Appendix A
Correspondence and Supporting Documentation

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Habitat Conservation Division
c/o Louisiana State University
Baton Rouge, Louisiana 70808-7353

February 8, 2011 F/SER46/RS:jk
225/389-0508

Mr. Phil Boggan, Deputy State Historic Preservation Officer
Louisiana Department of Culture, Recreation and Tourism
Office of Cultural Development
Division of Archaeology
Post Office Box 44247
Baton Rouge, Louisiana 70804

No known historic properties will be affected by this undertaking. This effect determination could change should new information come to our attention.
Phil Boggan 3-30-11
Phil Boggan Date
Deputy State Historic Preservation Officer

Dear Mr. Boggan,

The National Oceanic and Atmospheric Administration serves as the federal sponsor for the proposed Chenier Ronquille Barrier Shoreline Project. The project is authorized under the Coastal Wetlands Planning, Protection and Restoration Act with the Office of Coastal Protection and Restoration serving as the non-federal sponsor on behalf of the state of Louisiana. The purpose of the proposed project is to restore barrier island habitat and maintain the integrity of the Barataria-Plaquemines shoreline. As the federal sponsor of the proposed project, the National Oceanic and Atmospheric Administration is initiating coordination with the Louisiana State Historic Preservation Officer as required under the National Historic Preservation Act.

Major project components include excavating material from borrow areas located in the Gulf of Mexico, placement of sandy fill material to restore beach and dune, construction of temporary retention dikes using in-situ material on the perimeter of the marsh creation area and placement of fine-grained material to restore and create marsh. The Areas of Potential Effect include both the Gulf of Mexico borrow area and the limits of beach nourishment and marsh generally as depicted in Attachment 1 (copy enclosed); however, note that the design team is currently considering alternatives that may affect an additional area denoted on Attachment 1.

Review of records housed at the Division of Archaeology revealed two previously recorded sites within the project area. "Point Chenier Ronquille" (16PL31) was identified in 1952 as being located on the beach face. Based on an analysis of previous shoreline positions in Attachment 2 (copy enclosed) and shoreline retreat rates in this area (38 feet/year between 1998 and 2006[1]), we believe that any remaining portions of 16PL31 are currently located offshore of the project area in the Gulf of Mexico.

[1] Thompson, G., and Wycklendt, A. 2009. *"Chenier Ronquille Shoreline Restoration Project, PPL-19, Phase 0 Report.* Boca Raton, Florida: Coastal Planning and Engineering, Inc. 57p.

FEB 1 1 2011

United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

February 17, 2011

Mrs. Joy Merino
National Marine Fisheries Service
646 Cajundome Boulevard, Room 175
Lafayette, LA 70506

Dear Mrs. Merino:

Please reference your January 31, 2011, letter requesting a list of endangered, threatened, and proposed species and designated and proposed critical habitats that may occur within the Chenier Ronquille Barrier Island Restoration Project (BA-76), located in Plaquemines Parish, Louisiana. The proposed project design includes the construction of approximately 127 acres of beach/dune fill and approximately 259 acres of marsh creation/nourishment. Additionally, intensive dune plantings with approved nursery stock would occur. The U.S. Fish and Wildlife Service (Service) has reviewed the information you provided, and offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), Coastal Barrier Resources Act of 1982 (96 Stat. 1653, as amended; 16 U.S.C. 3501 et seq.), and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.)

West Indian manatee

According to our records, waters of the proposed project area may provide potential habitat for the West Indian manatee (*Trichechus manatus*). A federally listed endangered species; West Indian manatees occasionally enter Lakes Pontchartrain and Maurepas, and associated coastal waters and streams during the summer months (i.e., June through September). Manatee occurrences appear to be increasing, and they have been regularly reported in the Amite, Blind, Tchefuncte, and Tickfaw Rivers, and in canals within the adjacent coastal marshes of Louisiana. They have also been occasionally observed elsewhere along the Louisiana Gulf coast. The manatee has declined in numbers due to collisions with boats and barges, entrapment in flood control structures, poaching, habitat loss, and pollution. Cold weather and outbreaks of red tide may also adversely affect these animals. Should the proposed project involve activity during summer months, contract personnel associated with the project should be informed of the potential presence of manatees and the need to avoid collisions with manatees, which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. All construction personnel are responsible for observing water-related activities for the presence of manatee(s). Temporary signs should be posted prior to and during all construction/dredging activities to remind personnel to be observant for manatees during active construction/dredging operations or within vessel movement zones (i.e., work area),

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and at least one sign should be placed where it is visible to the vessel operator. Siltation barriers, if used, should be made of material in which manatees could not become entangled, and should be properly secured and monitored. If a manatee is sighted within 100 yards of the active work zone, special operating conditions should be implemented, including: no operation of moving equipment within 50 feet of a manatee; all vessels should operate at no wake/idle speeds within 100 yards of the work area; and siltation barriers, if used, should be re-secured and monitored. Once the manatee has left the 100-yard buffer zone around the work area on its own accord, special operating conditions are no longer necessary, but careful observations would be resumed. Any manatee sighting 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).

Piping plover

Federally listed as a threatened species, the piping plover (*Charadrius melodus*), as well as its designated critical habitat, occur along the Louisiana coast. Piping plovers winter in Louisiana, and may be present for 8 to 10 months annually. They arrive from the breeding grounds as early as late July and remain until late March or April. Piping plovers feed extensively on intertidal beaches, mudflats, sand flats, algal flats, and wash-over passes with no or very sparse emergent vegetation; they also require unvegetated or sparsely vegetated areas for roosting. Roosting areas may have debris, detritus, or micro-topographic relief offering refuge to plovers from high winds and cold weather. In most areas, wintering piping plovers are dependent on a mosaic of sites distributed throughout the landscape, because the suitability of a particular site for foraging or roosting is dependant on local weather and tidal conditions. Plovers move among sites as environmental conditions change, and studies have indicated that they generally remain within a 2-mile area. Major threats to this species include the loss and degradation of habitat due to development, disturbance by humans and pets, and predation.

On July 10, 2001, the Service designated critical habitat for wintering piping plovers (Federal Register Volume 66, No. 132). Their designated critical habitat identifies specific areas that are essential to the conservation of the species. The primary constituent elements for piping plover wintering habitat are those habitat components that support foraging, roosting, and sheltering and the physical features necessary for maintaining the natural processes that support those habitat components. Constituent elements are found in geologically dynamic coastal areas that contain intertidal beaches and flats (between annual low tide and annual high tide), and associated dune systems and flats above annual high tide. Important components (or primary constituent elements) of intertidal flats include sand and/or mud flats with no or very sparse emergent vegetation. Adjacent unvegetated or sparsely vegetated sand, mud, or algal flats above high tide are also important, especially for roosting plovers. The proposed project area is not located in piping plover designated critical habitat; however, designated critical habitat does occur approximately 2.5 miles to the west on East Grand Terre Island. Should the proposed project directly or indirectly affect the piping plover or its critical habitat, further consultation with this office will be necessary.

