



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

April 4, 2023

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

From: Compliance Supervisor, Deepwater Horizon Gulf Restoration Office

Subject: Coastal Barrier Resources Act Consistency Determination Request for Implementation for Louisiana Trustee Implementation Group Project Characterizing Sea Turtle Nesting and the Nesting Environment in Louisiana

On behalf of the Department of the Interior (DOI), the United States Fish and Wildlife Service's Deepwater Horizon Gulf Restoration Office is working through various environmental compliance consultations on post-settlement proposed restoration projects. We are now working on the Coastal Barrier Resources Act consistency determination for one (1) project proposed by the Louisiana Trustee Implementation Group (LA TIG): "Characterizing Sea Turtle Nesting and the Nesting Environment in Louisiana". We have entered this project into the Information for Planning and Consultation system, generated a Consistency Letter (see attachment), and initiated consultation with the Louisiana Field Office.

We used the Coastal Barrier Resources System mapper – Beta (<https://www.fws.gov/cbra/maps/mapper.html> [accessed March 28, 2023]) to determine if the proposed project is located within an Otherwise Protected Area (OPA) or within a System Unit (CBRS). If the proposed project occurs in an OPA or outside of a System Unit, no additional analysis was developed. Please refer to Table 1 below for the project, 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 project is located in coastal Louisiana and include activities that may partially occur within a Unit of the Coastal Barrier Resources System (CBRS). Please see below for project maps.

Description of the Proposed Action or Project

The proposed project is designed to restore natural resources injured by the Deepwater Horizon oil spill. Please see below for project descriptions and consistency analyses.

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

- 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)

Please see below for Justification for Exception.

Contact Information

Please provide response via email to the following:

Michael Barron
Environmental Compliance Coordinator
Deepwater Horizon Gulf Restoration Office
Tel: 251-421-7030
michael_barron@fws.gov

Attachments (2)

Table 1. Proposed Project and Location Relative to CBRS Units and OPA Units

Proposed Project	CBRA Consistency Determination
<p>Characterizing Sea Turtle Nesting and the Nesting Environment in Louisiana</p>	<p>Programmatic activities include the following Louisiana parishes: Cameron, Terrebonne, La Fourche, Plaquemines, St. Bernard. Potential actions could occur within the following CBRS units and OPAs: CBRS Units: LA-10, S01, S01A, S02, S03, S04, S05, S06, S11 OPA Units: LA-03P, LA-04P</p>

1. Characterizing Sea Turtle Nesting and the Nesting Environment in Louisiana

The proposed activities would compile and evaluate existing available nesting activity data and beach characteristics; initiate new surveys documenting sea turtle crawls and nests (aerial and ground) and beach characteristics data collection (e.g., beach slope and compaction; sand characteristics; inundation) designed to estimate sea turtle endpoints (distribution trends and breeding performance); and characterize nesting habitat contributed by Louisiana beaches.

The activity includes three main tasks:

1) Task 1, Desktop Component: Evaluate existing data sets and literature relevant to nesting sea turtles and beach characteristics in Louisiana and assess for data gaps.

2) Task 2, Fieldwork Component: Conduct census of sea turtle nesting on all mainland and barrier island beaches in Louisiana as feasible.

Anticipated survey methods: aerial surveys by fixed wing or float plane. Ground truth crawls and conduct nest assessments 3+days post hatching on foot where feasible.

Anticipated timing/frequency: nest surveys March 1 – August 31; 1x/week/2 years; nest assessments September 1 – October 31; nests 3+ days post hatching /2 years as feasible.

3) Task 3, Fieldwork Component: Conduct an assessment of beach characteristics for mainland and barrier island beaches in Louisiana.

Collect beach characteristics on all beaches where feasible: 1 time in conjunction with ground truthing of nests in year 1 during sea turtle nesting season (March 1 – August 31) Sampling will include dynamic cone penetrometers to depths of 3 feet, installation of sensors (about the size of 2 inch long by 1 inch wide) into the sand to assess moisture content, and temperature.

