



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 9, 2024

To: Memorandum to File

From: Michael Barron, Deepwater Horizon Gulf Restoration Office

Subject: Marine Mammal Protection Act Compliance Determination for Florida Trustee Implementation Group's Project: Reducing Threats to Sea Turtles through Removal of In-water Marine Debris Along Florida's Gulf Coast

Based on our review of the Biological Evaluation provided for Florida Trustee Implementation Group's Project: Reducing Threats to Sea Turtles through Removal of In-water Marine Debris Along Florida's Gulf Coast, the Marine Mammal Protection Act (MMPA) of 1972, as amended (16 U.S.C. 1461 et seq.), a compliance determination of for the West Indian manatee (*Trichechus manatus*) of May Affect, Not Likely to Adversely Affect has been made and the appropriate avoidance measures will be implemented. We received concurrence from the Florida Field Office on May 9, 2024.

Should any project be modified in a way that could adversely impact species or habitats, this determination will be reevaluated as appropriate.

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.

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

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

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) 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), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (<https://www.fws.gov/doid/web/compliance-reviews>).

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

U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov

National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):

USFWS NOAA Environmental Protection Agency (EPA) U.S. Department of Agriculture (USDA)

Implementing Trustee(s): Florida Fish and Wildlife Conservation Commission (FWC)

Contact Name: Click to enter text 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# 279 Trustee Implementation Group (TIG): Florida TIG

Restoration Plan # FL TIG Restoration Plan #2

Name of Person Completing this Form: Nadia Martin, IEc, Gareth Leonard, FWC, and Amy Raker, FWC

Name of Project Lead: Gareth Leonard, FWC

Date Form Completed: October 21, 2020

Date Form Updated: April 26, 2024

B. Project Phase

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

Construction/Implementation Planning/Conceptual 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.

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. Please note that the project area doesn’t include Warm Water Aggregation Areas.

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.

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the 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, showing state or regional scale

Map of project area with elements proposed (polygons showing proposed construction elements)

Map of action area with critical habitat units or sensitive habitats overlaid

GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines

D. Existing Compliance Documentation

National Environmental Policy Act (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/Environmental Assessment or Environmental Impact Statement (draft or final)
- U.S. Army Corps of Engineers (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 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 here to enter text.](#)

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, 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. Any documentation or information provided will help move the project forward. Complete National Environmental Policy Act (NEPA) analysis for project activities is included in the Florida Trustee Implementation Group's (TIG) Restoration Plan #2 and Environmental Assessment.

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 critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

a. Waterbody & Wetlands

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. Project area doesn't include Warm Water Aggregation Areas.

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 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/reconfigure 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.

Corals exist in the southernmost 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 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. Installation of educational signage or installation/ reconfiguration of fishing gear collection/disposal receptacles is likely to occur at highly trafficked or otherwise disturbed or developed areas or existing structures such as fishing piers and would not disrupt sensitive beach

and dune habitats or species therein. No other actions will occur in upland habitats that would affect ESA-listed species.

g. Soils and Sediments

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

N/A

h. 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.

i. 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 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 potentially 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 (NMFS 2020). The West Indian manatee (*Trichechus manatus*) could also be present in the action area. Please see Figure 1 for the project footprint.

F. Project Description

*I. 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 nongovernmental 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, national wildlife refuges, national parks), 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. All project activities would occur during daylight hours.

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 (including threatened and endangered) species and habitats. Impacts could occur from increased human/vessel presence, noise, and use of removal 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. While much of the debris may be removed by hand, Removal may involve the use of self-contained underwater breathing apparatus (SCUBA) equipment, snorkeling gear, and boating safety gear, dive knives or other cutting tools, hooks, floats, lift bags/baskets, and barges or other heavy removal or salvage 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.