Sea turtles

Endangered and threatened sea turtles forage in the nearshore waters, bays and sounds of Louisiana. The National Marine Fisheries Service (NMFS) is responsible for aquatic marine threatened or endangered species. Please contact Eric Hawk (727/824-5312) at the NMFS Regional Office in St. Petersburg, Florida, for information concerning those species in the marine environment. When sea turtles come onshore to nest, however, the Service is responsible for consultation. Sea turtles have been known to nest in Louisiana; accordingly, we recommend that you contact this office if your activities would occur on beach areas during May through October for further guidance.

Gulf sturgeon

The Gulf sturgeon (*Acipenser oxyrhynchus desotoi*), federally listed as a threatened species, is an anadromous fish that occurs in many rivers, streams, and estuarine waters along the northern Gulf coast between the Mississippi River and the Suwannee River, Florida. In Louisiana, Gulf sturgeon have been reported at Rigolets Pass, rivers and lakes of the Lake Pontchartrain basin, and adjacent estuarine areas. Spawning occurs in coastal rivers between late winter and early spring (i.e., March to May). Adults and sub-adults may be found in those rivers and streams until November, and in estuarine or marine waters during the remainder of the year. Sturgeon less than two years old appear to remain in riverine habitats and estuarine areas throughout the year, rather than migrate to marine waters. Habitat alterations such as those caused by water control structures that limit and prevent spawning, poor water quality, and over-fishing have negatively affected this species.

On March 19, 2003, the Service and the National Marine Fisheries Service (NMFS) published a final rule in the Federal Register (Volume 68, No. 53) designating critical habitat for the Gulf sturgeon in Louisiana, Mississippi, Alabama, and Florida. Portions of the Pearl and Bogue Chitto Rivers, Lake Pontchartrain east of the Lake Pontchartrain Causeway, all of Little Lake, The Rigolets, Lake St. Catherine, and Lake Borgne within Louisiana were included in that designation. The primary constituent elements essential for the conservation of Gulf sturgeon are those habitat components that support feeding, resting, sheltering, reproduction, migration, and physical features necessary for maintaining the natural processes that support those habitat components; those elements should be considered when determining potential project impacts. The primary constituent elements for Gulf sturgeon critical habitat include:

- abundant prey items within riverine habitats for larval and juvenile life stages, and within estuarine and marine habitats for juvenile, sub-adult, and adult life stages;

- riverine spawning sites with substrates suitable for egg deposition and development, such as limestone outcrops and cut limestone banks, bedrock, large gravel or cobble beds, marl, soapstone, or hard clay;

- riverine aggregation areas, also referred to as resting, holding and staging areas, used by adult, sub-adult, and/or juveniles, generally, but not always, located in

holes below normal river bend depths, believed necessary for minimizing energy expenditures during freshwater residency and possibly for osmoregulatory functions;

- a flow regime (i.e., the magnitude, frequency, duration, seasonality, and rate-of-change of freshwater discharge over time) necessary for normal behavior, growth, and survival of all life stages in the riverine environment, including migration, breeding site selection, courtship, egg fertilization, resting, and staging; and necessary for maintaining spawning sites in suitable condition for egg attachment, egg sheltering, resting, and larvae staging;

- water quality, including temperature, salinity, pH, hardness, turbidity, oxygen content, and other chemical characteristics, necessary for normal behavior, growth, and viability of all life stages;

- sediment quality, including texture and other chemical characteristics, necessary for normal behavior, growth, and viability of all life stages; and

- safe and unobstructed migratory pathways necessary for passage within and between riverine, estuarine, and marine habitats (e.g., a river unobstructed by a permanent structure, or a dammed river that still allows for passage).

In that critical habitat designation, responsibility for consultation with specific Federal agencies was also identified for the Service and for the NMFS. For estuarine waters in Louisiana, the NMFS is responsible for consultations regarding impacts to the sturgeon and its critical habitat with all Federal agencies, except the Department of Transportation, the Environmental Protection Agency, the U.S. Coast Guard, and the Federal Emergency Management Agency, which consult with the Service. In riverine waters, the Service is responsible for all consultations regarding Gulf sturgeon and critical habitat, while in marine waters the NMFS is responsible for consultation. Therefore, please contact Dr. Stephania Bolden (727/824-5312) in St. Petersburg, Florida, for information concerning that species. The proposed project is not located within designated Gulf sturgeon critical habitat.

Migratory birds

The proposed project would be located near an area where colonial nesting waterbirds may be present. Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by monitoring the colony sites that were previously surveyed during the 1980s. Until a new, comprehensive coast-wide survey is conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season. For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, and roseate spoonbills), anhingas, and/or cormorants, all activity occurring within 1,000 feet of a rookery should be restricted to the non-nesting period, depending on the species present

We appreciate the opportunity to provide comments in the planning stages of this proposed project. If you need further assistance, please contact Michael Sealy (337/291-3123) of this office.

Sincerely,

Brad S. Rieck
Acting Field Supervisor
Louisiana Ecological Services Office

Enclosure

cc: LDWF, Natural Heritage Program, Baton Rouge, LA

ENCLOSURE

This table is an excerpt from page 31 of:

Martin, R.P., and G.D. Lester. 1990. The Atlas and Census of Wading Bird and Seabird Nesting Colonies of Louisiana: 1990. Louisiana Department of Wildlife and Fisheries – Louisiana Natural Heritage Program. Special Publication No. 3 for the U.S. Department of Interior – Fish and Wildlife Service. Contract No. 14-16-0004-89-963.

Table 8. Nesting chronology for colonial-nesting waterbirds in Louisiana with suggested activity windows.[a]

Species	Incubation Season	Incubation Period (days)	Days to Fledging	Activity[b] Window
Brown Pelican	1 Nov to 15 Jun	28-30	74-76	1 Aug to 31 Oct
Olivaceous Cormorant	15 Mar to 15 Apr	23-26	35-42	1 Jul to 1 Mar
American Anhinga	15 Mar to 15 Apr	25-28	?	1 Jul to 1 Mar
Great Blue Heron	1 Mar to 30 Apr	25-29	58-62	1 Aug to 15 Feb
Great Egret	1 Mar to 31 May	23-24	40-44	1 Aug to 15 Feb
Snowy Egret	16 Mar to 15 Jun	17-19	20-25	1 Aug to 1 Mar
Little Blue Heron	16 Mar to 15 Jun	22-24	28-32	1 Aug to 1 Mar
Tricolored Heron	16 Mar to 15 Jun	20-22	?	1 Aug to 1 Mar
Reddish Egret	16 Mar to 15 Jun	23-26	?	1 Aug to 1 Mar
Cattle Egret	16 Apr to 30 Jun	21-24	35-40	1 Sep to 1 Apr
Green-backed Heron	1 Apr to 30 Jun	19-21	16-17	1 Sep to 15 Mar
Black-crowned Night-Heron	16 Mar to 15 Jun	24-26	40-42	1 Sep to 1 Mar
Yellow-crowned Night-Heron	1 Apr to 15 Jun	?	?	1 Sep to 15 Mar
White Ibis	16 Apr to 30 Jun	21-23	35-42	1 Sep to 1 Apr
Glossy/White-faced Ibis	16 Apr to 30 Jun	21-23	42-49	1 Sep to 1 Apr
Roseate Spoonbill	16 Apr to 15 Jun	23-24	49-56	1 Aug to 1 Apr
Laughing Gull	16 Apr to 15 Jun	23-25	35-45	1 Aug to 1 Apr
Gull-billed Tern	16 May to 15 Jul	22-23	28-35	16 Sep to 1 May
Caspian Tern	1 May to 15 Jul	26-28	36-48	16 Sep to 15 Apr
Royal Tern	1 May to 15 Jul	28-31	36-48	16 Sep to 15 Apr
Sandwich Tern	1 May to 15 Jul	23-25	22-33	16 Sep to 15 Apr
Common Tern	1 May to 15 Jul	21-25	23-27	16 Sep to 15 Apr
Forster's Tern	1 Apr to 31 May	25-29	23-27	1 Aug to 15 Mar
Least Tern	1 May to 15 Jul	20-25	19-23	16 Sep to 15 Apr
Sooty Tern	16 May to 15 Jul	22-23	30-35	16 Sep to 15 Apr
Black Skimmer	16 May to 15 Jul	22-23	30-35	16 Sep to 1 May

[a] Data are compiled from Bent (1921), Bent (1926), Palmer (1962), Harrison (1975), Portnoy (1977) and Terres (1980).

