Endangered Species Act Biological Evaluation Form
Deepwater Horizon Oil Spill Restoration
Fish and Wildlife Service & National Marine Fisheries Service

This form will be used to provide information for the initiation of informal Section 7 consultations under the Endangered Species Act, if required, or to document a No Effect determination. In addition, information provided in this form may be used to inform other regulatory compliance processes such as Essential Fish Habitat (EFH), Marine Mammal Protection Act (MMPA), Section 106 of the National Historic Preservation Act (NHPA), Migratory Bird Treaty Act (MBTA), and Bald and Golden Eagle Protection Act (BGEPA). Further information may be required beyond what is captured in this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

Lead Agency

U.S. Fish and Wildlife Service/National Marine Fisheries Service

Agency Contact Person	*Phone*	*Email*
Ashley Mills and Laurel Jennings	812-756-2712 and 206-526-4601	Ashley_Mills@fws.gov and Laurel.Jennings@noaa.gov

I. *Applicant Agency or Business Name*

Florida Department of Environmental Protection

II. *Applicant Contact Person*	III. *Phone*	*Email*
Gareth Leonard	(850) 245-2222	Gareth.Leonard@dep.state.fl.us

IV. *Project Name and ID# (Official name of project and ID number assigned by action agency)*

Florida Coastal Access Project - Innerarity Point Park

V. *Project Type #1*	*Project Type #2, if helpful*
Land Acquisition and Management	General Construction/Building

VI. *NMFS Office (Choose appropriate office based on project location)*

NMFS Southeast Regional Office

VII. *FWS Office (Choose appropriate office based on project location)*

Panama City Ecological Services Field Office (Panama City)

B. Project Location

I. Physical Address of action area (If applicable)

Innerarity Point Holdings Property, 5806 Bob O Link Road, Pensacola, Florida.

II. *State & County/Parish of action area*

Escambia County

III. *Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees])*

30.314315°N, 87.443024°W WGS84

IV. Township, range and section of the action area

Township 3S, Range 15, Section 32W

C. Description of Action Area

1. Attach a separate map delineating where the action will occur. 2. Describe ALL areas that may be affected directly or indirectly by the action and not merely the immediate action area involved in the action, or just where species or critical habitat may be present. Provide a description of the existing environmental conditions and characteristics (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). 3. If habitat for species is present in the action area, provide a general description of the current state of the habitat. 4. Identify any management or other activities already occurring in the area. 5. Provide or attach a detailed map of the area of potential effect for ground disturbing activities if the area is different from the action area.

1. This project site action area is identified in Attachment A, Figures 1, 2.

2. The proposed Innerarity Point Park is located within Escambia County along Perdido Bay. The total site area is 3.38 acres. The proposed project does involve in-water work and would involve activities along the 265 linear feet of frontage along the Old River, a heavily used waterway which flows between Innerarity Point and Perdido Key out to Perdido Bay (see Attachment A: Figures 1-3).

An unoccupied single family house (constructed in 2004) and gravel driveway occupies the northern portion of the property (Attachment A, Figure 2). A second residential structure previously existed at the southern portion of the property overlooking the Old River waterway. Although the second residential structure no longer exists, the concrete foundation remains. The remainder of the property is unimproved and consists of lawn area with mature live oaks, and coastal vegetation along the shoreline (Attachment A: Figures 2, 4-9). As shown, much of the shoreline as well as inland vegetation is currently being maintained by mowing. There are no wetlands on-site. There may be seagrasses in the water at this site, but aerial imagery appears to show a decline off this site from 2012 to 2015 (Attachment A: Figures 2, 3).

The proposed Innerarity Point Park site is a predominantly flat parcel with coastal bay frontage along Old River in Escambia County. Soil in the area has been classified by the Department of Agriculture Natural Resources Conservation Service (USDA NRCS) as predominantly Resota sand. This soil type is composed primarily of sand, is flat with slight slopes, moderately well drained, and classified as having negligible runoff. Lower Perdido Bay substrate is characterized mostly by sand, soft sediments, and organics with some clay and silt. The substrates present along the shorelines comprise stable slopes containing fine sand and beach sediment, while substrates in the submerged off-shore portions include soft sediments. The proposed Innerarity Point Park site is located within the Perdido Bay watershed. The Perdido Bay watershed is 1,140 square miles, 31 percent of which is in Florida. The average depth in Perdido Bay is 2 meters. The Perdido River is the major source of freshwater to the bay. Other major water features in Perdido Bay are Rocky Branch, Brush Creek, Eightmile Creek, Marcus Bayou, Elevenmile Creek, Alligator Creek, Buckeye Branch, Freeman Springs Branch, Lake Fan, Black Lake, Reeder Lake, Alligator Bayou, Wicker Lakes, Cow Devil Creek, Tee Lake, Crescent Lake, and Tankiln Bayou. This project site is located in FEMA designated Flood Zones according to the Flood Map Service. However, the site is located in Zone X, outside the 0.2 percent annual chance floodplain. Perdido Bay is relatively small in size, making it vulnerable to water quality impairments during rainfall events, winds, and tides. Stormwater run-off in the lower watershed and agriculture and silviculture in the upper watershed are particular contributors to water quality. The Perdido River is designated as an "Outstanding Florida Water" by the State of Florida. However, much of Perdido Bay has been listed on the 303(d) list of impaired waters due to high nutrients and low dissolved oxygen. Lower Perdido Bay is listed as a 303d list impaired waterbody for mercury in fish. Currently, the proposed Innerarity Point Park site is a private parcel that zoned as "Mixed-Use Suburban District (MU-S)," which permits a variety of commercial and residential uses. This zoning includes residential, professional offices, retail services, recreational facilities, and public or civic uses. The nearshore bottomlands are considered state-owned and are held in public trust.

3. While the action area may provide habitat for listed species, no listed species are known to occur in the action area, except possibly Gulf sturgeon and West Indian manatee. Potentially affected species are described in Sections E-J.

4. This property has been in private ownership for many years, and as part of this action, is proposed to be acquired through a partnership between the Florida Trustees and the Trust for Public Lands and then donated to Escambia County, FL. Regular site maintenance (mowing, etc) has been ongoing.

5. The area of potential effect is not expected to fall outside of the immediate site area. See Attachment A: Figures 1, 10.

a. *Waterbody*

(If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.)

Old River, Perdido Bay (marine/estuarine environment). The proposed Innerarity Point Park site is located within the Perdido Bay watershed. The Perdido Bay watershed is 1,140 square miles, 31 percent of which is in Florida. The average depth in Perdido Bay is 2 meters.

b. *Existing Structures*

(If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina.)). If known, please provide the years of construction.

This site was previously developed, dating back to at least the 1940s. There is currently an existing residence, 2,518 square feet footprint, built in 2004. All previous structures other than this one residence have been razed. Additionally, there is a concrete pad on southern part of site from a previous residence. There is a parking area on southwestern portion of site. There is evidence of the residential structures and docks at the site, from 1940 until the present. Over half of the site has been previously disturbed, and at present, sparse trees cover about two thirds of the property with very little understory.

c. *Seagrasses & Other Marine Vegetation*

(If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.)

This site has estuarine subtidal habitat. Based on available information, there is submerged aquatic vegetation (e.g. seagrasses) in the nearshore at this site (Attachment A: Figures 2, 3). However, the exact extent of the submerged aquatic vegetation will be confirmed as part of assessments prior to construction.

d. *Mangroves*

(If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.)

Not applicable

e. *Corals*

(If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.)

Not applicable.

f. *Uplands*

(If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

The vegetation at the proposed Innerarity Point Park site has maritime oak habitat with some areas of scrub vegetation as well as non-native grasses. The site includes areas that are bare of vegetation, and areas that are regularly mowed, along with areas where vegetation has worn away from vehicle traffic (Attachment A: Figure 2). Little understory exists under most trees. This site has estuarine subtidal habitat. Based on available information, there is submerged aquatic vegetation (e.g. seagrasses) in the nearshore at this site. There appear to be no wetlands on site.

D. Project Description

I. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

Installation of the proposed site improvements is estimated to take 9-12 months. The specific schedule for construction has not been established, as the project is only at a conceptual design phase at this time (Attachment A: Figure 10).

II. *Describe the Proposed Action: 1. What is the purpose and need of the proposed action? 2. How do you plan to accomplish it? Describe in detail the construction equipment and methods** needed; permanent vs. temporary impacts; duration of temporary impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/ laydown areas.* ***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, or artificial reefs, list the method here, but complete the next section(s) in detail.***

The Florida Coastal Access Project: Innerarity Point Park will be performed in two stages: (1) the acquisition of the coastal parcel and (2) the final design and construction of the park infrastructure and amenities. The second stage is detailed in Attachment B.

III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

a. *Overwater Structures (Place your answers to the following questions in the box below.)*

i. *Is the proposed use of this structure for a docking facility or an observation platform?*
ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*
iii. *Use of "Dock Construction Guidelines"? http://sero.nmfs.noaa.gov/pr/endangered%20species/Section%207/DockGuidelines.pdf*
iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*
v. *Height above Mean High Water (MHW) elevation?*
vi. *Directional orientation of main axis of dock?*
vii. *Overwater area (sqft)?*
viii. *Use of "Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006"? http://sero.nmfs.noaa.gov/pr/endangered%20species/Sea%20Turtle%20and%20Smalltooth%20Sawfish%20Construction%20Conditions%203-23-06.pdf*

i. This project includes construction of a dock with a kayak launch (design specifications are provided in Attachment B). New pilings will need to be installed for this dock. The proposed dock would be ADA compliant. This dock will not be used for motorized vessels. ii. Yes, this will be a public fishing pier (dock). Site visitation is expected to vary with fishing seasons. Parking at the site is limited to 50+ spaces. No fish cleaning stations are included in the plan. Any hook and line captures of listed species must be reported. iii. Yes, USACE and NMFS dock construction guidelines will be followed where possible regarding dock construction. iv. Type of decking will be either wooden planks or composite planks. v. Final design is not complete and will depend on negotiations and compliance with USACE and NMFS guidelines and ADA compliance requirements. vi. The main branch will be oriented approximately north to south with a perpendicular dock oriented approximately east to west. vii. Overwater area of the dock is proposed to be less than 3,000 sq ft (see Attachment B for

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

Currently, a final construction design and schedule have not been completed for the proposed action. Installation for dock pilings are dependent on substrate and feasibility and methods proposed are likely to be as least disruptive as possible. All dock/pier work will need installation of new pilings. Materials will be made from natural (i.e., wood) or composite materials. The area will be surveyed, likely via aerial imagery analysis, to determine the extent of SAV prior to construction of the dock. If SAV is identified in the potential shadow of the structure, design modifications will be made to avoid or minimize adverse effects.

c. *Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

Not applicable.

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

Not applicable. Only paddlecraft access.

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.)*

Not applicable.

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft^2) to be dredged, volume of material (yd^3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods.*

In-water dredging or digging associated with installation of the pilings for the dock is not anticipated, though substrate displacement and compaction from dock piling installation is expected. Depth will be subject to final design, but there will be less than 35 square feet of substrate displaced in the marine environment (see Attachment B for design specifications).

Digging will occur in the terrestrial environment to auger holes for installation of support structures (where needed) for the elevated boardwalk. Digging will also occur if engineering designs determine that a stormwater pond is necessary to control runoff from the permeable parking area, this is estimated to be 350 cubic yards of excavation. There are bathrooms proposed on-site which would need connections to sewer; this is anticipated to be 250 linear feet of two inch trunk line. Additional ground disturbances and surficial digging will be associated with construction of a permeable parking lot for over 50 parking

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

Not applicable.

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

Not applicable.

E. Species & Critical Habitat

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.
2. Attach a separate map identifying species/critical habitat locations within the action area.

For information on species and critical habitat under FWS jurisdiction, visit http://www.fws.gov/endangered/species/. Under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT (CH)	LOCATION (for sea turles and gulf sturgeon only)	STATUS	CH UNIT
Gulf sturgeon	Marine	Threatened	
West Indian manatee	Select One	Endangered	
Leatherback sea turtle	Marine	Endangered	
Green sea turtle	Marine	Endangered	
Hawksbill sea turtle	Marine	Endangered	
Loggerhead sea turtle	Marine	Threatened	
Kemp's ridley sea turtle	Marine	Endangered	
No critical habitat occurs in this area	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	

F. Effects of the Proposed Project

I. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

We anticipate that the acquisition of this parcel will be wholly beneficial. There may be beneficial and adverse effects to listed species from the recreational improvements, as described below.

Gulf sturgeon. The Gulf sturgeon inhabits coastal waters and freshwater river systems of the northern Gulf of Mexico. Gulf sturgeon are usually located in areas 2-4 meters deep with high sand substrate. There is no critical habitat for Gulf sturgeon at this site, but there is the potential for Gulf sturgeon to be in the waters during the time of construction. Potential impacts to the Gulf sturgeon include elevated noise levels and the presence of suspended sediments in the water column. This species is mobile and would likely exit the area during construction. As a result of construction activities conducted in the water and anticipated recreational uses after completion, this proposed project may have direct or indirect adverse effects on Gulf sturgeon. Adverse effects from construction will be avoided or minimized by using conservation measures and BMPs in Section G.

West Indian manatee. The West Indian manatee inhabits freshwater, brackish, and marine environments. It typically occurs in coastal and inland tidal rivers and streams, mangrove swamps, salt marshes, freshwater springs, canals, lagoons, and vegetated bottoms. It moves to warm-water sites, including industrial warm-water discharges, during the winter. The project location does not intersect with any identified critical habitat for the West Indian manatee. Marine mammals are affected by vibrations and noise resulting from construction activities (e.g., generators, pile drivers, etc.). This project includes in-water work for the construction of a dock with a kayak launch (e.g., driving or pushing pilings). Accordingly, as a result of construction related activities from dock work, this project may have direct and/or indirect short-term adverse effects on the West Indian manatee and other marine mammals. If manatees are present, they would probably avoid the construction area but if not, in-water construction work could cause a manatee to startle or be struck. Appropriate conservation measures as described in Section G will be undertaken to avoid or minimize adverse impacts to manatees associated with construction activities.

Sea turtles. There is in-water work (e.g., dock construction, piling installation) proposed for this site. The project location does not intersect with any identified sea turtle critical habitat in water or on land. However, the range of sea turtles suggests they could occur in the project area although the lack of suitable nesting habitat as well as the turtles' ability to avoid the general activity in the area may make them less likely to be affected by construction activities. As a result of construction related activities from dock construction and anticipated recreational uses of docks, this project may have direct or indirect adverse effects on sea turtles. However, the lack of suitable nesting and breeding habitat near the shoreline suggests that impacts are unlikely. Adverse effects from construction will be avoided or minimized by using conservation measures and BMPs in Section G.

II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

There is no designated marine or terrestrial critical habitat in the action area for any species.

It is very unlikely that sea turtles will nest or rest within or adjacent to the project area due to a lack of suitable habitat. The closest suitable habitat for Loggerhead sea turtles is further than a mile away (Unit 38), located in the Gulf of Mexico and separated from the action area by Perdido Bay and a land body, Perdido Key.

G. Actions to Reduce Adverse Effects

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Gulf sturgeon. Impacts to the Gulf sturgeon will be reduced or alleviated by implementation of BMPs during ground disturbance activities that will reduce sediment and nutrient inputs to streams, minimize disturbance to riparian zone vegetation within 100 feet of the streambank in occupied habitat, and revegetate disturbed areas with native vegetation. Work will most likely take place during the spring and summer months when Gulf Sturgeon are not likely to be present in nearshore shallow waters. All work will take place in less than two meters of water and in areas of silty sand with seagrass. These species are known to avoid areas with high human activity when given the opportunity. If construction activity occurs when Gulf sturgeon are present, additional adverse impact reduction strategies could include the following:
• Control turbidity levels through the use of floating turbidity screens during in-water construction;
• Implement the Sea Turtle and Smalltooth Construction Conditions, Revised: March 23, 2006 and Measures for Reducing Entrapment Risk to Protected Species, Revised: May 22, 2012 as they are protective of Gulf sturgeon as well.

Sea turtles. Impacts to these species, if any, would be short-term and minor. If any sea turtles are found to be present in the immediate project area during restoration activities, construction would be halted until species moves away from project area. Sea turtle and Smalltooth Sawfish Construction Guidelines (2006) also include construction personnel education, use of "no wake/idle" speeds in proper locations, adhering to protection guidelines when a sea turtle is within 100 yards or activities, and reporting turtle injuries will be utilized to prevent and minimize impacts to sea turtles. Pending negotiations on final design, sea turtle conservation measures could include posting of educational signage detailing what to do if sea turtles or marine mammals are spotted in the vicinity, or what to do in the event that there is an incidental hooking. There is the possibility to enlist these docks in Florida's Responsible Pier Initiative Program (a program through the Loggerhead Marinelife Center that adds signage to fishing piers, hosts first responder trainings, and conducts underwater clean-ups around piers). Additional conservation measures for sea turtles could include the use of wildlife friendly lighting if lights are required for docks. Lighting could be required for boater safety. The lighting would be wildlife friendly, consisting of solar LED lights. Adverse impact reduction strategies will include the following:
• Measures for Reducing Entrapment Risk to Protected Species (May 22, 2012);
• Bubble Curtain Specifications for Pile Driving

Manatees. To avoid and minimize impacts the best management practices identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions and the Standard Manatee Conditions for In-Water Work (USFWS 2011) will be implemented and adhered to during periods of in-water work. As noted in these documents, these conditions require stopping operation of any equipment if manatees come within 50 feet of the equipment until the animals leave the project area of their own volition. Pending final design and consultations, marine mammal conservation measures could include posting of educational signage detailing what to do if marine mammals are spotted in the vicinity, or what to do in the event that there is an incidental hooking.

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

There is no designated critical habitat in the action area.

H. Effect Determination Requested

From the sections above, there should be enough detailed information to provide clear and obvious support for your determinations in the section below. If the rationale for the determination is not clear, additional information must be added to one of the sections. Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT	LOCATION (for sea turtles and gulf sturgeon only)	DETERMINATION (see definitions below)
Gulf sturgeon	Marine	May Affect, Not Likely to Adversely Affect
West Indian manatee	Select One	May Affect, Not Likely to Adversely Affect
Loggerhead sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Hawksbill sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Kemp's ridley sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Green sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Leatherback sea turtle	Marine	May Affect, Not Likely to Adversely Affect
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is "Concurrence." This conclusion is appropriate when effects to the species or critical habitat will be beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is "Formal Consultation". Response requested for proposed and candidate species is "Conference." This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination should be "is likely to adversely affect." Such a determination requires formal section 7 consultation and will require additional information.

JP = likely to jeopardize proposed species/adversely modify proposed critical habitat. For proposed species and proposed critical habitats, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the proposed species or adversely modify an area proposed for designation as critical habitat. If you reach this conclusion, a section 7 conference is required.

JC = likely to jeopardize candidate species. For candidate species, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the candidate species. If this conclusion is reached, intra-Service section 7 conference is required.

Critical Habitat = No destruction or adverse modification. This determination is appropriate when the proposed action will have no direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical.

I. Bald Eagles

Are bald eagles present in the action area? ☑ NO ☐ YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐ NO ☐ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: **permitsR2MB@fws.gov**
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: **permitsR4MB@fws.gov**

J. Migratory Birds

Identify the species anticipated in the action area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized. Use additional tables on the next page if needed.

1.

Species/Species Group	Behavior	Species/Habitat Impacts and Conservation Measures to Minimize Impacts
Wading Birds (e.g., herons and egrets)	Wading Birds- breeding, foraging, wintering, roosting	Wading birds primarily forage and feed at the water's edge in fresh, brackish and saltwater marshes and tidal flats, thus they could be at the site. Noise and disturbance may cause birds to avoid the action area during construction. They would be expected to move to another nearby location to continue foraging, feeding and resting. These birds primarily nest and roost in isolated trees, shrubs (e.g., pines, mangroves), dunes or islands. There are a few trees and shoreline vegetation at the water's edge, where wading birds could be located. There is minimal to no tree removal expected from the site improvements and there are no known rookeries on site, so no impacts to nesting and roosting are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances would be localized and temporary. Roosting would not be affected because the proposed project would occur during daylight hours only. No take of wading birds is anticipated.
Shorebirds (e.g., terns, plovers, and skimmers)	Shorebirds- breeding, foraging, wintering, roosting	Shorebirds could occasionally forage, feed, rest, and roost in the project area. As such, they may be impacted locally and temporarily by the proposed project. It is expected that they would be able to move to another nearby location to continue foraging, feeding and resting. These birds primarily nest and roost in the dunes and sand beaches. The action area does not include dune habitat, and the beach habitat is unsuitable for shorebird nesting. There are no known shorebird nests on site. The proposed project component would not affect roosting at this site because construction activities would occur during daylight hours only. No impacts to nesting and roosting shorebirds are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances would be localized and temporary. Therefore, no take of shorebirds is anticipated.