In addition, drones will be utilized as part of this project. They will be operated by FWC and potentially by contractors according to FWC and NOAA guidelines and drone conservation measures outlined in Attachment B. The higher/faster flights (500ft+) would be for capturing photos and videos of overall project operations, site photos, and large-scale marine debris accumulation events. The lower/slower flights (5-75 feet) would be used to assess removal conditions/accessibility for more complex or remote removals. All flights will occur during daylight hours over marine environments.

Table 1 (below) details the overlap of the debris removal activities and target materials.

	Monofilament and Nets	Traps or Anchors	Consumer Debris	Ropes and Buoys	Structural Debris
Scuba	X	X	X	X	
Hand Removal	X	X	X	X	
Motorboat	X	X	X		X
Cutting/Trimming	X		X	X	X

Snorkeling	X		X	X	
Winch or Barge	X	X			X
Excavation					X

Table 1. Overlap of debris removal activities and the target materials to be removed.

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 sensitive site criteria filter (habitat sensitivity index, or HSI) to determine potential vulnerable nearby habitats and impact concerns. Sensitive site criteria include the following and may be adjusted by region: ESI-10 Shorelines, Salt marsh, Seagrass, Oyster beds, Aquatic Preserves, State Parks, State Critical Wildlife Areas, National Estuarine Research Reserves, State Historic Preservation Office sites, National Wildlife Refuges, National

Seashores, and Federal Critical Habitats. If a target location falls within one or more of these areas, it is flagged and triggers a desktop analysis to determine if additional notifications are necessary, if habitat/wildlife conservation measures need to be implemented, if resource advisors/SMEs need to be present, or if the target should be left-in-place. Where needed, trained natural resource advisors and subject matter experts (e.g. for natural and artificial reefs) would be utilized to provide recommendations as to whether a removal is possible or should be left in place and how best to minimize unintended associated habitat impacts.

Marine debris removal activities would occur in water (locations to be determined after hotspot identification). FWC will use previously disturbed or developed land as debris staging areas and to access the water. Education/outreach and installation/reconfiguration of fishing gear collection bins is likely to occur at highly trafficked, previously disturbed areas such as fishing piers. FWC does not expect in-water marine debris removal activities and associated upland staging to occur within the habitat of most federally listed species. For those that do overlap (see Sections H and I), impacts would be avoided through implementation of applicable conservation measures and NOAA's PDCs. FWC would re-initiate consultation with USFWS and NOAA if new information reveals effects of an action not previously considered, if the identified action is subsequently modified in a manner that causes an effect to the 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 action..

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

Does this project include in-water work?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Does this project include terrestrial construction?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Does this project include construction of an overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Will fishing be allowed from this overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Will wildlife observation be allowed from this overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Will boat docking be allowed from this overwater structure?	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 to have negative impacts on threatened or endangered species and sensitive habitat. While much of the debris may be removed by hand, removal may involve the use of SCUBA equipment, snorkeling gear, and boating safety gear, dive knives or other cutting tools, hooks, floats, and lift bags/baskets, and barges or other heavy removal or salvage 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. See Table 1 above for more details. Removals would be run through a habitat sensitivity index to determine potential vulnerable nearby habitats and impact concerns. Where needed, trained natural resource advisors and subject matter experts (e.g. for natural and artificial reefs) would be utilized to provide recommendations as to whether a removal is possible or should be left in place and how best to minimize unintended associated habitat impacts.

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”? <https://media.fisheries.noaa.gov/dam-migration/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)?

Click here to enter text.

a. *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

b. *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

c. *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

d. *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

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft²) to be dredged, volume of material (yd³) 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.*

Ground disturbance may occur in the marine environment to remove large and/or embedded structures such as old pilings, structural debris, or vessel parts. This may involve the use of barges or other heavy

removal/salvage equipment such as cranes, buckets and grapples, rigging, backhoes, excavators, hoists and winches, water jets, booms, boats, and dumpsters. Removals (including those with proposed ground disturbance) would be run through a habitat sensitivity index to determine potential vulnerable nearby habitats and impact concerns. Where needed, trained natural resource advisors and subject matter experts (e.g. for natural and artificial reefs) would be utilized to provide recommendations as to if a removal is possible and how to minimize impacts or if the debris is recommended to be left in place.

f. *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

g. *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

h. *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 Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:

<https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast> Click here to enter text.

