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 October 23, 2024

To: Memorandum to File

From: Michael Barron, Deepwater Horizon Gulf Restoration Office

Subject: Regulatory Compliance Determinations for Restoration Projects Proposed in the Open Ocean Trustee Implementation Group's Restoration Plan #4: Fish and Water Column Invertebrates and Sea Turtles

Under the Endangered Species Act (ESA) Section 7(a)(2), each Federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species, or destroy/adversely modify designated critical habitat. If a Federal agency determines that a Federal action will have no effect on ESA-listed species or designated critical habitat, then the Federal agency is not required to consult with the US Fish and Wildlife Service (USFWS) for purposes of ESA. This memo does not include any information or effects determinations for protected species under the jurisdiction of the National Marine Fisheries Service.

Based on our review of the project materials provided, the compliance determinations of ten projects proposed for implementation in the *Draft Restoration Plan and Environmental Assessment #4: Fish and Water Column Invertebrates and Sea Turtles* are indicated below:

Project Title	Endangered Species Act	Marine Mammal Protection Act	Bald and Golden Eagle Protection Act	Migratory Bird Treaty Act	Coastal Barrier Resources Act
Return 'Em Right Species and Area Expansion (Reduction of Post-release Mortality from Barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries)	NE	NA	NA	NA	NA
Next Generation Fishing	NE	NA	NA	NA	NA
Communication Networks and Mapping Tools to Reduce Fish Mortality	NE	NA	NA	NA	NA
Reduction of Diverse Threats to Fish and Water Column Invertebrates	NE	NA	NA	NA	NA
Education and Stewardship Partnership with Charter Anglers	NE	NA	NA	NA	NA
Communication, Adaptive Management, Planning, and Integration	NE	NA	NA	NA	NA
Sea Turtle Nesting Habitat Protection Expansion in Florida: Component of "Long Term Nesting Habitat Protection for Sea Turtles"	NE	NA	NA	NA	NA
Gulf-wide Sea Turtle Bycatch Reduction	R-SC	R-SC	NE-NT	NE-NT	NA
Gulf-wide Sea Turtle Vessel Strike Risk Reduction	R-SC	R-SC	NE-NT	NE-NT	NA

Gulf-wide Sea Turtle Stranding Network and Emergency Response Enhancements	R-SC	R-SC	NE-NT	NE-NT	NA

NE – No Effect; R-SC – Required-Separate Consultation; NA – Not Applicable; NE-NT – No Effect-No Take

Should any project be modified in a way that could adversely impact species or habitats, this determination will be reevaluated as appropriate.

If you have questions or concerns regarding this action, please contact Michael Barron, Fish and Wildlife Biologist, at 251-421-7030 or michael_barron@fws.gov.

Attachments (10)

Attachment 1

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):

USFWS ☐ NOAA ☒ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐

Implementing Trustee(s): National Oceanic and Atmospheric Administration

Contact Name: James Reinhardt Phone: (202) 234-4433 Email: james.reinhardt@noaa.gov

Project Name: Return 'Em Right: Species and Area Expansion (Reduction of Postrelease Mortality from Barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries)

DIVER ID# 226 Trustee Implementation Group (TIG): Open Ocean TIG

Restoration Plan # 4

Name of Person Completing this Form: Kelly Swindle, Stantec

Name of Project Lead: James Reinhardt, NOAA

Date Form Completed: June 28, 2024

Date Form Updated: October 16, 2024

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☒ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

N/A

C. Project Location

I. State and County/Parish of action area

The U.S. and Mexican Gulf of Mexico, Caribbean, and U.S. Atlantic

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

Action area is located within the U.S. and Mexican Gulf of Mexico, Caribbean, and U.S. Atlantic. Approximate centroid of the location in the Gulf of Mexico is 29° 2'17.13"N, 90°26'59.83"W, and the approximate centroid for the southern Atlantic is 32°51'16.34"N, 79°32'3.02"W.

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines

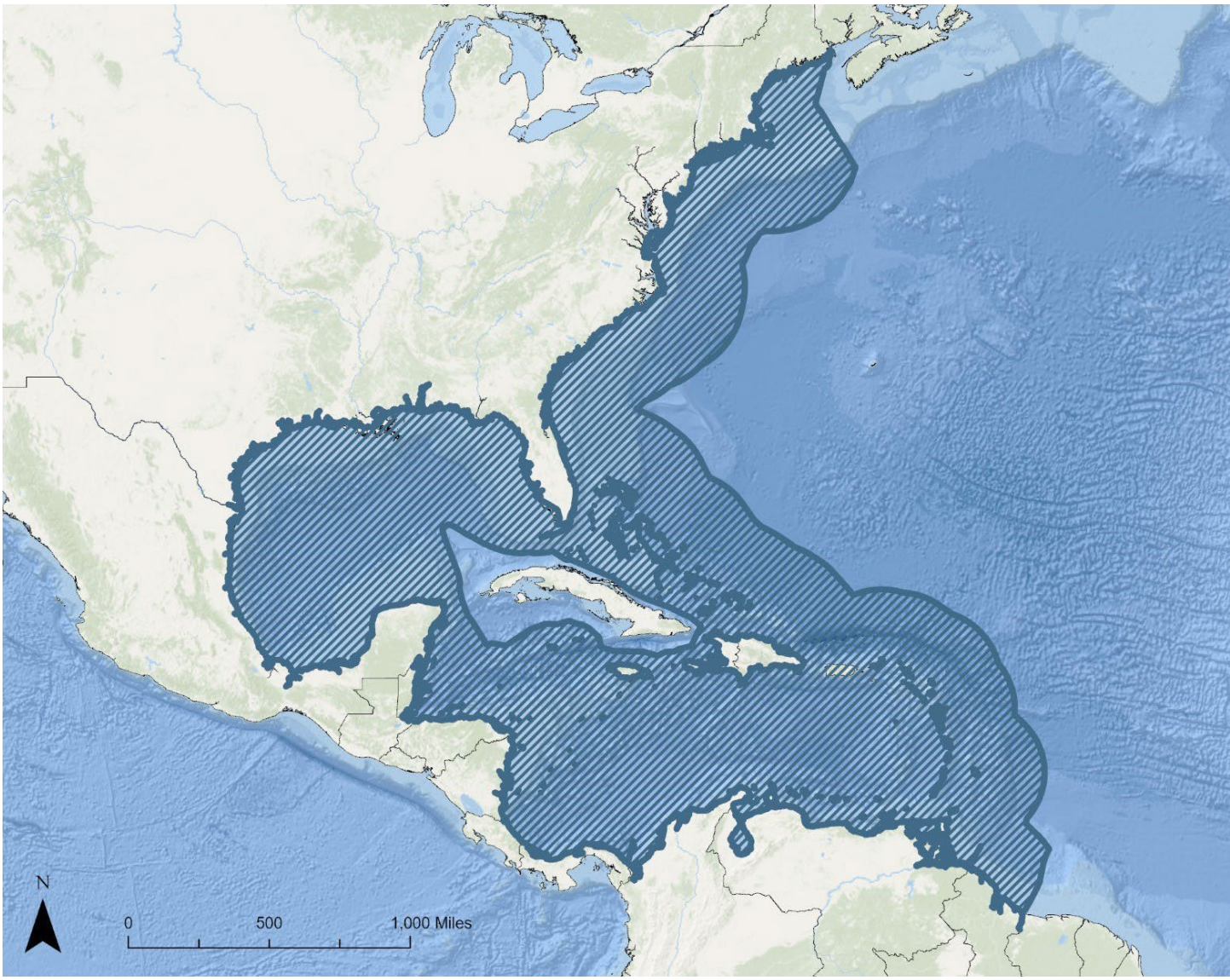


Figure 1: At-sea observer coverage may occur in these areas.

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES ☐ NO ☒ Permit Number and Type:

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

NEPA Document: fws.gov/doiddata/dwh-ar-documents/2128/DWH-ARZ003947.pdf **NOAA No Effects Memo**: DWH-ARZ003857.pdf (fws.gov)

NOAA RC Agency Memo Re: Open Ocean TIGRP/EA#2: ESA, EFH, and MMPA No Effect Determinations (October 4,2019)

(NOTE: the RP2/EA project approval does not cover the expanded area of the Mexican Gulf of Mexico, Caribbean, and U.S. Atlantic coast which is incorporated into this proposed project component. Additional compliance would be required for areas outside the previous project footprint after the planning phase.)

Contact Information

James Reinhardt, NOAA Marine Resource Habitat Specialist, Phone: (301) 427-8615 Email: James.reinhardt@noaa .gov

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

Project activities would occur in the U.S. and Mexican Gulf of Mexico, Caribbean, and U.S. Atlantic (Figure 1).

Does the project area include a river or estuary?

YES☐ NO☒

If yes, please approximate the navigable distance from the project location to the marine environment.

N/A

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

Multiple existing structures are present along the shorelines of the action area including docks, seawalls, jetties, and marinas. The project would not impact structures.

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

N/A

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

N/A

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

N/A

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

The action area consists of a variety of uplands where public outreach/education and the distribution of appropriate tackle to recreational anglers would occur, such as sandy beaches, urban/disturbed areas, and other coastal habitats.

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

N/A

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

Land uses include public and private beaches and shorelines and may include remote areas depending on where public outreach/education and the distribution of appropriate tackle to recreational anglers occurs.

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins	YES☐	NO☒
Whales	YES☐	NO☒
Manatees	YES☐	NO☒

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

Click here to enter text.

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

NOAA would be the lead Implementing Trustee for this project. Additional project partners may include, but are not limited to, state natural resource agencies, Fishery Management Councils, the Gulf States Marine Fisheries Commission, and universities (e.g., University of Florida). This project would continue and expand on the Open Ocean TIG's RP2/EA *Reduction of Postrelease Mortality from Barotrauma in the Gulf of Mexico Reef Fish Recreational Fisheries* project. This RP4/EA project would continue these

efforts, as well as expand the methods and scope of the existing Return 'Em Right program to additional species, timeframes, and locations.

This new component of the existing project would include:

- **Distribution and adoption of alternative fishing gear.** Through the continuation of the existing Return 'Em Right program, this project would continue and expand activities that involve collaborating with fishing equipment manufacturers to develop cost-effective gear that reduce mortality such as predator avoidance tools, other tools for dehooking and handling fish, and descending tools.
- **Field studies to collect data on gear use and best practices.** At-sea observer coverage on recreational vessels would be enhanced to collect data about fishing effort and recapture rates to validate use of best practices and results of self-reporting studies. Enhancing observer coverage would not increase the fishing effort and would occur on existing authorized fishing vessels.

Further compliance consultation may occur at a later time once the locations and methodologies of studies and expanded activities are known.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)* The project is expected to take approximately 15 years to complete. Planning and implementation of angler attitude studies would begin in Year 1 and continue throughout the project duration.

III. *Specific In-Water and/or Terrestrial Construction Methods*
Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

Construction: Provide a detailed account of construction methods. It is important to include step-by-step

descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	N/A
2. Material type of piles used	N/A
3. Size (width) of piles/sheets	N/A
4. Total number of piles/sheets	N/A
5. Number of strikes for each single pile	N/A
6. Number of strikes per hour (for a single pile)	N/A
7. Expected number of piles to be driven each day	N/A
8. Expected amount of time needed to drive each pile (minutes of driving activities)	N/A
9. Expected number of sequential days spent pile driving	N/A
10. Whether pile driving occurring in-water or on land	N/A
11. Depth of water where piles will be driven	N/A

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the*

shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.

N/A

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

The project would involve public outreach/education and the distribution of appropriate tackle to recreational anglers to reduce the risk of barotrauma in fish.

Tackle to be distributed would include items such as:

- Hooks - circle hooks, barbless hooks, other non-stainless-steel hooks.
- Tackle to support less fight time.
- Landing equipment including nets.
- Release tools such as de-hooker and line cutters.
- Descending devices and venting tools.
- Handling tools, like lip grips, gloves, and snooters.
- Depredation mitigation tools like zepplins.

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in

the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required: https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast Click here to enter text.

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐
Eco-Region 2: North Florida (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☐	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama (*Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐
Eco-Region 4: East Texas and West Louisiana (*Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas (*Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☒
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats,

please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☐This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats. Click here to enter text.

☐ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at: *https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d*

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please selec justification.**
Gulf Sturgeon (T)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Loggerhead Sea Turtle (T)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Green Sea Turtle (T)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Hawksbill Sea Turtle (E)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Leatherback Sea Turtle (E)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Kemp's Ridley Sea Turtle (E)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Smalltooth Sawfish (E)			No Effect	Proposed activities will not affect species/CH in the area
Giant Manta Ray (T)			No Effect	Proposed activities will not affect species/CH in the area
Oceanic Whitetip Shark (T)			No Effect	Proposed activities will not affect species/CH in the area
Gulf Sturgeon CH		Marine	No Effect	Proposed project activities will not affect species/CH in the area

Loggerhead Sea Turtle CH		Marine	No Effect	Proposed project activities will not affect species/CH in the area
Choose an item.				

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☒This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

Project activities are land-based desktop tasks and enhancing observer coverage on existing fishing vessels.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

☐ **NMFS Protected Species Construction Conditions (2021)[1]**
NMFS Measures for Reducing the Entrapment Risk to Protected Species[1]
NMFS Vessel Strike Avoidance Measures (2021)[1]
USFWS Standard Manatee In Water Conditions (2011)[2] and Appropriate State Manatee Conditions[3]

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental- Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

[1] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[2] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work
[3] Contact USFWS representative for appropriate documents

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

Project activities are land-based desktop tasks and enhancing observer coverage on existing fishing vessels.

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*
Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

N/A

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☒ NO YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*

☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

N/A

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[4]
☐	NMFS Protected Species Construction Conditions (2021)[5]
	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[6]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. N/A

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☒ NO YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660

[4] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[5] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[6] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).

2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic
Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☒	**Marsh Creation, Maintenance, or Enhancement**

☐	☒	**Living Shorelines Construction Maintenance, or Expansion**
☐	☒	**Removal of Fishing Gear and Other Marine Debris**
☐	☒	**Oyster Reefs Creation, Maintenance, or Enhancement**
☐	☒	**Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts**
☐	☒	**Artificial Reefs Construction, Maintenance, or Expansion**
☐	☒	**Boat Ramps Installation, Repair, Replacement, or Removal**
☐	☒	**Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal**
☐	☒	**Establishing or Restoring SAV**
☐	☒	**Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

NHPA Consultation
Benjamin Frater, Department of the Interior
Email: benjamin_frater@fws.gov
Pho
ne: 404-
314-8815

Attachment 2

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):

USFWS ☐ NOAA ☒ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐ Implementing Trustee(s): National Oceanic and Atmospheric Administration (NOAA) Contact Name: James Reinhardt/Amy Piko Phone: (202) 234-4433/813-534-0282 Email: james.reinhardt@noaa.gov/amy.piko@noaa.gov
Project Name: Next Generation Fishing
DIVER ID# Click to enter text Trustee Implementation Group (TIG): Open Ocean TIG Restoration Plan # 4
Name of Person Completing this Form: Kelly Swindle, Stantec
Name of Project Lead: James Reinhardt, NOAA
Date Form Completed: July 3, 2024
Date Form Updated: September 19, 2024

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual **X** Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

N/A

C. Project Location

I. State and County/Parish of action area

The U.S. Gulf of Mexico, U.S. Caribbean Sea, and U.S. Atlantic Ocean; and potentially the Mexican Gulf, the Caribbean, and Atlantic waters of northern South America and Canada.

