



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
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MEMORANDUM FOR: F/HC3 – Leslie Craig

FROM: *fm* F/SE – Roy E. Crabtree, Ph.D. *Niles M. Croom*

SUBJECT: DWH-ERP, Fort Walton Beach Restoration, Fort Walton Beach, Okaloosa County, Florida

This memorandum responds to the National Oceanic and Atmospheric Administration (NOAA) Restoration Center's letter of February 19, 2014, requesting National Marine Fisheries Service (NMFS) concurrence under Section 7 of the Endangered Species Act (ESA) with your project-effects determinations for an oyster reef enhancement and salt marsh creation project. You determined that the proposed activities are not likely to adversely affect sea turtles, Gulf sturgeon, smalltooth sawfish, and designated Gulf sturgeon critical habitat in Unit 10. NMFS requested additional information via email on February 20, 2014. We received the response on February 20, 2014, and we initiated consultation that day. NMFS's findings on the project's potential effects are based on the project description in this response; thus any changes to the proposed action may negate the findings of this consultation and may require reinitiation of the consultation with NMFS.

Deepwater Horizon Oil Spill Early Restoration

Under the Oil Pollution Act, designated agencies of the federal government and affected state governments act as trustees on behalf of the public. The Trustees are charged with recovering damages from the responsible parties to restore the public's natural resources that sustained injuries. NOAA shares trusteeship with the other natural resource trustees over all of the resources that will benefit from these restoration actions. The Trustees developed the Early Restoration selection process to be responsive to the purpose and need for conducting Early Restoration. Early Restoration project selection is a step-wise process comprised of: (1) project solicitation; (2) project screening; (3) negotiation with BP; and (4) public review and comment.

The Trustees released a Phase I Early Restoration Plan (ERP) in April 2012, a Phase II ERP in December 2012, and a draft Phase III ERP on May 6, 2013. On June 26, 2014, the Trustees released a final Phase III Plan. These plans contain a series of restoration actions that may be selected independently by the Trustees. NMFS has previously completed consultations on the Phase I ERP projects and 29 of the projects included in the Phase III ERP.¹

The Phase I ERP consists of 8 projects that address an array of injuries and are located throughout the Gulf (See Appendix 1). Specifically, Phase I includes 2 oyster projects (1 in Louisiana and 1 in Mississippi), 2 marsh projects (1 in Louisiana and 1 in Alabama), a nearshore artificial reef project in

¹ Neither of the Phase II ERP projects involve in-water work and, therefore, NMFS did not receive a request for section 7 consultation.



Mississippi, 2 dune projects, and a boat ramp enhancement project in Florida. Consultations on the Phase I projects were completed on April 2, 2012. NMFS determined that one of the marsh projects and both dune projects would have no effect on listed species and that other projects are not likely to adversely affect listed species or designated critical habitat under NMFS's purview. NMFS evaluated potential impacts on listed species (5 species of sea turtles, Gulf sturgeon and smalltooth sawfish) from placement of material, site exclusion, and dredging, and determined that these effects will be discountable or insignificant because of the species' mobility and ability to find suitable habitat for foraging in the surrounding areas. NMFS also evaluated potential impacts to sea turtles and Gulf sturgeon from fishing activities associated with the artificial reef project and determined that the effects are discountable because the enhancement of the existing artificial reefs is not expected to induce new fishing effort or increase the risk of harmful interactions between recreational fishers and listed species. The boat ramp project will enhance two existing boat ramps and allow an additional 92 vessels to be launched from two new public boat ramps. The purpose of these projects is to relieve traffic and congestion at other boat ramps in the areas. NMFS determined that any increase in vessel strike risk to sea turtles is discountable because the new boat ramps are likely to be used by people who currently have vessels and a previous NMFS analysis concluded that a typical dock or marina project in Florida that introduces less than 300 new vessels to an area will have an insignificant or discountable effect on sea turtles.