[b] Suggested project initiation and completion dates to minimize disturbance to nesting birds.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

June 7, 2012

Dr. John D. Foret
Wetland Ecologist
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
646 Cajundome Boulevard
Lafayette, Louisiana 70506

Dear Dr. Foret:

Please reference your May 31, 2012, letter requesting our concurrence with the National Marine Fisheries Service's (NMFS) determination that the proposed Chenier Ronquille Barrier Island Restoration Project in Plaquemines Parish, Louisiana, is not likely to adversely affect the threatened piping plover (*Charadrius melodus*). That project has been authorized by the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) (104 Stat. 4779; 16 U.S.C. 3951 et seq.). The Fish and Wildlife Service (Service) has reviewed the information provided and offers the following comments in accordance with provisions of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

In Louisiana, barrier island and barrier headland erosion is attributable to increasing tidal prism, insufficient volumes of sediment supplied by littoral currents, land subsidence, and sea-level rise (Boesch 1982). Although increases in the tidal prism may be primarily responsible for enlargement of tidal passes, the insufficient supply of sand available to rebuild eroded areas has also contributed to increased tidal pass widths and shoreline retreat (Louisiana Coastal Wetlands Conservation and Restoration Task Force and the Wetlands Conservation and Restoration Authority 1999). Where insufficient supplies of sand prevail, measures to maximize sand retention, such as sand fencing and vegetative planting, are needed to effectively rebuild and maintain these eroded areas.

Chenier Ronquille is the western-most portion of the Chaland barrier headland, which is a principal feature of the Barataria barrier system. The headland maintains the integrity of the Gulf shoreline and helps protect interior coastal wetlands from further deterioration. At one time, the Chaland headland consisted of narrow and low-lying sand dunes and beach berm, barrier marshes, chenier ridges interspersed with mangrove thickets, coastal dune shrub thickets, lagoons, and small bayous. The headland has historically suffered loss of habitat value and diminished function due to storm overtopping and breaching, saltwater intrusion, wind and wave induced erosion, sea level rise, subsidence, and man-made structures. The observed average shoreline erosion rate along the Chaland headland has increased from 32 feet per year (1998-

2006) to approximately 58 feet per year (2006-2010), and increased stress on fish and wildlife in the area is expected as habitats continue to be lost. Based upon the information and photographs provided in your letter, Chenier Ronquille currently consists of eroding and fragmented shoreline, low elevation saline marsh (+1 foot North American Vertical Datum 1988 (NAVD88)), and sparse supratidal mangrove habitat. The proposed project area is highly susceptible to over-wash and conversion of land to open water. Because there is little available sediment within the system, the NMFS anticipates that without the proposed project the headland would erode below sea level in 18 years. Thus, NMFS' goal is to repair and reestablish an intact and diverse headland habitat. The NMFS has previously restored two sections of the headland: the Chaland Headland Restoration Project was completed in 2006 and the Bay Joe Wise Restoration project was completed in 2009. Chenier Ronquille is the last section of the headland to be restored.

The NMFS is proposing to restore 80 acres of beach and dune habitat and 274 acres of intertidal saline marsh along Chenier Ronquille to increase the longevity of the headland system for the next 20 years. Approximately 2.7 million cubic yards of material would be mined from an offshore borrow source and hydraulically placed along 8,000 linear feet of shoreline to reconstruct the barrier headland and reduce shoreline erosion. Construction of the dune and beach portion of the project would involve surveying, disposing dredged material on the beach, grading the sand fill, installing sand fences, and planting native dune vegetation. Construction of the bay-side marsh would involve disposing dredged material onto existing marsh and into open water, as well as minor vegetative planting to start marsh growth. The NMFS anticipates that construction would require approximately 12 months. The proposed restoration efforts would not prevent over-wash during storm events or require repair of future breaches over the 20-year project life.

As you know, piping plovers winter in Louisiana, and may be present for 8 to 10 months. They arrive from the breeding grounds as early as late July and remain until late March or April. Piping plovers feed extensively on intertidal beaches, mudflats, sand flats, algal flats, and wash-over passes with no or very sparse emergent vegetation; they also require unvegetated or sparsely vegetated areas for roosting. Roosting areas may have debris, detritus, or micro-topographic relief offering refuge to plovers from high winds and cold weather. In most areas, wintering piping plovers are dependent on a mosaic of sites distributed throughout the landscape, because the suitability of a particular site for foraging or roosting is dependent on local weather and tidal conditions. Plovers move among sites as environmental conditions change, and studies have indicated that they generally remain within a 2-mile area. Major threats to this species include the loss and degradation of habitat due to development, disturbance by humans and pets, and predation. While critical habitat has been designated in areas of coastal Louisiana, none occurs within the project area; therefore, no critical habitat would be affected by the proposed project.

The project area still provides some foraging habitat for piping plovers on remnant patches of intertidal beach, over-wash fans, or sand or mud flats exposed during seasonally low tides; however, little to no roosting habitat (i.e., unvegetated or sparsely vegetated beach above high tide) exists within the project area due to the low elevations of the remaining sandy areas. Due to the current habitat conditions, it is difficult to assess the amount of foraging habitat that may be available for piping plovers during the wintering season. The Louisiana Department of

Wildlife and Fisheries' (LDWF) 2010 winter survey data indicated that six piping plovers were observed along an over-wash fan in the project area, as well as restored habitat on the eastern end of the Chaland headland. Unfortunately, due to the remoteness of the Chaland headland, we have no additional data (past or current) that indicates regular usage of the area.

The proposed activities would likely occur while piping plovers are present in the project area. Potential project effects to the piping plover would consist of temporary displacement to nearby suitable habitats and temporary loss of benthic prey species within the project footprint. There is an abundance of nearby suitable habitat into which plovers can disperse, including the remainder of the Chaland headland, the Grand Terre Islands and Grand Isle to the west, and Shell Island to the east. The benthic prey species smothered by the additional sediment in the project area would naturally re-colonize the area within 6 months to 2 years post-construction. Piping plovers would not be permanently excluded from the project area and would not be displaced beyond their normal daily movement patterns for foraging and roosting due to the abundance of suitable habitat in nearby areas. Implementation of the proposed project would ultimately benefit the piping plover by increasing, restoring, and prolonging the existence of suitable habitat for piping plovers. Because construction effects are temporary, discountable, and insignificant in nature, the Service concurs with the NMFS' determination that the proposed action is not likely to adversely affect the piping plover.