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

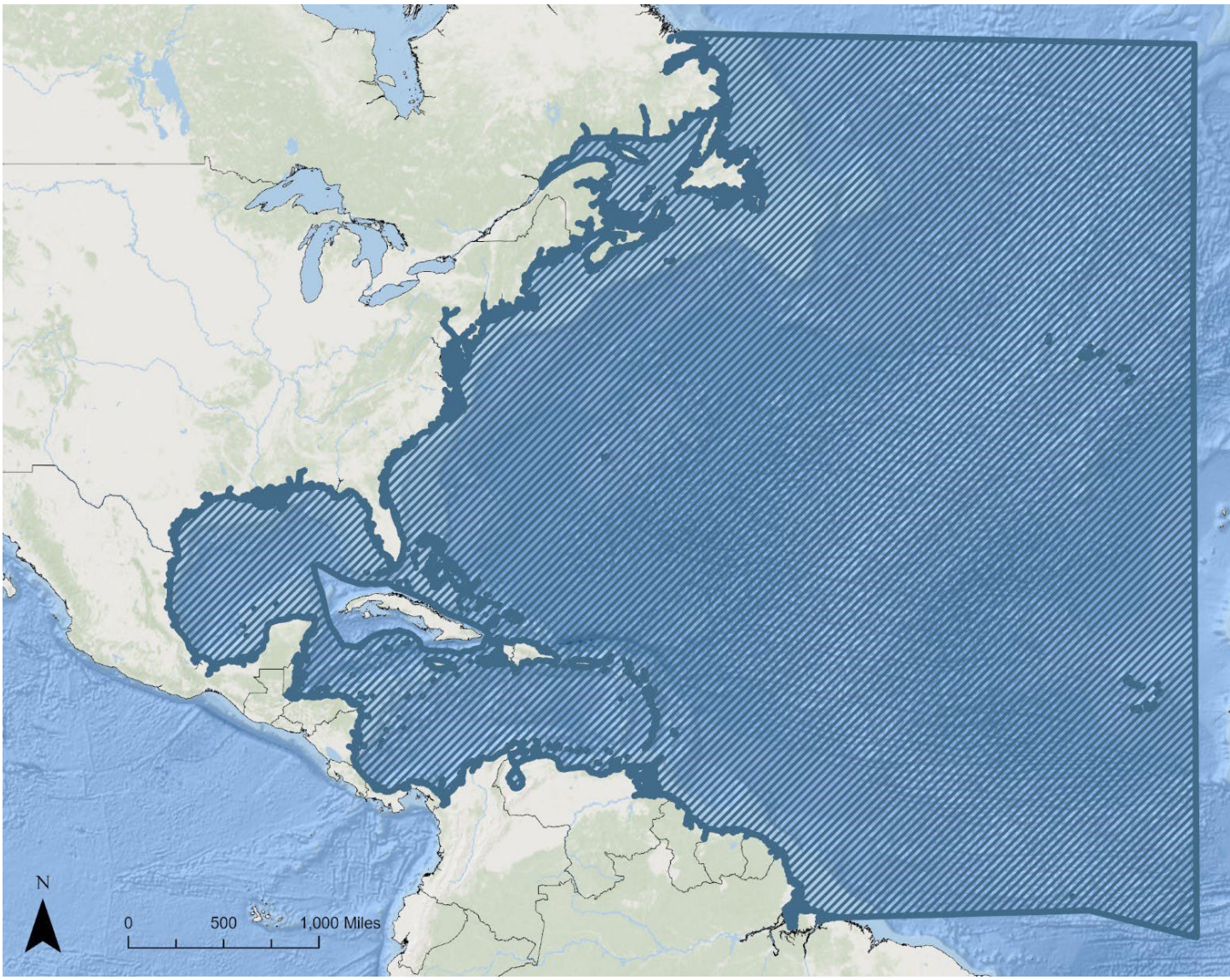
[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

Approximate centroid of the location in the Gulf of Mexico is 29° 2'17.13"N, 90°26'59.83"W, and the approximate centroid for the southern Atlantic is 32°51'16.34"N, 79°32'3.02"W.

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines



Next Generation Fishing: General Project Location (this map represents the operating range of the fishing vessels targeted for education & outreach and use of new gear types and techniques)

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: N/A

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: N/A

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Open Ocean Trustee Implementation Group's (OO TIG) Restoration Plan 4 and Environmental Assessment (RP4/EA).

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

Phase 1 Project activities are planning and education & outreach. These activities would take place in the U.S. Gulf of Mexico, U.S. Caribbean Sea, and U.S. Atlantic Ocean; and potentially the Mexican Gulf, the Caribbean, and Atlantic waters of Canada and northern South America through meeting, data analysis, workshops and other similar activities.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

N/A

Does the project area include a river or estuary?

YES☐ NO☒

If yes, please approximate the navigable distance from the project location to the marine environment.

N/A

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

N/A

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy
of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

N/A

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

N/A

Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

N/A

e. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

N/A

f. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

N/A

g. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

N/A

h. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins	YES☐	NO☒
Whales	YES☐	NO☒
Manatees	YES☐	NO☒

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

N/A

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

Phase 1 Planning Activities:
NOAA would be the lead Implementing Trustee for this project. Additional project implementation partners may include regional management bodies (Gulf of Mexico Fishery Management Council, Western Central Atlantic Fishery Commission) and NGOs. This project seeks to restore injured FWCI resources by implementing strategies in commercial fisheries to help fishing fleets adopt conservation techniques that reduce sources of mortality while also helping them adapt to changing conditions including climate change and globalization of fishing efforts.

No on-the-ground work would occur during Phase 1. Additional compliance coordination would occur once further details are known.

Project activities include:

- **Encouraging the adoption of new fishing gear.** This project would involve collaborating with commercial fishing communities to participate in the application of new gear, best practices, and techniques that reduce bycatch and fish mortality.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

The project is expected to take approximately 15 years to complete. Phase 1 Planning would occur in Years 1 and 2, and additional planning may continue throughout the project duration.

III. *Specific In-Water and/or Terrestrial Construction Methods*
Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	N/A
2. Material type of piles used	N/A

3. Size (width) of piles/sheets	N/A
4. Total number of piles/sheets	N/A
5. Number of strikes for each single pile	N/A
6. Number of strikes per hour (for a single pile)	N/A
7. Expected number of piles to be driven each day	N/A
8. Expected amount of time needed to drive each pile (minutes of driving activities)	N/A
9. Expected number of sequential days spent pile driving	N/A
10. Whether pile driving occurring in-water or on land	N/A
11. Depth of water where piles will be driven	N/A

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long*

term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.

N/A

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required: https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast The project will not result in effects to EFH.

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐
Eco-Region 2: North Florida (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☐	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama (*Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐
Eco-Region 4: East Texas and West Louisiana (*Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas (*Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☒
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☐
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	
Will this project have beneficial effects to EFH?	YES☐ NO☐
If yes, please describe how your project will have beneficial effects the text box below:	

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☒This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at: *https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d*

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☒This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

Phase 1 does not include on-the-ground work that that could impact species.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☐ **NMFS Protected Species Construction Conditions (2021)[7]**
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species[1]**
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)[1]**
- ☐ **USFWS Standard Manatee In Water Conditions (2011)[8] and Appropriate State Manatee Conditions[9]**

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173.
http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf
Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

[7] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[8] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work
[9] Contact USFWS representative for appropriate documents

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

N/A

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*
Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

N/A

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☒NO ☐YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*

☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

N/A

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[10]
☐	NMFS Protected Species Construction Conditions (2021)[11]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[12]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. N/A

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☒NO ☐YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).

[10] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[11] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[12] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

_____

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic
Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☒	**Marsh Creation, Maintenance, or Enhancement**
☐	☒	**Living Shorelines Construction Maintenance, or Expansion**
☐	☒	**Removal of Fishing Gear and Other Marine Debris**

☐	☒	**Oyster Reefs Creation, Maintenance, or Enhancement**
☐	☒	**Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts**
☐	☒	**Artificial Reefs Construction, Maintenance, or Expansion**
☐	☒	**Boat Ramps Installation, Repair, Replacement, or Removal**
☐	☒	**Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal**
☐	☒	**Establishing or Restoring SAV**
☐	☒	**Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

NHPA Consultation
Benjamin Frater, Department of the Interior
Email: benjamin_frater@fws.gov
Phone: 404-314-8815

Attachment 3

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):

USFWS ☐ NOAA ☒ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐

Implementing Trustee(s): National Oceanic and Atmospheric Administration (NOAA)
Contact Name: James Reinhardt Phone: (202) 234-4433 Email: james.reinhardt@noaa.gov Project Name: Communication Networks and Mapping Tools to Reduce Fish Mortality DIVER ID# Trustee Implementation Group (TIG): Open Ocean TIG Restoration Plan # 4
Name of Person Completing this Form: Kelly Swindle, Stantec
Name of Project Lead: James Reinhardt, NOAA
Date Form Completed: June 26, 2024
Date Form Updated: October 16, 2024

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☒ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

N/A

C. Project Location

I. State and County/Parish of action area

The U.S. Gulf of Mexico and associated states of Alabama, Mississippi, Florida, Louisiana, and Texas.

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

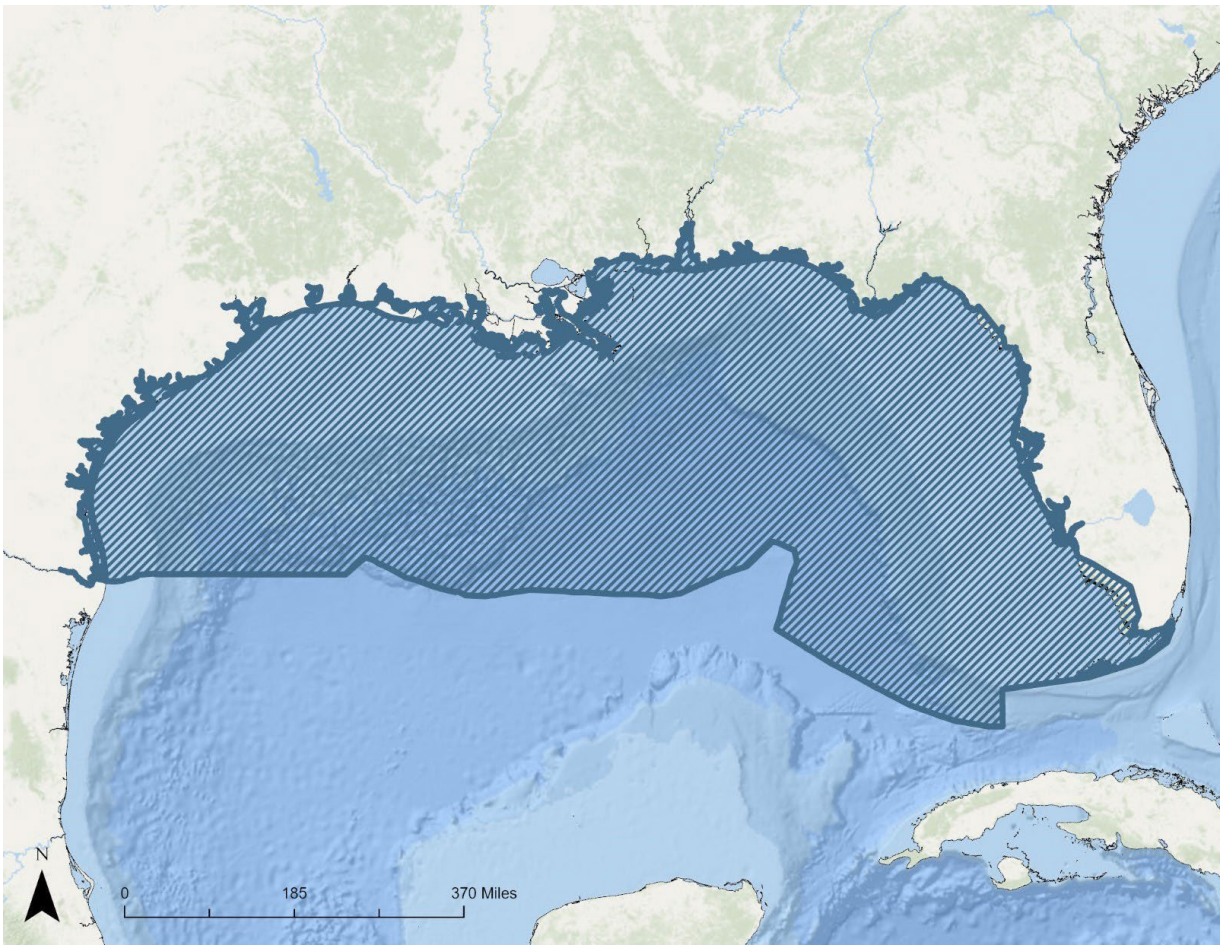
[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

The centroid location of the proposed project area is 29° 2'17.13"N, 90°26'59.83"W.

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines



Communication Networks and Mapping Tools to Reduce Fish Mortality: General Project Location of Observer Coverage

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click here to enter text

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

A National Environmental Policy Act analysis for this project would be included in the Open Ocean Trustee Implementation Group's Draft Restoration Plan 4 and Environmental Assessment.

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

Project activities include desktop activities such as modeling, data collection and dissemination, and outreach and education with commercial fisheries. Observer coverage for the commercial reef fish fishery would be providing additional observer coverage on commercial fishing vessels already operating in the Gulf of Mexico. The project's action area would initially focus on the Eastern Gulf of Mexico but could potentially include Texas if commercial vessels choose to participate.

The project's spawning aggregation data collection component would occur throughout the U.S Gulf of Mexico. Any training, education, data assessment, or outreach efforts would be implemented at existing land-based facilities within the targeted coastal communities within the U.S. Gulf of Mexico.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

The nearshore and offshore waters within the U.S. Gulf of Mexico.

Does the project area include a river or estuary?

YES☐ NO☒

If yes, please approximate the navigable distance from the project location to the marine environment.

N/A

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

Existing structures such as docks and marinas are present along the shorelines of the Gulf of Mexico, but no alterations to these structures would occur from the proposed project.

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

N/A

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

N/A

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

N/A

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

N/A

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

N/A

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

N/A

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins	YES☐	NO☒
Whales	YES☐	NO☒
Manatees	YES☐	NO☒

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

NOAA would be the lead Implementing Trustee for this project. Potential project implementation partners may include private contractors, universities and research institutions, regional management bodies, and non-governmental organizations. This project would build on the information gathered through the Open Ocean TIG's RP2/EA *Communication Networks and Mapping Tools to Reduce Bycatch – Phase I* project, which began the planning and development process for a bycatch hotspot identification system and communication network for fishers.

Specifically, this project would:

- **Develop models** for use in planning restoration and monitoring efforts for injured fish and water column invertebrate populations. Model predictions would be made available to fishing communities and management agencies through an online platform and tested throughout the project to allow for user feedback on the utility and success of the platform in reducing fisheries interactions with non-target species, specifically by reducing bycatch and depredation and avoiding interactions with spawning aggregations. This effort would involve:
    - **Assessing data gaps and collecting any necessary data,** including data obtained through fisherydependent monitoring programs, surveys, remote sensing, existing fisheries data from DWH NRDA projects, and cooperative research involving fishing communities, managers, and scientists.
    - **Developing dynamic species distribution models** for northern Gulf priority reef fish species, such as red grouper, gag grouper, red snapper, vermilion snapper, greater amberjack, spotted sea trout, gray triggerfish, golden tilefish, and others

identified by NOAA. Models may also be developed to support conservation planning for HMS, like tunas and billfish, and for some protected species.

- **Identify and conserve spawning aggregation sites** for priority fish species, initially focusing on reef fish populations. This would be accomplished by:
    - **Convening a workgroup of spawning experts** comprised of scientists, managers, commercial fishers, and charter anglers to develop a conservation strategy identifying conservation needs, spawning areas that may benefit from conservation measures, and voluntary actions that may result in protection of spawning aggregations. ○ **Analyzing existing data on spawning aggregations.** New data may be collected in future phases of the projects; future in-water activities may require further compliance review.
- **Enhance existing NOAA at-sea observer coverage** from two to five percent of sea days for the commercial reef fish fishery to gather data and monitor restoration project effectiveness. NOAA observers would observe from commercial fishing vessels that are already authorized to fish. As such, fishing effort would not be increased through this project.

Develop bycatch communication networks to allow reef fish and other commercial and charter vessels to communicate data that would inform models of bycatch probability and depredation. Initially, this project would include the development of three bycatch communication networks. The first would target approximately 40 commercial vessels in the eastern Gulf that use vertical line, bottom longline, and bandit gear. These vessels would be equipped with electronic monitoring systems and/or reporting systems to transmit real-time fishing data to project partner(s) who would then synthesize these data and produce maps to identify fishing sites with low bycatch potential. A second and third communication network would communicate bycatch and depredation data to Florida and Texas charter boat groups that use rod and reel equipment. This charter network would allow fishers and anglers to share bycatch and depredation observations without specifically sharing preferred fishing spots. Future bycatch networks may be developed leveraging the infrastructure created for the initial portions of the project.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

The project is expected to take approximately 8 years to complete. Data assessment would occur in Year 1 and engagement with interested parties would occur in Years 1 through 5. Enhancement of observer coverage would occur in Years 1 through 4. Development and implementation of communication networks would begin in Year 1 and continue for the duration of the project.