Three of the Phase I projects (1 boat ramp, 1 oyster project, and the nearshore artificial reef project) are located in Gulf sturgeon critical habitat. The boat ramp is located in Unit 9 and the oyster project and artificial reef projects are located in Unit 8. NMFS determined that the boat ramp project is not likely to adversely affect Gulf sturgeon critical habitat in Unit 9 because the construction will occur in the same footprint and will be the same dimensions as the existing piers, any increases in turbidity are expected to be localized and temporary and insignificant, and the texture and quality of the sediments and its ability to support prey items are expected to be the same pre- and post-project. NMFS similarly concluded that the oyster project and artificial reef project will not adversely affect Gulf sturgeon critical habitat in Unit 8 because the placement of clean, toxin-free material will not alter water or sediment quality and the addition of this material to existing hardbottom will not alter prey availability.

To date, NMFS has completed 14 consultations on 29 individual projects (See Appendix 2) out of a total of 35 projects in Phase III. These projects are 4 artificial reef projects (3 in Texas and 1 in Florida), 2 oysters projects (1 in Florida and 1 in Alabama), 4 living shoreline projects (1 in Alabama, 1 in Mississippi and 2 in Florida), 10 Florida boat ramp/dock projects, 1 scallop enhancement project in Florida, 1 Florida beach enhancement project, 1 North Breton Island, Louisiana, restoration project, 1 Mississippi fishing pier project, 2 observation/canoe launch docks in Florida, 1 erosion control project, 1 small fishing pier, and 1 Florida fish hatchery project. As with the Phase I projects, NMFS evaluated potential impacts on listed species (5 species of sea turtles and Gulf sturgeon) from placement of material, site exclusion, and dredging, and determined that these effects will be discountable or insignificant because of the species' mobility and ability to find suitable habitat for foraging in the surrounding areas. NMFS also evaluated the impacts of noise created from construction, where applicable, and determined that the risk of short- or long-term exposure to harmful noise is discountable, and any sounds heard by them will have insignificant health effects. NMFS determined that the potential impacts to sea turtles and Gulf sturgeon from fishing activities associated with the 4 artificial reef projects are discountable because the enhancement of the existing artificial reefs is not expected to induce new fishing effort. NMFS also determined that the risk of vessel strike impacts to turtles from future use of the artificial reef sites is

discountable because use of the site will generally coincide with fair weather patterns and calm sea states that will allow boaters to detect and avoid any sea turtles in their path.

Fourteen of the Phase III projects (3 living shoreline projects, 1 Florida artificial reef project, 1 Florida fish hatchery, 3 boat ramp projects, 1 beach enhancement project, 1 Florida oyster reef project, 1 scallop enhancement project, 1 erosion control project, and the 2 observation/canoe launch docks) are located in Gulf sturgeon critical habitat. The living shoreline projects are located in Units 8, 9, and 13. The Florida fish hatchery is located in Unit 9. The boat ramp projects are located in Units 9 and 13. The beach enhancement project is located in Unit 11, the oyster project is located in Units 9 and 13, the scallop enhancement project is located in Units 9, 10, 12, and 13, the erosion control project is located in Unit 12, and the observation/canoe launch dock projects are in Units 10 and 12. NMFS determined that the scallop enhancement project and Florida fish hatchery project will have no effect on Gulf sturgeon critical habitat and that the other projects are not likely to adversely affect the essential features of Gulf sturgeon critical habitat (water quality, sediment quality, prey abundance, and safe and unobstructed migratory pathways). The oyster reef project will place clean, non-toxic material over existing hardbottom, which will make any impacts to water quality, sediment quality, or prey abundance discountable. The beach enhancement project will improve sediment quality and effects to prey abundance, water quality and migratory pathways will be insignificant because the work will take place in shallower water than normal foraging depths, any increased turbidity will be temporary and within natural background levels, and sand placement in the shallow waters along the beach will not interfere with migration. The Florida artificial reef project will have no effect on the sediment quality. The effects to water quality and prey abundance will be insignificant because turbidity will be temporary and within natural background levels and will not reduce prey availability overall in the areas surrounding the modules. Any impacts to migratory pathways will be discountable because the reef structures are in open water and spaced out sufficiently for Gulf sturgeon to move. The installation of the 8-inch-diameter seawater intake pipe for the fish hatchery project will have no effect on sediment quality. The effects to water quality and prey abundance will be insignificant because the turbidity will be temporary and within natural background levels and will not reduce prey availability in the areas surrounding the pipe. The boat ramp and dock projects will have no effect on sediment quality. The effects to water quality and prey abundance will be insignificant because turbidity will be temporary and within natural background levels and will not reduce prey availability overall in the areas surrounding the ramps or docks. The erosion control structure project will have no effects on sediment quality as the composition of the dredge materials to be placed behind the groins are expected to be similar or identical to what is currently present. The effects to water quality and prey abundance will be insignificant because turbidity will be temporary and within natural background levels and will not reduce prey availability overall in the areas surrounding the modules. Last, the living shoreline projects may temporarily increase turbidity and displace some prey species but these impacts are expected to be insignificant. With respect to prey abundance, the living shoreline projects are expected to have long-term beneficial impacts by increasing prey abundance in adjacent areas.