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

<https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb>
<https://portal.gulfcouncil.org/EFHreview.html>

<u>Gulf of Mexico EFH Eco-Region</u>	<u>Estuarine</u>	<u>Nearshore</u>	<u>Offshore</u>
Eco-Region 1: South Florida <i>(Florida Keys north to Tarpon Springs, Florida)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Eco-Region 2: North Florida <i>(Tarpon Springs, Florida, north and west to Pensacola Bay, Florida)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eco-Region 3: East Louisiana, Mississippi, and Alabama <i>(Pensacola Bay, Florida, west to the Mississippi River Delta)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eco-Region 4: East Texas and West Louisiana <i>(Mississippi River Delta west and south to Freeport, Texas)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eco-Region 5: West Texas <i>(Freeport, Texas south to the U.S./Mexico border)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

<i>Will this project affect EFH?</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
<i>If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.</i>	

This project has the potential to affect EFH. Depending on the sites selected, marine debris could be removed from EFH.

<i>Will this project have beneficial effects to EFH?</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
<i>If yes, please describe how your project will have beneficial effects the text box below:</i>	

Depending on the marine debris sites selected, there is potential for marine debris (e.g. derelict fishing traps) to removed from EFH.

<i>Will this project have adverse effects on EFH?</i>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<i>If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:</i>	

Click here to enter text.

H. NOAA ESA Species and 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 H. and proceed to Section I.

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. For species not included in the drop down menu please add manually to the table.

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 the ESA Section 7 Mapper at: <https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d>

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Determinations (see definitions below)	For "No Effect", please select justification.
Choose an item.		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

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.

I. USFWS Species and 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 I and proceed to Section J.

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 **generated by IPaC** that may be found in the action area. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: <https://ipac.ecosphere.fws.gov/>.

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.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Determinations (see definitions below)	For "No Effect", please select justification.
Mammals				
Choctawhatchee Beach Mouse		Choose an item.	May Affect, Not Likely to Adversely Affect	
Florida Bonneted Bat		Choose an item.	No Effect	Species does not occur within action area
Florida Panther		Choose an item.	No Effect	Species does not occur within action area
Florida Salt Marsh Vole		Choose an item.	No Effect	Species does not occur within action area
Key Deer		Choose an item.	No Effect	Species does not occur within action area
Key Largo Cotton Mouse		Choose an item.	No Effect	Species does not occur within action area

Key Largo Woodrat		Choose an item.	No Effect	Species does not occur within action area
Lower Keys Marsh Rabbit		Choose an item.	No Effect	Species does not occur within action area

Perdido Key Beach Mouse		Choose an item.	May Affect, Not Likely to Adversely Affect	
Silver Rice Rat		Choose an item.	No Effect	Species does not occur within action area
St. Andrew Beach Mouse		Choose an item.	May Affect, Not Likely to Adversely Affect	
Tricolored Bat		Choose an item.	No Effect	Species does not occur within action area
West Indian Manatee		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.

Birds

Audubon's Crested Caracara		Choose an item.	No Effect	Species does not occur within action area
Eastern Black Rail		Choose an item.	No Effect	Species does not occur within action area
Everglade Snail Kite		Choose an item.	No Effect	Species does not occur within action area
Florida Scrub-Jay		Choose an item.	No Effect	Species does not occur within action area
Piping Plover		Choose an item.	May Affect, Not Likely to Adversely Affect	
Red-Cockaded Woodpecker		Choose an item.	No Effect	Species does not occur within action area
Red Knot		Choose an item.	May Affect, Not Likely to Adversely Affect	
Roseate Tern		Choose an item.	No Effect	Species does not occur within action area
Whooping Crane		Choose an item.	No Effect	Species does not occur within action area
Wood Stork		Choose an item.	No Effect	Species does not occur within action area

