



MEMORANDUM FOR: FILE

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

A handwritten signature in black ink, appearing to read "Christy Fellas", written over the typed name.

May 24, 2022

SUBJECT: No Further EFH Consultation Necessary for Monitoring Project in Open Ocean Trustee Implementation Group Juvenile Gulf Sturgeon - Gulf-wide Population Dynamics and Habitat Use

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 my review of project materials (May 2021) in coordination with representatives from NOAA's Habitat Conservation Division (HCD) in the Southeast Regional Office (SERO), the NOAA Restoration Center determined that the Open Ocean Trustee Implementation Group project titled Juvenile Gulf Sturgeon - Gulf-wide Population Dynamics and Habitat Use and Environmental Assessment, will have minimal effects on EFH. This is based on the methods to capture and tag juvenile sturgeon – it is unlikely that any EFH would be disturbed or affected. This project does not require further EFH evaluation.

Should any project be modified in a way that could adversely impact EFH, this determination will be reevaluated as appropriate and future consultation could be necessary.