

Deepwater Horizon Oil Spill Natural Resource Damage Assessment

# Deepwater Horizon Oil Spill Phase V Early Restoration Plan and Environmental Assessment

January 2016



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# Executive Summary

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## ES.1.1 Introduction

On or about April 20, 2010, BP Exploration and Production Inc. (BP) was using Transocean's mobile offshore drilling unit *Deepwater Horizon* to drill a well in the Macondo prospect (Mississippi Canyon 252–MC252) when the well blew out, and the drilling unit exploded, caught fire and subsequently sank in the Gulf of Mexico (the Gulf). This incident resulted in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed.

Pursuant to the Oil Pollution Act (OPA), Title 33 United States Code (U.S.C.) §§ 2701 *et seq.*, and the laws of individual affected states, federal and state agencies, Indian tribes and foreign governments act as trustees on behalf of the public to assess injuries to natural resources and their services<sup>1</sup> that result from an oil spill incident, and to plan for restoration to compensate for those injuries. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship (hereafter collectively referred to as “restoration”).

This document, prepared jointly by State and Federal Trustees, serves as a Final Phase V Early Restoration Plan (ERP) under OPA, and also contains the associated Environmental Assessment (EA) for the Phase V project under the National Environmental Policy Act (NEPA) (collectively Final Phase V ERP/EA).

The Trustees are selecting one project for inclusion in the Phase V ERP/EA: the Florida Coastal Access Project. This document is intended to provide the public and decision-makers with information and analysis on the Trustees’ selection and implementation of the first phase of the Florida Coastal Access Project.

The public comment period for the Draft Phase V ERP/EA opened on December 1, 2015 and closed on December 31, 2015 (80 Fed. Reg. 75126-75128 (December 1, 2015)). During that time, the Trustees hosted one public meeting (in Panama City, Florida on December 14, 2015). At the public meeting, the Trustees accepted verbal comments that were recorded by a court reporter.<sup>2</sup> In addition, the Trustees hosted a web-based comment submission site, and provided a P.O. Box and email address as other means for the public to provide comments. Ultimately, the Trustees only received comments provided at the public meeting and web-based submissions.

Chapter 4 of this document provides further detail on the public comment process and includes a summary of all relevant public comments received on the Draft Phase V ERP/EA and Trustee responses. This Final Phase V ERP/EA reflects revisions to the Draft Phase V ERP/EA arising from public comments; progress on compliance with other laws, regulations and Executive Orders; and continuing Trustee project development and consideration of potentially relevant information.

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<sup>1</sup> Services (or natural resource services) means the functions performed by a natural resource for the benefit of another natural resource and/or the public (15 C.F.R. § 990.30).

<sup>2</sup> The Trustees also were prepared to accept written comments at the public meeting, but none were received.

The public, government agencies, and other entities have identified and continue to identify a large number of potential restoration projects for consideration during the restoration planning process. Projects not identified for inclusion in Phase V of Early Restoration may continue to be considered for inclusion in future restoration planning.

### **ES.1.2 Phase V Early Restoration Project**

The Trustees are selecting the first phase of the Florida Coastal Access Project as Phase V of Early Restoration. The first phase of the Florida Coastal Access Project involves the acquisition and/or enhancement of four coastal project locations in the Florida Panhandle. The primary goal of the project is to enhance the public's access to the surrounding natural resources and increase recreational opportunities.<sup>3</sup> The four locations in Phase V are Innerarity Point Park, Leonard Destin Park, Lynn Haven Preserve and Park, and Island View Park (see Figure ES-1). The Innerarity Point Park, Leonard Destin Park, and the Lynn Haven Preserve and Park sites will be acquired, while the Island View Park site is already in local government ownership. A public park will be built at each site. The public parks on each of the four coastal project sites will include the construction of various amenities such as docks, picnic areas, wildlife viewing platforms, natural playground areas, restroom facilities, and parking areas. Ten years of operation and maintenance activities are budgeted for and will be utilized by the respective county or city, through grant agreements with the Florida Department of Environmental Protection, to provide for upkeep of the improved properties as public parks. Implementation of the first phase of the Florida Coastal Access Project will be performed in two stages: (1) the acquisition of three of the four coastal parcels and (2) the final design and construction of the park infrastructure and amenities at each of the four sites. Additional details on the project, its benefits and environmental impacts are provided in Chapters 2 and 3 of this document.

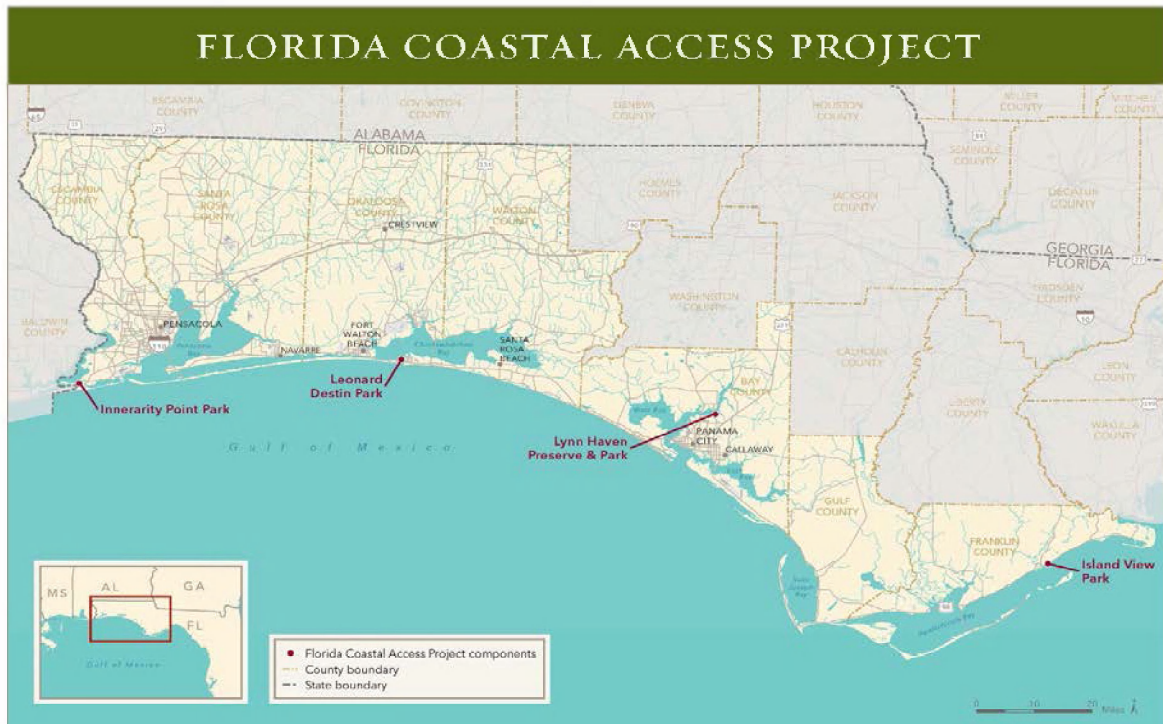
The first phase of the Florida Coastal Access Project described in this Final Phase V ERP/EA is estimated to cost \$34,372,184. The Implementing Trustee(s) anticipate expending the \$11,043,389 balance of the total estimated Florida Coastal Access Project cost (\$45,415,573) in a second phase of the project to pay for the costs of securing one or more additional properties in the Florida Panhandle and of planning, selecting, and implementing actions on the additional property(ies), based on design and construction of passive recreational amenities that would create further recreational uses and coastal access for the public, with ten years of funding for the operation and maintenance of such property(ies) as public parks. That second phase of the Florida Coastal Access Project would be described, proposed, and selected by the Trustees in a future restoration plan, in the same manner and using the same criteria as described in this Final Phase V ERP/EA and in accordance with OPA, NEPA and other applicable laws, and after public review of the proposed actions.

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<sup>3</sup> Relevant project types from the Trustees' preferred programmatic alternative (see Chapter 2 of the Final Phase III ERP/PEIS).



**Figure ES-1. First Phase of the Florida Coastal Access Project: Site Locations (courtesy of The Trust for Public Land)**



### ES.1.3 Environmental Assessment of Phase V Early Restoration Project

This environmental assessment (EA) addresses the first phase of the Florida Coastal Access Project, and tiers from the Final Phase III ERP/PEIS. The first phase of the Florida Coastal Access Project is consistent with the Final Phase III ERP/PEIS Preferred Alternative as described in the 2014 Record of Decision (79 FR 64831-64832 (October 31, 2014)) and the Trustees find that the conditions and environmental effects described in the broader NEPA review are applicable.<sup>4</sup>

Chapter 3 of this document supplements the Phase III ERP/PEIS programmatic analysis with site-specific information. In particular, Chapter 3 provides NEPA analysis for potential impacts for site-specific issues and concerns anticipated from implementation of the Proposed Action and the No Action Alternative, described as follows:

<sup>4</sup> Specifically, this Phase V Early Restoration project tiers from the analyses found in sections of the Final Phase III ERP/PEIS that describe: Description of Alternative 4: Preferred Alternative: Contribute to Restoring Habitats, Living Coastal and Marine Resources and Recreational Opportunities, which includes Alternative 3: Contribute to Providing and Enhancing Recreational Opportunities; the Proposed Early Restoration Programmatic Plan: Development and Evaluation of Alternatives; Section 5.3.5.1: Enhance Public Access to Natural Resources for Recreational Use; Environmental Consequences of Alternatives, Section 5.3.5.2: Enhance Recreational Experiences, 5.3.5.3: Promote Environmental and Cultural Stewardship, Education, and Outreach, Section 6.5.1: Project Type 10: Enhance Public Access to Natural Resources for Recreational Use; Environmental Consequences of Alternatives, Section 6.5.2: Project Type 11: Enhance Recreational Experiences; and Environmental Consequences of Alternatives, Section 6.5.3: Project Type 12: Promote Environmental and Cultural Stewardship, Education, and Outreach.

- **No Action Alternative:** The No Action alternative, inclusion of which is a NEPA requirement, is a viable alternative, and also provides a benchmark, enabling decision-makers to compare the magnitude of environmental effects of the action alternatives (CEQ 1502.14(d)). In this case, the No Action Alternative is to leave the four existing properties in their current conditions. This means that three of the parcels would not be acquired and improved for recreational purposes, and while the fourth parcel, which is publicly owned, would have some improvements for recreational use, the improvements would be significantly less than what would be included under the Proposed Action. The three privately owned properties could ultimately be sold for other purposes.
- **Proposed Action:** The Proposed Action is the first phase of the Florida Coastal Access Project, which includes the enhancement of recreational opportunities on four coastal parcels in Florida. This first project phase will be performed in two stages: (1) the acquisition of three of the four parcels and (2) the final design and implementation of the project components on the four parcels.<sup>5</sup>

The Trustees have determined that the acquisition of the project parcels in stage one will have no adverse environmental effects, and therefore could proceed independent of and prior to the completion of all compliance reviews required for the final design and construction stages of this project (including those conducted under the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, National Historic Preservation Act, and Clean Water Act, among others).

NEPA analysis of the environmental consequences suggests that the construction stage of the project may result in short term and long term minor to moderate adverse impacts to many resources (including geology and substrates, water quality and hydrology, noise, biological environment, as well as socioeconomics and cultural resources). Moderate short-term adverse impacts could occur to tourism and recreation, and aesthetics and visual resources; however, long-term benefits are expected for those resources after construction is complete. The project is not expected to substantially contribute to adverse cumulative impacts on affected resources.

The Trustees have begun coordination on the other required compliance reviews, which will be completed prior to initiating construction at any of the four project component sites. After the completion of these reviews, designs for each of the four project components will be modified as necessary to avoid and/or minimize adverse impacts to natural resources, including protected species, essential fish habitat, cultural resources, and wetlands.

### ES.1.4 Notice of Changes to Two Phase III Early Restoration Projects

Coincident with the release of this Final Phase V ERP/EA, the Trustees are providing notice of changes for two Early Restoration projects selected in Phase III, together with their analysis and determinations regarding each under Section 9.2 of the Record of Decision for the Final Phase III ERP/PEIS.

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<sup>5</sup> As noted elsewhere in this document, a future phase of the Florida Coastal Access Project will undergo separate NEPA review.



Based on their evaluation, the Trustees have determined that the change to the Strategically Provided Boat Access along Florida's Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements) Project will create new circumstances relevant to environmental concerns not addressed in the impact analysis of the Final Phase III ERP/PEIS and have provided a supplemental NEPA environmental assessment in Appendix A. The Trustees are in the process of reinitiating consultations to evaluate whether environmental consequences of the change to the City of Port St. Joe, Frank Pate Boat Ramp Improvements Project will be substantial. The supplemental NEPA analysis provided herein remains subject to the results of additional consultations and reviews, as required for compliance with all other laws (e.g., ESA, EFH, etc.), including consideration of any significant new circumstances or information presented as part of those processes.

Based on their evaluation, the Trustees have determined that the change to the Florida Artificial Reef Creation and Restoration Project does not require supplemental analysis because it does not raise environmental or OPA issues not already addressed in the Phase III evaluation. This analysis is presented in Appendix B.

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## 1.1 Introduction

In July 2015, BP announced that it reached Agreements in Principle with the United States and the Gulf States of Alabama, Florida, Louisiana, Mississippi, and Texas for settlement of civil claims arising from the *Deepwater Horizon* oil spill. On October 5, 2015, the Department of Justice lodged a consent decree in federal court in New Orleans for the proposed settlement. Also on that date, the Natural Resource Trustees for the *Deepwater Horizon* oil spill released a Draft Programmatic Damage Assessment and Restoration Plan and Programmatic Environmental Impact Statement (PDARP/PEIS). The Draft PDARP/PEIS considers programmatic alternatives to restore natural resources, ecological services, and recreational use services injured or lost as a result of the *Deepwater Horizon* oil spill. The Draft PDARP/PEIS also presents an examination of the environmental impacts of various restoration alternatives, under the National Environmental Policy Act. A Final PDARP/PEIS will be released after consideration of the public comments submitted on the proposed plan. For more information on the Draft PDARP/PEIS and proposed settlement, please visit the Trustees' website at [www.gulfspillrestoration.noaa.gov](http://www.gulfspillrestoration.noaa.gov) or [www.doi.gov/deepwaterhorizon](http://www.doi.gov/deepwaterhorizon).

In the Draft PDARP/PEIS, the Trustees noted an agreement in principle with BP had been reached on an additional potential \$45.4 million for early restoration and that action would go forward to the public in Phase V of early restoration under the Framework Agreement for Early Restoration. This Final Phase V Early Restoration Plan/Environmental Assessment documents the Trustees' selection of the first phase of this \$45.4 million early restoration project for implementation. The estimated cost of the first phase of this project is \$34.4 million.

On or about April 20, 2010, BP Exploration and Production Inc. (BP) was using Transocean's mobile offshore drilling unit *Deepwater Horizon* to drill a well in the Macondo prospect (Mississippi Canyon 252–MC252) when the well blew out, and the drilling unit exploded, caught fire, and subsequently sank in the Gulf of Mexico (the Gulf). This incident resulted in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. Tragically, 11 workers were killed and 19 injured. The *Deepwater Horizon* oil spill is the largest maritime oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days (hereafter referred to as “the Spill,” which includes activities in response to the spilled oil). In addition, well over one million gallons of dispersants<sup>1</sup> were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released to the environment as a result of the Spill (National Commission on the BP *Deepwater Horizon* Oil Spill and Offshore Drilling 2011).<sup>2</sup>

The U.S. Coast Guard responded and directed federal efforts to contain and clean up the Spill. At one point nearly 50,000 responders were involved in cleanup activities in open water, beach, and marsh

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<sup>1</sup> Dispersants means those chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column (40 C.F.R. 300 Subpart A).

<sup>2</sup> National Commission on the BP *Deepwater Horizon* Oil Spill and Offshore Drilling. 2011. *Deep Water: The Gulf Oil Disaster and The Future Of Offshore Drilling*. Available at: <http://www.gpo.gov/fdsys/pkg/GPO-OILCOMMISSION/pdf/GPO-OILCOMMISSION.pdf>.

habitats. The scope, nature, and magnitude of the Spill caused impacts to coastal and oceanic ecosystems ranging from the deep ocean floor, through the oceanic water column, to the highly productive coastal habitats of the northern Gulf, including estuaries, shorelines and coastal marshes. Affected resources include ecologically, recreationally, and commercially important species and their habitats in the Gulf and along the coastal areas of Texas, Louisiana, Mississippi, Alabama, and Florida. These fish and wildlife species and their supporting habitats provide a number of important ecological and recreational use services.

Pursuant to the Oil Pollution Act (OPA), Title 33 United States Code (U.S.C.) §§ 2701 *et seq.*, and the laws of individual affected states, federal and state agencies, Indian tribes and foreign governments act as trustees on behalf of the public to assess injuries to natural resources and their services<sup>3</sup> that result from an oil spill incident, and to plan for restoration to compensate for those injuries. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship (hereafter collectively referred to as “restoration”). This process of injury assessment and restoration planning is referred to as Natural Resource Damage Assessment (NRDA). OPA defines “natural resources” to include land, fish, wildlife, biota, air, water, ground water, drinking water supplies and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the Exclusive Economic Zone), any State or local government or Indian tribe, or any foreign government (33 U.S.C. § 2701(20)).

The Federal Trustees are designated pursuant to section 1006(b)(2) of OPA (33 U.S.C. § 2706(b)(2)) and Executive Orders 12777 and 13626. The following federal agencies are the designated natural resource Trustees under OPA for this Spill:<sup>4</sup>

- The United States Department of the Interior (DOI), as represented by the National Park Service (NPS), United States Fish and Wildlife Service (USFWS), and Bureau of Land Management (BLM);
- The National Oceanic and Atmospheric Administration (NOAA), on behalf of the United States Department of Commerce;
- The United States Department of Agriculture (USDA); and
- The United States Environmental Protection Agency (EPA).

State Trustees are designated by the governor of each state pursuant to section 1006(b)(3) of OPA (33 U.S.C. § 2706(b)(3)). The following state agencies are designated natural resources Trustees under OPA and are currently acting as Trustees for the Spill:

- Texas Parks and Wildlife Department (TPWD), Texas General Land Office (TGLO) and Texas Commission on Environmental Quality (TCEQ);

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<sup>3</sup> Services (or natural resource services) means the functions performed by a natural resource for the benefit of another natural resource and/or the public (15 C.F.R. § 990.30).

<sup>4</sup> The U.S. Department of Defense is a trustee under OPA of natural resources at its Gulf Coast facilities potentially affected by the Spill but is not a member of the Trustee Council and did not participate in the preparation of this document.

- The State of Louisiana’s Coastal Protection and Restoration Authority (CPRA), Oil Spill Coordinator’s Office (LOSCO), Department of Environmental Quality (LDEQ), Department of Wildlife and Fisheries (LDWF) and Department of Natural Resources (LDNR);
- The State of Mississippi’s Department of Environmental Quality (MDEQ);
- The State of Alabama’s Department of Conservation and Natural Resources (ADCNR) and Geological Survey of Alabama (GSA); and
- The State of Florida’s Department of Environmental Protection (FDEP) and Fish and Wildlife Conservation Commission (FWC).

This document, prepared jointly by State and Federal Trustees, serves as the Final Phase V Early Restoration Plan (ERP) under OPA, and also contains the associated Environmental Assessment (EA) for the Phase V project under the National Environmental Policy Act (NEPA) (collectively Final Phase V ERP/EA). Consistent with the Final Programmatic Early Restoration and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement (Final Phase III ERP/PEIS)<sup>5</sup>, DOI is the lead federal agency for preparing the Final Phase V ERP/EA. The Federal co-Trustees are cooperating agencies in its preparation pursuant to NEPA (40 C.F.R. §1508.5). These cooperating federal agencies intend to adopt this EA once completed to support their respective agency’s decision making under NEPA. This document is prepared in accordance with 40 C.F.R. Parts 1500-1508, “CEQ’s Regulations for Implementing NEPA” and DOI NEPA implementing regulations (43 C.F.R. Part 46).

In addition to acting as Trustees for this incident under OPA, the States of Texas, Louisiana, Mississippi, Alabama, and Florida are also acting pursuant to their applicable state laws and authorities, including but not limited to:

- The Texas Oil Spill Prevention and Response Act of 1991, Tex. Nat. Res. Code, Chapter 40;
- The Louisiana Oil Spill Prevention and Response Act of 1991, La. R.S. §§ 30:2451 *et seq.*, and accompanying regulations, La. Admin. Code 43:101 *et seq.*;
- The Mississippi Air and Water Pollution Control Law, Miss. Code Ann. §§ 49-17-1 through 49-17-43;
- Alabama Code §§ 9-2-1 *et seq.* and §§9-4-1 *et seq.*; and
- The Florida Pollutant Discharge Prevention and Removal Act, Fla. Stat., Section 376.011 *et seq.*

As the NRDA for the Spill proceeded, the Trustees and BP began a process of “Early Restoration”, whereby the Trustees could begin the process of restoring injured resources and services prior to the completion of the full NRDA process (Section 1.3 below provides additional information about the “Framework Agreement” that established the Early Restoration process for the Spill). To date, four phases of Early Restoration have been planned and 64 restoration projects with a total cost of approximately \$832 million have been selected for implementation.<sup>6</sup> Early Restoration Plans and

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<sup>5</sup> The Final Phase III ERP/PEIS is available at: <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/phase-iii/>

<sup>6</sup> \$832 million = \$62 million (Phase I) + \$9 million (Phase II) + \$627 million (Phase III) + \$134 million (Phase IV).

assessments of environmental impacts were prepared for Phase I, Phase II, and Phase IV.<sup>7</sup> For Phase III, the Trustees prepared a Phase III Early Restoration Plan (which included project-specific environmental reviews) as well as a Programmatic Early Restoration Plan and Environmental Impact Statement (Final Phase III ERP/PEIS).<sup>8</sup>

The Trustees are selecting one project for inclusion in Phase V of Early Restoration: the Florida Coastal Access Project. The entire Florida Coastal Access Project has a total estimated cost of \$45,415,573. Of this sum, \$34,372,184 will be expended in the project's first phase on land acquisition, recreational amenities, and ten years of operation and maintenance for specific actions as described in this Final Phase V ERP/EA. The Implementing Trustees(s) anticipate expending the remaining \$11,043,389 of the total estimated Florida Coastal Access Project cost in a second phase of the project to pay for the costs of securing one or more additional properties in the Florida Panhandle and of planning, selecting, and implementing actions on the additional property(ies), based on design and construction of passive recreational amenities that would create additional recreational uses and coastal access for the public, with ten years of funding for the operation and maintenance of such property(ies) as public parks. That second phase of the Florida Coastal Access Project would be proposed, described, and selected by the Trustees in a future restoration plan, in the same manner and using the same criteria as described in this Final Phase V ERP/EA and in accordance with OPA, NEPA and other applicable laws, and after public review of the proposed actions.

## 1.2 Injury Assessment

The Trustees have been conducting a detailed assessment to determine the nature, degree, geographic extent, and duration of injuries from the *Deepwater Horizon* incident to both natural resources and the services they provide to the public. The Trustees began to assess injuries as soon as news of the Spill was received, and they continued that assessment using a multi-phased iterative approach, in which planning and design decisions were informed by the data that had already been collected and evaluated. During this process, the Trustees have used a variety of methods, including field and laboratory studies and models. They have also used scientific inference to make informed conclusions about injuries that they were not able to study directly. The Trustees have assessed injuries to natural resources as diverse as water column organisms, benthic (bottom-dwelling) organisms, nearshore ecosystems, birds, sea turtles, and marine mammals, as well as the services provided by those resources, such as recreational beach use and fishing.

The Draft Programmatic Damage Assessment and Restoration Plan and Draft Programmatic Environmental Impact Statement (PDARP/PEIS)<sup>9</sup> released by the Trustees in October 2015 provides the

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<sup>7</sup> Phase I: <http://www.gulfspillrestoration.noaa.gov/wp-content/uploads/Final-ERP-EA-041812.pdf>; Phase II: <http://www.gulfspillrestoration.noaa.gov/wp-content/uploads/Phase-II-ERP-ER-12-21-12.pdf>; Phase IV: <http://www.gulfspillrestoration.noaa.gov/wp-content/uploads/Draft-Phase-IV-ERP-EA-1.pdf>

<sup>8</sup> Phase III: <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/phase-iii/>

<sup>9</sup> The Draft PDARP/PEIS is available at: <http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan/>. See also [www.gulfspillrestoration.noaa.gov](http://www.gulfspillrestoration.noaa.gov) or [www.doi.gov/deepwaterhorizon](http://www.doi.gov/deepwaterhorizon) for additional information on this proposed plan.



most recent information regarding the Trustees' injury assessment progress and results. Key findings include:

- The oil released into the environment by the *Deepwater Horizon* incident was toxic to a wide range of organisms, including fish, invertebrates, plankton, birds, sea turtles, and marine mammals. It caused an array of toxic effects, including death, disease, reduced growth, impaired reproduction, and physiological impairments that made it more difficult for organisms to survive and reproduce;
- The water, sediments, and marsh habitats in many locations in the northern Gulf of Mexico had concentrations of oil that were high enough to cause toxic effects. The degree and extent of these toxic concentrations varied by location and time. The extent and degree of toxic levels of oil has declined substantially from 2010 to the present;
- Exposure to oil and response activities resulted in extensive injuries to multiple habitats, species, and ecological functions, across broad geographic regions;
- The *Deepwater Horizon* spill resulted in injuries to marsh habitats, including marsh plant and associated organisms; to shoreline beaches and sediments, and organisms that live on and in the sand and sediment; to fish and invertebrates that live in the water; to a large number of bird species commonly associated with marsh, beach, and open ocean habitats; to floating *Sargassum* habitats offshore and submerged aquatic vegetation; to deep-sea and nearshore ocean-bottom habitats, including rare, deepwater corals and bottom-dwelling organisms such as red crabs; to all five species of threatened or endangered sea turtles that live in the Gulf of Mexico; and to marine mammals, including dolphins and whales, associated with estuarine, coastal and open ocean habitats;
- The injuries caused by the *Deepwater Horizon* spill affected such a broad array of integrated and linked resources and ecological services over such a large area that they cannot be adequately described at the level of a single species, a single habitat type, a single set of services, or even a simple region. Rather, the effects of the *Deepwater Horizon* spill constitute an injury to the entire northern Gulf of Mexico ecosystem; and
- The *Deepwater Horizon* oil spill resulted in losses to the public's use of natural resources for outdoor recreation, such as boating, fishing, going to the beach, and generally using and enjoying the Gulf's environment. The Spill affected these activities because members of the public canceled trips, chose alternate recreational sites, or had less enjoyable recreational experiences. The Spill impacts on the public's use of natural resources for outdoor recreation started in May 2010 and lasted through November 2011, and affected activities in all five Gulf States. The Trustees estimated that more than 16 million user days were lost at coastal sites along these states.<sup>10</sup>

The Phase V Early Restoration Project in Florida will be implemented to partially compensate for Spill-related recreational losses in Florida.

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<sup>10</sup> The Trustees defined a 'user day' as any time an individual visits a beach, goes fishing, or goes boating for the purpose of recreation for at least part of the day.

The remainder of this chapter describes the Framework Agreement, the relationship of this document to the Final Phase III ERP/PEIS and purpose and need for Early Restoration. It also provides additional background and contextual information relevant to the objectives, content and organization of this Final Phase V ERP/EA. Finally, this document provides notice of changes to two Phase III Early Restoration Projects: (1) the Strategically Provided Boat Access along Florida's Gulf Coast – Frank Pate Boat Ramp Improvements and (2) the Florida Artificial Reef Creation and Restoration project (see Section 1.13).

### 1.3 Early Restoration Framework Agreement

The Early Restoration planning process is designed to be a cooperative endeavor between the Trustees and parties responsible for the Spill. On April 20, 2011, BP agreed to provide up to \$1 billion toward Early Restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the Spill. This Early Restoration agreement, entitled “Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill” (Framework Agreement), represents a preliminary step toward the restoration of injured natural resources. The Framework Agreement is intended to expedite the start of restoration in the Gulf in advance of the completion of the injury assessment process. The Framework Agreement provides a mechanism through which the Trustees and BP can work together “to commence implementation of Early Restoration projects that will provide meaningful benefits to accelerate restoration in the Gulf as quickly as practicable” prior to the resolution of the Trustees’ natural resource damages claim. Early restoration is not intended to, and does not fully address all injuries caused by the Spill. Restoration beyond Early Restoration projects will be required to fully compensate the public for all natural resource losses, including recreational use losses from the *Deepwater Horizon* oil spill. The Trustees engaged the public in a separate process to develop a plan to fully address all restoration that will be needed. This process has been described previously (see Final Phase III ERP/PEIS at Section 2.1.1, Early Restoration Project Solicitation and Public Participation) and led to the Trustees’ preparation and recent release of the Draft PDARP/PEIS. The Draft PDARP/PEIS describes the Trustees’ natural resource damage assessment and proposed programmatic ecosystem restoration plan for the Gulf region’s natural resources impacted by the *Deepwater Horizon* incident. The Draft PDARP/PEIS public review and comment period closed December 4, 2015. Release of this Final Phase V ERP/EA is consistent with both the Framework Agreement for Early Restoration and the comprehensive, integrated, ecosystem restoration plan outlined and proposed in the Draft PDARP/PEIS.

The Early Restoration planning process is part of the NRDA, but is also shaped in part by the Framework Agreement with BP. The Framework Agreement is a partial, interim settlement under which BP agreed to make up to \$1 billion available for early restoration, in return for agreed offsets (“NRD Offsets”, explained later in this document) to be applied by the Trustees in the future as credit against their total assessment of injury. This provides an opportunity for the Trustees to make progress towards restoration prior to the resolution of the Trustees’ natural resource damages claim. At the same time, under the Framework Agreement, a proposed Early Restoration project may be funded only if all of the Trustees, the U.S. Department of Justice, and BP agree on, among other things, the amount of funding to be provided by BP and the Offsets against injury or service losses attributable to that project. The need for project-specific agreements inevitably affects which projects are practical to pursue in the Early Restoration process.

By its nature, the Early Restoration process is not intended to accomplish full restoration. Early Restoration projects represent an initial step toward fulfilling the responsible parties' obligation to pay for restoration of injured natural resources. Ultimately, the responsible parties are obligated to compensate the public for the full scope of natural resource injuries caused by the Spill, including the cost of assessment and restoration planning.

