



Stephanie Willis <stephanie.willis@noaa.gov>

Request for EFH consultation for Phase I Early Restoration Projects (DWH)

Jeff Shenot <jeff.shenot@noaa.gov>

Thu, Feb 2, 2012 at 4:39 PM

To: David Dale <David.Dale@noaa.gov>

Cc: Stephanie Willis <stephanie.willis@noaa.gov>, Leslie Craig <Leslie.Craig@noaa.gov>

Greetings David-

As we discussed (via telephone calls in January 2012), on behalf of the natural resource trustees (Trustees) for the DWH oil spill, the NOAA Restoration Center (RC) proposes to conduct "early restoration" in the Gulf of Mexico in coastal areas off Florida, Alabama, Mississippi, and Louisiana. The RC has prepared an essential fish habitat (EFH) assessment for this activity (see attachment), as required under the Magnuson Stevens Act.*

By transmittal of this email and the attached EFH Assessment, RC requests consultation with your Office for EFH, and requests a concurrence with our determination of effect.*

The NOAA Restoration Center has assessed potential impacts to EFH, and determined that the proposed Phase I for Early Restoration would not adversely affect any EFH. We note that the proposed projects are described in more detail in the Trustee's Draft EA, which the attached EFH Assessment incorporates by reference, and which is available on the U.S. Department of the Interior's website at <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/>.

I realize that you may be scheduled for military duty soon, but do not know your schedule. _If feasible, the RC requests that SERO complete a review of this EFH Assessment and provide a response to this consultation by close of business on Feb 15_, due to the expedited nature of the Early Restoration projects. Of course we realize that this may not be feasible, so if you need more time we request that you please call me at your earliest convenience to update us on this.

I have cc'ed our attorney (S. Willis) who is working on clearing and coordinating the legal compliance for Phase I, so please include her in any reply. I also have cc'ed the RC's Regional Supervisor (L. Craig) who you can contact directly, if needed.

Thank you and best regards-
Jeff Shenot

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Jeff Shenot CFP, PWS
Habitat Policy and Strategic Planning Coordinator
Office of Habitat Conservation

NOAA Restoration Center
1315 East West Highway SSMC 3, Room 15829-A
Silver Spring, Maryland 20910
www.restoration.noaa.gov
301-427-8689

2 attachments



EFH Assessment DERP Phase I.docx
27K



Appendix Phase I EFH Assessment.pdf
2560K

Determination of Effect on Essential Fish Habitat from DWH Early Restoration Phase I Projects

I. Background and Proposed Restoration Action

The NOAA Restoration Center (RC) and cooperating state and federal Trustees propose to conduct early restoration in the Gulf of Mexico, to restore marine and coastal resources that were potentially exposed to DWH oil or dispersants or otherwise injured during activities conducted in response to the disaster. The oil release occurred in deep Federal waters but spread to coastal areas and had impacts to marine and coastal resources in ecosystems along the coastal waters of Florida, Alabama, Mississippi, Louisiana and Texas.

Under the Oil Pollution Act of 1990 (OPA), several federal agencies and five states (FL, AL, MS, LA, and TX) have been designated as natural resource trustees (Trustees). The Trustees include NOAA, the Department of the Interior (DOI), and the Department of Defense, represented by the Navy, and agencies in all five States mentioned above. Restoration plans to compensate the public for the injuries and losses will include both early and long term restoration, but will be phased. At this time, planning for Early Restoration projects is underway; eight projects have been specifically proposed for implementation as Phase I of that effort. The Trustees released the Draft Phase I Early Restoration Plan and Environmental Assessment (D-ERP) on December 14, 2011 for a 60-day public comment period. The comment period will end on February 14, 2012.

The NOAA RC is conducting an essential fish habitat (EFH) consultation on federally designated EFH that is administered by the National Marine Fisheries Service's Southeast Region Office of Habitat Conservation.

The Trustees anticipate implementing Phase I projects beginning in 2012 after completing all consultation requirements and receipt of required permits. Phase II and subsequent early restoration phases may be concurrently planned, even as Phase I projects are being finalized and/or implemented, but details associated with other phases are not yet available; separate NEPA assessments and determinations of effect for any federally protected and managed species will be completed for projects proposed in each future phase. To the extent possible and practicable, evaluations of cumulative impacts to federally managed species will be made in this assessment.

Four of the eight proposed Phase I projects will have no effect on EFH since 2 of these projects are located on shore (#s 1 and 4 below), and 2 have been previously evaluated and determined to have no effect on EFH (#s 2 and 3 below):

1. Alabama Dune Restoration Cooperative Project; and
2. Mississippi Oyster Cultch Restoration (MS Sound) Project;
3. Mississippi Artificial Reef Habitat Project;
4. Florida (Pensacola Beach) Dune Restoration Project.

The 2 Mississippi projects already received permits from the U.S. Army Corps of Engineers (USACE) for nationwide permit activities within section 10 navigable waters of the U.S. Copies of the USACE permits are in the Appendix. The USACE's Mobile AL District determined there are no effects to EFH from this type of activity, as long as the projects involve no expansion of the footprint of area to be restored, and that is the case with these projects proposed for Phase I. This

determination of effect on EFH was verified by NOAA RC's staff (J. Shenot) in a phone conversation with USACE's Mobile District staff (S.P. Gibson) on Feb 2, 2012.