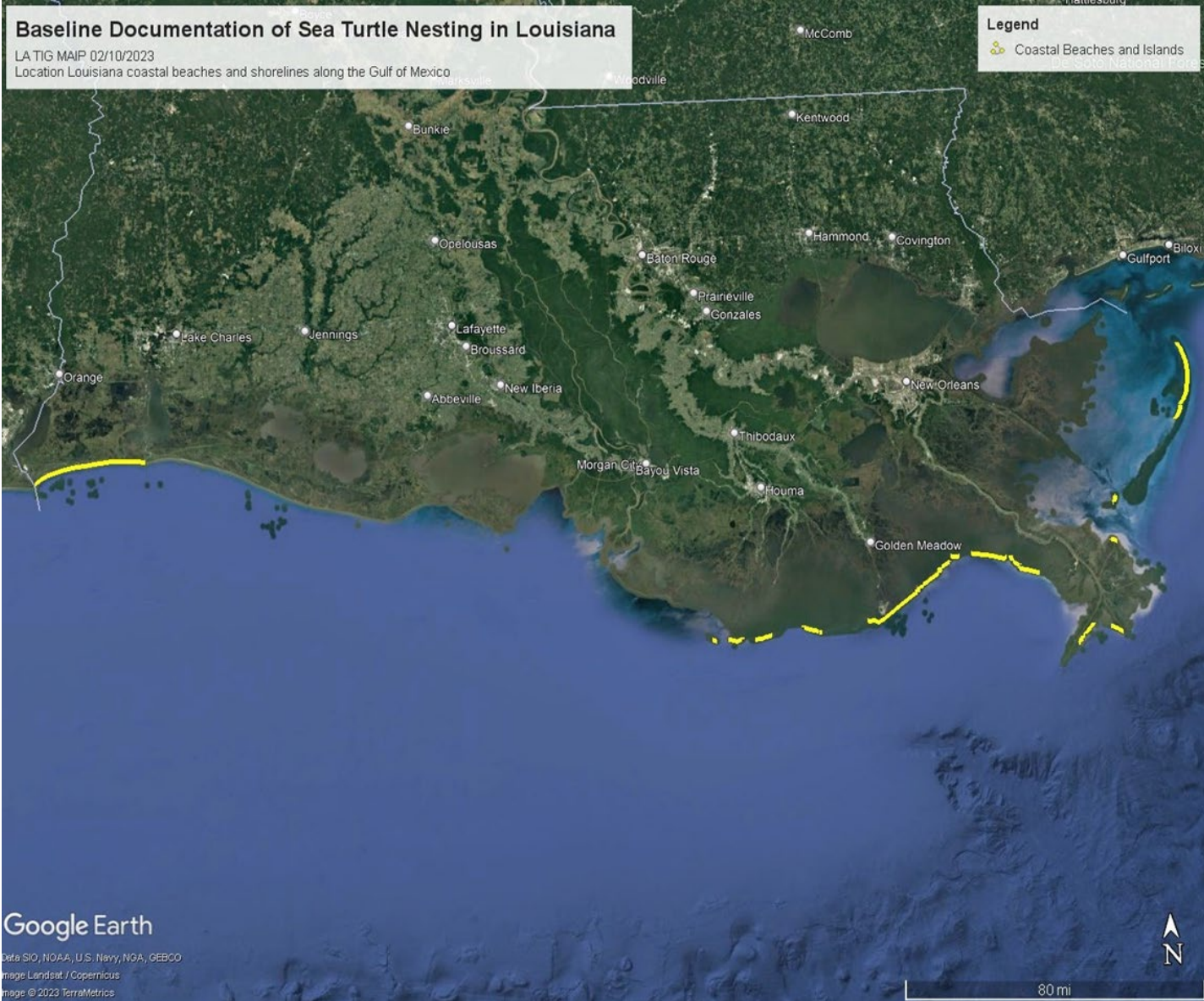
No construction activities are included in this project.

Consistency Analysis

The proposed action is within System Units: S01, S01A, S02, S03, S04, S05, S06, and S11. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the System units, the proposed action involves the sampling water, vegetation, and soil. 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 enhance 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.