III. *Specific In-Water and/or Terrestrial Construction Methods*
Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☐ NO☒

Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	N/A
2. Material type of piles used	N/A
3. Size (width) of piles/sheets	N/A
4. Total number of piles/sheets	N/A
5. Number of strikes for each single pile	N/A
6. Number of strikes per hour (for a single pile)	N/A
7. Expected number of piles to be driven each day	N/A
8. Expected amount of time needed to drive each pile (minutes of driving activities)	N/A
9. Expected number of sequential days spent pile driving	N/A
10. Whether pile driving occurring in-water or on land	N/A
11. Depth of water where piles will be driven	N/A

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:
https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐
Eco-Region 2: North Florida (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☐	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama (*Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐
Eco-Region 4: East Texas and West Louisiana (*Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas (*Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☒
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☐This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at: *https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d*

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please selec justification.**
Gulf Sturgeon (T)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Loggerhead Sea Turtle (T)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Green Sea Turtle (T)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Hawksbill Sea Turtle (E)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Leatherback Sea Turtle (E)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Kemp's Ridley Sea Turtle (E)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Smalltooth Sawfish (E)			No Effect	Proposed activities will not affect species/CH in the area

Giant Manta Ray (T)			No Effect	Proposed activities will not affect species/CH in the area
Oceanic Whitetip Shark (T)			No Effect	Proposed activities will not affect species/CH in the area
Gulf Sturgeon CH		Marine	No Effect	Proposed project activities will not affect species/CH in the area
Loggerhead Sea Turtle CH		Marine	No Effect	Proposed project activities will not affect species/CH in the area
Choose an item.				

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☒This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to

meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

Project activities are land-based desktop tasks and enhancing observer coverage on existing fishing vessels.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☐ **NMFS Protected Species Construction Conditions (2021)**[13]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

[13] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

USFWS Standard Manatee In Water Conditions (2011)[14] and Appropriate State Manatee Conditions[15]

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental- Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

N/A

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*
Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

Project activities are land-based desktop tasks and enhancing observer coverage on existing licensed fishing vessels.

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

[14] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work

[15] Contact USFWS representative for appropriate documents

Is your activity occurring in or on marine or estuarine waters? ☒NO ☐YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

N/A

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[16]
☐	NMFS Protected Species Construction Conditions (2021)[17]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]

[16] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines

[17] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[18]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. N/A

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☒NO ☐YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office. Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov

Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

[18] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic
Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☒	**Marsh Creation, Maintenance, or Enhancement**
☐	☒	**Living Shorelines Construction Maintenance, or Expansion**
☐	☒	**Removal of Fishing Gear and Other Marine Debris**
☐	☒	**Oyster Reefs Creation, Maintenance, or Enhancement**
☐	☒	**Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts**
☐	☒	**Artificial Reefs Construction, Maintenance, or Expansion**
☐	☒	**Boat Ramps Installation, Repair, Replacement, or Removal**
☐	☒	**Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal**
☐	☒	**Establishing or Restoring SAV**
☐	☒	**Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric
Administration Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation

Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

NHPA Consultation

Benjamin Frater, Department of the Interior
Email: benjamin_frater@fws.gov
Phone: 404-314-8815

Attachment 4

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):

USFWS ☐ NOAA ☒ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐

Implementing Trustee(s): National Oceanic and Atmospheric Administration (NOAA)

Contact Name: James Reinhardt/Laurie Rounds Phone: (202) 234-4433/251-243-2200 Email: james.reinhardt@noaa.gov/ laurie.rounds@noaa.gov

Project Name: Reduction of Diverse Threats to Fish and Water Column Invertebrates Click to enter text DIVER ID# Click to enter text Trustee Implementation Group (TIG): Open Ocean TIG Restoration Plan # 4

Name of Person Completing this Form: Kelly Swindle, Stantec

Name of Project Lead: James Reinhardt, NOAA

Date Form Completed: July 18, 2024

Date Form Updated: September 18, 2024

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☐ Planning/Conceptual ☒ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

N/A

C. Project Location

I. State and County/Parish of action area

The project location would be desktop based.

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

The centroid location of the proposed project area is 29° 2'17.13"N, 90°26'59.83"W.

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: N/AClick here to enter text

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: N/A

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

A National Environmental Policy Act (NEPA) analysis for this project would be conducted in the Open Ocean Trustee Implementation Group's (OO TIG) Restoration Plan 4 and Environmental Assessment (RP4/EA).

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

The planning phase would include desktop activities. All education, outreach, or training programs would be implemented on land at existing facilities within the coastal communities.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

N/A

Does the project area include a river or estuary?

YES☐ NO☒

If yes, please approximate the navigable distance from the project location to the marine environment.

N/A

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

N/A

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

N/A

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

N/A

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

N/A

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

N/A

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

N/A

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

N/A

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins YES☐ NO☒
Whales YES☐ NO☒
Manatees YES☐ NO☒

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

N/A

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

The National Oceanic and Atmospheric Administration would be the lead Implementing Trustee for this project in coordination with co-implementing trustees, the U.S. Department of the Interior, the U.S. Environmental Protection Agency, and the U.S. Department of Agriculture. Project partners may include other government agencies, regional management bodies (e.g., Gulf States Marine Fisheries Commission), and non-governmental organizations. This project would seek to restore fish and water column invertebrate (FWCI) resources injured by the DWH oil spill by reducing mortality from diverse threats such as marine debris, changes to water quality such as eutrophication and harmful algal blooms (HABs), invasive species, and energy development and production. Addressing these threats would improve environmental conditions in the Gulf and in areas connected to injured populations.

Project activities would include activities intended to develop partnerships with Gulf communities, resource managers, and subject matter experts to identify and prioritize areas for implementation that would provide the greatest benefit to fish and invertebrate species (e.g., sensitive fisheries habitat). Specifically, this project would conduct desktop-based planning to identify conservation strategies and target areas for implementation, selecting activities that would provide long-lasting benefits for FWCI. Compliance would be sought for in-water activities after the initial planning phase which would inform specific activities and locations. No construction or field activities are associated with this planning phase.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)* Project activities would include planning which would occur in Years 1 and 2.

III. *Specific In-Water and/or Terrestrial Construction Methods*

Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	N/A
2. Material type of piles used	N/A
3. Size (width) of piles/sheets	N/A
4. Total number of piles/sheets	N/A
5. Number of strikes for each single pile	N/A
6. Number of strikes per hour (for a single pile)	N/A

7. Expected number of piles to be driven each day	N/A
8. Expected amount of time needed to drive each pile (minutes of driving activities)	N/A
9. Expected number of sequential days spent pile driving	N/A
10. Whether pile driving occurring in-water or on land	N/A
11. Depth of water where piles will be driven	N/A

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:
https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast N/A

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐
Eco-Region 2: North Florida (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☐	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama (*Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐
Eco-Region 4: East Texas and West Louisiana (*Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas (*Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH? YES☐ NO☒

If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks)

Will this project have beneficial effects to If yes, please proceed to additional boxes below.EFH?

YES☐ NO☐	
If yes, please describe how your project will have beneficial effects the text box below:	

Will this project have adverse effects on EFH?	YES☐ NO☐ Click here
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below: to enter text.	

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☒This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.* Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. *Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at:* *https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d*

   If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☒This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

1. *List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. *Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.*

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Select Most Appropriate	
Choose an item.		Choose an item.	Select Most Appropriate	
Choose an item.		Choose an item.	Select Most Appropriate	
Choose an item.		Choose an item.	Select Most Appropriate	
Choose an item.		Choose an item.	Select Most Appropriate	
Choose an item.		Choose an item.	Choose an item.	
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

Planning activities will not result in on the ground or in-water work. At the time additional activities and their locations are determined, the implementing Trustee will discuss the need for additional compliance reviews with the compliance liaisons.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are*

considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☐ **NMFS Protected Species Construction Conditions (2021)[19]**
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species[1]**
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)[1]**
- ☐ **USFWS Standard Manatee In Water Conditions (2011)[20] and Appropriate State Manatee Conditions[21]**

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173.

http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

N/A

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*
Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

N/A

[19] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[20] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work
[21] Contact USFWS representative for appropriate documents

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☒NO ☐YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

N/A

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[22]
☐	NMFS Protected Species Construction Conditions (2021)[23]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[24]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. N/A

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☒NO ☐YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

[22] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[23] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[24] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic
Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☒	**Marsh Creation, Maintenance, or Enhancement**
☐	☒	**Living Shorelines Construction Maintenance, or Expansion**
☐	☒	**Removal of Fishing Gear and Other Marine Debris**
☐	☒	**Oyster Reefs Creation, Maintenance, or Enhancement**
☐	☒	**Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts**
☐	☒	**Artificial Reefs Construction, Maintenance, or Expansion**
☐	☒	**Boat Ramps Installation, Repair, Replacement, or Removal**
☐	☒	**Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal**
☐	☒	**Establishing or Restoring SAV**
☐	☒	**Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

NHPA Consultation
Benjamin Frater, Department of the Interior Email:
benjamin_frater@fws.gov
Phone: 404-314-8815

Attachment 5

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):

USFWS ☐ NOAA ☒ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐

Implementing Trustee(s): National Oceanic and Atmospheric Administration
Contact Name: James Reinhardt Phone: (202) 234-4433 Email: james.reinhardt@noaa.gov
Project Name: Education and Stewardship Partnerships with Charter Anglers
DIVER ID# Click to enter text Trustee Implementation Group (TIG): Open Ocean TIG Restoration Plan # 4
Name of Person Completing this Form: Kelly Swindle, Stantec
Name of Project Lead: James Reinhardt, NOAA
Date Form Completed: June 28, 2024
Date Form Updated: September 19, 2024

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☒ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

N/A

C. Project Location

I. State and County/Parish of action area

Project would occur in the U.S. Gulf of Mexico.

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

Action area is located within the Gulf of Mexico. Approximate centroid location is 29° 2'17.13"N, 90°26'59.83"W.

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type:

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

A National Environmental Policy Act analysis for this project would be included in the Open Ocean Trustee Implementation Group's Draft Restoration Plan 4 and Environmental Assessment..

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

All project activities would occur from existing facilities. No monitoring/data collection would occur.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

The Gulf of Mexico and all coastal water bodies are part of the action area. The work

associated with the project would be outreach and education within the U.S. Gulf of Mexico.

Does the project area include a river or estuary?

YES☐ NO☒

If yes, please approximate the navigable distance from the project location to the marine environment.

If yes, please approximate the navigable distance from the project location to the marine environment.

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

Multiple existing structures are present along the shorelines of the Gulf of Mexico, including docks, seawalls, jetties, and marinas. Signage may be posted at docks and marinas according to local ordinances.

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

N/A

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

N/A

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

N/A

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

The action area consists of a variety of uplands where public outreach/education could occur such as beaches, shorelines, urban areas/disturbed areas, and other coastal habitats. The project activities would not cause disturbance to uplands.

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

N/A

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

Land uses include public and private beaches and shorelines and existing facilities.

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins	YES☐	NO☒
Whales	YES☐	NO☒
Manatees	YES☐	NO☒

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

Click here to enter text.

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

NOAA would be the lead Implementing Trustee for this project, with NOAA's Office of Law Enforcement advising on released outreach material. The goal of this project is to promote best fishing practices in the Gulf by providing education and outreach for industry partners and the public.

Specifically, this project would:

Develop implementation and communication plans for project activities to facilitate coordination with existing restoration activities and partners, complete a roadmap for project implementation and management, and manage cooperative agreements and contracts within the agency and among project partners.

Conduct outreach and education to enhance awareness of illegal fishing activities and their negative impacts to fish and water column invertebrate resources and to deter unpermitted charter fishing. For instance, outreach and education activities may contain information related to existing regulations and appropriate methods of avoiding participation in illegal charter activities. Outreach teams may install signage at key locations, provide translated materials or multi-lingual liaison(s), or work with partners and interested parties to identify common issues or misinterpretations. In communities where illegal charter fishing is found to be prevalent, liaisons may provide targeted efforts toward education and deterrence, such as media campaigns (e.g., web stories, articles in fishing magazines). Assessments would be conducted to understand the effect of education and outreach campaigns and used to evaluate the rates of change in illegal charter fishing practices. These assessments would be used to improve project outreach and education.

This project would not involve on-the-ground work or construction.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)* Project activities would include planning and outreach and education.

The project is expected to take approximately 8 years to complete.

III. *Specific In-Water and/or Terrestrial Construction Methods*
Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A – No construction would be performed as a result of this project.

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	N/A
2. Material type of piles used	N/A
3. Size (width) of piles/sheets	N/A
4. Total number of piles/sheets	N/A
5. Number of strikes for each single pile	N/A
6. Number of strikes per hour (for a single pile)	N/A
7. Expected number of piles to be driven each day	N/A
8. Expected amount of time needed to drive each pile (minutes of driving activities)	N/A
9. Expected number of sequential days spent pile driving	N/A
10. Whether pile driving occurring in-water or on land	N/A
11. Depth of water where piles will be driven	N/A

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:
https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: **South Florida** (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐

Eco-Region 2: North Florida *(Tarpon Springs, Florida, north and west to Pensacola Bay, Florida)*	☐	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama *(Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐
Eco-Region 4: East Texas and West Louisiana *(Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas *(Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☒
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks)	
If yes, please proceed to additional boxes below.Will this project have beneficial effects to EFH?	YES☐ NO☐
If yes, please describe how your project will have beneficial effects the text box below:	

Will this project have adverse effects on EFH?	YES☐ NO☐
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☒This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at: https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☒This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or

cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

Project activities include outreach and education and desktop activities in existing facilities.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices

recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☐ **NMFS Protected Species Construction Conditions (2021)[25]**
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species[1]**
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)[1]**
- ☐ **USFWS Standard Manatee In Water Conditions (2011)[26] and Appropriate State Manatee Conditions[27]**

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental- Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

Project activities include outreach and education and desktop activities in existing facilities.

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*
Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

N/A

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected)

[25] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[26] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work
[27] Contact USFWS representative for appropriate documents

take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☒NO ☐YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

Click here to enter text.

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[28]

[28] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines

☐	NMFS Protected Species Construction Conditions (2021)[29]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[30]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. N/A

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☒NO ☐YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

[29] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[30] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic
Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☒	**Marsh Creation, Maintenance, or Enhancement**
☐	☒	**Living Shorelines Construction Maintenance, or Expansion**
☐	☒	**Removal of Fishing Gear and Other Marine Debris**
☐	☒	**Oyster Reefs Creation, Maintenance, or Enhancement**
☐	☒	**Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts**
☐	☒	**Artificial Reefs Construction, Maintenance, or Expansion**
☐	☒	**Boat Ramps Installation, Repair, Replacement, or Removal**
☐	☒	**Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal**
☐	☒	**Establishing or Restoring SAV**
☐	☒	**Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric
Administration Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

NHPA Consultation
Benjamin Frater, Department of the Interior
Email: benjamin_frater@fws.gov
Phone: 404-314-8815

Attachment 6

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):

USFWS ☐ NOAA ☒ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐

Implementing Trustee(s): National Oceanic and Atmospheric Administration
Contact Name: James Reinhardt Phone: (202) 234-4433 Email: james.reinhardt@noaa.gov
Project Name: Communication, Adaptive Management, Planning, and Integration
DIVER ID# Click to enter text Trustee Implementation Group (TIG): Open Ocean TIG Restoration Plan # 4
Name of Person Completing this Form: Kelly Swindle, Stantec
Name of Project Lead: James Reinhardt, NOAA
Date Form Completed: June 28, 2024
Date Form Updated: October 16, 2024

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☒ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

N/A

C. Project Location

I. State and County/Parish of action area

The US Gulf of Mexico (GOM), US Caribbean, and US Atlantic; potentially Mexican GOM, Caribbean, and Atlantic waters of Canada and northern South America.