Therefore this EFH consultation will cover only the following projects:

1. Louisiana Oyster Cultch Project;
2. Lake Hermitage Marsh Creation Project;
3. Marsh Island (Portersville Bay) Marsh Creation Project; and
4. Florida Boat Ramp Enhancement and Construction Project.

II. Federally Managed Fisheries and EFH

The Restoration Center obtained information on designated EFH in the Gulf of Mexico from the NMFS' EFH web site at <http://www.habitat.noaa.gov/protection/efh/newInv/index.html>, and from text descriptions in Fishery Management Plans also available at that site. For all federally managed fishery management groups listed below, the life history stages are not available for individual species, but designated EFH and spatial data available are available for the entire group.

Shellfish (5 species)

Crabs - Stone Crab

Shrimp - Brown Shrimp, White Shrimp, Pink Shrimp, Royal Red Shrimp

Reef Fish (43 species)

Triggerfish - Gray Triggerfish

Jacks - Greater Amberjack, Lesser Amberjack, Almaco Jack, Banded Rudderfish

Wrasses - Hogfish

Snappers - Queen Snapper, Mutton Snapper, Schoolmaster, Blackfin Snapper, Red Snapper, Cubera Snapper, Gray (mangrove) Snapper, Dog Snapper, Mahogany Snapper, Lane Snapper, Silk Snapper, Yellowtail Snapper, Wenchman, Vermilion Snapper

Tilefish - Goldface Tilefish, Blackline Tilefish, Anchor Tilefish, Blueline Tilefish, Golden Tilefish

Groupers - Dwarf Sand Perch, Sand Perch, Rock Hind, Speckled Hind, Yellowedge Grouper, Red Hind, Goliath Grouper, Red Grouper, Misty Grouper, Warsaw Grouper, Snowy Grouper, Nassau Grouper, Marbled Grouper, Black Grouper, Yellowmouth Grouper, Gag, Scamp, Yellowfin Grouper

Coastal Migratory Pelagic Fish (7 species)

Dolphin, Little Tunny, Bluefish, Cobia, King Mackerel - Gulf, Spanish Mackerel - Gulf, Cero Mackerel

Other (1 species)

Red Drum

Additionally, a total of 21 species of federally managed highly migratory species (HMS) were identified as having designated EFH for one or more life stages within the area of potential affect for the proposed DWH Early Restoration Phase I activities. Not all of the federally managed fishery species have available spatial data.

Sharks (11 species with available spatial data)

Scalloped Hammerhead Shark - Juvenile, Neonate
Spinner Shark - Juvenile, Neonate
Tiger Shark - Juvenile
Finetooth Shark - Adult, Juvenile
Atlantic Sharpnose Shark - Adult, Juvenile, Neonate
Blacknose Shark - Adult, Juvenile, Neonate
Blacktip Shark - Adult, Juvenile, Neonate
Bonnethead Shark - Adult, Juvenile, Neonate
Bull Shark - Adult, Juvenile
Great Hammerhead Shark - All
Nurse Shark - Juvenile

Other species

Blue Marlin - Juvenile

Note - The following HMS shark species (9) have no available spatial data:

Bigeye Sand Tiger Shark
Bigeye Sixgill Shark
Caribbean Sharpnose Shark
Galapagos Shark
Narrowtooth Shark
Sevengill Shark
Sixgill Shark
Smooth Hammerhead Shark
Smalltail Shark

There are no Habitat Areas of Particular Concern (HAPC) identified in the area of proposed Early Restoration Phase I activities.

IV. Assessment of Effects to EFH

This assessment incorporates the descriptions of affected areas and environmental impacts and analysis provided in the “Deepwater Horizon Oil Spill Draft Phase I Early Restoration Plan and Environmental Assessment (RP-EA)”, which is available on the U.S. Department of the Interior’s website at <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/>. For an overall vicinity map, refer to page ES-8 of the RP-EA. The specific maps for this consultation are provided in the Appendix to this EFH Assessment.

The impacts to coastal and marine habitats from the proposed projects are described in the RP-EA, but are summarized below.

Oyster Restoration Project

The Oyster Cultch Restoration Projects proposed in LA state waters would result in short-term disturbances to the water column and benthic environment when the cultch materials are placed in the water, as well as brief disruptions to benthic organism's activities at the placement sites when the project is implemented. The duration is expected to last only a few hours until particles have settled. Change in the turbidity levels may vary locally depending on the clarity of the water column prior to deployment. Although there may be temporary impacts to the existing benthic community as a result of project implementation, the completed project is anticipated to improve oyster production, and would have both direct and indirect net benefits to any of the life history age groups for managed fisheries that use these reefs for foraging or shelter. Many juvenile and adult fish and some other marine organisms are highly mobile, and since the construction activity is going to be very detectable to any fish or wildlife in the vicinity, it is likely that these organisms would be able to avoid the disturbance by swimming to an undisturbed area of similar habitat nearby.

The overall effect of this oyster project will be a net benefit to the benthic communities, and to the habitat services the oyster reefs provide to biological resources dependent on them.

Marsh Creation Projects

For the marsh creation projects in LA (Lake Hermitage) and AL (Marsh Island/Portersville Bay), the creation and enhancement of intertidal marsh would improve important essential fish habitat functions in the projects' vicinity.