Current Project

This project is part of the Phase III ERP and is located at 30.402031°N, 86.606736°W, along the northern shore of the Santa Rosa Sound in Fort Walton Beach, Florida (Figure 1). The project will improve and lengthen the existing interactive boardwalks, expand existing intertidal oyster reefs, and restore a degraded salt marsh. This area is already highly developed with numerous man-made features along the waterfront including boat slips, docks, marinas, and areas of armored shoreline.

Access to the waterfront in this area is mainly provided through side roads off of the main State Route 98.

The oyster reef enhancement work will include placement of approximately 593 cubic yards (yd³) of suitable cultch material onto an existing, previously-constructed oyster reef, to create a reef footprint of 20,460 square feet (ft²) with heights ranging from 1.5-3 ft (Figure 2). Gaps (3 ft minimum) will be left between reef structures to allow passage of listed species. Cultch material will consist of either aged oyster shells or fossilized oyster shell approved for use by the Florida Department of Agriculture and Consumer Services. Shell will be placed by onshore cranes as the area is too shallow for a barge. At the site, oyster cultch locations and specific deposition sites will be delineated and marked by staff prior to depositing cultch materials.



Figure 1. Image showing project location (©2014 Google, Data SIO, NOAA, U.S. Navy, NGA, GEBCO)

Marsh creation/restoration will occur in the eastern portion of the project footprint along the boardwalk. Native emergent vegetation will be placed at different water depths, from approximately 25 ft waterward of mean low water to elevations above mean high water for a total of 0.4 acres (Figure 2). All planting work will be conducted from the shoreline. The created marsh areas will be monitored for natural revegetation to determine overall success and to identify if any corrective action is needed.

Both upland and in-water construction activities are anticipated to take 6 months to complete. Standard construction methods will be used for all aspects of the project. All permits and best management practices will be followed to minimize any adverse effects of the construction, including NMFS's *Sea Turtle and Smalltooth Sawfish Construction Conditions*, dated March 23, 2006.

