur within action area
Mexican Fawnsfoot		Choose an item.	No Effect	Species does not occur within action area
Salina Mucket		Choose an item.	No Effect	Species does not occur within action area
Texas Fawnsfoot		Choose an item.	No Effect	Species does not occur within action area
Texas Pimpleback		Choose an item.	No Effect	Species does not occur within action area
Monarch Butterfly		Choose an item.	No Effect	No suitable habitat action area
Black Lace Cactus		Choose an item.	No Effect	Species does not occur within action area
Slender Rush-pea		Choose an item.	No Effect	Species does not occur within action area
South Texas Ambrosia		Choose an item.	No Effect	Species does not occur within action area
Texas Ayenia		Choose an item.	No Effect	Species does not occur within action area
Piping Plover CH		Terrestrial	No Effect	Habitat will not be modified.
Whooping Crane CH		Terrestrial	No Effect	Habitat will not be modified.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or

cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

As described in section F, project activities would occur only on primarily beaches, boat ramps, fishing piers, and jetties. Staging areas for collected debris would be expected to be set up in previously disturbed or developed land such as parking areas or piers. In some cases, staging areas will be set up on designated spots on beaches. Fishing gear collection bin installation would only occur in previously disturbed or developed habitat. Additionally, project activities are anticipated to be short in duration and infrequent.

Debris removal activities in beach or dune habitat with documented sea turtle, shorebird, or seabird nesting, would not occur during nesting season. Long-term benefits to bird and sea turtle species by removing and/or reducing marine debris from their habitats (and thereby reducing related bird and sea turtle incidences in these locations) are expected. Potential impacts to sensitive habitat or designated

critical habitat would be avoided and minimized to the maximum extent practicable. All personnel performing the activities will be educated about the species they may encounter and what to do if encountered. If any species listed in Section H is encountered during project activities, all activities will cease until the animal(s) have vacated the area of their own volition.

Birds: To limit disturbance to birds in shoreline and wetland areas (including piping plover and whooping crane Critical Habitat), work crews should be limited in size and number to the minimum number of personnel and equipment required to complete marine debris removal in an efficient time frame. Personnel should work as closely together as is feasible and limit repetitive alongshore transits to and from work areas, to minimize disturbance. Avoid and minimize disturbance of beach and dune vegetation and natural wrack deposits, personnel should use existing beach access locations and transit alongshore on the lower beach. If a whooping crane does appear on the work site crews will notify the U.S. Fish and Wildlife Service. Sightings will be reported to the closest Texas Coastal Ecological Services Field Office. All work will stop until the whooping crane has moved outside of a 1,000-foot buffer of the work site. The intent is to allow the cranes to move outside of an area where they could be disturbed by project activities on their own.

Manatees: To reduce potential impacts to manatees, the following Standard Manatee Construction Conditions will be implemented:

a) All personnel associated with the project will be instructed of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

b) All construction personnel will be advised that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973.

c) Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat. d) All vessels associated with the construction project shall operate at “no wake/idle” speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deepwater whenever possible.

e) If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet to a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project areas of its own volition.

f) Any collision with and/or injury to a manatee shall be reported immediately to the Texas Marine Mammal Stranding Network in Galveston, TX at (800-9MAMMAL) 1-800-962-6625. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Houston at (281-286-8282). Texas Coastal Ecological Services field office in Corpus Christi at (361) 553-6053 or (361) 225-7381.

Sea Turtles: Be aware of the potential for sea turtle nesting activity on all Gulf-facing sand beaches. Adult sea turtles, crawls, nests, eggs, and hatchlings should be protected during marine debris removal activities on sea turtle nesting beaches, including hatchling turtles as they emerge from the nest and crawl to the sea. Entry onto the turtle nesting beach will occur only after a morning survey (before

09:00) has been conducted. Any staging activities on the beach should be conducted after 09:00 and before sunset. After the beach has been surveyed for nesting/hatching activity, work crew will be set up within the established work area. If an unmarked sea turtle crawl is encountered during or prior to marine debris removal activities, the work crew will not disturb the integrity of the crawl or follow the crawl up the beach or into the dune. Any marked nests within the areas where marine debris removal will occur (including access areas) shall be left in place. Marked nests shall be delineated by stake and survey tape or string around the nest. A circle with a 10-ft radius centered at the nest is recommended for nest protection. Marked nests and areas with unmarked nests must be avoided during marine debris removal. All marine debris removal actions, equipment, and personnel shall observe a 10-ft buffer from marked sea turtle nests. Equipment and work crews will only transit the beach seaward of the nesting area on the hard-packed sand on the lower beach. Work shall only occur during daylight hours on nesting beaches. If a sea turtle is observed, work crews will maintain at least 200 ft between the turtle. If sea turtle hatchlings are encountered, maintain at least 200 ft between the hatchlings and all personnel, allow the hatchlings to crawl unobstructed to the water. Do not carry the hatchlings to the water.

Long-term benefits to protected species by removing and/or reducing marine debris form their habitats (and thereby reducing related bird and sea turtle incidences in these locations) are expected. For these reasons, project activities may affect, but are not likely to adversely affect, terrestrial species listed in Section H.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☒ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)**[11]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

[11] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

Click here to enter text.

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

Onshore project activities (pre-removal surveys, debris removal, education/outreach and installation of signage or fishing gear receptacles, staging, or water access) could cause minor, short-term negative impacts to terrestrial critical habitat listed in Section H from human disturbance, noise, vehicle movement, use of equipment, or installation of project elements. Potential impacts to sensitive habitat or designated critical habitat would be avoided and minimized to the maximum extent practical.

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are*

_____

designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.
Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

No essential components of the habitat will be altered, therefore there will be no impact to critical habitat. For these reasons, project activities will have no effect on critical habitat listed in Section H.

L. Marine Mammals

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☐NO ☒YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

Click here to enter text.

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☒	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[12]
☐	NMFS Protected Species Construction Conditions (2021)[13]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☒	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[14]

[12] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines

[13] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

[14] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. Click here to enter text.

M. Bald Eagles

Are bald eagles present in the action area? ☐NO ☒YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at this website and implement the appropriate measures to the extent practicable:

https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion completed by NMFS on February 10, 2016.

To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS.

NO	YES	ACTIVITY
☒	☐	**Oyster Reef Creation and Enhancement**
☐	☒	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**
☒	☐	**Construction of Non-Fishing Piers**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Texas Coastal Ecological Services Field Office

17629 El Camino Real, Suite 211

Houston, TX 77058-3051

Phone: (281) 286-8282 Fax: (281) 488-5882

In Reply Refer To: December 15, 2023

Project Code: 2024-0027135

Project Name: Regionwide TIG RP1 Reducing Marine Debris Impacts on Birds and Sea Turtles - TX Component

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project To Whom It May Concern:

The U.S. Fish and Wildlife Service (Service) field offices in Clear Lake, Corpus Christi, and Alamo, Texas, have combined administratively to form the Texas Coastal Ecological Services Field Office. All project related correspondence should be sent to the field office address listed below responsible for the county in which your project occurs:

Project Leader; U.S. Fish and Wildlife Service; 17629 El Camino Real Ste. 211; Houston, Texas 77058
Angelina, *Austin*, *Brazoria*, *Brazos*, *Chambers, Colorado, Fayette, Fort Bend, Freestone, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Leon, Liberty, Limestone, Madison, Matagorda, Montgomery, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton.*

Assistant Field Supervisor, U.S. Fish and Wildlife Service; 4444 Corona Drive, Ste 215; Corpus Christi, Texas 78411
Aransas, Atascosa, Bee, Brooks, Calhoun, De Witt, Dimmit, Duval, Frio, Goliad, Gonzales, Hidalgo, Jackson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, La Salle, Lavaca, Live Oak, Maverick, McMullen, Nueces, Refugio, San Patricio, Victoria, and Wilson.

U.S. Fish and Wildlife Service; Santa Ana National Wildlife Refuge; Attn: Texas Ecological Services Sub-Office; 3325 Green Jay Road, Alamo, Texas 78516 *Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata*.

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more

current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:
http://www.fws.gov/media/endangered-species-consultation-handbook.

Non-Federal entities may consult under Sections 9 and 10 of the Act. Section 9 and Federal regulations prohibit the take of endangered and threatened species, respectively, without special exemption. "Take" is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. "Harm" is further defined (50 CFR § 17.3) to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. "Harass" is defined (50 CFR § 17.3) as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns
which include, but are not limited to, breeding, feeding or sheltering. Should the proposed project have the potential to take listed species, the Service recommends that the applicant develop a Habitat Conservation Plan and obtain a section 10(a)(1)(B) permit. The Habitat Conservation Planning Handbook is available at:
https://www.fws.gov/library/collections/habitat-conservation- planning-handbook.