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

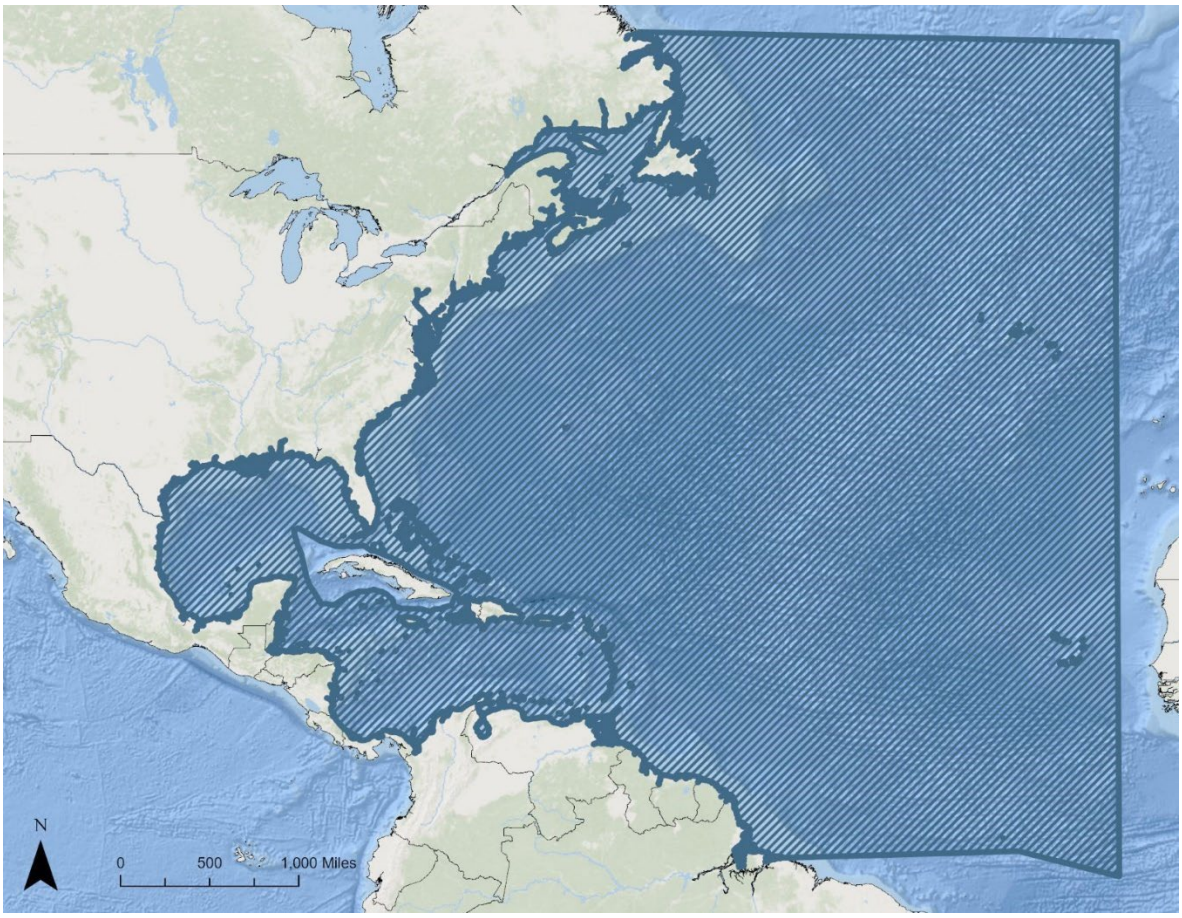
[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

Approximate centroid of the location in the Gulf of Mexico is 29° 2'17.13"N, 90°26'59.83"W, and the approximate centroid for the southern Atlantic is 30°37'41.06"N, 81°19'2.41"W.

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines



Communication, Adaptive Management, Planning, and Integration: General Project Location (This map represents the broad fisheries area from which data would be collected)

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type:

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

This project is included in the Draft Open Ocean Restoration Plan 4.

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

This project would support data collection activities (e.g., observer data, electronic monitoring) from existing fishery vessels authorized to operate in the US GOM, US Caribbean, and US Atlantic; and potentially Mexican GOM, Caribbean, and Atlantic waters of Canada and northern South America. Data collection activities could occur anywhere where these existing fisheries operate (Figure 1).

Does the project area include a river or estuary?

YES☐ NO☒

If yes, please approximate the navigable distance from the project location to the marine environment.

N/A

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

N/A

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

N/A

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

N/A

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

N/A

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

N/A

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

N/A

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

N/A

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins

YES

NO X

Whales

YES
NO X
Manatees YES
NO X

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

Click here to enter text.

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

NOAA would be the lead Implementing Trustee for this project. Additional project implementation partners may include cooperative institutes, private partners, and non-governmental organizations. This project would support DWH Fish and Water Column Invertebrate (FWCI) Restoration Type-funded projects, both ongoing and those proposed in this restoration plan, by addressing gaps in current understanding of high-priority injured fish resources that would enhance restoration and management, facilitating coordination among FWCI projects, and expanding outreach to fishing communities to raise awareness of and engagement with DWH restoration activities. Project activities would be conducted in areas where FWCI restoration projects are being conducted (see Figure 1).

Specifically, this project would:

- **Enhance monitoring support for FWCI restoration.** This would be accomplished by:
    - **Enhancing existing at-sea observer and electronic monitoring capacity** by supporting at-sea observer recruitment and training, providing dedicated bycatch estimation experts, and purchasing and installing electronic monitoring equipment (e.g. cameras on vessels). Coordination for this step may include the development of annual implementation plans. Observers and electronic monitoring would occur from existing commercial fishing vessels, and as such, no increase in fishing effort would occur. Additional types and methods of in-field monitoring equipment and locations would be determined during the planning phase. Additional compliance coordination would occur once these details are known.
    - **Conducting workshops** for Gulf and southern U.S. Atlantic fish tagging programs to engage fishers, anglers, scientists, researchers, and managers to review the status of tagging networks, assess needs and priorities related to DWH restoration, and establish opportunities for collaboration, citizen science, and data sharing.

- **Analyzing existing data,** including observations, electronic monitoring (e.g. cameras on vessels), and predictive modeling to inform population characterizations for high-priority species in the Gulf and throughout species' ranges. Additional types and methods of in-field data collection and monitoring equipment and locations would be determined during the planning phase. Additional compliance coordination would occur once these details are known.

- **Facilitate communication and engagement across the multiple FWCI restoration projects.** Related activities may include:
  - **Identification of and engagement with interested parties** through outreach activities.
  - **Enhancing across-project coordination and strategy building** by developing an implementation plan, supporting across-project communications, and holding an annual meeting or workshop for FWCI project teams to coordinate on communications planning and strategy development.
  - **Conducting outreach and engagement with fishing communities** to improve awareness of the DWH program by attending in-person events, providing on-the-ground presence for long-term relationship building, empowering specific individuals to act as project liaisons with fishing communities, utilizing alternative communications channels, and providing a platform for questions, information sharing, and feedback to NOAA regarding how efforts are received.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

The project would take approximately 15 years to complete. Planning would occur in Years 1 and 2.

III. *Specific In-Water and/or Terrestrial Construction Methods*
Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	N/A
2. Material type of piles used	N/A
3. Size (width) of piles/sheets	N/A
4. Total number of piles/sheets	N/A
5. Number of strikes for each single pile	N/A
6. Number of strikes per hour (for a single pile)	N/A
7. Expected number of piles to be driven each day	N/A
8. Expected amount of time needed to drive each pile (minutes of driving activities)	N/A
9. Expected number of sequential days spent pile driving	N/A
10. Whether pile driving occurring in-water or on land	N/A
11. Depth of water where piles will be driven	N/A

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:
https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast Click here to enter text.

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)			
Eco-Region 2: North Florida *(Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)			
Eco-Region 3: East Louisiana, Mississippi, and Alabama *(Pensacola Bay, Florida, west to the Mississippi River Delta)*			
Eco-Region 4: East Texas and West Louisiana *(Mississippi River Delta west and south to Freeport, Texas)*			
Eco-Region 5: West Texas *(Freeport, Texas south to the U.S./Mexico border)*			

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☐
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO ☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO ☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☐This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at: *https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d*

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please selec justification.**
Gulf Sturgeon (T)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Loggerhead Sea Turtle (T)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Green Sea Turtle (T)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Hawksbill Sea Turtle (E)		Marine	No Effect	Proposed activities will not affect species/CH in the area

Leatherback Sea Turtle (E)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Kemp's Ridley Sea Turtle (E)		Marine	No Effect	Proposed activities will not affect species/CH in the area
Smalltooth Sawfish (E)			No Effect	Proposed activities will not affect species/CH in the area
Giant Manta Ray (T)			No Effect	Proposed activities will not affect species/CH in the area
Oceanic Whitetip Shark (T)			No Effect	Proposed activities will not affect species/CH in the area
Gulf Sturgeon CH		Marine	No Effect	Proposed project activities will not affect species/CH in the area
Loggerhead Sea Turtle CH		Marine	No Effect	Proposed project activities will not affect species/CH in the area
Choose an item.				

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☒This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to

meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

Project activities are land-based, desktop, or observations onboard an authorized fishing vessel.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☐ **NMFS Protected Species Construction Conditions (2021)**[31]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]
- ☐ **USFWS Standard Manatee In Water Conditions (2011)**[32] **and Appropriate State Manatee Conditions**[33]

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental- Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

Project activities are land-based, desktop, or observations onboard authorized fishing vessels.

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*
Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

N/A

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited

[31] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[32] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work
[33] Contact USFWS representative for appropriate documents

exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are

designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☒NO ☐YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

N/A – Activities will be reviewed when implementation detail is determined in planning phase.

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[34]

[34] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines

☐	NMFS Protected Species Construction Conditions (2021)[35]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[36]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals.

N/A

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☒NO ☐YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

[35] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[36] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic
Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☒	**Marsh Creation, Maintenance, or Enhancement**
☐	☒	**Living Shorelines Construction Maintenance, or Expansion**
☐	☒	**Removal of Fishing Gear and Other Marine Debris**
☐	☒	**Oyster Reefs Creation, Maintenance, or Enhancement**
☐	☒	**Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts**
☐	☒	**Artificial Reefs Construction, Maintenance, or Expansion**
☐	☒	**Boat Ramps Installation, Repair, Replacement, or Removal**
☐	☒	**Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal**
☐	☒	**Establishing or Restoring SAV**
☐	☒	**Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

NHPA Consultation
Benjamin Frater, Department of the Interior Email:
benjamin_frater@fws.gov
Phone: 404-314-8815

Attachment 7

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):
USFWS ☒ NOAA ☐ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐ Implementing Trustee(s): US Fish and Wildlife Service
Contact Name: Dianne Ingram Phone: 251-360-0006 Email: Dianne_Ingram@fws.gov
Project Name: Sea Turtle Nesting Habitat Protection Expansion in Florida: Component of ”Long-term Nesting Habitat
Protection for Sea Turtles”
DIVER ID# 236 Trustee Implementation Group (TIG): Open Ocean TIG
Restoration Plan # 4
Name of Person Completing this Form: Kelly Swindle, Stantec
Name of Project Lead: Dianne Ingram, DOI
Date Form Completed: 04/26/2024
Date Form Updated: 09/11/2024

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☐ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

N/A

C. Project Location

I. State and County/Parish of action area

Florida; Brevard, St. Lucie, Martin, and Indian River Counties

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

This project would acquire beachside parcels along the Florida Atlantic Coast in Indian River, Brevard, Martin, and St. Lucie Counties. Parcels would be incorporated into Archie Carr or Hobe Sound National Wildlife Refuges (NWR) (**Figure 1**). The approximate centroid is 27°30'26.77"N, 80°18'33.93"W.