No further ESA consultation with the Service is necessary for the proposed action, unless there are significant changes in the scope or location of the project or the project has not been initiated one year from the date of this letter. If the proposed project has not been initiated within one year, follow-up consultation should be accomplished with the Service prior to making expenditures because our threatened and endangered species information is updated annually.

We appreciate the NMFS' continued excellent coordination and cooperation in the conservation of threatened species and their habitat. If you require further assistance regarding ESA coordination, or have questions regarding the content of this letter, please contact Ms. Brigette Firmin (337/291-3108) of this office.

Sincerely,

for Jeffrey D. Weller
Supervisor
Louisiana Ecological Services Office

cc: FWS, Panama City, FL (Attn: Patty Kelly)
COE, Regulatory Branch, New Orleans, LA (Attn: Robert Tewis)
LDWF, Natural Heritage Program, Baton Rouge, LA (Attn: Michael Seymour)

Literature Cited

Boesch, D. F., ed. 1982. Proceedings of the conference on coastal erosion and wetland modification in Louisiana: causes, consequences, and options. U.S. Fish and Wildlife Service, Biological Services Program, Washington, D.C. FWS/OBS-82/59. 256 pp.

Louisiana Coastal Wetlands Conservation and Restoration Task Force and the Wetlands Conservation and Restoration Authority. 1999. Coast 2050: toward a sustainable coastal Louisiana, the appendices. Appendix E - region 3 supplemental information. Louisiana Department of Natural Resources. Baton Rouge, LA. 173 pp.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701

October 5, 2012 F/SER46/RH:jk
225/389-0508

Dr. John D. Foret, Ph.D.
NOAA Fisheries Service/SEFSC
Estuarine Habitats and Coastal Fisheries Center
646 Cajundome Boulevard, Room 175
Lafayette, Louisiana 70506

Dear Dr. Foret:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the draft Environmental Assessment (EA) for the Cheniere Ronquille Barrier Island Restoration (BA-76) project funded for engineering and design under the auspices of the Coastal Wetlands Planning, Protection and Restoration Act.

NMFS has reviewed the draft EA and believes that all pertinent resources have been sufficiently described and likely project impacts to those resources adequately characterized. As such, we have no comments to provide on the draft EA. In addition, because the project, as described in the EA, would help create and restore productive categories of essential fish habitat and benefit marine fishery resources, NMFS fully supports rapid implementation.

We appreciate the opportunity to review and comment on the draft EA.

Sincerely,

Virginia M. Fay

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

c:
F/SER46, Swafford
F/SER4, Rolfes, Dale
Files

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70125-1429 TELEPHONE (504) 826-3201

NATIONAL MARINE FISHERIES SERVICE NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL ASSESSMENT FOR THE CHENIER RONQUILLE BARRIER ISLAND RESTORATION PROJECT

Notice is hereby given of the availability of the draft Environmental Assessment (EA) for the proposed Chenier Ronquille Barrier Island Restoration project. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) has prepared a draft EA for the Chenier Ronquille Barrier Island Restoration project in accordance with the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations of the Council on Environmental Quality (CEQ) (Title 40 Code of Federal Regulations [CFR] Parts 1500 through 1508 (CEQ 1992)) and NOAA Administrative Order (NAO) 216-6, which describes NOAA's policies, requirements, and procedures for complying with NEPA and the regulations for implementation. The purpose of the proposed action is to support the coastal restoration objectives of the Coastal Wetlands Planning, Protection and Restoration Act by restoring and creating shoreline, dune and marsh acreage on Chenier Ronquille to re-establish and maintain the functional barrier island ecosystem of for fish and wildlife habitat. As the federal sponsor for the Chenier Ronquille Barrier Island Restoration project, NMFS is responsible for project oversight in partnership with the State of Louisiana Coastal Protection and Restoration Authority. The draft EA analyzes the impacts of three design alternatives that had differences in dune width and slope, and marsh platform size, as well as the no action alternative. The preferred alternative would restore approximately 8,000 feet of beach and dune and about 274 acres of marsh habitat using offshore dredged material. Native vegetation would be planted after construction to help stabilize the rebuilt marsh and dune habitat. All comments received will be considered by NMFS and will become part of the public record. If no significant issues are identified during the comment period, NMFS will finalize the draft EA, issue a Finding of No Significant Impact (FONSI), and proceed to construction. Unless substantive comments are received, NMFS will not publish another notice for this project. The draft EA is available for review on-line at http://www.habitat.noaa.gov/pd//chenier_ronquillo_ba_76_draft_environmental_assessment.pdf or upon request. A printed copy is available at the Plaquemines Parish Public Library at 8442 Highway 23, Belle Chasse, Louisiana. All questions or comments on the draft EA must be received no later than 5 p.m. EST on January 4, 2012. Comments on the draft EA may be submitted by the following methods: E-mail: Send comments to Cecelia.Linder@noaa.gov. Please include "Chenier Ronquille Draft EA" in the subject line of the e-mail. Mail: Send written comments to Cecelia Linder, F/HC3 1315 East-West Hwy Silver Spring, MD 20910. Fax: 301-713-0184. Please identify the fax as regarding "Chenier Ronquille Draft EA." For further information, or to request a hard copy or CD of the draft EA, please contact Cecelia Linder, (301) 427-8575 or Cecelia.Linder@noaa.gov.

I attest that the copy attached hereto as "Exhibit A" is a true and correct copy of the advertisement published in The Times-Picayune on these dates.

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Elizabeth C. Darcey who deposes and says that she is an Assistant Controller of The Times-Picayune, L.L.C., a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached

LEGAL NOTICES

Re: Notice of availability of the draft environmental Assessment for the Chenier Ronquille Barrier Island

Advertisement of Cecelia Linder

F/HC3 1315 East-West Hwy
Silver Springs, MD 20910

Was published in The Times Picayune

3800 Howard Ave.
New Orleans, LA 70125

On the following dates December 1, 2011

Elizabeth C Darcey

Sworn to and subscribed before me this

1st Day of December, 2011

Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492

CAPITAL CITY PRESS

Publisher of
THE ADVOCATE

PROOF OF PUBLICATION

The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the Official Journal of the State of Louisiana, City of Baton Rouge, and Parish of East Baton Rouge, in the following issues:

12/01/11

Shelley Calloni, Public Notice Clerk

Sworn and subscribed before me by the person whose signature appears above

December 1, 2011

M. Monic McChristian,
Notary Public ID# 88293
State of Louisiana
My Commission Expires: Indefinite

M. MONIC McCHRISTIAN NOTARY PUBLIC NOTARY NO. 88293 STATE OF LOUISIANA

NOAA ***4571113***
CECELIA LINDER
1315 EAST-WEST HWY
SILVER SPRING MD 20910

NOTICE

NATIONAL MARINE FISHERIES SERVICE NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL ASSESSMENT FOR THE CHENIER RONQUILLE BARRIER ISLAND RESTORATION PROJECT

