

**National Marine Fisheries Service  
Southwest Region Habitat Conservation Division  
Santa Rosa Area Office**

**Decision Key for EFH Consultation and Overwater Structures**

**A. Key for Construction Conditions for Single-Family Docks and Similar Overwater Structures Constructed in Essential Fish Habitat EFH, Southwest Region**

1 a. The construction site is not within designated EFH for Federally managed species in the Southwest Region. No construction conditions required by NMFS.

1b. The construction proposed is a replacement of an existing structure with no expansion in surface area. The construction site is within designated EFH but sensitive species SAV or saltmarsh or their suitable habitat are not in the vicinity. No construction conditions required by NMFS.

1 c. The construction proposed is a replacement of an existing structure with no expansion in surface area. The construction site is within designated EFH and sensitive species SAV or saltmarsh or their suitable habitat are in the vicinity. Go to 2.

1 d. The construction proposed is for a new structure or an expansion of an existing structure. The construction site is within EFH and sensitive species including SAV and/or saltmarsh vegetation or their suitable habitat are not in the vicinity, and. Go to 2.

1 e. The construction proposed is for a new structure or an expansion of an existing structure. The construction site is within EFH and sensitive species including SAV and/or saltmarsh vegetation or their suitable habitat in the vicinity. Go to 4.

2a. The new or replacement structure meets of the following conditions: is built with north south orientation within 45 degrees, at a minimum of 5 feet over mean higher high water MHHW, not wider than 4 feet, no more than one turnaround exceeding 60 square feet, not more than one uncovered boat lift, terminal end not exceeding 100 square feet, pilings spaced at a minimum of 10 feet on center, and gaps between deck boards minimum of 2 inch apart. No additional construction conditions required by NMFS.

2b. The new or replacement structure does not meet of the following conditions: is built with north-south orientation within 45 degrees, at a minimum of 5 feet over MHHW, not wider than 4 feet, no more than one turnaround exceeding 60 square feet, not more than one uncovered boat lift, terminal end not exceeding 100 square feet, pilings spaced at a minimum of 10 feet on center, and gaps between deck boards spaced 2 inch or greater. Go to 3.

3a. The new or replacement structure will be constructed with gaps between deck boards a minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. No additional construction conditions required by NMFS.

3b. The new or replacement structure cannot be constructed with gaps between deck boards a minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. Go to 5.

4a. The new or replacement structure meets all of the following conditions: is built with north-south orientation within XX degrees, at a minimum of 5 feet over MHHW, not wider than 4 feet, no more than one turnaround exceeding 60 square feet, not more than one uncovered boat lift, terminal end not exceeding 100 square feet, pilings spaced at a minimum of 10 feet on center, and either the gaps between deck boards are minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. No additional construction conditions required by NMFS.

4b. The new or replacement structure does not meet the following conditions: is built with north-south orientation within XX degrees, at a minimum of 5 feet over MHHW, not wider than 4 feet, no more than one turnaround exceeding 60 square feet, not more than one uncovered boat lift, terminal end not exceeding 100 square feet, pilings spaced at a minimum of 10 feet on center, and either the gaps between deck boards are minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. Go to 5.

5. Consultation required.

**B. Key for Construction Conditions for Multi-Family Docks, Marinas, and Similar Overwater Structures Constructed in Essential Fish Habitat EFH, Southwest Region**

1 a. The construction site is not within designated EFH for Federally managed species in the Southwest region. No construction conditions required by NMFS.

1b. The construction proposed is a replacement of existing structures with no expansion in surface area. The construction site is within designated EFH but sensitive species SAV or saltmarsh or their suitable habitat are not in the vicinity. No construction conditions required by NMFS.

1 c. The construction proposed is a replacement of existing structures with no expansion in surface area. The construction site is within designated EFH and sensitive species SAV or saltmarsh or their suitable habitat are in the vicinity. Go to 2.

1d. The construction proposed is for new structures or an expansion of existing structures. The construction site is within EFH and sensitive species including SAV and/or saltmarsh vegetation or their suitable habitat are not in the vicinity, and. Go to 2.

1 e. The construction proposed is for new structures or an expansion of existing structures. The construction site is within EFH and sensitive species including SAV and/or saltmarsh vegetation or their suitable habitat in the vicinity. Go to 4.