The source of sediment materials for creating the LA marsh is the Mississippi River, and mechanical dredging activities in the river would increase turbidity there as bottom sediments are disturbed. The increased turbidity and disturbance from dredging activities could result in some fishery species being displaced, but it is likely those species would relocate to adjacent areas of undisturbed habitat. Based on the November 2011 Final Environmental Assessment prepared for the Lake Hermitage project, the net results to EFH would be a significant benefit to federally managed fisheries. The increase in estuarine emergent wetland would occur in currently open-water areas with deteriorated marsh. The total net gain in marsh acreage expected is 530 acres. Within the project area, coverage by submerged aquatic vegetation is also expected to increase. The improvements to those habitat types would benefit postlarval/juvenile and subadult brown shrimp; postlarval/juvenile and subadult white shrimp; and postlarval/juvenile red drum.

The creation of estuarine emergent wetlands would also result in the loss of mud bottom and estuarine water column in the project area, since the created emergent marsh and SAV would replace those habitat types. Loss of mud bottom EFH could result in minor negative impacts to subadult brown shrimp and postlarval/juvenile, red drum. However, these adverse impacts would be outweighed by improvement of the more productive types of EFH (i.e., estuarine emergent wetlands). There would also be some open-water habitat formed within the marsh platform, as ponds and other waterbodies develop as a result of natural marsh loss processes. Open-water habitats are expected to contain 25 percent coverage of submerged aquatic vegetation compared to only 5 percent coverage under the No Action Alternative. Therefore, implementing the proposed project would result in a net positive benefit to all managed species that occur in the project area.

The AL marsh project involves creation of salt marsh along Marsh Island, a state-owned island in the Portersville Bay area of the Mississippi Sound. It would add approximately 50 acres of salt marsh to the existing 24 acres of Marsh Island, through the construction of a permeable segmented breakwater, the placement of sediments and the planting of native marsh vegetation. Additionally, this project would

protect the existing salt marshes of Marsh Island, which have been experiencing significant losses due to chronic erosion. Only conceptual information on construction and design is available now, and this project may be subject to further analysis of essential fish habitat once specific details are available. A general project footprint and conceptual plan was used as the basis to evaluate a range of impacts. The site characteristics are only approximate, but can hopefully be used to begin an EFH consultation process. It is intended that during the EFH consultation process conservation recommendations and best management practices will be agreed to and can be incorporated into the final designs to be submitted for permitting. Potential impacts to EFH (i.e., temporary turbidity and disturbances in the water column and benthic environment during construction) and benefits to managed fisheries would be comparable to the impacts and benefits for the LA marsh creation project, except the net result of the AL project will be creating tidal salt marsh in AL compared with tidal freshwater marsh in LA.

For both marsh creation projects, many fish and some other organisms present are highly mobile, and since the construction activity is going to be very detectable to most fish or wildlife in the vicinity, it is likely that these organisms would be able to avoid the disturbance by swimming to an undisturbed area of similar habitat nearby.

Boat Ramp Project

This proposed NRDA early restoration project would provide early restoration for lost human use services of natural resources injured as a result of the Deepwater Horizon oil spill. This project is proposed to help enhance the quality of access and boat-based recreational activities in Florida, and includes constructing 2 new boat ramps, and enhancements to 2 existing facilities.

The Navy Point boat ramp is an existing ramp in Pensacola Bay, in a developed, residential area. The Galvez Landing boat ramp is an existing ramp in Perdido Bay, in a residential area. The Mahogany Mill boat ramp, in Pensacola Bay, is proposed to be built in a commercial and industrial area. The Perdido River boat ramp is proposed to be built in a less developed area than the other three. There are no parks or wildlife refuges near the project sites.

Both the Navy Point and Galvez Landing enhancements include upgrading deteriorated old dock structures with new docks, which will result in moderate but temporary disturbance to the immediate benthic areas and water column at the proposed sites. Sediments at all four proposed locations are primarily sand bottom.

These areas already have boat traffic that creates noise, and the disturbance to fisheries is anticipated to be minor since most of these species in the vicinity are highly mobile and able to avoid the disturbance by moving to nearby undisturbed areas.

During construction, best management practices and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize the temporary water quality and sedimentation impacts. After construction, increased boat traffic on the river could result in minor but minimal additional impacts to existing surface water quality. Boat wakes created by additional boat traffic should be controlled through no-wake or speed zones to mitigate shoreline erosion on the river.

Overall, the potential impacts to coastal, marine, estuarine and riverine biological resources due to increased human activity are expected to be minimal, and implementation of the proposed project is not expected to result in any substantial impacts to water quality.

V. Conclusion

The NOAA Restoration Center has assessed potential impacts to EFH, and determined that the proposed DWH Early Restoration Phase I activities would not adversely affect any EFH. The proposed Phase I restoration will enhance natural resource services, and will restore or enhance various types of EFH in numerous areas of the Gulf. Any disturbance to finfish and shellfish using these habitats during construction will be insignificant and very brief. Additionally, the RC notes that future activities from subsequent phases of Early Restoration, and/or long-term restoration actions being considered in the planned PEIS will also require consideration of potential effects to EFH, and will be evaluated as soon as further details become available.

Appendix

Draft Phase I Early Restoration Plan



December 2011

LOUISIANA OYSTER CULTCH PROJECT

GENERAL PROJECT DESCRIPTION

The Louisiana Oyster Cultch Project involves (1) the placement of oyster cultch onto approximately 850 acres of public oyster seed grounds throughout coastal Louisiana and (2) construction of an oyster hatchery facility that would produce supplemental larvae and seed.

