UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

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Document ID Number: 2335
AR: LA Regional Rest. Plan. Prog.
Title: Letter from NMFS, HCD to USFWS, March 2, 2005, Updated ESA Concurrence for Draft Final PEIS

March 2, 2005

Brigette Firmin
Fish & Wildlife Biologist
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United States Fish and Wildlife Service
646 Cajundome Blvd., Suite 400
Lafayette, LA 70506

Dear ~~Ms. Firmin~~ Brigette:

The National Oceanic and Atmospheric Administration (NOAA), in cooperation with the U.S. Department of the Interior, Louisiana Oil Spill Coordinator's Office (Office of the Governor), Louisiana Department of Wildlife and Fisheries, Louisiana Department of Environmental Quality, and Louisiana Department of Natural Resources has prepared a draft final programmatic environmental impact statement (draft FPEIS) for the Louisiana Regional Restoration Planning (RRP) Program. We have attached an electronic copy of the draft FPEIS for your review. The implementation of the RRP Program is the preferred alternative and is being established to assist the natural resource trustees in carrying out their natural resource damage assessment (NRDA) responsibilities for oil spills in the state of Louisiana.

On September 10, 2003, NOAA consulted with the U.S. Fish and Wildlife Service regarding our determination that the RRP Program is not likely to adversely affect the 16 animal and 3 plant species, as well as critical habitat for 2 species, under U.S. Fish and Wildlife Service jurisdiction in the state of Louisiana. The previous consultation covered the following species:

Coastal	Inland	Entire state
manatee, West Indian (E) (*Trichechus manatus*)	chaffseed, American (E) (*Schwalbea americana*)	bear, Louisiana black (T) (*Ursus americanus luteolus*)
pelican, brown (E) (*Pelecanus occidentalis*)	*Geocarpum minimum* (T) (No common name)	eagle, bald (lower 48 States)(T) (*Haliaeetus leucocephalus*)
plover, piping (except Great Lakes watershed) (T) (*Charadrius melodus*)	mucket, pink (pearlymussel) (E) (*Lampsilis abrupta*)	woodpecker, red-cockaded (E) (*Picoides borealis*)

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Coastal	Inland	Entire state
sea turtle, loggerhead (T) (*Caretta caretta*)	pearlshell, Louisiana (T) (*Margaritifera hembeli*)	
sturgeon, gulf (T) (*Acipenser oxyrinchus desotoi*)	tern, least (interior pop.) (E) (*Sterna antillarum*)	
sturgeon, pallid (E) (*Scaphirhynchus albus*)	tortoise, gopher (W. of Mobile/Tombigbee Rs.) (T) (*Gopherus polyphemus*)	
wolf, red (E) (*Canis rufus*)	turtle, ringed map (T) (*Graptemys oculifera*)	
	quillwort, Louisiana (E) (*Isoetes louisianensis*)	
	heelsplitter, inflated (T) (*Potamilus inflatus*)	

T = Threatened; E = Endangered

Although the draft FPEIS has not changed appreciably in content since September 2003, the fat pocketbook pearly mussel (*Potamilus capax*), which is classified as Endangered, was not included in the previous consultation. NOAA noticed its placement on the March 4, 2004, list of endangered and threatened species in Louisiana provided by the U.S. Fish and Wildlife Service, thus we are adding the fat pocketbook pearly mussel to our list of threatened and endangered species in the draft FPEIS. Its only known occurrence in Louisiana is in the Mississippi River in East Carroll Parish; therefore, it could potentially be affected by any activity that would affect the hydrology or stability of the Mississippi River near East Carroll Parish. We do not think potential restoration activities broadly described in the programmatic document would have significant adverse impacts to the fat pocketbook pearly mussel, or other species and their critical habitat listed in the above table, because projects implemented under the RRP Program would be restorative in nature. More region-specific (e.g., the Regional Restoration Plan-Region 2) and incident-specific (e.g., Damage Assessment and Restoration Plan/Environmental Assessment) documents prepared under the Louisiana RRP Program are designed to fully document potential affects to listed species and their critical habitat by restoration projects. As more detail becomes available on potential restoration projects at regional and individual project levels, further consultations with the U.S. Fish and Wildlife Service will be pursued.

Given the addition of the fat pocketbook pearly mussel, and since it has been greater than one year since we received concurrence from the U.S. Fish and Wildlife Service with our determination, we are again writing to seek your concurrence with our determination that the preferred alternative is not likely to adversely affect threatened or endangered species and their critical habitat.

In addition to the attached draft FPEIS, we would be glad to provide any additional information that you may find necessary for your deliberations. If you have any questions, please contact me at (225) 578-7924.

Sincerely,

John Rapp

Enclosure

Cc: Troy Baker
Linda Burlington
Ron Gouguet
Administrative Record