



# 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

October 7, 2021

To: Memorandum To File

From: Michael Barron, Deepwater Horizon Gulf Restoration Office

Subject: Documentation of Compliance with the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act for the Project: Reducing Threats to Sea Turtles through Removal of In-water Marine Debris Along Florida's Gulf Coast within the Florida Trustee Implementation Group's Restoration Plan #2

The Deepwater Horizon Florida Implementation Group (FL TIG) is proposing the project: Reducing Threats to Sea Turtles through Removal of In-water Marine Debris Along Florida's Gulf Coast. The objective of this project is to reduce the threat and impacts (e.g., entanglement, entrapment, and/or ingestion) of marine debris to Deepwater Horizon-injured sea turtle species along Florida's Gulf Coast, with a primary focus on in-water derelict fishing gear (e.g., monofilament fishing line, nets, trap/pot gear, and other recreational/commercial fishing equipment that has been lost, abandoned, or discarded).

We reviewed the Biological Evaluation form (attached) for the proposed project for impacts to bald eagles (*Haliaeetus leucocephalus*) in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 as amended (16 U.S.C. 668-668c) and migratory birds in accordance with the Migratory Bird Treaty Act (MBTA) of 1918 as amended (16 U.S.C. 703-712) and determined that take would be avoided. If modifications are made to the project in a manner that may affect eagles and/or migratory birds or their habitats; or additional information involving potential effects becomes available; compliance with BGEPA and/or MBTA may be reevaluated.

If you have questions or concerns regarding this memo, please contact Michael Barron of this office at 251-421-7030 or [michael\\_barron@fws.gov](mailto:michael_barron@fws.gov).

Attachment (1)

# 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)

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

Project Name: Reducing Threats to Sea Turtles through Removal of In-water Marine Debris Along Florida's Gulf Coast

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
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlaid

**C. Project Location**

**I. State and County/Parish of action area**

This project would occur in the nearshore waters of all Florida Gulf Coast counties (Escambia through Monroe). See Figure 1.

**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>]

N/A. See Figure 1.

**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. Complete National Environmental Policy Act (NEPA) analysis for project activities would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan #2 and Environmental Assessment.

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

Name of Person Completing this Form: Nadia Martin, IEC

Name of Project Lead: Gareth Leonard, FWC

Date Form Completed: October 21, 2020

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 CH is not designated in the area, then describe any suitable habitat in the area*

#### **a. Waterbody**

*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 all Florida Gulf Coast counties (see Figure 1), including bays, sounds, and estuaries.

*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.*

[Click or tap here to enter text.](#)

#### **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) as part of education and outreach activities. Specifically, this project may provide signage at high fishing-use areas or businesses, install 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.

#### 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.*

Mangroves primarily exist in the southern Florida Gulf 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. [Click here to enter text.](#)*

Corals exist in the southern-most Florida Gulf Coast county (Monroe County).

#### 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.).*

Project activities may occur in a variety of upland habitats (e.g., beach, dune, other nearshore habitats) as needed for the education, outreach, and staging component of this project (i.e., staging areas for debris removal actions). Staging and beach access would occur only on developed or previously disturbed land. Any impacts to upland habitats would be minimal and would result from installation of educational signage or fishing gear collection/disposal receptacles.

#### g. 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>*

Numerous cetacean species could be present in Florida Gulf Coast waters and impacted by project activities. Specifically, the Northern Gulf of Mexico 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 Gulf of Mexico Eastern Coastal, Northern Gulf of Mexico Continental, and Gulf of Mexico Northern Coastal stocks of bottlenose dolphins could be present in the project footprint (NOAA 2020). The West Indian manatee (*Trichechus manatus*) could also be present in the action area. Please see Figure 1 for the project footprint.

#### **h. Soils and Sediments**

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

N/A

#### **i. Land Use**

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

The Florida Gulf Coast contains a variety of land use types, from undeveloped habitats to high intensity developed cities. This project would likely target highly developed areas (i.e., areas which support high levels of recreational fishing) to remove in-water marine debris and prevent debris from entering coastal waters.