Notice is hereby given of the availability of the draft Environmental Assessment (EA) for the proposed Chenier Ronquille Barrier Island Restoration project. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) has prepared a draft EA for the Chenier Ronquille Barrier Island Restoration project in accordance with the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations of the Council on Environmental Quality (CEQ) (Title 40 Code of Federal Regulations [CFR] Parts 1500 through 1508 (CEQ 1992)) and NOAA Administrative Order (NAO) 216-6, which describes NOAA's policies, requirements, and procedures for complying with NEPA and the regulations for implementation. The purpose of the proposed action is to support the coastal restoration objectives of the Coastal Wetlands Planning, Protection and Restoration Act by restoring and creating shoreline, dune and marsh acreage on Chenier Ronquille to re-establish and maintain the functional barrier island ecosystem of for fish and wildlife habitat. As the federal sponsor for the Chenier Ronquille Barrier Island Restoration project, NMFS is responsible for project oversight in partnership with the State of Louisiana Coastal Protection and Restoration Authority. The draft EA analyzes the impacts of three design alternatives that had differences in dune width and slope, and marsh platform size, as well as the no action alternative. The preferred alternative would restore approximately 8,000 feet of beach and dune and about 274 acres of marsh habitat using offshore dredged material. Native vegetation would be planted after construction to help stabilize the rebuilt marsh and dune habitat. All comments received will be considered by NMFS and will become part of the public record. If no significant issues are identified during the comment period, NMFS will finalize the draft EA, issue a Finding of No Significant Impact (FONSI), and proceed to construction. Unless substantive comments are received, NMFS will not publish another notice for this project. The draft EA is available for review on-line at http://www.habitat.noaa.gov/pdf/chenier_ronquille_ba_76_draft_environmental_assessment.pdf or upon request. A printed copy is available at the Plaquemines Parish Public Library at 8442 Highway 23, Belle Chasse, Louisiana. All questions or comments on the draft EA must be received no later than 5 p.m. EST on January 4, 2012. Comments on the draft EA may be submitted by the following methods. E-mail: Send comments to Cecelia.Linder@noaa.gov. Please include "Chenier Ronquille Draft EA" in the subject line of the e-mail. Mail: Send written comments to Cecelia Linder, F/HC3 1315 East-West Hwy Silver Spring, MD 20910. Fax: 301-713-0184. Please identify the fax as regarding "Chenier Ronquille Draft EA." For further information, or to request a hard copy or CD of the draft EA, please contact Cecelia Linder, (301) 427-8675 or Cecelia.Linder@noaa.gov.

4571113-dec 1-1t

January 13, 2012

NOAA's National Marine Fisheries Service has reviewed the Department of the Army permit application listed below. We anticipate that any adverse effects that might occur to marine and anadromous fishery resources would be minimal, and therefore, do not object to issuance of the permit for this project.

NOTICE NUMBER	APPLICANT	NOTICE DATE
MVN 2011-2485 EBB	Theophile Bourgeois	01-03-12
MVN 2011-2990-EPP	DKJ Investments LLC	01-03-12
MVN-2011-03148-ETT	National Marine Fisheries Service	01-09-12
MVN 2011-3246 WB	LA DWF	01-09-12
MVN 2011-3243 WB	BHP Billiton Petroluem	01-09-12

United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

JAN 31 2012

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January 25, 2012

Colonel Edward R. Fleming
District Commander
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Flemming:

The U.S. Fish and Wildlife Service (Service) has reviewed Joint Public Notice MVN-2011-03148-ETT, dated January 9, 2012. The National Marine Fisheries Service (NMFS) has requested a Department of the Army permit to dredge in the Gulf of Mexico and deposit that dredged material on the headland of Chenier Ronquille, in Plaquemines Parish, Louisiana. The Chenier Ronquille Barrier Island Restoration Project, which has been authorized pursuant to the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA), would restore dune, beach, and marsh habitats along the degraded barrier headland. The Service offers the following comments in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.).

The Service has been involved in the development of the proposed project through the CWPPRA planning process and concludes that it will provide valuable ecological benefits to coastal Louisiana. While the project is beneficial overall, it has the potential to adversely affect federally listed species and migratory birds. Accordingly, the Service provides the following guidance regarding ESA consultation and measures for avoiding impacts to listed species and migratory birds.

Threatened and Endangered Species

The endangered West Indian manatee (*Trichechus manatus*) may occur within the vicinity of the proposed project area. This species is known to regularly occur in Lakes Pontchartrain and Maurepas and their associated coastal waters and streams. It also can be found less regularly in other Louisiana coastal areas, most likely while the average water temperature is warm. Based on data maintained by the Louisiana Department of Wildlife and Fisheries' Natural Heritage Program (LNHP), over 80% of reported manatee sightings (1999-2011) in Louisiana have occurred from the months of June through December. Manatee occurrences in Louisiana appear to be increasing. Cold weather and outbreaks of red tide may adversely affect these animals. However, human activity is the primary cause for declines in species number due to collisions

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with boats and barges, entrapment in flood control structures, poaching, habitat loss, and pollution.

In the event of water-related activities, 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 ESA. Additionally, personnel should be instructed not to attempt to feed or otherwise interact with manatees, although passively taking pictures or video would be acceptable and could provide useful data in the Service's on-going manatee conservation efforts.

During in-water work in areas that potentially support manatees, 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 manatee(s):

1. 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 50-foot 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).

2. 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.

3. 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.

4. 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 inches 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 BOTTOM CLEARANCE WHEN MANATEE IS PRESENT". A second temporary sign measuring 8½ x 11 inches 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".

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 LNHP (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.

Federally listed as threatened, the piping plover (*Charadrius melodus*) is known to occur within the proposed project area. Piping plovers winter in Louisiana, and may be present for 8 to 10 months annually. They arrive from the breeding grounds as early as late July and remain until late March or April. Piping plovers feed extensively on intertidal beaches, mudflats, sand flats, algal flats, and wash-over passes with no or very sparse emergent vegetation; they also require unvegetated or sparsely vegetated areas for roosting. On July 10, 2001, the Service designated critical habitat for wintering piping plovers (Federal Register Volume 66, No. 132); however, none is located within the proposed project area.

The Service is currently coordinating ESA consultation with the NMFS regarding the manatee and piping plover because they are the lead action agency. Please note, however, that the Corps of Engineers (Corps) also has an affirmative responsibility to consult with the Service regarding the potential effects of permit issuance to federally listed threatened and endangered species prior to permit issuance. Although the Service does not object to the proposed project as described in the Joint Public Notice, we recommend that issuance of the requested permit be held in abeyance pending completion of ESA consultation (for both the Corps and NMFS) regarding the potential effects to the endangered manatee and threatened piping plover as a result of permit issuance.

There are also five species of federally listed threatened or endangered sea turtles that forage in the nearshore waters, bays, and estuaries of Louisiana. The NMFS is responsible for aquatic marine threatened or endangered species. Please contact Eric Hawk (727/824-5312) at the NMFS Regional Office in St. Petersburg, Florida, for information concerning those species in the aquatic environment.