Fish

Gulf sturgeon		Riverine/Freshwater	May Affect, Not Likely to Adversely Affect	
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Reptiles				
Alligator snapping turtle			No Effect	Species does not occur within action area
American Crocodile		Choose an item.	May Affect, Not Likely to Adversely Affect	
Eastern Indigo Snake		Choose an item.	No Effect	Species does not occur within action area
Florida Keys mole skink			No Effect	Species does not occur within action area

Green Sea Turtle		Terrestrial	No Effect	Species does not occur within action area
Hawksbill Sea Turtle		Terrestrial	No Effect	Species does not occur within action area
Kemp's Ridley		Terrestrial	No Effect	Species does not occur within action area
Leatherback Sea Turtle		Terrestrial	No Effect	Species does not occur within action area
Loggerhead Sea Turtle		Terrestrial	No Effect	Species does not occur within action area
Suwannee Alligator Snapping Turtle			No Effect	Species does not occur within action area

Amphibians				
Reticulated Flatwoods Salamander		Choose an item.	No Effect	No suitable habitat within action area

Mussels				
Purple Bankclimber			No Effect	Species does not occur within action area
Southern Elktoe			No Effect	Species does not occur within action area

Lichens				
Florida Perforate Cladonia		Choose an item.	No Effect	Species does not occur within action area

Insects				
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Bartram's Hairstreak Butterfly		Choose an item.	No Effect	Species does not occur within action area
Florida Leafwing Butterfly		Choose an item.	No Effect	Species does not occur within action area
Miami Blue Butterfly		Choose an item.	No Effect	Species does not occur within action area
Monarch Butterfly		Choose an item.	No Effect	Species does not occur within action area
Schaus Swallowtail Butterfly		Choose an item.	No Effect	Species does not occur within action area
Snails				
Stock Island Tree Snail		Choose an item.	No Effect	Species does not occur within action area

Crustaceans				
Panama City Crayfish		Choose an item.	No Effect	Species does not occur within action area
Flowering plants				
Aboriginal Prickly-Apple		Choose an item.	No Effect	Species does not occur within action area
Beach Jacquemontia		Choose an item.	No Effect	Species does not occur within action area
Beautiful Pawpaw		Choose an item.	No Effect	Species does not occur within action area
Big Pine Partridge Pea		Choose an item.	No Effect	Species does not occur within action area
Blodgett's Silverbush		Choose an item.	No Effect	Species does not occur within action area
Carter's Mustard		Choose an item.	No Effect	Species does not occur within action area
Carter's Small-Flowered Flax		Choose an item.	No Effect	Species does not occur within action area

Cape Sable Thoroughwort		Choose an item.	No Effect	Species does not occur within action area
Chapman Rhododendron		Choose an item.	No Effect	Species does not occur within action area
Crenulate Lead-Plant		Choose an item.	No Effect	Species does not occur within action area
Deltoid Spurge		Choose an item.	No Effect	Species does not occur within action area
Everglades Bully		Choose an item.	No Effect	Species does not occur within action area
Florida Brickell-Bush		Choose an item.	No Effect	Species does not occur within action area
Florida Golden Aster		Choose an item.	No Effect	Species does not occur within action area
Florida Pineland Crabgrass		Choose an item.	No Effect	Species does not occur within action area

Florida Prairie-Clover		Choose an item.	No Effect	Species does not occur within action area
Florida Semaphore Cactus		Choose an item.	No Effect	Species does not occur within action area
Florida Skullcap		Choose an item.	No Effect	Species does not occur within action area
Garber's Spurge		Choose an item.	No Effect	Species does not occur within action area
Godfrey's Butterwort		Choose an item.	No Effect	Species does not occur within action area
Golden sedge		Choose an item.	No Effect	Species does not occur within action area
Key Tree Cactus		Choose an item.	No Effect	Species does not occur within action area