#### **j. Essential Fish Habitat**

*If applicable. Describe any designated Essential Fish Habitat within the project area*

Nearshore habitats along Florida's Gulf Coast include federally designated essential fish habitat for coastal migratory pelagics, red drum (*Sciaenops ocellatus*), reef fish, shrimp, stone crabs (*Menippe mercenaria*), and swordfish (*Xiphias gladius*).

## **F. Project Description**

*1. 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.*

This project would be implemented by FWC. Other project partners may include Florida Gulf Coast-based non-governmental organizations (NGOs; e.g., Ocean Aid 360, Clearwater Marine Aquarium, Sarasota Bay Watch, Apalachicola Riverkeeper), local, state, and federal partners (e.g.,

the National Oceanic and Atmospheric Administration [NOAA], Florida Department of Environmental Protection [FDEP], county-managed piers, marinas, bridges), and educational institutions/university-based programs (e.g. University of Florida, Florida Sea Grant).

The objective of this project is to reduce the threat and impacts (e.g., entanglement, entrapment, and/or ingestion) of marine debris to *Deepwater Horizon*-injured sea turtle species along Florida's Gulf Coast (see Figure 1), with a primary focus on in-water derelict fishing gear (e.g., monofilament fishing line, nets, trap/pot gear, and other recreational/commercial fishing equipment that has been lost, abandoned, or discarded).

Specifically, this project would:

- Aggregate and analyze existing data to identify high occurrence, or “hotspots”, of marine debris that impact sea turtles in Florida. Data would be compiled from federal and state agencies and other relevant partners (e.g., Sea Turtle Stranding and Salvage Network [STSSN] partners, rescue/rehabilitation organizations, NGOs, dive operators, etc.). Hotspots may be characterized by a number of criteria including but not limited to: locations with a high frequency of marine debris-related sea turtle injuries or mortalities; locations where sea turtle habitat (e.g., foraging) intersects with high-recreational use locations (e.g., boat ramps, fishing piers, jetties, artificial and natural reefs) or commercial fishing activities (e.g., derelict pots/traps or other commercial debris); and/or locations that serve as sources of marine debris or pathways for introduction;
- Reduce the number of, and potential for, marine debris-related incidences at up to 16 hotspots using the following techniques, as appropriate:
  - Removing marine debris. This technique includes providing support (e.g., capacity, equipment, fuel) for organized, large-scale debris removal events or regularly conducted targeted site-specific events, including the use of professional divers or marine salvage crews around deep structures. There is the potential for debris removal to be a one-time or multi-event effort depending on the degree/frequency of debris accumulation, impact on 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) or as additional stand-alone events. This technique would include the following:
    - Developing or utilizing an existing uniform/standardized reporting system for data collection (e.g., amount, type, weight, and/or volume of debris removed) in coordination with the Regionwide TIG marine debris project. There are a number of existing available protocols to choose from or that could be adapted for use for this project (e.g., NOAA Marine Debris Tracker, U.S. Environmental Protection Agency's Escaped Trash Assessment Protocol). All information would be available on a public website. Consistency in data collection would improve the rigor and

types of subsequent analyses, enable assessment of the effectiveness of debris removal efforts, and inform future restoration planning for sea turtles. Ideally, the protocol used, information collected, and data management approach would align with those used in any Regionwide TIG marine debris project efforts;

- Providing public education and outreach during implementation of the above techniques, where appropriate, to reduce (re-)accumulation of marine debris. This could include presentations to local communities and organizations (who may adopt a local clean-up) and key stakeholders and user groups, providing signage at high-use areas (e.g., fishing piers) or businesses (e.g., fishing gear retailers), and distributing outreach materials on the dangers of marine debris on sea turtles;
- Increase methods and capacity for fishing gear collection and disposal (e.g., monofilament recycling bins, arrangement of maintenance services, and expanding sustainable disposal options).

Project activities include implementation of marine debris removal and educational/outreach activities and monitoring. This project would not substitute for required marine debris removal/prevention activities as part of biological opinions for piers along Florida's Gulf Coast.