Figure 1. Map showing the Characterizing Sea Turtle Nesting and the Nesting Environment in Louisiana project area.



Attachment 1

U.S. Fish and Wildlife Service Response

Below is the Service's response to the Gulf Restoration Office's request for a consultation under the CBRA for the Louisiana Trustee Implementation Group Project: 'Characterizing Seat Turtle Nesting and the Nesting Environment in Louisiana. 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. The Gulf Restoration Office 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 the Gulf Restoration Office, 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 Gulf Restoration Office 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 SIGNATORY AND

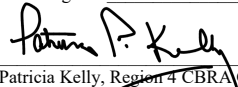


DATE

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FWS Log No. 2023-0063076


Patricia Kelly, Region 4 CBRA Coordinator

June 14, 2023
Date

Attachment 2



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Louisiana Ecological Services Field Office
 200 Dulles Drive
 Lafayette, LA 70506
 Phone: (337) 291-3100 Fax: (337) 291-3139



In Reply Refer To:

March 31, 2023

Project code: 2023-0063076

Project Name: Characterizing Seat Turtle Nesting and the Nesting Environment in Louisiana

IPaC Record Locator: 782-124451837

Subject: Consistency letter for the project named 'Characterizing Seat Turtle Nesting and the Nesting Environment in Louisiana' for specified threatened and endangered species that may occur in your proposed project location pursuant to the Louisiana Endangered Species Act project review and guidance for other federal trust resources determination key (Louisiana DKey).

Dear Michael Barron:

The U.S. Fish and Wildlife Service (Service) received on March 31, 2023 your effects determination(s) for the 'Characterizing Seat Turtle Nesting and the Nesting Environment in Louisiana' (the Action) using the Louisiana DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers, and the assistance in the Service's Louisiana DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Black Rail (<i>Laterallus jamaicensis</i> ssp. <i>jamaicensis</i>)	Threatened	NLAA
Hawksbill Sea Turtle (<i>Eretmochelys imbricata</i>)	Endangered	May affect
Kemp's Ridley Sea Turtle (<i>Lepidochelys kempii</i>)	Endangered	May affect
Leatherback Sea Turtle (<i>Dermochelys coriacea</i>)	Endangered	May affect
Loggerhead Sea Turtle (<i>Caretta caretta</i>)	Threatened	May affect
Piping Plover (<i>Charadrius melodus</i>)	Threatened	NLAA
Red Knot (<i>Calidris canutus rufa</i>)	Threatened	NLAA
West Indian Manatee (<i>Trichechus manatus</i>)	Threatened	NLAA

Consultation with the Service is not complete. Further consultation or coordination with the Louisiana Ecological Services Office is necessary for those species with a determination of “may affect” listed above. Please contact our office at 337-291-3100 or lafayette@fws.gov to discuss methods to avoid or minimize potential adverse effects to those species.

Please Note: If the Federal Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) may be required. Please contact Ulgonda Kirkpatrick (phone: 321/972-9089, e-mail: ulgonda_kirkpatrick@fws.gov) with any questions regarding potential impacts to bald or golden eagles.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

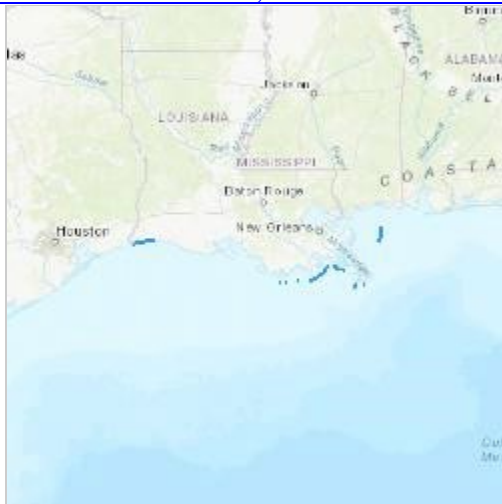
Characterizing Seat Turtle Nesting and the Nesting Environment in Louisiana