Migratory Birds

Continuation page if needed.

II.

SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS
Raptors (e.g., hawks and kites)	Raptors- breeding, foraging, wintering, roosting	Raptors could forage and rest in the action area. As such, they may be impacted locally and temporarily by the proposed project. It is expected that they would be able to move to another nearby location to continue foraging and resting. These birds primarily nest and roost in trees. There are no known raptor nests on site. The proposed project would not affect roosting at this site because construction activities would occur during daylight hours only. There is minimal to no tree removal expected from the site improvements and there are no known nests on site. If work must be done when raptors are nesting, nest surveys will be completed prior to tree/shrub removal and any trees/shrubs with nests will be flagged and avoided. Therefore, no impacts to nesting and roosting are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances will be localized and temporary. Therefore, no take of raptors is anticipated.
Songbirds (e.g., sparrows, warblers, and woodpeckers)	Songbirds- breeding, foraging, wintering, roosting	Songbirds could forage, rest, and nest in the action area. Songbirds would be able to avoid the construction area and move to another nearby location to continue foraging and resting. Construction would occur only during daylight hours. If work must be done when songbirds are nesting, nest surveys will be completed prior to tree/shrub removal and any trees/shrubs with active nests will be flagged and avoided. For these reasons, no take of songbirds or their nests is anticipated.
	General impact reduction methods for all birds.	To the extent possible, construction activities will avoid specific habitat locations onsite if there are known nesting birds and avoid nesting seasons. Pre-construction nesting surveys for migratory birds and raptors will be conducted and if evidence of nesting is found, the Trustees will coordinate with the USFWS to develop and implement appropriate conservation measures. At a minimum, trees/shrubs with active nests will be flagged and avoided. To avoid or minimize impacts to migratory birds from increased human activity, trails will divert and concentrate recreational users away from any important nesting, foraging, or rookery locations including shorelines where shoreline restoration will occur and minimal removal of trees. This project proposes minimal habitat fragmentation by improvements on existing areas of disturbance. Additionally, signage will be installed along trails, boardwalks, and picnic locations to provide users information on sensitive species in the area and actions to take to avoid or minimize impacts to sensitive species. Foraging and resting birds may temporarily be displaced during construction or recreation activities. Bird roosting will not be affected because construction activities and most human use will occur during daylight hours.

Pre-existing NEPA Documents

Yes ✓ No

Does this project have any pre-existing, site specific NEPA analysis? If YES, then provide final NEPA analysis, if not final then provide draft. If tiered from a programmatic EIS or EA, then provide the programmatic document or a link below.

Tiered from the Deepwater Horizon NRDA Early Restoration Phase III Early Restoration Plan/Programmatic Environmental Impact Statement. http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/phase-iii/

NMFS ESA §7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Laurel.Jennings@noaa.gov**. Questions about consultation status may be directed to the same email address or by phone, 206-526-4601 or 206-794-4761 (cell).

FWS ESA § 7 Consultation

We request that all consultation requests/packages to FWS be submitted electronically to: **Ashley_Mills@fws.gov**. You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation. If you have questions about consultation status, please contact Ashley Mills by phone 812-756-2712 or email Ashley_Mills@fws.gov.

Name of Person Completing this Form:	Heather Ballestero, Industrial Economics, Inc.
Name of Project Lead:	
Date Form Completed:	12/18/2015
Date Form Updated:	12/23/15

Figure 1: Innerarity Point Park Parcel Location

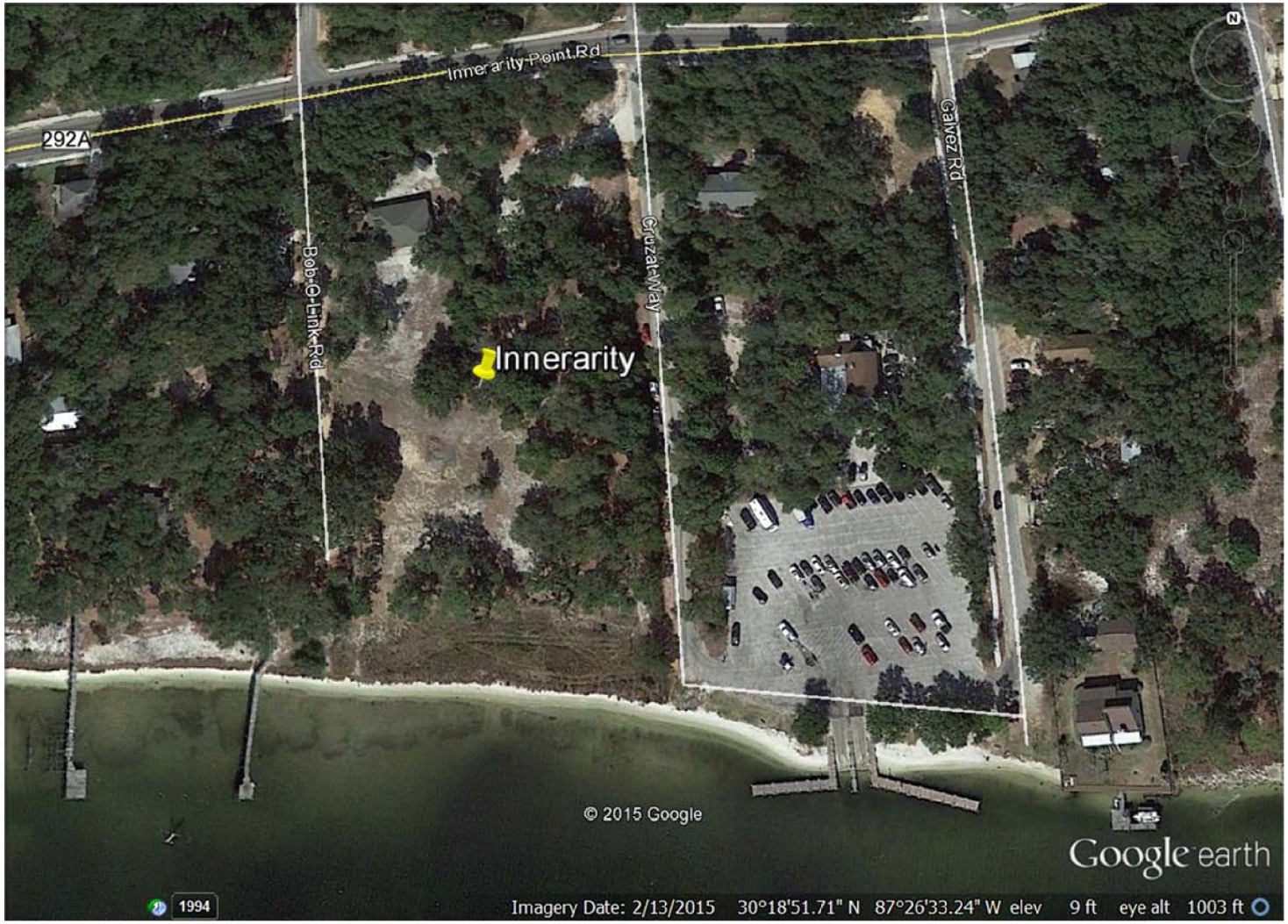

Figure 2: The Proposed Innerarity Point Park- Location 2015 imagery- 30°18'52.36"N 87°26'34.97"W

Figure 3: The Proposed Innerarity Point Park- Location 2012 imagery- 30°18'52.36"N 87°26'34.97"W

Figure 4: Innerarity Point Park- shoreline looking west

Figure 5: Innerarity Point Park- shoreline looking east towards Galvez Landing boat ramp

Figure 6: Innerarity Point Park- existing view towards waterway looking south

Figure 7: Innerarity Point Park- existing view towards waterway

Figure 8: Innerarity Point Park- existing view looking east on trees that will be preserved

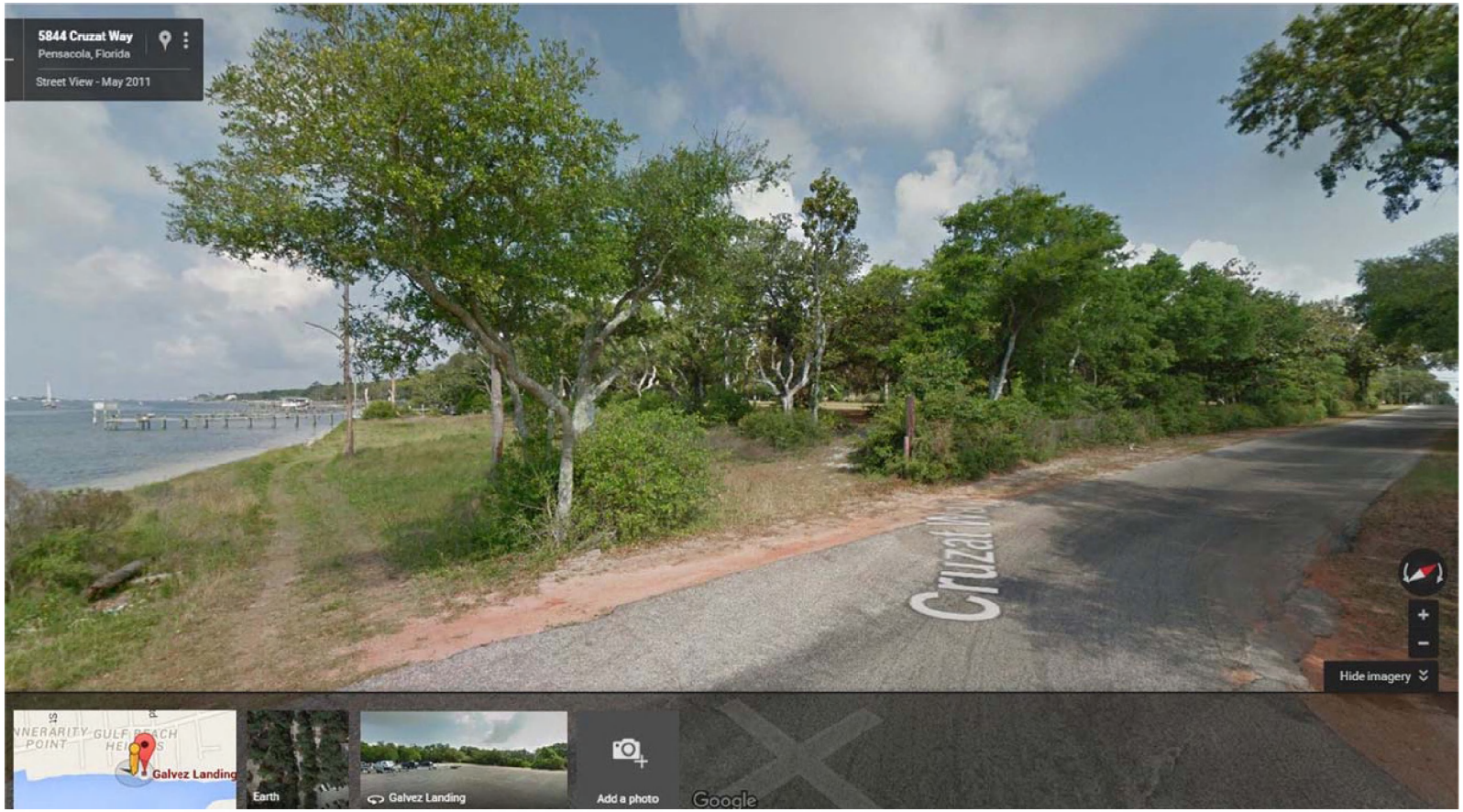

Figure 9: Innerarity Point Park- Google Street View from Galvez Landing Boat Ramp towards property.

Figure 10: Innerarity Point Park Proposed Conceptual Master Plan

Biological Evaluation for Florida Coastal Access Project: Innerarity Point Park
Attachment B: Project Description.

The proposed Innerarity Point Park site lies within Escambia County adjacent to the heavily-used Galvez Landing boat ramp (which was improved as part of Phase I Early Restoration (see Section 4.7 of the Phase I Early Restoration Plan and Environmental Assessment (Phase I ERP/EA)). The 3.38 acre site is currently zoned as Mixed-Use Suburban District which permits recreational facilities. The property includes 265 linear feet of frontage along the Old River, a heavily used waterway which flows between Innerarity Point and Perdido Key out to Perdido Bay (see Attachment A Figures 1 and 2 for general location). An unoccupied single family house (constructed in 2004) and gravel driveway occupies the northern portion of the property. A second residential structure previously existed at the southern portion of the property overlooking the Old River waterway. Although the second residential structure no longer exists, the concrete foundation remains. The remainder of the property is unimproved and consists of lawn area with mature live oaks (see Figures 6-8), and coastal vegetation along the shoreline (see Attachment A Figures 6, 7, and 9 for photographs of shoreline). As shown, much of the shoreline as well as inland vegetation is currently being maintained by mowing.

The proposed park would be a daytime use park (i.e., sunrise to sunset). Specific elements of the proposed Innerarity Point Park conceptual site plan (Attachment A Figure 10) include the following:

1. **New Dock with Kayak Launch.** The proposed project includes a pier and boardwalk (442 feet by 5 feet, approximately 2,210 square feet), and dock platforms (790 square feet) for paddle craft water access. The entire dock including the platforms for paddle craft would cover an area of approximately 3,000 square feet (2,210 + 790). Pier construction would include placement of new piles (two approximately 8" pilings for every 10 feet of dock) using the least invasive techniques given substrate and construction cost considerations (e.g., jetting, pushing, or driving the piles).The main branch of this pier would extend from the shore, near the center of the parcel where this is a break in the submerged aquatic vegetation (SAV) along the shoreline, and be oriented approximately north to south. A perpendicular section of pier is proposed at the end of the main branch. This perpendicular dock would be oriented approximately east to west and would be built out past the SAV so to avoid impacts to SAV. If necessary, the design of the dock would incorporate the use of composite grated materials that would allow light through to avoid shading impacts to surrounding SAV.
2. **Expanded Beach Area.** The beach area would be expanded by removing a portion (approximately 3,500 square feet) of the vegetation landward of the shoreline, which is a mixture of native and invasive vegetation including *Spartina* and morning glory, some of which is currently being regularly mowed. All proposed beach expansion efforts would take place on land above the mean high water line.
3. **Beach Access for Paddle Craft.** The boardwalk would include access directly to the beach on the western portion of the property. A small area of vegetation (likely a combination of some native and some invasive species) may need to be removed to provide this access.
4. **Shoreline Restoration.** Currently a mixture of native and invasive species exists along the shoreline. An area (approximately 2,500 square feet) on the landward side of the beach would undergo invasive species removal and subsequent planting with native shoreline vegetation.
5. **Accessible Boardwalk with Steps and Ramps.** The wood pier and boardwalk would have Americans with Disabilities Act (ADA) accessible wood boardwalk connections that are five feet wide, 220 feet long with handrails.

6. **Overlook Deck with Central Bench Seating**. A wood overlook deck would be constructed approximately 1,500 square feet in size and would include interior bench seating. This structure would be constructed at the southern portion of the property landward of the beach.
7. **Treehouse Overlook.** A two-story wildlife viewing platform approximately 400 square feet would be constructed at the southwest corner of the property.
8. **Arbor Swings**. Two 20-square foot wooden arbors with bench swings would be placed on a small wood platform adjacent to the overlook deck.
9. **Six Small Open-Air Picnic Pavilions**. Six small (200 square feet) open air wooden picnic pavilions with grills and picnic tables would be constructed throughout the property. These structures would consist of basic wood frames built on concrete slabs and would provide shade.
10. **Open lawn area.** An open lawn area (grass) would be maintained on the property as a picnic space. This area (approximately 0.2 acres) would require periodic, seasonally-dependent irrigation. Because the site is small and already connected to public water, the open lawn area would likely be maintained by using sprinkler system with a timer. Minimal additional maintenance would be done for this area, which is already an open area on the current parcel.
11. **Playground for ages 5-12.** The playground would be installed which would be approximately 300 square feet. Generally, structural features would be comprised of natural (i.e., wood) materials and/or durable composite materials. An informational sign (content based on input from the County) would also be constructed at the playground.
12. **Large Shade Seating Structure.** One large (900 square feet) shade seating structure with picnic tables would be placed between the two playgrounds. This would be constructed of simple wood frame on a concrete slab.
13. **Playground for ages 2-5.** The playground would be installed which would be approximately 300 square feet. Generally, structural features would be comprised of natural (i.e., wood) materials and/or durable composite materials. An informational sign (content based on input from the County) would also be constructed at the playground.
14. **Restrooms.** One ADA accessible restroom facility with flush toilets, sinks, and rinse showers (600 square feet) would be constructed and connected to municipal sewer and water.
15. **Large Picnic and Gathering Pavilion.** One larger (900 square feet) open air picnic pavilion with grills and picnic tables would be constructed on the property. Like the other pavilions, it would be a simple wood frame construction over a concrete slab.
16. **Main Pedestrian Entry with Sign.** At the main park entrance from the parking lot there would be a sign with the park name.
17. **Split-Rail Fence**. A 640-foot split-rail cedar fence would be constructed at the park entrance near the parking lot.
18. **Pedestrian Access to Cruzat Way (Landing and Restaurant).** Pedestrian access to the adjacent Galvez Landing Boat ramp would be provided through an opening in a proposed 800 foot long, six foot tall black vinyl coated chain link fence. This fence would replace and extend the currently existing fence to guide foot traffic onto boardwalks and minimize impact on beach grasses.
19. **Stormwater Pond (as-needed) with Footbridge Crossing**. Stormwater ponds and landscape drainage areas would be implemented in the center of the parking area pending engineering designs and calculations of stormwater runoff. If a stormwater pond is constructed, a raised 32 foot long ADA accessible boardwalk would also be constructed at the pond crossing in the parking area.
20. **Pedestrian Access to Existing Sidewalk.** A short walkway from the site parking lot to the public sidewalk at the north edge of the property would be constructed.

Additional site elements not explicitly labeled in the conceptual master plan include:

- **Parking.** An ADA accessible parking lot would be constructed of pervious pavement for 50+ visitors covering 22,500 square feet.
- **Concrete sidewalks.** ADA accessible concrete sidewalks between picnic area and viewing area features in the central property areas (five feet wide and four inches deep, covering a total area of approximately 9,050 square feet) would be constructed.
- **General site furnishings.** Furnishings would be placed throughout the park including 12 trash receptacles, eight picnic benches along the outer sidewalk and deck overlook, and a total of 22 picnic tables.
- **Site lighting.** Lighting would include ten pole lights at the parking area and three accent lights at the park entry signs (low-voltage). All lighting would be low-glare, wildlife friendly, and comply with the guidance provided in the current edition of the FWC's Wildlife Lighting Criteria.
- **Off-site Road Improvement.** The public Bob O Link Road located adjacent to and directly west of the proposed project site is currently gravel. A small section of the road between Innerarity Point Road to the park entrance, a length of approximately 90 feet and width of approximately 30 feet, would be paved. A sign would be placed at the vehicular entrance to the park. Escambia County would maintain the paved portion of the road.
- **Signs.** In addition to the aforementioned signs, two additional signs would be placed at the property corners visible from Innerarity Point road, with small directed lighting. All lighting would be low-glare, wildlife friendly, and comply with the guidance provided in the current edition of the FWC's Wildlife Lighting Criteria.
- **Landscaping.** General landscape development would include existing tree protection and fencing, hardwood tree maintenance, fine grading and bed preparation for all sodded and seeded areas, soil amendments (excluding naturalized areas), planting of large and small trees, shrubs, grasses, groundcovers, sod and mulching. To the extent possible landscaping would prioritize native plantings, and low-maintenance, drought-resistant plants to reduce long-term maintenance.
- **Additional site work.** Removal of any currently existing site structures including the house and concrete slabs. The house would be demolished, any salvageable materials would be re-used, and other materials would be shipped to a landfill. Other site work would include modifying existing electric service, linking to the municipal sewer system, fire hydrant assembly and accompanying water main work, site grading (as-needed), and erosion control efforts during construction.

Final engineering and design plans for the proposed site improvements would be completed following further environmental resource surveys and consultations with state and federal agencies; proposed site improvements may be modified to avoid and/or minimize potential impacts to natural resources. Installation of the proposed site improvements is estimated to take 9-12 months. Staging of equipment and materials would likely be located on the property where parking lots would be constructed (according to the conceptual plan), or on previously disturbed areas of the site. Construction equipment would include a combination of hand-held or power tools for carpentry work as well as heavier construction equipment such as bulldozers, barges, trucks, backhoes, tractor trailers, cranes, small excavators, fork lifts, asphalt machine, roller, or generators. Construction would require the transport of materials to the project site. The number of trips required to transfer materials would be based on the amount and type of materials needed for site improvements. These details would be determined as part of the final construction design and plan.

