

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

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Date: 11/02/11

PROJECT NAME (Grant Title/Number): Alabama Dune Restoration Cooperative Early Restoration Project

I. Region: 4

II. Service Program:

Ecological Services

Federal Aid

Clean Vessel Act

Coastal Wetlands

Endangered Species Section 6

Partners for Fish and Wildlife

Sport Fish Restoration

Wildlife Restoration

Fisheries

Refuges/Wildlife

III. Pertinent Species and Habitat:

A. Complete the following table for listed, proposed, and/or candidate species and/or critical habitat:

| SPECIES/CRITICAL HABITAT | STATUS ¹ |
|---|---------------------|
| Alabama beach mouse and associated critical habitat | E, CH |
| Loggerhead sea turtle | T |
| Kemps's Ridley sea turtle | E |
| Piping plover and associated critical habitat | E, CH |
| Snowy plover | State Listed |

¹STATUS: E=endangered, T=threatened, PE=proposed endangered, PT=proposed threatened, CH=critical habitat, PCH=proposed critical habitat, C=candidate species

IV. Geographic area or station name and action:

South of the primary dune from Fort Morgan, Alabama through Orange Beach, Alabama.

Action: Restoration.

V. Location (attach map):

A. Ecoregion Number and Name:

Area II /Gulf Coast Ecosystem 29.

B. County and State:

Baldwin, AL.

C. Section, township, and range (or latitude and longitude):
See attached map.

D. Distance (miles) and direction to nearest town:
0 miles.

VI. Description of Proposed Action (attach additional pages as needed):

The goal of this project is to provide early restoration for some of the natural resources that have been injured as a result of the Deepwater Horizon oil spill, including response efforts. The project will help restore an area of the beach where oiling and the extensive use of all-terrain vehicles and heavy equipment during the response has inhibited plant growth and prevented the natural seaward expansion of the dunes since May 2010.

The City of Gulf Shores, City of Orange Beach, Gulf State Park, Bon Secour National Wildlife Refuge, and the Bureau of Land Management form the largest group of coastal land owners along the Alabama Gulf Coast. These owners collectively own and/or manage ~18-20 miles of dune habitat. This project would result in the formation of a partnership, the Coastal Alabama Dune Restoration Cooperative (CADRC), to restore natural resources that were injured by the Deepwater Horizon oil spill response efforts. The Trustees propose to restore dune habitats in Alabama that were affected by the Deepwater Horizon oil spill, including response efforts, by planting native dune vegetation and installing sand fencing. The proposed project will help prevent erosion by restoring a "living shoreline," a coastline protected by plants and natural resources rather than hard structures.

Proposed Dates:
January 1, 2012 – January 1, 2014

VII. Determination of Effects:

A. Explanation of effects of the action on species and critical habitats in item III. (attach additional pages as needed):

| SPECIES/ CRITICAL HABITAT | IMPACTS TO SPECIES/CRITICAL HABITAT |
|---|--|
| Alabama beach mouse and associated critical habitat | Not likely to adversely affect. |
| Loggerhead sea turtle | Not likely to adversely affect. |
| Kemps's Ridley sea turtle | Not likely to adversely affect. |
| Piping plover and associated critical habitat | Not likely to adversely affect. |
| Snowy plover | Not likely to adversely affect. |

B. Explanation of actions to be implemented to reduce adverse effects:

| SPECIES/ CRITICAL HABITAT | ACTIONS TO MITIGATE/MINIMIZE IMPACTS |
|--------------------------------------|---|
|--------------------------------------|---|

| SPECIES/ CRITICAL HABITAT | ACTIONS TO MITIGATE/MINIMIZE IMPACTS |
|---|--|
| Alabama beach mouse and associated critical habitat | <p>Restoration activities will minimize impacts to the Alabama beach mouse and associated habitat:</p> <ul style="list-style-type: none"> • To minimize potential impacts during instillation of dune plants and sand fencing, all possible Alabama beach mouse burrows will be flagged under the supervision of a qualified biologist. These flagged burrows will be avoided by all activities and equipment used for the project. • If an Alabama beach mouse burrow cannot be avoided, the qualified biologist will stop installation activities and consult with the US Fish and Wildlife Service Daphne Ecological Service Office. <p>Most importantly, creating dunes through dune plantings sand fence instillation will protect the endangered species habitat from storm events.</p> |
| Loggerhead sea turtle | <p>Restoration activities will minimize impacts to loggerhead sea turtle nesting activities (May-October):</p> <ul style="list-style-type: none"> • Restoration activities should ideally occur from April through June and will most likely avoid the highest loggerhead sea turtle nesting/hatching activity that occurs from mid-June through mid-August. However, when restoration occurs during nesting season the below precautions will be followed. • Actual instillation of dune plants and sand fencing will occur during daylight hours and will therefore not impact nesting females or hatchlings that are active during the evening hours. Additionally, no restoration equipment will be left on the beach overnight. Likewise, all Loggerhead sea turtle nests in the project area are marked each morning by survey crews by 9am. Therefore, restoration crews shall not begin work in an area until after it is cleared by the survey crews. If a nest occurs in a restoration area the nest will be avoided by no less than ten feet. • To minimize potential impacts of the sand fencing on sea turtle nesting after instillation the Alabama Department of Natural Resource minimal distance guidelines for sand fence installation will be followed (see attachment). |
| Kemp's Ridley sea turtle | <p>Restoration activities will minimize impacts to Kemp's Ridley sea turtle nesting activities (May-October):</p> <ul style="list-style-type: none"> • Kemp's Ridley sea turtles infrequently nest in Alabama and often nest and hatch during daylight hours when they do occur. Therefore, all restoration crews will be trained by a qualified biologist to avoid nesting and hatching Kemp's Ridley sea turtles by a minimum of 200 feet and report nesting or hatching Kemp's Ridley sea turtles immediately to the Bon Secour National Wildlife Refuge wildlife biologist at 251-752-0654. Likewise, Kemp's Ridley sea turtle nests are marked as soon as reported by survey crews. If a nest occurs in a restoration area the nest will be avoided by no less than ten feet. Lastly, no restoration equipment will be left on the beach overnight. • To minimize potential impacts of the sand fencing on sea turtle nesting after instillation the Alabama Department of Natural Resource minimal distance guidelines for sand fence installation will be followed (see attachment). |