#### 1.4 Relationship of Phase V ERP/EA to the Final Phase III ERP/PEIS

The Trustees are selecting, in this Final Phase V ERP/EA, the first phase of the Florida Coastal Access Project in accordance with OPA and under the Framework Agreement. The second phase of the project would be presented in a future restoration plan, in the same manner and using the same criteria as described in this Final Phase V ERP/EA and in accordance with OPA, NEPA and other applicable laws, and after public review of the proposed actions.

This Final Phase V ERP/EA is meant to continue implementation of Early Restoration for the purpose of accelerating meaningful restoration of injured natural resources and their services resulting from the Spill. The Trustees previously prepared a Programmatic Early Restoration Plan and Programmatic Environmental Impact Statement (Final Phase III ERP/PEIS) under OPA and NEPA to analyze alternative approaches to continuing Early Restoration and to consistently guide remaining Early Restoration decisions. As described in this Final Phase V ERP/EA, the restoration actions comprising the Florida Coastal Access Project are consistent with the programmatic analysis provided in the Final Phase III ERP/PEIS, as summarized below and described in more detail in Chapter 2. The applicable sections of the Phase III ERP/PEIS are incorporated by reference in this document.

The regulations that guide NRDAs under OPA require that restoration planning actions undertaken by Federal Trustees comply with the NEPA, 42 U.S.C. §§ 4321 et seq., and the regulations guiding its implementation at 40 C.F.R. Parts 1500-1508 (15 C.F.R. § 990.23). Under NEPA and its implementing regulations, a federal agency may prepare a PEIS to evaluate broad actions (40 C.F.R. § 1502.4(b); see Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 FR 18026 (1981)). When a federal agency prepares a programmatic NEPA analysis, such as a PEIS, the agency may "tier" subsequent, narrower environmental analyses on site-specific plans or projects from the programmatic analysis (40 C.F.R. § 1502.4(b); 40 C.F.R. §1508.28). Federal agencies are encouraged to tier subsequent, narrower analyses from a programmatic NEPA analysis to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review (40 C.F.R. § 1502.20). Tiering analyses reduces or eliminates duplicative documentation by focusing project analyses on project-specific issues and incorporating by reference the issues evaluated in the broad programmatic analyses.<sup>11</sup>

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<sup>11</sup> Department of the Interior regulations (43 CFR 46.140, "Using tiered documents") authorize tiering under the following circumstances:

- (a) Where the impacts of the narrower action are identified and analyzed in the broader NEPA document, no further analysis is necessary, and the previously prepared document can be used for purposes of the pending action.
- (b) To the extent that any relevant analysis in the broader NEPA document is not sufficiently comprehensive or adequate to support further decisions, the tiered NEPA document must explain this and provide any necessary analysis.

A programmatic NEPA analysis may consider multiple related federal actions that may encompass a large geographic scale or that constitute a suite of similar programs, both of which apply to the joint state and federal Early Restoration effort to restore natural resources and services that were impacted by the Spill. Coincident with Phase III Early Restoration planning, the Trustees elected to prepare a PEIS to support analysis of the environmental consequences of the Phase III Programmatic ERP, to consider the multiple related actions that may occur as a result of Early Restoration, and to allow for a better analysis of cumulative impacts of potential actions. For the Programmatic ERP, the Trustees developed a set of project types for inclusion in programmatic alternatives, consistent with the desire to seek a diverse set of projects providing benefits to a broad array of potentially injured resources and services they provide.<sup>12</sup> Ultimately, this process resulted in the inclusion of 12 project types in the programmatic alternatives evaluated for Early Restoration, including:

1. Create and Improve Wetlands;
2. Protect Shorelines and Reduce Erosion;
3. Restore Barrier Islands and Beaches;
4. Restore and Protect Submerged Aquatic Vegetation;
5. Conserve Habitat;
6. Restore Oysters;
7. Restore and Protect Finfish and Shellfish;
8. Restore and Protect Birds;
9. Restore and Protect Sea Turtles;
10. Enhance Public Access to Natural Resources for Recreational Use;
11. Enhance Recreational Experiences; and
12. Promote Environmental and Cultural Stewardship, Education and Outreach.

While the 12 project types can be combined in numerous ways to develop programmatic alternatives, the Trustees considered and evaluated four programmatic alternatives in the Final Phase III ERP/PEIS, ultimately selecting Alternative 4: Contribute to Restoring Habitats, Living Coastal and Marine Resources, and Recreational Opportunities (which includes project types 1-12 above) in the “Record of Decision for the *Deepwater Horizon* Oil Spill: Final Programmatic and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement” (ROD, October 2014). As further described throughout this document, the Florida Coastal Access Project is consistent with the Trustees’ selected programmatic alternative.

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(c) An environmental assessment prepared in support of an individual proposed action can be tiered to a programmatic or other broader-scope environmental impact statement. An environmental assessment may be prepared, and a finding of no significant impact reached, for a proposed action with significant effects, whether direct, indirect, or cumulative, if the environmental assessment is tiered to a broader environmental impact statement which fully analyzed those significant effects. Tiering to the programmatic or broader-scope environmental impact statement would allow the preparation of an environmental assessment and a finding of no significant impact for the individual proposed action, so long as any previously unanalyzed effects are not significant. A finding of no significant impact other than those already disclosed and analyzed in the environmental impact statement to which the environmental assessment is tiered may also be called a “finding of no *new* significant impact.”

<sup>12</sup> Project type names, descriptions, and the resources benefitted are not necessarily indicative of NRD Offsets agreed upon with BP for any particular project pursuant to the Framework Agreement. Offset types and the relationship to the project in this Final Phase V ERP/EA are described in Chapter 2 of this document.

This Final Phase V ERP/EA is tiered from the programmatic portions (Chapters 3, 5, and 6 as well as associated appendices) of the Final Phase III ERP/PEIS (40 C.F.R. § 1508.28) which is incorporated here by reference (40 C.F.R. § 1502.21). The programmatic analyses included in the Final Phase III ERP/PEIS streamline Early Restoration planning by evaluating broad issues and impacts associated with all project types included in the programmatic plan, thereby allowing the Trustees to tier project-specific analyses from the programmatic analyses.

For the first phase of the Florida Coastal Access Project, the Trustees have considered the extent to which additional NEPA analyses may be necessary, including whether the analyses of relevant conditions and environmental effects described in the PEIS are still valid or whether this project or any components thereof have been considered in separate analyses under NEPA for purposes of other federal processes. These considerations are addressed in the environmental review included in Chapter 3 of this document.

## 1.5 Early Restoration Purpose and Need

Phase V of Early Restoration is within the scope of the purpose and need identified in Chapter 1 of the Final Phase III ERP/PEIS. That purpose and need is incorporated here by reference, and summarized below. The information has been updated to include total approved project costs to-date (Phases I through IV).

Restoration activities are intended to restore or replace habitats, species, and services to their baseline condition (primary restoration) and to compensate the public for interim losses from the time natural resources are injured until they recover to baseline conditions (compensatory restoration). NRDA restoration planning has two basic components: (1) injury assessment and (2) restoration selection. For the purpose of accelerating meaningful restoration of injured natural resources and their services resulting from the Spill, the Trustees propose to continue implementation of Early Restoration, as described in this Final Phase V RP/EA, in accordance with OPA and the Final Phase III ERP/PEIS, using funds made available in the Framework Agreement. In order to accelerate meaningful restoration under OPA, the Trustees need to identify restoration that contributes to making the environment and the public whole for injury to or loss of natural resources and services resulting from the Spill.

Having completed three emergency restoration projects<sup>13</sup> as well as initiated four previous phases of Early Restoration, with 64 projects totaling \$832 million, the Trustees are herein selecting early restoration actions that would comprise the first phase of the Florida Coastal Access Project, with an estimated cost of approximately \$34.4 million.

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<sup>13</sup> The Trustees collectively implemented three emergency restoration projects in response to the Spill, addressing submerged aquatic vegetation (SAV), waterfowl and shorebirds, and sea turtles. The SAV project was implemented to prevent additional injury by restoring SAV beds damaged by propeller scarring and other response vessel impacts. The waterfowl habitat project provided alternative wetland habitat in Mississippi for waterfowl and shorebirds that might otherwise winter in oil-affected habitats. The sea turtle project was completed to improve the nesting and hatching success of endangered sea turtles on the Texas coast, including Padre Island National Seashore. Some Trustees also independently implemented additional emergency restoration actions.



Early Restoration is not intended to fully address all injuries caused by the Spill. As required under OPA, the Trustees have conducted a natural resource damage assessment and, based on that assessment, prepared and recently released the Draft PDARP/PEIS.

## **1.6 Phase V Project Selection Process and Alternatives**

The Trustees developed the Early Restoration project selection process to be responsive to the purpose and need for conducting Early Restoration. In summary, Early Restoration project selection is a step-wise process comprised of: (1) project solicitation; (2) project screening; (3) negotiation with BP; and (4) evaluation and environmental review of proposed projects under OPA and NEPA, including public review and comment.

The Trustees' Early Restoration project selection process initially results in a set of potential projects that, consistent with the Framework Agreement, are submitted to BP for review and discussion. The Framework Agreement requires the Trustees and BP to agree on: (1) the funding amount for a proposed project; and (2) Offsets. If the Trustees and BP reach agreement in principle on project terms, those projects are incorporated into a Draft Early Restoration Plan and are subject to NEPA review. Projects can be considered ready for implementation only after consideration of comments submitted during the public review process, finalization of the Early Restoration Plan, completion of all required permits and environmental compliance reviews including NEPA, and execution and filing of the project stipulations.

With respect to the Early Restoration project in the Final Phase V ERP/EA, as with previous phases of Early Restoration, the Trustees identified potential projects from many sources, including but not limited to: submissions from the public; Gulf restoration reports, research, management plans and related efforts; and Trustee information collection activities. The Trustees applied a screening process to be responsive to the purpose and need for conducting Early Restoration based on specified evaluation criteria and practical considerations that, while not legally mandated, are nonetheless useful and permissible to help screen potential projects.

In Florida, the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission hosted, and continue to host, public meetings to inform the public about the NRDA process and, in particular, the Early Restoration process. As part of these meetings, the Florida Trustees solicited specific project ideas that could be implemented as part of the Early Restoration process. In addition to the public meetings, the Florida Trustees have also set up a website, <http://www.deepwaterhorizonflorida.com>, where members of the public can submit and view restoration project proposals. The Florida Trustees compiled and regularly update a list of all project proposals received, that they consider when developing potential projects to be part of future restoration efforts. For the identification of potential Early Restoration projects, the Florida Trustees are only considering projects that occur within the limited geographic area of the 8-county Panhandle region. This is the area in which boom was deployed and that was impacted by response and Shoreline Cleanup Assessment Technique (SCAT) activities related to the Spill.

As a general matter, individual Trustees identified preliminary lists of projects that were then brought to all of the Trustees for collective consideration and approval to proceed with project negotiations with

BP. The Trustees and BP agreed on the proposed Florida Coastal Access Project for incorporation into draft Early Restoration plans for public review and comment.

A more detailed description of NRDA restoration planning; requirements set forth by the OPA, NEPA, the Framework Agreement and other applicable authorities; and each step in the Early Restoration project selection process can be found in the Final Phase III ERP/PEIS (in particular, see Chapters 1 and 2).

## 1.7 Previous Phases of Early Restoration

The Trustees previously selected 64 Early Restoration projects for implementation, including: eight projects documented in the April 2012 final “*Deepwater Horizon* Oil Spill Phase I Early Restoration Plan and Environmental Assessment”; two projects documented in the December 2012 final “*Deepwater Horizon* Oil Spill Phase II Early Restoration Plan and Environmental Review”; 44 projects documented in the June 2014 final “*Deepwater Horizon* Oil Spill: Programmatic and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement”; and 10 projects documented in the September 2015 “*Deepwater Horizon* Oil Spill Final Phase IV Early Restoration Plan and Environmental Assessments”.

As summarized in Table 1-1, the total estimated cost of Early Restoration projects selected for implementation to date is approximately \$832 million (including contingencies). Ecological projects comprise approximately \$586 million (71%) of this total, and recreational projects comprise the remaining \$245 million (29%). Within the ecological project category, barrier island restoration and dune projects account for \$321 million of estimated project costs, followed by marsh and living shoreline projects (\$102 million), oyster projects (\$65 million), projects for restoration and protection of turtles (\$45 million), projects for restoration and protection of birds (\$21 million), projects for restoration and protection of finfish and shellfish (\$20 million), sea turtle and bird habitat enhancement projects (\$9 million), and seagrass projects (\$3 million).

For more information about previously selected Early Restoration projects, please see the relevant restoration planning document(s) cited above.<sup>14</sup>

**Table 1-1. Summary of Funds Spent on Phase I, II, III, and IV Early Restoration Project Categories**

PROJECT CATEGORY	ESTIMATED COST FOR ALL PROJECTS IN THAT CATEGORY
Barrier Islands and Dunes	\$321,098,721
Recreational	\$245,170,503
Marsh and Living Shoreline	\$102,633,748
Oyster	\$65,192,681
Sea Turtle	\$45,000,000
Sea Turtle and Bird Habitat Enhancement	\$29,628,053
Finfish and Shellfish	\$20,000,000
Seagrasses	\$2,828,567
<b>Total</b>	<b>\$831,552,273</b>

<sup>14</sup> All these plans may be found at: [www.gulfspillrestoration.noaa.gov](http://www.gulfspillrestoration.noaa.gov) and [www.doi.gov/deepwaterhorizon](http://www.doi.gov/deepwaterhorizon).

## 1.8 Phase V Early Restoration Project

Based on the project selection process outlined above, and in accordance with the Final Phase III ERP/PEIS, the Trustees are selecting the first phase of the Florida Coastal Access Project as Phase V of Early Restoration. The first phase of the project involves the acquisition and/or enhancement of four coastal project locations in the Florida Panhandle. The primary goal of the Florida Coastal Access Project is to enhance the public's access to the surrounding natural resources and increase recreational opportunities.

The four locations include Innerarity Point Park, Leonard Destin Park, Lynn Haven Preserve and Park, and Island View Park. The Innerarity Point Park site involves the acquisition of a 3.38 acre property in Escambia County, Florida and the building of a public park on the property. The Leonard Destin Park site involves the acquisition of a 3.42 acre parcel in the City of Destin, Florida and the building of a public park on the property. The Lynn Haven Bayou Preserve and Park site involves the acquisition of a 90.7 acre unimproved tract in the City of Lynn Haven, Florida and building a public park on the property. The Island View Park site involves the building of a public park on a parcel owned by Franklin County. Ten years of operation and maintenance activities are budgeted for and would be utilized by the respective county or city, through grant agreements with the Florida Department of Environmental Protection, to provide for upkeep of the improved properties as public parks. As described above at Section 1.2, the first phase of the Florida Coastal Access Project selected in this Final Phase V ERP/EA is estimated to cost \$34,372,184. The Implementing Trustees(s) anticipate expending the \$11,043,389 balance of the total estimated Florida Coastal Access Project cost (\$45,415,573) in a second phase of the project to pay for the costs of securing one or more additional properties in the Florida Panhandle and of planning, selecting and implementing actions on the additional property(ies), based on design and construction of passive recreational amenities that would create further recreational uses and coastal access for the public, with ten years of funding for the operation and maintenance of such property(ies) as public parks. That second phase of the Florida Coastal Access Project would be proposed, described, and selected by the Trustees in a future restoration plan, in the same manner and using the same criteria as described in this Final Phase V ERP/EA and in accordance with OPA, NEPA and other applicable laws, and after public review of the proposed actions.

This Final Phase V ERP/EA includes the specific actions being proposed for implementation in the first phase of the Florida Coastal Access Project. Implementation of the first phase of the Florida Coastal Access Project will be performed in two stages: (1) the acquisition of three of the four coastal parcels, and (2) the final design and construction of the public park infrastructure and amenities at each of the four coastal sites. The Trustees have determined that the acquisition of the three parcels in stage one will have no adverse environmental effects and can therefore proceed independent of and prior to the completion of all compliance reviews required for the final design and construction stages of this project (including those conducted under the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, National Historic Preservation Act, and Clean Water Act, among others). Chapter 3 provides detailed information on the specific actions included in the first phase of the proposed Florida Coastal Access Project, including the tiered NEPA analyses for these proposed actions.

## 1.9 Severability of Proposed Phase V Early Restoration Project Components

As discussed in more detail in Chapter 3, the first phase of the proposed Florida Coastal Access Project has four project components. In this Final Phase V ERP/EA, each of these components is independent of each other and may be selected independently by the Trustees. A decision to substantially modify or not to select one or more of the components of this Phase V project will not affect the Trustees' selection of the remaining components.

## 1.10 Public Participation

### 1.10.1 Public Participation Prior to the Draft Phase V ERP/EA

OPA, NEPA and the Framework Agreement require the Trustees to consider public comments during the restoration planning process associated with the Spill. Throughout Early Restoration planning, the Trustees have developed draft restoration plans for public review and comment and have held public meetings prior to finalizing their project selections.

A Notice of Intent (NOI) to Conduct Restoration Planning for the *Deepwater Horizon* Oil Spill (2010 NOI) was published in the Federal Register on October 1, 2010 and announced publicly by the Trustees (Discharge of Oil from *Deepwater Horizon*/Macondo Well, Gulf of Mexico, Intent to Conduct Restoration Planning, 75 Fed. Reg. 60,800 (October 1, 2010)). Pursuant to 15 C.F.R. § 990.44, the 2010 NOI announced that the Trustees determined to proceed with restoration planning to fully evaluate, assess, quantify, and develop plans for restoring, replacing, or acquiring the equivalent of natural resources injured and losses resulting from the Spill.

In planning for Phase I and Phase II of Early Restoration, the Trustees prepared and released draft plans for public review and comment, and considered all public comments received before approving the Final Phase I Plan in April 2012 and the Final Phase II plan in December 2012, respectively.

A Notice of Intent to Prepare a Programmatic Environmental Impact Statement (PEIS) for a Phase III Early Restoration Plan and Early Restoration Project Types, and to Conduct Scoping Meetings (2013 NOI) was published in the Federal Register (78 Fed. Reg. 33431-33432 (June 4, 2013)) and announced publicly by the Trustees. Pursuant to NEPA, OPA, and the implementing NRDA regulations found at 15 CFR Part 990, the 2013 NOI announced that the Trustees intended to prepare a PEIS under NEPA to evaluate the environmental consequences of Early Restoration project types, as well as the Early Restoration projects that the Trustees intended to propose in a Draft Phase III Early Restoration Plan. The programmatic evaluation of Early Restoration project types in the PEIS was intended to allow the Trustees to better analyze cumulative effects of Early Restoration, and to tier NEPA analyses for future Early Restoration plans to the PEIS, where appropriate. The Draft Phase III ERP/PEIS setting forth the Trustees' Programmatic Early Restoration Plan and Environmental Impact Statement, and proposing an additional 44 early restoration projects, was released for public review and comment in December 2013. The Final Phase III ERP/PEIS was released in June 2014 and approved by the Trustees in the ROD issued in October 2014.

Pursuant to and tiering from that final Programmatic Early Restoration Plan, the Trustees prepared and released a Draft Phase IV Early Restoration Plan for public review and comment, and considered all public comments received before approving the Final Phase IV plan in September 2015.

The Trustees also established websites to provide the public information about injury and restoration processes<sup>15</sup>, and public solicitation of restoration projects has been ongoing since publication of the 2010 NOI. The Trustees have received hundreds of proposals, all of which can be viewed at several web pages (see footnote 15). The public provided ideas and comments at public meetings conducted to support development of the PEIS for a comprehensive damages assessment and restoration plan as well as during public meetings held during each phase of Early Restoration.

OPA, NEPA and the Framework Agreement require the Trustees to consider public comments during the restoration planning process associated with the Spill. The Draft Phase I ERP/EA, the Draft Phase II ERP/ER, the Draft Phase III ERP/PEIS, and the Draft Phase IV ERP/EA all served as proposed restoration plans for Early Restoration, environmental reviews of proposed projects under NEPA, and the means used by the Trustees to seek public review and comment on all proposed actions during Phases I, II, III, and IV. Public meetings were held during each phase to facilitate public review and comment. A complete record of the public meetings and input opportunities is available at <http://www.gulfspillrestoration.noaa.gov>.

#### **1.10.2 Public Participation on the Draft Phase V ERP/EA**

The public comment period for the Draft Phase V ERP/EA opened on December 1, 2015 and closed on December 31, 2015 (80 Fed. Reg. 75126-75128 (December 1, 2015)). During that time, the Trustees hosted one public meeting (in Panama City, Florida on December 14, 2015).

At the public meeting, the Trustees accepted verbal comments that were recorded by a court reporter.<sup>16</sup> In addition, the Trustees hosted a web-based comment submission site, and provided a P.O. Box and email address as other means for the public to provide comments. Ultimately, the Trustees only received comments provided at the public meeting and web-based submissions.

Chapter 4 of this document provides further detail on the public comment process and includes a summary of all relevant public comments received on the Draft Phase V ERP/EA and Trustee responses.

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<sup>15</sup> The Trustees established the following websites:

- NOAA, Gulf Spill Restoration, available at <http://www.gulfspillrestoration.noaa.gov/>;
- NOAA, DIVER, available at <https://dwhdiver.orr.noaa.gov/>;
- DOI, *Deepwater Horizon* Oil Spill Response, available at <http://www.fws.gov/home/dhoilspill/>;
- Texas Parks and Wildlife Department, *Deepwater Horizon* Oil Spill, available at [http://www.tpwd.state.tx.us/landwater/water/enviroconcerns/damage\\_assessment/deep\\_water\\_horizon.phtml/](http://www.tpwd.state.tx.us/landwater/water/enviroconcerns/damage_assessment/deep_water_horizon.phtml/);
- Louisiana, *Deepwater Horizon* Oil Spill Natural Resource Damage Assessment, available at <http://la-dwh.com/>;
- Mississippi Department of Environmental Quality, Natural Resource Damage Assessment, available at <http://www.restore.ms/>;
- Alabama Department of Conservation and Natural Resources, NRDA Projects, available at <http://www.alabamacoastalrestoration.org>; and
- Florida Department of Environmental Protection, *Deepwater Horizon* Oil Spill Response and Restoration, available at <http://www.dep.state.fl.us/deepwaterhorizon/default.htm>.

<sup>16</sup> The Trustees also were prepared to accept written comments at the public meeting, but none were received.



This Final Phase V ERP/EA reflects revisions to the Draft Phase V ERP/EA arising from public comments; progress on compliance with other laws, regulations and Executive Orders; and continuing Trustee project development and consideration of potentially relevant information.

### **1.11 Administrative Record**

Pursuant to 15 C.F.R. § 990.45, the Trustees opened a publicly available Administrative Record for the NRDA for the Spill, including restoration planning activities, concurrently with the publication of the 2010 NOI. DOI is the lead Federal Trustee for maintaining the Administrative Record, which can be found at <http://www.doi.gov/deepwaterhorizon/adminrecord>.<sup>17</sup> Information about Early Restoration project implementation is being provided to the public through the Administrative Record and other outreach efforts, including <http://www.gulfspillrestoration.noaa.gov>.

### **1.12 Remaining Milestones**

The following is a list of milestones that would occur prior to implementation of the first phase of the Florida Coastal Access Project:

- Complete all compliance reviews required for the final design and construction stages of the first phase of the project (including those conducted under the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, National Historic Preservation Act, and Clean Water Act, among others); and
- File Stipulation Agreement with the Court.

Should future substantial changes or significant new circumstances arise, the Trustees would consider the need to supplement the relevant analyses.

### **1.13 Notices of Change for Two Phase III Early Restoration Projects**

Section 9.2 of the ROD for the Final Phase III ERP/PEIS describes criteria the Trustees will consider to evaluate material changes to any selected Phase III Early Restoration project to determine whether additional restoration planning and environmental review, including opportunity for public comment, is necessary. First, the Trustees will determine whether any change to the project is consistent with the environmental review in the Final Phase III ERP/PEIS or if there are substantial changes that are relevant to environmental concerns. Second, the Trustees will assess whether or not there are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the Final Phase III ERP/PEIS (40 C.F.R. § 1502.9 (c)). Third, the Trustees will evaluate whether changes to the project result in changes to the project description in the Final Phase III ERP/PEIS that affects their selection under OPA.

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<sup>17</sup> Additionally, Louisiana is also maintaining an Administrative Record (see <http://la-dwh.com/AdminRecord.aspx>) in accordance with state regulations (La. Admin. Code 43:127).

Coincident with the release of this Final Phase V ERP/EA, the Trustees are providing notice of changes for two Early Restoration projects selected in Phase III, together with their analysis and determinations regarding each under Section 9.2 of the ROD. Additional information on the changes to these two Phase III projects is provided in Appendices A and B.

#### **1.13.1 Notice of Change and Supplemental NEPA Analysis for Strategically Provided Boat Access along Florida's Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements)**

In the Final Phase III ERP/PEIS, the Early Restoration project: Strategically Provided Boat Access along Florida's Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements) was described as including repairing and renovating the existing boarding dock, addition of boat trailer parking, the construction of an access drive, the addition of a staging area, and the construction of a fish cleaning station (Chapter 12, Section 12.38). Since selection of this project in the Final Phase III ERP/PEIS, the plans for implementation of the project have been modified to include construction of two additional timber docks and improvements to existing seawalls in lieu of repairing and renovating the existing boarding dock, constructing the boat trailer parking, access drive, staging area, and fish cleaning station. The project as modified would replace the existing 140-foot metal sheet pile seawall on the north side of the ramp with an epoxy-coated sheet pile with concrete pile and cap to create a concrete boarding dock, and add a 300- by 6-foot timber dock that includes installation of 62 pilings. The project as modified would also replace the existing 145-foot metal sheet pile seawall on the south side of the ramp with an epoxy-coated sheet pile with concrete pile and cap to create a concrete boarding dock, and add a 100 foot by 6 foot timber dock that includes installation of 22 pilings.

The Trustees' evaluation of the change to the Strategically Provided Boat Access along Florida's Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements) under the criteria set forth in Section 9.2 of the ROD is provided in Appendix A of this document. Based on that evaluation, the Trustees have determined that the change to the project would create new circumstances relevant to environmental concerns not addressed in the impact analysis of the Final Phase III ERP/PEIS and have provided a supplemental NEPA environmental assessment in Appendix A. The Trustees have determined that the change does not impact the project's overall objective (which is to enhance and/or increase recreational boating and fishing opportunities by improving the boat ramps and associated infrastructure along Florida's Panhandle). This evaluation, and the Trustees' determination, remains subject to the results of additional consultations and reviews as required for compliance with all other laws (e.g., ESA, EFH, etc.), including consideration of any significant new circumstances or information presented as part of those processes.

#### **1.13.2 Notice of Change to Florida Artificial Reef Creation and Restoration Project**

In the Final Phase III ERP/PEIS, the Early Restoration Project: Florida Artificial Reef Creation and Restoration description stated that the artificial reef design for the project will be either 1) an 8-foot tetrahedron module with open bottom and top (minimum 3-foot opening) or 2) a layered, piling-mounted design with spacers between the disk-shaped layers (Chapter 12, Section 12.18). Since selection of this project in the Final Phase III ERP/PEIS, in initial planning for project implementation, the plans for implementation of the project have been modified to increase the number of possible prefabricated concrete artificial reef module designs. The addition of three general reef module design

concepts, previously used in other artificial reef projects in Florida, will allow for more competitive contractor solicitation, more physically diverse reefs for human observation (recreational use), and habitat diversity attractive to a greater variety of fish species.

The Trustees' evaluation of the change to the Florida Artificial Reef Creation and Restoration Project under the criteria set forth in Section 9.2 of the ROD is provided in Appendix B of this document. Based on that evaluation, the Trustees have determined that the change does not impact the project's overall objective (which is to enhance and/or increase the public's use and enjoyment of natural resources by increasing the number of artificial reefs in state waters), that the environmental consequences of the change will not be substantial (and consultations will not need to be reinitiated), and that the change does not present significant new circumstances or information pursuant to the first two criteria. Consequently, the Trustees find the project change does not affect the Trustees' selection of the project under OPA or the environmental analysis under NEPA in the Final Phase III ERP/PEIS.

The Trustees are providing notice of the change to the public: rather than the use of just two artificial reef module designs, the project has been modified to increase the number of possible prefabricated concrete artificial reef module designs.

## 1.14 Document Organization and Decisions to be Made

Consistent with the purpose and need and proposed action identified above, this Final Phase V ERP/EA is divided into the following chapters::

- **Chapter 1 (Introduction, Purpose and Need, and Public Participation):** Introductory information and context for the Final Phase V ERP/EA; also provides notice of change for two early restoration projects selected as part of Phase III;
- **Chapter 2 (Florida Coastal Access Project: Project Description):** Description, by component, of the first phase of the Florida Coastal Access Project, including the four project sites;
- **Chapter 3 (Florida Coastal Access Project Environmental Assessment):** NEPA analysis related to the project;
- **Chapter 4 (Responses to Public Comments):** Summary of the public comment process, including a summary of all relevant public comments received on the Draft Phase V ERP/EA and Trustee responses;
- **List of Preparers:** Identification of individuals who substantively contributed to the development of this document;
- **List of Repositories:** A list of facilities that received copies of the Draft Phase V ERP/EA for review by the public;
- **Appendix A (Evaluation of Change and Supplemental NEPA Analysis for Phase III Early Restoration Project: Strategically Provided Boat Access along Florida's Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements));**
- **Appendix B (Evaluation of Change to the Phase III Early Restoration Project: Florida Artificial Reef Creation and Restoration Project);**
- **Appendix C (Phase V Early Restoration Project Monitoring Plan):** Project-specific monitoring plan for the first phase of the Florida Coastal Access Project;

- **Appendix D (Guidelines for NEPA Impact Determinations from the Final Phase III ERP/PEIS):** Guidelines for resource-specific definitions for determining effects of individual planned actions;
- **Appendix E (Potential Mitigation Measures and Best Management Practices):** Information on BMPs that are commonly required through the federal regulatory processes and that could be used during project planning and implementation to avoid or minimize impacts; and
- **Appendix F (Phase V Early Restoration, Cumulative Actions):** Summary of other actions anticipated in the areas affected by the first phase of the Florida Coastal Access Project.
- **Appendix G (Finding of No Significant Impact for the First Phase of the Florida Coastal Access Project).**

This document is intended to provide the public and decision-makers with information and analysis documenting the Trustees' selection and implementation of the first phase of the proposed Florida Coastal Access Project.

The public, government agencies, and other entities have identified and continue to identify a large number of potential restoration projects for consideration during the restoration planning process. Projects not identified for inclusion in Phase V of Early Restoration may continue to be considered for inclusion in future restoration planning.

# Chapter 2: Florida Coastal Access Project: Project Description

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## 2.1 Introduction

This section describes the Florida Coastal Access Project and, in particular, the specific actions that the Trustees are selecting for implementation in the first phase of the Early Restoration project in this Final Phase V ERP/EA. Furthermore, as generally described in this section, Trustees are anticipating a second phase of the Florida Coastal Access Project that the Trustees would propose, describe, and select in a future restoration plan, in the same manner and using the same criteria as identified in this Final Phase V ERP/EA, and in accordance with OPA, NEPA and other applicable laws and after public review of the proposed actions.

The Florida Coastal Access Project falls within three of the project types in the programmatic alternatives evaluated for Early Restoration in the Final Phase III ERP/PEIS. In particular, the project actions – both generally and as specifically described herein – fall within the “Enhance Public Access to Natural Resources for Recreational Use,” “Enhance Recreational Experiences,” and “Promote Environmental and Cultural Stewardship, Education and Outreach” project types.

Section 2.2 provides an overview of the first phase of the Florida Coastal Access Project and its four components. Implementation of the first phase of the proposed Florida Coastal Access Project will be performed in two stages: (1) the acquisition of three of the four coastal parcels and (2) the final design and construction of the park infrastructure and amenities at each of the four sites. Additional detail about each of the project components is provided in Chapter 3, Environmental Assessment.

## 2.2 Florida Coastal Access Project: Project Description

### 2.2.1 Project Summary

The Florida Coastal Access Project will enhance the public’s access to the surrounding natural resources, enhance recreational experiences, and promote environmental and cultural stewardship, education, and outreach. This project will also serve to limit the density of potential residential and commercial development that would otherwise tend to degrade the experience of visitors to the coast. In the first phase, the Trustees will implement specific actions at the following four locations across the Florida Panhandle to increase and enhance recreational uses and coastal access. In addition, for each site, ten years of operation and maintenance activities are budgeted for and will be utilized by the respective county or city, through grant agreements with the Florida Department of Environmental Protection, to provide for upkeep of the improved properties as public parks. In selecting this first phase of the Florida Coastal Access Project, each location, together with the specific actions proposed for that site, are described as one “Component,” as follows:

- **Innerarity Point Park Component.** The Innerarity Point Park component involves the acquisition of a 3.38-acre parcel in Escambia County, Florida and the building of a public park on the property.
- **Leonard Destin Park Component.** The Leonard Destin Park component involves the acquisition of a 3.42-acre parcel in the City of Destin, Florida (Okaloosa County) and the building of a public park on the property.

- **Lynn Haven Preserve and Park Component.** The Lynn Haven Preserve and Park component involves the acquisition of a 90.7-acre unimproved tract in the City of Lynn Haven, Florida (Bay County) and the building a public park on the property.
- **Island View Park Component.** The Island View Park component involves the building of a public park on a 7.13-acre parcel owned by Franklin County.

Figure 2-1 below identifies the locations of the four coastal sites. The total estimated cost to implement the first phase of the Florida Coastal Access Project is \$34,372,184.

**Figure 2-1. First Phase of the Proposed Florida Coastal Access Project: Site Locations (courtesy of The Trust for Public Land)**



## 2.2.2 Background and Project Description

The following section provides a short overview of each project component. Additional detail for each component is provided as part of the environmental assessment in Chapter 3.

### 2.2.2.1 Innerarity Point Park

The Innerarity Point Park site is a 3.38 acre tract located within Escambia County, Florida. The property includes 265 linear feet of frontage along the Old River, which flows between Innerarity Point and Perdido Key out to Perdido Bay (see Figure 2-2 for general location).

The Trustees will purchase this coastal parcel and build a public park on the property to enhance the public's access to the surrounding natural resources and increase recreational opportunities. The

purchase of the site will be achieved via a partnership between the Florida Trustees and The Trust for Public Land (TPL), a non-profit organization working to create parks and protect land for the benefit of the public.

TPL has acquired an option to buy the property and will exercise its option and acquire a fee simple title to the property in its name. After acquiring the title, TPL will, at the direction and under the oversight of the Florida Trustees, oversee the design, permitting, and construction of the proposed park infrastructure. Once all the improvements to the property are completed, TPL will donate the property to Escambia County to be operated by the County as a public park. The property deed will include restrictions on future use and designate that the land be continually used as a public park. As part of the project, Escambia County will be provided with funds, through a grant agreement with the Florida Department of Environmental Protection, to cover ten years of operation and maintenance costs of the site as a dedicated public park.

**Figure 2-2. Innerarity Point Park Project Site (courtesy of The Trust for Public Land)**



The park that the Trustees propose to build at this site will provide the public with recreational access to the natural resources along Innerarity Point and Perdido Key in Escambia County, Florida, as well as enhancing the public’s recreational experiences. The existing single-family home will be demolished and proposed park infrastructure will be constructed. The proposed infrastructure includes an accessible boardwalk, dock and paddle craft launch, a “treehouse” overlook, a deck with bench seating, several

picnic pavilions, two playgrounds, restrooms with rinse off areas, and a pervious concrete parking area (see Chapter 3, Figure 3-3 for the conceptual site plan). Additional detail on the project scope is provided in Section 3.4.1.

The purchase of the property and the park infrastructure for the Innerarity Point Park are covered by two of the project types in the programmatic alternatives evaluated for Early Restoration in the Final Phase III ERP/PEIS. In particular, the actions are covered by “Enhance Public Access to Natural Resources for Recreational Use” and “Enhance Recreational Experiences.” The purchase of the property will enhance public access to natural resources for recreational purposes, while the park elements, such as the dock, boardwalk, pavilions and restrooms, will also enhance both public access to the natural resources for recreational use and the public’s recreational experience. In addition, the inclusion of elements such as the playgrounds for children will help attract and enhance the overall recreational experience for families, and in turn broaden and help maximize public usage of the proposed park, which directly serves the early restoration objectives.

### ***2.2.2.2 Leonard Destin Park***

The Leonard Destin Park site is a 3.42-acre parcel on Calhoun Avenue, just north of Route 98 in the City of Destin. The property includes 280 linear feet of frontage on Choctawhatchee Bay (see Figure 2-3 for general location). 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-19<sup>th</sup> century. The park would be named in his honor.

The Trustees will buy this coastal parcel and build a public park on the property to enhance the public’s access to the surrounding natural resources and increase recreational opportunities. The purchase of the site will be achieved via a partnership between the Florida Trustees and TPL.

TPL has acquired an option to buy the property and will exercise its option and acquire a fee simple title to the property in its name. After acquiring the title, TPL will, at the direction and under the oversight of the Florida Trustees, oversee the design, permitting, and construction of the proposed park infrastructure. Once all the improvements to the property are completed, TPL will donate the property to the City of Destin to be dedicated and managed as a public park. The property deed will include restrictions on future use and designate that the land be continually used as a public park. As part of the project, the City of Destin will be provided with funds, through a grant agreement with the Florida Department of Environmental Protection, to cover ten years of operation and maintenance costs of the site as a dedicated park.

The park infrastructure that the Trustees will build at this site will provide the public with recreational access to the natural resources along Choctawhatchee Bay and the Gulf of Mexico, enhance the public’s recreational experiences at this coastal park, and promote environmental and cultural education. The park infrastructure includes an accessible beach access, boardwalk and deck with kayak launch, improving the existing dock, interpretive elements such as an historical seine boat and signage, public art, a playground, a splash pad, a restroom, and a gravel parking area (see Chapter 3, Figure 3-7 for the conceptual site plan). Additional detail on the project scope is described in Section 3.4.2.



The purchase of the property and the park infrastructure for the Leonard Destin Park are covered by three of the project types in the programmatic alternatives evaluated for Early Restoration in the Final Phase III ERP/PEIS. In particular, the actions are covered by “Enhance Public Access to Natural Resources for Recreational Use”, “Enhance Recreational Experiences”, and “Promote Environmental and Cultural Stewardship, Education and Outreach.” The purchase of the property will enhance public access to natural resources for recreational purposes, while the proposed park elements, such as the expanded dock, boardwalk, pavilion and restrooms, will also enhance both public access to the natural resources for recreational use and the public’s recreational experience. In addition, the interpretation element, which is a full-size historical seine boat and associated signage, will promote cultural education. Finally, the inclusion of elements such as the playground and splash pad will help attract and enhance the overall recreational experience for families, and in turn broaden and help maximize public usage of the park, which directly serves early restoration objectives.

**Figure 2-3. Leonard Destin Park Project Site (courtesy of The Trust for Public Land)**



### **2.2.2.3 Lynn Haven Preserve and Park**

The Lynn Haven Preserve and Park site is an approximately 90-acre unimproved tract that is located within the City of Lynn Haven, in Bay County, Florida (see Figure 2-4 for a general location). The property includes 1,650 linear feet of frontage on North Bay and 3,570 linear feet of frontage along McKitchen’s Bayou and its unnamed source creek.

The Trustees will buy this coastal parcel and build a public park on the property to enhance the public's access to the surrounding natural resources and increase recreational opportunities. The purchase of the site will be achieved via a partnership between the Florida Trustees and TPL.

TPL has acquired an option to buy the property and will exercise its option and acquire a fee simple title to the property in its name. After acquiring the title, TPL will, at the direction and under the oversight of the Florida Trustees, oversee the design, permitting, and construction of the proposed park infrastructure. Once all the improvements to the property are completed, TPL will donate the property to the City of Lynn Haven to be dedicated and managed as a park. The property deed will include restrictions on future use and designate that the land be continually used as a public park. As part of the project, the City of Lynn Haven will be provided with funds, through a grant agreement with the Florida Department of Environmental Protection, to cover ten years of operation and maintenance costs of the site as a dedicated park.

Figure 2-4. Lynn Haven Preserve and Park Project Site (courtesy of The Trust for Public Land)





The park infrastructure that the Trustees will build at this site will provide the public with recreational access to the natural resources along both North Bay and McKitchen's Bayou, as well as enhancing the public's recreational experiences and promoting environmental and cultural education. The park infrastructure will include an access road and bridge, internal road, large gathering structures, outdoor classroom, a two-story screened-in bay/bayou overlook, picnic pavilions distributed throughout the park, multiple restrooms, dock access to bay and bayou for kayaks and fishing, dock access to motorized boats on the bay, a natural playground, defined beach areas along the bay, fitness loop, disc golf course, multi-use trails, bayou boardwalk and wildlife viewing areas, maintenance building and storage, and parking for vehicles (see Chapter 3, Figure 3-11 for the conceptual site plan). Additional detail on the project scope is located in Section 3.4.3.

The purchase of the property and the park infrastructure proposed for the Lynn Haven Preserve and Park are covered by two of the project types in the programmatic alternatives evaluated for Early Restoration in the Final Phase III ERP/PEIS. In particular, the actions are covered by "Enhance Public Access to Natural Resources for Recreational Use" and "Enhance Recreational Experiences." The purchase of the property will enhance public access to natural resources for recreational purposes, while the proposed park elements, such as the docks, boardwalk, pavilion and restrooms, will also enhance both public access to the natural resources for recreational use and the public's recreational experience. In addition, the inclusion of elements such as the playground and disc golf course will help attract and enhance the overall recreational experience for families, and in turn broaden and help maximize public usage of the proposed park, which directly serves early restoration objectives.

#### **2.2.2.4 Island View Park**

The Island View Park site is a 7.13-acre tract of land that is 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 (hereinafter referred to as "inland" parcel) that is 4 acres and a waterfront southeastern parcel (hereinafter referred to as "waterfront" parcel) that is 3.13 acres (see Figure 2-5 for a general location; Byway 2014). The waterfront parcel of the property includes 884 linear feet of frontage along St. George Sound.

The Trustees will build a public park on the property to enhance the public's access to the surrounding natural resources and increase recreational opportunities. The park will be sited on the smaller waterfront parcel and will provide the public with recreational access to the natural resources along St. George Sound as well as enhancing the public's recreational experiences. The park infrastructure would include accessible boardwalk with decks that connect the two existing piers, restoring and improving the existing piers, shoreline access for paddle craft, a central plaza with an informational kiosk, a pervious concrete parking area for visitors, and a turn lane to access the park (see Chapter 3, Figure 3-14 for the conceptual site plan). Additional detail on the project scope is located in Section 3.4.4.

The project site is currently owned by Franklin County. It was previously donated to Franklin County after being acquired by TPL, in partnership with the U.S. Fish and Wildlife Service, Florida Department of Environmental Protection, and Franklin County (among other partners), with a National Coastal Wetlands Conservation Grant (Grant), for the purposes of ecologically restoring the property and

providing passive recreational benefits.<sup>1</sup> The primary purpose of the Grant under which TPL purchased the property is to protect and conserve coastal habitat (maritime forest, freshwater marsh, salt marsh, and near shore sea grass beds) through the purchase of land and ecological restoration. The Grant proposal also contemplated limited and compatible recreational and educational opportunities on the property, such as the development of a kayak/canoe launch and educational kiosks.

The infrastructure that the Trustees will build at this site to create a public park would significantly enhance the public's access to as well as increase and improve upon the limited recreational opportunities that could be provided under the Grant. The Florida Trustees have consulted with the U.S. Fish and Wildlife Service, who has confirmed that the proposed project infrastructure is not in conflict with the purpose of the Grant. As part of the Island View project selected by the Trustees, Franklin County will be provided with funds, through a grant agreement with the Florida Department of Environmental Protection, to cover ten years of operation and maintenance costs of the site as a dedicated public park. The actions for the Island View Park are covered by two of the project types in the programmatic alternatives evaluated for Early Restoration in the Final Phase III ERP/PEIS. In particular, the actions are covered by "Enhance Public Access to Natural Resources for Recreational Use" and "Enhance Recreational Experiences." Grant funds will be leveraged for additional ecological restoration as a result of the Trustees' project. This is also consistent with these Final Phase III ERP/PEIS project types, because the additional restoration at the site will increase the appearance and condition of the environment surrounding Island View Park, and thus further improve the public's recreational experience.<sup>2</sup>

TPL will, at the direction and under the oversight of the Florida Trustees, oversee the design, permitting, and construction of the park infrastructure. As part of the project, Franklin County will be provided with funds through a grant agreement with the Florida Department of Environmental Protection to cover ten years of operation and maintenance costs of the site as a dedicated public park.

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<sup>1</sup> Consistent with the Grant award, this restriction was established by deed restrictions attached to the property during conveyance.

<sup>2</sup> Pursuant to the terms of the Grant, Franklin County was to provide a local match of approximately 26% for activities listed in the Grant. To date, there is \$22,185 outstanding on the local match proposed by Franklin County, \$5,546 of which was planned to be used for the limited recreational improvements contemplated under the Grant. The U.S. Fish and Wildlife Service was also going to allow the use of \$44,525 of the \$178,100 remaining in the Grant for passive recreational opportunities, for a total of approximately \$50,071 additional Grant funds expended on recreational improvements. The selected Island View public park project will result in a total of \$1,528,679 of NRDA funds being spent to develop the Island View park amenities. The \$50,071 in Grant funds previously contemplated for passive recreational opportunities will be used to conduct additional ecological restoration, as described.

Figure 2-5. Island View Park Project Site (courtesy of The Trust for Public Land)



### 2.2.3 Anticipated Future Phase of the Florida Coastal Access Project

The first phase of the Florida Coastal Access Project activities described above will utilize \$34,372,184 of the \$45,415,573 negotiated with BP for the Florida Coastal Access Project. The Implementing Trustees(s) anticipate expending the remaining \$11,043,389 of the total estimated Florida Coastal Access Project cost in a second phase of the project to pay for the costs of securing one or more additional properties in the Florida Panhandle and of planning, selecting and implementing actions on the additional property(ies), based on design and construction of passive recreational amenities that would create further recreational uses and coastal access for the public, with ten years of funding for the operation and maintenance of such property(ies) as public parks. That second phase of the Florida Coastal Access Project would be described, proposed, and selected by the Trustees in a future restoration plan, in the same manner and using the same criteria as described in this Final Phase V ERP/EA and in accordance with OPA, NEPA and other applicable laws, and after public review of the proposed actions.

#### **2.2.4 Evaluation Criteria**

The four components of the Florida Coastal Access Project in this Final Phase V ERP/EA each meet the evaluation criteria established for OPA and the Framework Agreement. The project components will increase the public's access to natural resources, enhance recreational experiences, and promote cultural education, helping to offset adverse impacts to recreational uses in the Florida Panhandle caused by the Spill and related response actions. Thus, the nexus to resources injured by the Spill is clear (see C.F.R. § 990.54(a)(2) and Sections 6a-6c of the Framework Agreement).

The land acquisitions that are part of the first phase of the project (applicable to three of the four project sites) are technically feasible and utilize proven techniques for acquisition of public lands, including use of a third party agent and options to buy such properties. Construction of the infrastructure (applicable to all four proposed project sites) is also technically feasible and will use proven construction techniques and best management practices to minimize environmental impacts. Both the acquisition and the construction aspects in this first project phase will be implemented with minimal delay. Escambia County has expressed great interest in and support for acquisition of the Innerarity Point Park parcel and the building of a public park on the property. The City of Destin has expressed great interest in and support for acquisition of the Leonard Destin Park parcel and the building of a public park on the property. The City of Lynn Haven has expressed great interest in and support for acquisition of the Lynn Haven Preserve and Park parcel and building a public park on the property. Franklin County has expressed great interest in and support for expanding the recreational opportunities at the Island View Park site for the public's use and enjoyment. For these reasons, the four components of the Florida Coastal Access Project included in this first phase, individually and collectively, have a high likelihood of success (see C.F.R. § 990.54(a)(3) and Section 6e of the Framework Agreement).

A thorough environmental assessment of the project actions in this first phase is presented in Chapter 3. Best management practices and measures to avoid or minimize adverse effects would be implemented, as applicable (see Appendix E). As a result, collateral injury will be avoided and minimized during project implementation (15 C.F.R. § 990.54(a)(4)).

Cost estimates for the construction and operation and maintenance activities at each site are based on similar past projects, and the land acquisition costs are actual prices developed through negotiations and consistent with past experiences of acquiring comparable properties at appraised values. Based on these estimates and actual costs, the project actions in this first phase can be conducted at a reasonable cost (see C.F.R. § 990.54(a)(1)). As a result, these actions are considered feasible and cost effective. The project actions in this first phase are consistent with long-term restoration needs since acquisition of the parcels serves to limit density of potential residential and commercial development (see C.F.R. § 990.54(a)(1),(3), and Sections 6d-6e of the Framework Agreement).

#### **2.2.5 Performance Criteria, Monitoring, and Maintenance**

The restoration objective for the Florida Coastal Access Project is to restore a portion of lost recreational opportunities caused by the Spill by increasing the public's access to the surrounding natural resources, enhancing the public's recreational experiences, and promoting environmental and cultural

stewardship, education, and outreach. In the project's first phase, this will be accomplished by acquiring the Innerarity Point Park, Leonard Destin Park, and Lynn Haven Preserve and Park parcels and building public parks on all four of the project sites, which will increase the public's accessibility to coastal natural resources in Escambia County, City of Destin, City of Lynn Haven, and Franklin County, all located in the Florida Panhandle. The acquisition of the parcels and the building of the public parks will also enhance the public's recreational experiences and, in the case of the Leonard Destin Park, help promote cultural education. The first phase of the project will be deemed successful once the properties have been acquired (relevant to Innerarity Point Park, Leonard Destin Park, and Lynn Haven Preserve and Park parcels only) and the infrastructure improvements have been completed and transferred to Escambia County, City of Destin, City of Lynn Haven, and Franklin County to be operated as dedicated public parks. As such, performance criteria for this project are the satisfactory acquisition of the property (only relevant to Innerarity Point Park, Leonard Destin Park, and Lynn Haven Preserve and Park parcels), completion of construction of the park infrastructure on all four sites in accordance with approved final design plans, and transference of improved properties to the respective county or city. Each first phase project component also includes funding for ten years of operation and maintenance activities that will be provided to the respective county or city through grant agreements with Florida Department of Environmental Protection for use to provide for upkeep of the improved properties as dedicated public parks. After ten years, the respective county or city will assume and bear operation and maintenance costs. The monitoring plan for the first phase of the Florida Coastal Access project can be found in Appendix C.

#### 2.2.6 Offsets

The Trustees monetized estimates of the project benefits to develop an estimate of Natural Resource Damage (NRD) Offsets for the Florida Coastal Access Project. A general overview of this method is provided below. This is one of three primary methods used by the Trustees to estimate Offsets from Early Restoration projects under the Framework Agreement.<sup>3</sup> All methods used to estimate Offsets for Early Restoration projects are based on the expected benefits for each project. In the context of Early Restoration under the Framework Agreement, the Trustees used the best information and methodologies available to judge the adequacy of proposed Early Restoration actions relative to OPA regulatory evaluation standards (see 15 C.F.R. § 990.54(a)), while determining that the agreements reached with BP under the Framework Agreement were also fair, reasonable, and in the public interest. It is important to note that, under the Framework Agreement, neither the amount of the Offsets nor the methods of estimation used in analyzing any project are a precedent for assessing the gains provided by any other projects either during the Early Restoration process, in the assessment of total injury, or in the comprehensive restoration planning process for the Spill.

The Offsets for the Florida Coastal Access Project are recreational use Offsets. Under the Framework Agreement, the Trustees would apply these Early Restoration Offsets against the Trustees' total assessment of BP's NRD liability, consistent with a final project stipulation.

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<sup>3</sup> The other methods used in Phases I through IV of Early Restoration are Habitat Equivalency Analysis and Resource Equivalency Analysis.

The expected benefits of some restoration projects can be monetized, or expressed in terms of the dollar value of expected benefits to the public, rather than in terms of ecological gains. Monetization approaches are used to estimate Offsets over a restoration project's expected lifespan. For the Florida Coastal Access Project, the Trustees used a monetizing approach to estimate Offsets to achieve a range of goals, including:

- Enhancing public access to natural resources for recreational use;
- Enhancing recreational experiences; and/or
- Promoting environmental and cultural stewardship, education and outreach.

More specifically, the Trustees relied on a benefit-to-cost ratio ("BCR") approach to estimate Offsets for the Florida Coastal Access Project. This approach uses existing economic literature and preliminary estimates of project inputs (see below for additional detail) to develop BCRs representing average benefit-to-cost ratios. For example, a project with an estimated cost of \$10 and a BCR of 2.0 would be assigned a monetized Offset of \$20. Under the Framework Agreement, this monetized Offset would be applied against the Trustees' total assessment of BP's NRD liability, consistent with the project stipulation.<sup>4</sup>

Estimated project inputs considered by the Trustees as part of the process for developing BCRs for recreational use losses include, but are not limited to:

- The number of participants expected to benefit from each project;
- The benefit these individuals are expected to derive from a new experience or enhanced experience;
- The time frame over which the benefits would be provided, in terms of both start date as well as expected duration of benefits; and
- The discount rate used to calculate the present value of future benefits (3.0 percent, expressed in 2014 dollars).

The BCR is applied to the amount of Early Restoration funds that are provided by BP for a project, but not to funds provided from other sources.

The Trustees and BP negotiated a benefit-to-cost ratio (BCR) of 2.0 for the Florida Coastal Access Project. The NRD Offsets for the Florida Coastal Access Project are \$90,831,146, expressed in present value 2014 dollars, to be applied against the monetized value of lost recreational use provided by natural resources injured in Florida, which will be determined by the Trustees' assessment of lost recreational use for the Spill.<sup>5</sup> As previously noted, the Final Phase V ERP/EA includes actions estimated

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<sup>4</sup> Under the proposed PDARP, which was under public review until December 4, 2015, these monetized estimates would be applied to monetized estimates of recreational use losses attributable to the Spill.

<sup>5</sup> For the purposes of applying the NRD Offsets to the calculation of injury after the Trustees' assessment of lost recreational use for the Spill, the Trustees and BP agree as follows: (1) the Trustees agree to restate the NRD Offsets in the present value year used in the Trustees' assessment of lost recreational use for the Spill and (2) the discount rate and method used to restate the present value of the NRD Offsets will be the same as that used to express the present value of the damages.



to cost only \$34,372,184 of the total \$45,415,573 negotiated with BP for the Florida Coastal Access Project. Upon the Trustees' and BP's execution of the project stipulation, BP will provide for the transfer of all \$45,415,573 to a designated escrow account and, in return, BP will receive the full Offset, which is \$90,831,146. As discussed above, the Implementing Trustee(s) anticipate expending the remaining \$11,043,389 of the total estimated Florida Coastal Access Project cost in a second phase of the project that would be proposed, described, and selected by the Trustees in a future restoration plan, in the same manner and using the same criteria as described in this Final Phase V ERP/EA, and in accordance with OPA, NEPA and other applicable laws and after public review of the proposed actions.

### 2.2.7 Estimated Cost

The total estimated cost for the first phase of the Florida Coastal Access Project activities described in this Final Phase V ERP/EA are \$34,372,184. As noted above, the entire estimated cost of the Florida Coastal Access Project as negotiated with BP is \$45,415,573. The remaining \$11,043,389 would be utilized in the future project phase.

The estimated implementation costs by component in this Final Phase V ERP/EA are shown in Table 2-1. These costs reflect estimates developed from the most current information available to the Trustees at the time of project negotiation. The total estimated costs include provisions for acquisition, planning, design, implementation, monitoring, operation and maintenance, and contingencies.

**Table 2-1. Florida Coastal Access Project – Estimated Costs for Phase V Actions**

<b>SITE NAME</b>	<b>PROJECT COSTS</b>
Innerarity Point Park Component	\$5,805,946
Leonard Destin Park Component	\$9,660,778
Lynn Haven Preserve and Park Component	\$17,376,781
Island View Park Component	\$1,528,679
<b>Total Costs</b>	<b>\$34,372,184</b>

## 2.3 References

Big Bend Scenic Byway. 2014. Big Bend Scenic Byway: Explore Undiscovered North Florida. Homepage. Last updated 2014. Accessed 10/8/2015. <http://www.floridabigbendscenicbyway.org/>

# Chapter 3: Florida Coastal Access Project: Environmental Assessment

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### 3.1 Introduction

As discussed in Chapter 2, the Trustees will implement the first phase of the Florida Coastal Access Project as Phase V of Early Restoration. The Florida Coastal Access Project – both generally and as specifically described herein – falls within three of the project types listed in Chapter 1 and described in the Final Phase III ERP/PEIS: “Enhance Public Access to Natural Resources for Recreational Use”, “Enhance Recreational Experiences”, and “Promote Environmental and Cultural Stewardship, Education and Outreach.”

The project involves enhancing both the public’s access to natural resources for recreational use and the public’s recreational experience, through (1) the acquisition of three parcels in the Florida Panhandle and (2) the development and improvement of recreational opportunities at each of the four component sites.

Section 3.2 provides background information, Section 3.3 provides the purpose and need for early restoration, Section 3.4 describes the specific project components proposed in this Final Phase V ERP/EA in more detail, and Section 3.5 presents the Trustees’ environmental analysis of the actions proposed in this plan.

### 3.2 Background

The Council on Environmental Quality (CEQ) encourages federal agencies to “tier” their NEPA analyses from other applicable NEPA documents to create efficiency and reduce redundancy, and has issued guidance on the use of programmatic NEPA documents for tiering (CEQ 2014). Tiering has the advantage of not repeating information that has already been considered at the programmatic level so as to focus and expedite the preparation of the tiered NEPA review(s).

As described in Section 1.4 of this Final Phase V ERP/EA, the first phase of the Florida Coastal Access Project tiers from the 2014 Final Phase III ERP/PEIS. This EA qualifies for tiering from the Final Phase III ERP/PEIS in accordance with Department of the Interior regulations (43 C.F.R. § 46.140, Using Tiered Documents, b and c) and 40 C.F.R. Part 1502.

The Florida Coastal Access Project – both generally and as specifically described herein – is consistent with the Final Phase III ERP/PEIS Preferred Alternative as approved in the 2014 Record of Decision (79 FR 64831-64832 (October 31, 2014)) and the Trustees find that the conditions and environmental effects described in that broader NEPA document are applicable. Specifically, this Phase V Early Restoration project tiers from the analyses found in the following sections of the Final Phase III ERP/PEIS:

- Description of Alternative 4: Preferred Alternative: Contribute to Restoring Habitats, Living Coastal and Marine Resources and Recreational Opportunities, which includes Alternative 3: Contribute to Providing and Enhancing Recreational Opportunities;
- The Proposed Early Restoration Programmatic Plan: Development and Evaluation of Alternatives; Section 5.3.5.1: Enhance Public Access to Natural Resources for Recreational Use;
- The Proposed Early Restoration Programmatic Plan: Development and Evaluation of Alternatives; Section 5.3.5.2: Enhance Recreational Experiences

- The Proposed Early Restoration Programmatic Plan: Development and Evaluation of Alternatives; Section 5.3.5.3: Promote Environmental and Cultural Stewardship, Education, and Outreach
- Environmental Consequences of Alternatives, Section 6.5.1: Project Type 10: Enhance Public Access to Natural Resources for Recreational Use;
- Environmental Consequences of Alternatives, Section 6.5.2: Project Type 11: Enhance Recreational Experiences; and
- Environmental Consequences of Alternatives, Section 6.5.3: Project Type 12: Promote Environmental and Cultural Stewardship, Education, and Outreach.

This Final Phase V ERP/EA incorporates by reference the analysis found in the Final Phase III ERP/PEIS in those sections. This document also incorporates by reference all Early Restoration introductory, process, background, and affected environment information and associated discussion provided in the Final Phase III ERP/PEIS (Chapters 1 through 6).

### **3.3 Purpose and Need**

The restoration actions comprising the Florida Coastal Access Project fall within the scope of the programmatic purpose and need for early restoration as described in the Final Phase III ERP/PEIS because they will accelerate meaningful restoration of injured natural resources and their services resulting from the Spill. The project's purpose is to partially restore lost recreational opportunities in Florida caused by the Spill, and the first phase of the Florida Coastal Access Project is needed to provide both easily accessible and enhanced recreational opportunities in the Florida Panhandle and in its coastal waters. This includes the development of passive park amenities. Without this phase of the Florida Coastal Access Project, three of the four component sites proposed herein will not enter the public domain and recreational experiences at all four sites will be limited or non-existent.

### **3.4 Scope of the Environmental Assessment**

The first phase of the Florida Coastal Access Project will be Phase V of Early Restoration. In Phase V, the Trustees will acquire three land parcels and implement specific actions that will enhance recreational opportunities at four locations within the eight-county panhandle region in Florida. One of the four parcels (Island View) is already a publicly owned parcel. The four project sites are Innerarity Point Park in Escambia County, Leonard Destin Park in the City of Destin (Okaloosa County), Lynn Haven Preserve and Park in the City of Lynn Haven (Bay County), and Island View Park in Franklin County (Figure 3-1 through Figure 3-5). The restoration actions will provide an opportunity for passive (i.e., non-consumptive) recreational use by the public. Although the conceptual plans have been developed for each of the project components, the engineering and site plans have not been finalized.

This EA tiers from the programmatic portions of the Final Phase III ERP/PEIS. The broader environmental analyses of these types of actions are provided in the Final Phase III ERP/PEIS. Accordingly, the information and analyses in this document supplements those programmatic analyses with site-specific information. Specifically, this EA provides NEPA analysis for potential impacts for site specific issues and

concerns that are anticipated as a result of the Proposed Action and the No Action Alternative, which are described as follows:

- **No Action Alternative:** The No Action alternative, inclusion of which is a NEPA requirement, is a viable alternative, and also provides a benchmark, enabling decision-makers to compare the magnitude of environmental effects of the action alternatives (CEQ 1502.14(d)). In this case, the No Action Alternative is to leave the four existing properties in their current conditions. This means that three of the parcels would not be acquired and improved for recreational purposes, and while the fourth parcel, which is publicly owned, would have some improvements for recreational use, the improvements would be significantly less than what would be included under the Proposed Action, and would not be funded through Early Restoration funds. The three privately owned properties could ultimately be sold for other purposes.
- **Proposed Action:** The Proposed Action is the first phase of the Florida Coastal Access Project, which includes the enhancement of recreational opportunities on four coastal parcels in Florida. This first project phase would be performed in two stages: (1) the acquisition of three of the four parcels and (2) the final design and implementation of the project components on the four parcels.<sup>1</sup>

The Trustees have determined that the acquisition of the three coastal parcels in stage one will have no adverse environmental effects, and therefore could proceed independent of and prior to the completion of all compliance reviews required for the final design and construction stages of this project (including those conducted under the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, National Historic Preservation Act, and Clean Water Act, among others). The following sections include information on the four project components, the affected environment, and the NEPA analysis for the proposed design and construction stage of the project.

#### 3.4.1 Innerarity Point Park Component

The 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 Figure 3-2 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 Figure 3-1), and coastal vegetation along the shoreline (see Figure 3-2 for photograph of shoreline). As shown, much of the shoreline as well as inland vegetation is currently being maintained by mowing.

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<sup>1</sup> As noted elsewhere in this document, a future phase of the proposed Florida Coastal Access Project would undergo separate NEPA review.



Specific elements of the Innerarity Point Park conceptual site plan (Figure 3-3) include the following:

1. **New Dock with Kayak Launch.** The 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 U.S. Army Corps of Engineers/National Marine Fisheries Service (USACE/NMFS) Construction Guidelines in Florida for Minor Piling-Support Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat (herein referred to as "USACE and NMFS dock construction guidelines") will be considered during dock design and construction as appropriate. Florida Department of Environmental Protection staff visually inspected the site in mid-November, 2015 and determined that there is a break in the submerged aquatic vegetation (SAV) along the shoreline. The access walkway of this pier would extend from the shore, near the center of the parcel where there is an absence of SAV along the shoreline, and be oriented in a north-to-south direction. A perpendicular section of pier is proposed at the end of the main branch and would be oriented approximately east to west and would be constructed in an area devoid of 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, and as noted above, would refer to the USACE and NMFS dock construction guidelines.
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 and would avoid impacts to *Spartina* and other native vegetation wherever possible. During final design and construction, the beach expansion may be modified to further minimize any impacts.
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 vegetative 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. The specific invasive plants that will be removed, native plants selected for planting, and other details on this restoration effort will be determined during final design and construction. Impacts to native plants will be avoided wherever possible. The intent of the action will be to increase the amount of native species present in these areas.
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.

Figure 3-1. Existing view towards waterway at the Innerarity Point Park, with concrete foundation visible at extreme left (source: TPL 2015)



Figure 3-2. Photo from the Innerarity Point Park shore looking east towards Galvez Landing (source: TPL 2015)





Figure 3-3. Innerarity Point Park Conceptual Plan



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 each) 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 to users.
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 installing a timed sprinkler system. 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 installed 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 large (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.** A sign with the park name would be installed at the main park entrance near the parking lot.
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 vegetation.

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 anticipated 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 will be constructed from the site parking lot to the public sidewalk at the north edge of the property.

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, encompassing approximately 22,500 square feet.
- **Concrete sidewalks.** ADA accessible concrete sidewalks will be constructed 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).
- **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 low voltage accent lights at the park entry signs. All lighting would be low-glare, wildlife friendly, and comply with the guidance provided in the current edition of the Florida Fish and Wildlife Commission (FWC) Wildlife Lighting Criteria.
- **Off-site Road Improvement.** The public Bob O Link road is a gravel road located adjacent to and directly west of the project site. A small section of the road between Innerarity Point Road to the park entrance (approximately 90 feet long and 30 feet wide), would be paved and maintained by Escambia County. A sign would be placed at the vehicular entrance to the park.
- **Signs.** In addition to the aforementioned signs, two additional signs would be placed at the park 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 conserving native plantings, and low-maintenance, drought-resistant plants to reduce long-term maintenance.
- **Additional site work.** Additional work would include removal of 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 disposed of in a landfill. Other site work would include modifying existing electric service, linking to the available municipal sewer system, fire hydrant assembly and accompanying water main work, site grading (as-needed), and erosion control efforts during construction activities.

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; site improvements may be modified to avoid and minimize potential impacts to natural resources. Installation of the proposed site improvements is estimated to take 9-12 months to complete. 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 activities 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.

### **3.4.2 Leonard Destin Park Component**

The Leonard Destin Park is located within Okaloosa County at the former homestead of Captain Leonard Destin, the City of Destin's namesake. The 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 for recreational and commercial vessel traffic (see Figure 3-3 for general location). The site is currently zoned "Calhoun Mixed Use District" and, at present, a private commercial pontoon boat 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 Figure 3-4, Figure 3-5, and Figure 3-6). 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.



**Figure 3-4. Cars parked at the project site underneath great blue heron nesting trees (site currently operates as a pontoon boat and Jet Ski rental operator; source: TPL 2015)**



**Figure 3-5. Existing view looking towards great blue heron nesting trees, existing dock with Pontoon boats and Jet Skis, and waterway (Source: TPL 2015)**



Figure 3-6. Existing view of the beach area at the Leonard Destin Park (site currently operates as a pontoon boat and Jet Ski rental operator; source: TPL 2015)



As part of this plan, the site for the Leonard Destin Park would be re-zoned from “Calhoun Mixed Use District” to “Recreation.” The specific Leonard Destin Park site elements in the conceptual site plan (Figure 3-7) include:

1. **Expanded Dock for Accessibility.** The existing pier will 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 Figure 3-5 and Figure 3-6). 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. During final design and construction, the specific native plants for shoreline stabilization will be identified. Impacts to native plants will be avoided wherever possible. 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 and would be designed to minimize secondary sedimentation impacts on adjacent SAV habitat and to avoid impacts to any native vegetation. An informational sign would also be placed at the beach area and could describe park rules, directions, a map, and 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. To the extent possible, construction design will prioritize conserving native trees.
5. **Boardwalk.** A 100-foot long, 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).
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 inputted only on an as-needed basis. Concrete would surround the edges of the splash pad. An informational safety sign would also be constructed at the splash pad (based on input from the local government).
13. **Expanded Fruit Tree Grove.** The 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 a concrete emergency access turn-around loop.
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 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 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 encompassing 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 low voltage accent light at the signage wall. 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.



Figure 3-7. Leonard Destin Park Conceptual Plan



Final engineering and design plans for the proposed site improvements will 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 will be determined as part of the final construction design and plan.

### **3.4.3 Lynn Haven Preserve and Park Component**

The 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. 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 Figure 3-9 and Figure 3-10) 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 Figure 3-8).



Figure 3-8. Lynn Haven Preserve and Park Site Aerial View



Figure 3-9. Existing view from Lynn Haven Preserve and Park of upland portions of the property with cleared underbrush



Figure 3-10. Existing view from Lynn Haven Preserve and Park looking south along the western waterfront



As part of this plan, the 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 specific site elements detailed in the conceptual site plan (Figure 3-11) 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 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.

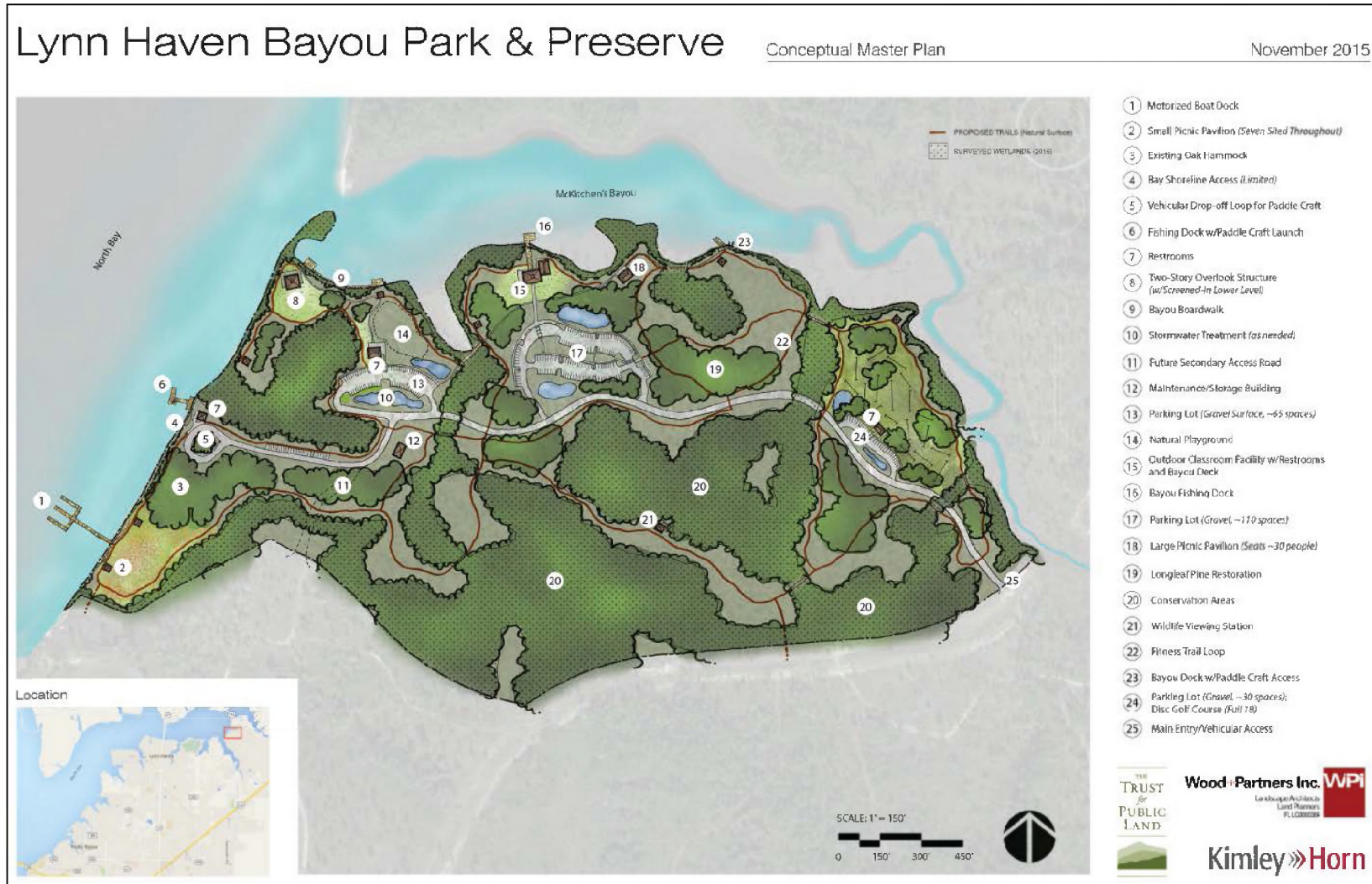
16. **Bayou Fishing Dock.** Within McKitchen's Bayou, a small fishing dock would be constructed. The Fishing dock would be approximately 120 feet long, with a platform of approximately 20 feet by 20 feet at its waterward terminus. Dock construction would include placement of new pilings (two approximately 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 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, and an additional 12 pole lights at parking areas. 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.** 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.
- **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 will 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 will be determined as part of the final construction design and plan.

Figure 3-11. Lynn Haven Preserve and Park Conceptual Plan





### 3.4.4 Island View Park Component

The 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.<sup>2</sup> 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 Figure 3-5 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 Figure 3-12). 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 Figure 3-12 and Figure 3-13). 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.

**Figure 3-12. Existing view at Island View Park northeast towards waterway and existing dock**



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<sup>2</sup> Franklin County acquired the Island View Park property as a result of a National Coastal Wetlands Conservation Grant, the primary purpose of which was to protect and preserve coastal habitat through the purchase of land and ecological restoration. The grant also included limited, passive recreational benefits, as described in Section 2.2.2.4.

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, but Franklin County received a separate grant to undertake habitat restoration activities on this parcel, as described below and in Section 2.2.2.4.

As part of this plan, the site for the Island View Park would be re-zoned from “Commercial Recreational District (C-3)” to “Recreation (P-2).” The specific site elements detailed in the conceptual site plan for the Island View Park parcel (Figure 3-14) include:

1. **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 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.

**Figure 3-13. Existing view at inland portion of Island View Park looking southeast**



2. **Expanded Dock for Safety and Accessibility with Fishing Platforms.** Dock expansion includes widening the decking to be ADA compliant. All pier work would 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 boardwalk along the waterfront would be a raised boardwalk made of wood or composite material. This would be 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 parking lot, pending engineering designs and calculations of stormwater runoff. The stormwater pond could excavate up to 700 yds<sup>3</sup> of substrate, but the final design depends on the calculations. However, this site has pervious pavement, likely mitigating the necessity for a stormwater pond.
5. **Deck Overlook with Seating and Interpretive Sign.** The 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 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 installed 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 feet by 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 in size.
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. During final design and construction, the vegetation removal efforts will be designed to minimize impacts to native vegetation along the shoreline and minimize any secondary sedimentation impacts on adjacent SAV habitat. 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 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, two accent lights at the central plaza area, and eight pole lights in the parking 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 will 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 will be determined as part of the final construction design and plan.

As indicated above, additional habitat restoration activities, funded separately through a National Coastal Wetlands Conservation Grant (Grant), are planned for the proposed Island View Park site. For purposes of this EA, these proposed actions are included and analyzed as “connected actions.”<sup>3</sup> These “connected actions” include the following:

- (1) Potential Wetland Restoration on the inland parcel. There are no proposed infrastructure improvements for the inland side of the proposed Island View Park. There would be removal of PVC piping from the northwestern portion of the inland parcel and restoration of native vegetation. Approximately 80 percent of the inland parcel area would be restored with native vegetation, and approximately 10 percent being wetland restoration;
- (2) Longleaf Pine Restoration on the inland parcel. The possible existence of a septic tank in the northern section of the inland plot would be investigated and, if present, would be evaluated for proper closure, abandonment, or potential removal. Approximately 80 percent of the inland parcel would be restored with native vegetation, with the potential for approximately 70 percent being longleaf pine restoration;
- (3) Maritime Hammock Restoration on the waterfront parcel. Maritime hammock restoration is proposed on the waterfront parcel with a possible extent of restoration comprising up to one third of the waterfront parcel. Restoration may include planting of native vegetation and fencing of existing trees for protection during restoration (up to 1,000 feet of fencing); and
- (4) Shoreline Vegetation Restoration on the waterfront parcel. This vegetation likely includes restoration of marsh grass along the shoreline. General vegetation restoration 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. Re-vegetation would include only native plantings, and to the extent possible would be low-maintenance, drought-resistant plants to reduce long-term maintenance.<sup>4</sup>

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<sup>3</sup> CEQ defines connected actions that are “closely related” to the proposal and alternatives. Actions are connected if they automatically trigger other actions that may have environmental impacts; they cannot or will not proceed unless other actions have been taken previously or simultaneously; or they are interdependent parts of a larger action and depend on the larger action for their justification (CEQ, Section 1508.25(a)).

<sup>4</sup> Additionally, as described in Section 2.2.2.4, if the Trustees select the Island View Park component, a small amount of Grant funds contemplated to be used for limited, passive recreational benefits at the site may be leveraged for additional ecological restoration on the inland parcel. This would be consistent with the Florida Coastal Access Project’s objective of enhancing the public recreational opportunities in the Florida Panhandle, because this additional restoration would increase the appearance and condition of the Island View Park environment and thus further improve the public’s recreational experience.



Figure 3-14. Island View Park Conceptual Plan





### 3.4.5 Project Operations and Maintenance

Responsibility for maintenance activities varies by project site. Deed restrictions would be placed on all of the properties limiting use of the land to only passive park purposes. Escambia County would be responsible for maintenance of Innerarity Point Park. The City of Destin would be responsible for maintenance activities at Leonard Destin Park. Maintenance activities would be conducted by the City of Lynn Haven for the Lynn Haven Preserve and Park. Franklin County would be responsible for maintenance of Island View Park. Funding for ten years of operation and maintenance activities are included in the project's estimated costs and would be provided to the respective county or city through grant agreements with Florida Department of Environmental Protection for use to provide for upkeep of the improved properties as dedicated public parks. After ten years, the respective county or city would bear operation and maintenance costs.

## 3.5 Environmental Consequences of Florida Coastal Access Project

Under NEPA, federal agencies must consider environmental effects of their actions that include, among others, impacts on social, cultural, and economic resources, as well as natural resources. The Trustees consider injuries to natural resources and the services caused by the Spill to be part of the affected environment for purposes of this Final Phase V ERP/EA. A detailed discussion of this affected environment is included in Chapter 3, Affected Environment of the Final Phase III ERP/PEIS<sup>5</sup> and that discussion is incorporated by reference within this Final Phase V ERP/EA. Additionally, detailed information on the affected environment and consequences of the first phase of the Florida Coastal Access Project is provided below.

In order to determine whether an action has the potential to result in significant impacts, the context and intensity of the action must be considered. Context refers to area of impacts (local, state-wide, etc.) and their duration (e.g., whether they are short- or long-term impacts). Intensity refers to the severity of impact, and could include the timing of the action (e.g., more intense impacts would occur during critical periods like high visitation or wildlife breeding/rearing, etc.). Intensity is also described in terms of whether the impact would be beneficial or adverse.

For purposes of this document, impacts are characterized as minor, moderate or major, and temporary (i.e., short-term) or long-term. The analysis of beneficial impacts focuses on the duration (short- or long-term), without attempting to specify the intensity of the benefit. The definition of these characterizations is consistent with that used in the Final Phase III ERP/PEIS, and can be found in Appendix D. The programmatic analysis looked at a series of resources as part of the biological, physical, and socioeconomic environment. As appropriate in a tiered analysis, the evaluation of this Final Phase V project focuses on the specific resources with a potential to be affected by each project component.

The first phase of the Florida Coastal Access Project would be performed in two stages: (1) the acquisition of the parcels and (2) the final design and implementation of the project components.

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<sup>5</sup> The Final Phase III ERP/EA is available at: <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/phase-iii/>

The Trustees have determined that the acquisition of the three coastal parcels in stage one will have no adverse environmental effects, and therefore may proceed independent of and prior to the completion of compliance reviews required for the final design and construction stage of this project (including those conducted under the Endangered Species Act (ESA), Magnuson-Stevens Act (EFH), National Historic Preservation Act, and Clean Water Act).

The following sections include discussion of the affected environment of the project and analyze the environmental consequences of the Proposed Action and the No Action Alternative on the physical environment, biological environment, and to human uses and socioeconomics.

### **3.5.1 Innerarity Point Park Component**

#### **3.5.1.1 *Geology and Substrates***

##### **3.5.1.1.1 *Affected Environment***

The 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 (USDA NRCS 2015). 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 (Livingston 2000). 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. As discussed above, a 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. These previous developments have and continue to disturb soils. The current property consists of lawn area with mature live oaks (see Figure 3-1), and coastal vegetation along the shoreline (see Figure 3-2 for photograph of shoreline). As shown, much of the shoreline as well as inland vegetation is currently being maintained by mowing including coastal grasses.

##### **3.5.1.1.2 *Environmental Consequences***

###### **3.5.1.1.2.1 *Proposed Action***

For this project type, impacts to geology and substrates were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>6</sup>

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<sup>6</sup> Sections 6.5.1, 6.5.2 and 6.7.1.2 of the Final Phase III ERP/PEIS describe the impacts to geology and substrates from early restoration projects intended to enhance public access to natural resources for recreational use, and enhance recreational experiences. Section 6.5.1.1 states that these types of projects could require work with heavy equipment in construction or staging areas that would temporarily disturb soils and sediments in upland, shallow water areas or nearshore habitats. These construction activities could result in the local removal, compaction, and erosion of upland, shallow-water, and nearshore substrates in construction/development areas. These would be minor to moderate short- to long-term adverse effects because they would be localized and could have readily apparent effects on local soils, substrates and/or geologic features, with some

This project component includes in-water work due to the construction of a dock and kayak launch. Overwater area of the dock is proposed to be less than 3,000 square feet. 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). 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. Depth would be subject to final design, but there would be less than 35 square feet of substrate displaced in the marine environment. As such, minor long-term adverse effects on a small area of marine substrates would occur as a result of this project component.

Digging would also occur in the terrestrial environment to auger holes for installation of support structures (where needed) for the elevated boardwalk, and for removal of the concrete house foundations. Digging would also occur if engineering designs determine that a stormwater pond is necessary to control runoff from the permeable parking area (estimated to be 350 cubic yards of excavation). There are restrooms proposed on-site which would need connections to sewer; this is anticipated to require installation of 250 linear feet of two-inch trunk line. Additional ground disturbances and surficial digging would be associated with demolition of the existing structure, construction of a permeable parking lot for over 50 parking spaces, paving a section of Bob O Link Road, picnic pavilions, restrooms, fire hydrant installation, and installation of a small irrigation system and accompanying infrastructure. Concrete would be used for three ADA compliant parking spaces. Minor disturbances associated with tree plantings, lawn, playground area, and trails would occur. The depth

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effects lasting only during the construction period (heavy equipment use) and others extending beyond the construction period (compaction and displacement resulting from infrastructure).

Section 6.5.2.1 states that sediment deposition on beaches or creation of shallow and/or inshore artificial reefs could result in a benefit to local geology and substrates by reducing erosion, as well as reducing wave action and inducing sediment deposition. These beneficial effects would be long-term because they would extend beyond the construction period. However, these actions also carry the long-term minor to moderate risk of interrupting geomorphic processes. This could include erosion or deposition outside the targeted area to be protected. Beach re-nourishment would require heavy equipment and construction activity that could result in increased sedimentation, compaction, or rutting. These adverse effects would be minor to moderate and short- to long-term because they could occur during the construction period and beyond the construction period. The construction and use of temporary pipelines to deliver sediment could also disturb substrates along the pipeline corridor and increase erosion temporarily. This adverse effect would be minor and short-term because it would be localized and generally would not extend beyond the construction period. Sediment deposition could require periodic maintenance on beaches that have degraded due to ongoing conditions (such as lack of sand deposition due to breakwaters or jetties and limitation of beach/dune migration due to development) which could result in minor, short-term adverse effects to local substrates through equipment operation and human activity.

Constructing facilities such as wildlife viewing platforms or dune walkovers adjacent to Gulf waters could result in work with heavy equipment in construction or staging areas; this work could temporarily or permanently affect geology and substrates. These activities would result in removal, displacement, and compaction of geology and substrates, causing minor to moderate short- to long-term adverse effects.

The effects that removal of land-based debris during construction would have on geology and substrates would need to be considered in project-specific analyses. For example, if new recycling facilities are constructed, then minor short-term adverse effects on substrates could occur during construction activities. These effects would be minor and short-term because they would be localized and would occur during the construction period. However, other components of this technique (e.g., developing marine debris reduction programs, encouraging local businesses to recycle) would not likely have any effects on geology and substrates.

depends on final engineering design for the boardwalk, but for the parking lot, depth would be less than one foot. The extent of terrestrial digging would likely be less than two thirds of the total area (2.25 acres), most of which has seen previous disturbances and development.

Construction equipment and materials for staging have not been identified, but would likely be located on site, where the parking lot would be constructed, or on previously disturbed sites. Although boardwalks and paved pathways would impact soils, the trails would direct and condense foot traffic into designated areas, minimizing adverse impacts to the overall site location.

Specific mitigation measures would be implemented during construction to minimize erosion and overall soil impacts. To the extent possible, the project would utilize existing development footprints and disturbed areas (e.g., parking areas). These would include following established best management practices (BMPs) for construction activities such as the implementation of an erosion control and stormwater management plan, the installation of sediment traps prior to commencement of construction activities, and ongoing construction monitoring to ensure compliance. Any in-water piling work would be performed behind silt curtains to isolate construction impacts (see Appendix E for a list of potential best practices that would be undertaken, as appropriate).

Revegetation of native plants along the shoreline would have short-term minor adverse impacts during the process of invasive species removal and native plantings but overall would have long-term beneficial impacts on the geology and substrates due to reductions in erosion.

Short-term as well as long-term disturbances to terrestrial soils and substrates would occur on site as a result of construction and site preparation activities. However, the impacts would be localized to approximately 2.25 acres within the site area. Thus, with the impacts localized to the site, this project component would have long-term adverse minor impacts to geology and substrates.

#### *3.5.1.1.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal as well as revegetation activities would not occur and therefore no additional adverse or beneficial impacts to geology and substrates would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.1.2 Hydrology and Water Quality**

#### **3.5.1.2.1 Affected Environment**

The 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 (NFWMD 2014). The average depth in Perdido Bay is 2 meters (Kirschenfeld et al. 2006). 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 (FDEP 2015a). This project site is located in FEMA designated Flood Zones according to the Flood

Map Service (FEMA 2006). 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 (Kirschenfeld et al. 2006). 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 (FDEP 2015b). However, much of Perdido Bay has been listed on the 303(d) list of impaired waters due to high nutrients and low dissolved oxygen (Kirschenfeld et al. 2006). Lower Perdido Bay is listed as a 303d list impaired waterbody for mercury in fish (FDEP 2015c).

### 3.5.1.2.2 Environmental Consequences

#### 3.5.1.2.2.1 Proposed Action

For this project type, impacts to hydrology and water quality were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>7</sup>

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<sup>7</sup> Sections 6.5.1, 6.5.2, and 6.7.2.2 of the Final Phase III ERP/PEIS describes the impacts to hydrology and water quality from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.2 states that these types of projects could require equipment usage and other construction activities in wetland recharge areas which could result in short-term minor to moderate adverse impacts to surface water related to sediment compaction, disturbance, and erosion. Projects may include small increases to the areas covered by impervious surface, which could increase stormwater runoff and pollutants to the receiving water body and cause minor long-term adverse effects. Long-term decreases in surface water quality could occur from increased use and presence of boats and equipment within the project area, which would be minor and long-term because the effects would be localized and would extend beyond the construction period.

Section 6.5.2.2 states that beach re-nourishment (depending on design) could help reduce storm surges on coastal wetlands and associated surface water resources, and limit the shoreward extent of saltwater flow. This could provide short-term beneficial effect to hydrology and water quality because it would extend beyond the construction period. Since not all techniques and project types within Alternative 3 would be capable of providing this same benefit to hydrology and water quality, Tables 6-3 and 6-4 do not reflect a benefit to hydrology and water quality for this alternative.

Turbidity curtains could be utilized to decrease turbidity associated with placement of structures. Turbidity curtains are floating impermeable barriers that are constructed of flexible material with an upper hem containing floatation material and a lower hem that is weighted. They effectively minimize sediment transport from the area of disturbance by allowing suspended sediment to settle out of the water column in a controlled area (Southeast Florida Coral Reef Initiative 2008).

Equipment usage and other construction activities in wetland recharge areas could result in short-term minor to moderate adverse impacts to surface water related to sediment compaction, disturbance, and erosion. Construction of recreational or aquaculture facilities could result in additional impervious surface, which could increase runoff and reduce infiltration. These would likely be minor long-term effects because they would be small, localized, and extend beyond the construction period. Other adverse facility construction-related effects could include short to long-term minor to moderate decreases in water quality from disruption of sediments, increased turbidity, and increased fluid spill risk from equipment. Additionally, aquaculture facilities or research and development laboratories along the Gulf Coast could adversely affect water quality through the discharge of fish hatchery effluent. This would be a minor long-term adverse effect because effects would be localized and extend beyond the construction period. Increased human activity or vehicle traffic as a result of improved recreation facilities could also result in minor, long-term adverse effects to water quality.

The effects that removal of land-based debris during construction would have on hydrology and water quality would need to be considered in project-specific analyses. For example, if new recycling facilities are constructed, then minor short-term adverse effects on groundwater could occur during construction activities. These effects would be minor and short-term because they would be localized and would occur during the construction period. However, other components of this technique (e.g.,

This project component includes in-water work due to the construction of a dock and kayak launch. Overwater area of the dock is proposed to be less than 3,000 square feet. 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). During construction, BMPs and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. This would include installation of floating turbidity barriers.

Any work in waters of the U.S., including wetlands, associated with this project would be coordinated with the U.S. Army Corps of Engineers (USACE) pursuant to the Clean Water Act Section 404 and Rivers and Harbors Act (CWA/RHA). Coordination with the USACE and final authorization pursuant to CWA/RHA would be completed prior to final design and construction.

Terrestrial work that may affect hydrology and water quality includes construction of additional impervious surfaces such as ADA accessible parking spaces, concrete sidewalks (covering approximately 9,050 square feet), asphalt entrance road (partial paving of Bob O Link Road approximately 2,700 square feet), and multiple site structures in various places throughout the property (none larger than 600 square feet). These impervious surfaces would alter on-site stormwater run-off. Pervious pavement would be used in the parking area to minimize runoff and potential water quality impacts. A stormwater retention pond would be constructed on site if engineering designs deem it to be necessary, in order to mitigate any potential impacts to hydrology and water quality. Construction of the boardwalks, structures, and parking lot may temporarily impact water quality. Construction BMPs along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts associated with construction activities (see Appendix E for a list of potential best practices that would be undertaken, as appropriate). Silt and sedimentation control measures would be installed and properly maintained to protect water quality resources.

The implementation of this project component would result in minor short-term as well as long-term adverse impacts on water quality any hydrology due to the construction of some impervious surfaces and site preparation activities. BMPs would be followed such that the impacts would be localized to the site area. Thus, this project component would have short-term and long-term minor adverse impacts to water quality and hydrology. The project is not expected to have any significant adverse effects on floodplains pursuant to Executive Order 11988.

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developing marine debris reduction programs, encouraging local businesses to recycle) would not likely have any effects on groundwater. In some cases removal of debris could result in a long-term benefit to water quality and hydrology. For example, if debris was disrupting or otherwise affecting surface flow in a small waterway, removal could result in beneficial effects to hydrology.



#### *3.5.1.2.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction of the dock and impervious surfaces and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse impacts to hydrology and water quality would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### *3.5.1.3 Air Quality and Greenhouse Gas Emissions*

#### *3.5.1.3.1 Affected Environment*

The U.S. Environmental Protection Agency (EPA) defines ambient air in 40 C.F.R. Part 50 as “that portion of the atmosphere, external to buildings, to which the general public has access.” In compliance with the 1970 Clean Air Act (CAA) and the 1977 and 1990 Clean Air Act Amendments (CAAA), EPA has promulgated National Ambient Air Quality Standards (NAAQS). The NAAQS include primary standards which set limits to protect public health, including the health of “sensitive” populations such as asthmatics, children, and the elderly. To date, EPA has issued NAAQS for seven criteria pollutants: carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), particles with a diameter less than or equal to a nominal 10 microns (PM<sub>10</sub>), particles with a diameter less than or equal to a nominal 2.5 microns (PM<sub>2.5</sub>), ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>), and lead (Pb). Individual states may promulgate their own ambient air quality standards for these “criteria” pollutants, provided that they are at least as stringent as the federal standards.

Greenhouse gasses (GHGs) are chemical compounds found in the Earth’s atmosphere that absorb and trap infrared radiation as heat. Global atmospheric GHG concentrations are a product of continuous emission (release) and removal (storage) of GHGs over time. In the natural environment, this release and storage is largely cyclical. Human activities such as deforestation, soil disturbance, and burning of fossil fuels disrupt the natural cycle by increasing the GHG emission rate over the storage rate, which results in a net increase of GHGs in the atmosphere. The principal GHGs emitted into the atmosphere through human activities are CO<sub>2</sub>, methane, nitrous oxide, and fluorinated gases, such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. CO<sub>2</sub> is the major GHG emitted.

The Innerarity Point Park site is located in Escambia County, Florida which is not listed on EPA’s current nonattainment counties list for all criteria pollutants (EPA 2015). GHGs are emitted from urban activities (cars, trucks, boats, etc.) in the vicinity of the site.

#### *3.5.1.3.2 Environmental Consequences*

##### *3.5.1.3.2.1 Proposed Action*

For this project type, air quality impacts were analyzed within the Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>8</sup>

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<sup>8</sup> Sections 6.5.1, 6.5.2, and 6.7.3.2 of the Final Phase III ERP/PEIS describe the impacts to air quality and greenhouse gas emissions from early restoration projects intended to enhance public access to natural resources for recreational use and

Implementation of this project component could include use of heavy construction equipment, such as bulldozers, barges, trucks, backhoes, tractor trailers, cranes, small barges with crane, small excavators, fork lifts, asphalt machine, roller, small power tools, generators, small trucks, and hand tools. During construction activities, short-term adverse impacts to air quality would occur from the use of gasoline and diesel powered construction vehicles and equipment, including barges, and exhaust produced by the use of this equipment. Project implementation would require the use of equipment which would temporarily affect air quality in the site vicinity due to construction vehicle emissions. Most impacts to air quality would be localized and occur only during active construction activities.

CEQ guidance states that Federal agencies, to remain consistent with NEPA, should consider the extent to which a proposed action and its reasonable alternatives contribute to climate change through GHG emissions and take into account the ways in which a changing climate over the life of the project may alter the overall environmental implications of such actions. CEQ recommends that agencies use a reference point to determine when GHG emissions warrant a quantitative analysis taking into account available GHG quantification tools and data that are appropriate for proposed agency actions. In addressing GHG emissions, agencies should be guided by the principle that the extent of the analysis should be commensurate with the quantity of projected GHG emissions. When assessing the potential significance of the climate change impacts of their proposed actions, agencies should consider both context and intensity, as they do for all other impacts (CEQ 2014).

In its recent guidance, CEQ provides a threshold of 25,000 metric tons of CO<sub>2</sub> emissions on an annual basis below which a GHG emissions quantitative analysis is not warranted unless quantification below that reference point is easily accomplished. CEQ states that this is an appropriate reference point that would allow agencies to focus their attention on projects with potentially large GHG emissions. In its guidance, the CEQ "Recommends that an agency select the appropriate level of action for NEPA review at which to assess the effects of GHG emissions and climate change, either at a broad programmatic or landscape-scale level or at a project- or site-specific level and that the agency set forth a reasoned explanation for its approach (CEQ 2014)." Engine exhaust from bulldozers, excavators, trucks, backhoes and other vehicles would contribute to an increase in GHGs. However, the Trustees have reasoned that due to the small-scale and short duration of the construction portion of the project, predicted GHG emissions would be short-term and minor and would not exceed 25,000 metric tons per year per site, and thereby does not warrant a quantitative analysis of GHG emissions. Indeed, some projects of similar scope and scale were included in the Phase III ERP/PEIS and were developed enough in their design to estimate specific construction vehicle use estimated emissions. Analyses for these projects found that they would not exceed 25,000 metric tons of CO<sub>2</sub> emissions, the threshold for triggering additional

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enhance recreational experiences. Section 6.5.1.3 and 6.5.2.3 of the PEIS states, "During construction activities, short-term impacts to air quality and GHGs would occur from the use of gasoline and diesel powered construction vehicles and equipment, including barges, and exhaust produced by the use of this equipment. Examples of project-specific projected emissions are located in Chapters 8 through 12. The severity of impacts would be highly dependent on the length and type of construction required and the location of the project. There is a slight potential for fugitive dust creation from construction activities, resulting in minor to moderate adverse impacts. Long-term minor adverse effects from these enhancements due to increased recreational use and associated vehicle traffic may occur."

requirements for GHG emissions. As such, it appears likely that this project component would not exceed the threshold for additional analysis.

#### *3.5.1.3.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities including the use of construction vehicles and fossil fuel burning equipment would not occur and therefore no additional adverse air quality and greenhouse gas emissions would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### *3.5.1.4 Noise*

##### *3.5.1.4.1 Affected Environment*

Section 3.2.4 of the Final Phase III ERP/PEIS states the primary sources of terrestrial noise in the coastal environment are transportation and construction-related activities. The primary sources of ambient (background) noise in the project areas are operation of vehicles, humans, recreational boating vessels, and natural sounds such as wind and wildlife. City noise is mainly from vehicles and human activities. The level of noise in the project areas vary depending on the season, time of day, number and types of noise sources, and distance from the noise source.

The Innerarity Point Park is located in Escambia County and is adjacent to the heavily-used Galvez Landing boat ramp for recreational vehicle traffic (which was improved as part of Phase I Early Restoration (see Section 4.7 of the Phase I ERP/EA) and a popular local restaurant/bar. The property fronts the Old River, a heavily trafficked waterway which flows from Innerarity Point out to Perdido Bay. Residential /vacation home properties are to the north and west of the proposed park.

##### *3.5.1.4.2 Environmental Consequences*

###### *3.5.1.4.2.1 Proposed Action*

For this project type, noise impacts were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>9</sup>

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<sup>9</sup> Sections 6.5.1, 6.5.2, and 6.7.1.2 of the Final Phase III ERP/PEIS describe the impacts to noise from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.4 of the Final Phase III ERP/PEIS states that during the construction period, adverse impacts to ambient noise levels could occur, particularly along shorelines where construction activities would take place. The severity of impacts would depend to a large degree on the location of the project and the amount of noise that these activities would generate and the distance to sensitive receptors such as recreational users or wildlife. Installation activities, equipment operation, and vehicle traffic associated with the construction activities could result in short-term minor to major adverse impacts to noise, especially if they occurred in natural areas.

Section 6.5.2.4 states that during implementation of restoration actions, adverse impacts to the environment due to an increase in the ambient noise level could occur. The severity of impacts would depend to a large degree on the location of the project and the amount of noise that these activities would generate and the distance to sensitive receptors such as recreational users or wildlife. Installation activities, equipment operation, and vehicle or boat traffic associated with the construction of artificial reefs, beach re-nourishment, or facility construction could result in short-term minor to major adverse impacts to noise, especially if they occurred in natural areas. For example, during the use of motorized heavy equipment such

The project component would generate construction noise associated with equipment during demolition of the existing structure, construction of the dock (including placement of new piles, two approximately 8" pilings for every 10 feet of dock), boardwalk, overlook deck, treehouse overlook, restrooms, arbor swings, picnic pavilions, playgrounds, fencing, stormwater pond (as-needed), footbridge crossing (as-needed), parking lot, concrete sidewalks, access road, signs and other amenities. Implementation of the project would include transportation of construction materials to the project area, which may include trucks or other types of transportation and also contribute to short-term noise disturbances.

Human activities on adjacent properties and wildlife in and around the project areas may be sensitive to changes in noise sources or levels due to project construction. Construction equipment (e.g., generators, pile drivers, etc.) noise is known to disturb fish, marine mammals, and nesting shorebirds. Conservation measures for marine mammals from noise are discussed in the Protected Species section. Construction noise can also be a nuisance to residents living or recreating on the shorelines adjacent to project construction activities. Construction activities at the site would result in short-term moderate impacts to noise at the site and in the immediate vicinity.

Mitigation measures that serve to limit noise impacts to humans from construction activities include: limiting activity at project sites to daytime hours; limiting truck traffic ingress/egress to the site to daytime hours; promoting awareness that producing prominent discrete tones and periodic noises (e.g., excessive dump truck gate banging) should be avoided as much as possible; and requiring that work crews seek pre-approval for any weekend activities, or activities outside of daytime hours. The timing of noise producing activities in-water would be planned to minimize disturbances to marine life. Because construction noise is temporary, any negative impacts to the human and marine environment during construction activities would be short-term adverse and minor. Standard practices such as muffle units for generators would be implemented during construction operations to mitigate noise impacts (see Appendix E).

Once the picnic pavilions, boardwalk, and associated parking lot are constructed and the dock is improved, visitors may cause some noise associated with picnicking and parking. These noises could be slightly more disturbing to any resting or roosting birds that may utilize the site compared to baseline conditions, although the site's close proximity to the high traffic waterway may render these increases as negligible. Overall, long-term noise impacts at this project component from personal vehicle use, boating, fishing, and other recreational activities would likely be minor and adverse.

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as cranes and barges, noise would be created which could be readily apparent and attract attention. Although such changes would not dominate the soundscape and some sounds could be dampened or masked by ambient wave or ship noise, these actions could detract from the current user activities or experiences and create audible contrast for visitors in the project area.

For projects that would increase motorized use or result in operational noise, long-term adverse changes to the ambient noise levels would be minor to moderate. For projects that would not create an increase in motorized use or operational sound, such as beach re-nourishment, long-term impacts to the ambient noise levels would be unlikely.

#### 3.5.1.4.2.2 *No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities such as pile driving and the use of equipment and vehicles would not occur and therefore no additional adverse impacts to noise would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### 3.5.1.5 *Habitat*

##### 3.5.1.5.1 *Affected Environment*

The Innerarity Point Park site is located within Escambia County on the Florida Panhandle along an eastern branch of Perdido Bay (Lower Perdido Bay). 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.

The vegetation at the 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. Little understory exists under most trees. This site has estuarine subtidal habitat. Based on available information, there may be submerged aquatic vegetation (e.g. seagrasses) in the nearshore at this site. However, this would be confirmed as part of assessments prior to construction. There appear to be no wetlands on site (USFWS 2015; USFWS 2014a).

##### 3.5.1.5.2 *Environmental Consequences*

###### 3.5.1.5.2.1 *Proposed Action*

For this project type, impacts to habitats were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>10</sup>

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<sup>10</sup> Sections 6.5.1, 6.5.2 and 6.7.5.2 of the Final Phase III ERP/PEIS describe the impacts to habitat from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. The Final Phase III ERP/PEIS section 6.5.1.5 states that some recreational enhancement projects may have long-term beneficial effects on wetlands, barrier islands, beaches, coastal transition zones, SAV and shallow water habitats. Enhancing or constructing infrastructure could require in-water work with heavy equipment and long-term operation and maintenance of these facilities. These activities could result in the following short and long-term minor to moderate adverse impacts:

- Filling, disruption, or alteration of wetlands;
- Soil erosion, vegetation trampling, vegetation removal, or other human activity from project staging or construction, or implementation of recreational enhancements;
- Permanent shading of SAV or other habitats from placement of structures;
- Filling of shallow water areas, and the conversion of upland pervious areas to impervious surfaces (parking areas, buildings, etc.) related to the placement of piers, foundations, or other permanent structures;



- Localized plant species displacement or loss, introduction of invasive species, and degradation of habitats including potential habitat fragmentation as a result of an increased recreational activity and human encroachment in habitats, such as beaches or wetlands;
- Increased human-related disturbances of fish, birds or marine mammals in the long-term that may be present in the waterway related to facilities that include in-water activities;
- Cover or loss of SAV populations in areas where in-water construction work occurs. However, turbidity would dissipate quickly and effects from this water quality change would be minor and short-term. Adverse effects from covering SAV would be minimized due to pre-construction surveys in specific project locations; impacts to SAV could be minor and would be avoided and minimized to the maximum extent practicable.

These effects would depend on the size and scale as well as the location of facilities. Effects would also vary depending on presence of sensitive habitats and availability of other similar sensitive habitats in the project vicinity.

Section 6.5.2.5 states that the creation and restoration of beaches could result in a long-term benefit to habitats including wetlands, barrier islands, beaches and dunes, SAV, and coastal transition zones. These activities could help stabilize substrates, support sediment deposition, and reduce erosion. Since not all techniques and project types within Alternative 3 would be capable of providing this same benefit to habitats, the assignment of Alternative 3 benefits to habitats is not specifically associated with this project type. Adverse effects could occur to these habitats from different restoration activities such as dredging, placement of sediment transport pipeline, placement of sediment, or facility construction. Adverse impacts from these activities could include:

- Filling, disruption, or alteration of adjacent habitats;
- Increased soil erosion, vegetation trampling, vegetation removal, or other human activity from project staging or construction, or implementation of restoration activities on adjacent uplands, coastal transition zones, barrier flats, dunes and beaches;
- Cover or loss of SAV populations in areas where in-water construction work, dredging, or placement of an underwater pipeline occurs; turbidity would dissipate quickly and effects from this water quality change would be minor and short-term. However, adverse effects from covering SAV would be minimized due to pre-construction surveys in specific project locations; impacts to SAV could be minor and would be avoided and minimized to the maximum extent practicable; and
- Change in water quality from turbidity and substrate disturbance from in-water work with heavy equipment or leaching of construction fluids.

These impacts would be, for the most part, minor to moderate and would take place over the short-term, during the construction activity.

Construction of wildlife viewing platforms, dune walkovers or other features for recreational users could result in adverse short-term and long-term minor to moderate adverse impacts, including:

- Increases in sedimentation and turbidity during construction;
- Fluid spills (e.g. oil, diesel, gasoline, etc.) in or near wetlands or shallow water areas from equipment usage and other construction activities;
- Soil erosion, vegetation trampling, vegetation removal, or other human activity from project staging or construction, or implementation of recreational enhancements on uplands, coastal transition zones, barrier flats, dunes and beaches;
- Permanent conversion of pervious areas to impervious surfaces (parking areas, buildings, etc.) related to the placement of piers, foundations, or other permanent structures, fill of shallow water areas;
- Conversion of upland habitats from placement of structures or facilities;
- Degradation or fragmentation of habitats and/or introduction of invasive or exotic species as a result of increased recreational activity and human encroachment in habitats, such as beaches or wetlands;
- Facilities that included in-water activities could increase long-term human-related disturbances of fish, birds or marine mammals that may be present in the waterway.

These effects would depend on the size, scale, and placement of facilities, presence of sensitive habitats and availability of other similar sensitive habitats in the project vicinity. Placement of structures could also cause permanent shading of SAV or other habitats. There could be short-term adverse disruption of habitats during construction from use of heavy equipment and staging of construction activities.

The effects of removal of land-based debris on Gulf Coast habitats would need to be considered in project-specific analyses. For example, if new recycling facilities are constructed, adverse effects could occur as a result of vegetation clearing, grading, or

This project includes in-water work due to the construction of a dock with a kayak launch. Construction activities could result in indirect impacts to aquatic habitat due to erosion and increased turbidity during construction. Pier construction would include placement of new pilings (two approximately 8" pilings for every 10 feet of dock) using the least invasive techniques given substrate, environmental, and construction cost considerations (e.g., jetting, pushing, or driving the piles). 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. Depth would be subject to final design, but there would be less than 35 square feet of substrate displaced in the marine environment. The release of sediments during construction would be controlled using best management practices and mitigation to protect soil resources, prevent the transport of sediment into waterways, confine impacts to construction sites, and minimize the magnitude of the impacts on downstream water quality.

Overwater area of the dock is proposed to be less than 3,000 square feet. An analysis of SAV, likely via aerial imagery analysis and field survey, would be conducted prior to the start of construction. Potential impacts of the proposed action on SAV are analyzed as part of the EFH section below (3.5.1.8).

The land improvements at Innerarity Point Park are in an area that has had previous development. However, the terrestrial habitat, consisting of maritime oak habitat with some areas of scrub-shrub vegetation as well as non-native grasses, would be impacted by the project. Construction equipment and materials for staging have not yet been identified, but would likely be located on site, where the parking lot would be constructed, or on previously disturbed sites. Although boardwalks, beaches, overlook decks, and paved pathways could potentially impact habitats (e.g., removal of vegetation from shorelines for expanded beach area), most of the improvements are proposed for currently disturbed areas including grasses and vegetative understory that are frequently mowed. There is the potential for removal of trees, but the conceptual plan is designed to minimize removal of habitat. Additionally, the trails would direct and condense foot traffic into designated areas, minimizing adverse impacts to the overall site location. Revegetation of terrestrial disturbed sites would be started as soon as practical after work in an area was completed.

Specific conservation and mitigation measures would be implemented during the finalization of engineering and design plans and construction to minimize erosion and overall habitat impacts. To the extent possible, the project would utilize existing development footprints and disturbed areas (e.g., parking areas). These would include following established BMPs for construction activities such as the implementation of an erosion control and stormwater management plan, the installation of sediment traps prior to commencement of construction activities, and ongoing construction monitoring to ensure compliance. Any in-water piling work would be performed behind silt curtains to isolate construction impacts and reduce any impacts to surrounding habitat (see Appendix E for a list of potential best practices that would be undertaken, as appropriate). Any work in waters of the U.S., including wetlands,

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other actions. These effects would be minor and short-term because they would be localized and would occur during the construction period. However, other components of this technique (e.g., developing marine debris reduction programs, encouraging local businesses to recycle) would not likely have any effects.

associated with this project would be coordinated with the USACE pursuant to the Clean Water Act Section 404 and Rivers and Harbors Act (CWA/RHA). Coordination with the USACE and final authorization pursuant to CWA/RHA would be completed prior to construction.

Short-term as well as long-term disturbances to habitat would occur on site as a result of construction and site preparation activities. Because the construction activities would largely disturb habitat that has already been disturbed, would be localized to the site, impacts of the project would be minor adverse short and long-term.

#### *3.5.1.5.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; dock construction and other construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse impacts to habitat would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### *3.5.1.6 Migratory Birds*

#### *3.5.1.6.1 Affected Environment*

Migratory birds that could potentially utilize the Innerarity Point Park parcel were identified using the USFWS Information for Planning and Conservation (IPaC). Migratory birds could potentially utilize this site for nesting, foraging, roosting, and breeding. Four species groups were identified at this site as wading birds, shorebirds, raptors, and songbirds. Potential wading birds at this site could include herons and egrets. Potential shorebirds at this site could include terns, plovers, and skimmers. Potential raptors at this site could include hawks and kites. Potential songbirds at this site could include sparrows, warblers, and woodpeckers. There are no bald eagles known to occur at this site (USFWS 2015). The project site could provide stopover and staging habitat for migratory birds.

#### *3.5.1.6.2 Environmental Consequences*

##### *3.5.1.6.2.1 Proposed Action*

For this project type, impacts to migratory birds were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>11</sup>

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<sup>11</sup> Sections 6.5.1, 6.5.2 and 6.7.6.2 of the Final Phase III ERP/PEIS describes the impacts to living resources from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.6 states that Some public access projects might have long-term beneficial effects on living coastal and marine resources (e.g., by reducing degradation and recreation use in habitats or on populations in settings where recreation usage that is currently diffuse is redirected to sites that are more appropriate and conducive to recreational activities). In some cases, degradation and recreational use that may have been wide spread, thus affecting a larger geographic region, could be focused on areas that can be managed for the recreational impact and that are not sensitive or important habitats for living coastal and marine resources. These projects could subsequently result in a long-term benefit through the stabilization and protection of sensitive habitats and biological resources. However, not all public access projects necessarily result in these types of benefits to living coastal and marine resources. Enhancing or constructing infrastructure could require in-water work with heavy equipment and long-term operation and maintenance of these facilities. These activities could result in the following adverse impacts:

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- Short-term, minor disturbance or loss of pelagic microfaunal and benthic communities from increased turbidity, which decreases available light necessary for photosynthesis, and disruption in the water column and surface water. These impacts would be short-term and minor because pelagic microfaunal communities would re-establish once turbidity dissipates;
  - Short-term, minor displacement of finfish individuals or mortality of individual finfish, including adults, eggs, or larvae, could occur during construction, depending on timing and location of construction and affected species. However, it is anticipated that finfish would move away to other readily available aquatic habitats during the construction period. Fish present in the dredging or fill-placement area could be subject to a temporary increase in sound pressure levels, a decrease in water quality, entrainment in dredge sediments, and removal of benthos from dredged areas. Sound pressure level increases or entrainment could result in mortality of individual finfish. This would be a minor short-term adverse effect that would not be expected to reduce local fish populations or designated EFH. If projects have potential to adversely affect protected fish species, consultations with the appropriate agencies would be required prior to project implementation.
  - Short-term, minor to moderate displacement of sea turtle and marine mammal individuals from the work area due to increase in activity, noise, vibration, and turbidity during construction. Removal or cover of existing foraging habitat (SAV) by suspended sediments during in-water activities could present another potential adverse effect to sea turtles or manatees. However the extent of covered SAV would be limited to the local area and sediments would be expected to settle quickly once construction was completed. Therefore, these impacts would be short-term and minor. If projects may incidentally harass marine mammals or adversely affect ESA-listed marine mammals or sea turtles, consultation or authorizations with appropriate agencies would be required prior to project implementation.
  - Long-term, minor to moderate displacement, fragmentation or loss of nesting/rearing and foraging habitat for sea turtles, birds, or terrestrial wildlife as a result of recreational activity and encroachment on beaches and shallow waters used by these species.
  - Short-term minor displacement of local birds and terrestrial species or mortality of intertidal invertebrates could occur during construction, although most wildlife would be expected to move away to forage in other readily available foraging habitat during this activity. Structures that extend above the water surface could also potentially improve predator access to nesting birds, resulting in a minor long-term adverse impact. If projects have potential to adversely affect protected bird species, consultations with the appropriate agencies would be required prior to project implementation;
  - Short-term to long-term, minor displacement or loss of oyster populations or other benthic organisms from increased turbidity, substrate disturbance, or siltation of any hard substrate areas that house oyster populations during construction, loss of habitat from placement of permanent structures on soft sediments or hard substrates, damage to habitats from contact with vessels or from biofouling from leaked or otherwise discharged fluids (oil, gas, and diesel).

Section 6.5.2.6 states beach re-nourishment could protect eroding beaches and shallow water habitats. These actions would provide long-term benefits to benthic populations, pelagic microfaunal communities, and finfish, by providing forage areas and habitat. Restored beaches are intended for public use, potential benefits of restored beaches to birds, terrestrial wildlife and other species are not assumed here, but could be an outcome depending on location and level of use.

Some short-term minor adverse effects could occur if resources, including oysters, fish, sea turtles, marine mammals, benthic communities, and pelagic microfaunal communities, were present in the construction area. Possible impacts could include increased turbidity, reduction of water quality, noise pollution, vibration, and disruption to the water column and habitat. In particular, in-water dredging, reef construction, and recreation or aquaculture facility construction activities could result in the following adverse impacts:

- Short-term to long-term, minor displacement or loss of oyster populations or other benthic organisms from increased turbidity, substrate disturbance, leaching of equipment fluids or siltation of any hard substrate areas that house oyster populations during construction;
- Increased turbidity could limit available light necessary for photosynthesis, and disruption in the water column and surface water could disturb or kill some pelagic microfaunal communities. These impacts would be short-term and minor because pelagic microfaunal communities would re-establish once the turbidity dissipates;
- Fish present in the work area could be temporarily displaced, or eggs and larvae could be killed due to smothering or crushing by equipment, human activity, or sediment. Fish could also be subject to a temporary increase in sound pressure levels, a decrease in water quality, entrainment in dredge sediments, and alteration or removal of habitat. Sound pressure level increases or entrainment could also result in mortality of individual finfish. These would be minor short-term adverse effects that would not be expected to reduce local fish populations or designated EFH. If

The Trustees have begun coordination and review of the project for impacts to bald eagles and migratory birds in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712) to ensure appropriate conservation measures and BMPs would be incorporated into the project. There are no apparent suitable sites for bald eagle nests in and around the project area and no eagle nests have been documented on the proposed site. If bald eagle nests are located during pre-construction site assessments, best management practices under the Bald and Golden Eagle Protection Act would be followed to minimize harm to bald eagles. The MBTA requires the protection of all migratory bird species and protection of ecosystems of special importance to migratory birds against detrimental alteration, pollution, and other environmental degradation. Migratory birds could use areas at and around the project location for foraging, feeding, resting, and nesting. Noise and physical disruptions

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projects have potential to adversely affect protected fish species, consultations with the appropriate agencies would be required prior to project implementation;

- Sea turtle and marine mammal individuals present in project areas where dredging or underwater use of equipment is occurring could be subject to temporary increased noise, turbidity, and water quality changes as well as alteration or loss of forage or nesting habitat, all of which could temporarily displace individuals or prey during construction and result in short-term, minor impacts. Sea turtle and marine mammals may be present in project areas where use of explosives may be used to sink a vessel for creation of an artificial reef. Underwater explosions may affect marine life by causing death, injury, or behavioral reactions; depending on the distance an animal is located from a blast. This could result in short to long-term impacts to individuals and may result in minor to moderate impacts. If projects have potential for adverse effects to marine mammals or sea turtles, consultations or incidental harassment authorizations with appropriate agencies would be required prior to project implementation;
- Construction in upland habitats could result in short-term impacts due to operation and staging of heavy equipment which can create noise, reduce or remove available habitat or disrupt normal movement of wildlife. As such, bird and terrestrial wildlife individuals that forage or nest in or near the work area could be temporarily disturbed or displaced. Effects could vary from minor and short-term to major and long-term depending on the effect of the action. If projects have potential to adversely affect protected bird species, consultations with the appropriate agencies would be required prior to project implementation;
- Stormwater runoff from impervious surfaces could enter waterways and increase turbidity as well as carry pollutants that could affect benthic organisms, fish or foraging bird species; and
- Increase in visitation could result in noise and other disturbances as well as degradation or fragmentation of habitats and upland areas used by wildlife in the vicinity.

Adverse minor long-term impacts could occur if restoration activities 1) placed materials or sediment directly on top of resources (e.g. existing oyster reef/substrates); 2) removed foraging or nesting habitat, such as replacing vegetation with a permanent structure; 3) provided access for native and non-native terrestrial animals that could increase predation of local nesting birds; or 4) increased recreational use and access of habitats that were previously undisturbed. Some hatcheries/aquaculture operations could result in a long-term minor adverse effect to marine mammals or fish through unintentional exposure of wild organisms to disease through release of contaminated effluent or infected animals. Stocking of hatchery-reared finfish could also, long-term, negatively impact the genetic diversity of the wild stock. Development and implementation of a genetics management plan or release of only sterile individuals may decrease the chance of long-term negative impacts on native populations. Stocked fish could also affect the balance of the fish community, competing for food and habitat resources with finfish species present in the receiving waters. Implementation of stocking management plans with consideration of the location of sensitive finfish species could prevent disruption to the native finfish populations through competition or predation. BMPs and other mitigation measures that may be employed, depending on site-specific considerations, to further minimize or contain adverse impacts to cultural resources are detailed in Appendix 6-A.

The effects of removal of land-based debris on living coastal and marine species would need to be considered in project-specific analyses. For example, if new recycling facilities are constructed, then adverse effects to some species' foraging or nesting habitat could occur as a result of vegetation clearing, grading, or other actions. These effects would be minor and short-term because they would be localized and would occur during the construction period. However, other components of this technique (e.g., developing marine debris reduction programs, encouraging local businesses to recycle) would not likely have any effects.



related to construction and increased human activity from park operations and maintenance, and public use may impact birds.

Construction equipment and materials for staging have not yet been identified, but would likely be located on site, where the parking lot would be constructed, or on previously disturbed sites. Although boardwalks, beaches, overlook decks, and paved pathways could potentially impact habitats (e.g., removal of vegetation from shorelines for expanded beach area), most of the improvements are proposed for currently disturbed areas including grasses and vegetative understory that are frequently mowed. There is the potential for removal of trees, but the conceptual plan is designed to minimize removal of habitat. Pile driving associated with installation of new piles could occur, and could disturb migratory birds on a short-term basis.

Specific conservation measures would be implemented during construction to minimize disruption and overall impacts to birds. The migratory bird species groups, impacts to the species groups and reduction measures proposed for the Innerarity Point Park parcel improvements are listed below.

- **General impact reduction methods.** To the extent possible, construction activities would avoid specific habitat locations onsite if there are known nesting birds and avoid nesting seasons. Pre-construction nesting surveys for migratory birds and raptors would be conducted and if evidence of nesting is found, the Trustees would coordinate with the USFWS to develop and implement appropriate conservation measures. At a minimum, trees/shrubs with active nests would be flagged and avoided. To avoid or minimize impacts to migratory birds from increased human activity, trails would divert and concentrate recreational users away from any important nesting, foraging, or rookery locations including shorelines where shoreline restoration would occur and minimal removal of trees. This project component proposes minimal habitat fragmentation by improvements on existing areas of disturbance. Additionally, signage would 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 would not be affected because construction activities and most human use would occur during daylight hours.
- **Wading Birds.** 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. These species are known

to avoid areas with high human activity when given the opportunity. Roosting would not be affected because the project would occur during daylight hours only. No take of wading birds is anticipated.

- **Shorebirds.** 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, and the beach habitat is unsuitable for shorebird nesting. There are no known shorebird nests on site. The 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. These species are known to avoid areas with high human activity when given the opportunity. Therefore, no take of shorebirds is anticipated.

- **Raptors.** Raptors could forage and rest in the action 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 and resting. These birds primarily nest and roost in trees. There are no known raptor nests on site. The project component 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 would be completed prior to tree/shrub removal and any trees/shrubs with nests would 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 were encountered. All disturbances would be localized and temporary. These species are known to avoid areas with high human activity when given the opportunity. Conservation measures would be implemented to minimize effects to protected species and migratory birds from the project component to the maximum extent practicable. Therefore, no take of raptors is anticipated.

- **Songbirds.** Songbirds could forage, rest, and nest in the action area. It is expected that 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 would be completed prior to tree/shrub removal and any trees/shrubs with active nests would be flagged and avoided. For these reasons, no take of songbirds or their nests is anticipated.

Short-term disturbances to migratory birds could occur on site as a result of habitat disturbances and construction activities for this project component. Because construction activities would be localized to

the site and care would be taken to minimize impacts (e.g., minimize noise and vibration, conducting construction activities during daylight hours), impacts to migratory birds would be short-term minor adverse.

#### *3.5.1.6.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling, and vegetation removal would not occur and therefore no additional adverse impacts to migratory birds would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.1.7 Protected Species**

#### **3.5.1.7.1 Affected Environment**

The U.S. Fish and Wildlife Service (USFWS) and NOAA National Marine Fisheries Service (NMFS) list species as threatened or endangered when they meet criteria detailed under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. §1531 et seq.). Section 7(a)-(2) of the ESA requires that each federal agency ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of those species. When the action of a federal agency may affect a protected species or its critical habitat, that agency is required to consult with either the NMFS or the USFWS, depending upon the protected species that may be affected.

Protected species and their habitats include ESA-listed species and designated critical habitats, which are regulated by either the USFWS or the NMFS. Protected species also include marine mammals protected under the Marine Mammal Protection Act, and Essential Fish Habitat (EFH) protected under the Magnuson-Stevens Fishery Conservation and Management Act.

A full list of federally threatened, endangered, proposed, candidate, and other species of concern in the Florida panhandle, by county, is available and was used to cross reference the USFWS IPaC produced list (USFWS 2015). Affected species and critical habitat identified as possibly occurring at this site and their status (T= threatened, E= endangered) include the following:

- Gulf sturgeon (T)
- West Indian manatee (E)
- Green sea turtle (T)
- Hawksbill sea turtle (E)
- Kemp's ridley sea turtle (E)
- Leatherback sea turtle (E)
- Loggerhead (T)

There is no marine or terrestrial critical habitat on the Innerarity Point Park parcel or adjacent waterbody. No protected plants are known to occur at this site.

### 3.5.1.7.2 Environmental Consequences

#### 3.5.1.7.2.1 Proposed Action

For this project type, impacts to protected species were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>12</sup>

NMFS and USFWS have initiated consultation for the proposed park site related to potential impacts to protected species in accordance with section 7 of the ESA. Conservation measures recommended during consultation would be incorporated into final project design and implementation to avoid and/or minimize impacts to protected species and critical habitats. Specific conservation measures would also be implemented during construction to avoid and minimize disruption and overall impacts to protected species. Below is a list of potential protected species at the proposed Innerarity Point Park site location, their habitat preferences, effects from the project activities, and potential conservation measures.

- **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 project may have direct or indirect adverse effects on Gulf sturgeon.

Impacts to the Gulf sturgeon would be reduced or alleviated by implementation of BMPs during ground disturbance activities that would 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. In-water work would 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 would 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. 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.

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<sup>12</sup> Sections 6.5.1, 6.5.2 and 6.7.6.2 of the Final Phase III ERP/PEIS describes the impacts to living resources from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.6 and 6.5.2.6 statements are explained in footnote 11.

- **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. Additionally, the project location lacks suitable nesting habitat. However, the range of sea turtles suggests they could occur in the project area. Thus, this project may have direct or indirect adverse effects on sea turtles, as a result of construction related activities from dock construction and anticipated recreational uses of docks. Because of the lack of suitable nesting and breeding habitat near the shoreline and because turtles would be able to avoid general activity in the area, impacts to sea turtles do not seem likely.

During construction activities to build the dock, BMPs identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) and the Standard Manatee Conditions for In-Water Work (USFWS 2011) would be implemented to reduce the risk of adverse impacts, if relevant. 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 recommendations such as 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 that 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 this dock 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 dock. 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); and
  - Bubble Curtain Specifications for Pile Driving
- **West Indian manatee and other marine mammals.** 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 indirect short-term adverse effects on the West Indian manatee and other marine mammals. As such, appropriate



conservation measures would be undertaken to avoid adverse impacts associated with noise from construction activities.

To avoid and minimize impacts the best management practices identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) and the Standard Manatee Conditions for In-Water Work (USFWS 2011) would 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.

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

The following conservation measures would be followed to avoid adverse indirect impacts to protected aquatic and terrestrial species that may reside in and around the project area, including the Gulf sturgeon, sea turtles, West Indian manatee, and other marine mammals.

- Specific provisions would 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 would be planned and maintained.
- Soil erosion best management practices such as sediment traps, erosion check screen filters, and hydro mulch to prevent the entry of sediment into waterways would be used.
- Any hazardous waste that is generated in the project area would be promptly removed and properly disposed of.
- Equipment would be inspected for leaks of oil, fuels, or hydraulic fluids before and during use to prevent soil and water contamination. Contractors would be required to implement a plan to promptly clean up any leaks or spills from equipment, such as hydraulic fluid, oil, fuel, or antifreeze.
- Onsite fueling and maintenance would be minimized. If these activities could not be avoided, fuels and other fluids would be stored in a restricted/designated area, and fueling and maintenance would be performed in designated areas that are bermed and lined to contain spills. Provisions for the containment of spills and the removal and safe disposal of contaminated materials, including soil, would be required.
- Actions would be taken to minimize effects on site hydrology and fluvial processes, including flow, circulation, water level fluctuations, and sediment transport. Care would be taken to avoid any rutting caused by vehicles or equipment.

- Measures would be employed to prevent or control spills of fuels, lubricants, or other contaminants from entering wetland areas. Action would be consistent with state water quality standards and Clean Water Act Section 401 certification requirements.
- Appropriate erosion and siltation controls would be maintained during construction.
- Fill material would be properly maintained to avoid adverse impacts on aquatic environments or public safety.
- All contractors and their employees would be trained regarding safety protocols (fuel handling), and food storage regulations. Storage and handling of food and other attractants would be required to minimize potential conflicts with wildlife. All project crews would be required to meet standards for sanitation, attractant storage, and access.
- Construction workers and supervisors would be informed about the potential for special status species in the work area. Contract provisions that require a stop in construction activities if a special status species is discovered until staff members evaluate the situation would be included. Protection measures would be modified as appropriate to protect the birds.

Short-term disturbances to protected species could occur due to habitat disturbances and construction activities. However, the impacts would be localized. Thus, this project component could have short-term minor adverse impacts to protected species. As noted above, Trustees have initiated ESA section 7 consultations on protected species. Conservation measures recommended during consultation would be incorporated into final project design and implementation to avoid and/or minimize impacts to protected species and designated critical habitats.

#### *3.5.1.7.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse impacts to protected species would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.1.8 Essential Fish Habitat (EFH)**

#### **3.5.1.8.1 Affected Environment**

EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act as "those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity (16 U.S.C. § 1802(10))." The designation and conservation of EFH seeks to minimize adverse impacts on habitat caused by fishing and non-fishing activities. The NMFS has identified EFH habitats for the Gulf of Mexico in its Fishery Management Plan Amendments. These habitats include estuarine emergent wetlands, seagrass beds, algal flats, mud, sand, shell, and rock substrates, and the estuarine water column.

Innerarity Point Park is within the EFH area for coastal migratory pelagics, reef fish, shrimp, stone crab, and red drum. There may be SAV at the Innerarity Point Park location. Based on the Florida Department of Environmental Protection's seagrass GIS data, there appear to be two patches of discontinuous SAV off the proposed site; the western and eastern patches are approximately 0.13 and 0.09 acre in size, respectively (FDEP 2015e). Updated SAV surveys would occur prior to construction (ideally during June 1

through September 30, when SAV is at peak presence) because SAV bed continuity, extent, and density are subject to change over time. Mud substrate and estuarine water column habitat also exists within the project area. No Habitat Areas of Particular Concern (HAPC) or EFH areas protected from fishing were identified within the project area.

### 3.5.1.8.2 Environmental Consequences

#### 3.5.1.8.2.1 Proposed Action

Under the Proposed Action, in-water work constructing a dock and kayak launch would potentially impact SAV. The dock area is expected to be approximately 2,210 square feet and the platforms and kayak launch would add approximately 790 square feet to the 2,210 square feet of the dock, totaling 3,000 square feet that the dock structure would cover.

The USACE and NMFS dock construction guidelines would be followed where possible regarding dock construction; however, final placement and design would include the need for ADA compliance. Impacts to SAV may result from piling installation in potential SAV colonized substrate and from the expected shadow footprint of the dock, as shading has been known to impact SAV. An analysis of SAV, likely via aerial imagery analysis and field surveys, would be conducted prior to finalization of engineering and design plans. The access walkway of the dock would be oriented approximately north to south and would be built out through an area previously identified as devoid of SAV to avoid SAV impacts. The perpendicular dock would be oriented approximately east to west and would be built out past the SAV. By constructing the dock beyond SAV, SAV impacts would be avoided. The height of the proposed dock will be decided upon during the design phase and will refer to the USACE and NMFS dock construction guidelines for the recommended elevation over SAV as well as ADA compliance considerations. The actual footprint of the dock would be the anticipated shadow footprint. It is anticipated the shadow from the proposed dock would not impact SAV; however, if it is determined shading impacts may occur, the design of the dock would incorporate the use of composite grated materials to allow increased light transmission to further minimize SAV impacts.

Placement of new piles for dock construction would use the least invasive techniques given substrate and construction cost considerations (e.g., jetting, pushing, or driving the piles). 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. Impacts to SAV would stem from piling installation and the increase in turbidity that this would temporarily cause. It is expected less than 35 square feet of substrate would likely be disturbed in the marine environment during dock construction.

Upland construction activities including the construction of an offsite access road, picnic pavilions, restrooms, boardwalk and paved sidewalks, and an overlook deck as well as site improvements including the natural playground, lawn, beach enhancements and shoreline restoration have the potential to temporarily impact EFH in the immediate waters adjacent to the site from erosion and runoff, increasing turbidity and suspended sediments. The Trustees have initiated an EFH consultation with NMFS (Habitat and Conservation Division) to inform regulatory compliance with EFH requirements. Conservation

measures recommended during consultation would be incorporated into final project design and implementation to avoid and minimize impacts to EFH. The Trustees would work with NMFS to ensure appropriate conservation measures are used, which may include:

- Use of BMPs during construction to minimize and avoid potential adverse impacts to EFH during in-water work under this project. Construction BMPs could include, but are not limited to mooring and staging work barges overnight and on weekends/holidays in areas devoid of SAV and in areas where previous impacts have occurred.
- All construction activities would be completed during daylight hours.
- When possible, pilings would be installed using methods and materials that use the least disruptive techniques, given substrate conditions, such as pushing or jetting.
- Dock construction methods would be designed to maximize sunlight reaching SAV.
- Compensatory mitigation, contingency, and monitoring plans would be developed and provided to the USACE and NMFS for unavoidable impacts to EFH.

The project component has the potential to cause disturbances to EFH in areas adjacent to the project location from increased suspended sediment and runoff, as well as dock construction. However, as noted above, EFH conservation measures received during consultation would be incorporated into final project design and implementation to avoid and minimize impacts to EFH. Therefore, adverse impacts to EFH are expected to be short term and minor.

#### *3.5.1.8.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; in-water construction activities including the addition of a dock would not occur and therefore no additional adverse impacts to EFH would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### *3.5.1.9 Invasive Species*

#### *3.5.1.9.1 Affected Environment*

The potential introduction of terrestrial and aquatic non-native invasive species of plants, animals, and microbes is a concern for any project. Non-native invasive species could alter existing terrestrial or aquatic ecosystems, may cause economic damages and losses, and are a common reason for protecting species under the Endangered Species Act. The species that are or may become introduced, established, and invasive are difficult to identify prior to occurrence. Surveys have not been conducted to specifically determine if invasive species are present. However, a mixture of non-native and native plant species (such as morning glory) occurs along the shoreline at the Innerarity Point Park location. The remainder of the property consists of native oak trees and grass areas maintained by mowing.

### 3.5.1.9.2 Environmental Consequences

#### 3.5.1.9.2.1 Proposed Action

The analysis focuses on pathway control or actions/mechanisms that may be taken or implemented to prevent the spread of invasive species on site or the introduction of invasive species to the site. Under the Proposed Action, a small area of the vegetation along the landward side of the shoreline would be removed to provide access to the beach area, and the beach area would be slightly expanded. Additionally, the landward side of the beach would undergo invasive species removal and subsequent planting with native shoreline vegetation.

The Innerarity Point Park component also involves construction of a new dock with kayak launches and a wraparound pier where in-water work would be necessary as well as construction on land to build a boardwalk, overlooks, picnic areas, playgrounds, restrooms, and a parking area. The in-water work and construction equipment that would be used would serve as potential pathways to introduce or spread invasive species in the aquatic and terrestrial environment. BMPs to control the spread of any invasive species present, and prevent the introduction of new invasive species due to the project would be implemented. In general, BMPs would primarily address risk associated with vectors (e.g., construction equipment, personal protective equipment, delivery services, foot traffic, vehicles/ vessels, shipping material). The potential for introduction and spread of invasive species would be minimized by requiring the contractor to clean all equipment (i.e., inspect and remove presence of mud, seeds, vegetation, insects, and other species) before entering and when leaving the project sites. Through the implementation of BMPs, the potential spread or introduction of invasive species would be minimized. The implementation of these BMPs meets the spirit and intent of Executive Order 13112. Due to the implementation of BMPs, the Trustees expect risk from invasive species introduction and spread to be short-term and minor.

#### 3.5.1.9.2.2 No Action Alternative

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities including the use of construction equipment and vehicles and other potential pathways to introduce or spread invasive species would not occur and therefore no additional adverse impacts to invasive species would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### 3.5.1.10 Socioeconomics and Environmental Justice

#### 3.5.1.10.1 Affected Environment

The Innerarity Point Park site is located in Escambia County, Florida. Demographically, Escambia County is relatively similar to Florida and the United States as a whole, as shown in Table 3-1. The percent of white individuals in Escambia County (69.9 percent) is slightly lower than for the State of Florida and the United States, both approximately 77 percent (U.S. Census Bureau 2015). Across all three geographic areas the percent of the population (aged 25 or older) with a high school education or higher is between 86 and 88 percent. The percent of the population (aged 16 or older) in the labor force in Escambia County (57.7 percent) is very similar to that of the State as a whole (59.7 percent) and slightly lower than that for the entire United States (63.8 percent) (U.S. Census Bureau 2015). This pattern also holds

true when considering median household income, with Escambia County and Florida State being slightly lower than the United States. With respect to poverty, the percent of persons in poverty is slightly higher in Escambia County (17.6 percent) than in Florida and the entire United States (16.5 percent and 14.8 percent respectively) (U.S. Census Bureau 2015).

**Table 3-1. Escambia County Demographics**

Location	Population (2014)	Percent White Alone (2014)	Percent of population aged 25 or older with high school education or higher (2009-2013)	Percent of population aged 16 or older in civilian labor force (2009-2013)	Median household income, 2013 dollars (2009-2013)	Percent of persons in poverty
Escambia County, FL	310,659	69.9%	87.9%	57.7%	\$43,918	17.6%
Florida	19,893,297	77.8%	86.1%	59.7%	\$46,956	16.5%
United States	318,857,056	77.4%	86.0%	63.8%	\$53,046	14.8%

Source: United States Census Bureau. 2015. QuickFacts Beta. Accessed 11/5/2015.  
<http://www.census.gov/quickfacts/table/PST045214/00>

### 3.5.1.10.2 Environmental Consequences

#### 3.5.1.10.2.1 Proposed Action

The Innerarity Point Park project component is likely to provide long-term benefits to the local community. These benefits would include enhanced public access to natural resources for recreational use and enhanced recreational experiences. Construction and spending associated with designing, engineering, managing, and carrying out this project component are likely to have short-term benefits for the regional economy. The temporary closure of this property should have little impact on current public use, as the area has been privately owned. Beneficial economic effects would accrue to local recreational supply retailers, restaurants, and hospitality providers. These economic benefits would likely be concentrated in the service and retail industry sectors.

Section 6.6.1 of the Final Phase III ERP/PEIS states that project types that contribute to providing and enhancing recreational opportunities are not, in general, expected to create a disproportionately high and adverse effect on a minority or low-income population. Since this project would provide and enhance recreational opportunities, the Trustees find that the project component does not meet any of the criteria to suggest that disproportionately high and adverse effects would likely fall on minority or low-income populations.

Overall, short-term beneficial impacts to socioeconomics would occur as a result of the addition of temporary jobs in the area during construction, and the long-term impact of this project component is beneficial.



#### *3.5.1.10.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities and the development of the public park would not occur and therefore no additional beneficial impacts to human uses and socioeconomics would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### **3.5.1.11 Cultural Resources**

##### **3.5.1.11.1 Affected Environment**

As noted above, this site has an existing single-family house as well as a foundation from a previously existing house on site. Coordination under Section 106 National Historic Preservation Act of 1966 has been initiated. While the Section 106 review process is ongoing, an initial review of the site has not identified the presence of cultural resources. The Area of Potential Effect (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist (36 C.F.R. § 800.16 (d)). The APE of the project consists of areas where each improvement would take place, as well as the access road to each site.

##### **3.5.1.11.2 Environmental Consequences**

###### *3.5.1.11.2.1 Proposed Action*

The Final Phase III ERP/PEIS concludes that if not properly conducted, activities conducted under this project type have the potential to compromise a site's integrity and cause a loss of cultural information. BMPs and other mitigation measures that may be employed, depending on site-specific considerations, to further minimize or contain adverse impacts to cultural resources are detailed in Appendix E to this document.

A complete review of this project site under Section 106 of the National Historic Preservation Act would be completed prior to any final design or construction activities being implemented, with consideration of measures to avoid, minimize or mitigate any adverse effects on any cultural resources located within the project area. This project would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

###### *3.5.1.11.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse impacts to cultural resources would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### **3.5.1.12 Infrastructure**

##### **3.5.1.12.1 Affected Environment**

The Innerarity Point Park site is located on land with previous houses and surrounded by developed areas. The site is currently zoned as Mixed-Use Suburban District and contains an unoccupied single

family house (constructed in 2004) and gravel driveway on the northern portion of the property. Additionally, the concrete foundation of previously existing residential structure is located at the southern portion of the property. The remainder of the property is unimproved and consists of maintained lawn area with mature live oaks, and coastal vegetation along the shoreline.

#### 3.5.1.12.2 Environmental Consequences

##### *3.5.1.12.2.1 Proposed Action*

The Innerarity Point Park project component would include the paving of about 90 feet of a gravel access road from Bob O Link Road into the site. Additional infrastructure including restrooms and a small irrigation system would be constructed on the property. These systems would be linked to public water system (restrooms and irrigation system) and the public sewer system (restrooms) likely via new extensions, there is a connection of these facilities to the existing house. The conceptual plan includes construction of a gravel parking lot with approximately 50 parking spaces.

During construction activities there may be short-term disruptions to roadways in the vicinity of the project site. This project component would involve the transport of construction vehicles, equipment, and materials. Construction waste would be removed by the contractor to an appropriate landfill using dump trucks, roll-off dumpsters, or trailers. Additional wear and tear to Innerarity Point Road could also occur from increased vehicle use as a result of increased visitor use over time to the site. However, the project also includes a minor improvement of an existing gravel roadway (Bob O Link Road).

In summary, the project is anticipated to result in minor adverse impacts to existing infrastructure and utilities in the form of short-term, localized disruptions to services. The project is likely to add an additional burden on the public utilities due to increased use over the long term, resulting in a long-term minor adverse impact. However, the project improvements would provide benefits and amenities to park visitors over the long term. Thus, under the project there would be short-term and long-term minor adverse impacts to infrastructure, but long-term beneficial impacts as well.

##### *3.5.1.12.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access would not be implemented; infrastructure improvements and additional demands on existing infrastructure would not occur and therefore no additional adverse or beneficial impacts to infrastructure would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### **3.5.1.13 Land and Marine Management**

##### **3.5.1.13.1 Affected Environment**

Currently, the 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.

Pursuant to the Coastal Zone Management Act of 1972, federal activities must be consistent to the maximum extent practicable with the federally approved coastal management programs for states where the activities would affect a coastal use or resource. Federal Trustees are submitting consistency determinations for state review coincident with public review of this document.

### 3.5.1.13.2 Environmental Consequences

#### *3.5.1.13.2.1 Proposed Action*

For this project type, land and marine management impacts were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>13</sup>

After acquisition, the Innerarity Point Park site and its proposed improvements would not need to be rezoned, but the property would be transferred to TPL, and ultimately County ownership to be managed as a park. From the public perspective, this is a beneficial effect because more lands are owned and managed for public use.

#### *3.5.1.13.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; the current land use at the site and the adjoining shoreline would not change and therefore no additional beneficial impacts to land and marine management would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.1.14 Aesthetics and Visual Resources**

#### 3.5.1.14.1 Affected Environment

Chapter 3, Section 3.4.9 of the Final Phase III ERP/PEIS discusses aesthetics and visual resources. "Aesthetics and visual resources define the visual character of an area. These resources can be natural features, vistas, or viewsheds and can include urban or community features such as architecture, skylines, or other man made characteristics. The current Gulf of Mexico coastal region is characterized by thousands of miles of shoreline, which is bordered by a variety of landscapes, including natural and maintained beaches, mangroves and other wetlands...These routes pass through coastal and upland portions of Louisiana, Alabama, Mississippi and Florida. There are many other ways to experience the visual and aesthetic resources of the Gulf Coast as well (e.g., boating and hiking)."

The landscape in the vicinity of the Innerarity Point Park is characterized by open water, coastline, as well as urban shoreline development. There are no designated protected viewsheds in the vicinity of the project site. The current site is partially vegetated, with bare spots. From the water, no docks are visible.

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<sup>13</sup> Section 6.6.4 and 6.7.10.2 of the Final Phase III ERP/PEIS states that actions undertaken for this project type may lead to short-term adverse impacts, stemming from construction and land transfer activities. To the extent that projects better align management goals and assist management and staff to manage properties for the benefit of the environmental and human environment, long-term benefits may also accrue.

### 3.5.1.14.2 Environmental Consequences

#### 3.5.1.14.2.1 Proposed Action

For this project type, impacts to aesthetics and visual resources were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>14</sup>

During the construction phase of this project, construction equipment and operations would likely be located along the coast and within view of the water. To the extent required, the use of construction equipment, including equipment used for the movement and placement of materials (i.e., barges) and barriers enacted to protect public safety would result in some minor to moderate short-term adverse impacts on aesthetics and visual quality. These impacts result from the presence of equipment, barriers and construction-related dust and emissions. During the construction period, visible impedances would detract from the natural landscape and create visual contrast for observers visiting the project areas.

During construction, there would be temporary adverse aesthetic and visual impacts for recreational boaters, fishermen, and residents due to the use of construction equipment in and around the project areas. Although such changes would not dominate the viewsheds, they would detract from current user activities or experiences nearby. Over the long term, the dock that would be constructed as part of this project would impact the appearance of the land from the water, creating a more developed appearance.

Improvements such as planned revegetation efforts on the back beach areas, would lead to long-term beneficial impacts from the improved scenic quality of this project area. The accessible boardwalk would enhance accessibility to existing natural viewsheds, leading to long-term beneficial impacts from the project for visitors.

Although the short-term and long-term minor adverse impacts to aesthetics are anticipated from this project component, the improvements would provide benefits and amenities to park visitors. Thus, under the project there would be short-term and long-term minor adverse impacts to aesthetics, but long term beneficial impacts as well.

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<sup>14</sup> Section 6.6.8 and 6.7.14.2 of the Final Phase III ERP/PEIS states that this project type “would have minor to moderate short-term adverse impacts from the temporary landscape during the construction period from the presence of bulldozers, front-loaders and other large earth moving equipment required for upgrades or new facilities. These impacts would constitute a change in the viewshed that is readily apparent and which would attract attention in the short-term. Although such changes would not dominate the viewscape, they could detract from the current user activities or experiences. Over the long-term, the addition of infrastructure and facilities into the existing setting would present some degree of visual contrast. Long-term adverse effects of these enhancements would range from minor to moderate, depending on the existing aesthetic character of the surrounding landscape. Where the addition of these facility enhancements into the existing setting would present a large degree of visual contrast, impacts would be moderate because they would detract from the current user activities or experiences.”

#### *3.5.1.14.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction operations and the construction of the new dock and other structures that may be viewed from the water as well as the construction of the boardwalk and revegetation efforts would not occur and therefore no additional adverse or beneficial impacts to aesthetics and visual resources would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### *3.5.1.15 Tourism and Recreational Use*

##### *3.5.1.15.1 Affected Environment*

The Innerarity Point Park project component is located in Escambia County, part of the Florida Panhandle. Common tourism and recreation activities in and around this location include boat and shoreline saltwater fishing, boat and shoreline fresh water fishing, hunting, hiking, camping, trail-riding, snorkeling, birding, canoeing, kayaking, boating, and swimming. Escambia County also has some unique tourism and recreation opportunities including the Equestrian Center, the Lake Stone Campground, and the Recreation Division. The Escambia County Equestrian Center is a 178-acre multi-use park that hosts a variety of events including horse shows, rodeos, concerts, and weddings (Escambia County Florida, 2014). The Lake Stone Campground has 77 campsites which can be used by RVs or tents. The facility also includes a boat ramp, a fishing pier, and picnic areas for visitors. The Recreations Division in the county provides programming and events for community members and tourists including sports leagues and tournaments (Escambia County Florida, 2014).

##### *3.5.1.15.2 Environmental Consequences*

###### *3.5.1.15.2.1 Proposed Action*

For this project type, the impacts to tourism and recreation are analyzed in the Final Phase III ERP/PEIS. The Innerarity Point Park project would benefit tourism and recreation onsite and regionally, to the local city and county.<sup>15</sup>

Improvement activities could result in some short-term minor to moderate adverse impacts to wildlife viewing, beach and waterfront visitors, tourism, and fishing. Impacts to these different resource areas stem from (1) temporary site closures enacted to protect public safety; and (2) construction activities and associated wildlife disturbances. These activities may limit and adversely impact tourism and recreational uses accessibility and opportunities; the impacts are anticipated to be minor and temporary. The project component should result in beneficial impacts to tourism and recreational users over the long-term.

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<sup>15</sup> Section 6.6.5 and 6.7.11.2 of the Final Phase III ERP/PEIS states that recreational enhancement project types that include techniques such as beach re-nourishment, placing materials to create reef structures, and enhancing recreational infrastructure could provide long-term benefits to tourist and recreational uses by improving wildlife habitat, and increasing recreational amenities (such as beach facilities). As a result, these types of projects would enhance wildlife viewing, hunting, beach and waterfront visitors, fishing and tourist experiences and provide additional areas in which to experience these opportunities.

#### *3.5.1.15.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; development of proposed park improvements would not occur and therefore no additional adverse or beneficial impacts to tourism and recreational use would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.1.16 Public Health and Safety and Shoreline Protection**

#### **3.5.1.16.1 Affected Environment**

Recreational angling is significant in the Florida Panhandle and is primarily conducted from boats, shorelines, and piers near the potential site. Some vegetation and habitat on the shorelines and in the buffer zone provide shoreline protection at the Innerarity Point Park site, although vegetation in other areas is minimal. The project site includes beach enhancements and shoreline development that would remove some beach vegetation. The existing site access is via Innerarity Point Road.

#### **3.5.1.16.2 Environmental Consequences**

##### *3.5.1.16.2.1 Proposed Action*

For this project type, the impacts to public health and safety and shoreline protection are analyzed in the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>16</sup>

The main entry to the Innerarity Point Park would be moved to Bob O Point Road on the western side of the property, which would reduce vehicle traffic between this park and Galvez Landing, where pedestrian traffic is expected to be greater.

Threats to public health and safety from construction activities would be mitigated through construction BMPs, including adequate staging of equipment, limitation of public access to equipment and staging area, and reduced park access during construction periods. BMPs in accordance with Occupational Safety and Health Administration (OSHA) and state and local requirements would be incorporated into construction activities on site to ensure the proper handling, storage, transport and disposal of all hazardous materials. Personal protective equipment would be required for all construction personnel and authorized access zones would be established at the perimeter of the worksite during construction.

Soil and sediment stabilization measures would be incorporated into project design as needed in areas where the potential exists for erosion to occur in order to protect resources and ensure public health and safety.

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<sup>16</sup> Section 6.6.9 and 6.7.15.2 of the Final Phase III ERP/PEIS states that this project type “involving construction and construction activities would result in short-term minor adverse impacts to public health and safety as a result of the operation of heavy equipment and construction materials as well as the potential of hazardous waste and materials contaminating soils, groundwater, and surface waters. Projects would be designed using similar safety-related BMPs to reduce hazards.”



Short-term adverse impacts to shoreline protection may occur as a result of the removal of vegetation for beach enhancements, which could increase erosion. No long-term adverse impacts to public health and safety are expected as a result of this project component. The addition of the entry point to the site opposite the busy Galvez Landing should help to reduce some congestion.

#### *3.5.1.16.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; development of proposed park improvements would not occur and therefore no additional adverse or beneficial impacts to public health and safety and shoreline protection would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.2 Leonard Destin Park Component**

#### *3.5.2.1 Geology and Substrates*

##### *3.5.2.1.1 Affected Environment*

The Leonard Destin Park site is located within Okaloosa County on the Florida Panhandle on a peninsula separating the Gulf of Mexico from Choctawhatchee Bay. 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 (USDA NRCS 2015). 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 (Livingston 2000). 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.

##### *3.5.2.1.2 Environmental Consequences*

###### *3.5.2.1.2.1 Proposed Action*

For this project type, impacts to geology and substrates were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>17</sup>

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<sup>17</sup> Sections 6.5.1, 6.5.2, 6.5.3, and 6.7.1.2 of the Final Phase III ERP/PEIS describe the impacts to geology and substrates from early restoration projects intended to enhance public access to natural resources for recreational use, enhance recreational experiences, and promote environmental and cultural stewardship, education, and outreach. Section 6.5.1.1 and 6.5.2.1 statements are explained in footnote 6.

Section 6.5.3.1 states that construction of new or improved educational facilities could result in local removal, displacement, and compaction of geology and substrates. These effects would be minor to moderate and short to long-term because they would be localized and could have readily apparent effects on local substrates/geologic characteristics, with some effects lasting only during the construction period and others extending beyond the construction period (i.e. compaction and displacement resulting from infrastructure).

This project component would modify the existing dock to make it ADA accessible. No new pilings would be required; all dock work would use the existing pilings. Therefore, no in-water dredging or digging would occur. As such, no effects on marine substrates would occur as a result of this project component.

Digging would occur in the terrestrial environment to auger holes for installation of support structures (where needed) for the boardwalk and kayak launch. 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 area, most of which has seen previous and ongoing disturbances and development. The depth would depend on final engineering design for the boardwalk, but for most of the parking lot, depth would be less than one foot.

Construction equipment and materials for staging have not been identified, but would likely be located on site, where the parking lot would be constructed, or on previously disturbed sites. Although boardwalks and paved pathways would impact soils, the trails would direct and condense foot traffic into designated areas, minimizing adverse impacts to the overall site location.

Specific mitigation measures would be implemented during construction to minimize erosion and overall soil impacts. To the extent possible, the project would utilize existing development footprints and disturbed areas (e.g., parking areas). These would include following established BMPs for construction activities such as the implementation of an erosion control and stormwater management plan, the installation of sediment traps prior to commencement of construction activities, and ongoing construction monitoring to ensure compliance. Any in-water piling work would be performed behind silt curtains to minimize turbidity and isolate construction impacts (see Appendix E for a list of potential best practices that would be undertaken, as appropriate).

Planting of native grasses underneath the heron rookery would have short-term minor adverse impacts during the planting process but overall would have long-term beneficial impacts on the geology and substrates due to reductions in erosion.

Short-term as well as long-term disturbances to terrestrial soils and substrates would occur on site as a result of construction and site preparation activities. However, the impacts would be localized to approximately 2.28 acres within the site area. Thus, with the impacts localized to the site, this project component would have long-term minor adverse impacts to geology and substrates.

#### 3.5.2.1.2.2 *No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal as well as planting of native grasses would not occur and therefore no additional adverse or beneficial impacts to geology and substrates would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### 3.5.2.2 *Hydrology and Water Quality*

#### 3.5.2.2.1 *Affected Environment*

The 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 (Ruth and Handley 2006). This project site is located in FEMA designated Flood Zone AE with a base flood elevation of eight feet (FEMA 2002).

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 (FDEP 2015c). Additional contributors to water quality degradation in this bay are agriculture and timber harvesting, influencing increased nutrients, algal blooms, and low dissolved oxygen conditions (FDEP 2015d). 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; Ruth and Handley 2006).

#### 3.5.2.2.2 *Environmental Consequences*

##### 3.5.2.2.2.1 *Proposed Action*

For this project type, impacts to hydrology and water quality were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>18</sup>

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<sup>18</sup> Sections 6.5.1, 6.5.2, 6.5.3, and 6.7.2.2 of the Final Phase III ERP/PEIS describes the impacts to hydrology and water quality from early restoration projects intended to enhance public access to natural resources for recreational use, enhance recreational experiences, and promote environmental and cultural stewardship, education, and outreach. Section 6.5.1.2 and 6.5.2.2 statements are explained in footnote 7.

Section 6.5.3.2 states that construction of educational facilities in, or directly upstream of, freshwater or brackish water could result in short-term decreases in water quality from disruption of sediments, and/or increased turbidity. Equipment usage and other construction activities in wetland recharge areas could result in short-term minor to moderate adverse impacts to surface water related to sediment compaction, disturbance, and erosion. Conversion of pervious areas to impervious surfaces could

Terrestrial work that may affect hydrology and water quality includes construction of additional impervious surfaces such as ADA accessible parking spaces, concrete sidewalks (covering approximately 6,500 square feet), and multiple site structures in various places throughout the property (none larger than 750 square feet). These impervious surfaces would alter on-site stormwater run-off, resulting in long-term adverse impacts. Gravel would be used in the parking area to reduce runoff and potential water quality impacts. A stormwater retention pond would be constructed on site if engineering designs deem it to be necessary, in order to mitigate any potential impacts to hydrology and water quality. Construction of the proposed boardwalks, structures, stormwater retention pond (as-needed), and the parking lot may temporarily impact water quality. Construction BMPs along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts associated with construction activities (see Appendix E for a list of potential best practices that would be undertaken, as appropriate). Silt and sedimentation control measures would be installed and properly maintained to protect water quality resources.

Any work in waters of the U.S., including wetlands, associated with this project would be coordinated with the USACE pursuant to the Clean Water Act Section 404 and Rivers and Harbors Act (CWA/RHA). Coordination with the USACE and final authorization pursuant to CWA/RHA would be completed prior to construction.

The implementation of the project component would result in short-term as well as long-term adverse impacts on water quality and hydrology due to the construction of impervious surfaces and site preparation activities. BMPs would be followed such that the impacts would be localized to the site area. Thus, with the impacts localized to the site, this project component would have short-term and long-term minor adverse impacts to water quality and hydrology. The project is not expected to have any significant adverse effects on floodplains pursuant to Executive Order 11988.

#### *3.5.2.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction of impervious surfaces and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse impacts to hydrology and water quality would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.2.3 Air Quality and Greenhouse Gas Emissions**

#### **3.5.2.3.1 Affected Environment**

The affected environment for air resources in this area is discussed in Section 3.5.1.3. The Leonard Destin Park site is located in Okaloosa County, Florida which is not listed on EPA's current nonattainment counties list for all criteria pollutants (EPA 2015).

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reduce infiltration while increasing stormwater runoff and pollutants to the receiving surface water body. These effects would be minor and long-term because they would be localized and extend beyond the construction period.

### 3.5.2.3.2 Environmental Consequences

#### 3.5.2.3.2.1 Proposed Action

For this project type, air quality impacts were analyzed within the Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>19</sup>

Implementation of this project component could include use of heavy construction equipment, such as bulldozers, barges, trucks, backhoes, tractor trailers, cranes, small barges with cranes, small excavators, fork lifts, asphalt machine, roller, small power tools, generators, small trucks, and hand tools. During construction activities, short-term adverse impacts to air quality would occur from the use of gasoline and diesel powered construction vehicles and equipment, including barges, and exhaust produced by the use of this equipment. Project implementation would require the use of equipment which would temporarily affect air quality in the site vicinity due to construction vehicle emissions. Most impacts to air quality would be localized and occur only during active construction activities.

CEQ guidance states that Federal agencies, to remain consistent with NEPA, should consider the extent to which a proposed action and its reasonable alternatives contribute to climate change through GHG emissions and take into account the ways in which a changing climate over the life of the project may alter the overall environmental implications of such actions. CEQ recommends that agencies use a reference point to determine when GHG emissions warrant a quantitative analysis taking into account available GHG quantification tools and data that are appropriate for proposed agency actions. In addressing GHG emissions, agencies should be guided by the principle that the extent of the analysis should be commensurate with the quantity of projected GHG emissions. When assessing the potential significance of the climate change impacts of their proposed actions, agencies should consider both context and intensity, as they do for all other impacts (CEQ 2014).

In its recent guidance, CEQ provides a threshold of 25,000 metric tons of CO<sub>2</sub> emissions on an annual basis below which a GHG emissions quantitative analysis is not warranted unless quantification below that reference point is easily accomplished. CEQ states that this is an appropriate reference point that would allow agencies to focus their attention on projects with potentially large GHG emissions. In its guidance, the CEQ "Recommends that an agency select the appropriate level of action for NEPA review at which to assess the effects of GHG emissions and climate change, either at a broad programmatic or

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<sup>19</sup> Sections 6.5.1, 6.5.2, 6.5.3, and 6.7.3.2 of the Final Phase III ERP/PEIS describe the impacts to air quality and greenhouse gas emissions from early restoration projects intended to enhance public access to natural resources for recreational use, enhance recreational experiences, and promote environmental and cultural stewardship, education, and outreach. Section 6.5.1.3, 6.5.2.3, and 6.5.3.3 of the PEIS state, "During construction activities, short-term impacts to air quality and GHGs would occur from the use of gasoline and diesel powered construction vehicles and equipment, including barges, and exhaust produced by the use of this equipment. Examples of project-specific projected emissions are located in Chapters 8 through 12. The severity of impacts would be highly dependent on the length and type of construction required and the location of the project. There is a slight potential for fugitive dust creation from construction activities, resulting in minor to moderate adverse impacts. Long-term minor adverse effects from these enhancements due to increased recreational use and associated vehicle traffic may occur."

landscape-scale level or at a project- or site-specific level and that the agency set forth a reasoned explanation for its approach (CEQ 2014).” Engine exhaust from bulldozers, excavators, trucks, backhoes and other vehicles would contribute to an increase in GHGs. However, the Trustees have reasoned that due to the small-scale and short duration of the construction portion of the project, predicted GHG emissions would be short-term and minor and would not exceed 25,000 metric tons per year per site, and thereby does not warrant a quantitative analysis of GHG emissions. Indeed, some projects of similar scope and scale were included in the Phase III ERP/PEIS and were developed enough in their design to estimate specific construction vehicle use estimated emissions. Analyses for these projects found that they would not exceed 25,000 metric tons of CO<sub>2</sub> emissions, the threshold for triggering additional requirements for GHG emissions. As such, it appears likely that this project component would not exceed the threshold for additional analysis.

#### *3.5.2.3.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities including the use of construction vehicles and fossil fuel burning equipment would not occur and therefore no additional adverse air quality and greenhouse gas emissions would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### *3.5.2.4 Noise*

##### *3.5.2.4.1 Affected Environment*

Section 3.2.4 of the Final Phase III ERP/PEIS states the primary sources of terrestrial noise in the coastal environment are transportation and construction-related activities. The primary sources of ambient (background) noise in the project areas are operation of vehicles, humans, recreational vessels, and natural sounds such as wind and wildlife. City noise is mainly from vehicles and human activities. The level of noise in the project areas vary depending on the season, time of day, number and types of noise sources, and distance from the noise source.

The Leonard Destin Park includes 280 linear feet of frontage on Choctawhatchee Bay, a heavily used waterway, which produces recreational boating noises. Due to the presence of the commercial pontoon and Jet Ski rental business on the property, site visitors and their accompanying noises are common during the summer season. Patrons of the pontoon boat and Jet Ski rental operator use the property for parking, picnicking and lounging on the beach (see Figure 3-4, Figure 3-5, and Figure 3-6). Other sources of noise in the project area include motor vehicle traffic on Calhoun Avenue, overhead aircraft and ambient natural sounds such as wind and wildlife.



### 3.5.2.4.2 Environmental Consequences

#### 3.5.2.4.2.1 Proposed Action

For this project type, noise impacts were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>20</sup>

The project component would generate construction noise associated with equipment during construction of the boardwalk, restrooms, picnic pavilions, playground, splash pad, seine boat, fencing, stormwater pond (as-needed), parking lot, concrete sidewalks, signs and other amenities.

Implementation of the project would include transportation of construction materials to the project area, which may include trucks or other types of transportation and also contribute to short-term noise disturbances.

Human activities on adjacent properties and wildlife in and around the project areas may be sensitive to changes in noise sources or levels due to project construction. Construction equipment (e.g., generators, pile drivers, etc.) noise is known to disturb fish, marine mammals, and nesting shorebirds. Construction noise can also be a nuisance to residents living or recreating on the shorelines adjacent to project construction activities. Construction activities at the site would result in short-term moderate impacts to noise at the site and in the immediate vicinity.

Mitigation measures that serve to limit noise impacts to humans from construction activities include: limiting activity at project sites to daytime hours; limiting truck traffic ingress/egress to the site to daytime hours; promoting awareness that producing prominent discrete tones and periodic noises (e.g., excessive dump truck gate banging) should be avoided as much as possible; and requiring that work crews seek pre-approval for any weekend activities, or activities outside of daytime hours. Because construction noise is temporary, any negative impacts to the human and marine environment during construction activities would be short-term, adverse, and minor. Standard practices such as muffle units for generators would be implemented during construction operations to mitigate noise impacts (see Appendix E).

Once the park is open, visitors may cause some noise associated with picnicking and parking. These noises could be slightly more disturbing to any resting or roosting birds that may utilize the site compared to baseline conditions, although the site's close proximity to the high traffic waterway may

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<sup>20</sup> Sections 6.5.1, 6.5.2, 6.5.3, and 6.7.1.2 of the Final Phase III ERP/PEIS describe the impacts to noise from early restoration projects intended to enhance public access to natural resources for recreational use, enhance recreational experiences, and promote environmental and cultural stewardship, education, and outreach. Section 6.5.1.4 and 6.5.2.4 statements are explained in footnote 9.

Section 6.5.3.4 states that adverse impacts to the ambient environment during the construction of education facilities would be short-term and minor to moderate from noise disturbances such as the operation of bulldozers, front-loaders and other large earth moving equipment required for construction of new or improved recreational facilities. Depending on the surrounding environment, distance to sensitive receptors and ambient noise conditions, these construction sounds could potentially dominate the soundscape and detract from current user activities or experiences. An increase in education programs could also have long-term minor to moderate adverse noise effects due to increases in motorized use or human activity, if resulting activity occurred in areas of previously undisturbed, quiet settings.

render these increases as negligible. Overall, long-term noise impacts at this project component from personal vehicle use, boating, fishing, and other recreational activities would likely be minor and adverse.

#### *3.5.2.4.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities including the use of equipment and vehicles would not occur and therefore no additional adverse impacts to noise would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.2.5 Habitat**

#### **3.5.2.5.1 Affected Environment**

The Leonard Destin Park site is located within Okaloosa County on the Florida Panhandle on a peninsula separating the Gulf of Mexico from Choctawhatchee Bay. This site is largely disturbed historically and currently, with over half of the site at present being disturbed with a few trees and little understory vegetation. Currently there is an unpaved parking lot under a few trees that act as the heron rookery. 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 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.

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. Little understory exists under most trees. The property also hosts a portion of a small great blue heron rookery (approximately six nests in four oak trees) in the north-western portion of the property that extends into abutting parcels. There are no wetlands onsite (USFWS 2015; USFWS 2014a). Seagrass, comprised of shoalgrass (*Halodule wrightii*; FWC 2002), is currently present at the Leonard Destin Park project location (Google Map Imagery 2015).

#### **3.5.2.5.2 Environmental Consequences**

##### *3.5.2.5.2.1 Proposed Action*

For this project type, impacts to habitats were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>21</sup>

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<sup>21</sup> Sections 6.5.1, 6.5.2, 6.5.3, and 6.7.5.2 of the Final Phase III ERP/PEIS describe the impacts to habitat from early restoration projects intended to enhance public access to natural resources for recreational use, enhance recreational experiences, and promote environmental and cultural stewardship, education, and outreach. Section 6.5.1.5 and 6.5.2.5 statements are explained in footnote 10.

The improvements at the Leonard Destin Park site are on a site that has had previous development, including the in-water habitat, where a dock has existed since 1994. This project would modify the existing dock to be ADA compliant. No new pilings would be required; all dock work would use the existing pilings. Therefore, no in-water dredging or digging would occur, thus having minimal new disturbances to SAV.

Updated SAV surveys would occur prior to construction because SAV bed continuity, extent, and density are subject to change over time. Potential impacts of the proposed action on SAV are analyzed as part of the EFH section below (3.5.2.8).

In addition, terrestrial habitat, which consists of a few maritime oak trees with minimal understory, would also be impacted by the project. 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, 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 area, most of which has seen previous and ongoing disturbances and development. The depth depends on final engineering design for the boardwalk, but for most of the parking lot, depth would be less than one foot.

Construction equipment and materials for staging have not yet been identified, but would likely be located on site, where the parking lot would be constructed, or on previously disturbed sites. Although boardwalks, beaches, overlook decks, and paved pathways could potentially impact habitats (e.g., removal of vegetation from shorelines for expanded beach area), most of the improvements are proposed for currently disturbed areas including grasses and vegetative understory that are frequently

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Section 6.5.3.5 states that providing educational features for both the public and students through coastal exhibits and collections, hands-on activities, educational outreach programs related to coastal resources, and other interactive activities could increase public awareness of wetlands, barrier islands, beaches, and other habitats, as well as highlight their value to the overall ecosystem. The facilitation of educational outreach and interactive activities would be a long-term benefit to the environment by increasing public knowledge of, and support for, preservation and conservation of these habitats, as well as potentially resulting in behavioral changes during future public encounters with sensitive habitats. However, increased visitation to barrier islands, dune areas, or other habitats as a result of educational programs could have long-term minor to moderate adverse effects to previously minimally used or visited habitats.

Enhancing or constructing educational infrastructure could require work with heavy equipment and long-term operation and maintenance of these facilities. Adverse construction and operational habitat effects could include short to long-term minor to moderate adverse effects including:

mowed or utilized during existing activities on site (e.g., parking, pontoon boat rentals). There is the potential for removal of trees, but the conceptual plan is designed to minimize removal of habitat. The existing heron rookery and oak trees that comprise that rookery would be preserved and a buffer would be placed around the rookery. Additionally, the trails would direct and condense foot traffic into designated areas, minimizing adverse impacts to the overall site location.

Specific mitigation measures would be implemented during construction to minimize erosion and overall habitat impacts. To the extent possible, the project would utilize existing development footprints and disturbed areas (e.g., parking areas). These would include following established BMPs for construction activities such as the implementation of an erosion control and stormwater management plan, the installation of sediment traps prior to commencement of construction activities, and ongoing construction monitoring to ensure compliance. Any work on the docks that may require a barge with small crane would use shallow draft and be moored outside of areas with submerged habitat (see Appendix E for a list of potential best practices that would be undertaken, as appropriate).

Short-term as well as long-term disturbances to habitat would occur on site as a result of construction and site preparation activities. Because the construction activities would largely disturb habitat that has already been disturbed, which may contain non-native species, and would be localized to the site, adverse impacts to habitats would be short and long-term, but minor.

#### *3.5.2.5.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse impacts to habitat would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.2.6 Migratory Birds**

#### **3.5.2.6.1 Affected Environment**

Migratory birds that could potentially utilize the Leonard Destin Park parcel were identified using the USFWS IPaC. Migratory birds could potentially utilize this site for nesting, foraging, roosting, and breeding. Four species groups were identified at this site as wading birds, shorebirds, raptors, and songbirds. Potential wading birds at this site would be the great blue heron. Potential shorebirds at this site could include the terns and plovers. Potential raptors at this site include hawks and kites. Potential songbirds at this site include sparrows, warblers, and woodpeckers. The property hosts a portion of a small great blue heron rookery (approximately six nests in four oak trees) in the north-western portion of the property that extends into abutting parcels. The current owners observe that birds continue to roost here each year despite the commercial activities and associated noise. There are no bald eagles are known to occur at this site (USFWS 2015). The project site on the panhandle could provide stopover and staging habitat for migratory birds.

### 3.5.2.6.2 Environmental Consequences

#### 3.5.2.6.2.1 Proposed Action

For this project type, impacts to migratory birds were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>22</sup>

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<sup>22</sup> Sections 6.5.1, 6.5.2, 6.5.3, and 6.7.6.2 of the Final Phase III ERP/PEIS describes the impacts to living resources from early restoration projects intended to enhance public access to natural resources for recreational use, enhance recreational experiences, and promote environmental and cultural stewardship, education, and outreach. Section 6.5.1.6 and 6.5.2.6 statements are explained in footnote 11.

Section 6.5.3.6 states that providing educational features for both the public and students through coastal exhibits and collections, hands-on activities, educational outreach programs related to coastal resources, and other interactive activities could increase public awareness of marine resources and of their value to the ecosystem, potentially leading to greater support for resource management and conservation. This could result in a long-term benefit to nearshore benthic communities, oysters, marine mammals and other species beyond the lifespan of the project. However, increased visitation to barrier islands, beaches, or other habitats as a result of educational programs could have long-term minor to moderate adverse effects to local marine resources via localized species displacement or loss and degradation of habitats.

Enhancing or constructing infrastructure to promote environmental and cultural features could require work with heavy equipment or operations and maintenance in areas where nearshore benthic communities, finfish, oysters, sea turtles, or other species are present. Adverse construction effects to these species could include short to minor to moderate effects, including:

- Displacement or loss of oyster populations or other benthic organisms from increased turbidity, substrate disturbance, leaching of equipment fluids or siltation of any hard substrate areas that house oyster populations during construction.
- Increased turbidity could limit available light necessary for photosynthesis, and disruption in the water column and surface water could disturb or kill some pelagic microfaunal communities. These impacts would be short-term and minor because pelagic microfaunal communities would re-establish once the turbidity dissipates.
- Fish present in the work area could be temporarily displaced, or eggs and larvae could be killed due to smothering or crushing by equipment, human activity, or sediment. Fish could also be subject to a temporary increase in sound pressure levels, a decrease in water quality, entrainment in dredge sediments, and alteration or removal of habitat. Sound pressure level increases or entrainment could also result in mortality of individual finfish. These would be minor short-term adverse effects that would not be expected to reduce local fish populations or designated EFH. If projects have potential to adversely affect protected fish species, consultations with the appropriate agencies would be required prior to project implementation.
- Sea turtle and marine mammal individuals present in project areas where dredging or underwater use of equipment is occurring could be subject to temporary increased noise, turbidity, and water quality changes as well as alteration or loss of forage or nesting habitat, all of which could temporarily displace individuals or prey during construction and result in short-term, minor impacts. If projects have potential for adverse effects to marine mammals or sea turtles, consultations or incidental harassment authorizations with appropriate agencies would be required prior to project implementation.
- Construction in upland habitats could result in short-term impacts due to operation and staging of heavy equipment which can create noise, reduce or remove available habitat or disrupt normal movement of wildlife. As such, bird and terrestrial wildlife individuals that forage or nest in or near the work area could be temporarily disturbed or displaced. Effects could vary from minor and short-term to major and long-term depending on the effect of the action. If projects have potential to adversely affect protected bird species, consultations with the appropriate agencies would be required prior to project implementation.

Additional long-term minor to moderate adverse effects to species could result from the placement of piers, foundations, or other permanent structures; fill of shallow water areas; increased human traffic, and the conversion of pervious areas to impervious surfaces (parking areas, buildings, etc.). These actions could result in disturbance or displacement of local species. Construction of educational or cultural facilities could result in operational effects that could affect living coastal and marine resources, including:

- Stormwater runoff from impervious surfaces could enter waterways and increase situation and turbidity as well as carry pollutants that could affect benthic organisms, fish or foraging bird species;

The Trustees have begun coordination and review of the project for impacts to bald eagles and migratory birds in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712) to ensure appropriate conservation measures and BMPs would be incorporated into the project. There are no apparent suitable sites for bald eagle nests in and around the project area and no eagle nests have been documented on the proposed site. If bald eagle nests are located during pre-construction site assessments, best management practices under the Bald and Golden Eagle Protection Act would be followed to minimize harm to bald eagles. The MBTA requires the protection of all migratory bird species and protection of ecosystems of special importance to migratory birds against detrimental alteration, pollution, and other environmental degradation. Migratory birds could use areas at and around the project location for foraging, feeding, resting, and nesting. Noise and physical disruptions related to construction and increased human activity from park operations and maintenance, and public use may impact birds. There is a small heron rookery at the Leonard Destin Park. This rookery and the oak trees that comprise that rookery would be preserved by adding a buffer zone around the rookery trees and posting of educational signage about the birds and their protection.

Construction equipment and materials for staging have not yet been identified, but would likely be located on site, where the parking lot would be constructed, or on previously disturbed sites. Although boardwalks, beaches, overlook decks, and paved pathways could potentially impact habitats (e.g., removal of vegetation from shorelines for expanded beach area), most of the improvements are proposed for currently disturbed areas including grasses and vegetative understory that are frequently mowed or utilized during existing activities on site (e.g., parking, pontoon boat rentals). There is the potential for removal of trees, but the conceptual plan is designed to minimize removal of habitat.

Specific conservation measures would be implemented during construction to minimize disruption and overall impacts to birds. The migratory bird species groups, impacts to the species groups and reduction measures proposed for the Leonard Destin Park parcel improvements are listed below. General impact reduction methods are described as follows. To the extent possible, construction activities would avoid specific habitat locations onsite if there are known nesting birds and avoid nesting seasons. Pre-construction nesting surveys for migratory birds and raptors would be conducted and if evidence of nesting is found, the Trustees would coordinate with the USFWS to develop and implement appropriate conservation measures. To avoid and minimize impacts to migratory birds from increased human activity, trails would divert and concentrate recreational users away from any important nesting, foraging, or rookery locations including the oak trees that are inhabited by herons. Additionally, signage would be installed along trails, boardwalks, and picnic locations to provide users information on

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- Increase in visitation could result in noise and other disturbances as well as degradation or fragmentation of habitats or upland areas used by wildlife in the vicinity;
  - Potential for introduction of exotic or invasive species may increase;
  - Facilities that included in-water educational activities could increase human-related disturbances of fish, birds or marine mammals that may be present in the waterway.
  - If projects have potential to adversely affect protected species, consultations with the appropriate agencies would be required prior to project implementation.



sensitive species in the area and actions to take to avoid or minimize impacts to sensitive species. This project component proposes minimal habitat fragmentation by improvements on existing areas of disturbance. Foraging and resting birds may temporarily be displaced during construction or recreation activities. Bird roosting would not be affected because construction activities and most human use would occur during daylight hours.

- **Wading Birds.** 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. They 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. The activity at the site at present has not seemed to impact the rookery. These rookery trees would be protected and activity around the trees would be reduced with the proposed improvements. A buffer zone would be included around the rookery trees. No significant adverse impacts to nesting and roosting are anticipated. However, there may be impacts during construction. Thus construction activities would occur during the winter when the herons are not nesting to avoid adversely impacting the herons.

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. These species are known to avoid areas with high human activity when given the opportunity. Roosting would not be affected because the project would occur during daylight hours only. No take of wading birds is anticipated.

- **Shorebirds.** 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 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 were encountered. All disturbances would be localized and temporary. These species are known to avoid areas with high human activity when given the opportunity. Therefore, no take of shorebirds is anticipated.

- **Raptors.** Raptors could forage and rest in the action 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 and resting. These birds primarily nest and roost in trees.

There are no known raptor nests on site. The 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 and any trees/shrubs with active nests would be flagged and avoided. 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. These species are known to avoid areas with high human activity when given the opportunity. Conservation measures would 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.** Songbirds could forage, rest and nest in the project area. It is expected that 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 would be completed prior to any tree/shrub removal and any trees/shrubs with active nests would be flagged and avoided. For these reasons, no take of songbirds or their nests is anticipated.

Short-term disturbances to migratory birds could occur on site as a result of habitat disturbances and construction activities for this project component. Because construction activities would be localized to the site and care would be taken to minimize impacts (e.g., minimize noise and vibration, conducting construction activities during daylight hours), adverse impacts to migratory birds would be short-term and minor.

#### *3.5.2.6.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented construction and site preparation activities such as grading, leveling, and vegetation removal would not occur and therefore no additional adverse impacts to migratory birds would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### *3.5.2.7 Protected Species*

##### *3.5.2.7.1 Affected Environment*

Protected species and their habitats include ESA-listed species and designated critical habitats, which are regulated by either the USFWS or the NMFS. Protected species also include marine mammals protected under the Marine Mammal Protection Act, and Essential Fish Habitat (EFH) protected under the Magnuson-Stevens Fishery Conservation and Management Act.

A full list of Federally threatened, endangered, proposed, candidate, and other species of concern in the Florida panhandle, by county, is available and was used to cross reference the USFWS IPaC produced list (USFWS 2015). The Trustees have also started reviewing the project component and associated actions

for potential impacts to the protected species and their associated critical habitat managed by NMFS and USFWS. Affected species and critical habitat identified as possibly occurring at this site and their status (T= threatened, E= endangered, CH= critical habitat) include the following:

- Gulf sturgeon (T)
- West Indian manatee (E)
- Green sea turtle (T)
- Hawksbill sea turtle (E)
- Kemp's ridley sea turtle (E)
- Leatherback sea turtle (E)
- Loggerhead (T)
- Gulf sturgeon critical habitat (CH)

There are no protected plants known to occur at this site.

### 3.5.2.7.2 Environmental Consequences

#### 3.5.2.7.2.1 Proposed Action

For this project type, impacts to protected species were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>23</sup>

NMFS and USFWS have initiated consultation for the proposed park site in Okaloosa County related to potential impacts to protected species in accordance with section 7 of the ESA. Conservation measures recommended during consultation would be incorporated into final project design and implementation to avoid and/or minimize impacts to protected species and critical habitats. Specific conservation measures would also be implemented during construction to minimize disruption and overall impacts to protected species. Below is a list of potential protected species at the Leonard Destin Park site location, their habitat preference, effects from improvement activities and conservation measures.

