




MEMORANDUM FOR: FILE

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

February 3, 2022

SUBJECT: Projects Proposed in Texas Trustee Implementation Group Restoration Plan #2 and Environmental Assessment: EFH No Further Consultation Necessary

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 2021) in coordination with representatives from NOAA's Habitat Conservation Division (HCD) in the Southeast Regional Office (SERO), the NOAA Restoration Center determined that the projects listed below, proposed for implementation in the Texas Trustee Implementation Group Restoration Plan #2 and Environmental Assessment, will have minimal effects on EFH.

Consultation is complete and HCD did not provide any conservation recommendations and none of the projects below require further EFH evaluation.

- Bahia Grande Channel F Hydrologic Restoration
- Bird Island Cove Habitat Restoration Project Phase II
- Follets Island CMA Additions
- Galveston Island Habitat Acquisition
- Jones Bay Oystercatcher Habitat Restoration
- Lancha Sea Turtle Mitigation Plan
- Landscape Scale Oyster Restoration in Galveston Bay
- Petronilla Creek Constructed Wetlands (E&D only)
- Petronilla Creek Watershed Nutrient Reduction
- Texas Breeding Shorebird and Seabird Stewardship Project
- Upper TX Coast Sea Turtle Rehab Facility

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