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

September 22, 2014

MEMORANDUM FOR: David M. Bernhart, Assistant Regional Administrator for Protected Resources Division (PRD)

FROM: Jamie Schubert, Marine Habitat Resource Specialist
Restoration Center

SUBJECT: *Deepwater Horizon* Early Restoration Phase III: Louisiana Outer Coast Restoration - Shell Island project with pre-existing ESA consultation (March 22, 2012, Louisiana Coastal Area (LCA) beach and marsh restoration projects determination): request for concurrence

The Louisiana Outer Coast Restoration - Shell Island project is part of a suite of projects proposed for implementation in Phase III of the *Deepwater Horizon* Early Restoration.

The NOAA Restoration Center is the action agency for implementation of the Louisiana Outer Coast Restoration - Shell Island project. In 2011, the US Army Corps of Engineers initiated a consultation with PRD SERO for this project. On March 22, 2012, PRD SERO issued a letter of concurrence, concluding that the project is Not Likely to Adversely Affect sea turtles (the endangered leatherback, Kemp's ridley, and hawksbill; the threatened/endangered green; and the threatened loggerhead).

The NOAA Restoration Center with the support of Protected Resources staff evaluated the March 22, 2012 determination and supporting documentation (attached), and determined that the project has the same scope as the previously evaluated action. The proposed project has not changed in scope, the site conditions are the same as those described in the previous consultation and the NOAA Restoration Center is unaware of any new information that would change the previous determinations. The NOAA Restoration Center and project proponent will implement the project as described in the 2012 letter of concurrence from NOAA PRD, including adherence to the precautionary measures, best management practices and requirements as described in the letter. Therefore the NOAA Restoration Center determines that the proposed activities May Affect but are Not Likely to Adversely Affect sea turtles

The NOAA Restoration Center is aware that loggerhead sea turtle critical habitat has been designated since the 2012 determinations. The designation of *Sargassum* critical habitat helps conserve loggerhead sea turtles by protecting essential forage, cover and transport habitat for post-hatchlings and early juveniles. The 4 essential features of *Sargassum* habitat are:

1. Convergence zones, surface-water downwelling areas where there are concentrated components of the *Sargassum* community in water temperatures suitable for the optimal growth of *Sargassum* and inhabitance of loggerheads;

2. *Sargassum* in concentrations that support adequate prey abundance and cover;

3. Available prey and other material associated with *Sargassum* habitat including, but not limited to, plants and cyanobacteria, and animals native to the *Sargassum* community such as hydroids and copepods and;

4. Sufficient water depth and proximity to available currents to ensure offshore transport (out of the surf zone), and foraging and cover requirements by *Sargassum* for post-hatchling loggerheads (i.e., >10 m depth).

The most southern of the two borrow sites associated with this project lies partially in loggerhead critical habitat unit LOGG-S-02-Gulf of Mexico (*Sargassum*). The NOAA Restoration Center believes any adverse effects from the project activities to the primary constituent elements (PCE) of *Sargassum* habitat will be insignificant and May Affect but are Not Likely to Adversely Affect loggerhead critical habitat LOGG-S-02-Gulf of Mexico (*Sargassum*). None of the project actions would affect the location of convergence zones, surface-water downwelling areas, or other locations where there are concentrated components of the *Sargassum* community in water temperatures suitable for optimal growth of *Sargassum* and inhabitance of loggerheads. The project actions would not adversely affect the availability of prey for hatchling loggerhead sea turtles or other material associated with *Sargassum* habitat. They will not affect the water depth or proximity to currents necessary for offshore transport, foraging and cover. While the vessels associated with this project may transit through *Sargassum* habitats, those vessel tracks are not anticipated to scatter *Sargassum* mats to the point of affecting the functionality of the PCEs. Therefore, any adverse effects to the PCEs of *Sargassum* habitat will be insignificant.

In summary, the Restoration Center has reached the below conclusions regarding the potential for the Louisiana Outer Coast Restoration - Shell Island Project to affect threatened and endangered species and their designated critical habitat:

SPECIES	STATUS	DETERMINATION
Leatherback sea turtle	Endangered	Not likely to adversely affect
Kemp's ridley sea turtle	Endangered	Not likely to adversely affect
Hawksbill sea turtle	Endangered	Not likely to adversely affect
Green sea turtle	Threatened/Endangered	Not likely to adversely affect
Loggerhead sea turtle	Threatened	Not likely to adversely affect
Loggerhead sea turtle critical habitat		Not likely to adversely affect

The Restoration Center seeks PRD SERO's concurrence with the Restoration Center's findings.