



Eric Vichich - NOAA Federal <eric.vichich@noaa.gov>

Request for Streamlined ESA Implementation Using DWH PDCs - MSRP4 - Jourdan River Boardwalk

Eric Vichich - NOAA Federal <eric.vichich@noaa.gov>

Wed, Jun 26, 2024 at 4:46 PM

To: nmfs ser esa consultations - NOAA Service Account <nmfs.ser.esa.consultations@noaa.gov>

Cc: Michael Tucker - NOAA Federal <michael.tucker@noaa.gov>, Christina Fellas - NOAA Federal <christina.fellas@noaa.gov>

The NOAA RC is requesting streamlined ESA consultation as an implementation under the NMFS Framework Programmatic Biological Opinion (SER-2015-17459).

This effort has been selected for implementation by the Deepwater Horizon Mississippi TIG. This project will construct a public boardwalk along the Jourdan River in coastal Mississippi. This activity meets the project design criteria for "Pile Supported Structures including Non-Fishing Piers, Anchored Buoys and In-water Sign Posts" as described in Appendix A of the NMFS Framework Programmatic Biological Opinion.

Attached is the BE form including the PDC checklist for this project. Mike Tucker has been providing technical assistance on this project.

Thanks,
Eric

Eric J. Vichich
Marine Habitat Resource Specialist
NOAA Fisheries | Office of Habitat Conservation | Restoration Center
(727) 238-5774

2 attachments

 **REC1 Jourdan River Boardwalk - BE Form.pdf**
667K

 **NMFS ESA PDC Checklist FINAL Jourdan River.docx**
114K

NMFS ESA PDC Checklist

Please complete the checklist for each category that applies your project (sections 3 - 12). This checklist must accompany the BE form that demonstrates how all PDCs will be met to be eligible to use the PDC streamlined ESA process. Review the detailed PDCs on sharepoint: [NMFS ESA PDCs](#)

How to fill out this form

1. Ensure your project meets all PDCs in Sections 1 and 2. All boxes must be checked. If the PDC does not apply to your project, use N/A. Please use the Additional Information column to provide information or notes about your project and the PDC.

2. Equivalent status. If your project is close to the PDCs as written, and provides equivalent protection to the ESA-listed species as implementation of the PDC, you may provide an explanation of how the variance fits within the analysis and “not likely to adversely affect” determination in the Additional Information column. This information will be evaluated by NMFS to determine whether the effects are equivalent.

All projects must meet the general PDCs in Sections 1 and 2

1. General PDCs Applicable to All Activities

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	PDC 1: Projects located in smalltooth sawfish critical habitat that would result in any loss of either the red mangrove PBF or the shallow (MHWL to -3 ft MLLW), euryhaline water PBF of that critical habitat are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	PDC 2: Projects located in Gulf sturgeon critical habitat that would result in any loss of the abundant prey PCE, water quality PCE, sediment quality PCE, or the unobstructed migratory pathways PCE for that critical habitat (further described in Section 4.2.8.6.2 of the 2016 Opinion) are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	PDC 3: Projects that use seismic surveys, low frequency sonar, explosions, or seismic air guns are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	PDC 4: Any project in Florida Bay that includes queen conch in the project action area is not eligible for the streamlined informal consultation process.	