Pineland Sandmat		Choose an item.	No Effect	Species does not occur within action area
Pygmy Fringe-Tree		Choose an item.	No Effect	Species does not occur within action area
Sand Flax		Choose an item.	No Effect	Species does not occur within action area
Small's Milkpea		Choose an item.	No Effect	Species does not occur within action area
Telephus Spurge		Choose an item.	No Effect	Species does not occur within action area
Tiny Polygala		Choose an item.	No Effect	Species does not occur within action area
Wedge Spurge		Choose an item.	No Effect	Species does not occur within action area
White Birds-in-a-Nest		Choose an item.	No Effect	Species does not occur within action area
Critical Habitat				
Aboriginal Prickly-Apple CH	APA1 through APA11	Choose an item.	No Effect	No suitable habitat within action area
American Crocodile CH		Choose an item.	No Effect	See Section K below
Bartram's Hairstreak Butterfly	Units 5, 6, and 7	Choose an item.	No Effect	No suitable habitat within action area
Caple Sable Thoroughwort CH	Units 1 through 9	Choose an item.	No Effect	No suitable habitat within action area
Choctawhatchee Beach Mouse CH	CBM-1 through CBM-5	Choose an item.	No Effect	See Section K below
Florida Bonneted Bat CH	Unit 3	Choose an item.	No Effect	No suitable habitat within action area
Florida Keys Mole Skink CH		Choose an item.	No Effect	No suitable habitat within action area
Florida Leafwing Butterfly CH	Unit 4	Choose an item.	No Effect	No suitable habitat within action area
Florida Semaphore Cactus CH	FSC3 and FSC4	Choose an item.	No Effect	No suitable habitat within action area
Key Ring-Necked Snake CH		Choose an item.	No Effect	No suitable habitat within action area

Loggerhead Sea Turtle CH	LOGG-T-FL-15 through LOGG-T-FL-45	Choose an item.	No Effect	See Section K below
Panama City Crayfish CH		Choose an item.	No Effect	No suitable habitat action area
Perdido Key Beach Mouse CH		Choose an item.	No Effect	See Section K below
Piping Plover CH	FL-01 through FL-31	Choose an item.	No Effect	See Section K below
Reticulated Flatwoods Salamander CH		Choose an item.	No Effect	No suitable habitat action area
Rim Rock Crowned Snake CH		Choose an item.	No Effect	No suitable habitat action area
Silver Rice Rat CH		Choose an item.	No Effect	No suitable habitat action area
St. Andrew Beach Mouse CH	Units 1 through 3	Choose an item.	No Effect	See Section K below
West Indian Manatee CH		Choose an item.	No Effect	See Section K below

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

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.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as “No Effect” with justification in tables above do not need to be addressed in Section 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 (e.g., staging areas for collected debris/dumpsters, access to waterways, education/outreach, and increasing capacity for fishing gear collection and disposal) may occur in upland habitats, such as beach and dune or nearshore habitats. FWC would coordinate with area managers (e.g. park rangers, park biologists, etc.) on potential species occurrence in the project area in planning and just prior to implementation to best schedule the activities to avoid any potential species impacts (e.g., avoiding American crocodile nesting or resting grounds). This provides the best understanding of the site conditions and considerations needed, but also a view in real time as the project begins should conditions change for any reason. FWC expects to stage debris or access waterways from previously disturbed or developed lands such as boat launches or dune crossovers. Education/outreach and installation/reconfiguration of fishing gear collection bins is likely to occur at highly trafficked or otherwise disturbed or developed areas such as fishing piers and would not disrupt sensitive beach and dune habitats (e.g., flowering plant habitat) or species therein. Project activities would avoid any potentially sensitive habitat or designated critical habitat. Project 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 in sea turtle, shorebird, or beach mouse habitat however will follow all nesting season management guidelines and conservation measures (Attachment B), if necessary. FWC would re-initiate consultation with USFWS if needed (e.g., if new information reveals effects of an action not previously considered, if the identified action is subsequently modified in a manner that causes an effect to the 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 action). In addition, FWC would consult with local area managers on potential species occurrence in project areas to avoid any potential impacts (e.g., avoiding American crocodile nesting or resting grounds). For the above reasons, project activities (e.g., staging areas for collected debris/dumpsters, access to waterways, education/outreach, and increasing capacity for fishing gear collection and disposal) are insignificant and therefore are not likely to adversely affect ESA-listed terrestrial species listed in Section I.

