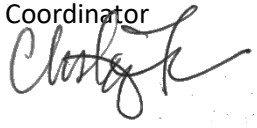




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

MEMORANDUM FOR: FILE

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

DATE: May 20, 2025

SUBJECT: Open Ocean TIG Monitoring Activity: Coastal Restoration Effects on Inshore, Nearshore and Offshore Ecological Condition - ESA Review Complete

The Open Ocean Trustee Implementation Group (OO TIG) approved a Monitoring and Adaptive Management (MAM) activity in 2024 to evaluate Coastal Restoration Effects on Inshore, Nearshore and Offshore Ecological Condition. A monitoring activity implementation plan was developed at that time, and planning activities commenced. Now that field activities and locations are known, the project is undergoing additional compliance review.

The National Marine Fisheries Service (NMFS) has developed a process described in the Framework Programmatic Biological Opinion (as amended) on the Deepwater Horizon (DWH) Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Opinion; SERO-2015-00013; SER-2015-17459). In that Opinion, it was determined that specific restoration actions are not likely to adversely species or their designated critical habitats listed under the Endangered Species Act (ESA) within NMFS' jurisdiction, provided that all applicable Project Design Criteria (PDCs) are incorporated into the project design.

Based on the Biological Evaluation form and attached PDC checklist, NOAA Restoration Center (RC) has determined that the project meets the general criteria and specific criteria for "Scientific Surveys and Research Projects and the Installation, Repair or Removal of Equipment " as described in Appendix A of the Opinion (as amended). This concludes the NMFS ESA consultation process.

Consultation may be reinitiated if a take occurs or if new information reveals effects of the action not previously considered, if the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action.

As of April 2025, the RC will review restoration actions and confirm they meet the PDCs in the Opinion. Annual reports summarizing projects covered by the Opinion will be sent to the Protected Resources Division at NMFS Southeast Regional Office.

Project Name: Open Ocean TIG MAM Activity Coastal Restoration Effects on Inshore, Nearshore and Offshore Ecological Condition

NMFS ESA PDC Checklist

All projects must meet the general PDCs in Sections 1 and 2

1. General PDCs Applicable to All Activities

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information
☐ Yes ☐ Equivalent ☒ N/A	PDC 1: Projects located in smalltooth sawfish critical habitat that would result in any loss of either the red mangrove PBF or the shallow (MHWL to -3 ft MLLW), euryhaline water PBF of that critical habitat are <u>not eligible</u> for the streamlined informal consultation process.	
☒ Yes ☐ Equivalent ☐ N/A	PDC 2: Projects located in Gulf sturgeon critical habitat that would result in any loss of the abundant prey PCE, water quality PCE, sediment quality PCE, or the unobstructed migratory pathways PCE for that critical habitat (further described in Section 4.2.8.6.2 of the 2016 Opinion) are <u>not eligible</u> for the streamlined informal consultation process.	
☐ Yes ☐ Equivalent ☒ N/A	PDC 3: Projects that use seismic surveys, low frequency sonar, explosions, or seismic air guns are <u>not eligible</u> for the streamlined informal consultation process.	
☐ Yes ☐ Equivalent ☒ N/A	PDC 4: Any project in Florida Bay that includes queen conch in the project action area is <u>not eligible</u> for the streamlined informal consultation process.	

2. General PDCs Applicable to all Activities

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information																								
☒ Yes ☐ Equivalent ☐ N/A	PDC 5: As appropriate to the project, and where applicable, all projects must comply with the following guidance documents (or most up-to-date version), including the procedures for monitoring for, and reporting interactions with, ESA-listed species: - NMFS (2021a) Protected Species Construction Conditions - NMFS (2021b) Vessel Strike Avoidance Measures and Reporting for Mariners. - NMFS (2012) Measures for Reducing Entrapment Risk to Protected Species. For projects in Florida ONLY: USACE and NMFS (2017) Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat.																									
☒ Yes ☐ Equivalent ☐ N/A	PDC 6: All structures, materials, and installation methods, including turbidity control measures, shall be designed and deployed to prevent entanglement and entrapment of ESA-listed species.																									
☒ Yes ☐ Equivalent ☐ N/A	PDC 7: All structures, materials, and installation methods, including turbidity control measures, shall not impede movement of ESA-listed species between shoreline and open water or otherwise block passage of ESA-listed species.																									
☒ Yes ☐ Equivalent ☐ N/A	PDC 8: In-water lines (rope, chain, and cable) must be stiff, taut, and non-looping, with no excess/loose line in the water, and any flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling.																									
☐ Yes ☐ Equivalent ☒ N/A	PDC 9: For work conducted at night within view of sea turtle nesting beaches, no artificial lighting from in-water activities shall be visible at night from sea turtle nesting beaches during nesting season <i>Table 1. Sea Turtle Nesting Season</i> <table> <tr> <th>Location</th><th>Species</th><th>Nesting Season</th></tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td><td>Loggerhead sea turtles</td><td>May 1 to October 31</td></tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td><td>Green sea turtles</td><td>May 15 to October 31</td></tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td><td>Leather back sea turtles</td><td>May 1 to September 30</td></tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td><td>Loggerhead sea turtles</td><td>April 24 to October 31</td></tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td><td>Green sea turtles</td><td>May 15 to October 31</td></tr> <tr> <td>Monroe County FL</td><td>Hawksbill sea turtles</td><td>June 1 to December 31</td></tr> <tr> <td>Texas</td><td>Kemp's ridley sea turtles</td><td>May 1 to September 30</td></tr> </table>	Location	Species	Nesting Season	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Loggerhead sea turtles	May 1 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Green sea turtles	May 15 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Leather back sea turtles	May 1 to September 30	Southern FL (Pinellas to Monroe Counties)	Loggerhead sea turtles	April 24 to October 31	Southern FL (Pinellas to Monroe Counties)	Green sea turtles	May 15 to October 31	Monroe County FL	Hawksbill sea turtles	June 1 to December 31	Texas	Kemp's ridley sea turtles	May 1 to September 30	
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☐ Yes ☐ Equivalent ☒ N/A	PDC 10: For work conducted at night within view of sea turtle nesting beaches, any support vessels transiting at night within view of sea turtle nesting beaches during nesting season (see table above), lighting will be limited to the minimal lighting necessary to comply with USCG (2023) and OSHA (2023) requirements.																									

