



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 Conducting Habitat Suitability Analyses to Identify Optimal Oyster Restoration Locations Along the Florida Gulf Coast

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 determination for the following project: Conducting Habitat Suitability Analyses to Identify Optimal Oyster Restoration Locations Along the Florida Gulf Coast.

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 list of 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 Figure 1.

Description of the Proposed Action or Project

The proposed project is designed to restore natural resources injured by the Deepwater Horizon

oil spill. No construction would occur as part of this proposed project. This restoration planning activity will develop oyster habitat suitability indices for six basins along the Gulf coast which will provide critical information on the most suitable restoration sites and sequencing of Natural Resources Damage Assessment (NRDA) implementation activities. Maps of suitable oyster habitat will be developed. These maps and indices will also help guide future oyster restoration efforts in other areas along the Gulf coast of Florida and throughout Florida. The duration of the activity is five years and will involve 1) data compilation, 2) benthic mapping, 3) oyster reef monitoring, and 4) development of a Geographic Information System (GIS)-based habitat suitability index (HSI) maps for six study sites in Florida: Pensacola Bay and St. Andrew Bay in the Panhandle region, Suwannee Sound and the Withlacoochee/ Crystal River area in the North Peninsular region, and Tampa Bay and Charlotte Harbor in the South Peninsular region (Figure 1).

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)

The proposed action is potentially within System Units FL-70, FL-78, FL-81, FL-82, FL-83, P20, P24, P25, 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 scientific research. 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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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 SIGNATORY AND TITLE

DATE



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August 31, 2021

Patricia Kelly, Regions 2 & 4 CBRA Coordinator

Date

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

Proposed Project	CBRA Consistency Determination
<p>Conducting Habitat Suitability Analyses to Identify Optimal Oyster Restoration Locations Along the Florida Gulf Coast</p>	<p>Programmatic activities include the following Florida counties: Escambia, Bay, Levy, Citrus, Hillsborough, Manatee.</p> <p>Potential actions could occur within the following CBRS units and OPAs: CBRS Units: FL-70, FL-78, FL-81, FL-82, FL-83, P20, P24, P25, P31 OPA Units: FL-70P, FL-80P, FL-81P, FL-98P, FL-103P, P20P, P24P, P25P, and P31P</p>

Figure 1. Map showing the Conducting Habitat Suitability Analyses to Identify Optimal Oyster Restoration Locations Along the Florida Gulf Coast project area in coastal Florida.