The Louisiana Department of Wildlife and Fisheries (LDWF) would contract for the placement of cultch material onto approximately 850 acres of public oyster seed grounds throughout coastal Louisiana, including 3-Mile Bay, Drum Bay, Lake Fortuna, South Black Bay, Hackberry Bay and Sister Lake. Cultch material consists of limestone rock, crushed concrete, oyster shell and other similar material that, when placed in oyster spawning areas, provides a substrate on which free swimming oyster larvae can attach and grow into oysters. The Louisiana Oyster Cultch Project would employ cultch planting approaches utilized by LDWF since 1917.

The second portion of the Project involves constructing hatchery improvements to help facilitate and expedite success of the cultch placement. In order to provide a supplemental source of oyster larvae and oyster seed, LDWF, in partnership with Louisiana Sea Grant, would contract to construct a new building adjacent to the existing Sea Grant oyster hatchery located at the LDWF facility on Grand Isle, Louisiana.

Hatchery operations would include broodstock maintenance, algal cultivation, larvae production, and a nursery system. Larvae produced at the hatchery can be released into the water directly over cultch material or be remotely set on oyster cultch to create oyster seed. When remotely set oysters reach approximately 1 inch in length they would be moved from the hatchery to a suitable growout area (i.e. public seed grounds). The facility is designed to produce 1 billion eyed larvae per season.

RESOURCE BENEFITS AND RELATIONSHIP TO INJURY

The goal of the Louisiana Oyster Cultch Project is to produce seed-sized and sack-sized oysters on public oyster seed grounds. Oysters were exposed to oil and dispersant, as well as response activities undertaken to prevent, minimize, or remediate oiling from the Deepwater Horizon oil spill.

METHODS AND RESULTS OF OFFSETS ESTIMATION

For the purposes of negotiations of Offsets with BP in accordance with the Early Restoration Framework Agreement, the Trustees used Resource Equivalency Analysis to estimate Offsets for the Louisiana Oyster Cultch Project, resulting in expected production of oysters on cultch material over time. Offsets reflect estimated kilograms of oysters produced, and would be applied against oyster injuries in coastal Louisiana injured by the Oil Spill as determined by the Trustees' total assessment of injury. The Trustees considered a number of factors in estimating oyster production, including, but not limited to, typical oyster production in the proposed project area, estimated project life span and size of the project. Total estimated Offsets for the Louisiana Oyster Cultch Project are 4,000,000 discounted kilogram-years of oyster secondary production.

ESTIMATED COST

The estimated cost to implement the Louisiana Oyster Cultch Project is \$14,874,300.

FOR MORE INFORMATION CONTACT:

Jenny Kurz, Louisiana NRDA Public Information Officer, jenny.kurz@la.gov

Draft Phase I Early Restoration Plan



December 2011



Louisiana oyster clutch planting locations.

Draft Phase I Early Restoration Plan



December 2011

LAKE HERMITAGE MARSH CREATION – NRDA EARLY RESTORATION PROJECT

GENERAL PROJECT DESCRIPTION

The Lake Hermitage Marsh Creation – NRDA Early Restoration Project involves the creation of marsh within a project footprint known as the "Lake Hermitage Marsh Creation Project" developed for and funded through the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) Program. This proposal substitutes approximately 104 acres of created brackish marsh for approximately 5-6 acres of earthen terraces that would otherwise have been constructed within the CWPPRA project boundary.

The Lake Hermitage Marsh Creation Project is located within the Barataria Hydrologic Basin in Plaquemines Parish, Louisiana, to the west of the community of Pointe a la Hache, and northwest of the community of Magnolia. This basin was identified as a priority area for coastal restoration, and has been the focus of extensive study and project design and implementation.

The primary goals of the Lake Hermitage Marsh Creation base CWPPRA Project are (1) to restore the eastern Lake Hermitage shoreline to reduce erosion and prevent breaching into the interior marsh and (2) to re-create marsh in the open water areas south and southeast of Lake Hermitage.

Marsh areas would be constructed entirely within the base project's terrace boundary. Sediment would be hydraulically dredged from a borrow area in the Mississippi River, and pumped via pipeline to create new marsh in the project area. Over time, natural dewatering and compaction of dredged sediments should result in elevations within the intertidal range which would be conducive to the establishment of emergent marsh. The 104-acre fill area would be planted with native marsh vegetation to accelerate benefits to be realized from this project.

RESOURCE BENEFITS AND RELATIONSHIP TO INJURY

The Lake Hermitage Marsh Creation – NRDA Early Restoration Project would create new brackish marsh. The ecological services gained by this project are anticipated to help compensate for brackish marsh injuries or losses due to the spill. The created marsh would be constructed in the Barataria Hydrologic Basin, which was heavily impacted by the spill.

METHODS AND RESULTS OF OFFSETS ESTIMATION

For the purposes of negotiations of Offsets with BP in accordance with the Framework Agreement, the Trustees used Habitat Equivalency Analysis to estimate Offsets provided by the Lake Hermitage Marsh Creation – NRDA Early Restoration Project. Offsets reflect units of discounted service acre years (DSAYs) of emergent brackish salt marsh, and would be applied against emergent brackish salt marsh habitat injured by the Oil Spill in the Barataria Hydrologic Basin as determined by the Trustees' total assessment of injury. In estimating DSAYs, the Trustees considered a number of factors, including, but not limited to, the time period that it would take for created marsh to provide different levels of ecological benefits, the time period over which the project would continue to provide benefits, and the ecological benefits of created marsh relative to existing marsh habitats that were not affected by the oil spill.