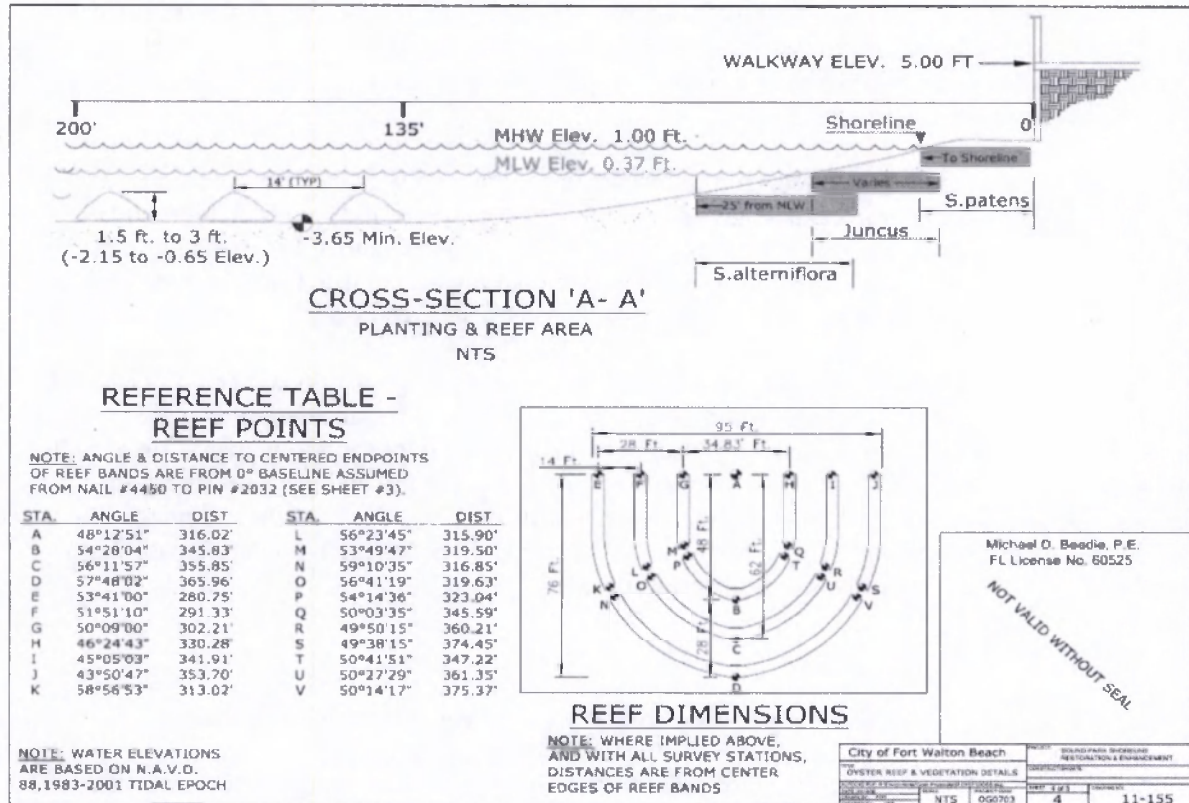


Figure 2. Image showing oyster reef and vegetation layout

We believe that sea turtles (the endangered Kemp's ridley; the threatened loggerhead,² and the threatened/endangered green³) and the threatened Gulf sturgeon may be present in the action area and may be affected by the project. The project is located within designated critical habitat for Gulf sturgeon. We believe leatherback and hawksbill sea turtles, and smalltooth sawfish will not be present, thus will not be affected. The turtles' very-specific foraging and life history requirements are not met in or near the action areas: leatherbacks are deepwater pelagic species and hawksbills are associated with coral reefs. Smalltooth sawfish distribution has contracted to peninsular Florida and, within that area, they can only be found with regularity off the extreme southern portion of the state.

NMFS has identified the following potential effects to sea turtles and Gulf sturgeon, and has concluded that the species are not likely to be adversely affected by the proposed action for the following reasons.

² Northwest Atlantic Ocean distinct population segment (DPS)

³ Green turtles are listed as threatened except for the Florida and Pacific coast of Mexico breeding populations, which are listed as endangered.

Species Analysis

1. Sea turtles and Gulf sturgeon may be affected by being temporarily unable to use the sites due to potential avoidance of construction and marsh planting activities. The site does not provide essential refuge or foraging habitat for these species as the site is primarily existing oyster reefs composed of hard reef substrate. Furthermore, the features of the area include armored shorelines, marinas, and docks, making it unlikely to be important or frequently-used habitat. Given the short duration of cultch deployments and area characteristics, the effect will be insignificant.

NMFS has also considered the effects of this project in conjunction with the effects associated with the Phase I and Phase III projects that have previously undergone Section 7 consultations and concludes there are no additive effects of the overall projects that rise above the level of effects considered for each of the individual projects. The potential impacts to listed species from construction activities are limited in time and place, and cease to exist once the project is complete.

NMFS believes the project is not likely to adversely affect Gulf sturgeon critical habitat in Unit 10. The essential features for the conservation of Gulf sturgeon present include the following: (1) abundant prey items; (2) water quality and sediment quality necessary for normal behavior, growth, and viability of all life stages; and (3) safe and unobstructed migratory pathways necessary for passage within and between riverine, estuarine, and marine habitats. Three of the essential features of critical habitat (water quality, prey abundance, and safe and unobstructed migratory pathways) may be affected, but these effects will be insignificant.