Endangered Species Act Biological Evaluation Form
Deepwater Horizon Oil Spill Restoration
Fish and Wildlife Service & National Marine Fisheries Service

This form will be used to provide information for the initiation of informal Section 7 consultations under the Endangered Species Act, if required, or to document a No Effect determination. In addition, information provided in this form may be used to inform other regulatory compliance processes such as Essential Fish Habitat (EFH), Marine Mammal Protection Act (MMPA), Section 106 of the National Historic Preservation Act (NHPA), Migratory Bird Treaty Act (MBTA), and Bald and Golden Eagle Protection Act (BGEPA). Further information may be required beyond what is captured in this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

Lead Agency

U.S. Fish and Wildlife Service/National Marine Fisheries Service

Agency Contact Person	*Phone*	*Email*
Ashley Mills and Laurel Jennings	812-756-2712 and 206-526-4601	Ashley_Mills@fws.gov and Laurel.Jennings@noaa.gov

I. *Applicant Agency or Business Name*

Florida Department of Environmental Protection

II. *Applicant Contact Person*	III. *Phone*	*Email*
Gareth Leonard	(850) 245-2222	Gareth.Leonard@dep.state.fl.us

IV. *Project Name and ID# (Official name of project and ID number assigned by action agency)*

Florida Coastal Access Project- Island View Park

V. *Project Type #1*	*Project Type #2, if helpful*
General Construction/Building	Pier Restoration

VI. *NMFS Office (Choose appropriate office based on project location)*

NMFS Southeast Regional Office

VII. *FWS Office (Choose appropriate office based on project location)*

Panama City Ecological Services Field Office (Panama City)

B. Project Location

I. Physical Address of action area (If applicable)

1714 U.S. Highway 98 East, Carabelle, Florida

II. *State & County/Parish of action area*

Franklin County, Florida

III. *Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees])*

29.853397°N 84.636493°W WGS84

IV. Township, range and section of the action area

Township 07S, Range 4W, Section 21

C. Description of Action Area

1. Attach a separate map delineating where the action will occur. 2. Describe ALL areas that may be affected directly or indirectly by the action and not merely the immediate action area involved in the action, or just where species or critical habitat may be present. Provide a description of the existing environmental conditions and characteristics (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). 3. If habitat for species is present in the action area, provide a general description of the current state of the habitat. 4. Identify any management or other activities already occurring in the area. 5. Provide or attach a detailed map of the area of potential effect for ground disturbing activities if the area is different from the action area.

1. The site is split into two parcels by Rt 98. See attached map (Attachment A: Figure 1, 2).

2. The proposed Island View Park site is a 7.13-acre tract of land that is currently owned by and located within Franklin County, Florida about one mile east of the City of Carrabelle. The property is divided by U.S. 98, a state-designated Big Bend Scenic Byway, with an inland northwestern parcel ("inland parcel") that is 4 acres and a southeastern waterfront parcel ("waterfront parcel") that is 3.13 acres. The waterfront parcel of the property includes 884 linear feet of frontage along St. George Sound, which lies between two State-designated aquatic preserves (listed as "Outstanding Florida Waters") and is adjacent to the Apalachicola National Estuarine Research Reserve. The proposed project involves in-water work to widen the two docks, and activities throughout much of the area of the waterfront parcel, including a parking lot, walkways, kiosk, and a turning lane off of U.S. 98.

The waterfront parcel was previously developed with a number of small cottages as part of a motel (Attachment A: Figures 9,10). All cottage structures and surface improvements were razed and most debris removed after 2011, other than two fishing docks and a dilapidated concrete boat ramp. There is also a footpath along the waterfront that is bare of vegetation. There are no currently existing barriers to entering the waterfront property, which is used for unofficial parking associated with fishing activities on the existing docks. The waterfront parcel has some nearshore grass and some remnant maritime hammock habitat, but much of the waterfront parcel is currently un-vegetated due to prior and ongoing disturbances (see Attachment A: Figure 4, 5, 6, 7). At the shoreline, emergent marsh grasses occur but have been disturbed by regular mowing. There are seagrasses in the water near the piers at this site.

The inland parcel (Attachment A: Figures 8, 11) was used as a mobile home park from before 1953 until about 2004, but has been left largely unused since that time and the parcel is largely vegetated. Vegetation on the inland site consists of pine trees (potentially including longleaf pine (Pinus palustris)) and ornamental landscaping vegetation. Existing infrastructure on the inland parcel is minimal with some above-ground PVC piping and a potential subterranean septic tank on the inland parcel. No improvements are planned on this parcel under the current project.

The proposed Island View Park site is located within Franklin County on the Florida Panhandle along St. George Sound. This site is predominantly flat. There has been previous development onsite where soils have been disturbed. Soil in the site area has been classified by USDA NRCS as predominantly Leon sand. This soil type is composed primarily of sand, is flat with slight slopes, poorly drained, and classified as having high runoff. This site is located in an area with historic longleaf pines. The mainland along St. George Sound is fine-grained sand. Most of the site is disturbed and unvegetated, although there is some SAV and some remnant maritime hammock habitat. The proposed Island View Park site is located east of Carrabelle on the St. George Sound. The sound is created by barrier islands, which shelter the mainland from the Gulf of Mexico. The closest freshwater inlet is the Carrabelle River. This proposed project site is located in FEMA designated Flood Zone VE, indicating a coastal flood zone with velocity hazards (wave action) with base flood elevations of 17 and 18 feet in areas. Water quality in Franklin County has decreased due to coastal development and excessive stormwater runoff. Waterbodies in the area of the site are listed on the state's 303d list of impaired waterbodies for mercury in fish tissue and bacteria in shellfish and beach advisories. The parcels are currently zoned Commercial Recreational District (C-3).

3. While the action area may provide habitat for listed species, no listed species are known to occur in the action area. Potentially affected species are described in Sections E-J.

4. This property has been in private ownership for many years, and has recently been acquired by the Trust for Public Lands and donated to Franklin County. Regular site maintenance (mowing, etc) has been ongoing.

5. The area of potential effect is not expected to fall outside of the immediate site area. See Attachment A: Figure 1, 3.

a. *Waterbody*

(If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.)

The waterfront parcel has frontage on St. George Sound, on the Gulf of Mexico (marine environment).

b. *Existing Structures*

(If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina.)). If known, please provide the years of construction.

This site has had extensive development historically. Two piers currently exist at this waterfront parcel. Historically, (prior to 1953) there was a motel on site with 14 buildings (10 of which were rental cottages), but they have been razed (2010-2013) and all surface materials have been removed except for a few concrete remnants (e.g., old foundation and footer) and other debris (Attachment A: Figure 9).

c. *Seagrasses & Other Marine Vegetation*

(If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.)

There are seagrasses in the water near the docks at this site. However, it is unlikely that seagrasses persist under the existing piers. The most recent seagrass cover survey appears to be from 2010, before that the most recent was from 1992 showing patchy, discontinuous, sparse seagrass. Seagrasses have increased in St. George Sound from 1992, but they are a mixture of patchy and continuous seagrasses along the shore of the site within St. George Sound. Seagrasses are apparent in the aerial photo from 2014 (Attachment A: Figures 1 and 9).

d. *Mangroves*

(If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.)

Not applicable.

e. *Corals*

(If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.)

Not applicable.

f. *Uplands*

(If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

This parcel has estuarine subtidal habitat, some emergent marsh, nearshore SAV, and maritime hammock habitat, but this area is very disturbed, with areas that are bare of vegetation, and many areas that are regularly mowed. Little understory exists under most trees (Attachment A: Fig. 4, 5, 6, 7). At the shoreline, emergent marsh grasses occur but have been disturbed by regular mowing.

D. Project Description

I. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

7-9 months. This timeframe includes constructing a turning lane and an acceleration lane on Highway 98-E, which splits the property into two parcels. The specific schedule for construction has not been established, as the project is only at a conceptual design phase at this time (Attachment A: Figure 3).

II. *Describe the Proposed Action: 1. What is the purpose and need of the proposed action? 2. How do you plan to accomplish it? Describe in detail the construction equipment and methods** needed; permanent vs. temporary impacts; duration of temporary impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/ laydown areas.* ***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, or artificial reefs, list the method here, but complete the next section(s) in detail.***

See Attachment B.

III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

a. *Overwater Structures (Place your answers to the following questions in the box below.)*

i. *Is the proposed use of this structure for a docking facility or an observation platform?*
ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*
iii. *Use of "Dock Construction Guidelines"?* http://sero.nmfs.noaa.gov/pr/endangered%20species/Section%207/DockGuidelines.pdf
iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*
v. *Height above Mean High Water (MHW) elevation?*
vi. *Directional orientation of main axis of dock?*
vii. *Overwater area (sqft)?*
viii. *Use of "Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006"?* http://sero.nmfs.noaa.gov/pr/endangered%20species/Sea%20Turtle%20and%20Smalltooth%20Sawfish%20Construction%20Conditions%203-23-06.pdf

i) This project includes widening two existing docks to make them ADA compliant. No new pilings will be required. These docks will not be used for motorized vessels. ii) Yes, this will be a public fishing pier (dock). Site visitation is expected to vary with fishing seasons. Parking at the site is limited to 32 spaces. No fish cleaning stations are included in the plan. Any hook and line captures of listed species must be reported. iii) Yes, USACE and NMFS dock construction guidelines will be followed where possible regarding pier modifications on existing pilings. iv) Type of decking will be either wooden planks or composite planks. v) Current dock height is unquantified, but likely greater than 2 feet (see Attachment A: Figure 6). vi) Dock 1 (northern pier) is oriented southeast from the site. Dock 2 (southern pier) is oriented southeast from the site. vii) Dock 1 is approximately no more than 2,140 sq ft. Pier 2 is approximately no more than 1,400 sq. ft. viii) Dock modifications will be in accordance with "Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006."

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

All dock/pier work will use the existing pilings. Modifications to the piers will include widening of the existing piers for ADA compliance. Materials will be made from natural (i.e., wood) or composite materials. Dock modifications will likely be widened to 5 feet in width, likely using a barge with small crane and the barge would likely maneuver around the site with shallow draft. The area will be surveyed, likely via aerial imagery analysis, to determine the extent of SAV prior to dock widening construction. If SAV is identified in the potential shadow of the widened docks, design modifications will be made to avoid or minimize impacts to SAV.

c. *Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

Not applicable.

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

Not applicable. There are remnants of a small concrete boat ramp on the shoreline at the north side of the site near the northern dock, but it will be removed to provide beach access and paddle-up access for paddlecraft as part of this project.

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.)*

Not applicable.

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft^2) to be dredged, volume of material (yd^3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods.*

No in-water dredging or digging will occur. Digging will occur in the terrestrial environment to auger holes for installation of support structures (where needed) for the boardwalk. Digging will also occur if engineering designs determine that a stormwater pond is necessary to control runoff from the permeable parking area, this is estimated to be 700 cubic yards of excavation. There are no bathrooms proposed on-site. Additional ground disturbances and surficial digging will be associated with construction of a permeable parking lot for 32 spaces, the construction of an asphalt acceleration lane, turning lane, and an alternative vehicular entry/exit. Concrete would be used for two ADA compliant parking spaces. Minor disturbances associated with tree plantings, the fire hydrant installation, and installation of a small irrigation system and accompanying infrastructure will occur. The extent of terrestrial digging will likely be less than an acre of total area. The depth depends on final engineering design for the boardwalk, but for most of the parking lot, depth would be less than one foot.

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

Not applicable.

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

Not applicable.

E. Species & Critical Habitat

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.
2. Attach a separate map identifying species/critical habitat locations within the action area.

For information on species and critical habitat under FWS jurisdiction, visit http://www.fws.gov/endangered/species/. Under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT (CH)	LOCATION (for sea turles and gulf sturgeon only)	STATUS	CH UNIT
Piping plover	Select One	Threatened	
Red knot	Select One	Threatened	
Gulf sturgeon	Marine	Threatened	
West Indian manatee	Select One	Endangered	
Green sea turtle	Marine	Endangered	
Hawksbill sea turtle	Marine	Endangered	
Kemp's ridley sea turtle	Marine	Endangered	
Leatherback sea turtles	Marine	Endangered	
Loggerhead sea turtle	Marine	Threatened	
Florida skullcap	Select One	Threatened	
Godfrey's butterwort	Select One	Threatened	
Telephus spurge	Select One	Threatened	
White birds-in-a-nest	Select One	Threatened	
Harper's beauty	Select One	Endangered	
Papery whitlow-wort	Select One	Threatened	
Gulf sturgeon critical habitat	Marine	Critical Habitat	CH Unit 13

F. Effects of the Proposed Project

I. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

Gulf sturgeon. The Gulf sturgeon inhabits coastal waters and freshwater river systems of the northern Gulf of Mexico. Gulf sturgeon are usually located in areas 2-4 meters deep with high sand substrate. There is critical habitat for Gulf sturgeon at this site, and there is the potential for Gulf sturgeon to be in the waters during the time of construction. Potential impacts to the Gulf sturgeon include elevated noise levels and the presence of suspended sediments in the water column due to construction related activities. This species is mobile and would likely exit the area during construction. As a result of proposed construction activities conducted on the docks and anticipated recreational uses, this proposed project may have direct or indirect adverse effects on Gulf sturgeon. Adverse effects from construction will be avoided or minimized by using conservation measures and BMPs in Section G.

Sea turtles. There is no piling installation proposed for this site, only enhancements (i.e., widening) to the two existing piers. The project location does not intersect with any identified sea turtle critical habitat in water or on land. However, the range of sea turtles suggests they could occur in the project area although the lack of suitable nesting habitat and the turtles' ability to avoid the general activity in the area may make this less likely. As a result of construction activities conducted on the docks and anticipated recreational uses, this project may have direct or indirect adverse effects on sea turtles. Adverse effects from construction will be avoided or minimized by using conservation measures and BMPs in Section G.

West Indian manatee. The West Indian manatee inhabits freshwater, brackish, and marine environments. It typically occurs in coastal and inland tidal rivers and streams, mangrove swamps, salt marshes, freshwater springs, canals, lagoons, and vegetated bottoms. It moves to warm-water sites, including industrial warm-water discharges, during the winter. The project location does not intersect with any identified critical habitat for the West Indian manatee. Marine mammals are affected by vibrations resulting from construction activities. There is no piling installation (e.g., driving or pushing pilings) proposed at this site, however, dock modifications such as widening are considered in-water work and there may be increased activity in and around the dock areas. As a result of construction related activities conducted on the docks, this project may have direct and/or indirect adverse effects on the West Indian manatee. If manatees are present, they would probably avoid the construction area. Appropriate conservation measures and BMPs as described in Section G will be undertaken to avoid or minimize adverse impacts to manatees from any construction activities that occur.

Plants (Florida skullcap, Godfrey's butterwort, Papery whitlow-wort, Telephus spurge, white birds-in-a-nest, Harper's beauty). These plants occur primarily in wet prairies, savannahs, and pine flatwoods. Extensive prior development likely minimizes the potential for these species to occur in the action area. The waterfront property has emergent marsh, nearshore grass, and some maritime hammock, likely not providing preferable habitat for these plants. Although these plants could occur on this parcel, they are not known to inhabit the site. Although these species could occur onsite, the proposed preservation of suitable habitat onsite would reduce potential impacts to these plant species. If protected plants are found during project implementation, a USFWS Botanist will be

II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

The site contains no critical habitat for any of the species except Gulf Sturgeon (critical habitat unit 13; Attachment A: Figure 12). Gulf sturgeon critical habitat unit 13 is located directly adjacent to the site, and continues throughout most of St. George Sound and southwest to Apalachicola Bay. In-water work proposed for this site only consists of enhancements (i.e., widening) to the existing piers; there is no proposed piling installation. Impacts to critical habitat would be indirect and adverse from actions such as increased suspended sediment and noise. Construction barges, tugs and other watercraft will most likely be staged in the site area, thus in Gulf sturgeon critical habitat. BMPs and conservation measures, such as those described in Section G, will be implemented during construction of this project to avoid or minimize adverse effects to critical habitat. No destruction or adverse modification to Gulf sturgeon critical habitat is anticipated by implementing this project.

G. Actions to Reduce Adverse Effects

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Gulf sturgeon. Impacts to the Gulf sturgeon will be reduced or alleviated by implementation of BMPs during ground disturbance activities that will reduce sediment and nutrient inputs to streams, minimize disturbance to riparian zone vegetation within 100 feet of the streambank in occupied habitat, revegetate disturbed areas with native vegetation, and maintenance of minimum flows during water diversions. Work will most likely take place during the spring and summer months when Gulf Sturgeon are not likely to be present in inshore shallow waters. All work will take place in less than 1.5 meters of water and in areas of silty sand with seagrass. These species are known to avoid high human activity when given the opportunity. If construction activity occurs when Gulf sturgeon are present, additional adverse impact reduction strategies will include the following:

- During project implementation, maintain riparian buffers of at least 100 feet around critical habitat. Install silt fencing to prevent sedimentation or erosion into streams and rivers;
- Control turbidity levels through the use of floating turbidity screens during in-water construction;
- Implement the Sea Turtle and Smalltooth Construction Conditions, Revised: March 23, 2006 and Measures for Reducing Entrapment Risk to Protected Species, Revised: May 22, 2012 as they are protective of Gulf sturgeon as well.

Sea turtles and manatees. To reduce the risk of adverse impacts to an insignificant or discountable level, the best management practices identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions and the Standard Manatee Conditions for In-Water Work (USFWS 2011) will be implemented and adhered to during periods of in-water work. As noted in these documents, these conditions require stopping operation of any equipment if sea turtles or smalltooth sawfish come within 50 feet of the equipment until the animals leave the project area of their own volition. Pending negotiations on final design, marine mammal and sea turtle conservation measures could include posting of educational signage detailing what to do if sea turtles or marine mammals are spotted in the vicinity, or what to do in the event that there is an incidental hooking. There is the possibility to enlist these docks in Florida's Responsible Pier Initiative Program (a program through the Loggerhead Marinelife Center that adds signage to fishing piers, hosts first responder trainings, and conducts underwater clean-ups around piers). Additional conservation measures for sea turtles could include the use of wildlife friendly lighting if lights are required for docks. Lighting could be required for boater safety. The lighting would be wildlife friendly, consisting of solar LED lights.

Plants (Florida skullcap, Godfrey's butterwort, Papery whitlow-wort, Telephus spurge, white birds-in-a-nest, Harper's beauty). If these plant species are found on site, a FWS Botanist will be contacted and appropriate measures to avoid or minimize impacts to these species will be incorporated into the project.

Piping plover and red knot. Impacts to listed birds will be reduced or alleviated by implementation of BMPs during on site work that would prevent disturbance of birds. These measures may include posting of concentration areas to be avoided, and minimizing planting of vegetation in preferred habitats. If construction occurs when these species might be present, conservation measures will be

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Any construction work requiring equipment use from vessels (e.g., cranes on barges), will be conducted in accordance with the best management practices in the Standard Manatee Conditions for In-Water Work and Sea Turtle and Smalltooth Sawfish Construction Conditions to help to avoid or minimize impacts to species and critical habitat in the action area. Additionally, water quality measures (listed above in section G.I. for Gulf sturgeon and in general conservation measures) will help prevent any impacts to critical habitat for Gulf sturgeon. These include during project implementation, maintaining riparian buffers of at least 100 feet around critical habitat, and installation of silt fencing to prevent sedimentation or erosion into water bodies.

H. Effect Determination Requested

From the sections above, there should be enough detailed information to provide clear and obvious support for your determinations in the section below. If the rationale for the determination is not clear, additional information must be added to one of the sections. Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT	LOCATION (for sea turtles and gulf sturgeon only)	DETERMINATION (see definitions below)
Piping plover	Select One	May Affect, Not Likely to Adversely Affect
Red knot	Select One	May Affect, Not Likely to Adversely Affect
Gulf sturgeon	Marine	May Affect, Not Likely to Adversely Affect
West Indian Manatee	Select One	May Affect, Not Likely to Adversely Affect
Green sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Hawksbill sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Kemp's ridley sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Leatherback sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Loggerhead sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Florida skullcap	Select One	May Affect, Not Likely to Adversely Affect
Godfrey's butterwort	Select One	May Affect, Not Likely to Adversely Affect
Telephus spurge	Select One	May Affect, Not Likely to Adversely Affect
White birds-in-a-nest	Select One	May Affect, Not Likely to Adversely Affect
Harper's beauty	Select One	May Affect, Not Likely to Adversely Affect
Papery whitlow-wort	Select One	May Affect, Not Likely to Adversely Affect
Gulf sturgeon critical habitat	Marine	No destruction or adverse modification

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is "Concurrence." This conclusion is appropriate when effects to the species or critical habitat will be beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is "Formal Consultation". Response requested for proposed and candidate species is "Conference." This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination should be "is likely to adversely affect." Such a determination requires formal section 7 consultation and will require additional information.

