

**Appendix E**

**ESA Section 7 Consultation (NOAA NMFS)**

MAR 21 2018



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Bill Perry  
U.S. Fish and Wildlife Service  
Division of Wildlife and Sport Fish Restoration  
300 Westgate Center Drive  
Hadley, MA 01035-9589

Re: Higbee Marina Project, City of Somers Point

Dear Mr. Perry:

We have completed our consultation under section 7 of the Endangered Species Act (ESA) in response to your letter received March 19, 2018, regarding the above-referenced proposed project. We reviewed your consultation request document and related materials. Based on our knowledge, expertise, and your materials, we concur with your conclusion that the proposed action is not likely to adversely affect any ESA-listed species or designated critical habitat under our jurisdiction. Therefore, no further consultation pursuant to section 7 of the ESA is required.

Reinitiation of consultation is required and shall be requested by the Federal agency or by us, where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (a) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in the consultation; (b) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; or (c) If a new species is listed or critical habitat designated that may be affected by the identified action. No take is anticipated or exempted. If there is any incidental take of a listed species, reinitiation would be required. Should you have any questions about this correspondence please contact William Barnhill at (978) 282-8460 or by email at William.Barnhill@noaa.gov. For questions related to Essential Fish Habitat, please contact Keith Hanson with our Habitat Conservation Division at (410) 573-4559 or by email at Keith.Hanson@noaa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Julia E. Crocker".

Julia E. Crocker  
Acting Assistant Regional Administrator  
for Protected Resources