2a. The new or replacement structures meets all of the following conditions: all solid structure is elevated at a minimum of 5 feet over mean higher high water MHHW, individual surfaces are not wider than 4 feet, turnarounds do not exceed 60 square feet, no covered structures such as

dry docks or boat houses, terminal ends do not exceed 100 square feet, pilings spaced at a minimum of 10 feet on center, and gaps between deck boards are minimum of 1/2 inch apart. No additional construction conditions required by NMFS.

2b. The new or replacement structure does not meet all of the following conditions: all solid structure is elevated at a minimum of 5 feet over mean higher high water MHHW, individual surfaces are not wider than 4 feet, turnarounds do not exceed 60 square feet, no covered structures such as dry docks or boat houses, terminal ends do not exceed 100 square feet, pilings spaced at a minimum of 10 feet on center, and gaps between deck boards are minimum of 1/2 inch apart. Go to 3.

3a. The new or replacement structure will be constructed with gaps between deck boards a minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. No additional construction conditions required by NMFS.

3b. The new or replacement structure cannot be constructed with gaps between deck boards a minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. Go to 5.

4a. The new or replacement structure meets all of the following conditions: all solid structure is elevated at a minimum of 5 feet over mean higher high water MHHW, individual surfaces are not wider than 4 feet, turnarounds do not exceed 60 square feet, no covered structures such as dry docks or boat houses, terminal ends do not exceed 100 square feet, pilings spaced at a minimum of 10 feet on center, and gaps between deck boards are minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. No additional construction conditions required by NMFS.

4b. The new or replacement structure does not meet all of the following conditions: all solid structure is elevated at a minimum of 5 feet over mean higher high water MHHW, individual surfaces are not wider than 4 feet, turnarounds do not exceed 60 square feet, no covered structures such as dry docks or boat houses, terminal ends do not exceed 100 square feet, pilings spaced at a minimum of 10 feet on center, and gaps between deck boards are minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. Go to 5.

5. Consultation required.

### **C. Key for Construction Conditions for Large, Industrial Overwater Structures Constructed in Essential Fish Habitat EFH, Southwest Region**

1a. The construction site is not within designated EFH for Federally managed species in the Southwest region. No construction conditions required by NMFS.

1b. The construction proposed is a replacement of existing structures with no expansion in surface area. The construction site is within designated EFH but sensitive species SAV or saltmarsh or their suitable habitat are not in the vicinity. No construction conditions required by NMFS.

lc. The construction proposed is a replacement of existing structures with no expansion in surface area. The construction site is within designated EFH and sensitive species SAY or saltmarsh or their suitable habitat in the vicinity. Go to 2.

ld. The construction proposed is for new structures or an expansion of existing structures. The construction site is within EFH and sensitive species including SAY and/or saltmarsh vegetation or their suitable habitat are not in the vicinity, and. Go to 2.

le. The construction proposed is for new structures or an expansion of existing structures. The construction site is within EFH and sensitive species including SAY and/or saltmarsh vegetation or their suitable habitat in the vicinity. Go to 4.

2a. The new or replacement structures meets all of the following conditions: all solid structure is elevated at a minimum of 5 feet over mean higher high water MHHW, individual surfaces are not wider than 4 feet, turnarounds do not exceed 60 square feet, no covered structures such as dry docks or boat houses, and terminal ends do not exceed 100 square feet. No additional construction conditions required by NMFS.

2b. The new or replacement structure does not meetj of the following conditions: all solid structure is elevated at a minimum of 5 feet over mean higher high water MHHW, individual surfaces are not wider than 4 feet, turnarounds do not exceed 60 square feet, and terminal ends do not exceed 100 square feet. Go to 3.

3a. The new or replacement structure will be constructed with gaps between deck boards a minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. No additional construction conditions required by NMFS.

3b. The new or replacement structure can not be constructed with gaps between deck boards a minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. Go to 5.

4a. The new or replacement structure meets fi of the following conditions: all solid structure is elevated at a minimum of 5 feet over mean higher high water MHHW, individual surfaces are not wider than 4 feet, turnarounds do not exceed 60 square feet, terminal ends do not exceed 100 square feet, and gaps between deck boards are minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. No additional construction conditions required by NMFS.

4b. The new or replacement structure does not meet of the following conditions: all solid structure is elevated at a minimum of 5 feet over mean higher high water MHHW, individual surfaces are not wider than 4 feet, turnarounds do not exceed 60 square feet, terminal ends do not exceed 100 square feet, and gaps between deck boards are minimum of 1 inch apart or using light transmitting material with 40 percent transmittance. Go to 5.

5. Consultation required.