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

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F/SER3:DMB

MEMORANDUM FOR: John Iliff
Southeast Team Leader, Damage Assessment and Restoration Program

FROM: Roy E. Crabtree, Ph.D. *RC*
Regional Administrator *WHS*

SUBJECT: Endangered Species Act Section 7 Review of the Louisiana Regional Restoration Planning Program/ Draft Programmatic Environmental Impact Statement (DPEIS)

This memorandum is in response to your June 19, 2003, letter to the Protected Resources Division, requesting comments and Endangered Species Act (ESA) section 7 consultation on the statewide comprehensive Louisiana Regional Restoration Planning Program (RRP Program). We have reviewed your letter and the DPEIS on the RRP Program. The Protected Resources Division has sent technical comments on the DPEIS to Mr. John Rapp directly. This constitutes our response to your request for section 7 consultation.

The preferred alternative identified in the DPEIS specifies the structure of the RRP program, the decision-making process, and the criteria for selecting restoration project(s) to restore natural resources damaged by oil spills. The intent of the preferred alternative is to improve the effectiveness and transparency of the RRP Program.

The establishment of the program structure, processes, and project selection criteria does not grant approval for the implementation of any particular project at any specific site. The procedures in the DPEIS specify that project proposals that may adversely affect listed species will be modified to avoid impacts and that project proposals will also usually be subject to permitting by the Army Corps of Engineers (COE) and that the COE will consult with the National Marine Fisheries Service to receive concurrence that permitted projects are not likely to adversely affect listed species. We advise that, because there are multiple Federal connections to any individual restoration project (i.e., approving, funding, permitting), the RRP partners explicitly assign a lead agency for consultation responsibilities on every project. In addition, we note that the overall goal of the restoration projects arising from the RRP Program is the restoration of environmental function and use, an outcome that is expected to benefit listed species that use Louisiana habitats.

We believe that the above considerations are sufficient to ensure that establishment of the RRP Program is not likely to adversely affect endangered or threatened species or designated critical



habitat under National Marine Fisheries Service purview. This concludes consultation responsibilities under section 7 of the ESA. A new consultation should be initiated if there is a take, new information reveals impacts of the identified activity that may affect listed species or their critical habitat, a new species is listed, the identified activity is subsequently modified or critical habitat designated that may be affected by the identified activity. If you have any questions, please contact David Bernhart, endangered species team leader, at the number above or via e-mail at david.bernhart@noaa.gov.

cc: F/PR3

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