



**Migratory Bird Program
Division of Bird Habitat Conservation**

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

Originating Person: Kristin Madden, Deputy Chief

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Date: December 23, 2019

TAILS:

PROJECT NAME: Mississippi River Bird's Foot Delta Restoration
Consultation Codes: 04EL1000-2020-SLI-0319
04EL1000-2020-SLI-0321

I. Service Activity (Program): North American Wetlands Conservation Act (NAWCA) Grant Program

II. T&E Species, Candidate and Critical Habitat: from ECOS (If using IPAC attach IPAC list)

SPECIES	CRITICAL HABITAT	LISTING STATUS
See Attached iPaC lists		

III. Project Location: Information from Tails

Ecoregion Number and Name

County

Latitude, Longitude

Distance and direction to nearest town center

Species/habitat occurrence:

IV. Description of Proposed Action (Attach Additional Pages if Needed):

The grantee will use grant and match funds to restore and enhance 2,185 acres of fresh and intermediate wetlands and barrier island habitat in the Louisiana portion of the Gulf Coast Joint Venture. Activities will include construction of approximately seven crevasses (~142,000 cubic yards of dredging) and approximately 7,000 linear feet of earthen terraces, and the creation of 215 acres of beach/dune habitat and 240 acres of salt marsh. Project proposal is attached.

Avoidance and Minimization Requirements (Attach separate sheet if necessary):

V. Determination of Effects:

A. Explanation of effects of the action on species and critical habitat:

SPECIES/ CRITICAL HABITAT	IMPACTS TO SPECIES/CRITICAL HABITAT
West Indian Manatee	The project is not expected to impact waterways typically used by this species and, therefore, the project is not expected to impact this species.
Piping Plover And Critical Habitat	Tract 2 overlaps Critical Habitat for this species. The proposed restoration work will result in tidal delta splay habitat that could provide foraging opportunity for this species.
Red Knot	This species may be an infrequent visitor to project areas. Restoration and enhancement efforts are expected to improve habitat for this species.
Hawksbill Sea Turtle Kemp's Ridley Sea Turtle Leatherback Sea Turtle Loggerhead Sea Turtle	Sea turtles commonly forage in the near shore waters of the Gulf of Mexico and may benefit from the restoration work of Tract 2. Juvenile and sub-adult kemp's ridley and loggerhead turtles are generally found near shore from May through October. Adults and juveniles move offshore to deeper, warmer water during the winter. Tract 2 will restore barrier island habitat and protect food resources within the estuary. Tract 2 is also in a region that strongly supports sea turtle foraging. The hawksbill and leatherback sea turtles also occur in the Gulf of Mexico but are less likely to be found near shore, therefore impacts are not expected.
Pallid Sturgeon	The project is not expected to impact the waterways typically used by this species and, therefore, the project is not expected to impact this species.

B. Explanation of actions to be implemented to reduce adverse effects:

SPECIES/ CRITICAL HABITAT	ACTIONS TO MINIMIZE IMPACTS
West Indian Manatee	<p>During in-water work in areas that potentially support manatees all personnel associated with the project should be instructed about the potential presence of manatees, manatee speed zones, and the need to avoid collisions with and injury to manatees. All personnel should be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. Additionally, personnel should be instructed not to attempt to feed or otherwise interact with the animal, although passively taking pictures or video would be acceptable.</p> <p>All on-site personnel are responsible for observing water-related activities for the presence of manatee(s). We recommend the following to minimize potential impacts to manatees in areas of their potential presence:</p> <ul style="list-style-type: none"> • All work, equipment, and vessel operation should cease if a manatee is spotted within a 50-foot radius (buffer zone) of the active work area. Once the manatee has left the buffer zone on its own accord (manatees must not be herded or harassed into leaving), or after 30 minutes have passed without additional sightings of manatee(s) in the buffer zone, in-water work can resume under careful observation for manatee(s). • If a manatee(s) is sighted in or near the project area, all vessels associated with the project should operate at “no wake/idle” speeds within the construction area and at all times while in waters where the draft of the vessel provides less than a four-foot clearance from the bottom. Vessels should follow routes of deep water whenever possible. • If used, siltation or turbidity barriers should be properly secured, made of material in which manatees cannot become entangled, and be monitored to avoid manatee entrapment or impeding their movement. • Temporary signs concerning manatees should be posted prior to and during all in-water project activities and removed upon completion. Each vessel involved in construction activities should display at the vessel control station or in a prominent location, visible to all employees operating the vessel, a temporary sign at least 8½ " X 11" reading language similar to the following: “CAUTION BOATERS: MANATEE AREA/ IDLE SPEED IS REQUIRED IN CONSRUCTION AREA AND WHERE THERE IS LESS THAN FOUR FOOT