Migratory Birds

It should be noted, that the proposed project is located in an area where colonial and solitary seabird/shorebird nesting may occur. Nesting sites may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. Because it is uncertain whether the project area supports nesting water birds, it is recommended that a qualified biologist inspect the proposed work site for the presence of undocumented nesting during the nesting season. To minimize disturbance to nesting birds, the following restrictions should be observed:

1. For colonies containing nesting brown pelicans, all activity occurring within 2,000 feet of a rookery should be restricted to the non-nesting period (i.e., September 15 through March 31). Nesting periods vary considerably among Louisiana's brown pelican colonies, so it is possible that this activity window could be altered based upon the dynamics of the individual colony.

2. For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, and roseate spoonbills), anhingas, and/or cormorants, all activity occurring within 1,000 feet of a rookery should be restricted to the non-nesting period (i.e., September 1 through February 15, exact dates may vary within this window depending on species present).

3. For areas containing isolated or colonial nesting gulls, terns, plovers, and/or black skimmers, all activity occurring within 650 feet of a nest area should be restricted to the non-nesting period (i.e., September 16 through April 1, exact dates may vary within this window depending on species present).

In addition, we recommend that on-site contract personnel be informed of the need to identify nesting water bird behavior, and if such behavior is observed, the Service should be notified. If the project is long-term or time sensitive, and the time-of-year restrictions cited above are not practicable, it may be necessary to develop an abatement plan to ensure that birds do not nest at the time of project construction. That abatement plan should be developed in consultation with the Service.

The above comments constitute the report of the Department of Interior. Please contact Ms. Brigette Firmin (337-291-3108) regarding the ongoing ESA consultation for threatened and endangered species, and Ms. Patti Holland (337/291-3121) with regard to nesting water bird issues.

Sincerely,

Brad S. Rieck
Acting Supervisor
Louisiana Ecological Services Office

cc: NMFS, Baton Rouge, LA (Attn: Rachel Sweeney)
NMFS, St. Petersburg, FL (Attn: Eric Hawk)
EPA, Dallas, TX
LDWF, Baton Rouge, LA
LDWF, Natural Heritage Program, Baton Rouge, LA (Attn: Michael Seymour)

BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

FEB 12 2012

Louisiana Coastal Protection & Restoration Authority
P.O. Box 44027
Baton Rouge, LA 70804

Attention: Anna Wojtanowicz, Agent for the National Marine Fisheries Service

RE: Water Quality Certification (WQC 111220-02/AI 179937/CER 20120001)
Corps of Engineers Permit (MVN-2011-3148-ETT)
Plaquemines Parish

Dear Ms. Woytanowicz:

The Louisiana Department of Environmental Quality (the Department) has reviewed your application to dredge waterbottoms & place spoil material for the restoration of a barrier island (Cheniere Ronquille), approximately 13.0 miles south-southwest of Port Sulphur, Louisiana.

Based on the information provided in the application, the Department made a determination that the requirements for a Water Quality Certification have been met and concludes that the placement of the fill material will not violate water quality standards of Louisiana as provided for in LAC 33:IX.Chapter 11. Therefore, the Department hereby issues a Water Quality Certification to the National Marine Fisheries Service.

If you have any questions, please call Jamie Phillippe at 225-219-3225.

Sincerely,

Melvin C. Mitchell, Sr.
Administrator
Water Permits Division

MCM/jjp

c: Corps of Engineers- New Orleans District

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Post Office Box 4313 • Baton Rouge, Louisiana 70821-4313 • Phone 225-219-3181 • Fax 225-219-3309
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701-5505
727.824.5312, FAX 824.5309
http://sero.nmfs.noaa.gov

JUN - 6 2012 F/SER31:RGH

Mr. Pete Serio
Operations Division
New Orleans District Corps of Engineers
P.O. Box 60267
New Orleans, Louisiana 70160-0267

Mr. Richard Hartman
National Marine Fisheries Service
c/o Louisiana State University
Military Science Building, Room 266
Baton Rouge, LA 70803

Re: Chenier Ronquille Barrier Island Restoration Project, MVN-2011-3148-ETT

Dear Mr. Serio and Mr. Hartman:

This responds to the Army Corps of Engineers (COE) New Orleans District's January 12, 2011, letter. The COE requested National Marine Fisheries Service (NMFS) concurrence with its project-effect determinations under Section 7 of the Endangered Species Act (ESA). The project is proposed and sponsored by NMFS' Habitat Conservation Division (NMFS HCD) in Baton Rouge, Louisiana, and the State of Louisiana's Coastal Protection and Restoration Authority (CRPA). The project will be authorized and funded under the federal Coastal Wetlands Planning, Protection, and Restoration Act. You determined the project may affect but is not likely to adversely affect swimming sea turtles and Gulf sturgeon. Our response is directed to both federal agencies since both agencies play a role in the funding or permitting of this project; both have Section 7 responsibilities under the ESA. Our findings on the project's potential effects are based on the project description in this response. Changes to the proposed action may negate our findings and may require reinitiating consultation.

The project site is located at 29.31879°N, 89.79077°W (North American Datum 1983) within Barataria Bay, Plaquemines Parish, Louisiana. The project purpose is to restore the integrity of the Chenier Ronquille barrier island by creating 309 acres of marsh and 189 acres of dune and beach. Approximately 11.1 million cubic yards (mcy) of material may be dredged (a minimum of 2.9 mcy will be dredged) from four borrow sites (S-1, S-2, D-1, and Quatre Bayou), consisting of 832 acres of unvegetated borrow site in the Gulf of Mexico southwest of Chenier Ronquille. The borrow sites will be dredged from the current depth of approximately -8 to -30 feet North American Vertical Datum 1988 (NAVD88) to a maximum of -37 feet. Dredged sediments will

be pumped to the marsh via a dredge pipeline. An access channel will be dredged to allow for equipment movement and pipeline placement. Sediment excavated from the access channel will be used to construct the adjacent containment dike. The containment dikes may be gapped as needed to provide hydrologic exchange and the project will continue to be monitored throughout the course of the 20-year project life. The resulting marsh will be filled to an elevation of +2.5 feet (NAVD88) and planted with approximately 20,000 units of appropriate marsh vegetation. Construction will require the use of airboats, barge-mounted bucket dredges, bulldozers, and hydraulic cutterhead dredges. The applicant will comply with NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions* dated March 23, 2006, and NMFS' *Measures for Reducing the Entrapment Risk to Protected Species* dated May 22, 2012. Construction is anticipated to take 1 year to complete.

Four ESA-listed species of sea turtles (the endangered leatherback and Kemp's ridley; the threatened/endangered[1] green; and the threatened loggerhead[2]) can be found in or near the action area and may be affected by the project. The site is west of the Mississippi River, thus, NMFS expects no Gulf sturgeon to be present. There is no designated critical habitat in or near the project area.

