



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 6, 2021

To: Memorandum To File

From: Michael Barron, Deepwater Horizon Gulf Restoration Office

Subject: No Further Consultation Required for Two 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 is covered by an existing Biological Opinion (BO), then the Federal agency is not required to conduct any further consultation with the US Fish and Wildlife Service (USFWS) for purposes of ESA, unless the project changed in a way that was not previously considered or new species have been listed that may be affected. 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 (see attached Biological Evaluation Forms), 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 are covered by existing BOs (see attached). These projects will require no 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.

- FM 1: Johnson Beach Access Management and Habitat Protection
- B2: Egmont Key Vegetation Management and Dune Retention

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 (4)

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): Department of the Interior (DOI)

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

Project Name: Johnson Beach Access Management and Habitat Protection

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:

100 percent design drawings are included in Attachment 3.

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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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: (251) 360-0006 Email: Dianne_ingram@fws.gov

Project Name: Egmont Key Vegetation Management and Dune Retention

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.](#)

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FISH AND WILDLIFE SERVICE

Panama City Field Office
 1601 Balboa Avenue
 Panama City, Florida 32405
 Tel: (850) 769-0552
 Fax: (850) 763-2177

April 7, 2017

Superintendent Daniel Brown
 Gulf Islands National Seashore
 1801 Gulf Breeze Parkway
 Gulf Breeze, Florida 32563

Attn: Jolene Williams

Service Log No: 04BT3000-2016-F-0236
 Date Consultation Initiated: April 6, 2016
 Project Title: Gulf Islands National Seashore
 Parking Lot Expansion
 Location: Escambia County, Florida

Dear Mr. Brown:

This letter transmits the U.S. Fish and Wildlife Service's (Service) Biological Opinion based on our review of the proposed Gulf Islands National Seashore (GINS) parking lot expansion project and the effects to the endangered Perdido Key Beach Mouse (*Peromyscus polionotus trisyllepsis*) (PKBM). The effects of the action on PKBM and PKBM critical habitat have been evaluated per section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

Our Biological Opinion is based on information provided in the GINS Biological Assessment, several site meetings, and many discussions. It is based on the best available scientific and commercial data pertinent to listed species and habitats directly or indirectly affected by the proposed action. The sources of these data, summarized or referenced in this Biological Opinion, include Service files, published and unpublished reports, the experience of Service biologists, and scientific literature. A complete administrative record is on file in the Panama City Field Office.

REGION 4

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

[Note: This form provides the outline of information needed for intra-Service consultation. If additional space is needed, attach additional sheets, or set up this form to accommodate your responses.]

Originating Person: Joyce Kleen
 Telephone Number: 352-302-2378 E-Mail: joyce.kleen@fws.gov
 Date: 11/06/2020 revised 4/20/2021

PROJECT NAME (Grant Title/Number): Egmont Key Vegetation Management and Dune Retention (B2) [Monitoring and Adaptive Management Plan for Deepwater Horizon NRDA Project]

I. Service Program:

- Ecological Services
 Federal Aid
 Clean Vessel Act
 Coastal Wetlands
 Endangered Species Section 6
 Partners for Fish and Wildlife
 Sport Fish Restoration
 Wildlife Restoration
 Fisheries
 Refuges/Wildlife

II. State/Agency: Florida/U.S. Fish and Wildlife Service

III. Station Name: Egmont Key National Wildlife Refuge and State Park

IV. Description of Proposed Action (attach additional pages as needed):

This restoration project is the second phase of an ongoing project intended to protect and restore bird nesting and foraging habitat on Egmont Key NWR by removing invasive vegetation, planting native vegetation, and reducing shoreline erosion. In the first phase, exotic plants including Brazilian pepper and Australian pine and 13 acres of invasive coin vine were removed. The native coin vine forms dense, impenetrable thickets that have shaded out desirable vegetation and degraded bird nesting and foraging habitat. Approximately 210,000 plants, including sea oats, panic grass, railroad vine, beach elder, and dune sunflower were planted on the west beach to stabilize the sand and help prevent erosion. An additional 3,000 sea grapes were planted where the dense coin vine was removed; the sea grapes have established well. This project will chemically treat and remove dense coin vine from an additional 13 acres, plant native vegetation in the treated area, if necessary, and retreat any re-emerging coin vine as needed to prevent dense thickets. As in phase one, the coin vine in phase two will be chipped in place.

In addition, this project would protect bird nesting and foraging habitat from erosion on a portion of the northwest part of Egmont Key by installing sand fencing. The western side of the island has eroded significantly in recent decades. Before the first phase of this