Total estimated Offsets for the Lake Hermitage Marsh Creation – NRDA Early Restoration Project are 518 DSAYs. In addition, the Trustees determined that approximately 25% of the Offsets (134 DSAYs) would be associated with highly productive marsh edge habitat, which is habitat along the land/water interface.

ESTIMATED COST

The estimated cost to implement the Lake Hermitage Marsh Creation – NRDA Early Restoration Project is \$13,200,000.

Draft Phase I Early Restoration Plan



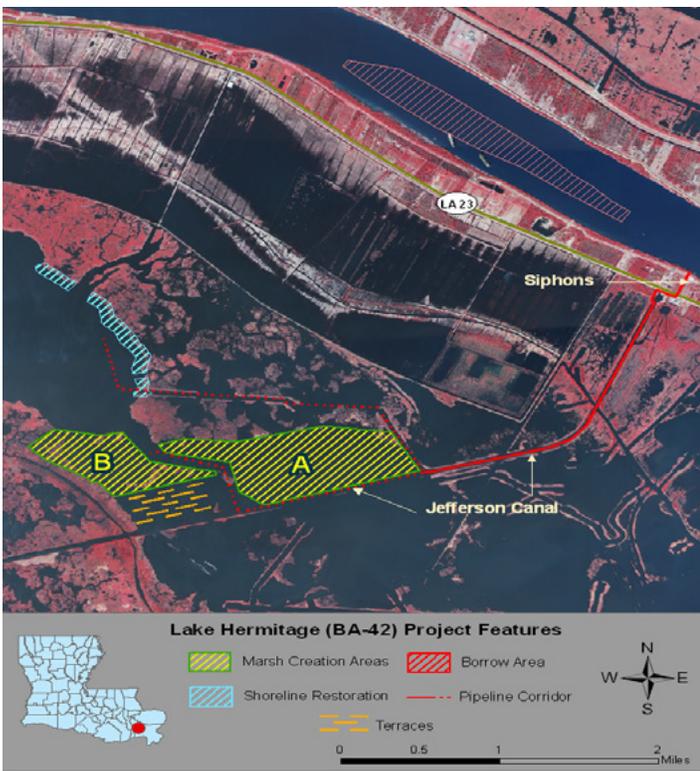
December 2011

FOR MORE INFORMATION CONTACT:

Jenny Kurz
Louisiana NRDA Public Information Officer
jenny.kurz@la.gov



Lake Hermitage Marsh Creation
NRDA Early Restoration Increment



Lake Hermitage Marsh Creation
CWPPRA Project

Draft Phase I Early Restoration Plan



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MARSH ISLAND (PORTERSVILLE BAY) RESTORATION PROJECT

GENERAL PROJECT DESCRIPTION

The Marsh Island (Portersville Bay) Restoration Project involves the creation of salt marsh along Marsh Island, a state-owned island in the Portersville Bay portion of Mississippi Sound, Alabama. This project would restore approximately 50 acres of salt marsh through the placement of a permeable segmented breakwater, the placement of sediments and the planting of native marsh vegetation. Additionally, the breakwater will provide protection for the existing 24 acres of Marsh Island, which has been experiencing shoreline loss at the rate of 5-10' per year.

RESOURCE BENEFITS AND RELATIONSHIP TO INJURY

The goal of the Marsh Island (Portersville Bay) Restoration Project is to create a structurally robust, emergent salt marsh designed to provide maximum salt marsh ecological benefits as soon as practicable. The restored marsh will provide compensation for salt marsh habitat services lost in Alabama due to the Oil Spill. Marshes in Mississippi Sound were oiled by the spill although the oil did not come ashore on Marsh Island itself.

METHODS AND RESULTS OF OFFSETS ESTIMATION

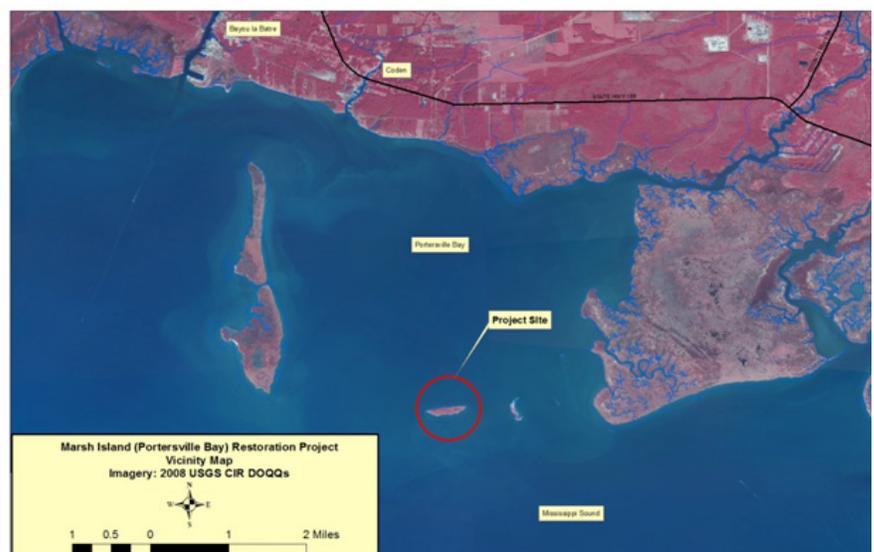
For the purposes of negotiations of Offsets with BP in accordance with the Framework Agreement, the Trustees used Habitat Equivalency Analysis to estimate Offsets provided by the Marsh Island Project. Offsets reflect units of discounted service acre years (DSAYs) of salt marsh, and would be applied against salt marsh habitat along the coast of Alabama injured by the Oil Spill as determined by the Trustees' total assessment of injury. In estimating DSAYs, the Trustees considered a number of factors, including, but not limited to, anticipated protection of Marsh Island's existing acres of marsh provided by the project, new marsh created by the project, the time period that it would take for created marsh to provide different levels of ecological benefits, the time period over which the project would continue to provide benefits, and the ecological benefits of created marsh relative to existing marsh habitats that were not affected by the oil spill. Total estimated Offsets for the Marsh Island Project are 540 DSAYs.