2. General PDCs Applicable to all Activities

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information																								
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	<p>PDC 5: As appropriate to the project, and where applicable, all projects must comply with the following guidance documents (or most up-to-date version), including the procedures for monitoring for, and reporting interactions with, ESA-listed species:</p> <ul style="list-style-type: none"> • NMFS (2021a) Protected Species Construction Conditions • NMFS (2021b) Vessel Strike Avoidance Measures and Reporting for Mariners. • NMFS (2012) Measures for Reducing Entrapment Risk to Protected Species. • USACE and NMFS (2017) Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat. 																									
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	<p>PDC 6: All structures, materials, and installation methods, including turbidity control measures, shall be designed and deployed to prevent entanglement and entrapment of ESA-listed species.</p>																									
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	<p>PDC 7: All structures, materials, and installation methods, including turbidity control measures, shall not impede movement of ESA-listed species between shoreline and open water or otherwise block passage of ESA-listed species.</p>																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	<p>PDC 8: In-water lines (rope, chain, and cable) must be stiff, taut, and non-looping, with no excess/loose line in the water, and any flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling.</p>																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	<p>PDC 9: For work conducted at night within view of sea turtle nesting beaches, no artificial lighting from in-water activities shall be visible at night from sea turtle nesting beaches during nesting season</p> <p><i>Table 1. Sea Turtle Nesting Season</i></p> <table border="1" data-bbox="431 1377 989 1598"> <thead> <tr> <th>Location</th> <th>Species</th> <th>Nesting Season</th> </tr> </thead> <tbody> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Loggerhead sea turtles</td> <td>May 1 to October 31</td> </tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Green sea turtles</td> <td>May 15 to October 31</td> </tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Leather back sea turtles</td> <td>May 1 to September 30</td> </tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td> <td>Loggerhead sea turtles</td> <td>April 24 to October 31</td> </tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td> <td>Green sea turtles</td> <td>May 15 to October 31</td> </tr> <tr> <td>Monroe County FL</td> <td>Hawksbill sea turtles</td> <td>June 1 to December 31</td> </tr> <tr> <td>Texas</td> <td>Kemp's ridley sea turtles</td> <td>May 1 to September 30</td> </tr> </tbody> </table>	Location	Species	Nesting Season	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Loggerhead sea turtles	May 1 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Green sea turtles	May 15 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Leather back sea turtles	May 1 to September 30	Southern FL (Pinellas to Monroe Counties)	Loggerhead sea turtles	April 24 to October 31	Southern FL (Pinellas to Monroe Counties)	Green sea turtles	May 15 to October 31	Monroe County FL	Hawksbill sea turtles	June 1 to December 31	Texas	Kemp's ridley sea turtles	May 1 to September 30	
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<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	<p>PDC 10: For work conducted at night within view of sea turtle nesting beaches, any support vessels transiting at night within view of sea turtle nesting beaches during nesting season (see table above), lighting will be limited to the minimal lighting necessary to comply with USCG (2023) and OSHA (2023) requirements.</p>																									

3. PDCs Applicable to Marsh Creation, Maintenance or Enhancement

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 11: Marsh creation, maintenance, or enhancement through freshwater or sediment diversions for the purpose of land-building, are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 12: Marsh creation, maintenance, or enhancement projects that involve the use of hopper dredges are not eligible for the streamlined informal consultation process, unless the dredging was the subject of a previous consultation with NMFS resulting in a biological opinion (such as the SARBO (NOAA, 2020)).	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 13: Marsh creation, maintenance, or enhancement projects with dredge borrow sites either located within one mile offshore of beaches that are used by nesting sea turtles or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat, are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 14: Material used for march creation and enhancement shall not contain trash, debris or toxic pollutants.	

