



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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In Reply Refer To:
2023-I-0016844

November 18, 2022

Ms. Arie Kaller
Regional Supervisor for Environment, BOEM
Gulf of Mexico Regional Office
1201 Elmwood Park Blvd.
New Orleans, Louisiana 70123-2394

Dear Ms. Kaller:

This responds to your September 27, 2022, letter received by the U.S. Fish and Wildlife Service (Service) requesting concurrence on a determination of the effects of wind energy leasing initial exploratory studies on federally listed threatened and endangered species, as well as critical habitat. Issuances of leases and grants would allow the lessees only the right to submit plans for Bureau of Ocean Energy Management's (BOEM) consideration and approval, and do not constitute an irreversible and ir retrievable commitment of resources. The consultation is therefore limited to the potential impacts related to the site characterization and site assessment activities. This consultation does not waive the necessity of Service review of the final placement, design, and impacts of the individual proposed projects submitted to the BOEM.

The proposed project includes the State waters of Texas, Louisiana, Mississippi, and Alabama, and extends to the limit of Federal influence. However, based on the current (2022) delineation of proposed leases, impacts are reasonably expected to occur along the coast of Louisiana and Texas in Federally controlled waters. Studies may also include aspects such as the exploration of possible transitions onto land of export cable corridors. Therefore, all coastal counties in Texas are included. Similarly in Louisiana, the reasonably certain study areas extend from Cameron Parish to Lafourche Parish. Studies are not expected to occur in Mississippi, Alabama, or the Western side of Florida.

Consultation with the Division of Migratory Birds for this project will be held separately. Please refer to consultation number 2022-0081998 for further information about this aspect of the consultation.

BOEM has determined that West Indian manatee (*Trichechus manatus*) and whooping crane (*Grus americana*) have the potential to occur in the project area due to the presence of suitable habitat within or near the project area. They have therefore determined that the action described may affect, but is not likely to adversely affect these species. BOEM has proposed the following conservation, avoidance, and minimization measures to prevent or minimize potential adverse effects to the extent practicable.

The following measures are proposed to prevent or minimize potential adverse effects to threatened and endangered species to the extent practicable.

Manatees

- BOEM will instruct lessees to adhere to the Service's Standard Conditions for Vessel Operations and Asset Deployment in Manatee Habitat During Emergency Response Activities.
- BOEM would require lessees to follow a protocol that distances all bottom disturbing activities at least 1,000 feet from any National Marine Sanctuary boundary and 500 feet from any other sensitive benthic features including submerged aquatic vegetation, or any other hard bottom benthic feature(s).
- Service contact for Texas is Dayma Wasmund at (361) 225-7318 or via email, dayma_wasmund@fws.gov. Any collision with and/or injury to a manatee should be reported immediately to the Texas Marine Mammal Stranding Network at 1-800-962-6625. Service contact for Louisiana is Amy Trahan at (337) 291-3126 or via email, amy_trahan@fws.gov.

Whooping Cranes

- No modification of habitat will occur
- No noise disturbance will occur in the vicinity of a whooping crane. (No distance was specified in the request for concurrence. For the purposes of the Service, within 1,000 feet is considered to be "within the vicinity".)

The Service agrees that, with the implementation of the conservation, avoidance and minimization measures noted above, the likelihood of an impact occurring to West Indian manatees and/or whooping cranes is insignificant and discountable. The Service, therefore, concurs with the determination that the project may affect, but is not likely to adversely affect these two species.

BOEM has made a "no effect" determination for the following species due to lack of habitat: piping plover (*Charadrius melodus*), eastern black rail (*Laterallus jamaicensis jamaicensis*), northern aplomado falcon (*Falco femoralis*), red knot (*Calidris canutus rufa*), Kemp's ridley sea turtle (*Lepidochelys kempii*), green sea turtle (*Chelonia mydas*), hawk's bill (*Eretmochelys imbricate*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), gulf coast jaguarundi (*Yagouaroundi cacomitli*), ocelot (*Leopardus pardalis*), Attwater's greater prairie-chicken (*Tympanuchus cupido*), black-capped petrel (*Pterodroma hasitata*), red-cockaded woodpecker (*Picoides borealis*), alligator snapping turtle (*Macrochelys temminckii*), gulf sturgeon (*Acipenser oxyrinchus desotoi*), pallid sturgeon (*Scaphirhynchus albus*), false spike (*Fusconaia mitchelli*), guadalupe orb (*Cyclonaias necki*), monarch butterfly (*Danaus plexippus*), texas fawnsfoot (*Truncilla macrodon*), texas pimpleback (*Cyclonaias petrina*), Black Lace Cactus (*Echinocereus reichenbachii* var. *albertii*), Slender Rush-pea (*Hoffmannseggia tenella*), South Texas Ambrosia (*Ambrosia cheiranthifolia*), Texas Ayenia (*Ayenia limitaris*), Texas Prairie Dawn-flower (*Hymenoxys texana*), and Texas Trailing Phlox (*Phlox nivalis* ssp. *tesensis*). The Service does not provide concurrences with no effect determinations, but by making a determination, we believe BOEM has complied with section 7(a)(2) of the Act for those species.

Should project plans change, or if additional information on the distribution of listed or proposed

species becomes available, this determination can be reconsidered. If you have any questions or need further assistance, please contact Mary Sandra Lee at Mary_Lee@fws.gov, or by phone at 361-225-7316.

Sincerely,

Charles Ardizzone
Field Supervisor
Texas Coastal Ecological Services Office

Sincerely,

Brigette Firmin
Acting Field Supervisor
Louisiana Ecological Services Office