ESTIMATED COST:

Construction of the Marsh Island Project would cost approximately \$9,400,000.00.

FOR MORE INFORMATION, CONTACT:

Alabama Department of Conservation and Natural Resources
Attn: Will Brantley: (334)242-3484 or will.brantley@dcnr.alabama.gov

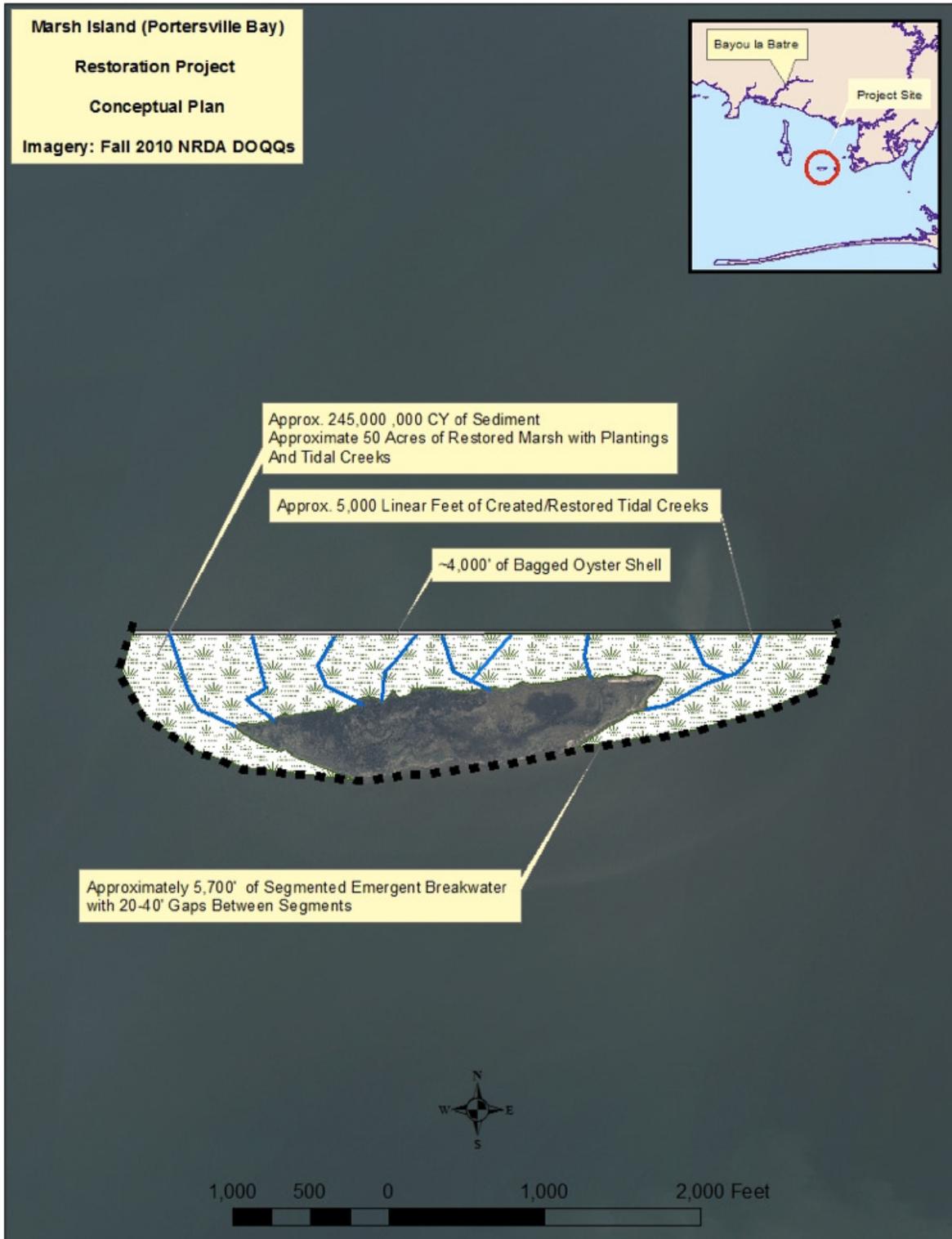


Marsh Island (Portersville Bay) Restoration Project, Portersville Bay, Alabama

Draft Phase I Early Restoration Plan



December 2011



Draft Phase I Early Restoration Plan



December 2011

FLORIDA BOAT RAMP ENHANCEMENT AND CONSTRUCTION PROJECT

GENERAL PROJECT DESCRIPTION

This early restoration project would entail repairing an existing boat ramp in Pensacola Bay (Navy Point Park Public Boat Ramp N30-22.8'/W087-16.9') and constructing a new boat ramp facility in Pensacola Bay (Mahogany Mill Public Boat Ramp N30-23.9'/W087-14.9'). The project also would include repairing and modifying an existing boat ramp in Perdido Bay (Galvez Landing Public Boat Ramp N30-18.8'/W087-26.5') and constructing a new boat ramp facility in Perdido Bay (Perdido Public Boat Ramp N30-1.4'/W087-26.7'). Finally, visitor information kiosks would be installed to provide environmental education to boaters regarding water quality and sustainable practices for utilization of marine, estuarine and coastal resources in Florida.