4. PDCs Applicable to Living Shorelines Construction, Maintenance, or Expansion

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	<p>PDC 15: Living shorelines either located within one mile offshore of beaches that are used by nesting sea turtles or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat, are not eligible for the streamlined informal consultation process.</p>	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	<p>PDC 16: Living shorelines that involve the use of hopper dredges are not eligible for the streamlined informal consultation process, unless the hopper dredging has been the subject of a previous consultation with NMFS resulting in a biological opinion (such as the SARBO (NOAA, 2020)).</p>	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	<p>PDC 17: Living shorelines must have 5 ft gaps at least every 75 ft in length, as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement.</p>	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	<p>PDC 18: Living shoreline structures can only be constructed out of the following materials: oyster shell (loose or bagged), clean rock/boulders (material may be contained in metal baskets or cages), live mangroves, biologs, coir, or other organic materials, pre-fabricated units, such as reef-balls or other similar structures</p>	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	<p>PDC 19: Open-bottom pre-fabricated modules must have a top opening sufficiently large to allow a sea turtle to escape, and have no additional modules, discs, or other materials blocking in any way, the top opening of the modules.</p> <p>Approved open-bottom modules include:</p> <ul style="list-style-type: none"> • Three-sided modules where each side of the top opening is at least 36-in in length along its edge. • Four or more sided modules where each side of the top opening is at least 40-in in length along its edge. • Modules with a round top opening with a diameter of at least 40-in. Oval openings are not allowed unless a 40-in diameter circle space can fit within the oval. 	

5. PDCs Applicable to Removal of Derelict Fishing Gear and Other Marine Debris

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information																								
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 20: To avoid harassment of ESA-listed species, aerial debris surveys shall not be conducted below 1,000 ft altitude for any type of piloted aircraft.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 21: Derelict marine gear and debris removal projects that would result in any loss of either the PBF or PCE of the loggerhead sea turtle critical habitat Sargassum habitat unit or the Essential Features or attributes of the proposed green sea turtle critical habitat Sargassum habitat unit are not eligible for the streamlined informal consultation process.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 22: Projects involving the removal of derelict fishing gear and other marine debris either located within one mile offshore of beaches that are used by nesting sea turtles or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat, during sea turtle nesting season are not eligible for the streamlined informal consultation process. <i>Table 1. Sea Turtle Nesting Season</i> <table border="1" data-bbox="410 829 971 1050"> <thead> <tr> <th>Location</th> <th>Species</th> <th>Nesting Season</th> </tr> </thead> <tbody> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Loggerhead sea turtles</td> <td>May 1 to October 31</td> </tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Green sea turtles</td> <td>May 15 to October 31</td> </tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Leather back sea turtles</td> <td>May 1 to September 30</td> </tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td> <td>Loggerhead sea turtles</td> <td>April 24 to October 31</td> </tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td> <td>Green sea turtles</td> <td>May 15 to October 31</td> </tr> <tr> <td>Monroe County FL</td> <td>Hawksbill sea turtles</td> <td>June 1 to December 31</td> </tr> <tr> <td>Texas</td> <td>Kemp's ridley sea turtles</td> <td>May 1 to September 30</td> </tr> </tbody> </table>	Location	Species	Nesting Season	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Loggerhead sea turtles	May 1 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Green sea turtles	May 15 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Leather back sea turtles	May 1 to September 30	Southern FL (Pinellas to Monroe Counties)	Loggerhead sea turtles	April 24 to October 31	Southern FL (Pinellas to Monroe Counties)	Green sea turtles	May 15 to October 31	Monroe County FL	Hawksbill sea turtles	June 1 to December 31	Texas	Kemp's ridley sea turtles	May 1 to September 30	
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<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 23: Projects located in the FGBNMS are not eligible for the streamlined informal consultation process.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 24: Projects that would result in any loss of the Essential Feature or attributes of that Essential Feature (prey, water quality, sound) of the proposed Rice's whale critical habitat are not eligible for the streamlined informal consultation process.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 25: Projects that use trawling as a means of marine debris removal are not eligible for the streamlined informal consultation process.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 26: Removal of marine debris shall require visual confirmation (e.g., divers, swimmers, and camera) that the item can be removed without causing significant damage to marine natural resources.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 27: If an item cannot be entirely removed without causing harm to surrounding coral (ESA-listed or non-listed), the item will be disassembled and removed to the greatest extent practicable without damaging the surrounding coral.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 28: Monofilament debris will be carefully cut loose from coral (ESA-listed or non-listed) so as not to cause further harm. Under no circumstance will lines be pulled through coral because this could cause breakage of coral.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 29: Marine debris shall be lifted straight up and not be dragged through seagrass beds, coral, or hard bottom habitats.																									

