



MEMORANDUM FOR: FILE

FROM: Christy Fellas, DWH Environmental Compliance Coordinator
NOAA Restoration Center

A handwritten signature in black ink, appearing to read "Christy Fellas".

January 5, 2023

SUBJECT: Louisiana TIG MAM: EFH No Further Consultation Needed for Assessing
Lower Trophic Levels of the Barataria Estuary Restoration Project

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), established procedures designed to identify, conserve, and enhance Essential Fish Habitat (EFH) for those species regulated under a Federal fisheries management plan (FMP). A Federal agency must prepare an EFH Assessment for any Federal action that may adversely affect EFH (50 CFR 600.920(e)(1)). A Federal agency must first determine whether their action may adversely impact EFH. If a Federal agency determines that a Federal action may adversely impact EFH, then the Federal agency must prepare an EFH assessment. If a Federal agency determines that a Federal action will not adversely affect EFH, then the Federal agency is not required to prepare an EFH Assessment.

Based on my review of project materials (Winter 2022) in coordination with representatives from NOAA's Habitat Conservation Division (HCD) in the Southeast Regional Office (SERO), the NOAA Restoration Center determined that the project proposed for implementation in the Louisiana Trustee Monitoring Activities Implementation Plan for Assessing Lower Trophic Levels of the Barataria Estuary, will have minimal effects on EFH.

Consultation is complete and HCD did not provide any conservation recommendations and the project does not require further EFH evaluation. The project is restorative in nature, and have been designed to minimize short term negative impacts to EFH and maximize long term positive impacts to EFH.

Should the project be modified in a way that could adversely impact EFH, this determination will be reevaluated as appropriate and future consultation could be necessary.