While the project's intent is to reduce the threat and impacts (e.g., entanglement, entrapment, and/or ingestion) of marine debris for sea turtles (which would provide ancillary benefits to other marine species), in-water marine debris removal could affect but is not likely to adversely affect to marine (including threatened and endangered) species and habitats. Impacts could occur from increased human/vessel presence, noise, and construction equipment. In-water work would involve pre-removal activities such as scoping, removal of in-water debris (including associated vessels/equipment), and transporting removed debris to upland disposal sites. The level of impact to habitats and species would depend on the type of debris being removed and the method of removal. 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 construction equipment such as cranes, buckets and grapples, rigging, backhoes, excavators, hoists and winches, water jets, booms, boats, and dumpsters. See <http://www.sealordsalvage.com/equipment.htm> for an overview of the types of equipment that may be involved in underwater removal/salvage.

Generally, if removal of in-water marine debris would cause more harm than benefit, the debris would be left as-is in the environment. Removals would be run through a habitat sensitivity index to determine potential vulnerable nearby habitats and impact concerns. Where needed, natural resource advisors and subject matter experts (e.g. for natural and artificial reefs) would be utilized to determine if a removal is possible or should be left in place and how best to minimize impacts associated with reefs.

While marine debris removal activities would occur in-water (locations to be determined after hotspot identification), some project activities (specifically staging areas for collected debris, access to waterways, education/outreach, and increasing capacity for fishing gear collection and disposal) may occur in a variety of upland habitats, most likely beach and dune or nearshore habitats. At this time, FWC as the Implementing Trustee expects to stage debris or access



waterways from previously disturbed or developed land such as boat launches or dune crossovers. Education/outreach and installation of fishing gear collection bins is likely to occur at highly trafficked, previously disturbed areas such as fishing piers. FWC does not expect activities in beach or dune habitat to occur within sea turtle, shorebird, or seabird nesting season. FWC would re-initiate coordination with USFWS if needed.

*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 seven years. Identification/prioritization of hotspots would occur in Year 1 (initial) and Years 2-5 (as needed with new information/impacts). 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).

*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*

<i>Does this project include in-water work?</i>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<i>Does this project include terrestrial construction?</i>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<i>Does this project include construction of an overwater structure?</i>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<i>Will fishing be allowed from this overwater structure?</i>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<i>Will wildlife observation be allowed from this overwater structure?</i>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<i>Will boat docking be allowed from this overwater structure?</i>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<i>Will fishing be allowed from this overwater structure?</i>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

*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).*

In-water work for this project involves removal of marine debris. This includes providing support (e.g., capacity, equipment, fuel) for organized, large-scale debris removal events or regularly conducted targeted site-specific events, including the use of professional divers or marine salvage crews around deep structures. There is the potential for debris removal to be a one-time or multi-event effort depending on the degree/frequency of debris accumulation, impact on 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) or as additional stand-alone events. Marine debris removal could involve the use of in-water machinery or other equipment that has the potential have negative impacts on threatened or endangered species and sensitive habitat.

Removal may involve the use of SCUBA equipment and boating safety gear, dive knives, hooks, floats, and lift bags, and barges or other heavy construction equipment such as cranes, buckets and grapples, rigging, backhoes, excavators, hoists and winches, water jets, booms, boats, and dumpsters. See <http://www.sealordsalvage.com/equipment.htm> for an overview of the types of equipment that may be involved in underwater removal/salvage. Removals would be run through a habitat sensitivity index to

determine potential vulnerable nearby habitats and impact concerns. Where needed, natural resource advisors and subject matter experts (e.g., for natural and artificial reefs) would be utilized to determine if a removal is possible or should be left in place and how best to minimize impacts associated with reefs.

*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”?

[http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/guidance\\_docs/documents/dockkey2002.pdf](http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/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

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

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 (ft<sup>2</sup>) to be dredged, volume of material (yd<sup>3</sup>) 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.*

Dredging/digging may occur in the marine environment to remove large and/or embedded structures such as old pilings, structural debris, or derelict vessels. Dredging/digging may involve the use of barges or other heavy construction equipment such as cranes, buckets and grapples, rigging, backhoes, excavators, hoists and winches, water jets, booms, boats, and dumpsters. Removals (including those with proposed dredging/digging) would be run through a habitat sensitivity index to determine potential vulnerable nearby habitats and impact concerns. Where needed, natural resource advisors and subject matter experts (e.g. for natural and artificial reefs) would be utilized to determine if a removal is possible or should be left in place.