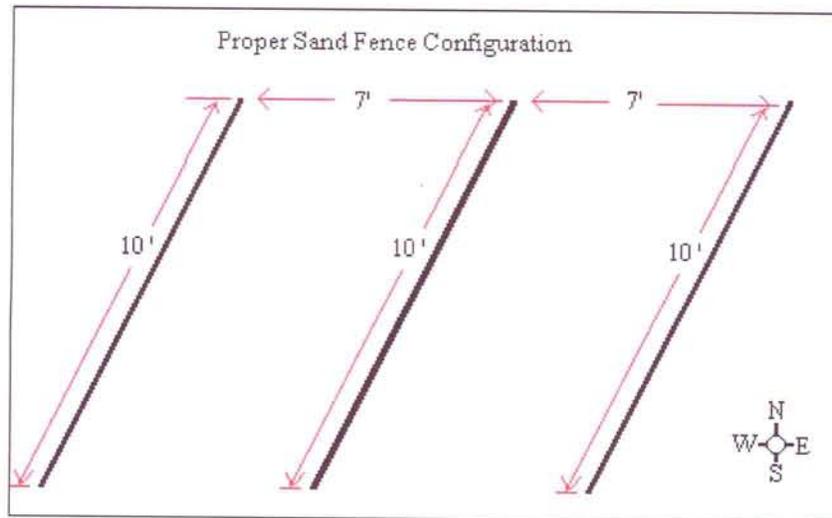
| SPECIES/ CRITICAL HABITAT | ACTIONS TO MITIGATE/MINIMIZE IMPACTS |
|---|---|
| Piping plover and associated critical habitat | <p>Restoration activities will minimize impacts to piping plovers and associated overwintering habitat.</p> <ul style="list-style-type: none"> Restoration activities should ideally occur from April through June and will most likely avoid piping plover overwintering in Alabama from September through April. However, when restoration occurs during the overwintering season the below precautions will be followed. Vehicles used for restoration on the sandy beach south of the primary dune shall not exceed 10mph as they should not at all times during the year. Heavily occupied habitat will be marked by qualified biologists and will be avoided by restoration crews until the piping plovers leave the area. |
| Snowy plover | <p>Restoration activities will minimize impacts to snowy plovers and associated nesting habitat.</p> <ul style="list-style-type: none"> Vehicles used for restoration on the sandy beach south of the primary dune shall not exceed 10mph as they should not at all times during the year. Each week a qualified biologist will survey the active restoration sites for snowy plover activity during nesting season. Areas of consistent activity will be flagged off and avoided by restoration crews until the birds leave the area. |

VIII. Effect Determination and Response Requested:

| SPECIES/ CRITICAL HABITAT | DETERMINATION ¹ | | | RESPONSE ¹ REQUESTED |
|---------------------------------------|----------------------------|----|----|------------------------------------|
| | NE | NA | AA | |
| Alabama beach mouse and associated | | X | | Concurrence |
| Loggerhead sea turtle | | X | | Concurrence |
| Kemps's Ridley sea turtle | | X | | Concurrence |
| Piping plover and associated critical | | X | | Concurrence |
| Snowy plover | | X | | Concurrence |
| | | | | |
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¹DETERMINATION/ RESPONSE REQUESTED:

4. Sand fencing shall be constructed in sections no longer than 10' in length spaced at a minimum of 7' apart on a diagonal alignment for the shore-parallel coverage of the subject property, as shown in the following diagram:



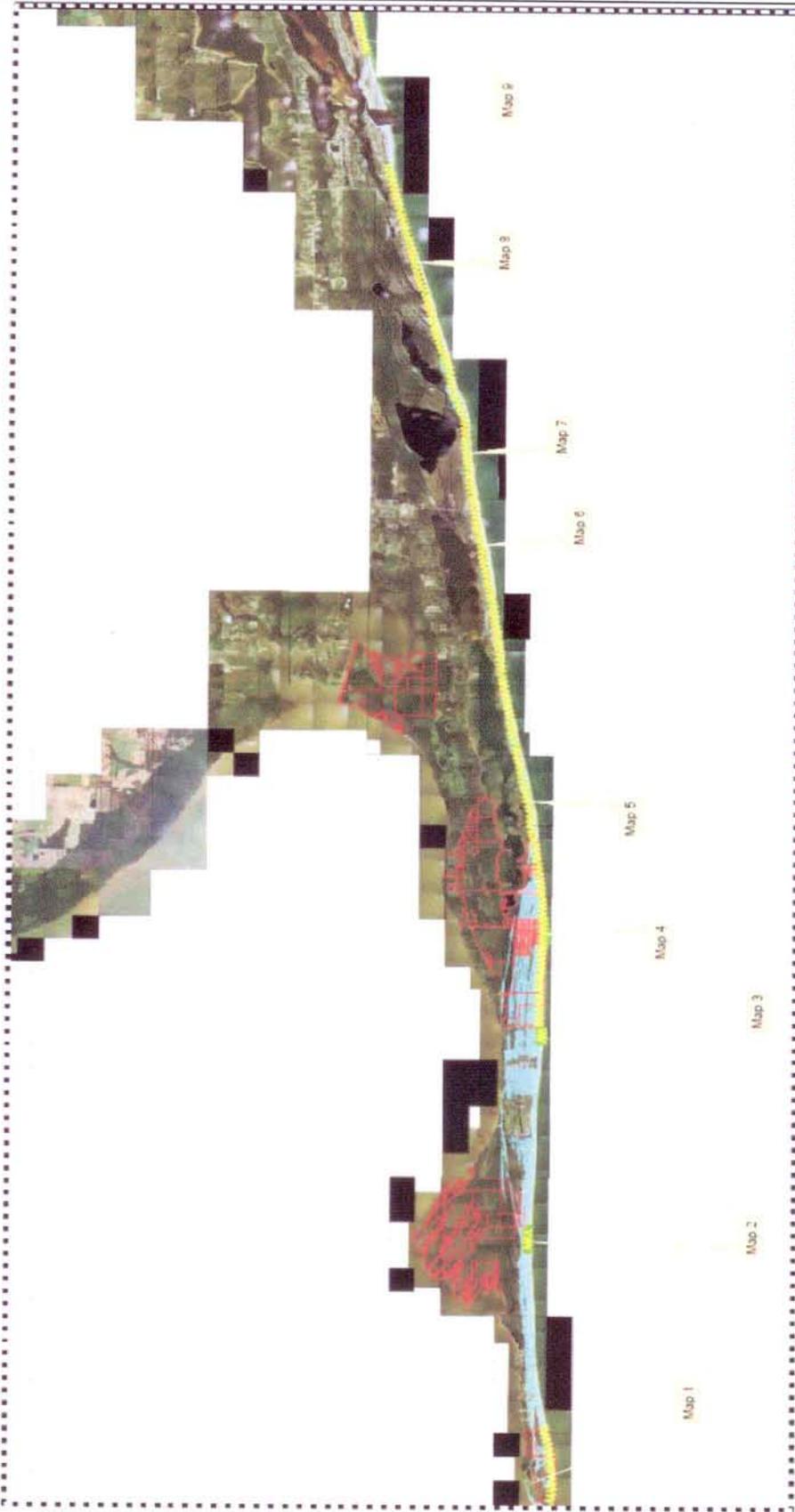
5. Persons wishing to obtain authorization to construct sand fencing seaward of the construction control line should submit to the Department the following information:
- A. the name, phone number and mailing address of the person wishing to construct the sand fencing;
 - B. the street address, town and zip code of the site on which the sand fencing is to be constructed;
 - C. the name of the person and/or contractor who will be installing the sand fencing;
 - D. a drawing or site plan of the project showing the proposed configuration of the sand fencing and the sand fence's location relative to the construction control line, the seaward edge of vegetation and the water line; and
 - E. a statement to the effect that the sand fencing will be constructed in accordance with this guidance.

Approval of requests for authorization to construct of sand fencing can normally be provided by the Department within 1-2 working days of receipt. Prior to placing sand fencing or placing sand for dune enhancement purposes, the local building office must also be contacted to insure that the proper permits and/or approvals are obtained.

Proposed Early Dune Restoration Project Individual Map Locations

Legend

-  Dune_Restoration_areas
-  Bon Secour NWR Boundary
-  ABM Habitat



DRAFT/DELIBERATIVE - ATTORNEY WORK PRODUCT
 ATTORNEY-CLIENT COMMUNICATION; PRIVILEGED AND/OR
 CONFIDENTIAL/CONFIDENTIAL RECORD-SUBJECT TO DR
 US-STATE CONFIDENTIALITY AGREEMENT AND TRUSTEE
 COUNCIL/NOI-CONFIDENTIAL SETTLEMENT
 COMMUNICATION

Map Created by USFWS on 9/15/2011