JP = likely to jeopardize proposed species/adversely modify proposed critical habitat. For proposed species and proposed critical habitats, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the proposed species or adversely modify an area proposed for designation as critical habitat. If you reach this conclusion, a section 7 conference is required.

JC = likely to jeopardize candidate species. For candidate species, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the candidate species. If this conclusion is reached, intra-Service section 7 conference is required.

Critical Habitat = No destruction or adverse modification. This determination is appropriate when the proposed action will have no direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical.

I. Bald Eagles

Are bald eagles present in the action area? ☐ NO ☑ YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐ NO ☑ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: **permitsR2MB@fws.gov**
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: **permitsR4MB@fws.gov**

J. Migratory Birds

Identify the species anticipated in the action area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized. Use additional tables on the next page if needed.

I.

Species/Species Group	Behavior	Species/Habitat Impacts and Conservation Measures to Minimize Impacts
Wading Birds (e.g., herons and egrets)	Wading Birds- breeding, foraging, wintering, roosting	Wading birds primarily forage and feed at the water's edge in fresh, brackish and saltwater marshes and tidal flats, thus they could be at the site. Noise and disturbance may cause birds to avoid the action area during construction. They would be expected to move to another nearby location to continue foraging, feeding and resting. These birds primarily nest and roost in isolated trees, shrubs (e.g., pines, mangroves), dunes or islands. There are trees and shoreline vegetation at the water's edge, where wading birds could be located. There is minimal to no tree removal expected from the site improvements and there are no known rookeries on site, so no impacts to nesting and roosting are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances would be localized and temporary. No take of wading birds is anticipated.
Shorebirds (e.g., plovers, terns, and skimmers)	Shorebirds- breeding, foraging, wintering, nesting	Shorebirds could occasionally forage, feed, rest, and roost in the project area. As such, they may be impacted locally and temporarily by the proposed project. It is expected that they would be able to move to another nearby location to continue foraging, feeding and resting. These birds primarily nest and roost in the dunes and sand beaches. The action area does not include dune habitat, but there is some beach and mudflat habitat. There are no known shorebird nests on site. The proposed project would not affect roosting at this site because construction activities would occur during daylight hours only. No impacts to nesting and roosting shorebirds are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds were encountered. All disturbances would be localized and temporary. Therefore, no take of shorebirds is anticipated.

Migratory Birds

Continuation page if needed.

II.

SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS
Raptors (e.g., falcons, hawks, kites, and bald eagles)	Raptors- breeding, foraging, wintering, roosting	Raptors could forage and rest in the action area. As such, they may be impacted locally and temporarily by the proposed project. It is expected that they would be able to move to another nearby location to continue foraging and resting. These birds primarily nest and roost in trees. There are no known raptor nests on site. There is potential for bald eagles in the site area, but no known nests at present. All bald eagle avoidance and minimization measures listed above in Section I would be followed accordingly. The proposed project would not affect roosting at this site because construction activities would occur during daylight hours only. There is minimal to no tree removal expected from the site improvements and there are no known nests on site, so no impacts to nesting and roosting are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds were encountered. All disturbances would be localized and temporary. Conservation measures will be implemented to minimize effects to protected species and migratory birds from the project to the maximum extent practicable. Therefore, no take of raptors is anticipated.
Songbirds (e.g., sparrows, warblers, wrens, and woodpeckers)	Songbirds- breeding, foraging, wintering, roosting	Songbirds could forage, rest, and nest in the project area. Songbirds would be able to avoid the construction area and move to another nearby location to continue foraging and resting. Construction would occur only during daylight hours. If work must be done when songbirds are nesting, nest surveys will be completed prior to any tree/shrub removal and any trees or shrubs with active nests will be flagged and avoided. For these reasons, no take of songbirds or their nests is anticipated.
	General impact reduction methods for all birds.	To the extent possible, construction activities will avoid specific habitat locations onsite if there are known nesting birds and avoid nesting seasons. Pre-construction nesting surveys for migratory birds and raptors will be conducted and if evidence of nesting is found, the Trustees will coordinate with the USFWS to develop and implement appropriate conservation measures. At a minimum, trees/shrubs with active nests will be flagged and avoided. To avoid or minimize impacts to migratory birds from increased human activity, trails will divert and concentrate recreational users away from any important nesting, foraging, or rookery locations including shorelines where shoreline restoration will occur and minimal removal of trees. This project proposes minimal habitat fragmentation by improvements on existing areas of disturbance. Additionally, signage will be installed along trails, boardwalks, and picnic locations to provide users information on sensitive species in the area and actions to take to avoid or minimize impacts to sensitive species. Foraging and resting birds may temporarily be displaced during construction or recreation activities. Bird roosting will not be affected because construction activities and most human use will occur during daylight

Pre-existing NEPA Documents

Yes ✓ No

Does this project have any pre-existing, site specific NEPA analysis? If YES, then provide final NEPA analysis, if not final then provide draft. If tiered from a programmatic EIS or EA, then provide the programmatic document or a link below.

Tiered from the Deepwater Horizon NRDA Early Restoration Phase III Early Restoration Plan/Programmatic Environmental Impact Statement. http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/phase-iii/

NMFS ESA §7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Laurel.Jennings@noaa.gov**. Questions about consultation status may be directed to the same email address or by phone, 206-526-4601 or 206-794-4761 (cell).

FWS ESA § 7 Consultation

We request that all consultation requests/packages to FWS be submitted electronically to: **Ashley_Mills@fws.gov**. You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation. If you have questions about consultation status, please contact Ashley Mills by phone 812-756-2712 or email Ashley_Mills@fws.gov.

Name of Person Completing this Form:	Heather Ballestero, Industrial Economics, Inc.
Name of Project Lead:	
Date Form Completed:	12/18/2015
Date Form Updated:	12/23/15

Figure 1: Island View Park Parcel Location

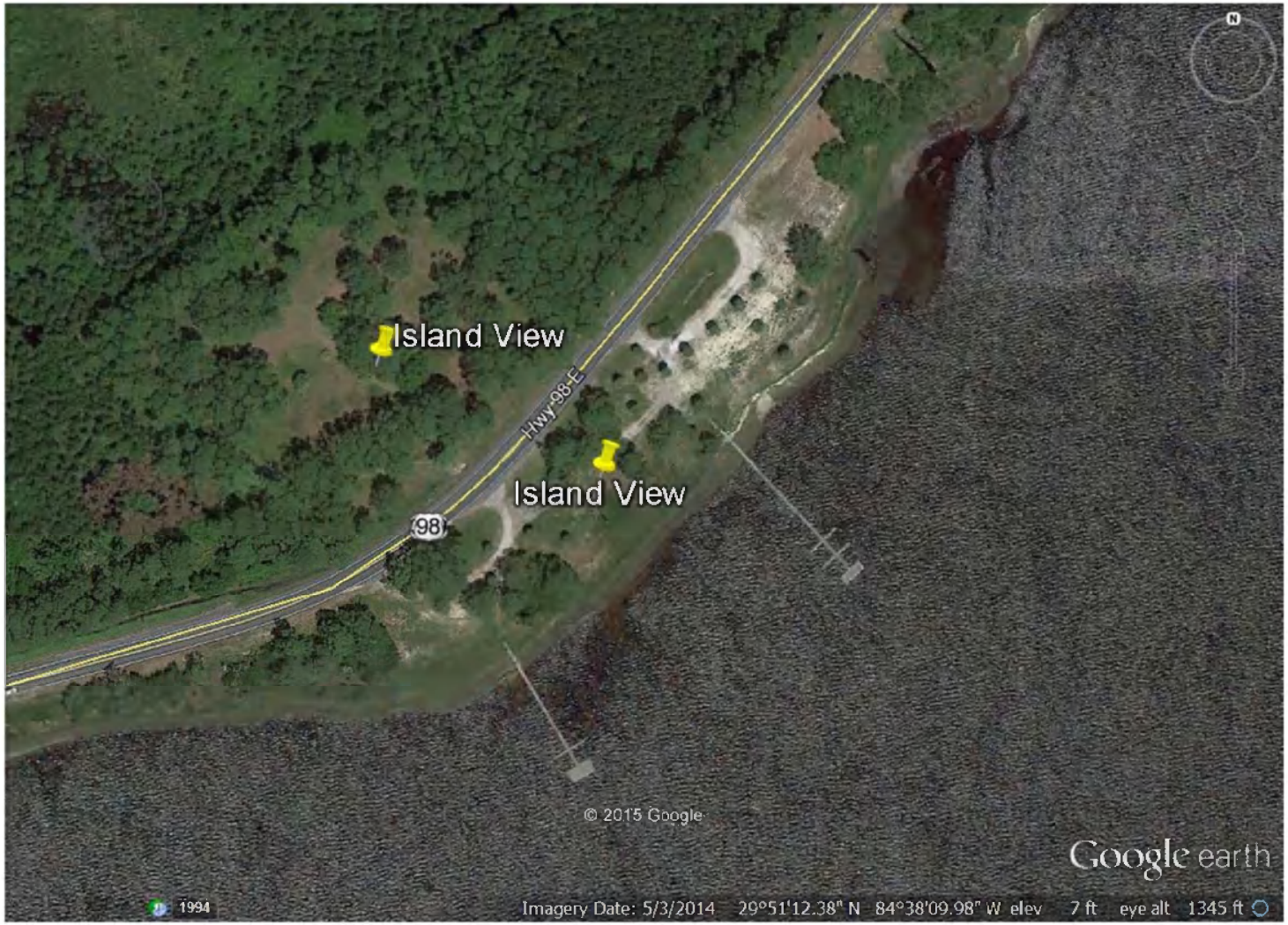

Figure 2: The Proposed Island View Park- 29°51'12.15"N 84°38'10.60"W

Figure 3: Island View Park Proposed Conceptual Master Plan

Figure 4: Island View Park- Waterfront parcel looking northeast along shoreline

Figure 5: Island View Park- Waterfront parcel looking southwest along shoreline

Figure 6: Island View Park- Waterfront parcel looking towards shoreline from existing dock

Figure 7: Island View Park- Waterfront parcel looking northeast towards waterway and existing dock

Figure 8: Island View Park- Inland portion of property looking southeast

Figure 9: Island View Cottages Aerial View- Unknown date (prior to 2013) from ESRI.

Figure 10: Island View Park- Google Street Imagery- ocean front portion of property from May 2011 showing former structures

Figure 11: Island View Park- Google Street Imagery- inland portion of property from May 2011 showing cleared understory

Figure 12: Gulf Sturgeon Critical Habitat Unit 13 off of the Island View Parcel (ERMA, 2015).

Biological Evaluation for Florida Coastal Access Project: Island View Park
Attachment B: Project Description.

The proposed Island View Park site is a 7.13-acre tract of land that is currently owned by and located within Franklin County, Florida about one mile east of the City of Carrabelle. The property is divided by U.S. 98, a state-designated Big Bend Scenic Byway, with an inland northwestern parcel ("inland parcel") that is 4 acres and a southeastern waterfront parcel ("waterfront parcel") that is 3.13 acres (see Attachment A Figures 1, 2 for general location). The parcels are currently zoned Commercial Recreational District.

The waterfront parcel of the property includes 884 linear feet of frontage along St. George Sound, which lies between two State-designated aquatic preserves (listed as "Outstanding Florida Waters") and is adjacent to the Apalachicola National Estuarine Research Reserve. The waterfront parcel was previously developed with a number of small cottages as part of a motel. All cottage structures and surface improvements were razed and most debris removed after 2011, other than two fishing docks and a dilapidated concrete boat ramp. There is also a footpath along the waterfront that is bare of vegetation. There are no currently existing barriers to entering the waterfront property, which is used for unofficial parking associated with fishing activities on the existing docks (see Attachment A Figure 7). The waterfront parcel has some nearshore grass and some remnant maritime hammock habitat, but much of the waterfront parcel is currently un-vegetated due to prior and ongoing disturbances (see Attachment A Figures 7 and 8). At the shoreline, emergent marsh grasses occur but have been disturbed by regular mowing. There are seagrasses in the water near the piers at this site.

The inland parcel was used as a mobile home park from before 1953 until about 2004, but has been left largely unused since that time and the parcel is largely vegetated. Vegetation on the inland site consists of pine trees (potentially including longleaf pine (*Pinus palustris*)) and ornamental landscaping vegetation. Existing infrastructure on the inland parcel is minimal with some above-ground PVC piping and a potential subterranean septic tank on the inland parcel. No improvements are planned on this parcel under the current project. As part of this proposed plan, the site for the Island View Park would be re-zoned from "Commercial Recreational District (C-3)" to "Recreation (P-2)."

The proposed park would be a daytime use park (i.e., sunrise to sunset). The specific site elements detailed in the proposed conceptual site plan for the Island View Park parcel (Attachment A Figure 3) include:

1. **Proposed Turn Lane.** Due to the high speed of cars and sharp turn in the road, a right hand turning lane from U.S. 98 into the proposed park is needed for public safety reasons. The proposed turn lane would be approximately 200 feet long by 25 feet wide (5,000 square feet) with part of it being constructed along the road edge of the waterfront property and the remaining area being constructed in the public right of way.

2. **Expanded Dock for Safety and Accessibility with Fishing Platforms**. Dock expansion includes widening the decking to be ADA compliant. All pier work is proposed to be constructed using the existing pilings. The existing planks on the piers would be removed and replaced to create a pier approximately six feet wide with railings. The total square footage of Dock 1 and Dock 2 would be approximately 2,140 square feet and 1,400 square feet, respectively. The design of the expanded dock would incorporate the use of durable composite grated material for the decking.

3. **Boardwalk**. The proposed boardwalk along the waterfront would be a raised boardwalk made of wood or composite material. This is proposed for 510 linear feet, six feet in width, covering approximately 3,060 square feet. Final boardwalk height would be determined based on environmental and safety concerns.

4. **Stormwater Treatment (as-needed).** A stormwater pond would be located southwest of the proposed parking lot, pending engineering designs and calculations of stormwater runoff. The stormwater pond could excavate up to 700yds of substrate, but the final design depends on the calculations. However, this site has proposed pervious pavement, likely mitigating the necessity for a stormwater pond.

5. **Deck Overlook with Seating and Interpretive Sign**. The proposed project includes construction of a wood overlook deck that would be approximately 35 feet by 50 feet, pending additional submerged aquatic vegetation surveys and consultations, and would contain interior bench seating. This structure would be constructed along the boardwalk, at the base of the northernmost pier.

6. **Lawn Area.** The lawn area (grass) is proposed on both sides of the central plaza, one plot approximately 70 by 30 feet and the second approximately 100 by 35 feet and would require irrigation. An irrigation system would be constructed to help maintain the open lawn area. The waterfront side is not connected to public water, the system would need to connect to public water via eight inch water main and establish a simple hose and pipe drip irrigation system. Minimal additional landscaping would be done for this area, which is already open on the current parcel.

7. **Entry Signage**. Entry signage would be located at the entrance to the park, right before the parking lot.

8. **Central Plaza with Covered Information Kiosk**. This kiosk is proposed to be a 4 x 8 feet structure, on the central plaza area consisting of 1,500 square feet. The central plaza would be finished with concrete pavers with two inch sand setting bed and six inch gravel aggregate base, rendering it a pervious cover. Each concrete paver is approximately 12 by 12 inches.

9. **Parking for approximately 32 vehicles**. An ADA accessible parking lot would be constructed of pervious pavement using concrete paver parking stalls. Each concrete paver is approximately 12 by 12 inches in a six inch aggregate base with sand setting bed, to create a pervious parking surface. The parking lot would be constructed for 32 visitors covering 7,000 square feet with 35 wheel stops and 1,120 square feet of concrete ribbon curbing at the perimeter. Total impervious surface covered at the site would be approximately 21,000 square feet.

10. **Beach Access for Paddle Craft**. The boardwalk would include access directly to the beach on the eastern portion of the property. The existing dilapidated concrete boat ramp would be removed to provide this beach access, but some vegetation removal may be required. The beach area would encompass an approximate area of 1,350 square feet, pending additional submerged aquatic vegetation surveys and consultations.

11. **Alternative Vehicular Entry/Exit**. This alternative entry/exit would be constructed of asphalt (two inches, with a six inch limerock base and 12 inch Type B subgrade). The total area of the alternative entry/exit would be approximately 10,700 square feet.

12. **Proposed Acceleration Lane.** The proposed acceleration lane would allow visitors leaving the park to safely merge with oncoming traffic. The lane would be approximately 125 feet long by 25 feet wide (3,200 square feet) at the northern edge of the waterfront parcel, with part of it being constructed on the waterfront property and part in the public right of way.

Additional site elements not explicitly labeled in the conceptual master plan that would be paid for by the proposed Phase V project include:

- **Concrete sidewalks.** The proposed project would construct ADA accessible concrete sidewalks (five feet wide and four inches deep, covering approximately 635 square feet) along the parking area.
- **General site furnishing.** Site amenities would include four wood arbors with bench swings, six trash receptacles, and four benches (to be placed at the open lawn south of the parking area). **Signs.** The site

would include two signs at the park entrance, six panels for the covered information kiosk, and eight interpretive signs throughout the site.

- **Lighting.** The site would also include one low voltage accent light at the entry sign, eight pole lights in the parking area, and two accent lights at the central plaza area. All lighting would be low-glare, wildlife friendly, and comply with the guidance provided in the current edition of the FWC's Wildlife Lighting Criteria.
- **Additional site work.** Additional work would include removal of an existing concrete slabs, fire hydrant assembly and accompanying water main work, modifying existing electric service.

Final engineering and design plans for the proposed site improvements would be completed following further environmental resource surveys and consultations with state and federal agencies; proposed site improvements may be modified to avoid and/or minimize potential impacts to natural resources. Installation of the proposed site improvements is estimated to take 7-9 months. Staging of equipment and materials for the project sites would likely be located on the property where parking lots would be constructed (according to the conceptual plan), or on previously disturbed areas of the sites. Construction equipment would include a combination of hand-held or power tools for carpentry work as well as heavier construction equipment such as bulldozers, barges, trucks, backhoes, tractor trailers, cranes, small excavators, fork lifts, asphalt machine, roller, or generators. Construction would require the transport of materials to project sites. The number of trips required to transfer materials would be based on the amount and type of materials needed for site improvements at each project site. These details would be determined as part of the final construction design and plan.

October 2015

Endangered Species Act Biological Evaluation Form
Deepwater Horizon Oil Spill Restoration
Fish and Wildlife Service & National Marine Fisheries Service

This form will be used to provide information for the initiation of informal Section 7 consultations under the Endangered Species Act, if required, or to document a No Effect determination. In addition, information provided in this form may be used to inform other regulatory compliance processes such as Essential Fish Habitat (EFH), Marine Mammal Protection Act (MMPA), Section 106 of the National Historic Preservation Act (NHPA), Migratory Bird Treaty Act (MBTA), and Bald and Golden Eagle Protection Act (BGEPA). Further information may be required beyond what is captured in this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

Lead Agency

U.S. Fish and Wildlife Service/National Marine Fisheries Service

Agency Contact Person	*Phone*	*Email*
Ashley Mills and Laurel Jennings	812-756-2712 and 206-526-4601	Ashley_Mills@fws.gov and Laurel.Jennings@noaa.gov

I. *Applicant Agency or Business Name*

Florida Department of Environmental Protection

II. *Applicant Contact Person*	III. *Phone*	*Email*
Gareth Leonard	(850) 245-2222	Gareth.Leonard@dep.state.fl.us

IV. *Project Name and ID# (Official name of project and ID number assigned by action agency)*

Florida Coastal Access Project - Leonard Destin Heritage Park

V. *Project Type #1*	*Project Type #2, if helpful*
Land Acquisition and Management	General Construction/Building

VI. *NMFS Office (Choose appropriate office based on project location)*

NMFS Southeast Regional Office

VII. *FWS Office (Choose appropriate office based on project location)*

Panama City Ecological Services Field Office (Panama City)

B. Project Location

I. Physical Address of action area (If applicable)

Calhoun Waterfront, 101 Calhoun Avenue, Destin, Florida.

II. *State & County/Parish of action area*

Okaloosa County

III. *Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees])*

30.398127°N 86.513329°W WGS84

IV. Township, range and section of the action area

Township 02S, Range 00, Section 22W

C. Description of Action Area

1. Attach a separate map delineating where the action will occur. 2. Describe ALL areas that may be affected directly or indirectly by the action and not merely the immediate action area involved in the action, or just where species or critical habitat may be present. Provide a description of the existing environmental conditions and characteristics (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). 3. If habitat for species is present in the action area, provide a general description of the current state of the habitat. 4. Identify any management or other activities already occurring in the area. 5. Provide or attach a detailed map of the area of potential effect for ground disturbing activities if the area is different from the action area.