<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 30: Debris and trash shall be properly disposed in appropriate on-shore facilities, in accordance with applicable federal and state requirements.	
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6. PDCs Applicable to Oyster Reefs Creation, Maintenance or Enhancement

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information																								
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	<p>PDC 31: The creation, maintenance or enhancement of oyster reefs either located within one mile offshore of beaches that are used by nesting sea turtle or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat, during sea turtle nesting season are not eligible for the streamlined informal consultation process.</p> <p><i>Table 1. Sea Turtle Nesting Season</i></p> <table border="1" data-bbox="414 903 966 1123"> <thead> <tr> <th>Location</th> <th>Species</th> <th>Nesting Season</th> </tr> </thead> <tbody> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Loggerhead sea turtles</td> <td>May 1 to October 31</td> </tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Green sea turtles</td> <td>May 15 to October 31</td> </tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Leather back sea turtles</td> <td>May 1 to September 30</td> </tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td> <td>Loggerhead sea turtles</td> <td>April 24 to October 31</td> </tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td> <td>Green sea turtles</td> <td>May 15 to October 31</td> </tr> <tr> <td>Monroe County FL</td> <td>Hawksbill sea turtles</td> <td>June 1 to December 31</td> </tr> <tr> <td>Texas</td> <td>Kemp's ridley sea turtles</td> <td>May 1 to September 30</td> </tr> </tbody> </table>	Location	Species	Nesting Season	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Loggerhead sea turtles	May 1 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Green sea turtles	May 15 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Leather back sea turtles	May 1 to September 30	Southern FL (Pinellas to Monroe Counties)	Loggerhead sea turtles	April 24 to October 31	Southern FL (Pinellas to Monroe Counties)	Green sea turtles	May 15 to October 31	Monroe County FL	Hawksbill sea turtles	June 1 to December 31	Texas	Kemp's ridley sea turtles	May 1 to September 30	
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<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 32: Cultch material shall be free of debris and contaminants.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 33: Fresh shell shall be aged or quarantined at an upland location for not less than 6 months before deployment.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 34: During deployment, cultch material shall be placed in a manner minimizing the disturbance of surrounding sediments.																									

7. PDCs Applicable to Pile Supported Structures including Non-Fishing Piers, Anchored Buoys and In-water Sign Posts

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 35: Projects that include installation of steel piles driven by impact hammers are not eligible for the streamlined informal consultation process.	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 36: Projects that include installation of more than 10 concrete piles per day, driven by impact hammer, are not eligible for the streamlined informal consultation process.	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 37: Projects that include installation of any piles larger than 24 inches in diameter driven by impact hammer are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	PDC 38: Projects either located within one mile offshore of beaches that are used by nesting sea turtles or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat, are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	PDC 39: Projects that include anchored buoys located within the proposed Rice’s whale critical habitat are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	PDC 40: Projects that include anchored buoys that would result in any loss of either the PBF or PCE of the loggerhead sea turtle critical habitat <i>Sargassum</i> habitat unit or the Essential Features or attributes of the proposed green sea turtle critical habitat <i>Sargassum</i> habitat unit are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	PDC 41: Projects that include anchored buoys located in the FGBNMS are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	PDC 42: Other than ATONs (pile-supported signs and anchored buoys), new or expanded structures in either located within one mile offshore of beaches that are used by nesting sea turtles or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	PDC 43: Floating or mid-water fish aggregation devices (FAD) are not eligible for the streamlined informal consultation process.	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 44: Upon completion of marine events, to the maximum extent practical, the site must be restored to pre-construction conditions.	