RESOURCE BENEFITS AND RELATIONSHIP TO INJURY

The project will provide boaters enhanced access to public waterways within Pensacola Bay, Perdido Bay and offshore areas. This project will help address the reduced quality and quantity of recreational activities (e.g., boating and fishing) in Florida attributable to the *Deepwater Horizon* Oil Spill and response activities.

METHODS AND RESULTS OF OFFSETS ESTIMATION

For the purposes of negotiations of Offsets with BP in accordance with the Framework Agreement, the Trustees used monetized estimates of project benefits to estimate Offsets for the Florida Public Boat Ramp Enhancement and Construction Project, resulting in a monetary value expressed in present value year 2011 dollars. The Trustees considered a number of factors in estimating present value year 2011 dollars, including, but not limited to, initial annual value based on the economic model described in the Florida Boating Access Facility Inventory and Economic Study (Florida Fish and Wildlife Conservation Commission, 2009), estimated changes in value over time and expected partial funding from other sources. Total estimated Offsets for the Florida Public Boat Ramp Enhancement and Construction Project is \$10,153,642.

ESTIMATED COST

The estimated cost for this project is approximately \$4,406,309. This cost does not include matching funds provided by local government.

Draft Phase I Early Restoration Plan



December 2011



Proposed Florida Public Boat Ramp Construction and Enhancement locations.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

April 11, 2011

090383
2/09
Mississippi Dept of Marine Resources
PERMITTING

MAY 07 2011

RECEIVED

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit Number SAM-2007-00316-MFM,
Mississippi Department of Marine Resources

Mississippi Department
of Marine Resources
Attention: Mr. Bradley Randall
1141 Bayview Avenue
Biloxi, Mississippi 39530

Dear Mr. Randall:

Reference is made to your request to rehabilitate approximately 3,011 acres of oyster reefs damaged by Hurricane Katrina by seeding new cultch material to affected reefs within Mississippi Sound, south of St. Louis Bay. The project sites are generally variable in location but have been identified on the four enclosed site maps. These maps show the exact locations and identification name of the planting sites, as follows: KS07-01S, 02L, 03L, 04L, 05L; KF08-02S, -03S, -04L, -05L, -06L, -07S, -08L; KS09-L1, -L2, -L3, -L4; L-12, L-24, L-41, L-81, L-82, L-84 and L-91. It has been assigned the file number SAM-2007-00316-MFM, which should be referred to in all future correspondence with this office concerning this project.

Department of the Army permit authorization is necessary because your project would involve work within waters of the United States under our regulatory jurisdiction. Specifically, the activity would consist of the discharge of approximately 42,000 cubic yards of cultch and limestone material onto existing oyster reefs within Mississippi Sound for the purpose of reef rehabilitation.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan, is authorized by Nationwide Permit (NWP) 48, *Existing Commercial Shellfish Aquaculture Activities*. This letter verifies the proposed activity is authorized by NWP 48 in accordance with 33 CFR Part 330 of our regulations. This NWP and its associated General Conditions can be viewed at our website at: www.sam.usace.army.mil/rd/reg.

You must comply with all of the Regional and General Conditions and the below listed project special conditions:

a. The permittee shall comply with all the terms and conditions of the Mississippi Department of Environmental Quality's Section 401 Water Quality Certification for the 2007 Nationwide Program. A copy of this document can be referenced on the website listed above for your review and compliance.

b. The permittee shall comply with all the terms and conditions of the Mississippi Department of Marine Resources' Coastal Consistency Management Program for the 2007 Nationwide Program. A

DMR

copy of this document can be referenced on the website listed above for your review and compliance.

c. No activity may cause more than a minimal adverse effect on navigation. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers(Corps), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

d. The permittee shall implement best management practices to minimize elevated turbidity levels within waters of the United States during removal activities.

e. The permittee will contact the community's designated responsible officials to obtain necessary permits and to ensure all floodplain ordinances and safety precautions in effect are met for the project area.

f. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts.

g. This NWP does not authorize the expansion of the project area for the commercial shellfish aquaculture activity

h. This NWP does not authorize the cultivation of new species.

i. During construction should artifacts or archaeological features be encountered during project activities, work shall immediately cease and the Mississippi Historical Commission and Mobile District shall be consulted immediately.

This verification is valid until the NWP is modified, reissued or revoked. All of the existing NWP will expire **March 18, 2012**. If you commence or are under contract to commence this activity before the date the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP permit.

The statements contained herein do not convey any property rights or any exclusive privileges and does not authorize any injury to property or obviate the requirements to obtain other local, State and Federal assent required by law. Nothing in this letter shall be constructed as excusing you from compliance with other Federal, State or local statues, ordinances or regulations which may affect this work.

Enclosed with this verification, is an approved jurisdictional determination (JD). If you are not in agreement with the approved JD, you can make an administrative appeal under 33 CFR Part 331. Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and

Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part D and submit the completed RFA form to the letterhead address.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the letterhead address by within 60 days of the date of this letter. It is not necessary to submit an RFA form to the District office, if you do not object to the determination enclosed with this letter.