1. This project site action area is identified in Attachment A, Figures 1, 2.

2. The proposed Leonard Destin Park is located within Okaloosa County at the former homestead of Captain Leonard Destin, the City of Destin's namesake. The proposed park would be named in his honor. Destin's original home was lost to fire and replaced with a similar house but the structure was razed in 2013 and no housing structures currently exist on the property. The property is approximately 3.42 acres and includes 280 linear feet of frontage on Choctawhatchee Bay, a heavily used waterway.

The property does not have any formal structures except for a dock which is used seasonally by a pontoon boat and Jet Ski rental operator. The commercial operation utilizes the existing dock as well as the western portion of the property for a gravel parking lot, boat storage, temporary storage units, picnic tables, and beach chairs. Patrons of the pontoon boat and Jet Ski rental operator use the property for parking, picnicking and lounging on the beach (Attachment A: Figures 3-9). The property also hosts part of a small great blue heron rookery that extends into adjacent properties. Approximately six nests currently exist in four trees on the north-western portion of the property. The current owners observe that birds continue to roost here each year despite the commercial activities and associated noise. The property has been used for many different purposes over the years including as the home of Leonard Destin, the original settler of the City of Destin, in the mid-19th century. Destin's original home was lost to fire and replaced with a similar house but the structure was razed in 2013 and no housing structures currently exist on the property. The vegetation at this parcel consists of maritime oak, with minimal understory possibly consisting of grasses. The site includes areas that are bare of vegetation including the beach area, and areas that are regularly mowed, along with areas that have worn away from vehicle and pedestrian traffic, specifically near the coastline (Attachment A: Figures 3-9). Little understory exists under most trees (see Attachment A: Figures 3-9). At the shoreline, little vegetation occurs; there are no wetlands on-site. There are seagrasses at this site in the vicinity of the dock (Attachment A: Figures 2).

This site is predominantly flat. There has previously been development onsite where soils have been disturbed. Soils in the area have been classified by USDA NRCS as predominantly Kureb sand and Newhan-Corolla complex soil types. These soil types are composed primarily of sand, are flat with slight slopes, excessively drained, and classified as having negligible to very low runoff. Choctawhatchee Bay substrate is characterized by fine-grain sand and organics. Currently, a private commercial pontoon and Jet Ski rental business operates on the property which utilizes the existing dock and parts of the property for parking and other uses that have also disturbed the substrate. The proposed Leonard Destin Park site is located at the mouth of Choctawhatchee Bay, on an artificial channel opening. The Choctawhatchee Bay watershed encompasses 5,350 square miles. Depths in Choctawhatchee Bay range from 3 to 13 meters. The Choctawhatchee River is the major source of freshwater to the Bay. Other major water features include Pea River, Wrights Creek, Sandy Creek, Pine Log Creek, Seven Runs, Holmes Creek, and Bruce Creek. The Bay is a stratified system with low tidal energy. This project site is located in FEMA designated Flood Zone AE with a base flood elevation of eight feet. Historically, the watershed has seen high amounts of agriculture, timber harvesting, and development. Development has contributed to water quality impacts from stormwater runoff, erosion, and sedimentation. Contaminants of concern include polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), lead, and mercury. Choctawhatchee—St. Andrew is listed as a 303d impaired waterbody for mercury in fish tissue, fecal coliform, and bacteria in shellfish and for beach advisory. Additional contributors to water quality degradation in this bay are agriculture and timber harvesting, influencing increased nutrients, algal blooms, and low dissolved oxygen conditions. In the watershed, Rocky Bayou State Park Aquatic Preserve and the eastern most part of the bay are designated as "Outstanding Florida Waters" worthy of special protection (Chapter 62-302.700, Florida Administrative Code). The proposed Leonard Destin Park site is privately owned and is proposed to be acquired by the Trust for Public Lands and then donated to the City of Destin. The site is zoned as "Calhoun Mixed Use District," which allows a variety of residential and commercial uses. This zoning includes single and multi-family housing, hotel/motels, and retail commercial goods and services. The nearshore bottomlands are considered state-owned and are held in public trust.

3. While the action area may provide habitat for listed species, no listed species are known to occur in the action area. Potentially affected species are described in Sections E-J.

4. This property is in private ownership, and as part of this action is proposed to be acquired by the Florida Trustees in partnership with the Trust for Public Lands, then donated to the City of Destin, FL. The site is currently zoned "Calhoun Mixed Use District" and, at present, a private commercial pontoon and Jet Ski rental business operates on the property. The commercial operation utilizes the existing dock as well as the western portion of the property for a gravel parking lot, boat storage, temporary storage units, picnic tables, and beach chairs. Patrons of the pontoon boat and Jet Ski rental operator use the property for parking, picnicking and lounging on the beach (see Attachment A, Figures 3, 5, 7, and 8).

5. The area of potential effect is not expected to fall outside of the immediate site area. See Attachment A: Figures 1, 10.

a. *Waterbody*

(If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.)

The proposed Leonard Destin Park site is located within Okaloosa County on the Florida Panhandle on a peninsula separating the Gulf of Mexico from Choctawhatchee Bay (marine/estuarine environment). The property includes 280 linear feet of frontage on Choctawhatchee Bay.

b. *Existing Structures*

(If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina.)). If known, please provide the years of construction.

Currently there is an informal parking lot under a few trees where a small heron rookery is located. There is a kiosk and a water well house, along with a bathroom facility. There is an existing pier on the property, developed in 1994, where a pontoon boat and jet ski rental business is currently operated. This site had the original home of Leonard Destin (mid 19th century), but it was lost to fire and replaced with a similar house, but the structure was razed in 2013 and no housing structures currently exist on the property.

c. *Seagrasses & Other Marine Vegetation*

(If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.)

Seagrass, comprised of shoalgrass (Halodule wrightii), is present at the Leonard Destin Park project area and based on aerial imagery, there appears to be submerged aquatic vegetation in the vicinity of the existing dock (Attachment A: Figure 2).

d. *Mangroves*

(If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.)

Not applicable.

e. *Corals*

(If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.)

Not applicable.

f. *Uplands*

(If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

The uplands at this parcel consists of maritime oak with minimal understory consisting of grasses. The site includes areas that are bare of vegetation including the beach area, and areas that are regularly mowed, along with areas that have worn away from vehicle and pedestrian traffic, specifically near the coastline (Attachment A: Figures 3-9). Little understory exists under most trees (see Attachment A: Figures 3-9). At the shoreline, little vegetation occurs; there are no wetlands on-site.

D. Project Description

I. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

Installation of the proposed site improvements is estimated to take 9-12 months. The specific schedule for construction has not been established, as the project is only at a conceptual design phase at this time (Attachment A: Figure 10).

II. *Describe the Proposed Action: 1. What is the purpose and need of the proposed action? 2. How do you plan to accomplish it? Describe in detail the construction equipment and methods** needed; permanent vs. temporary impacts; duration of temporary impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/ laydown areas.* ***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, or artificial reefs, list the method here, but complete the next section(s) in detail.***

The Florida Coastal Access Project: Leonard Destin Park will be performed in two stages: (1) the acquisition of the coastal parcel and (2) the final design and construction of the park infrastructure and amenities. The second stage is described in Attachment B.

III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

a. *Overwater Structures (Place your answers to the following questions in the box below.)*

i. *Is the proposed use of this structure for a docking facility or an observation platform?*
ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*
iii. *Use of "Dock Construction Guidelines"?* http://sero.nmfs.noaa.gov/pr/endangered%20species/Section%207/DockGuidelines.pdf
iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*
v. *Height above Mean High Water (MHW) elevation?*
vi. *Directional orientation of main axis of dock?*
vii. *Overwater area (sqft)?*
viii. *Use of "Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006"?* http://sero.nmfs.noaa.gov/pr/endangered%20species/Sea%20Turtle%20and%20Smalltooth%20Sawfish%20Construction%20Conditions%203-23-06.pdf

i. This project proposes to modify the existing dock by widening it. No new pilings will be required. This dock will not be used for motorized vessels. ii. Yes, this will be a public fishing pier (dock). Site visitation is expected to vary with fishing seasons. Parking at the site is limited to approximately 30 spaces. No fish cleaning stations are included in the plan. Any hook and line captures of listed species must be reported. iii. Yes, USACE and NMFS dock construction guidelines will be followed where possible regarding pier modifications on existing pilings. iv. Old planks will be removed and the replacement decking will be either wood or composite materials. v. Current dock height is unquantified, but appears to rest about one foot above the water (see Attachment A: Figures 3, 9). vi. Dock is oriented northwest from the site. vii. Dock area is expected to be approximately 3,550 sq ft. viii. Dock modifications will be in accordance with "Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006."

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

No new pilings will be installed. All dock/pier work will use the existing pilings. Modifications to the piers will include widening of the existing piers for ADA compliance. Materials will be made from natural (i.e., wood) or composite materials. Updated SAV surveys would occur prior to construction because SAV bed continuity, extent, and density are subject to change over time. An analysis of SAV, likely via aerial imagery analysis and field surveys, would be conducted prior to finalization of engineering and design plans. USACE and NMFS dock construction guidelines would be followed where possible regarding dock improvements. If the SAV survey finds that the SAV near the proposed dock location would be adversely affected by the widening of the dock, there is the potential to modify this improvement (e.g., incorporating the use of composite grated materials that would allow light through) to avoid or minimize adverse effects.

c. *Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

Not applicable.

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

Not applicable. There is a kayak launch proposed for the expanded deck, but there is no boat trailer parking, only the proposed parking area for 30 vehicles. Kayaks will be carried onto the deck and launched from the shore. It is unknown if there will be mooring spots on the dock for non-motorized, small watercraft; this will depend on the final design plan. This is a public kayak launch.

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.)*

Not applicable.

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft^2) to be dredged, volume of material (yd^3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods.*

No in-water dredging or digging will occur. Digging would occur in the terrestrial environment to auger holes for installation of support structures (where needed) for the boardwalk. Digging would also occur if engineering designs determine that a stormwater pond is necessary to control runoff from the gravel parking area, this is estimated to be 600 cubic yards of excavation. There are bathrooms and the splash pad proposed on-site which would need connections to municipal water and sewer; this is anticipated to be 450 linear feet of two inch trunk line. Additional ground disturbances and surficial digging would be associated with construction of a gravel parking lot for 30 spaces, picnic pavilions, splash pad, restrooms, fire hydrant installation, and installation of a small irrigation system and accompanying infrastructure. Concrete would be used for two ADA compliant parking spaces. Minor disturbances associated with tree plantings, playground, splashpad, ADA beach ramp and mat, and seine boat would occur. The extent of terrestrial digging would likely be less than two thirds (2.28 acres) of the total

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

Not applicable.

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

Not applicable.

E. Species & Critical Habitat

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.
2. Attach a separate map identifying species/critical habitat locations within the action area.

For information on species and critical habitat under FWS jurisdiction, visit http://www.fws.gov/endangered/species/. Under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT (CH)	LOCATION (for sea turles and gulf sturgeon only)	STATUS	CH UNIT
Gulf sturgeon	Marine	Threatened	
Loggerhead sea turtle	Marine	Threatened	
Green sea turtle	Marine	Endangered	
Hawksbill sea turtle	Marine	Endangered	
Kemp's ridley sea turtle	Marine	Endangered	
Leatherback sea turtle	Marine	Endangered	
Gulf sturgeon critical habitat	Marine	Critical Habitat	CH Unit 12
West Indian manatee	Select One	Endangered	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	
	Select One	Select One	

F. Effects of the Proposed Project

I. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

We anticipate that the acquisition of this parcel will be wholly beneficial. There may be beneficial and adverse effects to listed species from the recreational improvements, as described below.

Sea turtles. There is no piling installation proposed for this site, only enhancements (i.e., widening) to the two existing piers. The project location does not intersect with any identified sea turtle critical habitat in water or on land. However, the range of sea turtles suggests they could occur in the project area although the lack of suitable nesting habitat as well as the turtles' ability to avoid the general activity in the area may make them less likely to be affected by construction activities. As a result of construction related activities from dock construction and anticipated recreational uses of docks, this project may have direct or indirect adverse effects on sea turtles. However, the lack of suitable nesting and breeding habitat near the shoreline suggests that impacts are unlikely. Adverse effects from construction will be avoided or minimized by using conservation measures and BMPs in Section G.

Gulf sturgeon. The Gulf sturgeon inhabits coastal waters and freshwater river systems of the northern Gulf of Mexico. Gulf sturgeon are usually located in areas 2-4 meters deep with sand substrate. There is critical habitat for Gulf sturgeon at this site, and there is the potential for Gulf sturgeon to be in the waters during the time of construction. Potential impacts to the Gulf sturgeon include elevated noise levels and the presence of suspended sediments in the water column. This species is mobile and would likely exit the area during construction. As a result of construction activities conducted on the docks and anticipated recreational uses after completion, this proposed project may have direct or indirect adverse effects on Gulf sturgeon. Adverse effects from construction will be avoided or minimized by using conservation measures and BMPs in Section G.

West Indian manatee. The West Indian manatee inhabits freshwater, brackish, and marine environments. It typically occurs in coastal and inland tidal rivers and streams, mangrove swamps, salt marshes, freshwater springs, canals, lagoons, and vegetated bottoms. It moves to warm-water sites, including industrial warm-water discharges, during the winter. The project location does not intersect with any identified critical habitat for the West Indian manatee. Marine mammals are affected by vibrations resulting from construction activities (e.g., generators, pile drivers, etc.). There is no piling installation (e.g., driving or pushing pilings) proposed at this site, however, dock modifications such as widening are considered in-water work. Accordingly, as a result of construction related activities conducted on the dock, this project may have direct and/or indirect short-term adverse effects on the West Indian manatee and other marine mammals. If manatees are present, they would probably avoid the construction area. Appropriate conservation measures and BMPs in Section G will be undertaken to minimize and avoid adverse impacts associated with construction activities.

II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

The site contains no critical habitat for any of the species except Gulf Sturgeon (critical habitat unit 12; Attachment A: Figure 11). Gulf sturgeon critical habitat unit 12 is located directly adjacent to the site, and continues throughout Choctawhatchee Bay with Gulf sturgeon critical habitat unit 11 directly to the south in the Gulf of Mexico. In-water work proposed for this site only consists of enhancements (i.e., widening) to the existing pier; there is no proposed piling installation. Impacts to critical habitat would be indirect and adverse from actions such as increased suspended sediment and noise. If construction barges, tugs and other watercraft are used in dock-widening efforts, these would most likely be staged in the site area, thus in Gulf sturgeon critical habitat. However, disturbances would be temporary and it is not anticipated that the proposed project would permanently alter any of the habitat.

G. Actions to Reduce Adverse Effects

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Gulf sturgeon. Impacts to the Gulf sturgeon will be avoided and minimized by implementation of BMPs during ground disturbance activities that will reduce sediment and nutrient inputs to streams, minimize disturbance to riparian zone vegetation within 100 feet of the streambank in occupied habitat and revegetate disturbed areas with native vegetation. All work will take place in less than 1.5 meters of water and in areas of silty sand with seagrass. These species are known to avoid areas of high human activity when given the opportunity. Work will most likely take place during the spring and summer months when Gulf Sturgeon are less likely to be present in inshore shallow waters. If construction activity occurs when Gulf sturgeon are present, additional adverse impact reduction strategies could include the following:

- During project implementation, maintain riparian buffers of at least 100 feet around critical habitat. Install silt fencing to prevent sedimentation or erosion into streams and rivers;
- Control turbidity levels through the use of floating turbidity screens during in-water construction.
- Implement the Sea Turtle and Smalltooth Construction Conditions, Revised: March 23, 2006 and Measures for Reducing Entrapment Risk to Protected Species, Revised: May 22, 2012 as they are protective of Gulf sturgeon as well.

Sea turtles and manatees. During construction activities to widen the dock, BMPs identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions and the Standard Manatee Conditions for In-Water Work (USFWS 2011) will be implemented to reduce the risk of adverse impacts to an insignificant or discountable level, if relevant. As noted in these documents, these conditions require stopping operation of any equipment if sea turtles or smalltooth sawfish come within 50 feet of the equipment until the animals leave the project area of their own volition. Pending negotiations on final design, marine mammal and sea turtle conservation measures could include posting of educational signage detailing what to do if sea turtles or marine mammals are spotted in the vicinity, or what to do in the event that there is an incidental hooking. There is the possibility to enlist these docks in Florida's Responsible Pier Initiative Program (a program through the Loggerhead Marinelife Center that adds signage to fishing piers, hosts first responder trainings, and conducts underwater clean-ups around piers). Additional conservation measures for sea turtles could include the use of wildlife friendly lighting if lights are required for docks. Lighting could be required for boater safety. The lighting would be wildlife friendly, consisting of solar LED lights.

The following conservation measures will be followed to avoid and/or minimize adverse indirect impacts to listed aquatic and terrestrial species that may reside in and around the project area, including the Gulf sturgeon, West Indian manatee, sea turtles, and birds.

- Specific provisions will be identified in construction contract(s) to prevent storm water pollution during construction activities, in accordance with the National Pollutant Discharge Elimination System permit program of the Clean Water Act and all other federal regulations, and in accordance with the storm water pollution prevention plan to be prepared for this project.
- Buffers between areas of soil disturbance and wetlands or waterways will be planned and maintained.

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Any construction work requiring equipment use from vessels will be conducted in accordance with the BMPs in the Standard Manatee Conditions for In-Water Work and Sea Turtle and Smalltooth Sawfish Construction Conditions to help to avoid impacts to critical habitat. This will minimize potential impacts to species and critical habitat in the area. Additionally, water quality measures (listed above for Gulf sturgeon and general conservation measures) will help minimize any impacts to critical habitat for Gulf sturgeon. These include during project implementation, maintaining riparian buffers of at least 100 feet around critical habitat, and installation of silt fencing to prevent sedimentation or erosion into water bodies.

H. Effect Determination Requested

From the sections above, there should be enough detailed information to provide clear and obvious support for your determinations in the section below. If the rationale for the determination is not clear, additional information must be added to one of the sections. Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT	LOCATION (for sea turtles and gulf sturgeon only)	DETERMINATION (see definitions below)
Gulf sturgeon	Marine	May Affect, Not Likely to Adversely Affect
Gulf sturgeon critical habitat	Marine	No destruction or adverse modification
West Indian manatee	Select One	May Affect, Not Likely to Adversely Affect
Green sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Hawksbill sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Kemp's ridley sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Loggerhead sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Leatherback sea turtle	Marine	May Affect, Not Likely to Adversely Affect
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is "Concurrence." This conclusion is appropriate when effects to the species or critical habitat will be beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is "Formal Consultation". Response requested for proposed and candidate species is "Conference." This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination should be "is likely to adversely affect." Such a determination requires formal section 7 consultation and will require additional information.

JP = likely to jeopardize proposed species/adversely modify proposed critical habitat. For proposed species and proposed critical habitats, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the proposed species or adversely modify an area proposed for designation as critical habitat. If you reach this conclusion, a section 7 conference is required.

JC = likely to jeopardize candidate species. For candidate species, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the candidate species. If this conclusion is reached, intra-Service section 7 conference is required.

Critical Habitat = No destruction or adverse modification. This determination is appropriate when the proposed action will have no direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical.

I. Bald Eagles

Are bald eagles present in the action area? ✓ NO ☐ YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐ NO ☐ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: **permitsR2MB@fws.gov**
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: **permitsR4MB@fws.gov**

J. Migratory Birds

Identify the species anticipated in the action area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized. Use additional tables on the next page if needed.

I.

Species/Species Group	Behavior	Species/Habitat Impacts and Conservation Measures to Minimize Impacts
Wading birds (e.g., great blue heron)	Wading Birds- breeding, foraging, wintering, roosting	Wading birds primarily forage and feed at the water's edge in fresh, brackish and saltwater marshes and tidal flats. There is a confirmed Great Blue Heron rookery at this site with less than 10 nests. Noise and disturbance may cause birds to avoid the action area during construction. Birds would be expected to move to another nearby location to continue foraging, feeding and resting. However, activities at the site at present include parking beneath the rookery and operation of a boat rental business and this has not seemed to impact the rookery. These herons have continued to nest despite the current disturbances occurring there. The rookery trees will be protected and activity around the trees will be reduced with the proposed improvements. A wood boardwalk will be constructed through the heron rookery area, but will avoid the tree canopy. The boardwalk will guide park visitors to the peripheral edges of the rookery and native grasses will be planted underneath the trees on an area approximately 16,500 square feet. Educational signage will be installed at the site. Construction impacts to nesting herons will be avoided by conducting construction during the winter when the herons are not nesting. No significant adverse impacts to nesting and roosting are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances would be localized and temporary. Roosting would not be affected because the project would occur during daylight hours only. No take of wading birds is anticipated.
Shorebirds (e.g., terns and plovers)	Shorebirds- breeding, foraging, wintering, roosting	Shorebirds could occasionally forage, feed, rest, and roost in the project area. As such, they may be impacted locally and temporarily by the project. It is expected that they would move to another nearby location to continue foraging, feeding and resting. These birds primarily nest and roost in the dunes and sand beaches. The action area does not include dune habitat, but there is beach habitat. There are no known shorebird nests on site. It is unlikely shorebirds would nest in the small beach area at this site, but if shorebird nests are found they would be avoided. The project would not affect roosting at this site because construction activities would occur during daylight hours only. No impacts to nesting and roosting shorebirds are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances would be localized and temporary. No take of shorebirds is anticipated.

