



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/DH NRDAR

Memorandum

May 13, 2014

To: Field Supervisor, Lafayette Ecological Services Office

From: Deputy Deepwater Horizon, Department of the Interior Natural Resource Damage Assessment and Restoration (NRDAR), Case Manager *Deborah R. Noel*

Subject: Supplemental Biological Assessment for the Proposed Louisiana Island Restoration: Caillou Lake Headlands (Whiskey Island), Chenier-Ronquille, and Shell Island

As you are no doubt aware, on or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon* experienced an explosion, leading to a fire and its subsequent sinking in the Gulf of Mexico (the Gulf). These events resulted in the discharge of millions of barrels of oil into the Gulf over a period of 87 days. In addition, various response actions were undertaken in an attempt to minimize impacts from spilled oil. These events are hereafter collectively referred to as the Oil Spill.

The Department of the Interior (DOI), acting through the U.S. Fish and Wildlife Service (the Service) and other Bureaus, is a designated natural resource trustee agency authorized by the Oil Pollution Act of 1990 (OPA) and other applicable federal laws to assess and assert a natural resource damage claim for this Oil Spill. DOI is only one of several Trustees, including state agencies, so authorized. Consistent with their federal and state authorities, the Trustees are investigating the natural resource injuries and losses that occurred as a result of the Oil Spill and have initiated restoration planning to identify the actions that will be needed or appropriate to restore injured natural resources and to make the public whole for the injuries and losses that occurred. This process is known as a Natural Resource Damage Assessment (NRDA).

On April 20, 2011, DOI, the National Oceanic and Atmospheric Administration and the Trustees for the five Gulf states affected by the Oil Spill entered into an agreement with BP, a responsible party for the Oil Spill, under which BP agreed to provide \$1 billion for early restoration projects in the Gulf to address injuries to natural resources caused by the Oil Spill. The subject projects are being evaluated by the Trustees as a potential early restoration projects. The early restoration projects have been proposed in a draft early restoration plan that was released for public comment and review on December 6, 2013. If the Trustees select the project after consideration of public comment and a stipulated agreement is reached with BP, the early restoration projects will be implemented by the State of Florida. DOI, acting through the Service, will be a co-Trustee for the project, if it is selected and implemented.

The above-referenced projects have been previously reviewed through independent section 7 consultations with the U.S. Fish and Wildlife Service for effects to listed species and designated critical habitats and their findings are still valid. Therefore, the information within this Supplemental BA is presented to facilitate a conference for the proposed red knot for each project location independently. In addition, we have reviewed the Chenier Ronquille and Shell Island projects with respect to West Indian manatee as manatee was not previously considered. We have also reviewed the Shell Island project with respect to piping plover because the environmental baseline of Shell Island has changed since the original consultation. The above facts lead us to the conclusion that additional consultation and conference under Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), is required for the proposed projects and we wish to engage in such coordination. Accordingly, we have conducted an additional review for the proposed Louisiana Island Restoration: Caillou Lake Headlands (Whiskey Island), Chenier-Ronquille, and Shell Island, to evaluate potential impacts to listed, proposed, and candidate species and critical habitats in accordance with section 7 of the ESA.

We determined:

- 1) The Caillou Lake Headlands (Whiskey Island) project May Affect, and is Likely to Adversely Affect the red knot, if the species is listed prior to or during project implementation. Therefore, we request to initiate a formal conference to address potential impacts from the proposed Caillou Lake Headlands (Whiskey Island) Barrier Island restoration project to the red knot.
- 2) The Chenier Ronquille project may affect, but is not likely to adversely affect the red knot, if listed. We also determined the proposed project is may affect, but is not likely to adversely affect, the West Indian manatee. In addition, because no incidental take of manatees is anticipated, no such authorizations under the MMPA will be needed. We request concurrence with our determinations.
- 3) The Shell Island project may affect, but is not likely to adversely affect, the red knot, if listed. We determined that there is no change to the effects to piping plover from the proposed project due to the change in the environmental baseline, and the Shell Island project may affect, but is not likely to adversely affect, the piping plover. We also determined the proposed project may affect, but is not likely to adversely affect, the West Indian manatee. In addition, because no incidental take of manatees is anticipated, no such authorizations under the MMPA will be needed. We request concurrence with our determinations.

During previous reviews, the proposed projects were evaluated for impacts to bald eagles and migratory birds in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712), respectively. No changes to the previous consultations with National Marine Fisheries Service are necessary as the project designs and implementation did not change.

By this memo we are requesting initiation of formal conference for Caillou Lake Headlands and informal consultation and conference for Chenier Ronquille and Shell Island under Section 7 of

the Endangered Species Act of 1973. If you have questions or concerns regarding this request for consultation, please contact Holly Herod, Fish and Wildlife Biologist, at 404-679-7089 or holly_herod@fws.gov.

Attachment – Supplemental Biological Assessment for the Louisiana Island Restoration: Caillou Lake Headlands (Whiskey Island), Chenier-Ronquille, and Shell Island.