*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 Species & 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 G. and proceed to Section H.*

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.

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.

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](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf).

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

<b>Species and/or Critical Habitat</b>	<b>CH Unit (if applicable)</b>	<b>Location (Sea turtles and Gulf Sturgeon only)</b>	<b>Determinations (see definitions below)</b>	<b>For “No Effect”, please select justification.</b>
Gulf Sturgeon (T)		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Gulf Sturgeon CH	Units 9 through 14	Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Smalltooth Sawfish (E)		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Smalltooth Sawfish CH	Charlotte Harbor Estuary Unit Then Thousand Islands/Everglades Unit	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Green Sea Turtle (T)		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Loggerhead Sea Turtle		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Loggerhead Sea Turtle CH	LOGG-N-19 through LOGG-N-32 LOGG-S-01, LOGG-S-02	Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Leatherback Sea Turtle (E)		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Hawksbill Sea Turtle (E)		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Kemp's Ridley Sea Turtle (E)		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Elkhorn Coral (T)		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Boulder Star Coral (T)		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Lobed Star Coral (T)		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Mountainous Star Coral (T)		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.

Oceanic Whitetip Shark (T)		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Giant Manta Ray (T)		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.

### Determination Definitions

**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.

**Critical Habitat No Destruction** = When the proposed action will not diminish the value of critical habitat.

### H. USFWS Species & 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 G. and proceed to Section H.*

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 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.*

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](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf).

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

<b>Species and/or Critical Habitat</b>	<b>CH Unit (if applicable)</b>	<b>Location (Sea turtles and Gulf Sturgeon only)</b>	<b>Determinations (see definitions below)</b>	<b>For “No Effect”, please select justification.</b>
<b>Mammals</b>				
Choctawhatchee Beach Mouse		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Bonneted Bat		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Panther		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Salt Marsh Vole		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Key Deer		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Key Largo Cotton Mouse		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Key Largo Woodrat		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Lower Keys Marsh Rabbit		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Perdido Key Beach Mouse		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Puma		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Silver Rice Rat		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
St. Andrew Beach Mouse		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
West Indian Manatee		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
<b>Birds</b>				
Audubon’s Crested Caracara		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Bachman’s Warbler		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.

Cape Sable Seaside Sparrow		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Eastern Black Rail		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Everglade Snail Kite		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Grasshopper Sparrow		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Scrub-Jay		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Ivory-Billed Woodpecker		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	Select Most Appropriate
Red-Cockaded Woodpecker		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.
Roseate Tern		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Whooping Crane		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Wood Stork		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
<b>Reptiles</b>				
American Alligator		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
American Crocodile		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Eastern Indigo Snake		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Gopher Tortoise		Choose an item.	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.
Kemp's Ridley		Terrestrial	May Affect, Not Likely to Adversely Affect	Choose an item.
Leatherback Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	Choose an item.
Loggerhead Sea Turtle		Terrestrial	May Affect, Not Likely to Adversely Affect	Choose an item.
<b>Amphibians</b>				
Frosted Flatwoods Salamander		Choose an item.	No Effect	No suitable habitat in action area

Reticulated Flatwoods Salamander		Choose an item.	No Effect	No suitable habitat in action area
<b>Fish</b>				
Okaloosa Darter		Choose an item.	No Effect	No suitable habitat in action area
<b>Mussels</b>				
Choctaw Bean		Choose an item.	No Effect	No suitable habitat in action area
Fuzzy Pigtoe		Choose an item.	No Effect	No suitable habitat in action area
Gulf Moccasinshell		Choose an item.	No Effect	No suitable habitat in action area
Narrow Pigtoe		Choose an item.	No Effect	No suitable habitat in action area
Oval Pigtoe		Choose an item.	No Effect	No suitable habitat in action area
Round Ebonyshell		Choose an item.	No Effect	No suitable habitat in action area
Shinyrayed Pocketbook		Choose an item.	No Effect	No suitable habitat in action area
Southern Kidneyshell		Choose an item.	No Effect	No suitable habitat in action area
Southern Sandshell		Choose an item.	No Effect	No suitable habitat in action area
<b>Lichens</b>				
Florida Perforate Cladonia		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
<b>Insects</b>				
Bartram's Hairstreak Butterfly		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Leafwing Butterfly		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Miami Blue Butterfly		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Schaus Swallowtail Butterfly		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
<b>Snails</b>				
Stock Island Tree Snail		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
<b>Crustaceans</b>				
Panama City Crayfish		Choose an item.	No Effect	No suitable habitat in action area
<b>Flowering plants</b>				



Aboriginal Prickly-Apple		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Beach Jacquemontia		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Beautiful Pawpaw		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Big Pine Partridge Pea		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Blodgett's Silverbush		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Brooksville Bellflower		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Carter's Mustard		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Carter's Small-Flowered Flax		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Cape Sable Thoroughwort		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Chapman Rhododendron		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Cooley's Water-Willow		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Crenulate Lead-Plant		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Deltoid Spurge		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Everglades Bully		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Bonamia		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Brickell-Bush		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Golden Aster		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Pineland Crabgrass		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Prairie-Clover		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Semaphore Cactus		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Skullcap		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Garber's Spurge		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.

Godfrey's Butterwort		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Harper's Beauty		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Key Tree Cactus		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Papery Whitlow-Wort		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Pineland Sandmat		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Pygmy Fringe-Tree		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Sand Flax		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Small's Milkpea		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Telephus Spurge		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Tiny Polygala		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Wedge Spurge		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
White Birds-in-a-Nest		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
<b>Ferns and Allies</b>				
Florida Bristle Fern		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
<b>Critical Habitat</b>				
Aboriginal Prickly-Apple CH	APA1 through APA11	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
American Crocodile CH		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Bartram's Hairstreak Butterfly	Units 5, 6, and 7	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Caple Sable Thoroughwort CH	Units 1 through 9	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Choctawhatchee Beach Mouse CH	CBM-1 through CBM-5	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Bonneted Bat CH	Unit 3	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Leafwing Butterfly CH	Unit 4	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Semaphore Cactus CH	FSC3 and FSC4	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.

Loggerhead Sea Turtle CH	LOGG-T-FL-15 through LOGG-T-FL-45	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Piping Plover CH	FL-01 through FL-31	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Silver Rice Rat CH		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
St. Andrew Beach Mouse CH	Units 1 through 3	Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
West Indian Manatee CH		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.

### Determination Definitions

**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.

**Critical Habitat No Destruction** = When the proposed action will not diminish the value of critical habitat.

### I. Effects of the proposed project to the species 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 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, the majority of project activities would occur in the marine environment to remove in-water marine debris. Some project activities (specifically staging areas for collected debris, access to waterways, education/outreach, and increasing capacity for fishing gear collection and disposal) may occur in a variety of upland habitats, most likely beach and dune or nearshore habitats.

At this time, FWC as the Implementing Trustee expects to stage debris or access waterways from previously disturbed or developed land such as boat launches or dune crossovers. Education/outreach and installation of fishing gear collection bins is likely to occur at highly trafficked or otherwise disturbed or developed areas such as fishing piers and would otherwise not disrupt sensitive beach and dune habitats or species therein. Any potentially sensitive habitat or designated critical habitat would be avoided. Additionally, these activities are anticipated to be short in duration, infrequent, and not result in greater human presence along the Florida Gulf Coast than already occurs. FWC does not expect activities in beach or dune habitat to occur within sea turtle, shorebird, or seabird nesting season. FWC would re-initiate coordination with USFWS if needed. For these reasons, this project may affect but is unlikely to adversely affect terrestrial species listed in Section H.

In-water marine debris removal would occur within the marine environment, including bays, estuaries, and sounds, along Florida's Gulf Coast. No activities would occur in freshwater streams/rivers or wetlands. For this reason, the project would have no effect on species inhabiting freshwater streams/rivers (freshwater mussels, crustaceans, or freshwater fish) or wetlands (amphibians) listed in Section H.

In-water marine debris removal activities have the potential to impact marine species (including in-water sea turtles, Gulf sturgeon [*Acipenser oxyrhynchus desotoi*], and West Indian manatee) listed in Sections G and H. While these in-water activities would be short-term in duration with the goal of providing long-term benefits, they may involve the use of heavy machinery or significantly disrupt marine habitats and species. As described in Section F, proposed debris removals (including those with proposed dredging/digging) would be run through a habitat sensitivity index to determine potential vulnerable nearby habitats and endangered species impact concerns. Where needed, natural resource advisors and subject matter experts (e.g., for natural and artificial reefs) would be utilized to determine if a removal is possible or should be left in place. With the use of appropriate conservation measures and best management practices (BMPs; described below), in-water activities may affect, but are not likely to adversely affect, marine species listed in Sections G and 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 (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.*

Generally, if removal of in-water marine debris would cause more harm than benefit, the debris would be left as-is in the environment. Removals would be run through a habitat sensitivity index to determine potential vulnerable nearby habitats and impact concerns. Where needed, natural

resource advisors and subject matter experts (e.g., for natural and artificial reefs) would be utilized to determine if a removal is possible or should be left in place and how best to minimize impacts associated with reefs.

Specific conservation measures would be implemented during the finalization of site selection and construction to minimize erosion, habitat fragmentation, runoff, protected species impacts, and overall habitat impacts. Conservation measures for listed species would be incorporated into final project design and implementation to avoid or minimize any potential impacts to protected species. These could include following established BMPs for construction activities such as the implementation of turbidity control measures and ongoing monitoring during marine debris removal to ensure compliance.

The following measures are proposed for implementation before construction activities to reduce or eliminate potential impacts on protected species from the proposed activity.

1. Conduct construction activities in accordance with USFWS Standard Manatee Construction Conditions for In-Water Work (USFWS 2011), which include, but are not limited to the following BMPs: 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, when West Indian manatees are least likely to be in the project vicinity.
  
2. Conduct construction activities in accordance with NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) which include, but are not limited to, the following BMPs: 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. Restrict construction activities to the winter months when turtles are not likely to be nesting and hatchlings not likely to be leaving the nest.
  
3. Conduct construction activities in accordance with Gulf Sturgeon Mitigation Measures, which include but are not limited to: care shall be taken in lowering equipment or material below the water surface and into the sediment. These precautions will be taken to ensure no harm occurs to any sturgeon which may have entered the construction area undetected.

*Frequently Recommended BMPs: This checklist provides standard BMPs recommended by NOAA and USFWS. Please select any BMPs that will be implemented:*

- |                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <b>USFWS Standard Manatee In Water Conditions</b>                                      |
| <input checked="" type="checkbox"/> | <b>NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions<sup>1</sup></b>      |
| <input checked="" type="checkbox"/> | <b>NMFS Measures for Reducing the Entrapment Risk to Protected Species<sup>1</sup></b> |

1. 1 Documents can be found here: [http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/guidance\\_docs/index.html](http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html)

<input checked="" type="checkbox"/> <b>NFMS Vessel Strike Avoidance Measures and Reporting for Mariners<sup>1</sup></b>
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### 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](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 birds, marine mammals, reptiles and amphibians, tortoises/turtles (especially sea turtles—in water), fish (Gulf sturgeon), and general construction measures will be adhered to, where applicable (DWH Trustees 2016).

### J. 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.*

Land-based project activities (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 (CH) listed in Section H from human disturbance, noise, vehicle movement, or installation of project elements. However, since these activities are expected to be infrequent, short in duration, and only occur in previously disturbed or developed habitat, this project may affect, but is not likely to adversely affect, terrestrial CH listed in Section H.