Migratory Birds

Continuation page if needed.

II.

SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS
Raptors (e.g., hawks and kites)	Raptors- foraging, wintering, roosting	Raptors could forage and rest in the action area. As such, they may be impacted locally and temporarily by the proposed project. It is expected that they would be able to move to another nearby location to continue foraging and resting. These birds primarily nest and roost in trees. There are no known raptor nests on site. The proposed project would not affect roosting at this site because construction activities would occur during daylight hours only. There is minimal to no tree removal expected from the site improvements. Prior to construction, nest surveys would be completed prior to any tree/shrub removal and any trees/shrubs with active nests would be flagged and avoided. No impacts to nesting and roosting are anticipated. Care will be taken to minimize noise and vibration near areas where foraging or resting birds were encountered. All disturbances would be localized and temporary. Therefore, no take of raptors is anticipated.
Songbirds (e.g., sparrows and warblers)	Songbirds- breeding, foraging, wintering, roosting	Songbirds could forage, rest and nest in the project area. As such, they may be impacted locally and temporarily by the proposed project. Songbirds would be able to avoid the construction area and move to another nearby location to continue foraging and resting. Construction would occur only during daylight hours. If work must be done when songbirds are nesting, nest surveys will be completed prior to any tree/shrub removal and any trees/shrubs with active nests will be flagged and avoided. For these reasons, no take of songbirds or their nests is anticipated.
	General impact reduction methods for all birds.	To the extent possible, construction activities will avoid specific habitat locations onsite if there are known nesting birds and avoid nesting seasons. Pre-construction nesting surveys for migratory birds and raptors will be conducted and if evidence of nesting is found, the Trustees will coordinate with the USFWS to develop and implement appropriate conservation measures. At a minimum, trees/shrubs with active nests will be flagged and avoided. To avoid or minimize impacts to migratory birds from increased human activity, trails will divert and concentrate recreational users away from any important nesting, foraging, or rookery locations including shorelines where shoreline restoration will occur and minimal removal of trees. This project proposes minimal habitat fragmentation by improvements on existing areas of disturbance. Additionally, signage will be installed along trails, boardwalks, and picnic locations to provide users information on sensitive species in the area and actions to take to avoid or minimize impacts to sensitive species. Foraging and resting birds may temporarily be displaced during construction or recreation activities. Bird roosting will not be affected because construction activities and most human use will occur during daylight hours.

Pre-existing NEPA Documents

Yes ✓ No

Does this project have any pre-existing, site specific NEPA analysis? If YES, then provide final NEPA analysis, if not final then provide draft. If tiered from a programmatic EIS or EA, then provide the programmatic document or a link below.

Tiered from the Deepwater Horizon NRDA Early Restoration Phase III Early Restoration Plan/Programmatic Environmental Impact Statement. http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/phase-iii/

NMFS ESA §7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Laurel.Jennings@noaa.gov**. Questions about consultation status may be directed to the same email address or by phone, 206-526-4601 or 206-794-4761 (cell).

FWS ESA § 7 Consultation

We request that all consultation requests/packages to FWS be submitted electronically to: **Ashley_Mills@fws.gov**. You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation. If you have questions about consultation status, please contact Ashley Mills by phone 812-756-2712 or email Ashley_Mills@fws.gov.

Name of Person Completing this Form:	Heather Ballestero, Industrial Economics, Inc.
Name of Project Lead:	
Date Form Completed:	12/18/2015
Date Form Updated:	12/23/15

Figure 1: Leonard Destin Park Parcel Location

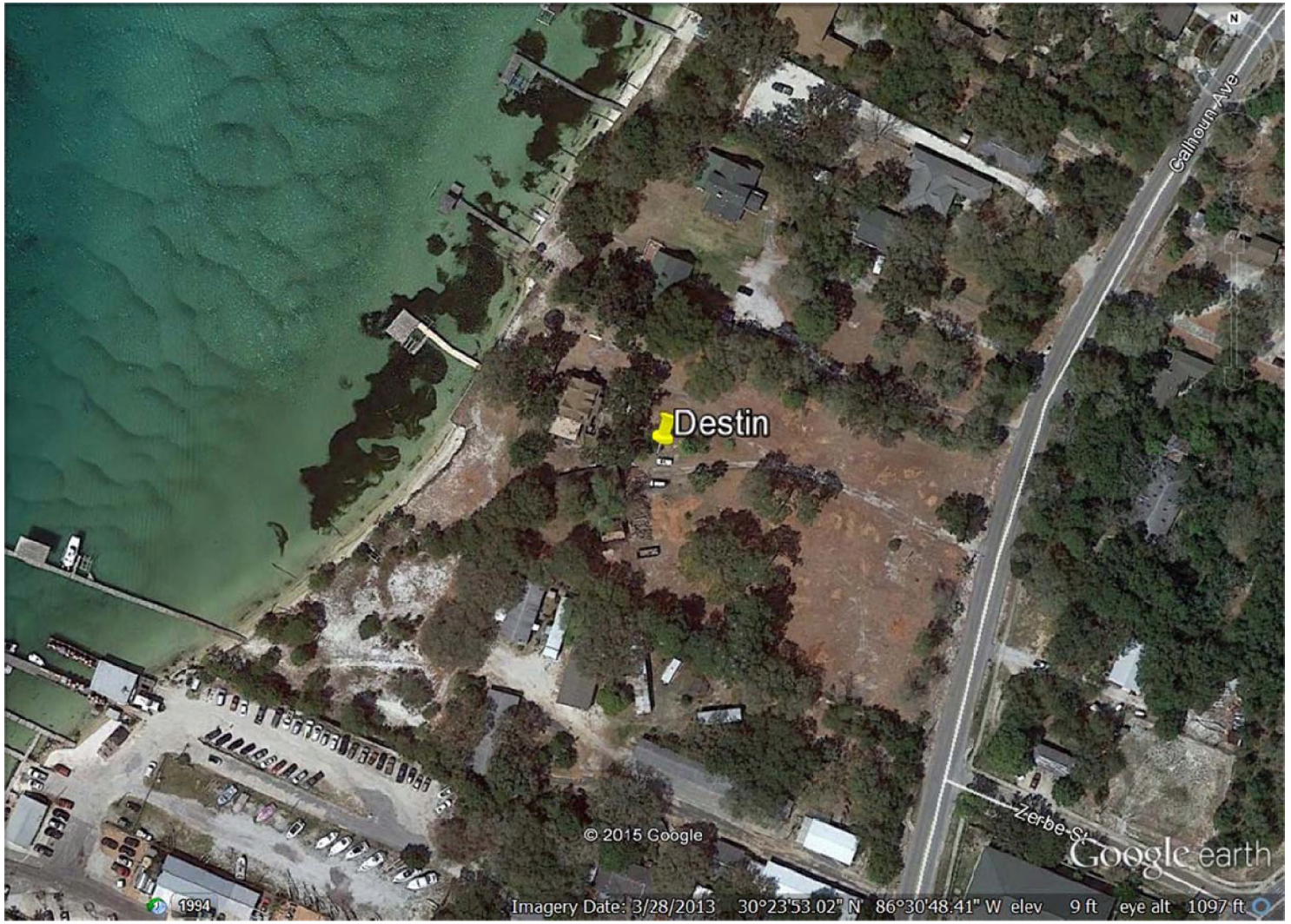

Figure 2: Proposed Leonard Destin Park- Location- 30°23'53.09"N 86°30'48.26"W

Figure 3: Leonard Destin Park- existing view looking towards great blue heron nesting trees, existing dock, and waterway

Figure 4: Leonard Destin Park- existing view looking north towards great blue heron nesting trees, existing dock, and waterway

Figure 5: Leonard Destin Park- existing view looking towards great blue heron nesting trees, taken from dock area, looking east. Note the presence of the cars under the trees.

Figure 6: Leonard Destin Park- view underneath the heron nesting trees

Figure 7: Leonard Destin Park- existing view looking towards beach area, Jet Ski rentals, and waterway

Figure 8: Leonard Destin Park- existing beach area with Jet Ski rentals, looking south

Figure 9: Leonard Destin Park- existing beach area and dock looking west towards waterway

Figure 10: Leonard Destin Park Proposed Conceptual Master Plan

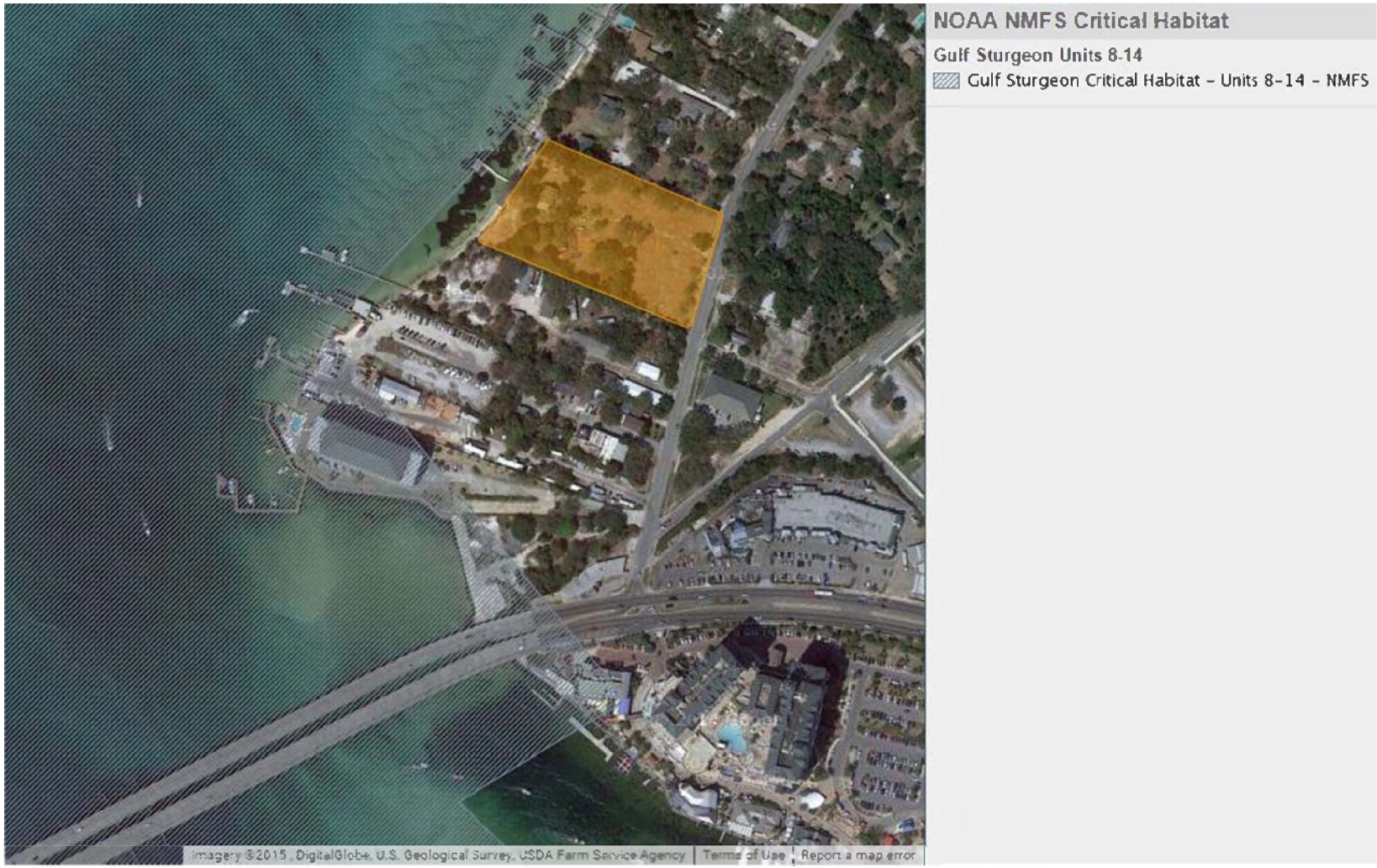

Figure 11: Gulf Sturgeon Critical Habitat Unit 12 off of the Proposed Leonard Destin Park (ERMA 2015).

Biological Evaluation for Florida Coastal Access Project: Leonard Destin Park
Attachment B: Project Description.

The proposed Leonard Destin Park is located within Okaloosa County at the former homestead of Captain Leonard Destin, the City of Destin's namesake. The proposed park would be named in his honor. Destin's original home was lost to fire and replaced with a similar house but the structure was razed in 2013 and no housing structures currently exist on the property. The property is approximately 3.42 acres and includes 280 linear feet of frontage on Choctawhatchee Bay, a heavily used waterway (see Attachment A Figures 1 and 2 for general location).The site is currently zoned "Calhoun Mixed Use District" and, at present, a private commercial pontoon and Jet Ski rental business operates on the property. The commercial operation utilizes the existing dock as well as the western portion of the property for a gravel parking lot, boat storage, temporary storage units, picnic tables, and beach chairs. Patrons of the pontoon boat and Jet Ski rental operator use the property for parking, picnicking and lounging on the beach (see Attachment A Figures 3, 5, 7 and 8). The property also hosts part of a small great blue heron rookery that extends into adjacent properties. Approximately six nests currently exist in four trees on the north-western portion of the property. The current owners observe that birds continue to roost here each year despite the commercial activities and associated noise.

As part of this plan, the proposed site for the Leonard Destin Park would be re-zoned from "Calhoun Mixed Use District" to "Recreation." The proposed park would be a daytime use park (i.e., sunrise to sunset). The specific Leonard Destin Park site elements in the proposed conceptual site plan (Attachment A Figure 10) include:

1. **Expanded Dock for Accessibility.** The existing pier would be modified on the existing piling by expanding the width to make it ADA compliant. The existing dock has a platform deck at the end of it. The total area of the dock would be 3,550 square feet. The decking would be comprised of durable composite grated material and the other structural features would be comprised of natural (i.e., wood) material and/or durable composite materials.
2. **Expanded Beach Area**. The current beach area on the site is approximately 0.3 acres and is sparsely vegetated with primarily non-native grasses (see Attachment A Figures 4, 5, and 7). This beach area would be shaped and slightly expanded landward to less than 0.5 acres for total beach area. Shoreline stabilization efforts such as planting native grasses at the perimeter may be undertaken. Sand may also be imported to the site to supplement the beach area. All beach expansion efforts would take place landward of the mean high water line. An informational sign would also be placed at the beach area and could describe park rules, directions, a map, and/or provide site interpretation.
3. **ADA Beach Access with Mats**. An ADA beach ramp mat 50 feet long and 4 feet wide would provide ADA access to the beach.
4. **Raised Wooden Deck with Platform.** At the landward edge of the beach area, a wooden deck (approximately 2,700 square feet) would be constructed. Construction of this deck may require removal of several existing trees.
5. **Boardwalk.** A six-foot wide wooden boardwalk would be constructed adjacent to the raised wooden deck that would connect this deck to the shore (element number 8). This boardwalk would be approximately 100 feet long.
6. **Heron Rookery Protection Zone (Planted with Native Grasses)**. The boardwalk around the heron rookery would guide park visitors to the peripheral edges of the rookery and native grasses would be planted underneath the trees on an area approximately 16,500 square feet.

7. **Kayak Launch from Deck**. The expanded boardwalk (element number 8) would include a kayak launch that would likely be partially submerged at high tide.
8. **Expanded Boardwalk and Deck.** A raised wooden deck would replace existing structures along the shoreline on the north side of the parcel and would be expanded to include 2,725 square feet of water access, pending additional submerged aquatic vegetation surveys and consultations.
9. **Large Picnic Pavilion with Interpretation (using architectural vernacular of original Destin Homestead)**. An open air picnic pavilion (900 square feet) with four picnic tables and interpretive signs would be constructed on the north side of the site using architectural vernacular of the original Destin Homestead (wood construction). The structures would consist of basic wood frames to provide shade with concrete slabs beneath.
10. **Boardwalk between Heron Rookery Trees with Interpretive Signage.** A wood boardwalk 144 feet long and six feet wide would be constructed through the heron rookery area, but would avoid the tree canopy areas. Construction would not occur during nesting season. Educational signage would be installed at the site. Recognizing the importance of the existing rookery and in consultation with the Florida Chapter of the National Audubon Society, the Trustees would preserve the current heron rookery by building a protection zone around the mature live oaks. Further, the Florida Trustees are exploring and may nominate the site for inclusion on the Great Florida Birding and Wildlife Trail.
11. **Restrooms with Outdoor Showers.** The site would provide an ADA accessible restroom (750 square feet) with outdoor showers connected to the municipal sewer and water.
12. **Splash Pad**. The splash pad would be approximately 60 feet by 80 feet in size. Underneath the rubberized splash pad surface a pool filtration (or similar) system would treat water from the public water supply. Used water would be re-captured, creating a closed loop system where additional water is input on an as-needed basis. Concrete would surround the edges of the splash pad. An informational sign describing would also be constructed at the splash pad (based on input from the local government).
13. **Expanded Fruit Tree Grove**. The proposed project would also protect and expand an existing small fruit tree grove in the center of the property by planting four fruit trees and protecting and fencing approximately five existing trees.
14. **Interpretation (Full-size Historical Seine Boat for Interaction)**. The site would have a full size re-creation of a wood seine boat for historical interpretation. The boat would be set in the ground and cover an area approximately 30 feet by 10 feet.
15. **Covered Interpretation and Signage**. An informational kiosk structure (a wood structure of less than 100 square feet) would accompany and explain the historical and cultural value of the seine boat to the City of Destin.
16. **Welcome Sign and Public Art.** The project would include a welcome area with public art and concrete pavers at the drop off area and park entry plaza covering 2,025 square feet.
17. **Playground**. Play features would include a natural playground approximately 12 feet by 20 feet in size with safety surfacing and edging. An informational sign would also be placed at the playground (based on input from the local government).
18. **Parking for Approximately 30 Cars**. The proposed site plan includes a gravel parking lot for approximately 30 vehicles at the rear (eastern) side of the site (approximately 18,000 square feet). The parking area would include two ADA accessible parking spaces, which would be on concrete slabs with stabilized subgrade.
19. **Emergency Vehicle Access**. Adjacent to the parking lot would be an emergency access turn-around loop (concrete).

20. **Stormwater Treatment Pond (as-needed)**. Stormwater pond and landscape drainage would be implemented pending engineering designs and calculations of stormwater runoff.
21. **Pedestrian Access from Calhoun Avenue**. The proposed project includes constructing a walkway from the site parking lot to the public sidewalk at the east edge of the property.

Additional site elements not explicitly labeled in the conceptual master plan include:

- **Concrete sidewalks.** The proposed project would construct ADA accessible concrete sidewalks between picnic area and viewing area elements in the central property areas (five feet wide and four inches deep covering an area approximately 6,500 square feet).

- **General site furnishings**. Additional site elements would include seven trash receptacles, ten benches, split rail cedar fencing (four feet high and 255 feet long), and historical-style homestead fencing (205 feet long and three feet high).
- **Signs**. In addition to educational signage discussed above for playground, seine boat, and heron rookery, signage would include signage at the main vehicular drive and main pedestrian entrance.
- **Lighting.** Site lighting would include nine pole lights at parking areas and one accent lighting at the signage wall (low voltage). All lighting would be low-glare, wildlife friendly, and comply with the guidance provided in the current edition of the FWC's Wildlife Lighting Criteria.
- **Landscaping.** General landscape development would also include hardwood tree maintenance, native plantings, an irrigation system near the park entry and park core only to maintain lawn areas, and landscape drainage.
- **Additional site work.** Site work would entail removal of any currently existing site structures and the two currently existing concrete slabs (boardwalk area) located on the southwestern portion of the site. Additional site work includes modifying existing electric service, connecting to the municipal sewer system, fire hydrant assembly and accompanying water main work, site grading (as-needed), and erosion control efforts during construction.

Final engineering and design plans for the proposed site improvements would be completed following further environmental resource surveys and consultations with state and federal agencies; proposed site improvements may be modified to avoid and/or minimize potential impacts to natural resources. Installation of the proposed site improvements is estimated to take 9-12 months. Staging of equipment and materials would likely be located on the property where parking lots would be constructed (according to the conceptual plan), or on previously disturbed areas of the site. Construction equipment would include a combination of hand-held or power tools for carpentry work as well as heavier construction equipment such as bulldozers, barges, trucks, backhoes, tractor trailers, cranes, small excavators, fork lifts, asphalt machine, roller, or generators. Construction would require the transport of materials to the project site. The number of trips required to transfer materials would be based on the amount and type of materials needed for site improvements. These details would be determined as part of the final construction design and plan.

