



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
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F/SER31:SG  
SERO-2024-03412

Brian E. Bloodworth  
Environmental Compliance Coordinator  
Office for Coastal Management  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
Silver Spring Metro Center, Building 4  
1305 East-West Highway  
Silver Spring, Maryland 20910

Dear Brian Bloodworth,

This letter responds to your request for consultation with us, the National Marine Fisheries Service (NMFS), pursuant to Section 7 of the Endangered Species Act (ESA) for the following action.

Project Name	Applicant / Action Agency	SERO Number	Project Type
NOAA OCM Bald Head Island Nourishment	Village of Bald Head Island / U.S. Army Corps of Engineers	SERO-2019-03111	Shoreline Stabilization; Beach Nourishment

Your request is on behalf of the NOAA Office for Coastal Management (OCM), which is proposing to fund the dredging and placement of approximately 1 million cubic yards of sand material as authorized by the U.S. Army Corps of Engineers (USACE), Wilmington District (SAW-2012-00040).

USACE completed a formal ESA Section 7 programmatic consultation with NMFS on April 20, 2020, for maintenance dredging and material placement activities in the Southeast United States (SERO-2019-03111; 2020 South Atlantic Regional Biological Opinion [2020 SARBO]). The 2020 SARBO analyzed the potential effects of the proposed project and determined that, within the proposed project site (i.e., Jay Shoals Borrow area and Bald Head Island, Brunswick County, North Carolina), the proposed action will not affect designated critical habitat for North Atlantic right whale. The proposed action is not likely to adversely affect hawksbill sea turtle, North Atlantic right whale, or designated critical habitat for loggerhead sea turtle. The proposed action is likely to adversely affect, but is not likely to jeopardize the continued existence of, green sea turtle (North Atlantic Distinct Population Segment [DPS]), Kemp's ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, Atlantic sturgeon (Carolina, South Atlantic, Gulf of Maine, New York Bight, and Chesapeake Bay DPSs), or giant manta ray. USACE reviewed NOAA OCM's proposed funding action and, in an email dated October 5, 2023, determined that it fell within the



scope of the proposed action covered in the 2020 SARBO. NOAA OCM's funding of the proposed action is within the scope of, and does not modify, the action previously consulted on with the USACE. Therefore, we concur that NOAA OCM's funding of the proposed action may affect, but it not likely to adversely affect ESA-listed species or designated critical habitat to an extent or in a manner that has not previously been analyzed in the 2020 SARBO and the Incidental Take Statement included in the 2020 SARBO (available at [https://media.fisheries.noaa.gov/dam-migration/sarbo\\_acoustic\\_revision\\_6-2020-opinion\\_final.pdf](https://media.fisheries.noaa.gov/dam-migration/sarbo_acoustic_revision_6-2020-opinion_final.pdf)) applies to NOAA OCM for this proposed project.

For this project, NOAA OCM has a continuing duty to ensure compliance with the reasonable and prudent measures and terms and conditions included in the Incidental Take Statement. If NOAA OCM (1) fails to assume and implement the terms and conditions or (2) fails to require the terms and conditions of the Incidental Take Statement through enforceable terms that are added to the permit or grant document or other similar document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, NOAA OCM must report the progress of the action and its impact on the species to NMFS as specified in the Incidental Take Statement (50 CFR 402.14(i)(4)).

NMFS's findings on the project's potential effects are based on the project description in the original USACE consultation (enclosed). Any changes to the proposed action may negate the findings of this consultation and may require reinitiation of consultation with NMFS. Consultation must be reinitiated if a take occurs or 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 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 look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions on this consultation, please contact Sarah Garvin, Consultation Biologist, at (727) 342-0249, or by email at [Sarah.Garvin@noaa.gov](mailto:Sarah.Garvin@noaa.gov).

Sincerely,

David Bernhart  
Assistant Regional Administrator  
for Protected Resources

Enclosures:  
SERO-2019-03111 2020 SARBO  
File: 1514-22.f.1