Critical Habitat Analysis

1. Water quality impacts from project activities will be insignificant because increases in turbidity will be temporary and within natural background levels.
2. Gulf sturgeon prey abundance may be affected by burial of Gulf sturgeon foraging sites within the 0.5-acre area. The burial of prey species within the project area will not appreciably decrease the prey available to Gulf sturgeon, sturgeon foraging success, or sturgeon foraging energy expenditures as there are ample, similar, alternate nearby foraging habitats available. Any decrease in numbers of these prey species will be minimal in relation to their numbers across the entire critical habitat unit. The marsh creation project will likely have a beneficial impact on Gulf sturgeon by increasing prey abundance in adjacent areas. Partyka and Peterson (2008) found even the smallest patches of marsh habitat supported a larger diversity of fauna than nearby areas.⁴
3. Migratory pathways will be insignificantly affected because the method of cultch placement in the shallow waters along the beach will not interfere with Gulf sturgeon migration. Additionally, the project site is not located within or immediately adjacent to migratory rivers or bayous used by the Gulf sturgeon to access spawning areas.

NMFS has also considered the effects of this project on Gulf sturgeon critical habitat in conjunction with the effects associated with the Phase I and Phase III projects that have previously undergone section 7 consultations. We conclude there are no additive effects of the overall projects that rise

⁴ Partyka, M.L. and M.S. Peterson. 2008. Habitat quality and salt-marsh assemblages along an anthropogenic estuarine shoreline. *Journal of Coastal Research* 24(6):1570-1581.

above the level of effects considered for each of the individual projects. The potential impacts to water and sediment quality from construction activities associated with all of these projects are localized and temporary. Similarly, any impacts to prey abundance will be localized and although some projects may displace some prey species, none are expected to reduce overall prey abundance in the project area or critical habitat unit. NMFS previously consulted on the Phase III observation dock project also located in Gulf sturgeon critical habitat Unit 10 and determined that the project, which will construct a 360 ft² wildlife observation dock, may affect migratory pathways but that any effect will be insignificant.

Finally, we concur with your project-effect determinations that the projects for which you requested ESA consultations are not likely to adversely affect Kemp's ridley, loggerhead, or green sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat in Unit 10.

This concludes the NOAA Restoration Center's consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat is designated that may be affected by the identified action.

We've enclosed additional relevant information for your review. We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions about this consultation, please contact Joyce Barkley-Hahn, Consultation Biologist, at (727) 551-5741, or by email at joyce.barkley-hahn@noaa.gov.

Attachment: *Sea Turtle and Smalltooth Sawfish Construction Conditions* (Revised March 23, 2006)

File: 1514-22.C

Appendix 1 Phase I Early Restoration Plan Projects with corresponding Public Consultation Tracking System (PCTS)