Migratory Birds:
In addition to responsibilities to protect threatened and endangered species under the Act, there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle

Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts visit: https://www.fws.gov/program/migratory-birds.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable National Environmental Policy Act (NEPA) documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to- birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- Bald & Golden Eagles
- Migratory Birds
- Marine Mammals
- Coastal Barriers
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

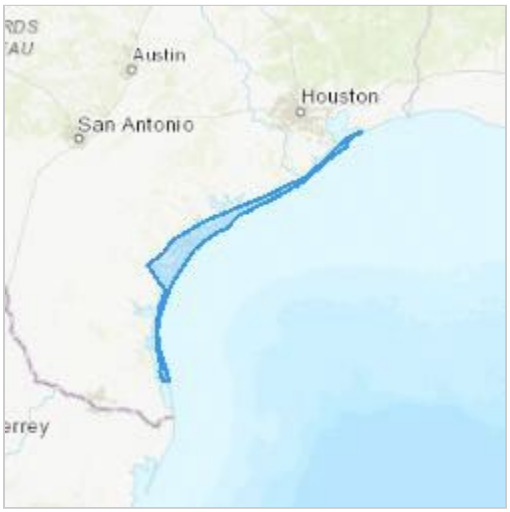
Texas Coastal Ecological Services Field Office
17629 El Camino Real, Suite 211
Houston, TX 77058-3051

(281) 286-8282

PROJECT SUMMARY

Project Code: 2024-0027135
Project Name: Regionwide TIG RP1 Reducing Marine Debris Impacts on Birds and Sea Turtles - TX Component
Project Type: NRDAR
Project Description: Project includes cleanup in nearshore areas to reduce marine debris in areas where it potentially affects birds and sea turtles.
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@27.966489799999998,-97.16125427671,14z



Counties: Texas

ENDANGERED SPECIES ACT SPECIES

There is a total of 22 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	***STATUS***
Tricolored Bat Perimyotis subflavus No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered
West Indian Manatee Trichechus manatus There is final critical habitat for this species. Your location does not overlap the critical habitat. This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements. Species profile: https://ecos.fws.gov/ecp/species/4469	Threatened

STATUS

BIRDS

NAME

Attwater's Greater Prairie-chicken Tympanuchus cupido attwateri — Endangered

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7259

Eastern Black Rail Laterallus jamaicensis ssp. jamaicensis — Threatened

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/10477

Northern Aplomado Falcon Falco femoralis septentrionalis — Endangered

Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1923

Piping Plover Charadrius melodus — Threatened

Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.
There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039

Rufa Red Knot Calidris canutus rufa — Threatened

There is proposed critical habitat for this species.
Species profile: https://ecos.fws.gov/ecp/species/1864

Whooping Crane Grus americana — Endangered

Population: Wherever found, except where listed as an experimental population
There is final critical habitat for this species. Your location overlaps the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/758

REPTILES

NAME

Green Sea Turtle Chelonia mydas — Threatened

Population: North Atlantic DPS
There is final critical habitat for this species. Your location does not overlap the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/6199

Hawksbill Sea Turtle Eretmochelys imbricata — Endangered

There is final critical habitat for this species. Your location does not overlap the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/3656

Kemp's Ridley Sea Turtle Lepidochelys kempii — Endangered

There is proposed critical habitat for this species.
Species profile: https://ecos.fws.gov/ecp/species/5523

	STATUS
Leatherback Sea Turtle Dermochelys coriacea There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1493	Endangered
Loggerhead Sea Turtle Caretta caretta Population: Northwest Atlantic Ocean DPS There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1110	Threatened

CLAMS

NAME	STATUS
Mexican Fawnsfoot Truncilla cognata There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/7870	Proposed Endangered
Salina Mucket Potamilus metnecktayi There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/8753	Proposed Endangered
Texas Fawnsfoot Truncilla macrodon There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8965	Proposed Threatened
Texas Pimpleback Cyclonaias petrina There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8966	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly Danaus plexippus No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME

Black Lace Cactus Echinocereus reichenbachii var. albertii No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5560	Endangered

	STATUS
Slender Rush-pea Hoffmannseggia tenella No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5298	Endangered
South Texas Ambrosia Ambrosia cheiranthifolia No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3331	Endangered
Texas Ayenia Ayenia limitaris No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4942	Endangered

CRITICAL HABITATS

There are 2 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	*STATUS*
Piping Plover Charadrius melodus	Final https://ecos.fws.gov/ecp/species/6039#crithab
Whooping Crane Grus americana	Final https://ecos.fws.gov/ecp/species/758#crithab

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act[15] and the Migratory Bird Treaty Act[16].

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats[17], should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

[15] . The Bald and Golden Eagle Protection Act of 1940.

[16] . The Migratory Birds Treaty Act of 1918.

[17] . 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are bald and/or golden eagles in your project area.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

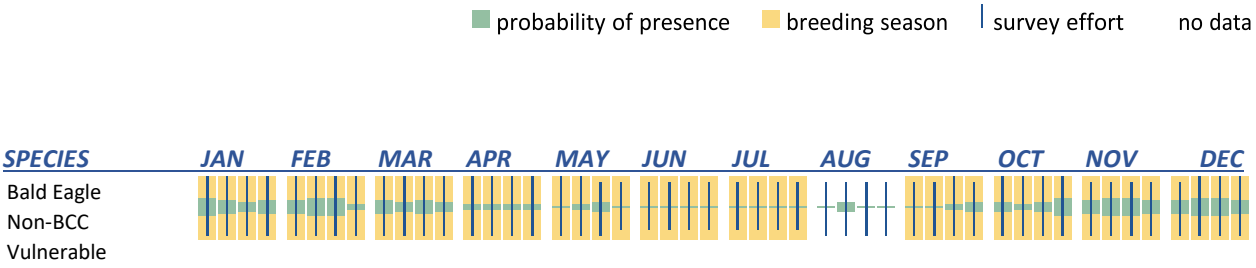
Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ( )
A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management

- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur- project-action

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats[3] should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

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1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover Pluvialis dominica This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10561	Breeds elsewhere
American Oystercatcher Haematopus palliatus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8935	Breeds Apr 15 to Aug 31
Audubon's Shearwater Puffinus lherminieri This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9635	Breeds Mar 1 to Aug 5

Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Black Scoter Melanitta nigra This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10413	Breeds elsewhere
Black Skimmer Rynchops niger This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15
Black-legged Kittiwake Rissa tridactyla This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10459	Breeds elsewhere
Brown Pelican Pelecanus occidentalis This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/6034	Breeds Jan 15 to Sep 30
Chimney Swift Chaetura pelagica This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Common Loon gavia immer This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/4464	Breeds Apr 15 to Oct 31
Dickcissel Spiza americana This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9453	Breeds May 5 to Aug 31
Double-crested Cormorant phalacrocorax auritus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/3478	Breeds Apr 20 to Aug 31

NAME	BREEDING SEASON
Great Shearwater Puffinus gravis This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/9634	Breeds elsewhere
Gull-billed Tern Gelochelidon nilotica This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9501	Breeds May 1 to Jul 31
Hudsonian Godwit Limosa haemastica This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9482	Breeds elsewhere
King Rail Rallus elegans This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5
Lesser Yellowlegs Tringa flavipes This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Long-billed Curlew Numenius americanus This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/5511	Breeds elsewhere
Long-tailed Duck Clangula hyemalis This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/7238	Breeds elsewhere
Magnificent Frigatebird Fregata magnificens This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9588	Breeds elsewhere
Marbled Godwit Limosa fedoa This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9481	Breeds elsewhere
Mountain Plover Charadrius montanus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere

NAME	BREEDING SEASON
https://ecos.fws.gov/ecp/species/3638	
Painted Bunting Passerina ciris This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9511	Breeds Apr 25 to Aug 15
Pectoral Sandpiper Calidris melanotos This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9561	Breeds elsewhere
Pomarine Jaeger Stercorarius pomarinus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10458	Breeds elsewhere
Prothonotary Warbler Protonotaria citrea This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9439	Breeds Apr 1 to Jul 31
Red Phalarope Phalaropus fulicarius This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10469	Breeds elsewhere
Red-breasted Merganser Mergus serrator This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10693	Breeds elsewhere
Red-headed Woodpecker Melanerpes erythrocephalus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10
Red-necked Phalarope Phalaropus lobatus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10467	Breeds elsewhere
Red-throated Loon Gavia stellata This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/9589	Breeds elsewhere
Reddish Egret Egretta rufescens This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/7617	Breeds Mar 1 to Sep 15

NAME	BREEDING SEASON
Ring-billed Gull Larus delawarensis This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10468	Breeds elsewhere
Royal Tern Thalasseus maximus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10471	Breeds Apr 15 to Aug 31
Ruddy Turnstone Arenaria interpres morinella This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/10633	Breeds elsewhere
Sandwich Tern Thalasseus sandvicensis This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9731	Breeds Apr 25 to Aug 31
Short-billed Dowitcher Limnodromus griseus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Sooty Tern Onychoprion fuscatus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10695	Breeds Mar 10 to Jul 31
Sprague's Pipit Anthus spragueii This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8964	Breeds elsewhere
Surf Scoter Melanitta perspicillata This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10463	Breeds elsewhere
Swallow-tailed Kite Elanoides forficatus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938	Breeds Mar 10 to Jun 30
White-winged Scoter Melanitta fusca This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10462	Breeds elsewhere
Willet Tringa semipalmata	Breeds Apr 20

NAME	BREEDING SEASON
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10669	to Aug 5
Wilson's Plover Charadrius wilsonia This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9722	Breeds Apr 1 to Aug 20
Yellow Rail Coturnicops noveboracensis This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9476	Breeds elsewhere

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

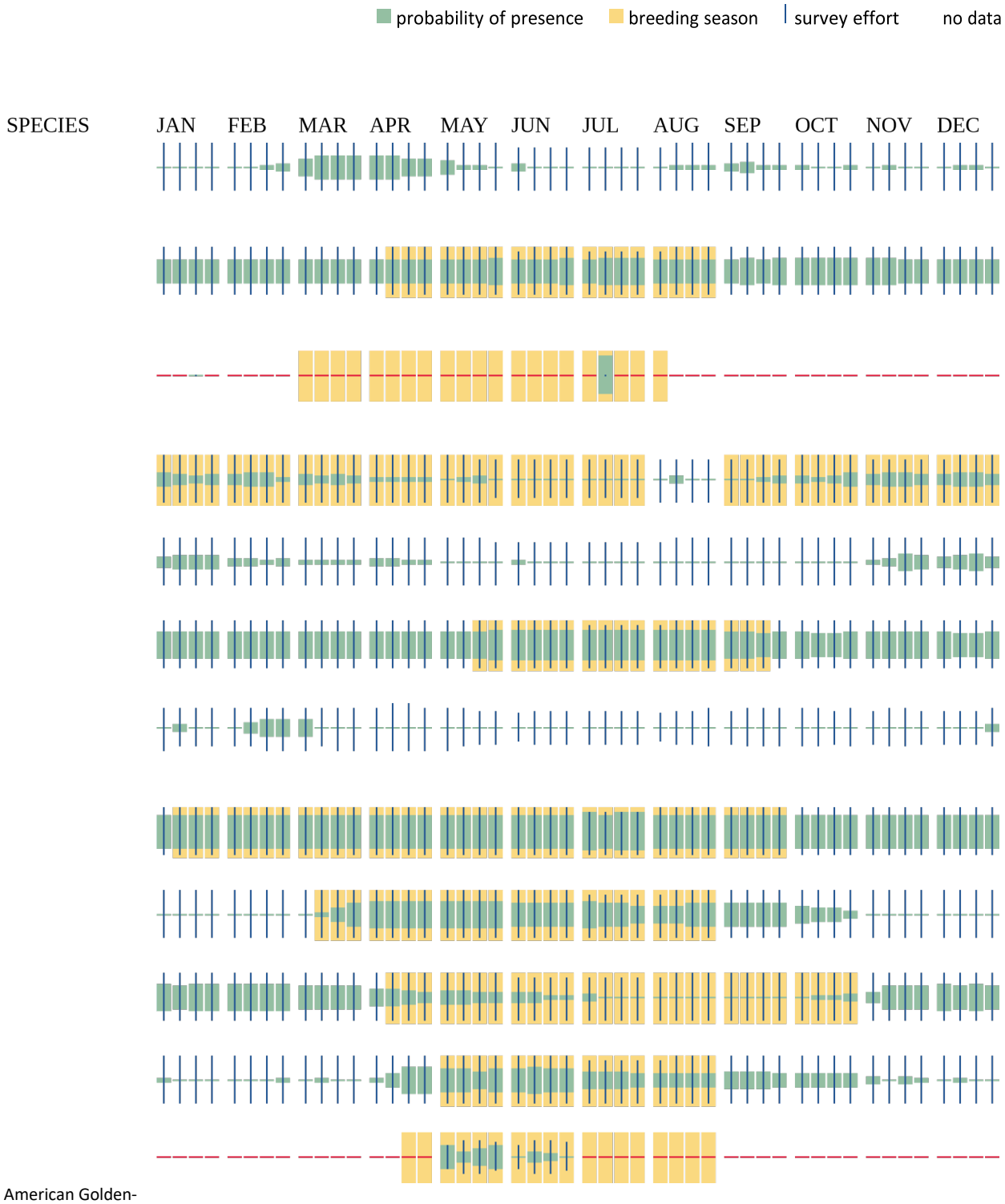
Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ( )

A week is marked as having no data if there were no survey events for that week.



plover BCC
Rangewide (CON)

American
Oystercatcher
BCC Rangewide
(CON)

Audubon's
Shearwater
BCC Rangewide
(CON)

Bald Eagle
Non-BCC
Vulnerable

Black Scoter
Non-BCC
Vulnerable

Black Skimmer
BCC Rangewide
(CON)

Black-legged
Kittiwake
Non-BCC
Vulnerable

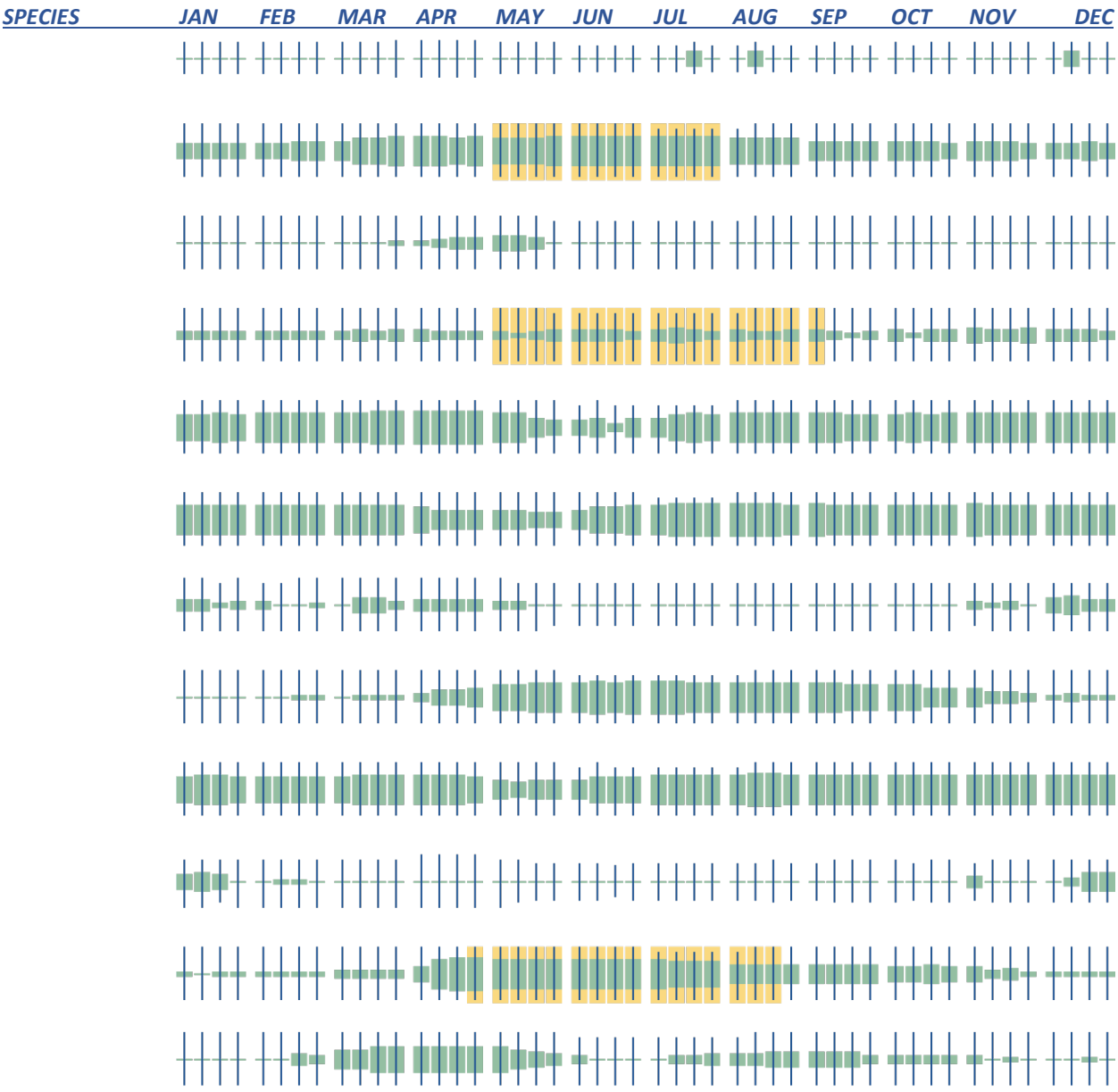
Brown Pelican
Non-BCC
Vulnerable

Chimney Swift
BCC Rangewide
(CON)

Common Loon
Non-BCC
Vulnerable

Dickcissel
BCC - BCR

Double-crested
Cormorant
Non-BCC
Vulnerable



SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Great Shearwater Non-BCC Vulnerable												
Gull-billed Tern BCC Rangewide (CON)												
Hudsonian Godwit BCC Rangewide (CON)												

King Rail
BCC Rangewide
(CON)

Lesser Yellowlegs
BCC Rangewide
(CON)

Long-billed Curlew
BCC - BCR

Long-tailed Duck
Non-BCC Vulnerable

Magnificent
Frigatebird
BCC - BCR

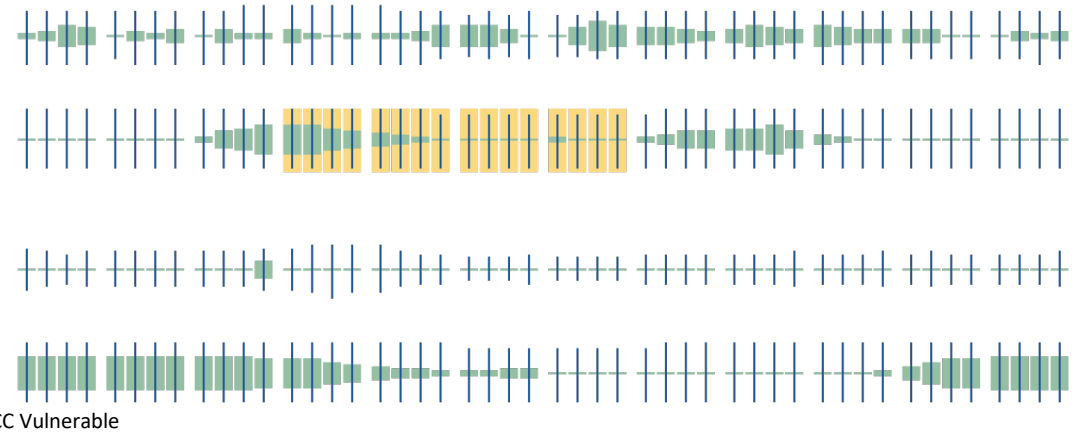
Marbled Godwit
BCC Rangewide
(CON)

Mountain Plover
BCC Rangewide
(CON)

Painted Bunting
BCC - BCR

Pectoral Sandpiper
BCC Rangewide
(CON)

Pomarine Jaeger
Non-BCC
Vulnerable

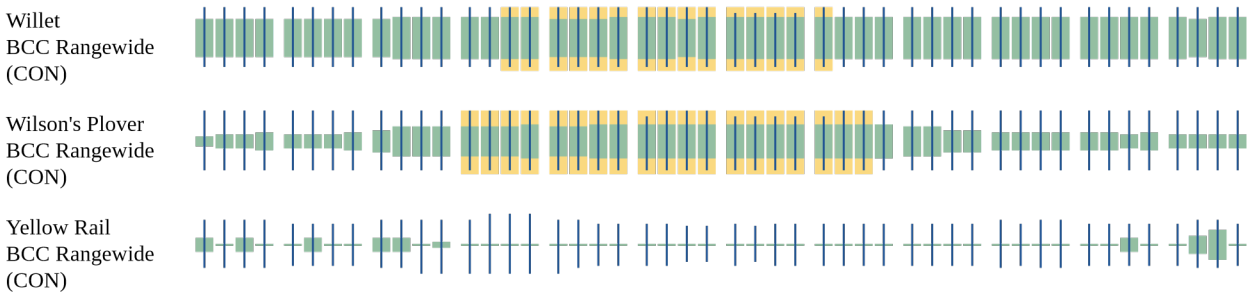


Prothonotary
Warbler
BCC Rangewide
(CON)

Red Phalarope
Non-BCC
Vulnerable

Red-breasted
Merganser Non-BCC Vulnerable


Red-headed Woodpecker BCC Rangewide (CON)
Red-necked Phalarope Non-BCC Vulnerable
Red-throated Loon Non-BCC Vulnerable
Reddish Egret BCC Rangewide (CON)
Ring-billed Gull Non-BCC Vulnerable
Royal Tern Non-BCC Vulnerable
Ruddy Turnstone BCC - BCR
Sandwich Tern BCC - BCR
SPECIES
JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC
Short-billed Dowitcher BCC Rangewide (CON)
Sooty Tern Non-BCC Vulnerable
Sprague's Pipit BCC Rangewide (CON)
Surf Scoter Non-BCC Vulnerable
Swallow-tailed Kite BCC Rangewide (CON)
White-winged Scoter Non-BCC Vulnerable



Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur- project-action

COASTAL BARRIERS

Projects within the John H. Chafee Coastal Barrier Resources System (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local Ecological Services Field Office or visit the CBRA Consultations website. The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
T03A	Bolivar Peninsula	UNKNOWN	11/16/1990	11/16/1990
T03A	Bolivar Peninsula	UNKNOWN	10/18/1982	10/1/1983
T03A	Bolivar Peninsula	UNKNOWN	11/16/1990	11/16/1990
T03A	Bolivar Peninsula	UNKNOWN	10/18/1982	10/1/1983
T03A	Bolivar Peninsula	UNKNOWN	11/16/1990	11/16/1990

T03A	Bolivar Peninsula	UNKNOWN	10/18/1982	10/1/1983
T03A	Bolivar Peninsula	UNKNOWN	10/18/1982	10/1/1983
T03A	Bolivar Peninsula	UNKNOWN	10/18/1982	10/1/1983
UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
T03A	Bolivar Peninsula	UNKNOWN	11/16/1990	11/16/1990
T03A	Bolivar Peninsula	UNKNOWN	11/16/1990	11/16/1990
T03A	Bolivar Peninsula	UNKNOWN	10/18/1982	10/1/1983
T03A	Bolivar Peninsula	UNKNOWN	11/16/1990	11/16/1990
T03A	Bolivar Peninsula	UNKNOWN	11/16/1990	11/16/1990
T03A	Bolivar Peninsula	UNKNOWN	10/18/1982	10/1/1983
T03AP	Bolivar Peninsula	UNKNOWN	N/A	10/1/1983
T04	Follets Island	UNKNOWN	11/16/1990	11/16/1990
T04	Follets Island	UNKNOWN	11/16/1990	11/16/1990
T04	Follets Island	UNKNOWN	11/16/1990	11/16/1990
T04	Follets Island	UNKNOWN	11/16/1990	11/16/1990
T04	Follets Island	UNKNOWN	11/16/1990	11/16/1990
T04	Follets Island	UNKNOWN	11/16/1990	11/16/1990
T04	Follets Island	UNKNOWN	11/16/1990	11/16/1990
T04	Follets Island	UNKNOWN	10/18/1982	10/1/1983
T04P	Follets Island	UNKNOWN	N/A	11/16/1991
T05	Brazos River	UNKNOWN	11/16/1990	11/16/1990
T05	Brazos River	UNKNOWN	10/18/1982	10/1/1983
T05P	Brazos River	UNKNOWN	N/A	11/16/1991
T06	Sargent Beach	UNKNOWN	10/18/1982	10/1/1983
T06	Sargent Beach	UNKNOWN	11/16/1990	11/16/1990
T06P	Sargent Beach	UNKNOWN	N/A	11/16/1991

T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	11/16/1990	11/16/1990
T07	Matagorda Peninsula	UNKNOWN	10/18/1982	10/1/1983
T07P	Matagorda Peninsula	UNKNOWN	N/A	11/16/1991
T07P	Matagorda Peninsula	UNKNOWN	N/A	11/16/1991
T07P	Matagorda Peninsula	UNKNOWN	N/A	11/16/1991
T08	San Jose Island	UNKNOWN	10/18/1982	10/1/1983
T08P	San Jose Island	UNKNOWN	N/A	11/16/1991
T10	North Padre Island	UNKNOWN	10/18/1982	10/1/1983
T10P	North Padre Island	UNKNOWN	N/A	11/16/1991
T11	South Padre Island	UNKNOWN	10/18/1982	10/1/1983
T11P	South Padre Island	UNKNOWN	N/A	11/16/1991
TX-05P	Galveston Island	UNKNOWN	N/A	11/16/1991
TX-06P	Matagorda Island	UNKNOWN	N/A	10/1/1983

TX-06P	Matagorda Island	UNKNOWN	N/A	11/16/1991
TX-15P	Mustang Island	UNKNOWN	N/A	11/16/1991
TX-16P	Four Mile Hill	UNKNOWN	N/A	11/16/1991
TX-17	Shamrock Island	UNKNOWN	11/16/1990	11/16/1990
TX-17P	Shamrock Island	UNKNOWN	N/A	11/16/1991

MARINE MAMMALS

Marine mammals are protected under the Marine Mammal Protection Act. Some are also protected under the Endangered Species Act[1] and the Convention on International Trade in Endangered Species of Wild Fauna and Flora[2].

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries[3] [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are not shown on this list; for additional information on those species please visit the Marine Mammals page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

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1. The Endangered Species Act (ESA) of 1973.
2. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

NAME

West Indian Manatee Trichechus manatus

Species profile: https://ecos.fws.gov/ecp/species/4469

WETLANDS

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

Due to your project's size, the list below may be incomplete, or the acreages reported may be inaccurate. For a full list, please contact the local U.S. Fish and Wildlife office or visit https://www.fws.gov/wetlands/data/mapper.HTML ESTUARINE AND MARINE DEEPWATER

- E1RF2L
- E1UBL
- E1AB3L

IPAC USER CONTACT INFORMATION

Agency: Texas Commission on Environmental Quality
Name: Taylor Alexander
Address: 12100 Park 35 Cir
City: Austin
State: TX
Zip: 78753
Email taylor.alexander@tceq.texas.gov
Phone: 5122392523

Attachment 4: Florida Component Biological Evaluation Form

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to

the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

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A. Project Identification

Federal Action Agency (one or more):
USFWS ☒ NOAA ☒ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐
Implementing Trustee(s): Florida Fish and Wildlife Conservation Commission (FWC)
Contact Name: Gareth Leonard Phone: 850-617-9452 Email: gareth.leonard@myfwc.com
Project Name: Reducing Marine Debris Impacts on Birds and Sea Turtles (FL component) DIVER ID# 292 Trustee Implementation Group (TIG): Regionwide TIG
Restoration Plan # 1
Name of Person Completing this Form: Amy Raker and Gareth Leonard
Name of Project Lead:
Jennifer L. McGee Date Form Completed:
December 2024
Date Form Updated: Click here to enter text.

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☒ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

N/A

C. Project Location

I. State and County/Parish of action area

This project would occur in offshore and nearshore waters and upland habitats of the Florida Gulf Coast (Escambia to
Monroe counties). This includes all of the Florida Keys and Florida Bay including Key West National Wildlife Refuge, John Pennekamp Coral Reef State Park, and Dagny Johnson Key Largo Hammock Botanical State Park (Figure 1). Please note that the project area does not include West Indian manatee Warm Water Aggregation Areas (WWAAs).

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines

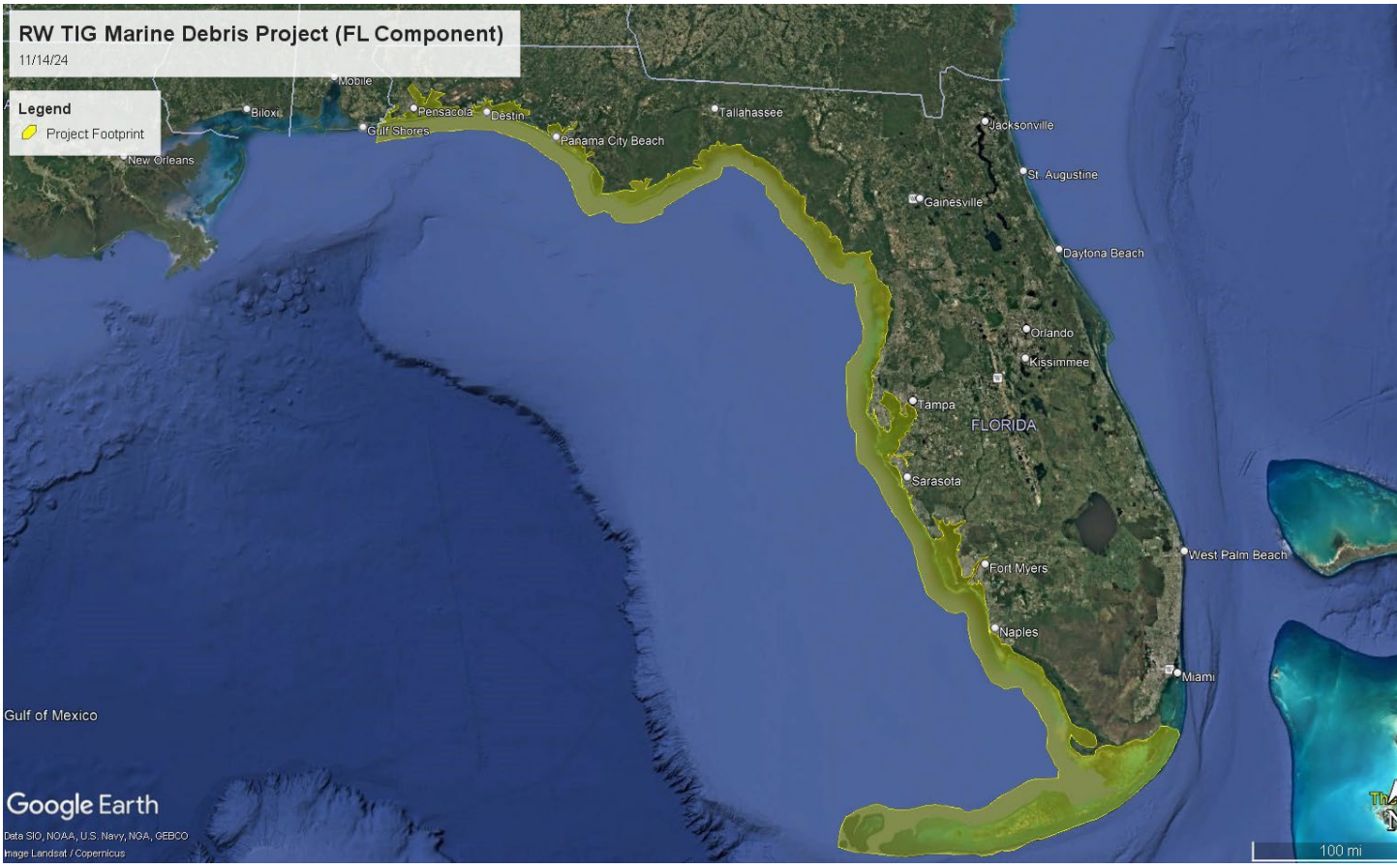

Figure 1: Project footprint.

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES NO☒ Permit Number and Type: Click here to enter text

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

Complete National Environmental Policy Act (NEPA) analysis for project activities is included in the Regionwide Trustee Implementation Group's (TIG) Restoration Plan #1 and Environmental Assessment. https://www.fws.gov/doiddata/dwh-ardocuments/3904/DWH-ARZ009757.pdf

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

This project would occur in the coastal regions of the Florida Gulf Coast (see Figure 1), with an emphasis on mangroves (including spoil and barrier islands), mangrove shorelines and salt marshes, but could also include other nearshore and intertidal habitats (bays, sounds, estuaries, intertidal beaches/mudflats, and coastal wetlands) and offshore (open water and reefs). Project area does not include manatee WWAAs.

Does the project area include a river or estuary?

YES☒ NO☐

If yes, please approximate the navigable distance from the project location to the marine environment.

Navigable distance will likely be within 8 miles of the marine environment, with most being within a 0-3-mile distance.

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

This project may use existing structures (e.g., fishing piers, businesses, boat ramps, dune crossovers, or docks) as part of education and outreach activities and site access. Specifically, this project may provide signage at high fishing-use areas or businesses, install/reconfigure monofilament recycling bins at recreational fishing sites, or use community gathering areas to present to local communities. Additionally, existing office buildings would be used for the data aggregation and analysis portion of this project. Projects will also take place within jetties and around existing structures such as piers and marinas.

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

Patchy and continuous seagrasses exist in numerous locations along the Florida Gulf Coast.

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

Florida's mangroves are typically found south of Cedar Key (Levy County) on the Gulf Coast and south of St. Augustine (St. Johns County) on the Atlantic Coast. e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

Corals exist in the southernmost Florida Gulf Coast county (Monroe County). Project activities will avoid habitats with listed coral species (elkhorn, boulder star, lobed star, and mountainous star).

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest,

meadows, beach and dune habitats, etc.).

The Florida Fish and Wildlife Conservation Commission (FWC) will access sites/waterways and conduct staging activities (i.e., staging areas for collected debris/dumpsters) at highly trafficked or otherwise disturbed or developed areas (e.g., dune crossovers, fishing piers, docks, boat ramps, established access points), when practicable. For more remote project sites lacking existing structures, disturbance, or otherwise developed areas, staging will occur offsite (e.g., barge, boat, etc.). For any dumpster placement intended for regular debris collection (vs. event-specific), the dumpster will be placed on existing disturbed/developed lands or property. Installation of educational signage or installation/reconfiguration of fishing gear collection/disposal receptacles would occur at highly trafficked or otherwise disturbed or developed areas. Removal activities will primarily occur in intertidal areas with an emphasis on mangroves (including spoil and barrier islands) and salt marshes. On beaches, the majority of activities will occur no further inland than the primary frontal dune. For sites lacking a frontal dune and/or sites on islands, activities may extend to the limits of storm surge for debris removal, including dunes, berms, and swales.

Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

Soft bottom sediment, characterized by a mixture of sand, silt, and clay, is the dominant substrate type (96%) on the
Florida Coast. Hard substrate (artificial reefs, natural reef or rock) accounts for the remaining 4%. No construction activities are proposed for this project.

g. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

The Florida Coast contains a variety of land use types, from undeveloped habitats to high-intensity developed cities. This project will target highly developed areas (i.e., areas which support high levels of recreational fishing) to remove marine debris and prevent debris from entering coastal waters as well as areas that are more isolated where marine debris is known to collect (e.g., mangroves and salt marshes).

h. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins YES☒ NO☐
Whales YES☒ NO☐
Manatees YES☒ NO☐

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

Numerous cetacean species could be present in Florida waters and potentially (though not likely) impacted by project activities. Specifically, the Northern Gulf of Mexico (GOM) stock of Atlantic spotted dolphin (*Stenella frontalis*) and all bay, sound, and estuary stocks of bottlenose dolphins (*Tursiops truncatus*) along Florida's Gulf Coast and the GOM Eastern Coastal, Northern GOM Continental, and GOM Northern Coastal stocks of bottlenose dolphins could be present in the project footprint (NMFS 2020). The West Indian manatee (*Trichechus manatus*) could also be present in the action area. See Figure 1 for the project footprint. Project area does not include manatee WWAAs.

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

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, 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.

Specifically, this project would:

- Identify hotspots: identify high occurrence "hotspots" of marine debris that impact or pose a threat to birds and sea turtles. Data to inform identification and prioritization of hotspots would be compiled from federal and state agencies and other relevant partners. Hotspots would be identified and prioritized for birds and sea turtles separately.
- Remove marine debris at identified hotspots: provide support (e.g., capacity, equipment, fuel, etc.) for organized, largescale debris removal events, regularly conducted targeted site-specific events, and/or the use of professional divers or marine salvage crews and contractors for in-water debris removal, which could include work around deep structures (e.g., artificial/pillar reefs, pilings). 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 and community prevention and removal projects: could include providing program support to local partners to facilitate capacity building for marine debris prevention/removal (e.g. MRRP), thereby increasing availability of and methods for collection and disposal of fishing gear and other marine debris (e.g., monofilament recycling bins, maintenance services, dumpsters, 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.
- Monitor and conduct adaptive management: develop a hotspot management plan for each hotspot. Monitoring would adhere to the Regionwide Project Monitoring and Adaptive Management (MAM) Plan. Annually, all data would be summarized into the hotspot management plan and reported to DIVER.

FWC will coordinate with agency partners in the event of severe weather and/or other unforeseen emergency events that impact the project area, the timeline of the project, and/or the resources themselves.

This project would not substitute for required marine debris removal/prevention activities as part of biological opinions for piers along Florida's Gulf Coast.

All project activities would occur during daylight hours. Work would involve scoping, removal of debris (including associated people, vessels, and equipment), and transporting debris to upland disposal/recycling sites. While much of the debris may be removed by hand, removal may involve the use of self-contained underwater breathing apparatus (SCUBA) equipment, snorkeling gear, and boating safety gear, dive knives or other cutting tools, hooks, floats, lift bags/baskets, and barges or other heavy removal or salvage equipment such as cranes, buckets and grapples, rigging, backhoes, excavators, hoists and winches, water jets, booms, boats, and dumpsters[18]. Onshore removal may involve personnel on foot removing debris manually or using small tools such as tongs, trash cans, dumpsters, small utility vehicles for collecting bags of debris, and for larger debris, tracked vehicles such as backhoes or excavators.

Fixed wing planes, helicopters, and drones will be utilized as part of this project. They will be operated by FWC and contractors. These methods will be utilized across the project area, as needed, including in areas where access is difficult, often due to the remote nature of the site or storm impacts. Fixed wing planes, helicopters, and drones will be utilized primarily for surveys,

[18] See http://www.sealordsalvage.com/equipment.htm for an overview of the types of equipment that may be involved in underwater removal/salvage.

assessments, project planning, and monitoring, although helicopters may also be utilized to extract debris. If a flight path occurs in, over, or near managed areas, FWC will consult and coordinate with resource managers to avoid any unintended impacts or disturbance. Surveys using fixed wing aircraft will not be conducted below 1,000 feet. Surveys using helicopters will not be conducted lower than 500 feet, primarily between 500-650 feet. FWC-operated flights

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will largely be utilized for surveys and monitoring (no external lift capacity) and follow Federal Aviation Administration (FAA) 14 Code of Federal Regulations (CFR) Part 91 guidelines (Attachment D) with expanded guidance in FWC's Standard Operating Procedure manual. Similarly, any contracted fixed wing or helicopter flights for surveys and/or monitoring will also follow FAA 14 CFR Part 91 guidelines.

Helicopters may be contracted to extract debris from sensitive environments where all other methods of removal have been deemed too impactful, and when leaving the debris in place poses a threat to species and habitats. Examples of how extracting debris has been utilized in the past include the removal of vessels 100 feet onto a spoil island with no clear entrance point (as a result of storm surge). All hazardous materials were first removed followed by disassembling/cutting the vessel in place and lifting it out by helicopter in pieces. In addition, there are some remote mangrove sites with limited access due to being surrounded by sensitive habitats such as shallow waters/seagrass beds. On the recommendation of resource managers and agency partners, removed debris would be placed in containers that could then be lifted out of the mangroves by helicopter where vehicle or boat access is otherwise limited or could cause negative impacts. For contracted flights with external lift capacity, operators will follow all FAA 14 CFR Part 135 guidelines (Attachment E) for operation.

For drones, flights will adhere to FAA 14 CFR Part 107 guidelines (Attachment C) with the higher/faster flights (500 feet+) for capturing photos and videos of overall project operations, site photos, and large-scale marine debris accumulation events. Any potential lower/slower flights (5-499 feet) would be used to assess removal conditions/accessibility for more complex or remote removals (e.g. oblique views of mangrove islands).

Table 1 (below) details the overlap of the debris removal activities and target materials.

	Monofilament and Nets	Traps or Anchors	Consumer Debris	Ropes and Buoys	Structural Debris
Scuba	X	X	X	X	
Hand Removal	X	X	X	X	
Motorboat	X	X	X	X	X
Cutting/Trimming	X		X	X	X

Snorkeling	X	X	X	X	
Winch or Barge	X	X		X	X
Excavation					X
Beach walking	X	X	X	X	

Table 1. Overlap of debris removal activities and the target materials to be removed.

Please note that the in-water activities of this project are identical to those that were consulted on and approved under the *Deepwater Horizon* Florida Trustee Implementation Group's Restoration Plan 2 project: Reducing Threats to Sea Turtles through Removal of In-water Marine Debris along Florida's Gulf Coast. DOI's consultation number is 2024-0011701.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

The project would be completed in approximately eight years. Identification/prioritization of hotspots would occur annually.
Implementation of marine debris removal/prevention activities and education/outreach would occur in Years 2-7.
Monitoring would run concurrent with project restoration activities (Years 2-7). FWC will coordinate with other Regionwide TIG Trustees implementing this project to draft a final project summary in Year 8.

III. *Specific In-Water and/or Terrestrial Construction Methods*
Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☒	NO☐
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

This project may use existing fishing piers as part of education and outreach activities. Specifically, this project could install educational signage at high fishing-use piers and/or

install/reconfigure fishing gear collection/disposal receptacles on fishing piers.

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	
2. Material type of piles used	
3. Size (width) of piles/sheets	
4. Total number of piles/sheets	
5. Number of strikes for each single pile	
6. Number of strikes per hour (for a single pile)	
7. Expected number of piles to be driven each day	
8. Expected amount of time needed to drive each pile (minutes of driving activities)	
9. Expected number of sequential days spent pile driving	
10. Whether pile driving occurring in-water or on land	
11. Depth of water where piles will be driven	

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

Ground disturbance may occur to remove large and/or embedded structures such as traps, old pilings, structural debris, or vessel parts. This may involve the use of barges or other heavy removal/salvage equipment such as cranes, buckets and grapples, rigging, backhoes, excavators, hoists and winches, water jets, booms, boats, and dumpsters. Removals (including those with proposed ground disturbance) would be run through a habitat sensitivity index to determine potential vulnerable of nearby habitats and impact concerns. Where needed, trained natural resource advisors and Subject Matter Experts (SME) (e.g. for natural and artificial reefs) would be utilized to provide recommendations as to if a removal is possible and how to minimize impacts or if the debris is recommended to be left in place.

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional*

Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.

This project may target existing artificial reef structures for marine debris removal and would be done in coordination with the FWC artificial reef coordinator. No construction of reefs will occur.

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

This project targets the removal of derelict, lost, or abandoned fishing gear to prevent entanglement or entrapment.

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:
https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast
This project was reviewed at the time of RW RP1. Additional methods for debris removal do not change or add to the effects on EFH previously considered.

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☒	☒	☒
Eco-Region 2: North Florida (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☒	☒	☒
Eco-Region 3: East Louisiana, Mississippi, and Alabama (*Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐
Eco-Region 4: East Texas and West Louisiana (*Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas (*Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☒ NO☐
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

This project has the potential to affect EFH. Depending on the sites selected, marine debris could be removed from EFH thereby improving habitat.

Will this project have beneficial effects to EFH?	YES☒ NO☐
If yes, please describe how your project will have beneficial effects the text box below:	

Depending on the marine debris sites selected, there is potential for marine debris (e.g. derelict fishing traps) to be removed from EFH. Short-term and long-term benefits to EFH are expected due to removal and reduction of marine debris threats.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

N/A

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☐This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

This project was previously reviewed as part of RW RP1 and effects remain consistent with those analyzed at that time. The ESA PDCs included at the time of RW RP1 will be followed.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at: *https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d*

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect" please select justification.**

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination

requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☐This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", select justificatio**
Mammals				
Choctawhatchee Beach Mouse			May Affect, Not Likely to Adversely Affect	
Florida Bonneted Bat			No Effect	Species does not within action area
Florida Panther			No Effect	Species does not within action area
Florida Salt Marsh Vole			May Affect, Not Likely to Adversely Affect	
Key Deer			May Affect, Not Likely to Adversely	

			Affect	
Key Largo Cotton Mouse			May Affect, Not Likely to Adversely Affect	
Key Largo Woodrat			May Affect, Not Likely to Adversely Affect	
Lower Keys Marsh Rabbit			May Affect, Not Likely to Adversely Affect	
Northern Long-eared Bat			No Effect	Species does not o within action area

Perdido Key Beach Mouse			May Affect, Not Likely to Adversely Affect	
Silver Rice Rat			May Affect, Not Likely to Adversely Affect	
St. Andrew Beach Mouse			May Affect, Not Likely to Adversely Affect	
Tricolored Bat			No Effect	Species does not o within action area
West Indian Manatee			May Affect, Not Likely to Adversely Affect	
Birds				
Black-capped Petrel			No Effect	Species does not o within action area
Cape Sable Seaside Sparrow			May Affect, Not Likely to Adversely Affect	
Crested Caracara			May Affect, Not Likely to Adversely Affect	
Eastern Black Rail			May Affect, Not Likely to Adversely Affect	
Everglade Snail Kite			May Affect, Not Likely to Adversely Affect	
Florida Scrub-Jay			No Effect	Species does not o within action area
Piping Plover			May Affect, Not Likely to Adversely Affect	
Red-cockaded Woodpecker			No Effect	Species does not o within action area
Roseate Tern			May Affect, Not Likely to Adversely Affect	
Rufa Red Knot			May Affect, Not Likely to Adversely Affect	
Whooping Crane			May Affect, Not Likely to Adversely	

			Affect	
Wood Stork			May Affect, Not Likely to Adversely Affect	
Reptiles				
American Crocodile			May Affect, Not Likely to Adversely Affect	
Eastern Indigo Snake			No Effect	Species does not o within action area

Green Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	
Hawksbill Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	
Kemp's Ridley Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	
Leatherback Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	
Loggerhead Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	
Suwannee Alligator Snapping Turtle			May Affect, Not Likely to Adversely Affect	
Amphibians				
Frosted Flatwoods Salamander			No Effect	Species does not o within action area
Reticulated Flatwoods Salamander			No Effect	Species does not o within action area
Fish				
Gulf Sturgeon		Riverine/Freshwater	May Affect, Not Likely to Adversely Affect	
Clams				
Choctaw Bean			No Effect	Species does not o within action area
Fuzzy Pigtoe			No Effect	Species does not o within action area
Narrow Pigtoe			No Effect	Species does not o within action area
Purple Bankclimber (mussel)			No Effect	Species does not o within action area
Round Ebonyshell			No Effect	Species does not o within action area
Southern Elktoe			No Effect	

Southern Kidneyshell			No Effect	Species does not o within action area
Southern Sandshell			No Effect	Species does not o within action area
Tapered Pigtoe			No Effect	Species does not o within action area
Snails				
Stock Island Tree Snail			No Effect	Species does not o within action area
Insects				
Bartram's Hairstreak Butterfly			May Affect, Not Likely to Adversely Affect	
Florida Leafwing Butterfly			May Affect, Not Likely to Adversely Affect	
Miami Blue Butterfly			May Affect, Not Likely to Adversely Affect	
Schaus Swallowtail Butterfly			May Affect, Not Likely to Adversely Affect	

Crustaceans				
Panama City Crayfish			No Effect	Species does not o within action area
Flowering plants				
Aboriginal Prickly-apple			May Affect, Not Likely to Adversely Affect	
Beach Jacquemontia			May Affect, Not Likely to Adversely Affect	
Beautiful Pawpaw			No Effect	Species does not o within action area
Big Pine Partridge Pea			May Affect, Not Likely to Adversely Affect	
Blodgett's Silverbush			May Affect, Not Likely to Adversely Affect	
Cape Sable Thoroughwort			May Affect, Not Likely to Adversely Affect	
Carter's Mustard			No Effect	Species does not o within action area
Carter's Small-flowered Flax			No Effect	Species does not within action area
Chapman Rhododendron			No Effect	Species does not within action area

Cooley's Meadowrue			No Effect	Species does not within action area
Crenulate Lead-plant			No Effect	Species does not within action area
Deltoid Spurge			No Effect	Species does not within action area
Everglades Bully			No Effect	Species does not within action area
Florida Bonamia			No Effect	Species does not within action area
Florida Brickell-bush			No Effect	Species does not within action area
Florida Pineland Crabgrass			No Effect	Species does not within action area

Florida Prairie-clover			No Effect	Species does not within action area
Florida Semaphore Cactus			May Affect, Not Likely to Adversely Affect	
Florida Skullcap			May Affect, Not Likely to Adversely Affect	
Garber's Spurge			May Affect, Not Likely to Adversely Affect	
Godfrey's Butterwort			No Effect	Species does not within action area
Golden Sedge			No Effect	Species does not within action area
Key Tree Cactus			No Effect	Species does not within action area
Papery Whitlow-wort			May Affect, Not Likely to Adversely Affect	
Pineland Sandmat			No Effect	Species does not within action area
Pygmy Fringe-tree			No Effect	Species does not within action area
Sand Flax			No Effect	Species does not within action area
Small's Milkpea			No Effect	Species does not within action area
Telephus Spurge			May Affect, Not Likely to Adversely Affect	
Tiny Polygala			No Effect	Species does not within action area

Wedge Spurge			May Affect, Not Likely to Adversely Affect	
White Birds-in-a-nest			May Affect, Not Likely to Adversely Affect	
Lichens				
Florida Perforate Cladonia			May Affect, Not Likely to Adversely Affect	
Critical Habitat				
Aboriginal Prickly-apple CH	1-11		May Affect, Not Likely to Adversely Affect	
American Crocodile CH	1		May Affect, Not Likely to Adversely Affect	
Bartram's Hairstreak Butterfly	5-7		May Affect, Not Likely to Adversely Affect	
Cape Sable Thoroughwort CH	1-9		May Affect, Not Likely to Adversely Affect	
Choctaw Bean CH			No Effect	No suitable habita action area
Choctawhatchee Beach Mouse CH	1-5		May Affect, Not Likely to Adversely Affect	
Florida Bonneted Bat CH	3		May Affect, Not Likely to Adversely Affect	
Florida Leafwing Butterfly CH	4		May Affect, Not Likely to Adversely Affect	
Florida Semaphore Cactus CH	1 - 4		May Affect, Not Likely to Adversely Affect	
Fuzzy Pigtoe CH			No Effect	No suitable habita action area
Gulf Sturgeon CH	3-7 and 9-14	Riverine/Freshwater	May Affect, Not Likely to Adversely Affect	
Loggerhead Sea Turtle CH	15-45	Terrestrial	May Affect, Not Likely to Adversely Affect	
Panama City Crayfish CH			No Effect	No suitable habita action area
Perdido Key Beach Mouse CH	1-5		May Affect, Not Likely to Adversely Affect	
Piping Plover CH	1-31		May Affect, Not Likely to Adversely Affect	
Reticulated Flatwoods Salamander CH			No Effect	No suitable habita action area

Rim Rock Crowned Snake CH			No Effect	No suitable habita action area
Silver Rice Rat CH			May Affect, Not Likely to Adversely Affect	
St. Andrew Beach Mouse CH	1-3		May Affect, Not Likely to Adversely Affect	
West Indian Manatee CH	2-7		May Affect, Not Likely to Adversely Affect	

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

All species in the above tables have a determination of "No Effect" or "May Affect, Not Likely to Adversely Affect". For the latter, impacts will be avoided as much as possible through implementation of applicable conservation measures (described below and in Attachment A - Conservation Measures for Marine Debris Project (Florida)) and NOAA PDCs, as well as through the addition of trained natural resource advisors for marine debris removal (when applicable). In the event of any variation between suggested or required conservation measures, the stricter of the measures will be observed. Project activities may cause limited disruptions and interactions however these will be short-term in duration and infrequent. FWC would re-initiate consultation with USFWS and NOAA if new information reveals effects of an action not previously considered, 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 action. Overall, this project provides long-term benefits to listed terrestrial and marine species by removing and/or reducing marine debris from their habitats (and thereby reducing related incidences in those locations).

In-water species/habitats:

Overall, project activities in in-water habitats are anticipated to be short in duration and infrequent. All activities will occur during daylight hours. Project activities will completely avoid manatee WWAAs. In Florida Bay, visual assessments will be conducted in project sites to identify presence of queen conch prior to work commencing. No project activities will take place within 75 feet of identified queen conch.

FWC will coordinate with area managers (e.g. park rangers, park biologists, etc.) on potential species occurrence in planning and just prior to implementation to best schedule activities to avoid potential species impacts (e.g., areas known to have high numbers of in-water NLAA species in Section I including riverine Gulf sturgeon, crocodiles, or turtles). This provides the best understanding of the site conditions and considerations needed, but also a real-time view as the project begins should conditions change. During in-water marine debris removals, hoist lines will be stiff, taut, and non-looping, with no excess/loose line in the water. Diver buoy lines will remain slack for safety purposes however all lines will be attended (e.g., attached to divers) and removed by the end of the day.

If in-water removal activities, especially those with proposed ground disturbance, would cause more harm than benefit, debris would be left as-is in the environment. Any remaining debris targets will be monitored and evaluated over the course of the project to determine if conditions have changed (e.g. storm surge) making them more accessible with little to no ground

disturbance or other negative resource impacts from its removal. Potential removal activities would be run through a sensitive site criteria filter (habitat sensitivity index, or HSI) to determine potential vulnerable nearby habitats and impact concerns. Sensitive site criteria include the following and may be adjusted by region: ESI-10 Seagrass, Oyster beds, Aquatic Preserves, State Parks, State Critical Wildlife Areas, National Estuarine Research Reserves, State Historic Preservation Office sites, National Wildlife Refuges, National Seashores, and Federal Critical Habitats. If a target location falls within one or more of these areas, it is flagged and triggers a desktop analysis to determine if additional notifications are necessary, if conservation measures need to be implemented, if resource advisors/SMEs need to be present, or if the debris should be left-in-place. Where needed, trained natural resource advisors and SMEs (e.g. for natural and artificial reefs) would be utilized to provide recommendations as to whether a removal is possible or should be left in place and how best to minimize unintended associated habitat impacts.

Removal activities (including human presence, helicopters/drones, vessels, heavy removal/salvage equipment operation, and equipment-assisted removal) have the potential to impact in-water NLAA species in Section I (e.g., riverine Gulf sturgeon, crocodiles, or turtles) through limited disruption to marine habitats including human/equipment presence, noise, wind, and limited ground disturbance. See Attachment A for additional conservation measures. Fixed wing aircraft, helicopters, and drones will be operated during daylight hours by FWC or by contractors following all applicable viewing guidelines,[19] conservation measures (Attachment A), and FWC (Attachment B) and FAA 14 CFR guidelines (Attachments C-E). Vessels will be used to travel from riverine/freshwater access points to marine environments where debris removal activities will occur. Vehicle/equipment operations have the potential to result in temporary disturbance, including increased noise, which could contribute to temporary disturbance or displacement. However, riverine Gulf sturgeon, crocodiles, and turtles can temporarily leave the area or avoid the area for the duration of the work, avoiding injury or mortality. Noise and wind

would return to baseline levels immediately following the work. Vessel operation may occur in areas occupied by NLAA species which may exhibit temporary avoidance behavior or shelter in place. All posted speed zones will be observed with idle-speed/no wake vessel operation occurring in the absence of designated speed zones (USFWS and FWC 2011).

In summary, for the reasons listed above, impacts from project activities in marine habitats will be insignificant and therefore are not likely to adversely affect in-water NLAA species in Section I.

Terrestrial species/habitats:

[19] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines/guidelines-and-distances

Overall, project activities in terrestrial habitats are anticipated to be short in duration and infrequent.

All activities will occur during daylight hours, avoiding impacts to NLAA species listed in Section I, including nocturnal mammals, nesting sea turtles, and birds (flushing off nests leaves eggs/young exposed to night temperatures and predators).

FWC will access sites/waterways and conduct staging activities (i.e., staging areas for collected debris/dumpsters) at highly trafficked or otherwise disturbed or developed areas (e.g., dune crossovers, fishing piers, docks, boat ramps, established access points). For more remote sites lacking existing structures, disturbance, or developed areas, staging will occur offsite (e.g. dumpster barge, boat, etc.). Installation of educational signage or installation/reconfiguration of fishing gear collection/disposal receptacles would also occur at highly trafficked or otherwise disturbed or developed areas. These actions (i.e., access, staging, signage, and receptacles) will most likely avoid disruption to sensitive habitats and disturbance of many NLAA species in Section I including mammals, birds, reptiles, butterflies, and flowering plants/lichen. Removal activities will primarily occur in and around mangroves (including spoil and barrier islands) and salt marshes generally avoiding impacts to NLAA species that tend to inhabit more inland areas (e.g., whooping cranes and some flowering plants). On beaches, the majority of activities will occur no further inland than the primary frontal dune, which will minimize impacts to NLAA mammals and some flowering plants. For sites lacking a frontal dune and/or sites on islands, activities may extend to the limits of storm surge for debris removal, including dunes, berms, and swales. In locations with documented sea turtle nesting, bird roosting/nesting, and/or beach mouse habitat, FWC and contractors will follow conservation measures (Attachment A). The majority of these sites are on managed lands and FWC will coordinate with area managers (e.g. park rangers, park biologists, etc.) on potential species occurrence in planning, post-storm (if relevant), and just prior to implementation to best schedule the activities to avoid any potential species impacts (e.g., nesting, resting, or foraging areas observed with NLAA species in Section I. This provides the best understanding of the site conditions and considerations needed, but also a real-time view as the project begins should conditions change.

If removal activities, especially those with proposed ground disturbance, would cause more harm than benefit, debris would be left as-is in the environment. Any remaining debris targets will be monitored and evaluated over the course of the project to determine if conditions have changed (e.g. storm surge) making the debris target more accessible with little to no ground disturbance or other negative resource impacts from its removal. Potential removal activities would be run through a sensitive site criteria filter (habitat sensitivity index, or HSI) to determine potential vulnerable nearby habitats and impact concerns. Sensitive site criteria include the following and may be adjusted by region: ESI-10 Shorelines, Salt marsh, State Parks, State Critical Wildlife Areas, National Estuarine Research Reserves, State Historic Preservation Office sites, National Wildlife Refuges, National Seashores, and Federal Critical

Habitats. If a target location falls within one or more of these areas, it is flagged and triggers a desktop analysis to determine if additional notifications are necessary, if habitat/wildlife conservation measures need to be implemented, if resource advisors/SMEs need to be present, or if the debris should be left-in-place. Where needed, trained natural resource advisors and SMEs would be utilized to provide recommendations as to whether a removal is possible or should be left in place and how best to minimize unintended associated habitat impacts.

Removal activities (including human presence, helicopters/drones, heavy removal/salvage equipment operation, and equipment-assisted removal) have the potential to impact terrestrial NLAA species in Section I through limited disruption to habitats including human/equipment presence, noise, aircraft downwash, and limited ground disturbance. Fixed wing aircraft, helicopters, and drones will be operated during daylight hours by FWC or by contractors following all applicable viewing guidelines,[20] conservation measures (Attachment A), and FWC (Attachment B) and FAA 14 CFR guidelines (Attachments C-E). Vehicle/equipment operations have the potential to result in temporary disturbance, including increased noise and aircraft downwash, which could contribute to temporary disturbance or displacement. However, many of the NLAA mammal, bird, reptile, and butterfly species in Section I can temporarily leave the area or avoid the area for the duration of the work. Noise would return to baseline levels immediately following the work. Project activities would be short-term in duration, with the goal of providing long-term benefits to terrestrial habitats and species therein.

In summary, for the reasons listed above, impacts from project activities in terrestrial habitats will be insignificant and therefore may affect but are not likely to adversely affect NLAA species in Section I

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

All conservation measures detailed above and those included in Attachment A would be implemented during the finalization of site selection and project implementation by FWC and contractors to minimize protected species impacts and overall habitat impacts. Attachment A, Conservation Measures for Marine Debris Project (Florida), drafted using FWC expertise and suggested conservation measures in Chapter 6 of the PDARP, details general conditions for species and habitats as well as conditions specific to birds, sea turtles, beach mice, manatees, Gulf sturgeon, American crocodiles, and protected plants. Trained natural resource advisors for marine debris removal (when applicable) and local (e.g. Florida Keys National Marine

[20] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines/guidelines-and-distances

Sanctuary) conservation measures will also be utilized. In the event of any variation between suggested or required conservation measures, the stricter of the measures will be observed.

The following measures are proposed for implementation to reduce or eliminate potential impacts on protected species from project activities.

1. Conduct activities in accordance with USFWS Standard Manatee Construction Conditions for In-Water Work (USFWS and FWC 2011), which include, but are not limited to the following conservation measures: Use siltation barriers made of material that will not entrap/entangle the West Indian manatee and will not impede their movement. Barriers will be properly secured and routinely monitored to ensure West Indian manatees are not entangled. Water vessels associated with construction will operate at "no wake/idle" speeds at all times in the construction area, and in water depths where the draft of the vessel provides less than a four-foot clearance from the sediment. Restrict in-water construction activities to the winter months, as possible, when West Indian manatees are least likely to be in the

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project vicinity.

2. Conduct construction activities in accordance with NMFS Protected Species Construction Conditions (2021) which include, but are not limited to, the following conservation measures: Use siltation barriers made of material that will not entrap/entangle sea turtles and do not block sea turtle access from designated critical habitat. Barriers will be properly secured and routinely monitored to ensure turtles are not entangled. Water vessels associated with construction will operate at "no wake/idle" speeds at all times in the construction area, and in water depths where the draft of the vessel provides less than a four-foot clearance from the sediment.

3. For piping plovers and rufa red knot as well as upland sea turtle habitat, all applicable conservation measures listed in Attachment A would be implemented.

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☒ **NMFS Protected Species Construction Conditions (2021)**[21]
- ☒ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☒ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

[21] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

☒ **USFWS Standard Manatee In Water Conditions (2011)[22] and Appropriate State Manatee Conditions[23]**

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

Best practices for protected species and general construction measures will be adhered to, where applicable (DWH Trustees 2016).

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

In-water project activities will avoid designated critical habitats for Gulf sturgeon as much as possible. If marine debris removals need to occur in smalltooth sawfish critical habitat and require any trimming/cutting of red mangroves, FWC will

apply for the required FDEP permit and contact NMFS to determine if additional ESA reviews are needed. Terrestrial project activities will avoid designated critical habitats listed in Section I as much as possible. However, in areas where debris removal would be highly beneficial in marine and terrestrial habitats, FWC and contractors will follow applicable conservation measures outlined above and in Attachments A-E and in the NOAA PDCs. Therefore, the project may affect, but is not likely to adversely affect primary constituent elements (PCEs) and physical and biological features (PBFs).

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*

[22] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work

[23] Contact USFWS representative for appropriate documents

Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

Click here to enter text.

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☐NO ☒YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	*e) Aquaculture*
☐	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*g) Fresh-water river diversions*
☐	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☐	☐	*j) Conducting driving of sheet piles or pilings*

☐	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

In-water work for this project involves the removal of marine debris. Please see Section F for more information.

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☒	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[24]
☒	NMFS Protected Species Construction Conditions (2021)[25]
☒	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☒	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☒	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[26]

If not listed above, please describe any additional BMPs or conservation measures that may be implemented for marine mammals. Follow USFWS Standard Manatee Construction Conditions for In-Water Work (USFWS and FWC 2011) and conservation measures for marine mammals detailed in Attachment A. If ground disturbance occurs to remove marine debris, the following additional BMPs would be implemented: Monitor/observe for dolphins during activities following the same protocols used for West Indian manatees under the ESA. If dolphins come within 50 yards of active ground disturbance and are not just traveling through the area (e.g., remaining within the 50 yards to forage), activities should not start; or if disturbance has already begun, it should cease until the dolphins are beyond the 50 yards and are not likely to re-enter (i.e., are on a dedicated path away from the 50-yard area).

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☐NO ☒YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project

[24] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[25] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[26] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.

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3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic

Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☐	Marsh Creation, Maintenance, or Enhancement
☐	☐	Living Shorelines Construction Maintenance, or Expansion
☐	☐	Removal of Fishing Gear and Other Marine Debris
☐	☐	Oyster Reefs Creation, Maintenance, or Enhancement
☐	☐	Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts
☐	☐	Artificial Reefs Construction, Maintenance, or Expansion
☐	☐	Boat Ramps Installation, Repair, Replacement, or Removal
☐	☐	Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal
☐	☐	Establishing or Restoring SAV
☐	☐	Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email:
michael_barron@fws.
gov Phone: 251-421-
7030

NHPA Consultation
Benjamin Frater, Department of the Interior
Email: benjamin_frater@fws.gov
Phone: 404-314-8815

List of Attachments:

- Attachment A – Conservation Measures for Marine Debris Project (Florida)
- Attachment B – FWC Small Unmanned Aircraft Systems (sUAS) Manual
- Attachment C – FAA 14 CFR Part 107 Small Unmanned Aircraft Systems
- Attachment D – FAA 14 CFR Part 91 General Operating and Flight Rules
- Attachment E – FAA 14 CFR Part 135 Operating Requirements

References and Data Sources:

Deepwater Horizon (DWH) Natural Resource Damage Assessment Trustees. 2016. *Deepwater Horizon* oil spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement. Baton Rouge, LA: National Oceanic and Atmospheric Administration. Available at:

http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan.

National Marine Fisheries Service (NMFS). 2021. Protected Species Construction Conditions Available at: https://media.fisheries.noaa.gov/2021-06/Protected_Species_Construction_Conditions_1.pdf?null

National Marine Fisheries Service (NMFS). 2008. NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners; revised February 2008. Available at: http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html.

National Marine Fisheries Service (NMFS). 2012. Measures for Reducing Entrapment Risk to Protected Species; revised May 22, 2012. Available at: http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html.

National Marine Fisheries Service (NMFS). 2020. U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments – 2019. NOAA Technical Memorandum NMFS-NE-264. Available at: https://www.fisheries.noaa.gov/webdam/download/109188360.

U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FWC). 2011. Standard Manatee Conditions for In-Water Work.