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines

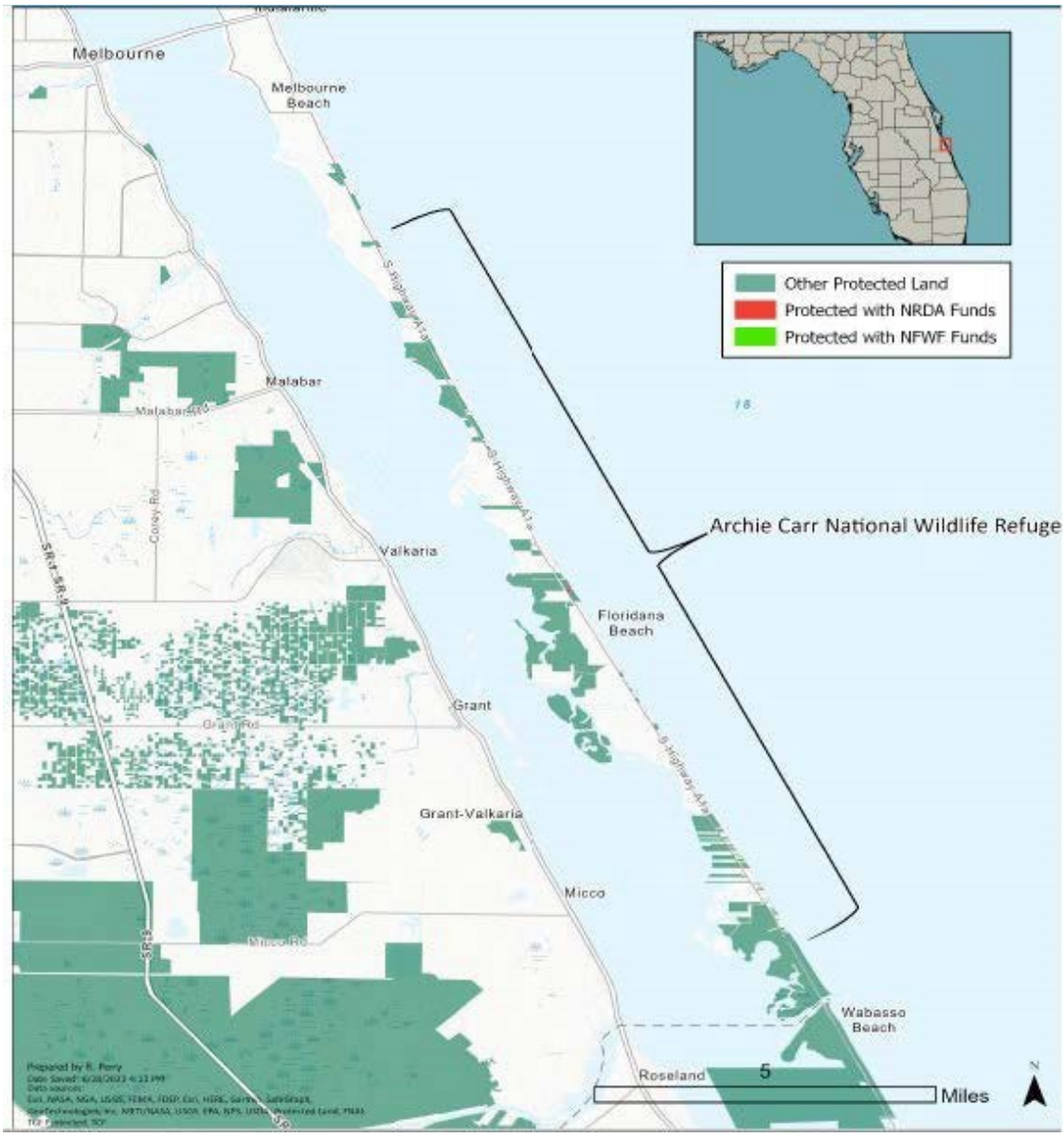


Figure 1: Archie Carr NWR Proposed Project Area

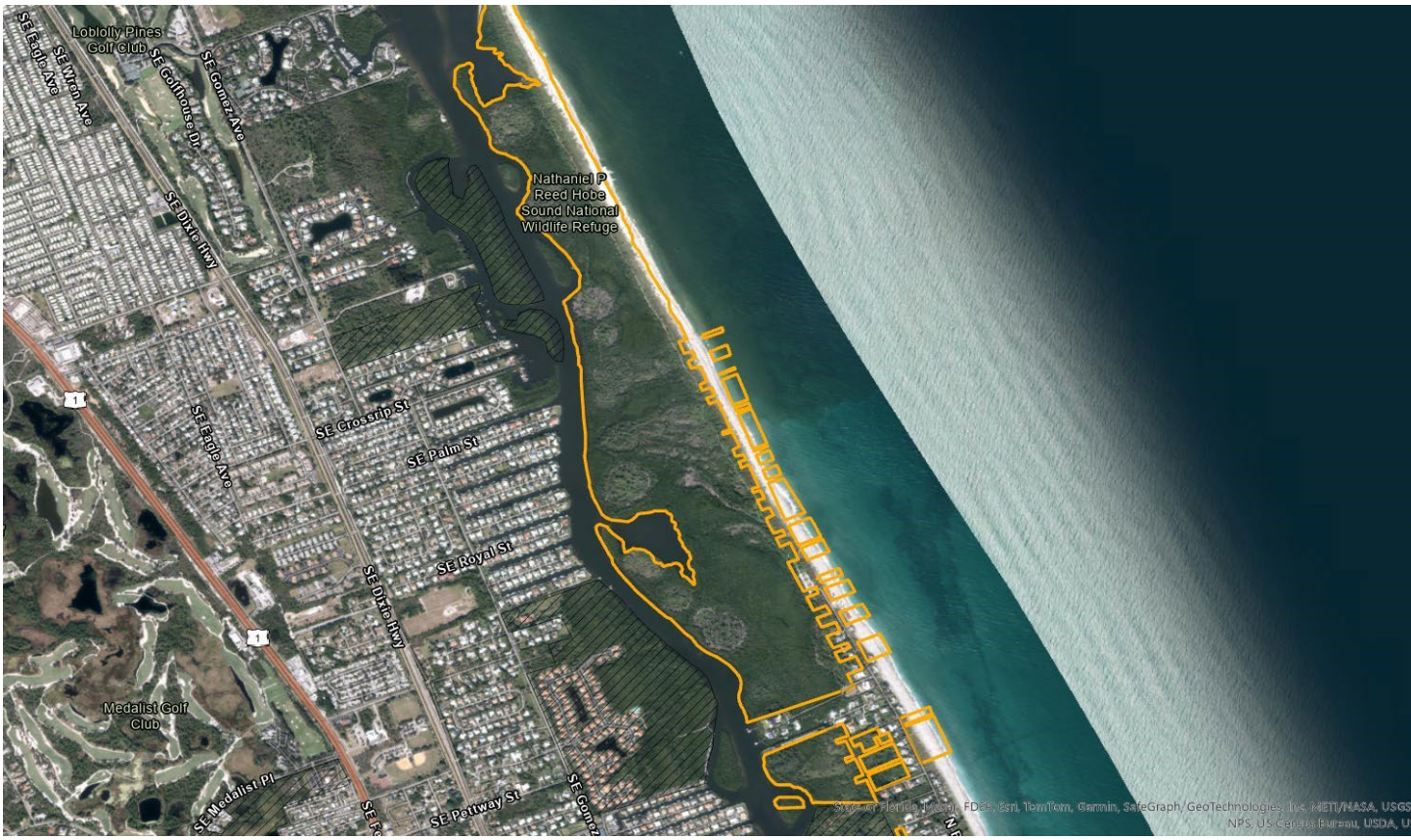


Figure 2: Hobe Sound Propose Project Area

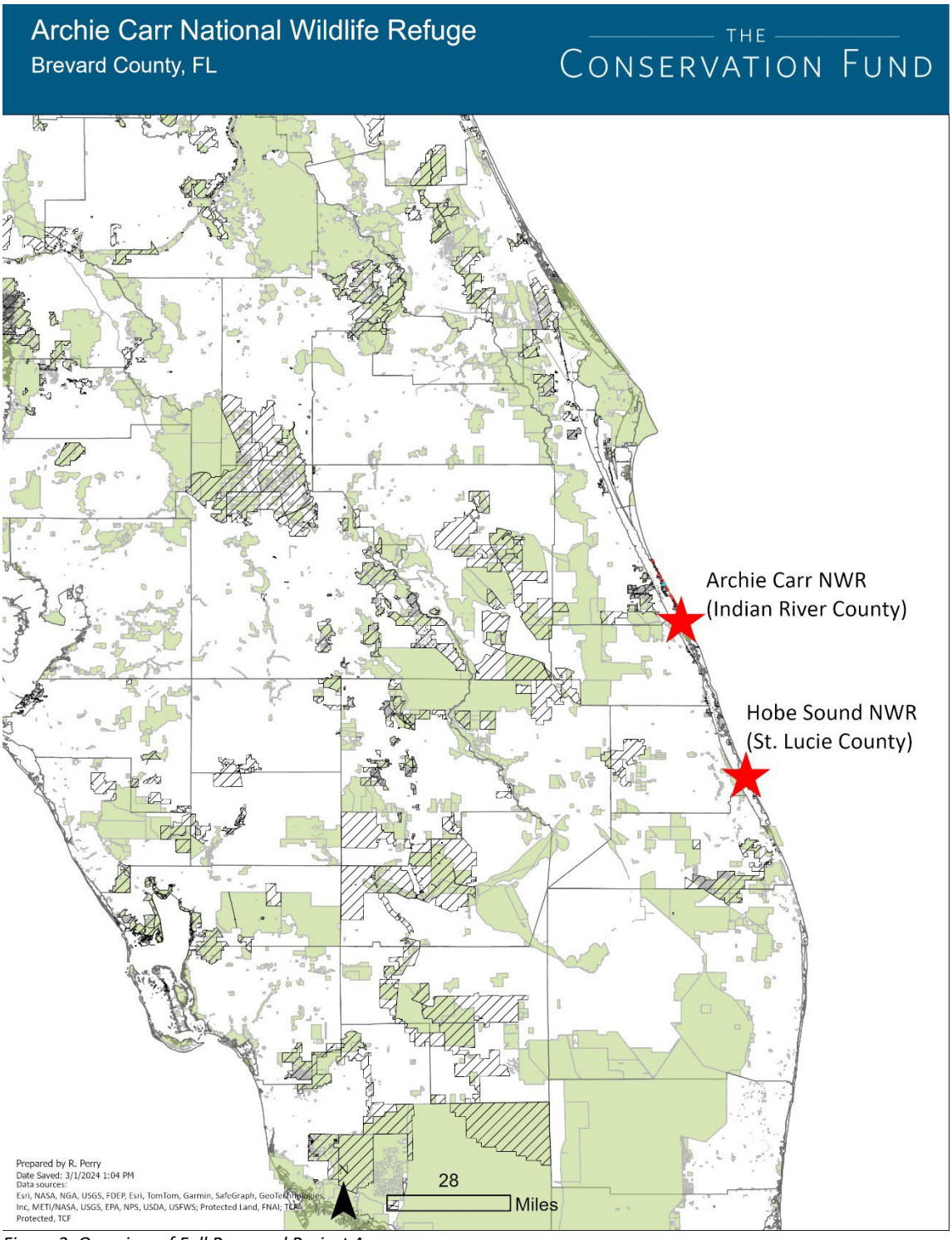


Figure 3: Overview of Full Proposed Project Area

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click here to enter text

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐ NO☒ Permit Number and Type: Click here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

This project would provide additional funding to and expand upon the Open Ocean Trustee Implementation Group's (OO TIG) Restoration Plan 2 and Environmental Assessment (RP2/EA) *Long Term Nesting Habitat Protection for Sea Turtles* project (ID 236). This RP4/EA project expansion would include new locations (Hobe Sound NWR) and project activities (removal of at-risk structures). Existing compliance documents for the initial RP2/EA project is available at the following links:

- OO TIG RP2/EA National Environmental Policy Act analysis.
- OO TIG RP2/EA Biological Evaluation form (dated October 4, 2019).
- Endangered Species Act ○ Memorandum of No Effect for the U.S. Fish and Wildlife Service (dated October 21, 2019). ○ Memorandum of No Effect for the National Oceanic and Atmospheric Administration (dated October 2, 2019).

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

The Archie Carr NWR hosts the largest nesting population of loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) sea turtles in the U.S., with a quarter of all loggerhead sea turtle nests and a third of

all green sea turtle nests (USFWS, 2008).
Loggerheads at the refuge annually produce between 8,000 to 21,000 nests (averaging 400-1,000 nests per mile/1.6 km). Green sea turtles at the refuge annually produce between 100 to 4,000 nests and leatherback sea turtles (*Dermochelys coriacea*) annually produce between 1 to 70 nests. The refuge provides connectivity to the Indian River Lagoon and Pelican Island NWR, which provide very important foraging habitat for juvenile sea turtles.

The Hobe Sound NWR provides habitat and protection for approximately 40 plant and animal species listed as either threatened or endangered by federal and state agencies, and its beach is one of the most productive sea turtle nesting areas in the southeastern United States (USFWS, 2006).

The waters surrounding the refuges are salt or brackish. Nearshore marine waters are generally of good quality, although toxic algae blooms that kill fish, birds, and other wildlife are believed to be increasing in frequency due to nutrient loading (Anderson, 2002). In general, water quality of the Indian River Lagoon (IRL) has shown improvements during the last decade, with levels of nitrogen, phosphorus, and suspended solids being significantly reduced. However, certain sections of the IRL, including areas near the refuge, are still being impacted by agricultural and urban runoff, as well as by sewage treatment effluents. Reduced salinities and elevated nutrient levels can foster algal blooms, which result in lower dissolved oxygen levels. Natural habitat types include beach and dune, coastal strand/scrub, hardwood forest, brackish-water swamps, mangrove forest, shrub wetland, saltwater marsh, estuaries, pine forests, citrus groves, and streams. Within the NWR, there are developed areas including residential, commercial, recreational, and utilities.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

Atlantic Coast and Indian River Lagoon, adjacent to Archie Carr NWR and Hobe Sound NWR. Project activities would occur in upland areas and not in water.

Does the project area include a river or estuary?

YES☐ NO☒

If yes, please approximate the navigable distance from the project location to the marine environment.

Zero miles; the NWR and potential parcels identified for acquisition are located on the beach for sea turtle nesting habitat.

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

Priority parcels acquired from willing sellers may also include parcels with at-risk structures. If these structures pose a risk to nesting sea turtles or hatchlings, they may be evaluated for removal/demolition. Demolition would occur prior to acquisition or USFWS would conduct a later compliance review for any parcels known to contain structures proposed for removal or demolition

as part of the project.

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

N/A – this project would occur entirely in upland areas.

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

N/A – this project would occur entirely in upland areas.

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

N/A – this project would occur in entirely upland areas

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

Upland areas within both NWRs' acquisition boundaries include beach and dune, coastal strand/scrub, hardwood forest, pine forests, and citrus groves. The proposed acquisitions would focus solely on beach habitat to benefit nesting sea turtles.

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

From the Archie Carr NWR CCP:

The area's geology creates minimal gradients, resulting in sufficient time for the percolation, soil saturation, and slow runoff that occasionally creates the very-poorly defined first-order streams and high-water sheetflow patterns typical of these counties. Where hardpan is present, water moves slowly vertically relative to horizontal movement, through horizons above and below the hardpan layer. Soils can become waterlogged and poorly aerated during the rainy season, which can result in the saturated soils typical of unaltered, undrained mesic pine flatwoods. However, the elevated soils of scrub environments typically remain well drained. During the dry season, high evapotranspiration draws most of the water out of the upper soil horizons, drying them. Soil moisture becomes depleted in the upper soil layers, above the hardpan, and a persistent drought condition frequently prevails through the dry season. As a result, during the dry season, groundwater can be inaccessible for plants that cannot penetrate hardpan (FNAI, 1989). The following series comprise most of the soil types found on the refuge: Canaveral-Captive-Palm Beach and McKeeQuartzipamments-St. Augustine (Huckle, 1974) (Wettstein, 1987). Apart from

McKee soils, most of the soils are found in dune habitats and consist of sand and shell fragments, with little organic material. McKee soils are found in tidal areas of the lagoon, especially in the mangrove swamps.

From the Hobe Sound NWR CCP:

The refuge is comprised of two separate tracts of land bisected by the southerly portion of the Indian River Lagoon. The beach tract is known as the Jupiter Island Tract and is composed of 735 acres of a barrier island. The upland tract is west of the beach on a 300-acre mainland site, referred to as the Mainland Tract.

The Mainland Tract is situated on a relic dune rising as high as 50 feet above sea level. This ancient dune is part of the Atlantic Coastal Ridge, formed during the Pleistocene (about 10,000 years ago) and Holocene epochs. Elevation in nearby Jonathan Dickinson State Park ranges from sea level to 92 feet. This ancient sand dune is characterized by siliceous sandy, well-drained soils. The sands are called St. Lucie Fine Sand, the most abundant phase, or Lakewood Fine Sand. St. Lucie sands range from white to gray in profile and may reach 50 feet in depth. Lakewood may be almost as deep but only the top 24 to 36 inches are white; below there is a yellow subsoil. As with most soils in the Mainland Tract, they are moderately to extremely well drained and permeable and are deep sand of marine origin. They are slightly to strongly acidic and are of low natural fertility (Fernald, 1989).

The 735-acre Jupiter Island Tract is a barrier island that was formed through the deposition of marine sediment caused by fluctuating sea levels. The barrier island beach is subject to accretion and erosion. The erosion process is partly attributed to the nearby St. Lucie Inlet, with water flowing to/from the Indian River Lagoon and inhibiting the littoral drift of sand in a southerly direction. The Atlantic Ocean side of the barrier island is a high energy shoreline. The erosion potential along this section of shoreline is greater than at many other locations of Florida because the continental shelf narrows continuously from northern Florida to southern Florida. Once south of Jupiter Inlet, the effects of a narrower shelf are offset partly by wave sheltering by the Bahama Banks offshore. Jupiter Island lacks this sheltering, so its sediment transport and erosion potential are relatively higher. The sand deposited in the inlet is periodically dredged and pumped onto the beach.

Five soil types comprise the Jupiter Island portion of the refuge. These soils, known as Palm Beach Canaveral-Beaches soils complex, are described as nearly level to sloping, well-drained soils that are sandy throughout and contain shell fragments. Soils of the tidal swamps are composed of the soil complex known as Bessie-Okeelanta Varient-Terra Ceia Varient. These are described as nearly level, very poorly drained organic soils; some have a clayey layer in the substratum, some have sandy substratum, and some have more than 50 inches of organic material. Isolated pockets of tidal swamp soils exist on the Jupiter Island Tract as well as in small areas of the Mainland Tract.

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

The current land uses for priority parcels include private properties. These properties could be vacant or may contain minimally developed structures that may require removal.

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins YES☐ NO☒
Whales YES☐ NO☒
Manatees YES☐ NO☒

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

Click here to enter text.

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

The U.S., Department of the Interior would be the lead Implementing Trustee for this project. Project implementation partners may include Archie Carr and Hobe Sound NWRs, local governments (Brevard, Indian River, Martin, and St. Lucie
Counties), and non-governmental organizations (The Conservation Fund). This project would continue and expand the Open Ocean TIG's RP2/EA *Long Term Nesting Habitat Protection for Sea Turtles* project efforts, continuing current acquisition efforts at Archie Carr NWR and expanding acquisition efforts to Hobe Sound NWR. It would also build on previous efforts from NFWF-GEBF land acquisition projects at Archie Carr NWR (*Archie Carr National Wildlife Refuge Acquisitions*). Since 2021, The Conservation Fund, partnering with the U.S. Fish and Wildlife Service (USFWS) and the State of Florida, and utilizing Open Ocean TIG and NFWF-GEBF funds, has protected eight priority beachfront parcels at Archie Carr NWR, totaling 7.83 acres (approximately 826 linear feet) of nesting beach. This project seeks to further prevent the loss of high-density sea turtle nesting beach habitat by establishing long-term protection and conservation of this habitat through land acquisition strategies, thereby helping to ensure successful sea turtle nesting, emergence of turtle hatchlings from nests, and their successful transit to the water.

This new component of the existing project would:

- **Acquire priority parcels** from willing sellers within the approved acquisition boundaries of Archie Carr and Hobe Sound NWRs. Over 90 priority parcels have been identified for future analysis for project suitability. Priority parcels include those that are undeveloped or those with at-risk structures that, through acquisition, would help protect and/or provide the ability to create contiguous protected nesting habitat. All parcels would be acquired by a thirdparty land

trust and would be donated to either USFWS, the State of Florida, or Brevard, Indian River, Martin, or St. Lucie Counties.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

Project activities would include planning, implementation (including land acquisition), and project performance monitoring.

The project is expected to take approximately 5 to 6 years to complete. Planning (including identification of and engagement with willing sellers) and implementation (parcel acquisition) would occur in Years 1 to 5. Monitoring and reporting would occur in Year 6.

III. *Specific In-Water and/or Terrestrial Construction Methods*

Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	
2. Material type of piles used	
3. Size (width) of piles/sheets	
4. Total number of piles/sheets	
5. Number of strikes for each single pile	
6. Number of strikes per hour (for a single pile)	
7. Expected number of piles to be driven each day	
8. Expected amount of time needed to drive each pile (minutes of driving activities)	
9. Expected number of sequential days spent pile driving	
10. Whether pile driving occurring in-water or on land	
11. Depth of water where piles will be driven	

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required: https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast N/A

N/A

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: **South Florida** (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐
Eco-Region 2: **North Florida** (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☐	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama (*Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐

Eco-Region 4: East Texas and West Louisiana *(Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas *(Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☒
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☒This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at: https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats,

please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☐This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

ESA consultation for this project is not required as acquisition would not impact any species and the project would have a net benefit due to the preservation of the habitat.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Select Most Appropriate	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any

adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

This project has no proposed construction or other physical activities that would adversely impact protected species or their habitat. This project involves purchasing undeveloped or minimally developed parcels within the Archie Carr NWR and/or Hobe Sound NWR, prioritizing parcels that are adjacent to already protected lands. This would protect the habitat from development and fragmentation for all the protected species in the NWR. Therefore, species that may be in the area would benefit from this project. If a priority parcel contains a structure, USFWS would revisit consultations.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☐ **NMFS Protected Species Construction Conditions (2021)**[37]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]
- ☐ **USFWS Standard Manatee In Water Conditions (2011)**[38] **and Appropriate State Manatee Conditions**[39]

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental- Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

This project proposes no physical actions or changes to the project area, therefore BMPs would not be required.

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

This project has no proposed construction or other physical activities that would adversely impact protected species critical habitat. This project involves purchasing undeveloped or minimally developed parcels within the Archie Carr NWR and/or Hobe Sound NWR, prioritizing parcels that are adjacent to already protected lands. This would protect the habitat from development and fragmentation for all the protected species in the NWR. Therefore, species that may be in the area would benefit from this project and the critical habitat would be protected. If a priority parcel contains a structure, USFWS would revisit consultations.