| Ref. | PCTS Tracking # | Project | Description | Determinations |
|------|-----------------|--|--|---|
| PI-1 | SER-2012-889 | Lake Hermitage Marsh Creation – NRDA Early Restoration Project | Project proposed involves the creation of marsh within the project footprint of the larger Lake Hermitage Marsh Creation Project. The primary goals of the Project are: (1) to restore the eastern Lake Hermitage shoreline to reduce erosion and prevent breaching into the interior marsh, and (2) to re-create marsh in the open water areas south and southeast of Lake Hermitage. The marsh creation project will substitute approximately 104 acres of created brackish marsh for approximately 5-6 acres (7,300 linear feet) of earthen terraces. | Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat. All activities associated with the Lake Hermitage Restoration project are outside the known range of Gulf sturgeon. Sea turtles are not likely to be at the dredge site in the Mississippi River, which is 70 miles from the Gulf of Mexico. Additionally, sea turtles are not likely to be at the marsh restoration site. |
| PI-2 | SER-2012-889 | Louisiana Oyster Culch Project | Project involves (1) the placement of oyster culch onto approximately 850 acres of public oyster seed grounds throughout coastal Louisiana, and (2) construction of an oyster hatchery facility that will produce supplemental larvae and seed. The project consists of placing oyster culch material on public oyster seed grounds to produce seed- and sack-sized oysters to compensate the public for impacts to oyster areas exposed to oil, dispersant, and response activities. | Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat. |
| PI-3 | SER-2012-889 | Mississippi Oyster Culch Restoration | Project consists of placing oyster culch material on public oyster seed grounds in the footprint of existing oyster culch areas to produce seed- and sack-sized oysters to compensate the public for impacts to oyster areas exposed to oil, dispersant, and response activities. | Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat. |
| PI-4 | SER-2012-889 | Mississippi Artificial Reef Habitat | Project includes the deployment of artificial reefs in bays and nearshore Mississippi Sound waters in and off of Hancock, Harrison, and Jackson Counties, Mississippi | Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat. |
| PI-5 | SER-2012-889 | Marsh Island (Portersville Bay) Marsh Creation | Project involves the addition 50 acres of salt marsh to the existing 24 acres along Marsh Island in the Portersville Bay portion of Mississippi Sound in south Mobile County, Alabama. This entails the construction of a permeable segmented breakwater, the placement of sediments, and the planting of native marsh vegetation. | Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat. |
| PI-6 | SER-2012-889 | Alabama Dune Restoration Cooperative Project | Project will restore 55 acres of dune habitat by installing sand fencing and planting native dune vegetation in Orange Beach and Gulf Shores, Alabama | Project will have no effect on listed species or designated critical habitat under NMFS jurisdiction. NMFS does not believe there will be any direct or indirect effects to our listed species or designated critical habitat, as all activities will occur solely in upland areas. |
| PI-7 | SER-2012-889 | Florida Boat Ramp Enhancement and Construction Project | Project will entail repairing the existing Navy Point Park public boat ramp, located in a developed residential area in Pensacola Bay, and constructing the new Mahogany Mill public boat ramp that will be located in a commercial and industrial area in Pensacola Bay | Project is not likely to adversely affect sea turtles, Gulf sturgeon, smalltooth sawfish, or Gulf sturgeon critical habitat. The Navy Point project is not likely to adversely affect Gulf sturgeon critical habitat in Unit 9, Pensacola Bay. The remaining boat ramp projects are not located in designated critical habitat. |
| PI-8 | SER-2012-889 | Florida (Pensacola Beach) Dune Restoration | Native dune vegetation will be planted on the primary dune on Pensacola Beach in Escambia County, Florida | This project will have no effect on listed species or designated critical habitat under NMFS jurisdiction. NMFS does not believe there will be any direct or indirect effects to listed species or designated critical habitat, as all activities will occur solely in upland areas. |

Appendix 2 Phase III Early Restoration Plan Projects with corresponding Public Consultation Tracking System (PCTS)

