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

MEMORANDUM FOR: FILE

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

DATE: May 22, 2025

SUBJECT: Chandeleur Islands Restoration Project, Proposed for Funding Under the Deepwater Horizon Oil Spill Natural Resource Damage Assessment in the Louisiana Trustee Implementation Group and Open Ocean Trustee Implementation Group Joint Restoration Plan #1 - No Further Action Needed for NMFS MMPA

There are more than 22 species of marine mammals in the Gulf of Mexico, including dolphins and whales. The Marine Mammal Protection Act (MMPA), as amended, prohibits the taking of marine mammals, where “take” is defined as "the act of hunting, killing, capture, and/or harassment of any marine mammal; or, the attempt at such" 16 U.S.C. § 1362(13). The Marine Mammal Protection Act does provide a mechanism (section 101(a)(5) (A-D)) for allowing, upon request, the "incidental", but not intentional, taking of small numbers of marine mammals by U.S citizens who engage in a specified activity (other than commercial fishing) within a specified geographic region. Proposed projects were analyzed to evaluate the potential for any such non-fishery interactions with marine mammals.

Based on my review of project materials include the biological evaluation form, the NOAA Restoration Center determined that the Chandeleur Islands Restoration project will not affect protected marine mammals under the jurisdiction of National Marine Fisheries Service.[1] Best management practices included in the biological evaluation form are in place to avoid effects to marine mammals. This project will not require further MMPA evaluation.

If the project is modified in a way that could adversely impact marine mammals, this determination will be reevaluated as appropriate.

[1] This letter is not intended to determine effects to MMPA protected species under the jurisdiction of USFWS.