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*
Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

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[37] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[38] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work
[39] Contact USFWS representative for appropriate documents

N/A

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☒NO ☐YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
	☐	*b) In-water construction or demolition*
	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
	☐	*d) In-water Explosive detonation*
	☐	*e) Aquaculture*
	☐	*f) Restoration of barrier islands, levee construction or similar projects*
	☐	*g) Fresh-water river diversions*
	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
	☐	*j) Conducting driving of sheet piles or pilings*
	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

N/A

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[40]
☐	NMFS Protected Species Construction Conditions (2021)[41]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]

☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[42]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. N/A

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☐NO ☒YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

[40] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[41] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[42] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic

Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☒	**Marsh Creation, Maintenance, or Enhancement**
☐	☒	**Living Shorelines Construction Maintenance, or Expansion**
☐	☒	**Removal of Fishing Gear and Other Marine Debris**
☐	☒	**Oyster Reefs Creation, Maintenance, or Enhancement**
☐	☒	**Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts**
☐	☒	**Artificial Reefs Construction, Maintenance, or Expansion**
☐	☒	**Boat Ramps Installation, Repair, Replacement, or Removal**
☐	☒	**Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal**
☐	☒	**Establishing or Restoring SAV**
☐	☒	**Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation

form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

NHPA Consultation
Benjamin Frater, Department of the Interior
Email: benjamin_frater@fws.gov
Phone: 404-314-8815

References

Anderson, D. P. (2002). Harmful algal blooms and eutrophication: nutrient sources, composition, and consequences. *Estuaries, 25*, 704-726.

Fernald, R. (1989). *Coastal xeric scrub communities of the Treasure Coast Region, Florida: a summary of their distribution and ecology, with guidelines for their preservation and management.* Tallahassee, Florida: Florida Game and Fresh Water Fish Commission, Nongame Wildlife Program.

FNAI, F. N. (1989). *Natural communities.* Tallahassee, Florida.: Florida Department of Environmental Protection.

Huckle, H. H. (1974). *Soil Survey of Brevard County, Florida.* USDA/NRCS in cooperation with University of Florida, Institute of Food and Agricultural Sciences, Agricultural Experiment Stations, Soil and Water Science Department and the Florida Department of Agriculture and Consumer Services.

USFWS, U. D. (2006). *Hobe Sound National Wildlife Refuge, Comprehensive Conservation Plan.* Retrieved from https://stantec.sharepoint.com/teams/NOAAAEGoMContract/TO%203%20%20OORP%20%20EA/Forms/AllItems.aspx?id=%2Fteams%2FNOAAAEGoMContract%2FTO%203%20%20OORP%20%20EA%2FTask%2006%20%2D%20Env%20Compliance%2FReferences%2FHobe%5FSound%5FCCP%2Epdf&parent=%2Fteams%2FN

USFWS, U. D. (2008). *Archie Carr National Wildlife Refuge Comprehensive Conservation Plan.* Retrieved from https://stantec.sharepoint.com/teams/NOAAAEGoMContract/TO%203%20%20OORP%20%20EA/Forms/AllItems.aspx?id=%2Fteams%2FNOAAAEGoMContract%2FTO%203%20%20OORP%20%20EA%2FTask%2006%20%2D%20Env%

20Compliance%2FReferences%2FArchie%20Carr%20Final%20CCP%2Epdf&parent=%2F

Wettstein, C. C. (1987). *Soil Survey of Indian River County, Florida.* USDA/NRCS in cooperation with University of Florida, Institute of Food and Agricultural Sciences, Agricultural Experiment Stations, Soil and Water Science Department and the Florida Department of Agriculture and Consumer Services.

Attachment 8

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):

USFWS ☐ NOAA ☒ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐

Implementing Trustee(s): National Oceanic and Atmospheric Administration

Contact Name: Sara Wissmann Phone: (301) 427-8446 Email: sara.wissmann@noaa.gov

Project Name: Gulf-wide Sea Turtle Bycatch Reduction

DIVER ID# TBD Trustee Implementation Group (TIG): Open Ocean TIG Restoration Plan # 4

Name of Person Completing this Form: Kelly Swindle, Stantec

Name of Project Lead: Sara Wissmann, NOAA

Date Form Completed: May 14, 2024

Date Form Updated: September 11, 2024

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☐ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

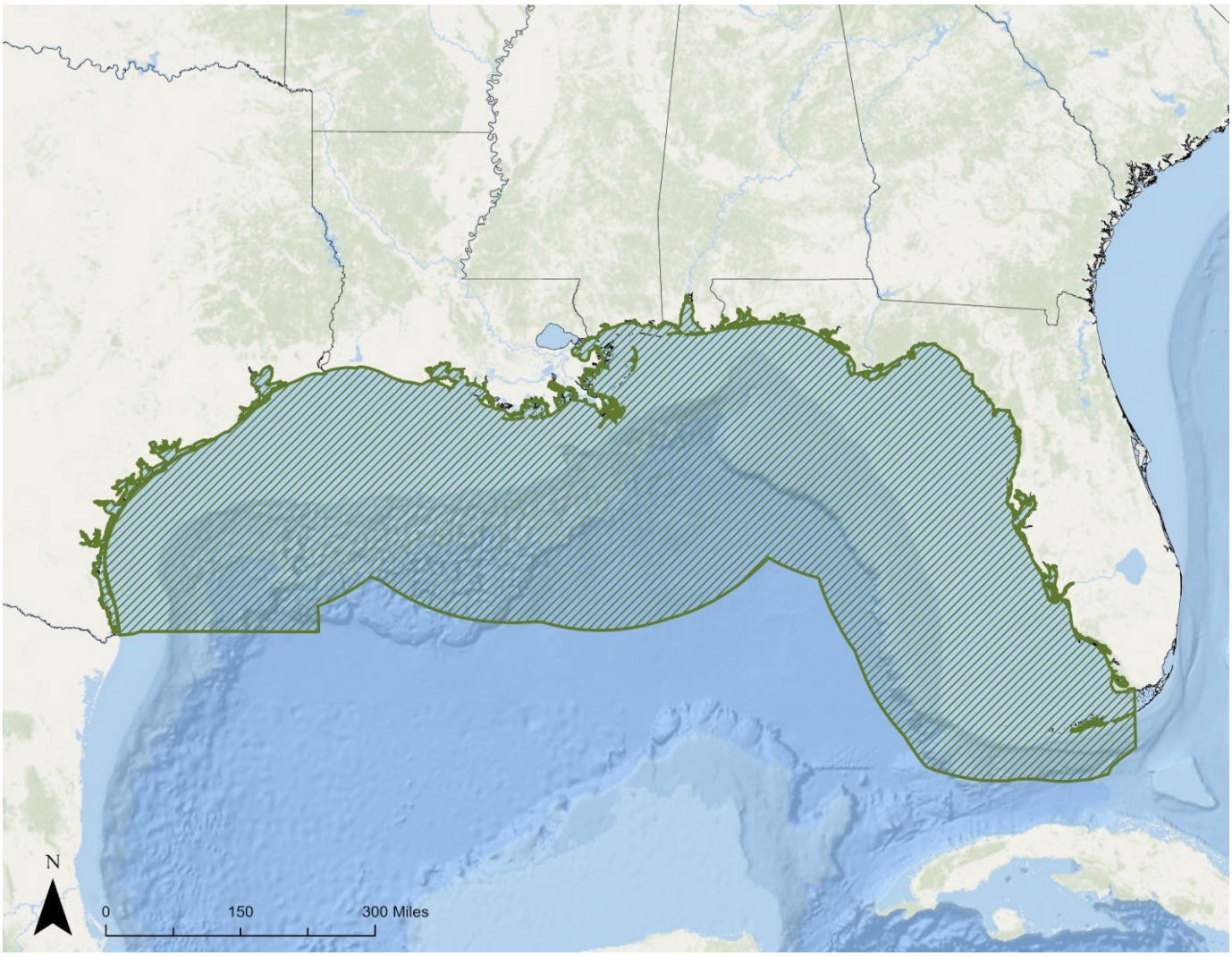
N/A

C. Project Location

I. State and County/Parish of action area

Gulf wide in Texas, Louisianna, Mississippi, Alabama, and Florida within coastal and U.S. Federal waters.

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83) [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees] The centroid location of the proposed project area is 29° 2'17.13"N, 90°26'59.83"W.



Gulf of Mexico coastal and offshore waters (**Figure 1**).

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)? YES☐NO☒Permit Number and Type: N/A

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐NO☒Permit Number and Type: N/A

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward. A National Environmental Policy Act (NEPA) analysis for this project would be included in the Open Ocean Trustee Implementation Group's (OO TIG) Restoration Plan 4 and Environmental Assessment (RP4/EA).

NOAA Gear Monitoring Team (GMT) activities were previously analyzed in the Phase IV Early Restoration RP/EA, and FONSI and design of the small-bar turtle exclusion devices (TEDs) were previously analyzed in the OO TIG's RP2/EA.

Project activities would occur within currently regulated commercial fisheries that have undergone ESA review. Project activities would not change or increase fishing effort. No new ESA/sea turtle research or take permits would be required for this activity.

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

The project would be implemented throughout the Gulf of Mexico within areas associated with shrimp trawl and commercial hook-and-line fisheries in both state as well as federal waters. The U.S. portion of the Gulf of Mexico extends from the southern tip of Texas eastward to the Florida Keys, following a coastline of five states including Texas, Louisiana, Mississippi, Alabama, and Florida. All education,

outreach, or training programs would be implemented on land at existing facilities within coastal communities. Voluntary inspections or installations of TED equipment performed by GMT could occur in nearshore and offshore waters aboard shrimp and commercial hook-and-line vessels.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

The nearshore and offshore waters where state and federally permitted shrimp trawl and commercial hook-and-line vessels operate.

Does the project area include a river or estuary?

YES☐ NO☒

If yes, please approximate the navigable distance from the project location to the marine environment.

N/A

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

Existing structures such as docks and marinas are present along the shorelines of the Gulf of Mexico, but no alterations to these structures would occur from the proposed project.

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

The proposed project is not anticipated to affect sea grasses or other marine vegetation. All work would occur onboard fishing vessels or at terrestrial facilities, such as docks and marinas.

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

The proposed project is not anticipated to affect mangroves. All work would occur onboard fishing vessels or at terrestrial facilities, such as docks and marinas.

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

The proposed project is not anticipated to affect corals. All work would occur onboard fishing vessels or at terrestrial facilities, such as docks and marinas.

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

The proposed project is not anticipated to affect upland habitat.

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

The proposed project is not anticipated to affect soils or sediments.

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

The proposed project is not anticipated to affect land use activities.

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins	YES☒	NO☐
Whales	YES☒	NO☐
Manatees	YES☒	NO☐

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

These species could be present at coastal and offshore vessel inspections; however, project activities are restricted to education and outreach only, and those activities are not expected to affect these species. The project is not changing activities related to regulated commercial fisheries.

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

The National Oceanic and Atmospheric Administration (NOAA) would be the lead Implementing Trustee

for this project. Project implementation partners may include the U.S. Coast Guard, state law enforcement and fisheries agencies, commercial fisheries, and local communities. This project would build on existing Regionwide TIG (*Sea Turtle Early Restoration Project, Shrimp Trawl Bycatch Reduction component*) and Open Ocean TIG (*Reducing Juvenile Sea Turtle Bycatch through Development of Reduced Bar Spacing in Turtle Excluder Devices*) projects, continuing these successful efforts to reduce sea turtle bycatch in Gulf commercial fisheries. This RP4/EA project would build on the success of these two projects to continue reducing interactions with sea turtles in Gulf commercial fisheries.

Specifically, this project would:

- **Continue and expand on existing GMT efforts,** including:
  - **Conducting courtesy dockside and at-sea inspections of required TEDs in the shrimp trawl fishery.** The GMT would continue to engage and conduct outreach with the fishing community, provide training to state and federal enforcement agencies to enhance understanding of TED requirements and ensure consistency, and conduct outreach and training events at venues such as net shops and TED manufacturers.
  - **Expanding GMT outreach efforts to commercial hook-and-line fisheries** by providing education and outreach related to sea turtle resuscitation, dehooking, and safe handling and release requirements to reduce sea turtle harm or mortality from bycatch.
- **Encourage voluntary adoption of small-bar TED prototypes,** including:
  - **Conducting industry outreach** to provide awareness of new small-bar TED prototypes and recruiting volunteers within the shrimp otter trawling fleet.
  - **Funding the manufacture and installation of small-bar TEDs on participating vessels.** Participating vessels would be equipped with two to four small-bar TEDs with 2.5-inch bar spacing to reduce small, juvenile sea turtle bycatch while maintaining target catch rates. Up to 100 vessels may be recruited for voluntary participation. Project partners would collaborate with net shops and coordinate with commercial fishers to distribute and install the new TEDs.

Existing NOAA GMT efforts in the shrimp trawl fishery would be continued for an additional 8 years beyond the remainder of the existing effort under the Regionwide TIG's project. In addition, the GMT would expand outreach and education efforts to the commercial hook-and-line fisheries by providing education and outreach related to safe handling and release requirements for sea turtles and the use of recommended gear.

Incentivized and voluntary gear use has proven effective in restoration projects, and it is anticipated that for this proposed project, the response would be no different. In addition, based on feedback, vessel owners would be willing to use the equipment if provided. Additionally, the GMT has been highly successful in their outreach and education efforts.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

Project activities would include planning, implementation (including outreach with the shrimp trawl and commercial hookand-line fisheries and manufacture and installation of small-bar TEDs), and project performance monitoring.

The project is expected to take approximately 8 years to complete. Planning, project management, and GMT efforts within the shrimp fishery would begin in Year 1 and continue through the duration of the project. Outreach and education related to commercial hook-and-line fisheries would begin in Year 2 and continue through the duration of the project. Outreach and incentivized use of the new small-bar TED prototypes would occur throughout the duration of the project.

III. *Specific In-Water and/or Terrestrial Construction Methods*
Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	
2. Material type of piles used	

3. Size (width) of piles/sheets	
4. Total number of piles/sheets	
5. Number of strikes for each single pile	
6. Number of strikes per hour (for a single pile)	
7. Expected number of piles to be driven each day	
8. Expected amount of time needed to drive each pile (minutes of driving activities)	
9. Expected number of sequential days spent pile driving	
10. Whether pile driving occurring in-water or on land	
11. Depth of water where piles will be driven	

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

N/A – small-bar TEDs and circle hooks that comply with commercial fishery regulations, and the education of use of these gear types, would be distributed to otter trawl and longline fisheries to reduce the risk of sea turtle bycatch.

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:
https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast
N/A – Previous consultation with NOAA has indicated that there is no effect on EFH: DWH-AR0289781.pdf (fws.gov)

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☒	☒	☒
Eco-Region 2: North Florida (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☒	☒	☒
Eco-Region 3: East Louisiana, Mississippi, and Alabama (*Pensacola Bay, Florida, west to the Mississippi River Delta)*	☒	☒	☒
Eco-Region 4: East Texas and West Louisiana (*Mississippi River Delta west and south to Freeport, Texas)*	☒	☒	☒
Eco-Region 5: West Texas (*Freeport, Texas south to the U.S./Mexico border)*	☒	☒	☒

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that

will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☒
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☐This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at: *https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d*

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**

Kemp's Ridley Sea Turtle (E)		Marine	No Effect	Species does not occur within actio area
Green Sea Turtle (T)		Marine	No Effect	Species does not occur within actio area
Loggerhead Sea Turtle (T)		Marine	No Effect	Species does not occur within actio area
Hawksbill Sea Turtle (E)		Marine	No Effect	Species does not occur within actio area
Leatherback Sea Turtle (E)		Marine	No Effect	Species does not occur within actio area
Loggerhead Sea Turtle CH	Marine	Marine	No Effect	Species does not occur within actio area

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☐This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
West Indian Manatee		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
West Indian Manatee (CH)			No Effect	See Section K
Black-capped petrel		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly

beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

NMFS

Education, outreach, and voluntary TED inspections conducted by the GMT were reviewed during Phase IV early restoration: https://www.fws.gov/doiddata/dwh-ar-documents/1122/DWH-ARZ009042.pdf. These activities would continue under this new project. Additionally, education and outreach would be expanded to commercial hook-and-line fisheries. Since the nature of the activities would be the same as those previously analyzed, the initial analysis is still applicable.

The use of smaller bar spaced TEDs would have no effect on ESA-listed species. Voluntary use of a smaller bar spaced TED does not increase fishing effort or alter the way the current shrimp fishery is operating.

