



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

May 14, 2021

To: Memorandum To File

From: Michael Barron, Deepwater Horizon Gulf Restoration Office

Subject: No Effect Determination for Five Restoration Projects proposed in the Florida Trustee Implementation Group's Restoration Plan #2

Under the Endangered Species Act (ESA) Section 7(a)(2), each Federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species, or destroy/adversely modify designated critical habitat. If a Federal agency determines that a Federal action will have no effect on ESA-listed species or designated critical habitat, then the Federal agency is not required to consult with the US Fish and Wildlife Service (USFWS) for purposes of ESA. This memo does not include any information or effects determinations for protected species under the jurisdiction of the National Marine Fisheries Service.

Based on my review of the project materials provided, the USFWS Gulf Restoration Office has determined that the projects listed below proposed for implementation in the Florida Trustee Implementation Group Restoration Plan #2 and Environmental Assessment will have no effect to listed species under the jurisdiction of USFWS. This is due to the location or the nature of the activities being proposed (see attached Biological Evaluation forms for details). These projects will not require further ESA evaluation. Should any project be modified in a way that could adversely impact ESA-listed species or habitats, this determination will be reevaluated as appropriate.

- MM 1: Florida Gulf Coast Enhanced Marine Mammal Stranding Network
- REC 3: Engineering and Design for Pensacola Beach Park West Fishing Pier and Access Improvements
- REC 9: Restoring Recreational Fishing Opportunities Through Hatchery Releases
- ST 1: Increased Observers and Outreach to Reduce Incidental Hooking of Sea Turtles in Recreational Fisheries
- FM4: Pensacola Beach Fort Pickens Road Wildlife Lighting Retrofits

We have also reviewed the proposed projects for impacts to bald eagles (*Haliaeetus leucocephalus*) in accordance with the Bald and Golden Eagle Protection Act of 1940 as amended (16 U.S.C. 668-668c) and impacts to migratory birds in accordance with the Migratory Bird Treaty

Act of 1918 as amended (16 U.S.C. 703-712) and we determined that take would be avoided and best management practices will be followed. In accordance with the Marine Mammal Protection Act of 1972 as amended (16 U.S.C. 1361-1383b, 1401-1406, 1411-1421h), no marine mammals will be impacted.

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 (5)

Version: August 21, 2018

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: Erin Chandler at erin_chandler@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): Florida Fish and Wildlife Conservation Commission (FWC) and National Oceanic and Atmospheric Administration (NOAA)

Contact Name: Gareth Leonard Phone: 850-617-9452 Email: gareth.leonard@myfwc.com

Project Name: Florida Gulf Coast Enhanced Marine Mammal Stranding Network

DIVER ID# [Click to enter text](#) TIG: Florida TIG Restoration Plan # 2

B. Project Phase and Supporting Documentation

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

Planning/Conceptual Construction/Implementation 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.](#)

Supporting Documentation

Please attach any maps, aerial photographs, or design drawings that will support the information in this 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

Version: August 21, 2018

Biological Evaluation Form
Deepwater Horizon Oil Spill Restoration
 U.S. Fish and Wildlife Service & National Marine Fisheries Service

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 NMFS: Christy Fellas at christina.fellas@noaa.gov

A. Project IdentificationFederal Action Agency(one or more):USFWS NOAA EPA USDA

Implementing Trustee(s): Florida Department of Environmental Protection (FDEP)

Contact Name: Jim Reynolds Phone: 850-245-2814 Email: james.reynolds@dep.state.fl.us

Project Name: Engineering and Design for Pensacola Beach Park West Fishing Pier and Access Improvements

DIVER ID# [Click to enter text](#) TIG: Florida TIG Restoration Plan # 2**B. Project Phase and Supporting Documentation**

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

Planning/Conceptual Construction/Implementation Engineering & Design

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

None**Supporting Documentation**

Please attach any maps, aerial photographs, or design drawings that will support the information in this 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
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlaid

Version: August 21, 2018

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

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

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USFWS: Erin Chandler at erin_chandler@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): Florida Fish and Wildlife Conservation Commission (FWC)

Contact Name: Gareth Leonard Phone: 850-617-9452 Email: gareth.leonard@myfwc.com

Project Name: Restoring Recreational Fishing Opportunities Through Hatchery Releases

DIVER ID# TBD TIG: Florida TIG Restoration Plan # Florida TIG Restoration Plan #2

B. Project Phase and Supporting Documentation

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

Planning/Conceptual Construction/Implementation Engineering & Design

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N/A

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 NMFS: Christy Felas at christina.felas@noaa.gov

A. Project IdentificationFederal Action Agency(one or more):USFWS NOAA EPA 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: Increased Observers and Outreach to Reduce Incidental Hooking of Sea Turtles in Recreational Fisheries Along Florida's Gulf Coast

DIVER ID# [Click to enter text](#) TIG: Florida TIG Restoration Plan # 2**B. Project Phase and Supporting Documentation**

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USFWS: Erin Chandler at erin_chandler@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): Department of the Interior (DOI)

Contact Name: Dianne Ingram Phone: 000-000-0000 Email: Dianne_Ingram@fws.gov

Project Name: Pensacola Beach Fort Pickens Road Wildlife Lighting Retrofits

DIVER ID# [Click to enter text](#) TIG: Florida TIG Restoration Plan # 2

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