2. Description

The following description was provided for the project 'Characterizing Seat Turtle Nesting and the Nesting Environment in Louisiana':

Project will occur in the Louisiana coastal zone of St. Bernard, Plaquemines, LaFourche, Terrebonne, and Cameron Parishes. The project will consist of the following: 1) aerial surveys from fixed wing or float plane to document turtle crawls; 2) nest surveys conducted by foot during nesting season; and 3) sampling to characterize beaches and sandy shorelines which may support sea turtle nesting (beach slope/compaction, sediment characteristics and sand content, inundation). No in water work will be performed as part of field activities.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@29.051516749999998,-90.86211202646223,14z>



QUALIFICATION INTERVIEW

1. Is the action authorized, funded, or being carried out by a Federal agency? Yes
2. Is the action authorized, funded, or being carried out by the:
 - d. Other
3. Please identify your agency or organization type:

a. Federal agency

4. Have you determined that the project will have "no effect" on federally listed species? (If unsure select "No")

No

5. [Hidden Semantic] Does the project intersect the piping plover AOI? Automatically answered

Yes

6. Will the proposed project involve human disturbance or ground disturbance (such as foot traffic, vehicles, tracked equipment, excavating, grading, placing fill material, etc.)? Yes
7. Will the proposed project result in impacts to piping plover foraging habitat (intertidal beaches, sand, mud, or algal flats, between annual low tide and annual high tide) or roosting habitat (unvegetated or sparsely vegetated dune systems, sand, mud, or algal flats above high tide)?

No

8. [Hidden Semantic] Does the project intersect the red knot AOI? Automatically answered

Yes

9. [Semantic (same answer as "10")] Will the proposed project result in impacts to red knot foraging habitat (intertidal beaches, sand, mud, or algal flats, between annual low tide and annual high tide) or roosting habitat (unvegetated or sparsely vegetated dune systems, sand, mud, or algal flats above high tide)?
Automatically answered

No

10. [Hidden Semantic] Does the project intersect the eastern black rail AOI? Automatically answered

Yes

11. Will the proposed project involve human disturbance or ground disturbance (such as foot traffic, vehicles, tracked equipment, excavating, grading, placing fill material, etc.)?

Yes

12. Does the action consist of either fire management, grazing, haying, mowing and/or other mechanical treatment activities?

No

13. Will the project result in changes to wetland hydrology (i.e., via new construction or change in existing operation of water control structures, waterbody diversion, major water withdrawals, levee construction, etc.)?

No

14. Will the project directly impact suitable eastern black rail nesting habitat (shallow inundated wetlands containing mesic to hydric soils with dense herbaceous plant cover) or foraging habitat (wetland-upland transition zones with dense cover and 1-3 cm deep pools) and/or roosting habitat (elevated wetlands that allow for refugia from high water events and nest to be elevated above water level)?

No

15. [Hidden Semantic] Does the project intersect the west indian manatee AOI? Automatically answered

Yes

16. (Semantic) Is the project located within the manatee consultation zone, excluding the Mississippi River? Automatically answered
Yes
17. Is the project footprint entirely on land?

No

18. Is the water depth within the project greater than 2 feet (at mean high tide)?
Yes
19. Will the project occur during the months of June through November? Yes
20. Will the following Standard Manatee [Conditions](#) for in-Water Activities be included within the project design? Yes
21. [Hidden Semantic] Does the project intersect the sea turtle AOI? Automatically answered

Yes

22. Will the project result in long-term impacts (effects lasting up to 6 months or more) to sea turtle nesting habitat (sandy beaches)?

No

23. Will the project occur during the sea turtle nesting season (April 15 – October 31)?
Yes
24. [Hidden Semantic] Does the project intersect the pink mucket mussel AOI ?
Automatically answered

No

25. [Semantic] Does the project intersect the Northern Long-eared bat AOI? Automatically answered

No

26. (Semantic) Does the project intersect the Louisiana black bear Range? Automatically answered
No

IPAC USER CONTACT INFORMATION

Agency: U.S. Fish and Wildlife Service

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