



United States Department of the Interior



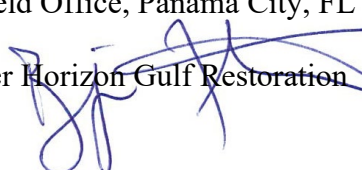
FISH AND WILDLIFE SERVICE
Deepwater Horizon Gulf Restoration Office
341 Greeno Road North, Suite A
Fairhope, Alabama 36532

In Reply Refer To:
FWS/R4/DH NRDAR

Memorandum

August 9, 2021

To: Patricia Kelly, Panama City Ecological Services Field Office, Panama City, FL

From: Chief, Planning and Compliance Branch, Deepwater Horizon Gulf Restoration Office 

Subject: Coastal Barrier Resources Act Consistency Determination Request for Evaluating Orientation Response of Sea Turtle Hatchlings to Physical Cues on Nesting Beaches

The Department of the Interior (DOI) Deepwater Horizon Gulf Restoration Office is working through various environmental compliance consultations on post-settlement proposed restoration alternatives. We are now working on the Coastal Barrier Resources Act consistency determinations the following project: Evaluating Orientation Response of Sea Turtle Hatchlings to Physical Cues on Nesting Beaches.

We used the Coastal Barrier Resources System mapper – Beta (<https://www.fws.gov/cbra/maps/mapper.html> [accessed July 30, 2021]) to determine if the proposed actions are located within an Otherwise Protected Area (OPA) or within a System Unit (CBRS). Please refer to Table 1 for a project list, Unit Numbers and consistency determination.

We have incorporated the Inter-Agency Consultation Template and U.S. Fish and Wildlife Service Response Template below.

Project Location

The actions or projects are located in coastal Florida and include activities that may partially occur within a Unit of the Coastal Barrier Resources System (CBRS). Please refer to Table 1 for locations, Unit Numbers (if applicable), and consistency determinations.

Description of the Proposed Action or Project

The proposed projects are designed to restore natural resources injured by the Deepwater Horizon oil spill. No construction would occur as part of this proposed project. The purpose of this restoration planning activity implementation plan is to obtain a better understanding of hatchling perception of and response to visible light using laboratory and field experiments. FWC will measure the visual landscape (e.g., light and dark areas) on study beaches likely to

have artificial lighting issues. We will also use behavioral assays (hatchling orientation indices and arena assays) to assess the relationship between hatchling orientation and different structural alterations (e.g., installing a light shield or taller artificial vegetation) designed to alter the existing light environment on the beaches. None of the project activities will take place in the dune habitat and access to the beach will be through defined access points.

Applicable Exception(s) under 16 U.S.C. 3505(a)

- 16 U.S.C. 3505(a)(6)(A): **Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats**, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

Justification for Exception(s)

The proposed action is potentially within System Units FL-15, FL-97, FL-98, P09A, P11A, P12, P24A, and P31. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System unit, the proposed action involves no construction and consists primarily of surveys and engineering and design work. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for “Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.” The purposes of CBRA are “to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts...” 16 U.S.C. §3501(b). This project is designed to benefit natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

Contact Information

Please provide response via email to the following:

Michael Barron
Environmental Compliance Coordinator
Deepwater Horizon Gulf Restoration Office
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michael_barron@fws.gov

U.S. Fish and Wildlife Service Response

Below is the Service's response to **AGENCY NAME'S** request for a consultation under the CBRA for **ACTION/PROJECT NAME**. This response represents the Service's opinion. **The final decision regarding the expenditure of funds for this action or project rests with the Federal funding agency.** **AGENCY NAME** has fulfilled its obligation to consult with the Service under the CBRA for this particular action or project within the CBRS. Please note that any new commitment of Federal funds associated with this action or project, or change in the project design and/or scope, is subject to the CBRA's consultation requirement.

The Service has reviewed the information provided by **AGENCY NAME**, and believes the referenced action/project is:

- Not located within a System Unit of the CBRS and the CBRA does not apply (except with respect to the restrictions on Federal flood insurance)
- Located within a System Unit of the CBRS and meets the exception(s) to the CBRA selected above
- Located within a System Unit of the CBRS and meets different exception(s) than the one(s) selected above (see additional information/comments below)
- Located within a System Unit of the CBRS and does not meet an exception to the CBRA (see additional information/comments below)
- Due to many competing priorities, the Service is unable to provide an opinion on the applicability of the CBRA's exceptions to this action/project at this time. The **AGENCY NAME** may elect to proceed with the action/project if it has determined that the action/project is allowable under the CBRA. Please note that any new commitment of Federal funds associated with this action/project or a related future project is subject to the CBRA's consultation requirement.

Additional Information/Comments

Include any additional information/comments.

This response does not constitute consultation for any project pursuant to section 7 of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) or comments afforded by the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*); nor does it preclude comment on any forthcoming environmental documents pursuant to the National Environmental Policy Act (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

SERVICE FIELD OFFICE SIGNATURE



TITLE

U.S. Fish and Wildlife Service
1875 Century Blvd NE,
Atlanta, GA 30345

DATE

Stationed at field office in Panama City, FL
1601 Balboa Avenue, Florida 32405
Phone: 850-769-0552 x 45228.

Patricia Kelly, Regions 2 & 4 CBRA Coordinator

Date

August 31, 2021

Table 1. Propose Project and Locations Relative to CBRS Units and OPA Units

Proposed Project	CBRA Consistency Determination
Evaluating Orientation Response of Sea Turtle Hatchlings to Physical Cues on Nesting Beaches	<p>Programmatic activities include the following Florida counties: Palm, Martin, Brevard, Escambia, Bay, Pinellas, Lee.</p> <p>Potential actions could occur within the following CBRS unites and OPAs:</p> <p>CBRS Units: FL-15, FL-97, FL-98, P09A, P11A, P12, P24A, P31</p> <p>OPA Units: FL-07P, FL-13P, FL-16P, FL-17P, FL18P, FL-85P, FL-86P, FL-98P, FL-103P, P09AP, P10P, P11AP, P12P, P18P, P31P</p>