FWC and any contractors will follow applicable viewing guidelines <https://www.fisheries.noaa.gov/topic/marine-lifeviewing-guidelines/guidelines-&-distances> and https://media.fisheries.noaa.gov/dammigration/noaa_southeast_marinemammal_seaturtle_viewingguidelines_brochure_2014_508.pdf when using drones and conservation measures outlined in Attachment B. Drone survey operations have the potential to result in temporary disturbance, including increased noise, which could contribute to temporary disturbance or displacement of

birds. However, these species are mobile and would likely avoid the area for the duration of the drone work, avoiding injury or mortality. Noise would return to baseline levels immediately following the drone work. As drone survey operation is short-term with temporary effects, the proposed action is insignificant therefore is not likely to adversely affect ESA-listed species.

Vessels will be used to travel from riverine/freshwater access points to marine environments where debris removal activities will occur. Therefore, vessel operation may occur in areas occupied by Gulf sturgeon. During vessel operation, Gulf sturgeon may exhibit temporary avoidance behavior or shelter in place. All posted speed zones will be observed with idle-speed/no wake vessel operation occurring in the absence of designated speed zones (USFWS and FWC 2011). As vessel operation is short-term with temporary effects, the proposed action is insignificant therefore is not likely to adversely affect Gulf sturgeon.

Marine debris removal activities (including vessel operation, human presence, and equipment-assisted removal, and heavy removal/salvage equipment operation) have the potential to impact marine species (including in-water sea turtles, American crocodiles, and West Indian manatees) listed in Section I. While these in-water activities would be short-term in duration with the goal of providing long-term benefits, they may involve limited disruption to marine habitats and species including in-water noise and air noise through human presence and equipment operation. As described in Section F, proposed debris removals (including those with proposed ground disturbance) 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. Mobile species (such as sea turtles, manatees, and crocodiles) could be disturbed by increased in-water human, vessel, and/or vehicle presence during response activities. However, these species are able to temporarily leave the area and can return once response activities are complete. With the use of appropriate conservation measures described in Attachment B, in-water activities are insignificant therefore may affect, but are not likely to adversely affect marine species listed in Section I.

The use of drones for project operations will not have effects on ESA-listed species or habitats under NMFS jurisdiction. The ESA consultation with NMFS was completed at the time of FL RP2 and remains in effect.

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 and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs 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 reinstate 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.

All guidelines and conservation measures included in the attached documents would be implemented during the finalization of site selection and project implementation to minimize protected species impacts and overall habitat impacts. Attachment B, Conservation Measures for Marine Debris Project (Florida), details general conditions for species and habitats as well as additional conditions specific to birds, sea turtles, beach mice, manatees, and crocodiles.

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 activities in accordance with USFWS Standard Manatee Construction Conditions for In-Water Work (USFWS and FWC 2011), which include, but are not limited to the following conservation measures: 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, as possible, when West Indian manatees are least likely to be in the project vicinity.
2. Conduct construction activities in accordance with NMFS Protected Species Construction Conditions (2021) which include, but are not limited to, the following conservation measures: 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.
3. For piping plovers and red knot as well as upland sea turtle habitat, all applicable conservation measures listed in Attachment B would be implemented.