| Reference | PCTS Tracking # | Project | Description | Determinations |
|-----------|-----------------|------------------------------------|--|--|
| P3-1 | SFR-2014-12910 | Texas Artificial Reefs Corpus | 3 projects are designed to install artificial reefs in Texas coastal waters. They are not located within designated Gulf sturgeon critical habitat (68 FR 13370, March 19, 2003), nor proposed loggerhead sea turtle critical habitat (78 FR 43005, July 18, 2013). | The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles). |
| P3-2 | SER-2014-12916 | Texas Artificial Reefs Freeport | | |
| P3-3 | SER-2014-12920 | Texas Artificial Reefs Matagorda | | |
| P3-4 | SER-2014-12924 | Alabama Oyster Cultch | The applicant proposes to restore and enhance 319 acres of oyster reefs within historic footprint of oyster reefs in Mobile Bay. It is not located within any designated or proposed critical habitat. | The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon). |
| P3-5 | SER-2014-12925 | Hancock County Living Shorelines | The applicant proposes to reduce shoreline erosion and restore oyster and marsh habitat by (1) use of breakwater materials to reduce shoreline erosion, (2) creation of 46 acres of salt marsh, and (3) enhancement of 46 acres of oyster reef habitat that have historically supported oyster habitat. It is located within designated Gulf sturgeon critical habitat Unit 8, but not within proposed loggerhead sea turtle critical habitat. | The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles were withdrawn. |
| P3-6 | SER-2014-12926 | Swift Tract Living Shorelines | The applicant proposes to reduce shoreline erosion by creating breakwaters (8,500 ft) from natural materials (15,800 tons of riprap and 2,200 yd ³ of bagged oyster shell). Covering 2.9 acres of fine-grained sediment. It is not located within any designated or proposed critical habitats. | The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon). Leatherback and hawksbill sea turtles were withdrawn. |
| P3-7 | SER-2014-13016 | FL Pensacola Bay Living Shorelines | The applicant proposes to reduce shoreline erosion by expanding existing breakwaters at 2 sites (25,000 tons of riprap, covering 5 acres of fine-grained sediment total) and backfilling marsh areas with 102,000 yd ³ of fill, total. It is located within designated Gulf sturgeon critical habitat Unit 9, but not within proposed loggerhead sea turtle critical habitat. | The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles and smalltooth sawfish were withdrawn. |
| P3-8 | SER-2014-13083 | FL Cat Point Living Shorelines | The applicant proposes to reduce shoreline erosion by expanding an existing breakwater structure (up to 0.3 miles) and creating 1 acre of salt marsh habitat. It is located within designated Gulf sturgeon critical habitat Unit 13, but not within proposed loggerhead sea turtle critical habitat. | The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles and smalltooth sawfish were withdrawn. |

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| P3-9 | SER-2014-13017 | Beach Enhancement Project at Gulf Island National Seashore | The applicant proposes to remove fragments of asphalt and road-base material from a long, thin area approximately 20 feet (ft) by 2 miles long (211,200 ft ² or ~4.8 acres) in the inter- and sub-tidal zone within the GUIS. The project is located within Gulf Sturgeon Critical Habitat Unit 11 (68 FR 13370, March 19, 2003) and is approximately 4 miles east of Proposed Loggerhead Critical Habitat Unit LOGG-N-33 (78 FR 43005, July 18, 2013) | The project effect determinations of the proposed action is not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon) or designated or proposed critical habitats for these species. |
| P3-10 | SER-2014-13018 | North Breton Island Restoration | The applicant proposes to dredge 3.7 million cubic yards (yd ³) (2.8 x 10 ⁶ cubic meters (m ³)) of sand, silt, and clay materials, using a cutterhead dredge, from 1 or more sites within offshore shoals borrow sites from a water depth range of 6-20 feet (ft) or 1.8-6.1 meters (m) deep mean lower low water (MLLW). The in-water project footprint is 38 square miles (mi ²) or 98.4 square kilometers (km ²); 41.4 mi ² (or 106.4 km ²) including proposed North Breton Island restoration. The project is not located within Gulf sturgeon critical habitat (68 FR 13370, March 19, 2003), nor proposed loggerhead sea turtle critical habitat (78 FR 43005, July 18, 2013). | The project effect determinations of the proposed action is not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon). |
| P3-11 | SER-2014-13026 | MS Popp's Ferry Causeway Park | The applicant proposes to install 4 fishing piers and 1 overlook pier, covering approximately 5,000 ft ² of open water with vibratory hammering. It is not located within any designated or proposed critical habitat. | The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon). Leatherback and hawksbill sea turtles were withdrawn. |
| P3-12 | SER-2014-13079 | FL Oysters Cultch | The applicant proposes to restore and enhance oyster populations in Pensacola and Apalachicola Bays in FL (total placement of 42,000 yd ³ of cultch material over 210 acres of previous oyster reefs). It is located within designated Gulf sturgeon critical habitat Units 9 and 13. It is not located in proposed loggerhead sea turtle critical habitat. | The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon) or Gulf sturgeon designated critical habitat. |
| P3-13 | SER-2014-13080 | FL Scallop Enhancement | The applicant proposes to restore and enhance scallop production by the placement of scallop spat into FL coastal waters. It is located within designated Gulf sturgeon critical habitat Units 9, 10, 12, and 13. It is not located in proposed loggerhead sea turtle critical habitat. | The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) and no effect on Gulf sturgeon designated critical habitat. |
| P3-14 | SER-2014-13081 | FL Artificial Reef | The applicant proposes to build and deploy artificial reefs offshore in Florida coastal waters in 5 Florida counties (Escambia, Santa Rosa, Okaloosa, Walton, and Bay Counties). The project spans 123 miles (107 nautical miles [NM] or 198 kilometers [km]) along the coast of Florida in the nearshore as well as the offshore zone. Some project sites are located within Gulf sturgeon critical habitat Unit 11, although there are no sites in loggerhead sea turtle critical habitat. | The project effects determination of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles) and are not likely to adversely affect Gulf sturgeon critical habitat Unit 11. |
| P3-15 | SER-2014-13077 | FL Gulf Coast Marine Fisheries Hatchery/Enhancement Center | The applicant proposes to construct and operate a saltwater sportfish hatchery, on a 10-acre vacant lot, to enhance recreational fishing opportunities through aquaculture, in Pensacola Bay, Escambia County, Florida. | The project effects determination of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles) and are not likely to adversely affect Gulf sturgeon critical habitat Unit 9. |
| P3-16 | SER-2014-13124 | FL Big Lagoon State Park Boat Ramp | The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters. | Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 9. |