12. PDCs Applicable to Scientific Surveys and Research Projects and the Installation, Repair or Removal of Equipment

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information																								
☐ Yes ☐ Equivalent ☒ N/A	PDC 80: To avoid harassment of listed species, aerial surveys shall not be conducted below 1,000 ft altitude for any type of piloted aircraft.																									
☐ Yes ☐ Equivalent ☒ N/A	PDC 81: Projects that permanently alter hard bottom habitat (e.g., the devices are installed by drilling) are not eligible for the streamlined informal consultation process.																									
☐ Yes ☐ Equivalent ☒ N/A	PDC 82: Projects that include anchored buoys located within the proposed Rice's whale critical habitat are not eligible for the streamlined informal consultation process.																									
☐ Yes ☐ Equivalent ☒ N/A	PDC 83: Scientific surveys or research projects requiring in-water work during sea turtle nesting season either located within one mile offshore of beaches that are used by nesting sea turtles or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat are not eligible for the streamlined informal consultation process. <i>Table 1. Sea Turtle Nesting Season</i> <table> <tr> <th>Location</th><th>Species</th><th>Nesting Season</th></tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td><td>Loggerhead sea turtles</td><td>May 1 to October 31</td></tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td><td>Green sea turtles</td><td>May 15 to October 31</td></tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td><td>Leather back sea turtles</td><td>May 1 to September 30</td></tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td><td>Loggerhead sea turtles</td><td>April 24 to October 31</td></tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td><td>Green sea turtles</td><td>May 15 to October 31</td></tr> <tr> <td>Monroe County FL</td><td>Hawksbill sea turtles</td><td>June 1 to December 31</td></tr> <tr> <td>Texas</td><td>Kemp's ridley sea turtles</td><td>May 1 to September 30</td></tr> </table>	Location	Species	Nesting Season	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Loggerhead sea turtles	May 1 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Green sea turtles	May 15 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Leather back sea turtles	May 1 to September 30	Southern FL (Pinellas to Monroe Counties)	Loggerhead sea turtles	April 24 to October 31	Southern FL (Pinellas to Monroe Counties)	Green sea turtles	May 15 to October 31	Monroe County FL	Hawksbill sea turtles	June 1 to December 31	Texas	Kemp's ridley sea turtles	May 1 to September 30	
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☐ Yes ☐ Equivalent ☒ N/A	PDC 84: Projects that include anchored buoys that would result in any loss of either the PBF or PCE of the loggerhead sea turtle critical habitat <i>Sargassum</i> habitat unit or the Essential Features or attributes of the proposed green sea turtle critical habitat <i>Sargassum</i> habitat unit are not eligible for the streamlined informal consultation process.																									
☐ Yes ☐ Equivalent ☒ N/A	PDC 85: Projects located in the FGBNMS are not eligible for the streamlined informal consultation process.																									
☒ Yes ☐ Equivalent ☐ N/A	PDC 86: Upon completion of data acquisition, all in-water equipment structure or fills associated with that research (e.g., anchors, buoys, and lines) must be removed and the site must be restored to pre-construction conditions.	All equipment will be removed after sampling.																								
☐ Yes ☐ Equivalent ☒ N/A	PDC 87: Research equipment, including lines and anchors, shall be inspected and the required maintenance must be performed at least twice a year.	No equipment will be permanently installed																								
☐ Yes ☐ Equivalent ☒ N/A	PDC 88: Research equipment shall be inspected following storm events that may have moved or dislodged the structure to ensure that equipment and anchors are still in place and have not moved to areas, or in a manner, that could impact ESA-listed species or critical habitat.	No equipment will be permanently installed																								