USFWS

Education, outreach, and voluntary TED inspections conducted by the GMT were reviewed during Phase IV early restoration: https://www.fws.gov/doiddata/dwh-ar-documents/1122/DWH-ARZ009042.pdf. These activities would continue under this new project. Additionally, education and outreach would be expanded to commercial hook-and-line fisheries. Since the nature of the activities would be the same as those previously analyzed, the initial analysis is still applicable.

The use of smaller bar spaced TEDs would have no effect on ESA-listed species under the purview of USFWS. Voluntary use of a smaller bar spaced TED does not increase fishing effort or alter the way the current shrimp fishery is operating.

The GMT would provide at-sea inspections in NOAA-operated vessels and could possibly encounter West Indian manatees. Project partners would follow the USFWS Standard Manatee In-Water Conditions (2011) and any State specific conservation measures, and as such, the effects of the proposed action are therefore insignificant. The project May Affect but Is Not Likely to Adversely Affect the manatee.

The GMT would provide at-sea inspections in NOAA-operated vessels and could possibly encounter black-capped petrels (*Pterodroma hasitata*). Project partners would follow State specific and USFWS conservation measures to avoid foraging birds at-sea. Petrels tend to concentrate foraging activities in deep pelagic zones, rather than in areas of the continental shelf where most inshore fisheries occur (USFWS 2018); therefore, the effects of the proposed action are insignificant. The project May Affect but Is Not Likely to Adversely Affect the black-capped petrel.

We have determined that the project will have No Effect on other listed species.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

N/A

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☐ **NMFS Protected Species Construction Conditions (2021)[43]**
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species[1]**
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)[1]**
- ☒ **USFWS Standard Manatee In Water Conditions (2011)[44] and Appropriate State Manatee Conditions[45]**

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173.
http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf
Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

[43] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[44] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work
[45] Contact USFWS representative for appropriate documents

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

The project would not result in the destruction or adverse modification of any primary constituent elements or physical and biological features.

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*
Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

The project would not result in the destruction or adverse modification of any primary constituent elements or physical and biological features.

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☐NO ☒YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*

☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

N/A

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[46]
☐	NMFS Protected Species Construction Conditions (2021)[47]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[48]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. N/A

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☒NO ☐YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

[46] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[47] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[48] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic
Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☒	**Marsh Creation, Maintenance, or Enhancement**
☐	☒	**Living Shorelines Construction Maintenance, or Expansion**
☐	☒	**Removal of Fishing Gear and Other Marine Debris**
☐	☒	**Oyster Reefs Creation, Maintenance, or Enhancement**
☐	☒	**Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts**
☐	☒	**Artificial Reefs Construction, Maintenance, or Expansion**
☐	☒	**Boat Ramps Installation, Repair, Replacement, or Removal**
☐	☒	**Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal**
☐	☒	**Establishing or Restoring SAV**
☐	☒	**Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric
Administration Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

NHPA Consultation

Benjamin Frater, Department of the Interior
Email: benjamin_frater@fws.gov
Phone: 404-314-8815

Figure 2: Manatee Critical Habitat

References:

U.S. Fish and Wildlife Service, Region 4. 2018. Species Status Assessment Report for the Black-capped petrel (*Pterodroma hasitata*), Version 1.1. 156429 (fws.gov)

Attachment 9

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):

USFWS ☐ NOAA ☒ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐

Implementing Trustee(s): National Oceanic and Atmospheric Administration (NOAA)
Contact Name: Sara Wissmann Phone: (301) 427-8446 Email: sara.wissmann@noaa.gov
Project Name: Gulf-Wide Sea Turtle Vessel Strike Risk Reduction
DIVER ID# Click to enter text Trustee Implementation Group (TIG): Open Ocean TIG Restoration Plan # 4
Name of Person Completing this Form: Kelly Swindle, Stantec
Name of Project Lead: Sara Wissmann, NOAA
Date Form Completed: May 20, 2024
Date Form Updated: September 11, 2024

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☒ Engineering & Design ☐

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

N/A

C. Project Location

I. State and County/Parish of action area

Nearshore inlets and passes of the five Gulf states

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

The project would identify areas of particular concern for sea turtle vessel strikes throughout nearshore inlets and passes of the Gulf of Mexico for implementation of site-specific conservation measures such as education and outreach campaigns.

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines

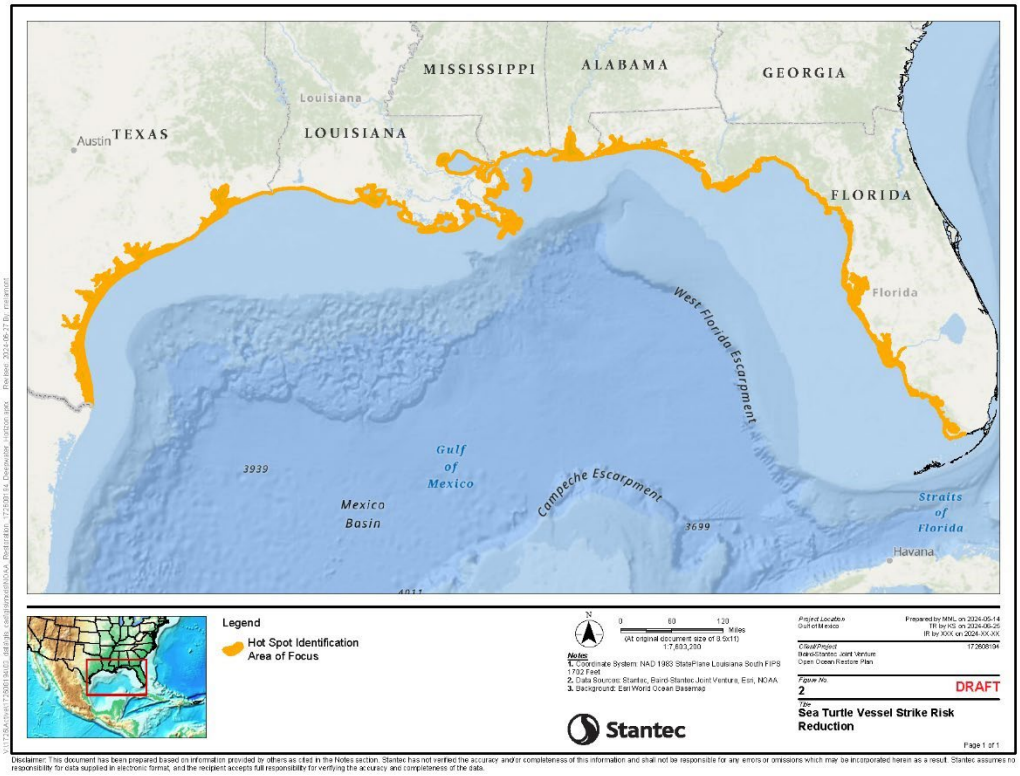


Figure 1: Vessel Strike Risk Reduction Area of Focus

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)? YES☒NO☐Permit Number and Type: see below

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐NO☒Permit Number and Type:Click here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Open Ocean Trustee Implementation Group's (TIG) Restoration Plan 4 and Environmental Assessment (RP4/EA).

Permits: The NMFS Southeast Fisheries Science Center permit (#21233) may be used for portions of this work. The permit would allow NMFS to conduct work such as vessel surveys, sea turtle sightings, drone surveys. This permit includes manatee BMPs.

This project may include contracts to sea turtle researchers to conduct some/all the work. Those entities would need to have ESA permit coverage to be eligible to participate.

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

An overall action area would be Gulf wide but would be narrowed down to specific sites within several areas of concern.

The first two components of this project would be to identify areas of most concern and hot spots where sea turtle vessel strikes occur since a broad-scale Gulf wide effort would not be viable. The location of these hot spots would be where high vessel activity overlaps with sea turtle occurrences which includes busy inlets, bays, coastal foraging areas, mating areas, and coastal areas off high use nesting beaches. Specific sites are unknown until the hot spot data collection and analysis are completed.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

Nearshore waters Gulf wide.

Does the project area include a river or estuary?

YES☐ NO☒

If yes, please approximate the navigable distance from the project location to the marine environment.

Hot spot sites are unknown, but could include Mobile Bay, Barataria-Terrebonne, Galveston Bay, Coastal Bend Bays, Tampa Bay, Sarasota Bay, or Charlotte Harbor estuaries.

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

N/A

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

N/A

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

N/A - The proposed project is not anticipated to affect mangroves.

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

N/A

f. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

N/A - The proposed project is not anticipated to affect upland habitat.

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

N/A - The proposed project is not anticipated to affect soils or sediments.

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

N/A - The proposed project is not anticipated to affect land use activities.

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins	YES☒	NO☐
Whales	YES☐	NO☒
Manatees	YES☒	NO☐

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

Dolphin Species: Common bottlenose dolphin (*Tursiops truncatus*), Rough-toothed dolphin (*Steno bredanensis*); West Indian Manatee.

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

The National Oceanic and Atmospheric Administration would be the lead Implementing Trustee for this project. Project partners may include Sea Turtle Stranding and Salvage Network (STSSN) State Coordinators, State Trustees, universities, researchers, and non-governmental organization. This project would seek to reduce the risk of vessel strikes to sea turtles by taking a phased approach to identify hotspots, areas of highest risk of vessel strikes, determine risk factors, and implement site-specific voluntary conservation measures such boater outreach and education at selected locations. Specifically, the project would:

- **Complete data analyses** (phase 1):
  - **Analyze existing datasets** for each of the five Gulf states, including sea turtle stranding data from the STSSN database, Automatic Identification System data, high resolution satellite data, recreational fisheries registration data, and other environmental data to assess the temporal and spatial distribution of vessel strikes in the Gulf. ○ **Identify areas of concern and hotspots** from an investigation of spatial and temporal variables that may influence the frequency of vessel strikes, such as distance to marinas, location type (such as an inlet or open water), and temporal characteristics such as day of the week or holidays. Areas of concern would be locations where high vessel and sea turtle activity coincide, and

each area of concern may consist of one or multiple hotspots. These locations are anticipated to consist of inlets, bays, coastal foraging areas, mating areas, and coastal areas off nesting beaches.

- **Investigate potential hotspots** (phase 2):
  - **Conduct data collection studies** to understand local variables influencing turtle-vessel interactions. These may include visual observations (from the beach, from small vessels or using drones) of recreational boating and sea turtle activity and social science surveys.
  - **Assess risk, identify implementation sites, and develop a vessel strike risk reduction strategy.** Analyses would incorporate existing and newly gathered data such as boater behavior and demographic information, vessel speed, sea turtle habitat use and foraging behavior, sea turtle density, as well as relevant local regulations, and allow for exploration of risk across time (e.g., seasons) and under different scenarios (e.g., environmental conditions). The analysis would help inform the selection of implementation sites.

At this time, project implementers are seeking compliance for phase 1 desktop activities and phase 2 data collection. Any additional project activities would necessitate a new BE form and compliance review.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

Project activities would include planning, implementation (including data collection and analysis, hotspot identification, and implementation of restoration activities), and project performance monitoring.

The project is expected to take approximately 8 years to complete. Planning and project management would begin in Year 1 and continue through the duration of the project. Phase 1 would begin in Year 1 and continue through Year 2. Phase 2 is expected to begin in Year 2 and continue through Year 4.

III. *Specific In-Water and/or Terrestrial Construction Methods*
Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	N/A
2. Material type of piles used	N/A
3. Size (width) of piles/sheets	N/A
4. Total number of piles/sheets	N/A
5. Number of strikes for each single pile	N/A
6. Number of strikes per hour (for a single pile)	N/A
7. Expected number of piles to be driven each day	N/A
8. Expected amount of time needed to drive each pile (minutes of driving activities)	N/A
9. Expected number of sequential days spent pile driving	N/A
10. Whether pile driving occurring in-water or on land	N/A
11. Depth of water where piles will be driven	N/A

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F. N/A - no impacts to EFH are anticipated because none of the activities would result in habitat alterations.

Depending on the effects of your project, EFH consultation with NMFS may be required:
https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast Click here to enter text.

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐
Eco-Region 2: North Florida *(Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☐	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama *(Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐
Eco-Region 4: East Texas and West Louisiana *(Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas *(Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☒
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

Will this project have beneficial effects to EFH?	YES☐ NO☐
If yes, please describe how your project will have beneficial effects the text box below:	

N/A

Will this project have adverse effects on EFH?	YES☐ NO☐
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

N/A

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☐This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☒ESA effects have been accounted for under an existing consultation.

Phase 2 may require boats and/or drone to observe vessel and sea turtle activity at hotspots. All investigations will be done by entities who already hold permits for this type of survey (see Section D).

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at: https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Green Sea Turtle proposed CH	NA01: Sargassum	Marine	No Effect	Type of work proposed is not like to have any effects on PCEs of CH

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely

impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☐This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Whooping Crane			May Affect, Not Likely to Adversely Affect	Choose an item.
West Indian Manatee			May Affect, Not Likely to Adversely Affect	

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial

effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

In-water activities would be limited to vessel-based observations and outreach/education of recreational boaters. While vessels have the potential to encounter marine species, impacts are unlikely as project implementers would utilize marine species avoidance measures included in their permit. Education of boaters presents a potential benefit to sea turtles by bringing awareness to the boating community. West Indian manatees may also benefit from a more aware boating community.

Whooping cranes may be present in some concentrated areas along the Texas coast between October and April and could be negatively impacted by drones causing harassment, noise disturbance, and minor collisions.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Standard Conditions for Netting in Manatee Habitat are included in the existing NMFS Science Center permit. Vessels used for this work may overlap in operation areas with West Indian manatee habitat

come into contact with manatee. All vessels that operate in West Indian manatee habitat will adhere to the USFWS Standard Manatee In Water Conditions, as checked below, as well as any State specific conservation measures. Therefore, effects to the species will be insignificant. As such, this project may affect, but is not likely to adversely affect, the West Indian manatee.

Drone work will be voided in coastal TX from November 1 to April 30, if at all possible, to avoid any effects to whooping cranes.

If these dates can't be avoided then:

Provide all individuals working on a project with information in support of general awareness of whooping crane presence and means to minimize disturbance to the species if present. Whooping cranes are present in Texas between October and April, should a whooping crane come within 1000 feet of the project area during management activities, work would immediately cease until the whooping crane has moved away from the project area on its own.

Uncrewed Aerial Vehicles (UAV)

- Conduct a pre-flight check for birds and sea turtles in the flight area prior to UAV take-off. If these animals are observed in your flight airspace, wait until they depart before initiating take-off.
- Provide a 100ft buffer from areas where birds are present. This includes on land, nearshore, or on the water.
- If one or more migratory birds or non-migratory birds or other wildlife is suspected of being disturbed in the air during airborne operations, wait until this wildlife clear the flight area. Attempt operations again using more conservative parameters such as different approach angle, different time of day, etc. If a second incident occurs, conduct no further UAV operations for this day.
- If one of more threatened or endangered bird(s) or sea turtles are suspected of being disturbed in/around its nest, and/or if disturbance occurs during nesting season, conduct no further UAS operations.

The effects of the proposed action are insignificant due to the implementation whooping crane conservation measures and therefore the project May Affect but Is Not Likely to Adversely Affect this species.

We have determined that the project will have No Effect on other listed species.

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

☒ **NMFS Protected Species Construction Conditions (2021)**[49]

☒ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]

[49] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

☒ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

☒ **USFWS Standard Manatee In Water Conditions (2011)**[50] **and Appropriate State Manatee Conditions**[51]

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental- Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

Click here to enter text.

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*
Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

N/A

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☐NO ☒YES

[50] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work

[51] Contact USFWS representative for appropriate documents

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

N/A

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☒	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[52]
☐	NMFS Protected Species Construction Conditions (2021)[53]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[54]

[52] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[53] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[54] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. Vessel will stay 50 yds from dolphins, 100 yds from large whales. Manatee conditions will be followed as noted above.

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☒NO ☐YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic
Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☒	**Marsh Creation, Maintenance, or Enhancement**
☐	☒	**Living Shorelines Construction Maintenance, or Expansion**
☐	☒	**Removal of Fishing Gear and Other Marine Debris**
☐	☒	**Oyster Reefs Creation, Maintenance, or Enhancement**
☐	☒	**Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts**
☐	☒	**Artificial Reefs Construction, Maintenance, or Expansion**
☐	☒	**Boat Ramps Installation, Repair, Replacement, or Removal**
☐	☒	**Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal**
☐	☒	**Establishing or Restoring SAV**
☐	☒	**Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior

Email: michael_barron@fws.gov
Phone: 251-421-7030

NHPA Consultation

Benjamin Frater, Department of the Interior
Email: benjamin_frater@fws.gov
Phone: 404-314-8815

Attachment 10

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier
Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (https://www.fws.gov/doid/web/compliance-reviews).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):
USFWS ☐ NOAA ☒ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐
Implementing Trustee(s): National Oceanic and Atmospheric Administration
Contact Name: Sara Wissmann Phone: (301) 427-8446 Email: sara.wissmann@noaa.gov
Project Name: Gulf-wide Sea Turtle Stranding Network and Emergency Response Enhancements DIVER ID# Trustee Implementation Group (TIG): Open Ocean TIG Restoration Plan # 4
Name of Person Completing this Form: Kelly Swindle, Stantec
Name of Project Lead: Sara Wissmann, NOAA
Date Form Completed: May 20, 2024
Date Form Updated: September 11, 2024

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form,

check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☐ Engineering & Design ☐

If “Engineering & Design” was selected, please describe the level of design that has been completed and is available for review:

N/A

C. Project Location

I. State and County/Parish of action area

Coastal areas of Alabama, Florida, Louisiana, Mississippi, and Texas

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83)

[online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

The centroid location of the proposed project area is 29° 2'17.13"N, 90°26'59.83"W.