	<p>BOTTOM CLEARANCE WHEN MANATEE IS PRESENT”. A second temporary sign measuring 8½ " X 11” should be posted at a location prominently visible to all personnel engaged in water-related activities and should read language similar to the following: “CAUTION: MANATEE AREA/ EQUIPMENT MUST BE SHUTDOWN IMMEDIATELY IF A MANATEE COMES WITHIN 50 FEET OF OPERATION”.</p> <ul style="list-style-type: none"> • Collisions with, injury to, or sightings of manatees should be immediately reported to the Service’s Louisiana Ecological Services Office (337/291-3100) and the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225/765-2821). Please provide the nature of the call (i.e., report of an incident, manatee sighting, etc.); time of incident/sighting; and the approximate location, including the latitude and longitude coordinates, if possible.
Piping Plover And Critical Habitat	The project area overlaps critical habitat for this species. Project biologists will consult with Service staff on a project by project basis to determine if additional avoidance measures are needed.
Red Knot	The recovery plan lists protection and maintenance of winter and migratory habitat as priority actions for the recovery of the species. Project biologists will consult with Service staff on a project by project basis to determine if additional avoidance measures are needed.
Hawksbill Sea Turtle Kemp’s Ridley Sea Turtle Leatherback Sea Turtle Loggerhead Sea Turtle	Sea turtles are not expected to undergo nesting activities in the area. Project biologists will consult with Service staff on a project by project basis to determine if additional avoidance measures are needed.
Pallid Sturgeon	The project is not expected to impact the waterways and, therefore, the project is not expected to impact this species.

VIII. Effect determination and response requested:

[* = optional]

A. Listed species/designated critical habitat:

SPECIES/CRITICAL HABITAT	DETERMINATION		
	NE	NLAA	LAA
West Indian Manatee		X	
Piping Plover And Critical Habitat		X	
Red Knot		X	
Hawksbill Sea Turtle Kemp's Ridley Sea Turtle Leatherback Sea Turtle Loggerhead Sea Turtle		X	
Pallid Sturgeon	X		

1 DETERMINATION/RESPONSE REQUESTED:

NE = NO EFFECT. No response requested.

NLAA = NOT LIKELY TO ADVERSELY AFFECT. "Concurrence" requested.

LAA = LIKELY TO ADVERSELY AFFECT. "Formal Consultation" requested. "Conference" for proposed/candidate species.

 Kristin Madden, Deputy Chief Date
 Southwest Region, Division of Migratory Birds

IX. Reviewing ESFO Evaluations:

A. Concurrence: ✓ Nonconcurrency: _____

B. Formal consultation required: _____

C. Conference required _____

D. Informal conference required _____

E. Remarks (attach additional pages as needed):

 Signature Date
 Field Supervisor
 Louisiana Ecological Services Field Office

Please note that the FWS Louisiana Ecological Services Office already completed ESA Section 7 Consultation with the U.S. Army Corps of Engineers for their Department of the Army Permit issuance regarding the restoration project associated with Tract 2 (West Belle Headland).