NMFS has analyzed the routes of potential effects from the proposed project and determined that listed sea turtles are not likely to be adversely affected. Dredging activities have the potential to entrain and kill sea turtles. However, the use of a non-hopper-type dredge (such as cutterhead dredges and clamshell/bucket dredges) is unlikely to entrain healthy sea turtles due to the noisy, slow moving nature of these types of dredges, which would be easy for sea turtles to detect and avoid. Therefore, the likelihood of a sea turtle to be entrained would be discountable. Stranding data from Texas' shallow Laguna Madre suggests that cold-stunned turtles may be taken by cutterhead dredges while they are lethargic or dying from sudden exposure to cold; however, this possibility is rare and discountable. Although the likelihood of a sea turtle take through entrainment is discountable, NMFS recommends to further reduce the risk of sea turtle interactions with cutterhead dredges in this project, that cutterhead dredging be limited to warmer months when possible, and that cutterhead dredging be delayed and appropriate precautions taken (e.g., posting an observer) after cold snaps in shallow waters if water temperatures have fallen rapidly <u>and</u> if sea turtles are seen. Sea turtles could be harmed or killed by being struck by the transit and anchoring of equipment and barges at the project site, however, the likelihood of this outcome is also discountable due to these species' mobility. The implementation of NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions* will further reduce the risk of injury to sea turtles. Sea turtles may be affected by having to avoid the area due to disturbances from in-water dredging and restoration activities where they may be foraging or sheltering. However, avoidance would be localized to a discrete area over the course of the project and will not affect foraging or sheltering opportunities for sea turtles in adjacent areas, which are suitable for these activities. Therefore, the effects of avoidance on sea turtles will be insignificant. The loss of potential foraging/sheltering habitat from the creation of the marsh is insignificant as well, because there is adequate alternative foraging/sheltering habitat in

[1]Green turtles are listed as threatened, except for breeding populations in Florida and the Pacific Coast of Mexico, which are listed as endangered.
[2] Northwest Atlantic Distinct Population Segment.

the nearby surrounding bayou. Last, sea turtles have the potential to become entrapped within the containment dikes. However, the likelihood of sea turtles becoming entrapped is discountable due to the deterring effects of consistent inflow of dredge material and heavy activity in and around the containment dike. Additionally, the implementation of NMFS' *Measures for Reducing the Entrapment Risk to Protected Species* will prevent or address such entrapment to sea turtles.

This concludes your consultation responsibilities under the ESA for species under NMFS' purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or the identified action is subsequently modified in a manner that causes an effect to the 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.

We have enclosed additional relevant information for your review. If you have any questions, please contact Ryan Hendren, ESA consultant, at (727) 551-5610, or by e-mail at Ryan.Hendren@noaa.gov.

Sincerely,

Niles M Croom

for Roy E. Crabtree, Ph.D.
Southeast Regional Administrator

Enclosures (3)

File: 1514-22.F.7
Ref: I/SER/2012/00132

PCTS Access and Additional Considerations for ESA Section 7 Consultations
(Revised 7-15-2009)

Public Consultation Tracking System (PCTS) Guidance: PCTS is an online query system at **https://pcts.nmfs.noaa.gov/** that allows federal agencies and U.S. Army Corps of Engineers' (COE) permit applicants and their consultants to ascertain the status of NMFS' Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultations, conducted pursuant to ESA section 7, and Magnuson-Stevens Fishery Conservation and Management Act's (MSA) sections 305(b)2 and 305(b)(4), respectively. Federal agencies are required to enter an agency-specific username and password to query the Federal Agency Site. The COE "Permit Site" (no password needed) allows COE permit applicants and consultants to check on the current status of Clean Water Act section 404 permit actions for which NMFS has conducted, or is in the process of conducting, an ESA or EFH consultation with the COE.

For COE-permitted projects, click on "Enter Corps Permit Site." From the "Choose Agency Subdivision (Required)" list, pick the appropriate COE district. At "Enter Agency Permit Number" type in the COE district identifier, hyphen, year, hyphen, number. The COE is in the processing of converting its permit application database to PCTS-compatible "ORM." An example permit number is: SAJ-2005-000001234-IPS-1. For the Jacksonville District, which has already converted to ORM, permit application numbers should be entered as SAJ (hyphen), followed by 4-digit year (hyphen), followed by permit application numeric identifier with no preceding zeros. For example: SAJ-2005-123; SAJ-2005-1234; SAJ-2005-12345.

For inquiries regarding applications processed by COE districts that have not yet made the conversion to ORM (e.g., Mobile District), enter the 9-digit numeric identifier, or convert the existing COE-assigned application number to 9 numeric digits by deleting all letters, hyphens, and commas; converting the year to 4-digit format (e.g., -04 to 2004); and adding additional zeros in front of the numeric identifier to make a total of 9 numeric digits. For example: AL05-982-F converts to 200500982; MS05-04401-A converts to 200504401. PCTS questions should be directed to Eric Hawk at Eric.Hawk@noaa.gov. Requests for username and password should be directed to PCTS.Usersupport@noaa.gov.

EFH Recommendations: In addition to its protected species/critical habitat consultation requirements with NMFS' Protected Resources Division pursuant to section 7 of the ESA, prior to proceeding with the proposed action the action agency must also consult with NMFS' Habitat Conservation Division (HCD) pursuant to the MSA requirements for EFH consultation (16 U.S.C. 1855 (b)(2) and 50 CFR 600.905-.930, subpart K). The action agency should also ensure that the applicant understands the ESA and EFH processes; that ESA and EFH consultations are separate, distinct, and guided by different statutes, goals, and time lines for responding to the action agency; and that the action agency will (and the applicant may) receive separate consultation correspondence on NMFS letterhead from HCD regarding their concerns and/or finalizing EFH consultation.

Marine Mammal Protection Act (MMPA) Recommendations: The ESA section 7 process does not authorize incidental takes of listed or non-listed marine mammals. If such takes may occur an incidental take authorization under MMPA section 101 (a)(5) is necessary. Please contact NMFS' Permits, Conservation, and Education Division at (301) 713-2322 for more information regarding MMPA permitting procedures.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.

c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.

d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.

e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.

f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.

g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

Measures for Reducing Entrapment Risk to Protected Species

Bottlenose dolphins, sea turtles, and Gulf sturgeon (protected species) are known to inhabit coastal waters of the northern Gulf of Mexico. Bottlenose dolphins are protected under the Marine Mammal Protection Act (MMPA) and sea turtles and Gulf sturgeon are protected under the Endangered Species Act (ESA). Because of the potential for these protected species to become entrapped within coastal waters of construction sites along the northern Gulf coast, projects that enclose shallow open water areas for wetland creation or nourishment will use the following measures to minimize the potential for entrapment:

1. **Pre-construction planning.** During project design, the Federal Action Agency or project proponents must incorporate at least one escape route into the proposed retention structure(s) to allow any protected species to exit the area(s) to be enclosed. Escape routes must lead directly to open water outside the construction site and must have a minimum width of 100 feet. Escape routes should also have a depth as deep as the deepest natural entrance into the enclosure site and must remain open until a thorough survey of the area, conducted immediately prior to complete enclosure, determines no Protected Species are present within the confines of the structure (see item 5 below for details).

2. **Pre-construction compliance meeting.** Prior to construction, the Federal Action Agency, project proponents, the contracting officer representative, and construction personnel should conduct a site visit and meeting to develop a project-specific approach to implementing these preventative measures.

3. **Responsible parties.** The Federal Action Agency will instruct all personnel associated with the project of the potential presence of protected species in the area and the need to prevent entrapment of these animals. All construction personnel will be advised that there are civil and criminal penalties for harming, harassing, or killing protected species. Construction personnel will be held responsible for any protected species harassed or killed as a result of construction activities. All costs associated with monitoring and final clearance surveys are the responsibility of project proponents and must be incorporated in the construction plan.