In-water marine debris removal activities have the potential to impact marine CH (including smalltooth sawfish [*Pristis pectinata*], loggerhead sea turtle [*Caretta caretta*] nearshore, and Gulf sturgeon CH) listed in Sections G and H. While these in-water activities would be short-term in duration with the goal of providing long-term benefits, they may involve the use of heavy machinery and may disrupt marine habitats and species. As described in Section F, proposed debris removals (including those with proposed dredging/digging) would be run through a habitat sensitivity index to determine potential vulnerable nearby habitats and CH impact concerns. Where needed, natural resource advisors and subject matter experts (e.g., for natural and artificial reefs) will be utilized to determine if a removal is possible or should be left in place. With the use of appropriate conservation measures and BMPs, in-water activities may affect, but are not likely to adversely affect, marine CH listed in Sections G and H.

*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.*

Click here to enter text.

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

<input checked="" type="checkbox"/>	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines2
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2. 2 Documents can be found here: [http://sero.nmfs.noaa.gov/protected\\_resources/outreach\\_and\\_education/index.html](http://sero.nmfs.noaa.gov/protected_resources/outreach_and_education/index.html)

<input checked="" type="checkbox"/>	NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions <sup>3</sup>
<input checked="" type="checkbox"/>	NMFS Measures for Reducing the Entrapment Risk to Protected Species <sup>3</sup>
<input checked="" type="checkbox"/>	NFMS Vessel Strike Avoidance Measures and Reporting for Mariners <sup>3</sup>
<input type="checkbox"/>	Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign <sup>3</sup>

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

1. Conduct construction activities in accordance with Standard Manatee Construction Conditions for In-Water Work (FWC 2005), which include, but are not limited to the following BMPs.

- 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 they 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.

2. Restrict in-water construction activities to the winter months, when West Indian manatees are least likely to be in the project vicinity.

3. Keep construction noise low (in air and in water) to the greatest extent possible.

4. Instruct all personnel associated with the construction and operational phases of the project in the potential presence of West Indian manatees in the water. Furthermore, advise construction site personnel associated with operating the ferry of the civil and criminal penalties for harming, harassing, or killing species that are protected under the Marine Mammal Protection Act, the ESA, and the Florida Manatee Sanctuary Act.

5. Maintain spill response kits on board during construction.

6. If a West Indian manatee comes within 50 feet of the construction area or barrier, activities would cease until the animal has moved on its own volition beyond the 50-foot radius of the project operation. The animals would not be herded away or harassed into leaving.

7. In the event of a collision with a West Indian manatee, the on-site construction manager or ferry operations manager would immediately notify NMFS and the FWC.

8. Temporary signs (FWC-approved) concerning West Indian manatees would be posted before and during in-water project construction activities. For example, the sign depicted in this document would be 8.5 inches high by 11 inches wide, on laminated paper or metal.

9. Vessels involved in marine debris removal would comply with all no-wake zones during project implementation (including transporting to removal sites).

If dredging occurs to remove marine debris, the following additional BMPs would be implemented:

- Monitor/observe for dolphins during dredging activities following the same protocols used for West Indian manatees under the ESA.
- If dolphins come within 50 yards of active dredging and are not just traveling through the area (e.g., remaining within the 50 yards to forage), dredge operations should not start; or

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3. <sup>3</sup> Documents can be found here: [http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/guidance\\_docs/index.html](http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html)



if dredging 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).

- Avoid trans-versing waterbodies with any floating pipelines from the dredge activities, as these could pose as a perceived barrier to dolphins.

**L. 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](mailto:permitsR2MB@fws.gov)  
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: [permitsR4MB@fws.gov](mailto:permitsR4MB@fws.gov)

**M. 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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Oyster Reef Creation and Enhancement</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Marine Debris Removal</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Construction of Living Shorelines</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Marsh Creation and Enhancement</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Construction of Non-Fishing Piers</b>

**N. 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](mailto:Christina.Fellas@noaa.gov)

Phone: 727-551-5714

**USFWS ESA § 7 Consultation**

Erin Chandler, Department of the Interior

Email: [Erin\\_Chandler@fws.gov](mailto:Erin_Chandler@fws.gov)

Phone: 470-361-3153

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**Figure 1.** Project boundary for Reducing Threats to Sea Turtles through Removal of In-water Marine Debris Along Florida’s Gulf Coast.