October 2015

Endangered Species Act Biological Evaluation Form
Deepwater Horizon Oil Spill Restoration
Fish and Wildlife Service & National Marine Fisheries Service

This form will be used to provide information for the initiation of informal Section 7 consultations under the Endangered Species Act, if required, or to document a No Effect determination. In addition, information provided in this form may be used to inform other regulatory compliance processes such as Essential Fish Habitat (EFH), Marine Mammal Protection Act (MMPA), Section 106 of the National Historic Preservation Act (NHPA), Migratory Bird Treaty Act (MBTA), and Bald and Golden Eagle Protection Act (BGEPA). Further information may be required beyond what is captured in this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

Lead Agency

U.S. Fish and Wildlife Service/National Marine Fisheries Service

Agency Contact Person	*Phone*	*Email*
Ashley Mills and Laurel Jennings	812-756-2712 and 206-526-4601	Ashley_Mills@fws.gov and Laurel.Jennings@noaa.gov

I. *Applicant Agency or Business Name*

Florida Department of Environmental Protection

II. *Applicant Contact Person*	III. *Phone*	*Email*
Gareth Leonard	(850) 245-2222	Gareth.Leonard@dep.state.fl.us

IV. *Project Name and ID# (Official name of project and ID number assigned by action agency)*

Florida Coastal Access Project- Lynn Haven Preserve and Park

V. *Project Type #1*	*Project Type #2, if helpful*
Land Acquisition and Management	General Construction/Building

VI. *NMFS Office (Choose appropriate office based on project location)*

NMFS Southeast Regional Office

VII. *FWS Office (Choose appropriate office based on project location)*

Panama City Ecological Services Field Office (Panama City)

B. Project Location

I. Physical Address of action area (If applicable)

Lynn Haven on northeast North Bay and McKitchen's Bayou

II. *State & County/Parish of action area*

Bay County, Florida

III. *Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees])*

30.257436°N, 85.605229°W WGS84

IV. Township, range and section of the action area

Township 3 South, Range 14, Section 1.

C. Description of Action Area

1. Attach a separate map delineating where the action will occur. 2. Describe ALL areas that may be affected directly or indirectly by the action and not merely the immediate action area involved in the action, or just where species or critical habitat may be present. Provide a description of the existing environmental conditions and characteristics (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). 3. If habitat for species is present in the action area, provide a general description of the current state of the habitat. 4. Identify any management or other activities already occurring in the area. 5. Provide or attach a detailed map of the area of potential effect for ground disturbing activities if the area is different from the action area.

1. This project site action area is identified in Attachment A, Figures 1-3.

2. The proposed Lynn Haven Preserve and Park site is located within Bay County and is an approximately 90.7 acre undeveloped tract of land (see Figure 3-4 and Figure 3-8). The property includes 1,650 linear feet of frontage on North Bay (marine environment) and 3,570 linear feet of frontage along McKitchen's Bayou (brackish) and its unnamed source creek. This source creek is likely minimally tidally influenced, if at all, but is likely to have higher flow following storm events. The property is a cut-out from a larger commercially owned property and would be accessed via a road easement to a public right of way. There is currently no public access to the site and a gate bars entrance to the property's dirt road which is connected to the nearby Deer Point Elementary School's access road. The current dirt access road will be paved as part of this project. The new road will be a two lane paved road, approximately 22-24' wide, with one culvert bridge over a small creek.

The site owner currently maintains the site through regular mowing of many areas. Satellite imagery show dirt roads used for property maintenance throughout the site (Attachment A: Figure 3). Per a recent wetlands survey, the property includes approximately 59 acres of upland habitat and 32 acres of wetlands. Tree cover includes hammocks of oaks and pine with magnolia (Attachment A: Figures 5-9). There are no seagrasses in the water at this site.

The proposed Lynn Haven Preserve and Park site is located within Bay County in the Florida Panhandle against an eastern shore of North Bay (in St. Andrew Bay), south of Route 77A. This site is predominantly flat. No previous development has occurred onsite, but there is development directly adjacent to the proposed site area (e.g., existing road). Soils in the site area have been classified by USDA NRCS as Chipley sand, Osier fine sand, Leon sand, Pamlico-Dorovan complex, Dirego muck, and Rutlege sand soil types. These soil types are composed primarily of sand with some portions of fine sand and muck, are flat with slight slopes, have poor and very poor drainage, are classified as having negligible to very high runoff, and have infrequent flooding and ponding. This site is located in an area with historic longleaf pines. St. Andrew Bay substrate is characterized by post-Pleistocene sands, silt, clay and organics. Typical vegetation on the marine intertidal wetlands includes emergent vegetation (perennial plants, rooted, herbaceous hydrophytes: excluding mosses and lichens). Vegetation includes scrub oak, pine, oak hammocks, magnolia trees, and wetland vegetation. Typical vegetation on the marine intertidal wetlands includes emergent vegetation (perennial plants, rooted, herbaceous hydrophytes: excluding mosses and lichens). Vegetation on the freshwater emergent wetlands in the Palustrine wetland system includes trees, shrubs, emergents, mosses or lichens, woody vegetation (scrub-shrub), and woody angiosperms (i.e., trees or shrubs). Vegetation on the freshwater forested/shrub wetland in the Palustrine wetland system includes freshwater emergent wetlands as well as woody vegetation such as Needle-leaved Evergreens (i.e., black spruce, pond pine). Based on available information, there is likely no seagrass or SAV off of the Lynn Haven Preserve and Park site.

The proposed Lynn Haven Preserve and Park site is located along the eastern coast of the North Bay section of St. Andrew Bay. The St. Andrew Bay watershed encompasses about 1,149 square miles in Bay County. The Bay has a low flushing rate and relatively low freshwater inflow due to the lack of a major river entering the Bay. North Bay is an estuarine habitat. Salinity in North Bay ranges from 0 – 32 ppt in the vicinity of the project site: surface salinities average 15 ppt, and bottom salinities average 25 ppt. Depths in St. Andrew Bay commonly reach 12 meters. This project site is located in FEMA designated Flood Zones according to the Flood Map Service. The site is located in three zones, Zone A with no base flood elevation, Zone AE with a base flood elevation of seven and eight feet in areas, and Zone X outside the 0.2 percent annual chance floodplain. The property includes approximately 58.5 acres of upland habitat and 32.2 acres of estuarine wetlands. The eastern shore of North Bay is highly urbanized, specifically in the proposed Lynn Haven Preserve and Park area. Water quality impairments result from urban runoff and historical wastewater treatment outfalls. The northern segment of St. Andrew Bay is listed as a 303d impaired waterbody for mercury in fish tissue, bacteria in shellfish, dissolved oxygen (nutrients, biological oxygen demand), and fecal coliform. St. Andrew Bay is not listed as one of Florida's Outstanding Waters.

The property is currently zoned Mill Bayou Traditional Neighborhood Development District, which permits marinas, hotels, condominiums, town centers, sports centers, public or civic uses, projects servicing commercial properties, single and multi-family residential units, and timeshares.

3. While the action area may provide habitat for listed species, no listed species are known to occur in the action area. Potentially affected species are described in Sections E-J.

4. This property has been in private ownership for many years, and as part of this action, is proposed to be acquired through a partnership between the Florida trustees and the Trust for Public Lands and then donated to the City of Lynn Haven. Regular site maintenance (mowing, etc) has been ongoing.

5. The area of potential effect is not expected to fall outside of the immediate site area. See Attachment A: Figures 1, 4.

a. *Waterbody*

(If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.)

The proposed Lynn Haven Preserve and Park site is located along the eastern coast of the North Bay section of St. Andrew Bay (estuarine environment). The property includes 1,650 linear feet of frontage on North Bay (marine environment) and 3,570 linear feet of frontage along McKitchen's Bayou (brackish) and its unnamed source creek. Per a recent wetlands survey, the property includes approximately 59 acres of upland habitat and 32 acres of wetlands.

b. *Existing Structures*

(If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina.)). If known, please provide the years of construction.

There are no existing structures on the site. There is currently no public access to the site and a gate bars entrance to the property's dirt road which is connected to the nearby Deer Point Elementary School's access road. The site owner currently maintains the site through regular mowing of many areas. Satellite imagery show dirt roads used for property maintenance throughout the site.

c. *Seagrasses & Other Marine Vegetation*

(If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.)

There is no submerged aquatic vegetation off of this parcel.

d. *Mangroves*

(If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.)

Not applicable.

e. *Corals*

(If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.)

Not applicable.

f. *Uplands*

(If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

Vegetation includes scrub oak, pine, oak hammocks, magnolia trees, and wetland vegetation. There are wetlands on site. The property includes approximately 58.5 acres of upland habitat and 32.2 acres of wetlands, per recent wetland delineation. Current low brush is mowed and maintained.

D. Project Description

I. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

Installation of the proposed site improvements is estimated to take 12-15 months; construction of an off-site road and bridge that will be required to access the site is anticipated to add three months to the project timeframe. The specific schedule for construction has not been established, as the project is only at a conceptual design phase at this time (Attachment A: Figure 4).

II. *Describe the Proposed Action: 1. What is the purpose and need of the proposed action? 2. How do you plan to accomplish it? Describe in detail the construction equipment and methods** needed; permanent vs. temporary impacts; duration of temporary impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/ laydown areas.* ***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, or artificial reefs, list the method here, but complete the next section(s) in detail.***

The Florida Coastal Access Project: Lynn Haven Preserve and Park will be performed in two stages: (1) the acquisition of the coastal parcel and (2) the final design and construction of the park infrastructure and amenities. The second stage is detailed in Attachment B.

III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

a. *Overwater Structures (Place your answers to the following questions in the box below.)*

i. *Is the proposed use of this structure for a docking facility or an observation platform?*
ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*
iii. *Use of "Dock Construction Guidelines"?* http://sero.nmfs.noaa.gov/pr/endangered%20species/Section%207/DockGuidelines.pdf
iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*
v. *Height above Mean High Water (MHW) elevation?*
vi. *Directional orientation of main axis of dock?*
vii. *Overwater area (sqft)?*
viii. *Use of "Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006"?* http://sero.nmfs.noaa.gov/pr/endangered%20species/Sea%20Turtle%20and%20Smalltooth%20Sawfish%20Construction%20Conditions%203-23-06.pdf

i. This project includes construction of four docks. Dock 1 is a motorized boat dock (dock numbering moves from the southwest of the site in North Bay to the northeast in McKitchen's Bayou; Attachment A: Figure 4). Dock 2 is a fishing dock with paddle craft launch. Dock 3 is a fishing dock with shade structure. Dock 4 is a dock with paddle craft access. The design specifications are provided in Attachment B. New pilings will need to be installed for each dock. The proposed docks would be ADA compliant. There will be a culvert bridge constructed along the access road to the proposed park. This bridge will not require any in-water work. ii. Dock 1 will be a docking facility (boat access to the park only, no vehicle boat drop-off access). Docks 2, 3, and 4 will be fishing piers (docks). Site visitation is expected to vary with fishing seasons. There are three parking lots at the site with capacity for approximately 205 vehicles. No fish cleaning stations are included in the plan. Any hook and line captures of listed species must be reported. iii. Yes, USACE and NMFS dock construction guidelines will be followed

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

The specific schedule for construction has not been established, as the project is only at a conceptual design phase at this time. The current plan calls for installation for dock pilings at four docks (see above). All dock/pier work will need installation of new pilings. Dock construction would likely include placement of new piles (two approximately 8" pilings for every 10 feet of dock) using the least invasive techniques possible given substrate and construction cost considerations, e.g., jetting, pushing, or driving the piles. Materials will be made from natural (i.e., wood) or composite materials.

This proposed project would include the paving of an access road outside of the proposed project site, which would include the construction of a small bridge (culvert bridge). A park road is also planned on the site. Additional infrastructure including four restroom facilities and an outdoor classroom would be constructed on the property and would require connection to

c. *Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

The number of boat slips for Dock 1 is unknown and will depend on final design plan. All boat docking areas on Dock 1 will be wet slip. The approximate shadow effect of the boats and dock is approximately 10,000 square feet.

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

Not applicable.

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.)*

Not applicable.

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft^2) to be dredged, volume of material (yd^3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods.*

In-water dredging or digging associated with installation of the pilings for the docks is not anticipated, though substrate displacement and compaction from dock piling installation is expected in the two dock areas on the Bay front and the two areas on the Bayou. Depth will be subject to final design, but there will be less than 70 square feet of substrate displaced from pilings in the marine/estuarine environment (see Attachment B for design specifications).

Digging would also occur in the terrestrial environment to auger holes for installation of support structures (if needed) for the raised Bayou boardwalk (~300 linear feet). Digging would also occur if engineering designs determine that a stormwater pond (s) is necessary to control runoff from the gravel parking areas, this is estimated to be 8,000 cubic yards of excavation. There are bathrooms proposed on-site which would need connections to municipal water and sewer; this is anticipated to be 3,400

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

Not applicable.

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

Not applicable.

E. Species & Critical Habitat

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.
2. Attach a separate map identifying species/critical habitat locations within the action area.

For information on species and critical habitat under FWS jurisdiction, visit http://www.fws.gov/endangered/species/. Under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT (CH)	LOCATION (for sea turles and gulf sturgeon only)	STATUS	CH UNIT
Gulf sturgeon	Marine	Threatened	
West Indian Manatee	Select One	Endangered	
Green sea turtle	Marine	Endangered	
Hawksbill sea turtle	Marine	Endangered	
Kemp's ridley sea turtle	Marine	Endangered	
Leatherback sea turtle	Marine	Endangered	
Loggerhead sea turtle	Marine	Threatened	
Florida skullcap	Select One	Threatened	
Godfrey's butterwort	Select One	Threatened	
Papery whitlow-wort	Select One	Threatened	
Telephus spurge	Select One	Threatened	
White birds-in-a-nest	Select One	Threatened	
Harper's beauty	Select One	Endangered	
	Select One	Select One	
	Select One	Select One	
No critical habitat	Select One	Select One	

F. Effects of the Proposed Project

I. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

We anticipate that the acquisition of this parcel will be wholly beneficial. There may be beneficial and adverse effects to listed species from the recreational improvements and paving of the access road, as described below.

Gulf sturgeon. The Gulf sturgeon inhabits coastal waters and freshwater river systems of the northern Gulf of Mexico. Gulf sturgeon are usually located in areas 2-4 meters deep with high sand substrate. There is no critical habitat for Gulf sturgeon at this site, but there is the potential for Gulf sturgeon to be in the waters during the time of construction. It is unlikely that Gulf sturgeon would be present in the unnamed tributary creek to McKitchen's Bayou, because of the creek's small size. Potential impacts to the Gulf sturgeon include elevated noise levels and the presence of suspended sediments in the water column during dock construction. This species is mobile and would likely exit the area during construction. As a result of construction activities conducted in the water and anticipated recreational uses after completion, this proposed project may have direct or indirect adverse effects on Gulf sturgeon. Adverse effects from construction will be avoided or minimized by using conservation measures and BMPs in Section G.

Sea turtles. There is in-water work (e.g., dock construction, piling installation) proposed for this site. The project location does not intersect with any identified sea turtle critical habitat in water or on land. The location of the site in North Bay is part of the estuary with brackish water, so turtles could be present in the vicinity of the site, but it is not likely. Additionally, the range of sea turtles suggests they could occur in the project area, although the site lacks suitable nesting habitat. In addition, the turtles' ability to avoid the general activity in the area may make them less likely to be affected by construction activities. As a result of construction related activities from dock construction and anticipated recreational uses of docks, this project may have direct or indirect adverse effects on sea turtles. However, due to the implementation of BMPs and because sea turtles are known to avoid areas with high human activity when given the opportunity, impacts will be minimized. Adverse effects from construction will be avoided or minimized by using conservation measures and BMPs in Section G.

West Indian manatee. The West Indian manatee inhabits freshwater, brackish, and marine environments. It typically occurs in coastal and inland tidal rivers and streams, mangrove swamps, salt marshes, freshwater springs, canals, lagoons, and vegetated bottoms. It moves to warm-water sites, including industrial warm-water discharges, during the winter. The project location does not intersect with any identified critical habitat for the West Indian manatee. Marine mammals are affected by vibrations resulting from construction activities (e.g., generators, pile drivers, etc.). If manatees are present, in-water construction work could cause a manatee to startle or be struck. There is proposed in-water work (e.g., driving or pushing pilings) at this site. Accordingly, as a result of construction related activities from dock construction and, if pilings are installed using pile drivers or vibratory hammers, this project may have direct and/or indirect short-term adverse effects on the West Indian manatee and other marine mammals. Placement of the dock piles is expected to be done using the least disturbing techniques given substrate, environment, and construction cost considerations (e.g., jetting,

II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

There is no designated marine or terrestrial critical habitat in the action area for any species.

G. Actions to Reduce Adverse Effects

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

The preservation and restoration of over half of the area at this site will help to reduce any adverse effects to listed species at or around this site. After construction, the presence of the motorized boat dock will likely increase boat traffic in the vicinity of the park resulting in minimal impacts to surface water quality. Boat wakes created by additional boat traffic that could increase shoreline erosion will be minimized through no-wake or speed zones to mitigate shoreline erosion.

Gulf sturgeon. Impacts to the Gulf sturgeon will be avoided and minimized by implementation of BMPs during ground disturbance activities that will reduce sediment and nutrient inputs to streams, minimize disturbance to riparian zone vegetation within 100 feet of the streambank in occupied habitat, and revegetate disturbed areas with native vegetation. All work will take place in less than 1.5 meters of water and in areas of silty sand to marshy shorelines. Additionally, these species are known to avoid area of high human activity when given the opportunity. Work will most likely take place during the spring and summer months when Gulf sturgeon are not likely to be present in inshore waters. If construction activity occurs when Gulf sturgeon are present, additional adverse impact reduction strategies would include the following:
• Control turbidity levels through the use of floating turbidity screens during in-water construction;
• Implement the Sea Turtle and Smalltooth Construction Conditions, Revised: March 23, 2006 and Measures for Reducing Entrapment Risk to Protected Species, Revised: May 22, 2012 as they are protective of Gulf sturgeon as well.

Sea turtles and manatees. To reduce the risk of adverse impacts to an insignificant or discountable level, the best management practices identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions and the Standard Manatee Conditions for In-Water Work (USFWS 2011) will be implemented and adhered to during periods of in-water work. As noted in these documents, these conditions require stopping operation of any equipment if sea turtles or smalltooth sawfish come within 50 feet of the equipment until the animals leave the project area of their own volition. Pending regulatory consultation on final design, marine mammal and sea turtle conservation measures could include posting of educational signage detailing what to do if sea turtles or marine mammals are spotted in the vicinity, or what to do in the event that there is an incidental hooking. There is the possibility to enlist these docks in Florida's Responsible Pier Initiative Program (a program through the Loggerhead Marinelife Center that adds signage to fishing piers, hosts first responder trainings, and conducts underwater clean-ups around piers). Additional conservation measures for sea turtles could include the use of wildlife friendly lighting if lights are required for docks. Lighting could be required for boater safety. The lighting would be wildlife friendly, consisting of solar LED lights.

Plants (Florida skullcap, Godfrey's butterwort, papery whitlow-wort, Telephus spurge, white birds-in-a-nest, and Harper's beauty). If these plant species are found on site, an FWS Botanist will be contacted and appropriate measures to avoid or minimize impacts to these species will be incorporated into the project.

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

There is no designated critical habitat in the action area.

H. Effect Determination Requested

From the sections above, there should be enough detailed information to provide clear and obvious support for your determinations in the section below. If the rationale for the determination is not clear, additional information must be added to one of the sections. Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT	LOCATION (for sea turtles and gulf sturgeon only)	DETERMINATION (see definitions below)
Gulf sturgeon	Marine	May Affect, Not Likely to Adversely Affect
West Indian manatee	Select One	May Affect, Not Likely to Adversely Affect
Green sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Hawksbill sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Kemp's ridley sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Leatherback sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Loggerhead sea turtle	Marine	May Affect, Not Likely to Adversely Affect
Florida skullcap	Select One	May Affect, Not Likely to Adversely Affect
Godfrey's butterwort	Select One	May Affect, Not Likely to Adversely Affect
Papery whitlow-wort	Select One	May Affect, Not Likely to Adversely Affect
Telephus spurge	Select One	May Affect, Not Likely to Adversely Affect
White birds-in-a-nest	Select One	May Affect, Not Likely to Adversely Affect
Harper's beauty	Select One	May Affect, Not Likely to Adversely Affect
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate
	Select One	Select Most Appropriate

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is "Concurrence." This conclusion is appropriate when effects to the species or critical habitat will be beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is "Formal Consultation". Response requested for proposed and candidate species is "Conference." This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination should be "is likely to adversely affect." Such a determination requires formal section 7 consultation and will require additional information.

