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## Request for ESA consultation using DWH PDCs - bird restoration project FL TIG RP#2 (B1)

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**Michael Tucker - NOAA Federal** <michael.tucker@noaa.gov>  
To: Christina Fellas - NOAA Federal <christina.fellas@noaa.gov>  
Cc: Kelly Shotts - NOAA Federal <kelly.shotts@noaa.gov>

Mon, Jan 25, 2021 at 10:40 AM

Dear Ms. Fellas:

This responds to your January 15, 2021, request for streamlined informal consultation with us, the National Marine Fisheries Service (NMFS), pursuant to the process described in the Framework Programmatic Biological Opinion on the Deepwater Horizon Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Framework Programmatic Opinion; SER-2015-17459) for the Florida TIG's Gomez Key Oyster Reef Expansion and Breakwaters for American Oystercatchers Project. As described in the Framework Programmatic Opinion, NMFS evaluated potential effects of several specific restoration activities that have been repeatedly and widely implemented throughout the Gulf of Mexico, and have been the subject of previous ESA Section 7 consultations with NMFS. In that Opinion, we determined that specific restoration actions are not likely to adversely affect NMFS-managed ESA-listed species or their designated critical habitats provided that all applicable Project Design Criteria (PDC) are incorporated into the project design. Based on the project description you have provided, NMFS has determined that the proposed Gomez Key Oyster Reef Expansion and Breakwaters Project (1) meets the description of an "Oyster Reef Creation and Enhancement" project, and a "Living Shoreline Construction" project, as described in Appendix A of the Framework Programmatic Opinion; and (2) fully incorporates all applicable PDCs for Oyster Reef Creation and Enhancement, and Construction of Living Shoreline projects (also described in Appendix A of the Framework Programmatic Opinion).

This concludes your consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or if new information reveals effects of the action not previously considered, or if the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action. NMFS's findings on the project's potential effects are based on the project description you provided in your January 15, 2021, submission, and your documented commitment to fully implement all applicable PDCs for Oyster Reef Creation and Enhancement, and Construction of Living Shorelines as described in Appendix A of the Framework Programmatic Opinion. Any changes to the proposed action may negate the findings of this consultation and may require reinitiation of consultation with NMFS.

We look forward to further cooperation with you and the Deepwater Horizon Trustee Implementation Groups on future restoration projects. If you have any questions on this consultation, please contact Michael Tucker, Consultation Biologist, at (727) 209-5981, or by email at [michael.tucker@noaa.gov](mailto:michael.tucker@noaa.gov).

On Fri, Jan 15, 2021 at 2:16 PM Christina Fellas - NOAA Federal <christina.fellas@noaa.gov> wrote:

[Quoted text hidden]

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Michael Tucker

Endangered Species Biologist  
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