




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

MEMORANDUM FOR: File

FROM: Jamie Schubert, Marine Habitat Resource Specialist  
NOAA Restoration Center 

DATE: August 14, 2015

SUBJECT: DWH Early Restoration projects, Phase IV, no further EFH consultation needed from NMFS

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), established procedures designed to identify, conserve, and enhance Essential Fish Habitat (EFH) for those species regulated under a Federal fisheries management plan (FMP). A Federal agency must prepare an EFH Assessment for any Federal action that may adversely affect EFH (50 CFR 600.920(e)(1)). A Federal agency must first determine whether their action may adversely impact EFH. If a Federal agency determines that a Federal action may adversely impact EFH, then the Federal agency must prepare an EFH assessment. If a Federal agency determines that a Federal action will not adversely affect EFH, then the Federal agency is not required to prepare an EFH Assessment.

Based on our reviews of project materials (Spring 2015) in coordination with representatives from NOAA's Habitat Conservation Division (HCD) in the South East Regional Office (SERO), the NOAA Restoration Center determined that, of the 10 projects proposed for implementation in Phase IV of the DWH Early Restoration Plan, one will have no adverse impacts to EFH because there is no EFH in the project area and will not require further Essential Fish Habitat evaluation:

- Bon Secour National Wildlife Refuge Trail Enhancement Project, Alabama

Based on the Restoration Center's review of project materials (Spring 2015) in coordination with representatives from NOAA's Habitat Conservation Division (HCD) in the South East Regional Office (SERO), the NOAA Restoration Center determined that three of the 10 projects proposed for implementation in Phase IV of the DWH Early Restoration Plan will have No Adverse Impacts to EFH under the jurisdiction of National Marine Fisheries Service and, as such, will not require further EFH evaluation. Those projects are:

- Osprey Restoration in Coastal Alabama
- Sea Turtle Early Restoration
- Pelagic Longline Bycatch Reduction