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | NMFS Protected Species Construction Conditions (2021)¹ |
| <input checked="" type="checkbox"/> | NMFS Measures for Reducing the Entrapment Risk to Protected Species¹ |
| <input checked="" type="checkbox"/> | NMFS Vessel Strike Avoidance Measures (2021)¹ |
| <input checked="" type="checkbox"/> | USFWS Standard Manatee In Water Conditions (2011)² and Appropriate State Manatee Conditions³ |

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-

¹ <https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>

² <https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work>

³ Contact USFWS representative for appropriate documents

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, beach mice, marine mammals, reptiles and amphibians, tortoises/turtles (especially sea turtles—in water), and general construction measures will be adhered to, where applicable (DWH Trustees 2016).

K. 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.

Through the implementation of all appropriate conservation measures in attached documents, the project will not result in the destruction or adverse modification to any primary constituent elements (PCEs) and physical and biological features (PBFs).

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 reinstate this consultation.

Click here to enter text.

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) 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 Guidelines ⁴
<input checked="" type="checkbox"/>	NMFS Protected Species Construction Conditions (2021) ⁵
<input checked="" type="checkbox"/>	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012) ³
<input checked="" type="checkbox"/>	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021) ³
<input type="checkbox"/>	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don’t Feed Wild Dolphins sign ⁶

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 USFWS Standard Manatee Construction Conditions for In-Water Work (USFWS and FWC 2011), which include, but are not limited

⁴ <https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines>

⁵ <https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>

⁶ <https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>

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. Require a trained species observer for in-water construction activities to avoid impacts to West Indian manatees
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 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 ground disturbance occurs to remove marine debris, the following additional BMPs would be implemented:

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

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? NO YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

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
 Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? NO YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:

<https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>

NO YES

If NO, please explain:

O. 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 and updated Appendix A (2023). 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](#). Review the document here on sharepoint: [NMFS ESA PDCs](#)

YES	NO	ACTIVITY
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Marsh Creation, Maintenance, or Enhancement

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Living Shorelines Construction Maintenance, or Expansion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Removal of Fishing Gear and Other Marine Debris
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Oyster Reefs Creation, Maintenance, or Enhancement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Artificial Reefs Construction, Maintenance, or Expansion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Boat Ramps Installation, Repair, Replacement, or Removal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Establishing or Restoring SAV
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment

P. 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

Phone: 813-816-2732

USFWS ESA § 7 Consultation

Michael Barron, Department of the Interior

Email:

[michael_barron@fws](mailto:michael_barron@fws.gov)

.gov Phone: 251-421-

7030

NHPA Consultation

Benjamin Frater, Department of the Interior

Email: benjamin_frater@fws.gov

Phone: 404-314-8815

List of Attachments:

- Attachment A – FWC Small Unmanned Aircraft Systems (sUAS) Manual

- Attachment B –Conservation Measures for Marine Debris Project (Florida)

References and Data Sources:

Deepwater Horizon (DWH) Natural Resource Damage Assessment Trustees. 2016. *Deepwater Horizon* oil spill: Final

Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement.

Baton Rouge, LA: National Oceanic and Atmospheric Administration. Available at:

<http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan>.

National Marine Fisheries Service (NMFS). 2021. Protected Species Construction Conditions Available at:

[https://media.fisheries.noaa.gov/2021-](https://media.fisheries.noaa.gov/2021-06/Protected_Species_Construction_Conditions_1.pdf?null)

[06/Protected_Species_Construction_Conditions_1.pdf?null](https://media.fisheries.noaa.gov/2021-06/Protected_Species_Construction_Conditions_1.pdf?null)

National Marine Fisheries Service (NMFS). 2008. NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners; revised February 2008. Available at:

http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html.

National Marine Fisheries Service (NMFS). 2012. Measures for Reducing Entrapment Risk to Protected Species; revised May 22, 2012. Available at:

http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html.

National Marine Fisheries Service (NMFS). 2020. U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments – 2019. NOAA Technical Memorandum NMFS-NE-264. Available at:

<https://www.fisheries.noaa.gov/webdam/download/109188360>.

U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FWC). 2011. Standard Manatee Conditions for In-Water Work.