III. Maps, Drawings, and GIS Data

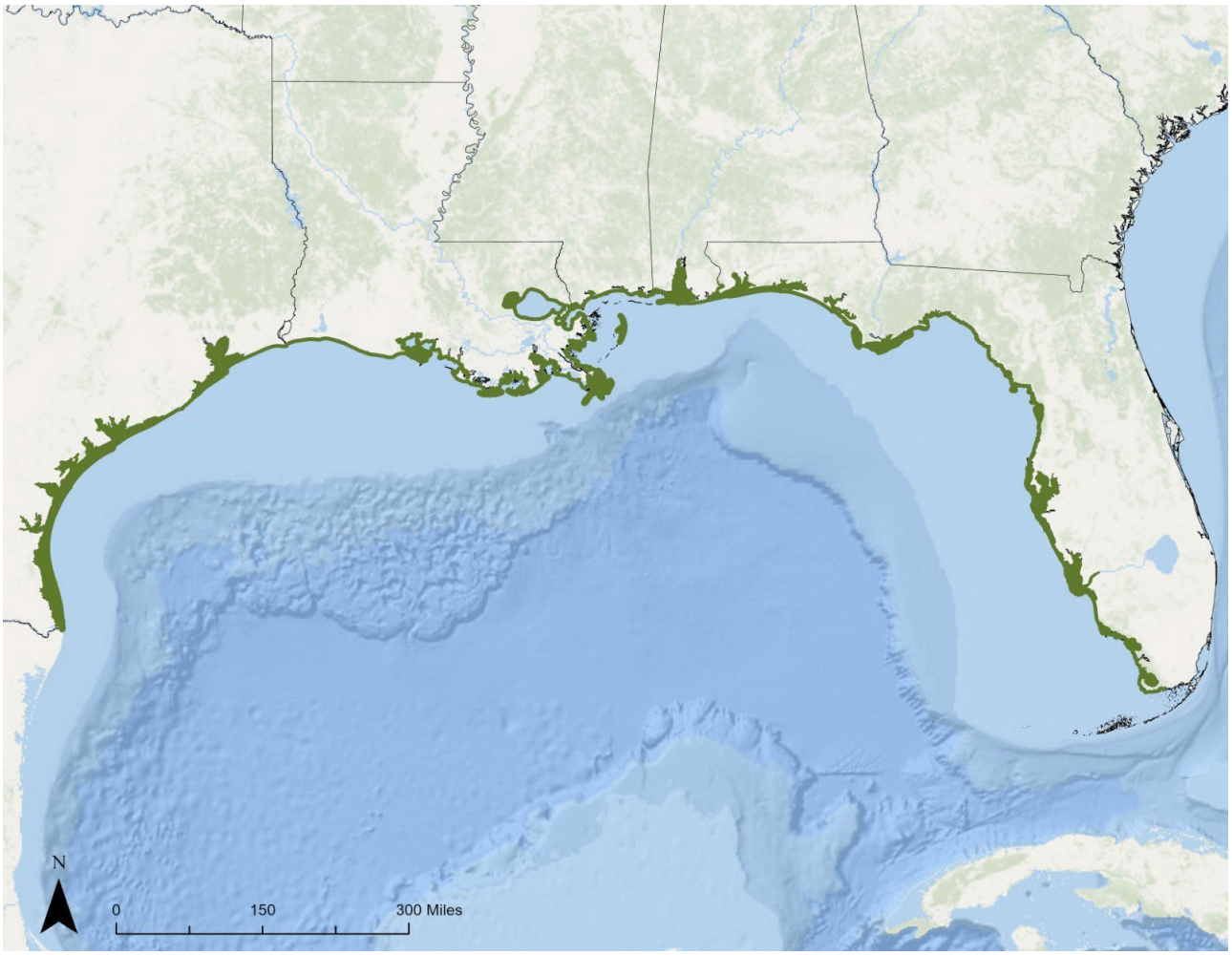


Figure 1: Sea Turtle Stranding Network Area of Focus

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES☒ NO☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)? YES☐NO☒Permit Number and Type:

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES☐NO☒Permit Number and Type: Click here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

Phase IV Early Restoration NEPA and FONSI: gulfspillrestoration.noaa.gov/media/document/final-phase-iv-erp-eapdf Endangered Species Act Section 7 response: DWH-ARZ009043.pdf (fws.gov)

NMFS Authorization: The STSSN is addressed in the July 29, 2016, Biological Opinion that analyzed the effects of activities conducted by the STSSN under the programmatic section permit codified 50 CFR § 222.310 - Permit authority for designated agents and employees of specified Federal and state agencies. Additionally, 50 CFR § 223.206(b) provides an exception to the prohibitions on take of threatened sea turtles.

USFWS Authorization: USFWS also codified regulations authorizing USFWS and NMFS personnel to respond to strandings on land (50 CFR 17.21(c)(3), 17.31(b), and 17.42(b)). USFWS and/or the state agencies will issue permits or authorizations to response and rehab organizations.

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

Enhancement of the Sea Turtle Standing and Salvage Network (STSSN) (project) would be implemented along the beaches, shorelines, and nearshore coastal environments of LA, MS, TX, FL, and AL in the Gulf of Mexico (action area) where sea turtle strandings occur. All field work would occur on vessels in coastal areas, and on beaches or shorelines that are accessible by foot or ATV/UTV.

Land uses include public and private beaches and shorelines and may include remote areas depending on where a stranding occurs.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

The Gulf of Mexico and all coastal water bodies are part of the action area. While the majority of work associated with the STSSN would occur on coastal beaches where strandings occur, or in locations where trainings may be held and data may be reviewed, there would be a portion of this project that includes vessel surveys in coastal areas looking for stranded sea turtles. The specific locations of those surveys would occur across the northern Gulf of Mexico for the duration of the project.

Does the project area include a river or estuary?

YES☒ NO☐

If yes, please approximate the navigable distance from the project location to the marine environment.

The action area is located along the beaches, shorelines, and nearshore coastal environments of LA, MS, TX, FL, and AL in the Gulf of Mexico.

b. Existing Structures

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

Multiple existing structures are present along the shorelines of the northern Gulf of Mexico, including docks, seawalls, jetties, and marinas.

c. Seagrasses & Other Marine Vegetation

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

The project would not affect sea grasses or other marine vegetation. All in-water work would occur on the surface of the water through vessel surveys looking for stranded sea turtles.

d. Mangroves

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

All in-water work would occur on the surface of the water through vessel surveys looking for stranded sea turtles. It is possible, but highly unlikely, that sea turtle response activities may take place in mangroves, but activities would not affect mangroves.

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

f. The project would not affect corals. All in-water work would occur on the surface of the water.

g. Uplands

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

Sandy beaches and other coastal habitat where sea turtle strandings may occur.

h. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

Sandy beaches and other coastal habitat where sea turtle strandings occur.

i. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

Land uses include public and private beaches and shorelines, and may include remote areas depending on where a stranding occurs.

j. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins	YES☒	NO☐
Whales	YES☐	NO☒
Manatees	YES☒	NO☐

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

A variety of marine mammals occur in the action area, including Common bottlenose dolphin (*Tursiops truncatus*), Rough-toothed dolphin (*Steno bredanensis*), and West Indian Manatee (*Trichechus manatus*).

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

The National Oceanic and Atmospheric Administration would be the lead Implementing Trustee for this project. Project partners may include STSSN State Coordinators, the sea turtle research community, and NGOs. This project would build on existing efforts from Early Restoration Phase IV (*Sea Turtle Early*

Restoration Project, Enhancement of the Sea Turtle Stranding and Salvage Network and Development of an Emergency Response Program component). The *Sea Turtle Early Restoration Project*, specifically the STSSN component led by NOAA, has enhanced the STSSN by increasing the capacity of stranding response teams across the Gulf, improving data management and diagnostic tools, and developing emergency response plans to improve preparedness and response efforts to sea turtles during emergency events. This project would continue funding specific STSSN coordination, emergency response, and data management activities for 8 years.

Specifically, this project would:

- **Continue to enhance Gulf-wide STSSN coordination** through continued leadership across the Gulf STSSN.
    - **Continue NOAA's Gulf-wide coordination of the STSSN,** through which NOAA provides regular and frequent communication among State STSSN Coordinators and the National Coordination Team.
    - **Continue NOAA's role as State STSSN Coordinator for Louisiana, Mississippi, and Alabama,** through which NOAA's Office of Protected Resources oversees and coordinates the permitted members of the STSSN, facilitates stranding response activities, provides training to STSSN responders, creates and maintains reporting protocols, and assists with data analysis and interpretation.
- **Support emergency response activities and enhance emergency preparedness** through funding support for the STSSN coordinators and local stranding responders and rehabilitation facilities during emergency events. For example, the project may support response to cold stun events or oil spill response preparedness. This project may support the improvement of emergency response protocols and/or may assist local partners by bridging gaps in funding coverage, such as supply and equipment purchases, vessel or equipment rentals, or staff labor necessary during an event.
- **Continue to enhance STSSN data management and data analysis** through database maintenance, development and refinement of data tools, production and distribution of data analyses.
    - **Maintain and improve the STSSN database and provide technical support** to ensure functionality of the database, the quality and consistency of its data, the continuous development of data tools to match user needs, and the availability of troubleshooting support.
    - **Conduct data synthesis and analysis and coordinate data sharing across the Gulf** to provide both real-time and recent data summaries to managers for use in planning, implementation, evaluation, and prioritization of restoration needs. These data may assist a variety of sea turtle restoration partners, including the GMT, sea turtle stranding observer programs, vessel strike reduction programs, marine debris programs, or recreational fishing programs. This would include both informal data sharing among the Gulf state STSSN coordinators and formal reports on STSSN findings and trends.
    - **Conduct mortality investigation work** across the Gulf to determine the cause of stranding/mortality, provide consistent necropsy data, and improve threat identification.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

Project activities would include planning and project management, implementation (including implementation of STSSN activities, STSSN database management and administration, and emergency response activities), and project performance monitoring.
The project is expected to take approximately 8 years to complete. Planning and project management, implementation (which would include stranding response and coordination, database management, data analyses and reporting, and emergency response), and monitoring would begin in Year 1 and continue through the duration of the project.

III. *Specific In-Water and/or Terrestrial Construction Methods*
Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)

iii. *Use of "Dock Construction Guidelines"?* https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

N/A - No construction would be performed as a result of this project.

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	N/A
2. Material type of piles used	N/A
3. Size (width) of piles/sheets	N/A
4. Total number of piles/sheets	N/A
5. Number of strikes for each single pile	N/A
6. Number of strikes per hour (for a single pile)	N/A
7. Expected number of piles to be driven each day	N/A
8. Expected amount of time needed to drive each pile (minutes of driving activities)	N/A
9. Expected number of sequential days spent pile driving	N/A
10. Whether pile driving occurring in-water or on land	N/A
11. Depth of water where piles will be driven	N/A

b. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A - The project would not involve the construction of new marinas or boat slips.

c. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A - The project would not involve the construction of boat ramps.

d. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

N/A - The project would not involve shoreline armoring.

e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

In some instances, the STSSN may need to dig in sandy beach environments to bury dead stranded sea turtle carcasses, in accordance with existing protocols and permit requirements.

f. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A - The project would not involve blasting.

g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A - The project would not involve the construction of artificial reefs.

h. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

The project will not involve fishery activities.

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.
Depending on the effects of your project, EFH consultation with NMFS may be required:
https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb
https://portal.gulfcouncil.org/EFHreview.html

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida	☒	☒	☐
(*Florida Keys north to Tarpon Springs, Florida*)			
Eco-Region 2: North Florida (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☒	☒	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama (*Pensacola Bay, Florida, west to the Mississippi River Delta)*	☒	☒	☐
Eco-Region 4: East Texas and West Louisiana (*Mississippi River Delta west and south to Freeport, Texas)*	☒	☒	☐
Eco-Region 5: West Texas (*Freeport, Texas south to the U.S./Mexico border)*	☒	☒	☐

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES☐ NO☒
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

N/A. EFH is present in the action area but would not be affected by the project.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

N/A

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

N/A

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☐This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☒ESA effects have been accounted for under an existing consultation.

See Section D. The OPR STSSN team is authorized for the activities described in this BE form. Authority is provided by USFWS and NMFS via regulation. Activities were reviewed in a NMFS July 28, 2016 Biological Opinion. This project will not change the activities of permitted responders; therefore, their individual permits are not included.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at:
https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☐This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

ESA effects have been accounted for under an existing consultation.

See section D. The OPR STSSN team is authorized for the activities described in this BE form. Authority is provided by USFWS and NMFS via regulation. Activities were reviewed in a NMFS 2016 BiOp. This project will not change the activities of permitted responders; therefore, their individual permits are not included.

*1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area*. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: https://ipac.ecosphere.fws.gov/.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	**CH Unit** (if applicable)	**Location** (Sea turtles and Gulf Sturgeon **only**)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
West Indian manatee			May Affect, Not Likely to Adversely Affect	
Choose an item.		Choose an item.		

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

This project would be conducted as outlined in the existing regulations: USFWS Authorization: USFWS codified regulations authorizing USFWS and NMFS personnel to respond to strandings on land (50 CFR 17.21(c)(3), 17.31(b), and 17.42(b)).

Vessels used by the STSSN may overlap in operation areas with West Indian manatee habitat. All vessels that operate in West Indian manatee habitat would adhere to the USFWS Standard Manatee In Water Conditions, as checked below, as well as any State specific conservation measures. Therefore, effects to the species would be insignificant. As such, this project may affect, but is not likely to adversely affect, the West Indian manatee.

We have determined that the project will have No Effect on other listed species.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation Measures and/or BMPs are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.*

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

☐	**NMFS Protected Species Construction Conditions (2021)[55]**
☐	**NMFS Measures for Reducing the Entrapment Risk to Protected Species[1]**
☒	**NMFS Vessel Strike Avoidance Measures (2021)[1]**
☒	**USFWS Standard Manatee In Water Conditions (2011)[56] and Appropriate State Manatee Conditions[57]**

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental- Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

Critical habitat has been proposed for green sea turtle, including some beach habitat in FL, however the STSSN is authorized by USFWS and NMFS to respond to strandings wherever they occur. Additionally, stranding response activities would not result in the destruction of primary constituent elements of designated critical habitat.

[55] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[56] https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work
[57] Contact USFWS representative for appropriate documents

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*
Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

N/A

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are

designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☐NO ☒YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒NO ☐YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*k) Use of floating pipeline during dredging activities*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

N/A

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

☒	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[58]
☐	NMFS Protected Species Construction Conditions (2021)[59]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☒	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[60]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals.

N/A

M. Bald Eagles (Bald and Golden Eagle Protection Act)

Are bald eagles present in the action area? ☐NO ☒YES

Whether Bald Eagles are present or not, the following conservation measures should be implemented to project eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.

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[58] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[59] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[60] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐NO ☒YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒NO ☐YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:
https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
☐NO ☒YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic
Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS. Review the document here on sharepoint: NMFS ESA PDCs

YES	NO	ACTIVITY
☐	☒	**Marsh Creation, Maintenance, or Enhancement**
☐	☒	**Living Shorelines Construction Maintenance, or Expansion**
☐	☒	**Removal of Fishing Gear and Other Marine Debris**
☐	☒	**Oyster Reefs Creation, Maintenance, or Enhancement**
☐	☒	**Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts**
☐	☒	**Artificial Reefs Construction, Maintenance, or Expansion**
☐	☒	**Boat Ramps Installation, Repair, Replacement, or Removal**
☐	☒	**Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal**
☐	☒	**Establishing or Restoring SAV**

☐	☒	**Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment**

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation

Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation

Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

NHPA Consultation

Benjamin Frater, Department of the Interior
Email: benjamin_frater@fws.gov
Phone: 404-314-8815