Please note, NWP General Condition 26 (*Compliance Certification*) requires that every permittee who has received NWP verification must submit a signed certification regarding the commencement and completed work and any required mitigation. Enclosures 1 and 2 are the forms you must complete and return to us to satisfy this requirement. **The permittee shall notify the Corps, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001, upon commencement and completion of work authorized by this permit. Such notification must be provided within 5 days of initiation and completion of authorized work.**

Please contact me at (251) 694-3772 if you have any questions. For additional information about our Regulatory Program, visit our web site at: www.sam.usace.army.mil/rd/reg and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

Sincerely,

Sandy P. Gibson
Regulatory Specialist
Coastal Branch
Regulatory Division

Enclosures

When the structures or work authorized by this NWP (**SAM-2007-00316-SPG**), are still in existence at the time the property is transferred, the terms and conditions of this NWP, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this NWP and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEEE)

(DATE)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

November 30, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit Number SAM-2011-01777-SPG,
Mississippi Department of Marine Resources

Mississippi Department
of Marine Resources
Attention: Mr. Kerwin Cuevas
1141 Bayview Avenue
Biloxi, Mississippi 39530

Dear Mr. Cuevas:

This letter is in response to your November 21, 2011 request, for a Department of the Army (DA) verification to place cultch material onto existing oyster reefs for the purpose of enhancement and oyster reseeding. The project has been assigned number SAM-2011-01777-SPG, which should be referred to in all future correspondence with this office. The project includes 67 inshore reefs, located within the Mississippi Sound, Jackson, Harrison and Hancock Counties, Mississippi. Specific GPS coordinates of the 67 reef locations are included in Enclosure 1 of this permit.

DA permit authorization is necessary because your project would involve work in waters of the United States under our regulatory jurisdiction.

Based upon the information and plans you provided, we hereby verify that the work described above, which shall be performed in accordance with the enclosed plan, is authorized by Nationwide Permit (NWP) 4, *Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities*. This letter verifies the proposed activity is authorized by NWP 4 in accordance with 33 CFR Part 330 of our regulations. This NWP and its associated General Conditions can be viewed at our website at: www.sam.usace.army.mil/rd/reg.

The following Regional Conditions apply to your project. You must comply with all terms and conditions associated with NWP 4, as well as with the special conditions listed below:

a. You shall comply with all the terms and conditions of the Mississippi Department of Environmental Quality's Section 401 Water Quality Certification for the NWP which can be viewed on our website at: www.sam.usace.army.mil/rd/reg/nwp.htm for your review and compliance or at your request a paper copy will be provided to you.

b. The permittee shall comply with all terms and conditions of the Mississippi Department of Marine Resources' Coastal Consistency Management under the 2007 Nationwide Program. A copy of this document can be referenced on the website listed above for your review and compliance.

c. Best management practices shall be implemented to adequately protect disturbed wetlands and stream banks, minimizing erosion, sedimentation, turbidity and damage to adjacent waters of the United States. Appropriate erosion and sediment control measures must be installed and maintained in effective operating condition during construction and shall remain in place until permanent stabilization measures have been completed and have become fully effective.

d. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers, Mobile District (Corps), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

e. All structures must be properly designated by appropriate signage and not constitute a navigation hazard.

f. Should any indications of threatened or endangered species be encountered during the project activities, work shall cease and the U.S. Fish and Wildlife Service and the Corps office shall be consulted immediately.

g. Should artifacts or archaeological features be encountered during project activities, work shall cease and the Mississippi State Historical Preservation Officer and the Corps shall be consulted immediately.

h. No material should be discharge outside of the existing footprint or previously authorized reef dimensions.

i. All persons/contractors involved in this permitted activity shall be provided copies of this permit as well as copies of the Regional and General Conditions of NWP 4. A copy of these documents shall remain on-site at all times during construction.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWP will expire **March 18, 2012**. If you commence or are under contract to commence this activity before the date the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP permit. The statements contained herein do not convey any property rights, or any exclusive privileges and does not authorize any injury to property or obviate the requirements to obtain other local, State or Federal assent required by law. Nothing in this letter shall be construed as excusing you from compliance with other Federal, State or local statutes, ordinances or regulations which may affect this work.

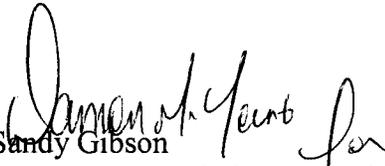
Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part D and submit the completed RFA form to the letterhead address.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria under 33 CFR Part 331.5, and that it has been received by the District office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the letterhead address by within 60 days of the date of this letter. It is not necessary to submit an RFA form to the District office, if you do not object to the determination enclosed with this letter.

Please note, NWP General Condition 26 (Compliance Certification) requires that every permittee who has received NWP verification must submit a signed compliance certification. The enclosed Compliance Certification form must be completed and returned to the letterhead address within five days of completion of the work authorized, to satisfy this requirement.

Please contact me at (251) 694-3772, or by e-mail at sandy.p.gibson@usace.army.mil if you have any questions. For additional information about our Regulatory Program, visit our web site at: www.sam.usace.army.mil/rd/reg. Please take a moment to complete the enclosed customer satisfaction survey. Your responses are appreciated and will allow us to improve our services.

Sincerely,


Sandy Gibson
Regulatory Specialist, Coastal Branch
Regulatory Division

Enclosures

When the structures or work authorized by this nationwide permit (SAM-2011-01777-SPG), are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

JIM
Gibson/3772/nj

Young
6 Dec 11

File: