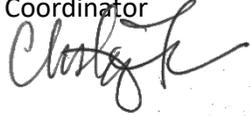




MEMORANDUM FOR: FILE

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

DATE: October 22, 2024

SUBJECT: AL TIG Restoration Plan and Environmental Assessment #4, Improving Resilience for Oysters by Linking Brood Reef and Sink Reefs (Large-Scale) – Component 4 – Mid-lower Mobile Bay: Covered by Existing ESA, EFH and MMPA Compliance

Based on my review of project materials including the Biological Evaluation forms (Fall 2024), and in coordination with representatives from NOAA's Protected Resources and Habitat Conservation Divisions (HCD) in the Southeast Regional Office, the NOAA Restoration Center (RC) determined that the project is covered by existing compliance for species or habitats under the jurisdiction of National Marine Fisheries Service (NMFS).

The Improving Resilience for Oysters by Linking Brood Reef and Sink Reefs (Large-Scale) – Component 4 – Mid-lower Mobile Bay project selected as part the AL TIG's Restoration Plan and Environmental Assessment #4 (AL RP4) is an extension of a project selected in the Regionwide TIG's first restoration plan (RW RP1). The project was reviewed at the time of RW RP1 and those consultations and reviews remain in effect for the project work included in AL RP4 as described below.

#### Endangered Species Act

At the time of RW RP1, a request for Endangered Species Act (ESA) informal consultation was submitted to NMFS. On August 2, 2021, NMFS completed ESA consultation for this project (Framework Programmatic Opinion; SERO-2015-00013; SER-2015-17459). Project elements and construction methods are unchanged and this ESA consultation is still in effect.

#### Designated Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act

At the time of RW RP1, potential effects to essential fish habitat (EFH) from this proposed project was reviewed by NMFS. On June 7, 2021, NOAA RC determined that this project would have minimal effects on EFH. As a result, HCD did not provide any conservation recommendations and the project did not require further EFH evaluation. This determination remains in effect as the project elements have not changed.

#### Marine Mammal Protection Act

At the time of RW RP1, potential effects to marine mammals from the proposed project was reviewed by NMFS and it was determined that authorizations under the Marine Mammal Protection Act were not required. Appropriate measures and best management practices were included in the BE form and will be implemented to avoid and minimize effects marine mammals. This determination remains in effect as the project elements have not changed.