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 45: Any anchor chain or other tackle of an anchored buoy will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 46: All non-fishing piers and floating docks must be clearly marked to prohibit fishing and the presence of fish cleaning stations.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input checked="" type="checkbox"/> N/A	PDC 47: For piers, boardwalks or docks constructed on, or adjacent to, sea turtle nesting beaches, any permanent lighting shall be long wavelength, mounted as low to the deck as possible and fully shielded (i.e., sea turtle friendly).	

8. PDCs Applicable to Artificial Reefs Construction, Maintenance or Expansion

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 48: Artificial reefs either located within one mile offshore of beaches that are used by nesting sea turtles or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 49: Artificial reefs that would result in any loss of either the PBF or PCE of the loggerhead sea turtle critical habitat <i>Sargassum</i> habitat unit or the Essential Features or attributes of the proposed green sea turtle critical habitat <i>Sargassum</i> habitat unit are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 50: Projects located in the FGBNMS are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 51: Floating or mid-water FAD are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 52: High relief artificial reefs that include complex structures or materials likely to accumulate fishing monofilament, ropes, nets or other marine debris that could entangle ESA-listed species are not eligible for the streamlined informal consultation process. Complex artificial reef structures or material include any vessel, aircraft, decommissioned oil rig, bridge span, metal tower, or similar secondary use material. High relief artificial reefs are any reef that extends 7 ft or higher than the seafloor and that has a footprint greater than 200 ft ² (individually or collectively). Reefs that are constructed of natural rock, concrete rubble with no exposed rebar or medal, or prefabricated artificial reef modules <u>are excluded</u> from the definition of high-relief artificial reef material, regardless of their dimensions. Low-relief artificial reef material is considered to be less than these dimensions (less than 7 ft from the seafloor and a horizontal footprint of less than 200 ft ²).	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 53: Projects that use explosives to deploy reef material are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 54: Projects that would result in any loss of the Essential Feature or attributes of that Essential Feature (prey, water quality, sound) of the proposed Rice's whale critical habitat are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 55: Artificial reef materials shall be clean and free from asphalt, creosote, petroleum, other hydrocarbons and toxic residues, loose free-floating material, or other deleterious substances.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 56: No artificial reef materials shall be deployed until a benthic assessment of the bottom conditions has been accomplished by diver or submersible video camera. The inspection of the deployment area may occur at the time of deployment but no more than 1 year prior to deployment.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent	PDC 57: A deployment buffer of at least 200 ft between the deployment of artificial reef materials and any submerged marine	

<input type="checkbox"/> N/A	resources, including seagrasses, macroalgae, hard or soft coral (including coral reefs), sponges, or oysters shall be maintained. If materials are off-loaded from a barge or placed in areas that may generate turbidity (e.g., areas with fines or muck), a 500 ft buffer is required.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 58: All artificial reef materials and structures will be selected, designed, constructed, and deployed to create stable and durable marine habitat.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 59: All individual artificial reef component shall be of sufficient weight in-water to not move from the site after deployment and will weigh more than 500 pounds, with the exception of materials deployed directly by authorized county or state programs in low-energy environments (e.g., prefabricated modules, Reef Ball, "Bay Ball," or "Mini-Bay Ball" in shallow estuaries or bays).	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 60: Only the following reef materials may be used for artificial reefs eligible for the streamlined informal consultation process: <ul style="list-style-type: none"> ○ Prefabricated artificial reef modules composed of ferrous-alloy metals, aluminum-alloy metals, concrete, rock, or a combination of these materials. ○ Natural rock boulders. ○ Pre-cast concrete material, such as culverts, stormwater junction boxes, power poles, railroad ties, jersey barriers, or other similar concrete material. ○ Clean steel. ○ Concrete bridge or large building demolition materials such as slabs or piles with all steel reinforcement rods cut at the base of the concrete so no rebar or metal protrudes from the concrete. 	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 61: Open-bottom pre-fabricated reef modules must have a top opening sufficiently large to allow a sea turtle to escape, and have no additional modules, discs, or other materials blocking in any way, the top opening of the modules. Approved open-bottom modules include: <ul style="list-style-type: none"> ○ Three-sided modules where each side of the top opening is at least 36-in in length along its edge. ○ Four or more sided modules where each side of the top opening is at least 40-in in length along its edge. ○ Modules with a round top opening with a diameter of at least 40-in. Oval openings are not allowed unless a 40-in diameter circle space can fit within the oval. 	