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| P3-17 | SER-2014-13131 | FL Gulf Breeze Wayside Park Boat Ramp | The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters. | Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 9. |
| P3-18 | SER-2014-13127 | Franklin County Waterfront Park Improvements | The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters. | Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 13. |
| P3-19 | SER-2014-13135 | FL Enhancement of Franklin County Parks and Boat Ramps: Indian Creek Park | The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters. | Project is not likely to adversely affect sea turtles or Gulf sturgeon. |
| P3-20 | SER-2014-13119 | FL Port St. Joe Frank Pate Boat Ramp Improvements | The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters. | Project is not likely to adversely affect sea turtles or Gulf sturgeon. |
| P3-21 | SER-2014-13140 | FL Walton County Lafayette Creek Boat Dock Improvements | The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters. | Project is not likely to adversely affect sea turtles or Gulf sturgeon. |
| P3-22 | SER-2014-13277 | Panama City St. Andrews Marina Boat Ramp | The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters. | Project is not likely to adversely affect sea turtles or Gulf sturgeon. |
| P3-23 | SER-2014-13272 | Parker Earl Gilbert Boat Ramp | The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters. | Project is not likely to adversely affect sea turtles or Gulf sturgeon. |
| P3-24 | SER-2014-13085 | FL Wakulla County Marshes Sand Park Improvements | The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters. | Project is not likely to adversely affect sea turtles or Gulf sturgeon. |
| P3-25 | SER-2014-13278 | City of St. Marks Boat Ramp | The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters. | Project is not likely to adversely affect sea turtles or Gulf sturgeon. |
| P3-26 | SER-2014-13270 | FL Bayside Ranchettes Park Improvements | The proposed improvements include constructing a new parking area, a picnic table, an observation dock, and steps from the shoreline into the water allowing access to the bay. | Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 12. |
| P3-27 | SER-2014-13275 | FL Navarre Beach Park Coastal Access and Dune Restoration | The proposed project will construct new infrastructure to increase the public's opportunities to safely access coastal resources, including the beach and waters of Santa Rosa Sound. The project includes design and construction of two new beach-access boardwalks from the existing pavilion/parking lots to the Santa Rosa Sound and a new dock for launching canoes/kayaks. | Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 10. |
| P3-28 | SER-2014-13086 | FL Norriego Point Restoration | The proposed project is to enhance and increase the public's enjoyment of the natural resources by stabilizing ongoing erosion and re-establishing Norriego Point through the use of erosion control structures (groins) and placement of dredged sand fill. | Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 12. |
| P3-29 | SER-2014-13101 | FL Apalachicola River Fishing Viewing – Cash Bayou | The activities will improve public access at Cash Bayou by providing a small fishing and wildlife observation pier, a parking area with an entrance kiosk, and an information station along State Route 65, east of the Cash Creek Bridge. | Project is not likely to adversely affect sea turtles or Gulf sturgeon. |



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

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