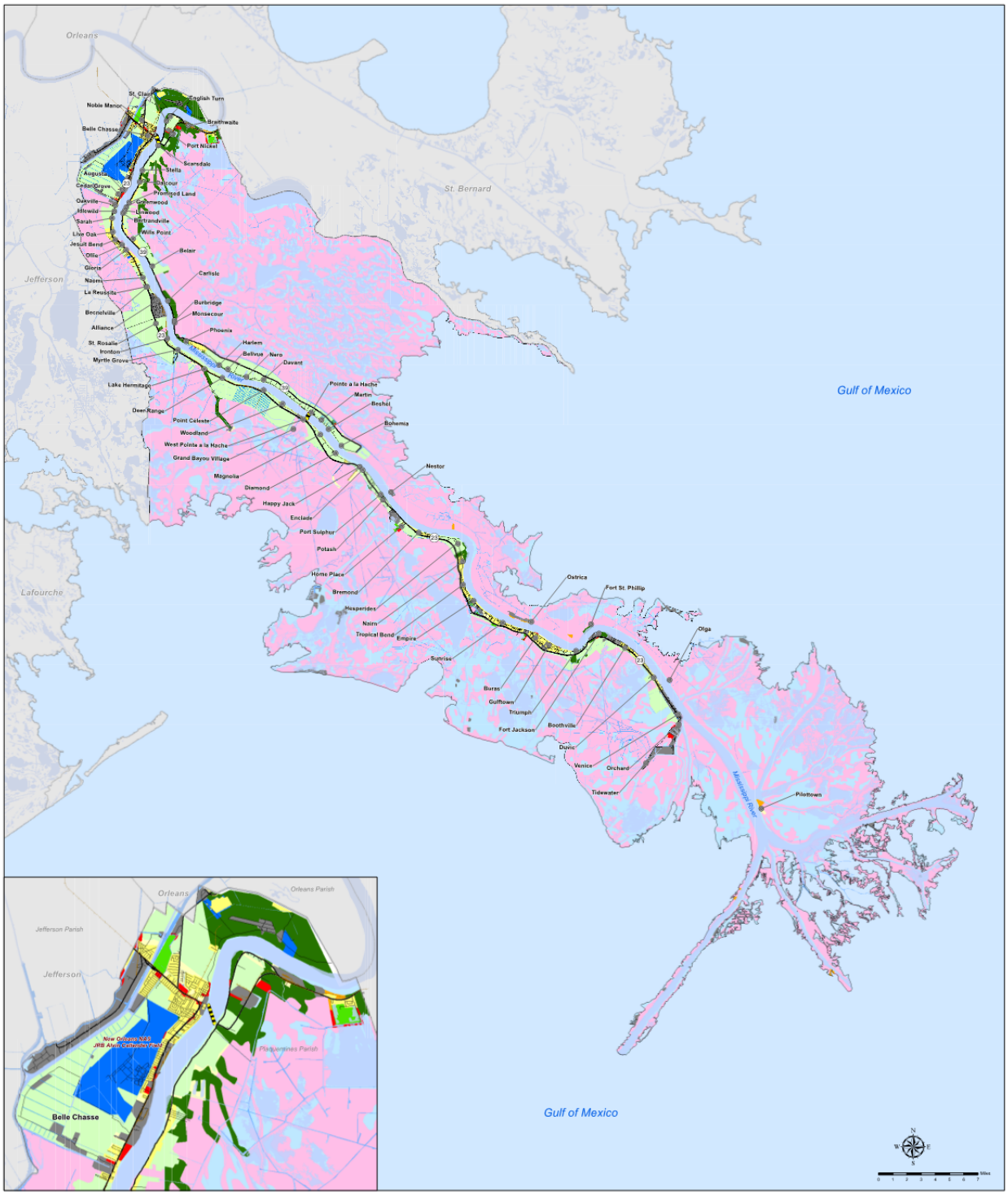
4. **Monitoring during retention structure construction.** It is the responsibility of construction personnel to monitor the area for protected species during dike or levee construction. If protected species are regularly sighted over a 2 or 3 day period within the enclosure area during retention structure assembly, construction personnel must notify the Federal Action Agency. It is the responsibility of the Federal Action Agency

to then coordinate with the National Marine Fisheries Service (NMFS) Marine Mammal Health and Stranding Response team (1-877-WHALE HELP [1-877-942-5343]) or the appropriate State Coordinator for the Sea Turtle Stranding and Salvage Network (see http://www.sefsc.noaa.gov/species/turtles/stranding_coordinators.htm) to determine what further actions may be required. Construction personnel may not attempt to scare, herd, disturb, or harass the protected species to encourage them to leave the area.

5. **Pre-closure final clearance.** Prior to completing any retention structure by closing the escape route, the Federal Action Agency will insure that the area to be enclosed is observed for protected species. Surveys must be conducted by experienced marine observers during daylight hours beginning the day prior to closure and continuing during closure. This is best accomplished by small vessel or aerial surveys with 2-3 experienced marine observers per vehicle (vessel/helicopter) scanning for protected species. Large areas (e.g. >300 acres) will likely require the use of more than one vessel or aerial survey to insure full coverage of the area. These surveys will occur in a Beaufort sea state (BSS) of 3 feet or less, as protected species are difficult to sight in choppy water. Escape routes may not be closed until the final clearance determines the absence of protected species within the enclosure sight.

6. **Post closure sightings.** If protected species become entrapped in an enclosed area, the Federal Action Agency and NMFS must be immediately notified. If observers note entrapped animals are visually disturbed, stressed, or their health is compromised then the Action Agency may require any pumping activity to cease and the breaching of retention structures so that the animals can either leave on their own or be moved under the direction of NMFS.

    a. In coordination with the local stranding networks and other experts, NMFS will conduct an initial assessment to determine the number of animals, their size, age (in the case of dolphins), body condition, behavior, habitat, environmental parameters, prey availability and overall risk.
    b. If the animal(s) is/are not in imminent danger they will need to be monitored by the Stranding Network for any significant changes in the above variables.
    c. Construction personnel may not attempt to scare, herd, disturb, or harass the protected species to encourage them to leave the area. Coordination by the Federal Action Agency with the NMFS SER Stranding Coordinator may result in authorization for these actions.
    d. NMFS may intervene (catch and release and/or rehabilitate) if the protected species are in a situation that is life threatening and evidence suggests the animal is unlikely to survive in its immediate surroundings.
    e. Surveys will be conducted throughout the area at least twice or more in calm surface conditions (BSS 3 feet or less), with experienced marine observers, to determine whether protected species are no longer present in the area.



Comprehensive Master Plan
Plaquemines Parish,
Louisiana

Existing Land Use

Data Sources: LRA, Louisiana Speaks and NORPC

Legend

Land Use

- Communities
- Ferry Crossings
- Railroad
- State Highway
- Local Roads
- Lakes, Ponds, Rivers
- Agricultural
- Civic or Institutional
- Commercial
- Forest
- Industrial
- Multifamily Residential
- Parks or Open Space
- Residential
- Single-Family Residential
- Transport - Communication
- Undeveloped
- Water