9. PDCs Applicable to Boat Ramps Installation, Repair, Replacement or Removal

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 62: New or expanded boat ramps that would either directly impact beaches used by nesting sea turtles or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat, are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 63: New or expanded boat ramps that will include more than 300 trailered vehicle parking spaces are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 64: All commercial or public boat ramps must have NMFS educational signs (NMFS, 2023a) posted in a visible location(s) that: <ul style="list-style-type: none"> ○ alert boaters of ESA-listed species in the area susceptible to vessel strikes or hook-and-line captures. ○ include contact information for ESA-listed species and marine mammal stranding networks and encounter databases. 	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 65: At all commercial and public boat ramps, monofilament recycling bins must be installed and maintained for the life of the facility in working order and emptied frequently so that they do not overflow.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 66: Water depth at the end of the ramp must be deep enough to minimize sediment resuspension from prop wash of boats using the ramp.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 67: For all facilities constructed within view of sea turtle nesting beaches, any permanent lighting of the facilities shall be wildlife-friendly, long wavelength, mounted as low to the ground or deck as possible, and fully shielded from view of the nesting area.	

10. PDCs Applicable to Water-Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement, and Removal

Activities eligible for the streamlined informal consultation process include:

- Installation, repair, replacement, extension, and removal of existing metal or concrete pipes, culverts, or other drainage conveyance structures that discharge storm water, surface water, or connect existing water bodies.
- Installation of new outfall structures to connect two existing water bodies to improve water flow and quality or restore hydrology.
- Installation of metal manatee grates.

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 68: Projects that would either directly impact beaches used by nesting sea turtles, or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat, are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 69: Projects that involve freshwater or sediment diversions for the purpose of land-building are not eligible for the streamlined informal consultation process.	
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 70: All outfall discharge shall be designed and implemented to prevent erosion and scour.	

11. PDCs Applicable to Establishing or Restoring SAV

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information																								
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 71: Projects that include sediment placement and/or a dredging component with fill material sourced using hopper dredging are not eligible for the streamlined informal consultation process, <u>unless</u> the hopper dredging has been the subject of a previous consultation with NMFS resulting in a biological opinion (such as the SARBO (NOAA, 2020)).																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 72: Projects that include sediment placement and/or dredging component with fill material sourced from Gulf sturgeon critical habitat are not eligible for the streamlined informal consultation process.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 73: Projects requiring in-water work during sea turtle nesting season in waters either located within one mile offshore of beaches that are used by nesting sea turtles or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat, are not eligible for the streamlined informal consultation process. <i>Table 1. Sea Turtle Nesting Season</i> <table border="1" data-bbox="418 940 976 1157"> <thead> <tr> <th>Location</th> <th>Species</th> <th>Nesting Season</th> </tr> </thead> <tbody> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Loggerhead sea turtles</td> <td>May 1 to October 31</td> </tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Green sea turtles</td> <td>May 15 to October 31</td> </tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Leather back sea turtles</td> <td>May 1 to September 30</td> </tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td> <td>Loggerhead sea turtles</td> <td>April 24 to October 31</td> </tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td> <td>Green sea turtles</td> <td>May 15 to October 31</td> </tr> <tr> <td>Monroe County FL</td> <td>Hawksbill sea turtles</td> <td>June 1 to December 31</td> </tr> <tr> <td>Texas</td> <td>Kemp's ridley sea turtles</td> <td>May 1 to September 30</td> </tr> </tbody> </table>	Location	Species	Nesting Season	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Loggerhead sea turtles	May 1 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Green sea turtles	May 15 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Leather back sea turtles	May 1 to September 30	Southern FL (Pinellas to Monroe Counties)	Loggerhead sea turtles	April 24 to October 31	Southern FL (Pinellas to Monroe Counties)	Green sea turtles	May 15 to October 31	Monroe County FL	Hawksbill sea turtles	June 1 to December 31	Texas	Kemp's ridley sea turtles	May 1 to September 30	
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<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 74: Bird stakes should not be used in areas where additional nutrients may be detrimental to seagrass.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 75: Exclusion cages to protect seagrass can only be used on a temporary basis, for a period not to exceed 4 months.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 76: Exclusion cages must be securely fastened or anchored to the substrate to prevent detachment. Exclusion cages must be removed in the event that a storm approaches whose strength could dislodge or move the exclusion cages.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 77: Exclusion cages must be constructed of firm, taut materials that do not include any loose mesh, thin twistable wire, or rope that could present an entanglement risk to ESA-listed species.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 78: Seagrass collection from donor sites must be conducted in a manner that is not detrimental to the existing seagrass bed.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 79: Signs placed in seagrass areas must be sized and installed in a manner that prevents the loss of seagrasses																									