JP = likely to jeopardize proposed species/adversely modify proposed critical habitat. For proposed species and proposed critical habitats, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the proposed species or adversely modify an area proposed for designation as critical habitat. If you reach this conclusion, a section 7 conference is required.

JC = likely to jeopardize candidate species. For candidate species, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the candidate species. If this conclusion is reached, intra-Service section 7 conference is required.

Critical Habitat = No destruction or adverse modification. This determination is appropriate when the proposed action will have no direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical.

I. Bald Eagles

Are bald eagles present in the action area? ✓ NO ☐ YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐ NO ☐ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: **permitsR2MB@fws.gov**
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: **permitsR4MB@fws.gov**

J. Migratory Birds

Identify the species anticipated in the action area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized. Use additional tables on the next page if needed.

I.

Species/Species Group	Behavior	Species/Habitat Impacts and Conservation Measures to Minimize Impacts
Wading Birds (e.g., herons, egrets, and rails)	Wading Birds- breeding, foraging, wintering, roosting	Wading birds primarily forage and feed at the water's edge in fresh, brackish and saltwater marshes and tidal flats, thus they could be at the site. Noise and disturbance may cause birds to avoid the action area during construction. They would be expected to move to another nearby location to continue foraging, feeding and resting. These birds primarily nest and roost in isolated trees, shrubs (e.g., pines, mangroves), dunes or islands. There are trees and shoreline vegetation at the water's edge, where wading birds could be located. There is minimal to no tree removal expected from the site improvements and there are no known rookeries on site, so no impacts to nesting and roosting wading birds are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances would be localized and temporary. Roosting would not be affected because the proposed construction would occur during daylight hours only. No take of wading birds is anticipated.
Shorebirds (e.g., plovers and terns)	Shorebirds- breeding, foraging, wintering, roosting	Shorebirds could occasionally forage, feed, rest, and roost in the project area. As such, they may be impacted locally and temporarily by the project. It is expected that they would be able to move to another nearby location to continue foraging, feeding and resting. These birds primarily nest and roost in the dunes and sand beaches. The action area does not include dune habitat, but there is some minimal beach habitat. There are no known shorebird nests on site. The proposed project would not affect roosting at this site because construction activities would occur during daylight hours only. No impacts to nesting and roosting shorebirds are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances would be localized and temporary. Therefore, no take of shorebirds is anticipated.

Migratory Birds

Continuation page if needed.

II.

SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS
Raptors (e.g., falcons, hawks, and kites)	Raptors- breeding, foraging, wintering, roosting	Raptors could forage and rest in the action area. As such, they may be impacted locally and temporarily by the proposed project. It is expected that they would be able to move to another nearby location to continue foraging and resting. These birds primarily nest and roost in trees. There are no known raptor nests on site. The proposed project would not affect roosting at this site because construction activities would occur during daylight hours only. There is minimal to no tree removal expected from the site improvements and there are no known nests on site, so no impacts to nesting and roosting are anticipated. Care would be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances would be localized and temporary. Therefore, no take of raptors is anticipated.
Songbirds (e.g., sparrows, warblers, and woodpeckers)	Songbirds- breeding, foraging, wintering, roosting	Songbirds could forage, rest and nest in the project area. Songbirds would be able to avoid the construction area and move to another nearby location to continue foraging and resting. Construction would only occur during daylight hours. If work must be done when songbirds are nesting, nest surveys will be completed prior to any tree/shrub removal and any trees/shrubs with active nests will be flagged and avoided. For these reasons, no take of songbirds or their nests is anticipated.
	General impact reduction methods for all birds.	To the extent possible, construction activities will avoid specific habitat locations onsite if there are known nesting birds and avoid nesting seasons. Pre-construction nesting surveys for migratory birds and raptors will be conducted and if evidence of nesting is found, the Trustees will coordinate with the USFWS to develop and implement appropriate conservation measures. At a minimum, trees/shrubs with active nests will be flagged and avoided. To avoid or minimize impacts to migratory birds from increased human activity, trails will divert and concentrate recreational users away from any important nesting, foraging, or rookery locations including shorelines where shoreline restoration will occur. There will be minimal removal of trees. This project proposes minimal habitat fragmentation by improvements on existing areas of disturbance. Additionally, signage could be installed along trails, boardwalks, and picnic locations to provide users information on sensitive species in the area and actions to take to avoid or minimize impacts to sensitive species. Foraging and resting birds may temporarily be displaced during construction or recreation activities. Bird roosting will not be affected because construction activities and most human use will occur during daylight hours.

Pre-existing NEPA Documents

Yes ✓ No

Does this project have any pre-existing, site specific NEPA analysis? If YES, then provide final NEPA analysis, if not final then provide draft. If tiered from a programmatic EIS or EA, then provide the programmatic document or a link below.

Tiered from the Deepwater Horizon NRDA Early Restoration Phase III Early Restoration Plan/Programmatic Environmental Impact Statement. http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/phase-iii/

NMFS ESA §7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Laurel.Jennings@noaa.gov**. Questions about consultation status may be directed to the same email address or by phone, 206-526-4601 or 206-794-4761 (cell).

FWS ESA § 7 Consultation

We request that all consultation requests/packages to FWS be submitted electronically to: **Ashley_Mills@fws.gov**. You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation. If you have questions about consultation status, please contact Ashley Mills by phone 812-756-2712 or email Ashley_Mills@fws.gov.

Name of Person Completing this Form:	Heather Ballestero, Industrial Economics, Inc.
Name of Project Lead:	
Date Form Completed:	12/18/2015
Date Form Updated:	12/23/15

Figure 1: Lynn Haven Preserve and Park Parcel Location

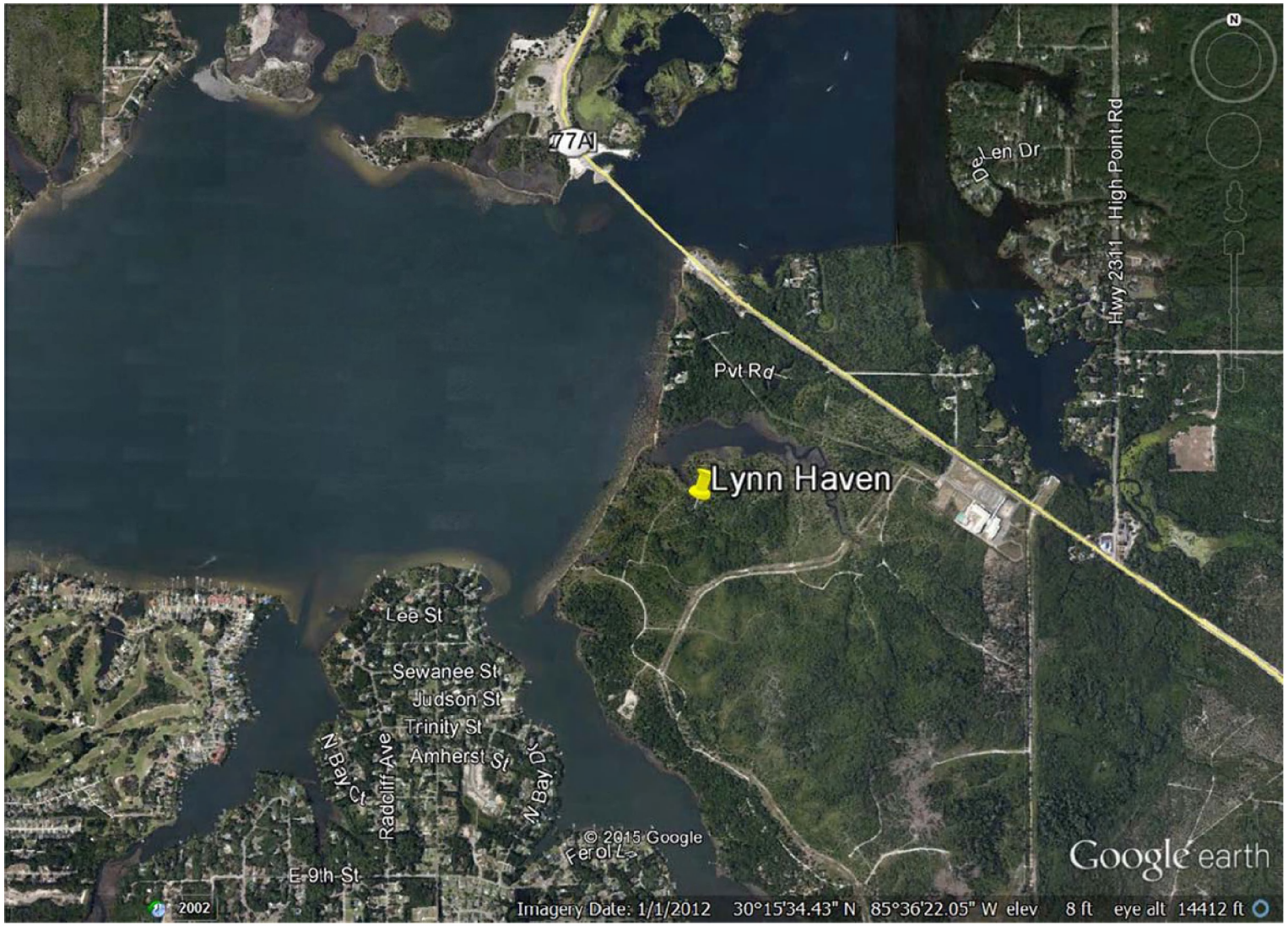

Figure 2: Lynn Haven Preserve and Park- 30°15'28.40"N 85°36'14.57"W

Figure 3: Proposed Location-Lynn Haven Preserve and Park- 30°15'28.40"N 85°36'14.57"W

Figure 4: Lynn Haven Preserve and Park- Photo Locations (orange dots)

Figure 5: Lynn Haven Preserve and Park- Photo 1 looking west towards waterway

Figure 6: Lynn Haven Preserve and Park- Photo 2 looking south along waterfront

Figure 7: Lynn Haven Preserve and Park- Photo 3 looking west towards waterway

Figure 8: Lynn Haven Preserve and Park- Photo 4 looking north along waterway

Figure 9: Lynn Haven Preserve and Park- Photo 5 looking east towards property

Biological Evaluation for Florida Coastal Access Project: Lynn Haven Preserve and Park
Attachment B: Project Description.

The proposed Lynn Haven Preserve and Park site is located within Bay County and is an approximately 90.7 acre undeveloped tract of land (see Attachment A Figures 1, 5, 7, and 8). The property includes 1,650 linear feet of frontage on North Bay (marine environment) and 3,570 linear feet of frontage along McKitchen's Bayou (brackish) and its unnamed source creek. Per a recent wetlands survey, the property includes approximately 59 acres of upland habitat and 32 acres of wetlands. Tree cover includes hammocks of oaks and pine (see Attachment A Figures 5, 6, 7, 8, and 9) with magnolia. The property is a cut-out from a larger commercially owned property and would be accessed via a road easement to a public right of way. The property is currently zoned Mill Bayou Traditional Neighborhood Development District.

There is currently no public access to the site and a gate bars entrance to the property's dirt road which is connected to the nearby Deer Point Elementary School's access road. The site owner currently maintains the site through regular mowing of many areas. Satellite imagery show dirt roads used for property maintenance throughout the site (see Attachment A Figures 2 and 3).

As part of this plan, the proposed project site for the Lynn Haven Preserve and Park would be re-zoned from Mill Bayou Traditional Neighborhood Development District to "Recreation and Open Space District." The proposed park would be a daytime use park (i.e., sunrise to sunset). The specific site elements detailed in the proposed conceptual site plan (Attachment A Figure 4) include:

1. **Motorized Boat Dock**. The conceptual plan includes construction of a water access only, wooden boat dock for motorized boats that would be five feet wide and have wooden handrails. The dock would be approximately 525 feet long, with two bays, pending further surveys for submerged aquatic vegetation and consultations. Dock construction would likely include placement of new piles (two approximately 8" pilings for every 10 feet of dock) using the least invasive techniques given substrate and construction cost considerations, e.g., jetting, pushing, or driving the piles.
2. **Seven Small Picnic Pavilions** (sited throughout the property). Seven small (200 square feet) open air wooden picnic pavilions with grills and picnic tables would be constructed throughout the property. The structures would consist of basic wood frames to provide shade with concrete slabs beneath.
3. **Existing Oak Hammock.** Large areas of existing open oak hammock habitat would be preserved and maintained throughout the property including on the shoreward edge of the property.
4. **Limited Bay Shoreline Access.** The project may include some beach improvements such as vegetation clearing to allow shoreline access. This plan does not include creating a recreational beach area. Any shoreline improvements would be contingent on maintaining and preserving wetland water quality.
5. **Vehicular Drop-off Loop for Paddle Craft**. The vehicular access road would stop approximately 75 feet from the bay shoreline, where a road loop would be created to allow paddle craft drop off. The paved road would be approximately 10 feet wide. The loop would be approximately 150 feet in diameter.
6. **Fishing Dock with Paddle Craft Launch**. On the Bay shore, a wooden fishing/paddle dock would be constructed of approximately 200 feet in length, pending additional submerged aquatic vegetation surveys and consultations. Dock construction would include placement of new piles (two approximately 8" pilings for every 10 feet of dock) using the least invasive techniques given substrate and construction cost considerations, e.g., jetting, pushing, or driving the piles.

7. **Restrooms.** Three restroom buildings would be constructed on the site. One restroom would be located near the fishing dock/paddle craft launch; the other two would be located adjacent to parking areas. The restrooms would be ADA accessible, with flush toilets, sinks, connected to municipal sewer and water and would be 200 square feet, 400 square feet, and 600 square feet in size, respectively.
8. **Two-Story Overlook Structure with Screened-in Lower Level.** Near the intersection of the Bay with McKitchen's Bayou in the northwest corner of the site and approximately 75 feet from the shoreline, a two-story open air overlook with a screened in room on the first floor would be constructed. This wood structure would be have a footprint of approximately 50 feet by 50 feet and would be constructed on a concrete slab or on posts. The structure would have stairs and would be ADA accessible.
9. **Bayou Boardwalk.** Along McKitchen's Bayou, approximately 300 linear feet of wooden boardwalk would be constructed on the northwest edge of the property, pilings may be used to support the off-grade boardwalk but these would not be in wetlands or in water.
10. **Stormwater Treatment pond (as-needed).** Adjacent to the three gravel parking areas in the northwestern part of the site, stormwater ponds would be constructed if needed, pending engineering designs and calculations of stormwater runoff.
11. **Future Secondary Access Road.** The plan identifies an area for a potential secondary access road on the southwestern portion of the site that would connect with the primary access road if the adjacent property is developed for residential housing in the future and if the City or adjacent landowner pays for the road.
12. **Maintenance and Storage Building.** A small wooden maintenance and storage building would be constructed in an inland area of the site, with a footprint of approximately 1200 square feet.
13. **Parking Lot (Gravel Surface for approximately 65 spaces).** An ADA accessible parking lot would be constructed of gravel for 65 visitors covering 22,000 square feet. ADA accessible parking spots would be concrete with stabilized subgrade.
14. **Natural Playground.** A playground would be installed in an open area of approximately 300 feet by 100 feet in size. Generally, structural features would be comprised of natural (i.e., wood) materials and/or durable composite materials.
15. **Outdoor Classroom Facility with Restrooms and Bayou Deck.** Near McKitchen's Bayou and connected via boardwalk to the Bayou Fishing Dock, an open air/covered outdoor classroom facility would be constructed with restrooms and an outdoor deck. The footprint of this wood structure would be approximately 2,400 square feet.
16. **Bayou Fishing Dock**. Within McKitchen's Bayou, a small fishing dock would be constructed. The Fishing dock would be approximately 120 feet long, with a platform of approximately 20 feet by 20 feet at its waterward terminus. Dock construction would include placement of new pilings (two approximately 8" pilings for every 10 feet of dock) using the least invasive techniques given substrate and construction cost considerations, e.g., jetting, pushing, or driving the piles.
17. **Parking Lot (Gravel Surface for approximately 110 spaces)**. An ADA accessible parking lot would be constructed of gravel for 110 visitors covering an area of approximately 135,000 square feet (not all of which would be gravel). ADA accessible parking spots would be concrete with stabilized subgrade.
18. **Large picnic pavilion that seats approximately 30 people.** One large (900 square foot) picnic pavilion would be constructed on the north side of the site. This open air pavilion would be wood construction over a concrete slab.
19. **Longleaf Pine Restoration**. An approximately two-acre area in the northeastern portion of the site is proposed to be restored and maintained as longleaf pine habitat with wire grass understory.

20. **Conservation Areas.** Approximately 50 acres of the 91 acre site would be maintained as conservation areas. These areas would be maintained in a natural condition.
21. **Wildlife Viewing Station.** In the southern portion of the site, a small wildlife viewing station would be constructed along the trails in the conservation areas. This wooden structure would be approximately 200 square feet or less.
22. **Fitness Trail Loop throughout Site**. On natural trails (i.e., no trail material, just cleared paths), a guided (via signage) fitness trail loop would be created. Trails would be constructed via minimal removal of vegetation and maintained via foot traffic and additional vegetation clearing as-needed.
23. **Bayou Dock with Paddle Craft Access.** On the Bayou, a floating wooden fishing/paddle dock would be constructed of approximately 100 feet in length, pending additional submerged aquatic vegetation surveys and consultations. Dock construction would likely include placement of new pilings (two approximately 8" pilings for every 10 feet of dock) using the least invasive techniques given substrate and construction cost considerations, e.g., jetting, pushing, or driving the piles.
24. **Parking Lot (Gravel Surface for approximately 30 spaces) and Disc Golf Course.** An ADA accessible parking lot would be constructed of gravel for 30 visitors covering an area of approximately 300 feet by 50 feet. ADA accessible parking spots would be concrete with stabilized subgrade. A disc golf course would also be constructed in this area (minimal construction for this; consists primarily of installation of signage marking holes and small metal or durable baskets).
25. **Main Entry for Vehicular Traffic.** A new entrance to the site would be cleared for an access road. The road would be constructed along existing open dirt roads where possible and avoid wetlands whenever possible. The road would run across the site east to west, and would connect the parking lots and paddle craft drop off loop.

Additional site elements not explicitly labeled in the conceptual master plan include:

- **Concrete sidewalks in the northwest area of the park.** The proposed project would construct ADA accessible concrete sidewalks (five feet wide and four inches deep covering an area approximately 21,800 square feet) primarily adjacent to ADA parking spaces, in the northern area of the park.
- **Lighting.** Site lighting would be comprised of two low voltage accent lights at the entry sign, 18 pole lights at the central access road, an additional 12 pole lights at parking areas, and 50 solar lights along wood boardwalks. Lights acting as emergency or safety lights may be operational during the day and night. All lighting would be low-glare, wildlife friendly, and comply with the guidance provided in the current edition of the FWC's Wildlife Lighting Criteria.
- **Access Road.** Project funds would be used to pay for a portion of the construction costs to build McKitchen's Bayou an access road and culvert bridge to the property providing access to a public right-of-way adjacent to Deer Point Elementary School. The access road to be constructed leading to the proposed park will be a two lane paved road, approximately 22-24' wide, with one culvert bridge over a small unnamed creek. It appears that typical flow of the creek at the crossing point is minimal. The current dirt access road crosses the creek without any structure in place to cross. Following storm events, the bankfull width could be approximately five feet wide. The culvert design is not finalized, but could be a standard rounded culvert.
- **General site furnishing.** Site amenities would include four wood arbor bench swings, 21 trash receptacles, 16 benches (to be placed at the open air pavilions and outdoor classroom), one disc golf course, and 24 picnic tables at pavilions. The site would also contain one sign at the park

entrance, five informational and park way-finding signs, and twenty interpretive signs throughout the park.

- **Additional site work.** Additional work would include modifying existing electric service, connecting to the currently existing municipal sewer system and likely construction of lift station(s), fire hydrant assembly and accompanying water main work, site grading (as necessary), and erosion control efforts during construction. General landscape development would include invasive species removal, hardwood tree maintenance, native plantings, and an irrigation system near the park entry and park core, and landscape drainage.

Final engineering and design plans for the proposed site improvements would be completed following further environmental resource surveys and consultations with state and federal agencies; proposed site improvements may be modified to avoid and/or minimize potential impacts to natural resources. Installation of the proposed site improvements is estimated to take 12-15 months; construction of an offsite public road to access the property is anticipated to add three months to the project timeframe. Staging of equipment and materials would likely be located on the property where parking lots would be constructed (according to the conceptual plan), or on previously disturbed areas of the site. Construction equipment would include a combination of hand-held or power tools for carpentry work as well as heavier construction equipment such as bulldozers, barges, trucks, backhoes, tractor trailers, cranes, small excavators, fork lifts, asphalt machine, roller, or generators. Construction would require the transport of materials to project sites. The number of trips required to transfer materials would be based on the amount and type of materials needed for site improvements. These details would be determined as part of the final construction design and plan.