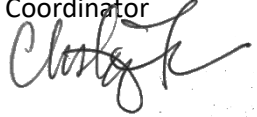




MEMORANDUM FOR: FILE

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

DATE: October 18, 2024

SUBJECT: AL TIG Restoration Plan and Environmental Assessment #4, Laguna Cove
Little Lagoon Natural Resource Protection Small Scale Amenities Project:
Covered by Existing ESA, EFH and MMPA Compliance

Based on my review of project materials including the Biological Evaluation forms (Fall 2024), and in coordination with representatives from NOAA's Protected Resources and Habitat Conservation Divisions in the Southeast Regional Office, the NOAA Restoration Center (RC) determined that the project is covered by existing compliance for species or habitats under the jurisdiction of National Marine Fisheries Service (NMFS).

The Little Lagoon Natural Resource Protection Small Scale Amenities Project was selected as part the AL TIG's first restoration plan (RP1) and compliance reviews were completed in 2017. In AL TIG Restoration Plan and Environmental Assessment #4 (RP4), the AL TIG plans to add additional funds to complete the project. The design elements of the project remain unchanged from those that were reviewed in 2017. The existing compliance completed in 2017 and 2018 remains in effect for each statute listed below.

Endangered Species Act

At the time of AL TIG RP1, a request for Endangered Species Act (ESA) formal consultation was submitted to NMFS. On July 26, 2018, NMFS completed a biological opinion for Laguna Cove and two other projects (SER-2017-18553). All terms and conditions outlined in the biological opinion will be followed during construction and operation of amenities funded by the AL TIG at Laguna Cove.

Designated Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act

At the time of AL TIG RP1, potential effects to essential fish habitat (EFH) from the all proposed projects were reviewed by NMFS. On April 11, 2017, NMFS concurred that implementation of projects would result in minimal temporary EFH impacts to estuarine water column, sand, and mud habitats; however, these impacts will not be substantial enough to require compensatory mitigation. NMFS did not provide any EFH conservation recommendations and EFH consultation was concluded.

Marine Mammal Protection Act

At the time of AL TIG RP1, potential effects to marine mammals from the proposed project was reviewed by NMFS and it was determined that authorizations under the Marine Mammal Protection Act were not required. Appropriate measures and best management practices were included in the BE form and will be implemented to avoid and minimize effects marine mammals