12. PDCs Applicable to Scientific Surveys and Research Projects and the Installation, Repair or Removal of Equipment

Project Meets PDC?	Project Design Criteria (NMFS PDARP BiOP Amendment 1, updated 2023)	Additional Information																								
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 80: To avoid harassment of listed species, aerial surveys shall not be conducted below 1,000 ft altitude for any type of piloted aircraft.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 81: Projects that permanently alter hard bottom habitat (e.g., the devices are installed by drilling) are not eligible for the streamlined informal consultation process.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 82: Projects that include anchored buoys located within the proposed Rice’s whale critical habitat are not eligible for the streamlined informal consultation process.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 83: Scientific surveys or research projects requiring in-water work during sea turtle nesting season either located within one mile offshore of beaches that are used by nesting sea turtles or would result in any loss of the PBF, PCE, or essential features of either loggerhead sea turtle nearshore reproductive critical habitat or the green sea turtle proposed Florida (FL01) or Texas (TX01) critical habitat are not eligible for the streamlined informal consultation process. <table border="1" data-bbox="418 940 976 1182"> <caption>Table 1. Sea Turtle Nesting Season</caption> <thead> <tr> <th>Location</th> <th>Species</th> <th>Nesting Season</th> </tr> </thead> <tbody> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Loggerhead sea turtles</td> <td>May 1 to October 31</td> </tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Green sea turtles</td> <td>May 15 to October 31</td> </tr> <tr> <td>MS, LA, AL and northern FL (Escambia to Pasco Counties)</td> <td>Leather back sea turtles</td> <td>May 1 to September 30</td> </tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td> <td>Loggerhead sea turtles</td> <td>April 24 to October 31</td> </tr> <tr> <td>Southern FL (Pinellas to Monroe Counties)</td> <td>Green sea turtles</td> <td>May 15 to October 31</td> </tr> <tr> <td>Monroe County FL</td> <td>Hawksbill sea turtles</td> <td>June 1 to December 31</td> </tr> <tr> <td>Texas</td> <td>Kemp’s ridley sea turtles</td> <td>May 1 to September 30</td> </tr> </tbody> </table>	Location	Species	Nesting Season	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Loggerhead sea turtles	May 1 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Green sea turtles	May 15 to October 31	MS, LA, AL and northern FL (Escambia to Pasco Counties)	Leather back sea turtles	May 1 to September 30	Southern FL (Pinellas to Monroe Counties)	Loggerhead sea turtles	April 24 to October 31	Southern FL (Pinellas to Monroe Counties)	Green sea turtles	May 15 to October 31	Monroe County FL	Hawksbill sea turtles	June 1 to December 31	Texas	Kemp’s ridley sea turtles	May 1 to September 30	
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<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 84: Projects that include anchored buoys that would result in any loss of either the PBF or PCE of the loggerhead sea turtle critical habitat <i>Sargassum</i> habitat unit or the Essential Features or attributes of the proposed green sea turtle critical habitat <i>Sargassum</i> habitat unit are not eligible for the streamlined informal consultation process.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 85: Projects located in the FGBNMS are not eligible for the streamlined informal consultation process.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 86: Upon completion of data acquisition, all in-water equipment structure or fills associated with that research (e.g., anchors, buoys, and lines) must be removed and the site must be restored to pre-construction conditions.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 87: Research equipment, including lines and anchors, shall be inspected and the required maintenance must be performed at least twice a year.																									
<input type="checkbox"/> Yes <input type="checkbox"/> Equivalent <input type="checkbox"/> N/A	PDC 88: Research equipment shall be inspected following storm events that may have moved or dislodged the structure to ensure that equipment and anchors are still in place and have not moved to areas, or in a manner, that could impact ESA-listed species or critical habitat.																									



Eric Vichich - NOAA Federal <eric.vichich@noaa.gov>

Request for Streamlined ESA Implementation Using DWH PDCs - MSRP4 - Jourdan River Boardwalk

Michael Tucker - NOAA Federal <michael.tucker@noaa.gov>

Fri, Jun 28, 2024 at 1:07 PM

To: Eric Vichich - NOAA Federal <eric.vichich@noaa.gov>

Cc: Christina Fellas - NOAA Federal <christina.fellas@noaa.gov>, Karla Reece - NOAA Federal <karla.reece@noaa.gov>

Dear Eric Vichich:

This responds to your June 26, 2024, request for streamlined informal consultation with us, the National Marine Fisheries Service (NMFS), pursuant to the process described in the Framework Programmatic Biological Opinion (as amended) on the Deepwater Horizon Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Framework Programmatic Opinion; SERO-2015-00013; SER-2015-17459) for the Jourdan River Boardwalk Project. As described in the Framework Programmatic Opinion, NMFS has evaluated potential effects of several specific restoration activities that have been repeatedly and widely implemented throughout the Gulf of Mexico, and have been the subject of previous ESA Section 7 consultations with NMFS. In that Opinion, we determined that specific restoration actions are not likely to adversely affect NMFS-managed ESA-listed species or their designated critical habitats provided that all applicable Project Design Criteria (PDC) are incorporated into the project design. Based on the project description you have provided, NMFS has determined that the proposed Project (1) meets the description of "Pile Supported Structures including Non-Fishing Piers" as described in Appendix A of the Framework Programmatic Opinion (as amended); and (2) fully incorporates all applicable PDCs for these types of projects (also described in Appendix A of the Framework Programmatic Opinion).

This concludes your consultation responsibilities under the ESA for species under NMFS's purview for the subject project. Consultation must be reinitiated if a take occurs or if new information reveals effects of the action not previously considered, or if the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action. NMFS's findings on the project's potential effects are based on the project description you provided in your June 26, 2024, submission, and your documented commitment to fully implement all applicable PDCs for Pile Supported Structures Including Non-Fishing Piers Projects as described in Appendix A of the Framework Programmatic Opinion (as amended). Any changes to the proposed action may negate the findings of this consultation and may require reinitiation of consultation with NMFS.

We look forward to further cooperation with you and the Deepwater Horizon Trustee Implementation Groups on future restoration projects. If you have any questions on this consultation, please contact Michael Tucker, Consultation Biologist, at (727) 209-5981, or by email at michael.tucker@noaa.gov.

[Quoted text hidden]

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Michael Tucker

Endangered Species Biologist
NOAA Fisheries Southeast Region
U.S. Department of Commerce

[727-209-5981](tel:727-209-5981)<https://www.fisheries.noaa.gov/region/southeast>