- **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, thus 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 project may have direct or indirect adverse effects on gulf sturgeon.

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<sup>23</sup> Sections 6.5.1, 6.5.2, 6.5.3, and 6.7.6.2 of the Final Phase III ERP/PEIS describes the impacts to living resources from early restoration projects intended to enhance public access to natural resources for recreational use, enhance recreational experiences, and promote environmental and cultural stewardship, education, and outreach. Section 6.5.1.6, 6.5.2.6, and 6.5.3.6 statements are explained in footnote 22.

Impacts to the Gulf sturgeon could be avoided and minimized by implementation of BMPs during ground disturbance activities that would 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. All work would 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. In-water work would most likely take place during the spring and summer months, when Gulf Sturgeon are less likely to be present in inshore shallow waters. 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.** The only in-water work proposed at this site is the widening of the existing dock, i.e., there would not be piling installation at 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. Sea turtles, specifically Kemp's ridley and Green, are sometimes bycatch from recreational pier fishing. However, historically there are not many sea turtle strandings in this area (e.g., approximately 20 Kemp's ridley and 15 Green turtle strandings in Choctawhatchee Bay and East Bay over the last eight years). Thus, as a result of construction related activities from the dock widening and anticipated recreational uses of docks, this project may have direct or indirect adverse effects on sea turtles. During construction activities to widen the dock, BMPs identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) and the Standard Manatee Conditions for In-Water Work (USFWS 2011) would be implemented to reduce the risk of adverse impacts. 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 this dock in Florida's Responsible Pier Initiative Program (a program through the Loggerhead Marinelifelife Center that adds signage to fishing piers, hosts first responder trainings, and conducts underwater clean-ups around piers).

Additional conservation measures for sea turtles include the use of wildlife friendly lighting on both docks, if lights are required for docks. Lighting could be required for boater safety. The lighting would be wildlife friendly, consisting of solar LED lights.

- **West Indian manatee and other marine mammals.** 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.). There is no proposed in-water work (e.g., driving or pushing pilings) at this site. Accordingly, as a result of construction related activities conducted on the dock, this project may have indirect short-term adverse effects on the West Indian manatee and other marine mammals. As such, appropriate conservation measures would be undertaken to minimize and avoid adverse impacts associated with noise from construction activities.

During construction activities to widen the dock, BMPs identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) and the Standard Manatee Conditions for In-Water Work (USFWS 2011) would be implemented to reduce the risk of adverse impacts, 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.

The site contains no critical habitat for any of the species except Gulf sturgeon (critical habitat unit 12). 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. The only in-water work proposed at this site is the widening of the existing dock, i.e., there would not be piling installation at this site. 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 not likely to permanently alter any of the habitat.

Any enhancements requiring equipment use from vessels would be conducted in accordance with the BMPs in the Standard Manatee Conditions for In-Water Work (USFWS 2011) and Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) to help to avoid injury to critical habitat. This would minimize potential impacts to species and critical habitat in the area. Additionally, water quality measures (listed above for Gulf sturgeon and below in general conservation measures) would 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.

The following conservation measures would be followed to minimize and avoid adverse indirect impacts to protected aquatic and terrestrial species that may reside in and around the project area, including the Gulf sturgeon, West Indian manatee and other marine mammals, sea turtles, and birds.

- Specific provisions would 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 would be planned and maintained.
- Soil erosion best management practices such as sediment traps, erosion check screen filters, and hydro mulch to prevent the entry of sediment into waterways would be used.
- Any hazardous waste that is generated in the project area would be promptly removed and properly disposed of.
- Equipment would be inspected for leaks of oil, fuels, or hydraulic fluids before and during use to prevent soil and water contamination. Contractors would be required to implement a plan to promptly clean up any leaks or spills from equipment, such as hydraulic fluid, oil, fuel, or antifreeze.
- Onsite fueling and maintenance would be minimized. If these activities could not be avoided, fuels and other fluids would be stored in a restricted/designated area, and fueling and maintenance would be performed in designated areas that are bermed and lined to contain spills. Provisions for the containment of spills and the removal and safe disposal of contaminated materials, including soil, would be required.
- Actions would be taken to minimize effects on site hydrology and fluvial processes, including flow, circulation, water level fluctuations, and sediment transport. Care would be taken to avoid any rutting caused by vehicles or equipment.
- Measures would be employed to prevent or control spills of fuels, lubricants, or other contaminants from entering wetland areas. Action would be consistent with state water quality standards and Clean Water Act Section 401 certification requirements.
- Appropriate erosion and siltation controls would be maintained during construction.
- Fill material would be properly maintained to avoid adverse impacts on aquatic environments or public safety.
- All contractors and their employees would be trained regarding safety protocols (fuel handling), and food storage regulations. Storage and handling of food and other attractants would be required to minimize potential conflicts with wildlife. All project crews would be required to meet standards for sanitation, attractant storage, and access.
- Construction workers and supervisors would be informed about the potential for special status species in the work area. Contract provisions that require a stop in construction activities if a



special status species is discovered until staff members evaluate the situation would be included. Protection measures would be modified as appropriate to protect the birds.

Short-term disturbances to protected species could occur on site due to habitat disturbances and construction activities. However, the impacts would be localized. Thus, this project component would have short-term minor adverse impacts to protected species and Gulf sturgeon critical habitat due to potential suspended sediments and increased noise. As noted above, Trustees have initiated ESA section 7 consultations on protected species. Conservation measures recommended during consultation would be incorporated into final project design and implementation to avoid and/or minimize impacts to protected species and designated critical habitats.

#### *3.5.2.7.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse impacts to protected species would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.2.8 EFH**

#### **3.5.2.8.1 Affected Environment**

EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act as "those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity (16 U.S.C. § 1802(10))." The designation and conservation of EFH seeks to minimize adverse impacts on habitat caused by fishing and non-fishing activities. The NMFS has identified EFH habitats for the Gulf of Mexico in its Fishery Management Plan Amendments. These habitats include estuarine emergent wetlands, seagrass beds, algal flats, mud, sand, shell, and rock substrates, and the estuarine water column.

Leonard Destin Park is within the EFH area for coastal migratory pelagics, reef fish, shrimp, stone crab, and red drum. SAV, comprised of shoalgrass (*Halodule wrightii*) is present at the Leonard Destin Park project area and based on aerial imagery, there appears to be SAV in the vicinity of the existing dock. Updated SAV surveys would occur prior to construction, ideally during June 1 through September 30, because SAV bed continuity, extent, and density are subject to change over time. Mud substrate and estuarine water column habitat also exist within the project area. No HAPC or EFH areas protected from fishing were identified within the project area.

#### **3.5.2.8.2 Environmental Consequences**

##### *3.5.2.8.2.1 Proposed Action*

Under the Proposed Action, the existing dock would be widened to make it ADA compliant, which would result in an in-water area being permanently shaded, and resulting in SAV impacts. No new pilings would be required; all dock work would use the existing pilings. Therefore, no in-water dredging or digging would occur. The dock area is expected to be approximately 3,550 square feet.

Dock construction work and the shadow footprint of the widened dock have the potential to impact SAV, due to suspended sediments and because shading has been known to reduce SAV patch extent.

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, (conducted during June 1 through September 30) 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 SAV near the dock location would be adversely affected by the widening of the dock, there is the potential to modify this structure to minimize anticipated SAV impacts. The current dock height has not been quantified, but appears to rest about one foot above the water. The main branch of the dock would be oriented approximately northwest from the northwest shoreline of the site. Additionally, the design of the modified dock would incorporate the use of durable composite grated material for the decking that would allow additional sunlight through the decking to reach SAV under the structure while also being ADA compliant.

Upland construction activities such as the construction of a parking lot, picnic pavilions, restrooms, a playground, splash pad, and paved sidewalks as well as improvement such as expanding the fruit tree grove, seine boat, and beach enhancements have the potential to temporarily impact EFH in the immediate waters adjacent to the site from erosion and runoff, increasing turbidity and suspended sediments.

The Trustees have initiated an EFH consultation with NMFS (Habitat and Conservation Division) to inform regulatory compliance with EFH requirements. Any EFH conservation recommendations received during consultation would be incorporated into final project design and implemented to avoid and minimize EFH impacts. The Trustees would work with NMFS to ensure appropriate conservation measures are used, which could include:

- Use of BMPs during construction to minimize and avoid potential adverse impacts to EFH during in-water work under this project. Construction BMPs could include, but are not limited to mooring and staging work barges overnight and on weekends/holidays in areas devoid of SAV and in areas where previous impacts have occurred.
- All construction activities would be completed during daylight hours.
- When possible, pilings would be installed using methods and materials that use the least disruptive techniques, given substrate conditions, such as pushing or jetting.
- Dock construction methods would be designed to maximize sunlight reaching SAV.
- Compensatory mitigation, contingency, and monitoring plans would be developed and provided to the USACE and NMFS for unavoidable impacts to EFH.

The project component has the potential to cause disturbances to EFH in areas adjacent to the project location from increased suspended sediment and runoff and due to the widened dock. However, as noted above, EFH conservation recommendations received during consultation would be incorporated into final project design and implementation to avoid and minimize impacts to EFH. Therefore, adverse impacts to EFH are expected to be short term and minor.

#### *3.5.2.8.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities and potential suspended substrates would not occur and therefore no additional adverse impacts to EFH would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### *3.5.2.9 Invasive Species*

#### *3.5.2.9.1 Affected Environment*

The potential introduction of terrestrial and aquatic non-native invasive species of plants, animals, and microbes is a concern for any project. Non-native invasive species could alter existing terrestrial or aquatic ecosystems, may cause economic damages and losses, and are a common reason for protecting species under the Endangered Species Act. The species that are or may become introduced, established, and invasive are difficult to identify prior to occurrence. Surveys have not been conducted to specifically determine if invasive species are present.

#### *3.5.2.9.2 Environmental Consequences*

##### *3.5.2.9.2.1 Proposed Action*

The analysis focuses on pathway control or actions/mechanisms that may be taken or implemented to prevent the spread of invasive species on site or the introduction of invasive species to the site. The Leonard Destin Park component proposes construction of a deck, boardwalk, picnic area, playground, restrooms, splash pad, and a parking area. The construction equipment that would be used would serve as potential pathways to introduce or spread invasive species in the terrestrial environment. BMPs to control the spread of any invasive species present, and prevent the introduction of new invasive species due to the project would be implemented. In general, BMPs would primarily address risk associated with vectors (e.g., construction equipment, personal protective equipment, delivery services, foot traffic, vehicles/ vessels, shipping material). The potential for introduction and spread of invasive species would be minimized by requiring the contractor to clean all equipment (i.e., inspect and remove presence of mud, seeds, vegetation, insects, and other species) before entering and when leaving the project sites. Through the implementation of BMPs, the potential spread or introduction of invasive species would be minimized. The implementation of these BMPs meets the spirit and intent of EO 13112. Due to the implementation of BMPs, the Trustees expect risk from invasive species introduction and spread to be short-term and minor.

##### *3.5.2.9.2.2 No Action Alternative*

Under the No Action alternative, Phase I of the Florida Coastal Access Project would not be implemented; construction activities including the use of construction equipment and vehicles and other potential pathways to introduce or spread invasive species would not occur and therefore no additional adverse impacts to invasive species would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### 3.5.2.10 Socioeconomics and Environmental Justice

#### 3.5.2.10.1 Affected Environment

The Leonard Destin Park site is located in Okaloosa County, Florida. When considering demographics and socioeconomics, Okaloosa County is relatively similar to Florida and the United States as a whole (see Table 3-2). The percent of white individuals (81.7 percent) and the percent of the population (aged 25 or older) with a high school education or higher (90.9 percent) in Okaloosa County is slightly higher than that for the State of Florida and the United States, both approximately 77 percent white and 86 percent for high school education (U.S. Census Bureau, 2015). The percent of the population (aged 16 or older) in the labor force in Okaloosa County (60.6 percent) is very similar to that of the State as a whole (59.7 percent) and slightly lower than that for the entire United States (63.8 percent) (U.S. Census Bureau, 2015). When considering median household income, Okaloosa County is very similar to the United States, both slightly higher than the State of Florida. With respect to poverty, the percent of persons in poverty is slightly lower in Okaloosa County (13.4 percent) than in Florida and the entire United States (16.5 percent and 14.8 percent respectively) (U.S. Census Bureau, 2015).

**Table 3-2. Okaloosa County Demographics**

Location	Population (2014)	Percent White Alone (2014)	Percent of population aged 25 or older with high school education or higher (2009-2013)	Percent of population aged 16 or older in civilian labor force (2009-2013)	Median household income, 2013 dollars (2009-2013)	Percent of persons in poverty
Okaloosa County, FL	196,512	81.7%	90.9%	60.6%	\$54,684	13.4%
Florida	19,893,297	77.8%	86.1%	59.7%	\$46,956	16.5%
United States	318,857,056	77.4%	86.0%	63.8%	\$53,046	14.8%

Source: United States Census Bureau. 2015. QuickFacts Beta. Accessed 11/5/2015.  
<http://www.census.gov/quickfacts/table/PST045214/00>

#### 3.5.2.10.2 Environmental Consequences

##### 3.5.2.10.2.1 Proposed Action

The Leonard Destin Point Park project component is likely to provide long-term benefits to the local community. These benefits would include enhanced public access to natural resources for recreational use and enhanced recreational experiences. Construction and spending associated with designing, engineering, managing, and carrying out this project are likely to have short-term benefits for the regional economy. The temporary closure of this property during construction would have a minor impact on current public use, which is primarily comprised of parking and picnicking associated with the commercial jet-ski operation that is currently occupying the property.

The Leonard Destin Park project component is also likely to provide long-term benefits to the local community. These benefits would include enhanced public access to natural resources for recreational use and enhanced recreational experiences.

Section 6.6.1 of the Final Phase III ERP/PEIS states that project types that contribute to providing and enhancing recreational opportunities are not, in general, expected to create a disproportionately high and adverse effect on a minority or low-income population. Since this project would provide and enhance recreational opportunities, the Trustees find that the project does not meet any of the criteria to suggest that disproportionately high and adverse effects would likely fall on minority or low-income populations. Overall, short-term beneficial impacts to socioeconomics would occur as a result of the addition of temporary jobs in the area during construction. Long-term beneficial impacts associated with enhanced public access to natural resources for recreational use and enhanced recreational experiences are also anticipated.

#### *3.5.2.10.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities and the development of the public park would not occur and therefore no additional adverse or beneficial impacts to human uses and socioeconomics would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### *3.5.2.11 Cultural Resources*

##### *3.5.2.11.1 Affected Environment*

The Leonard Destin Park site is located on a parcel surrounded by developed areas. The site contains the site of the original homestead of Leonard Destin, founder of the City of Destin, but no surface structures remain. Coordination under Section 106 National Historic Preservation Act of 1966 has been initiated. Based on its historic significance, a cultural site survey is planned for this site. The Area of Potential Effect (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist (36 C.F.R. § 800.16 (d)). The APE of the project consists of areas where each improvement would take place, as well as the access road to each site.

##### *3.5.2.11.2 Environmental Consequences*

###### *3.5.2.11.2.1 Proposed Action*

The Final Phase III ERP/PEIS concludes that if not properly conducted, activities conducted under this project type have the potential to compromise a site's integrity and cause a loss of cultural information. BMPs and other mitigation measures that may be employed, depending on site-specific considerations, to further minimize or contain adverse impacts to cultural resources are detailed in Appendix E to this document. Most relevant to this project component is the recommendation to conduct preconstruction surveys for the presence of sensitive natural and cultural resources. As noted above, a preconstruction survey is planned for this site.

A complete review of this project site under Section 106 of the National Historic Preservation Act would be completed prior to any construction activities being implemented, with consideration of measures to avoid, minimize or mitigate any adverse effects on any cultural resources located within the project area. This project would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

#### *3.5.2.11.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal would not occur and no therefore additional adverse impacts to cultural resources would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.2.12 Infrastructure**

#### **3.5.2.12.1 Affected Environment**

The Leonard Destin Park site is located on the former homestead of Captain Leonard Destin. This property no longer contains any housing structures, but is currently being used by a private commercial pontoon and Jet Ski rental business. The site is currently zoned as Calhoun Mixed Use District. 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. The site is surrounded by developed areas. The site is connected to public sewer and water.

#### **3.5.2.12.2 Environmental Consequences**

##### *3.5.2.12.2.1 Proposed Action*

The Leonard Destin Park project component would include the construction of additional infrastructure (including a restroom building with outdoor showers, splash pad, and small irrigation system) which require appropriate utilities (public water and sewer systems). The conceptual plan includes construction of a gravel parking lot with approximately 30 parking spaces.

During construction activities there may be short-term disruptions to roadways in the vicinity of the project site. This project would involve the transport of construction vehicles, equipment, and materials. Construction waste would be removed by the contractor to an appropriate landfill using dump trucks, roll-off dumpsters, or trailers. Additional wear and tear to Calhoun Avenue could also occur from increased vehicle use as a result of increased visitor use over time to the site.

In summary, the project is anticipated to result in minor adverse impacts to existing infrastructure and utilities in the form of short-term, localized disruptions to services. The project is likely to add an additional burden on the public utilities due to increased use over the long term, resulting in a long-term minor adverse impact. However, the project improvements would provide benefits and amenities to park visitors over the long term. Thus, under the project there would be short-term and long-term minor adverse impacts to infrastructure, but long-term beneficial impacts as well.



#### *3.5.2.12.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; infrastructure improvements and additional demands on existing infrastructure would not occur and therefore no additional adverse or beneficial impacts to infrastructure would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.2.13 Land and Marine Management**

#### **3.5.2.13.1 Affected Environment**

The Leonard Destin Park site is privately owned and 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.

Pursuant to the Coastal Zone Management Act of 1972, federal activities must be consistent to the maximum extent practicable with the federally approved coastal management programs for states where the activities would affect a coastal use or resource. Federal Trustees are submitting consistency determinations for state review coincident with public review of this document.

#### **3.5.2.13.2 Environmental Consequences**

##### *3.5.2.13.2.1 Proposed Action*

For this project type, land and marine management impacts were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>24</sup>

The Leonard Destin Park site would need to be re-zoned for recreational use following acquisition. Land ownership would be transferred from private ownership to TPL, and ultimately, County ownership to be managed as a park. From the public perspective, this is a beneficial effect because more lands are owned and managed for public use.

##### *3.5.2.13.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; the current land use at the site and the adjoining shoreline would not change and therefore no additional beneficial impacts to land and marine management would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

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<sup>24</sup> Section 6.6.4 and 6.7.10.2 of the Final Phase III ERP/PEIS states that actions undertaken for this project type may lead to short-term adverse impacts, stemming from construction and land transfer activities. To the extent that projects better align management goals and assist management and staff to manage properties for the benefit of the environmental and human environment, long-term benefits may also accrue.

### *3.5.2.14 Aesthetics and Visual Resources*

#### *3.5.2.14.1 Affected Environment*

The affected aesthetic environment in the vicinity of the Leonard Destin Park is characterized by open water, coastline, and urban development. There are no designated protected viewsheds in the vicinity of the project site. The current site is partially vegetated, with bare spots. From the water, one fishing dock is visible.

#### *3.5.2.14.2 Environmental Consequences*

##### *3.5.2.14.2.1 Proposed Action*

For this project type, impacts to aesthetics and visual resources were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>25</sup>

During the construction phase of this project, construction equipment and operations would be likely located along the coast and within view of the water. To the extent required, the use of construction equipment, including equipment used for the movement and placement of materials (i.e., barges) and barriers enacted to protect public safety would result in some minor to moderate short-term adverse impacts on aesthetics and visual quality. These impacts result from the presence of equipment, barriers and construction-related dust and emissions. During the construction period, visible impedances would detract from the natural landscape and create visual contrast for observers visiting the project areas.

During construction, there would be temporary adverse aesthetic and visual impacts for recreational boaters, fishermen, and residents due to the use of construction equipment in and around the project areas. Although such changes would not dominate the viewsheds, they would detract from current user activities or experiences nearby. Over the long term, the dock that would be improved as part of this project would impact the appearance of the land from the water, creating a more developed appearance.

Improvements such as planned restoration efforts on the back beach areas, would lead to long-term beneficial impacts from the improved scenic quality of this project area. The raised expanded boardwalk would enhance accessibility to existing natural viewsheds, leading to long-term beneficial impacts from the project for visitors.

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<sup>25</sup> Section 6.6.8 and 6.7.14.2 of the Final Phase III ERP/PEIS states that this project type “would have minor to moderate short-term adverse impacts from the temporary landscape during the construction period from the presence of bulldozers, front-loaders and other large earth moving equipment required for upgrades or new facilities. These impacts would constitute a change in the viewshed that is readily apparent and which would attract attention in the short-term. Although such changes would not dominate the viewscape, they could detract from the current user activities or experiences. Over the long-term, the addition of infrastructure and facilities into the existing setting would present some degree of visual contrast. Long-term adverse effects of these enhancements would range from minor to moderate, depending on the existing aesthetic character of the surrounding landscape. Where the addition of these facility enhancements into the existing setting would present a large degree of visual contrast, impacts would be moderate because they would detract from the current user activities or experiences.”

Although the short-term and long-term minor adverse impacts to aesthetics are anticipated from this project component, the improvements would provide benefits and amenities to park visitors. Thus, under the project there would be short-term and long-term minor adverse impacts to aesthetics, but long term beneficial impacts as well.

#### *3.5.2.14.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction operations and the construction of various structures that may be viewed from the water would not occur and therefore no additional adverse or beneficial impacts to aesthetics and visual resources would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### *3.5.2.15 Tourism and Recreational Use*

#### *3.5.2.15.1 Affected Environment*

The Leonard Destin Park project component is located in Okaloosa County, on the Florida Panhandle. Common tourism and recreation activities in and around this location include boat and shoreline saltwater fishing, boat and shoreline fresh water fishing, hunting, hiking, camping, trail-riding, snorkeling, birding, canoeing, kayaking, boating, and swimming. The land proposed for this project is currently leased to a pontoon boat rental operation, and no other recreational uses occur on this site.

#### *3.5.2.15.2 Environmental Consequences*

##### *3.5.2.15.2.1 Proposed Action*

For this project type, the impacts to tourism and recreation are analyzed in the Final Phase III ERP/PEIS. The Leonard Destin Park would benefit tourism and recreation onsite and regionally, to the local city and county.<sup>26</sup>

Current recreational activities involving pontoon boat rentals at the Leonard Destin Park site would cease, but the range of recreational uses would expand after improvement construction at this site. Proposed improvement activities could result in some short-term minor to moderate adverse impacts to wildlife viewing, beach and waterfront visitors, tourism, and fishing. Impacts to these different resource areas stem from (1) temporary site closures enacted to protect public safety; and (2) construction activities and associated wildlife disturbances. These activities may limit and adversely impact tourism and recreational uses accessibility and opportunities; the impacts are anticipated to be minor and temporary. Beneficial economic effects would accrue to local recreational supply retailers, restaurants, and hospitality providers. These economic benefits would likely be concentrated in the service and retail

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<sup>26</sup> Section 6.6.5 and 6.7.11.2 of the Final Phase III ERP/PEIS states that recreational enhancement project types that include techniques such as beach re-nourishment, placing materials to create reef structures, and enhancing recreational infrastructure could provide long-term benefits to tourist and recreational uses by improving wildlife habitat, and increasing recreational amenities (such as beach facilities). As a result, these types of projects would enhance wildlife viewing, hunting, beach and waterfront visitors, fishing and tourist experiences and provide additional areas in which to experience these opportunities.

industry sectors. The project should result in beneficial impacts to tourism and recreational users over the long-term.

Overall, the implementation of the project would contribute positively to visitor experience and public access. Any adverse impacts to tourism and recreational use would be short-term and minor. Overall impacts would be long-term and beneficial.

#### *3.5.2.15.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; development of proposed park improvements would not occur and therefore no additional adverse or beneficial impacts to tourism and recreational use would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.2.16 Public Health and Safety and Shoreline Protection**

#### **3.5.2.16.1 Affected Environment**

Recreational angling is significant in the Florida panhandle and is primarily conducted from boats, shorelines, and piers near the Leonard Destin site. The current pier is unsafe and not in compliance with current ADA requirements. Pedestrian and vehicle traffic also exist at and around the proposed site and generate public health and safety concerns.

#### **3.5.2.16.2 Environmental Consequences**

##### *3.5.2.16.2.1 Proposed Action*

For this project type, the impacts to public health and safety and shoreline protection are analyzed in the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>27</sup>

As part of the project, the current pier at Leonard Destin Park site would be improved to comply with ADA requirements, increasing the safety of using it for all users.

Threats to public health and safety from construction activities would be mitigated through construction BMPs, including adequate staging of equipment, limitation of public access to equipment and staging area, and reduced park access during construction periods. BMPs in accordance with Occupational Safety and Health Administration (OSHA) and state and local requirements would be incorporated into construction activities on site to ensure the proper handling, storage, transport and disposal of all hazardous materials. Personal protective equipment would be required for all construction personnel and authorized access zones would be established at the perimeter of the worksite during construction.

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<sup>27</sup> Section 6.6.9 and 6.7.15.2 of the Final Phase III ERP/PEIS states that this project type “involving construction and construction activities would result in short-term minor adverse impacts to public health and safety as a result of the operation of heavy equipment and construction materials as well as the potential of hazardous waste and materials contaminating soils, groundwater, and surface waters. Projects would be designed using similar safety-related BMPs to reduce hazards.”

Soil and sediment stabilization measures would be incorporated into project design as needed in areas where the potential exists for erosion to occur in order to protect resources and ensure public health and safety.

Short-term adverse impacts to shoreline protection may occur as a result of the removal of vegetation for beach enhancements, which could increase erosion. No long-term adverse impacts to public health and safety are expected as a result of this project component. The dock improvements and boardwalk would improve boardwalk and pier safety for all users.

#### *3.5.2.16.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; development of proposed park improvements would not occur and therefore no additional adverse or beneficial impacts to public health and safety and shoreline protection would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.3 Lynn Haven Preserve and Park Component**

#### *3.5.3.1 Geology and Substrates*

##### *3.5.3.1.1 Affected Environment*

The 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 (USDA NRCS 2015). 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 (Brim and Handley 2006).

##### *3.5.3.1.2 Environmental Consequences*

###### *3.5.3.1.2.1 Proposed Action*

For this project type, impacts to geology and substrates were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>28</sup>

This project component includes in-water work to construct four docks. Dock one is a motorized boat dock (dock numbering moves from the southwest of the site in North Bay to the northeast in

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<sup>28</sup> Sections 6.5.1, 6.5.2 and 6.7.1.2 of the Final Phase III ERP/PEIS describe the impacts to geology and substrates from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.1 and 6.5.2.1 statements are explained in footnote 6.

McKitchen's Bayou, see Figure 3-7). Dock two is a fishing dock with paddle craft launch. Dock three is a fishing dock. Dock four is a dock with paddle craft access. Dock one would be a docking facility (boat access to the park only, no vehicle boat drop-off access). Docks two and three would be fishing docks. Overwater area of Dock one is expected to be approximately 2,625 square feet. Dock two would be approximately 1,000 square feet. Dock three would be approximately 1,000 square feet (including the 400 square foot platform pending additional submerged aquatic vegetation surveys and consultations). Dock four would be approximately 500 square feet. The total overwater dock area would be around 5,100 square feet. All dock work would 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, environmental, and construction cost considerations (e.g., jetting, pushing, or driving the piles). 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 would be subject to final design, but there would be less than 70 square feet of substrate displaced from pilings in the marine/estuarine environment. As such, long-term effects on a small area of marine substrates would occur as a result of this project component.

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 linear feet of two inch trunk line and 1,000 linear feet of two inch lateral force main. Additional ground disturbances and surficial digging would be associated with construction of three gravel parking lots for approximately 205 parking spaces, paving of an approximate 900 foot section (including a small culvert bridge) of the access road to the park, ten concrete handicap parking spaces, two picnic pavilions, three ADA compliant restrooms, an overlook structure, outdoor classroom with restrooms, maintenance building, fire hydrant installation, and installation of a small irrigation system and accompanying infrastructure. Concrete would be used for 10 ADA compliant parking spaces. Minor disturbances associated with tree plantings, enhancement of vegetated areas, natural playground area, and trails would occur. The depth depends on final engineering design for the structures, stormwater ponds, etc., but for the parking lot and access road, depth would be less than one foot. The extent of terrestrial digging and disturbances would likely be less than seven acres on site, most digging would occur where there are already clearings in the trees and mowing activities, and would avoid wetlands where possible.

Construction equipment and materials for staging have not been identified, but would likely be located on site, where the parking lot would be constructed. Although boardwalks and paved pathways would impact soils, the trails would direct and condense foot traffic into designated areas, minimizing adverse impacts to the overall site location.

Specific mitigation measures would be implemented during construction to minimize erosion and overall soil impacts. To the extent possible, the project would utilize existing development footprints and disturbed areas (e.g., parking areas). These would include following established BMPs for



construction activities such as the implementation of an erosion control and stormwater management plan, the installation of sediment traps prior to commencement of construction activities, and ongoing construction monitoring to ensure compliance. Any in-water piling work would be performed behind silt curtains to isolate construction impacts (see Appendix E for a list of potential best practices that would be undertaken, as appropriate).

Short-term as well as long-term disturbances to terrestrial soils and substrates would occur on site as a result of construction and site preparation activities. However, the impacts would be localized to approximately seven acres within the site area. Thus, with the impacts localized to the site, this project component would have short-term and long-term adverse, but minor impacts to geology and substrates.

#### *3.5.3.1.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse impacts to geology and substrates would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.3.2 Hydrology and Water Quality**

#### **3.5.3.2.1 Affected Environment**

The 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 (Brim and Handley 2006). 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 (FEMA 2014). 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 Lynn Haven Preserve and Park area (Brim and Handley 2006). 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 (FDEP 2015c). St. Andrew Bay is not listed as one of Florida's Outstanding Waters.

### 3.5.3.2.2 Environmental Consequences

#### 3.5.3.2.2.1 Proposed Action

For this project type, impacts to hydrology and water quality were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>29</sup>

This project component would include in-water work due to the construction of four docks: one motorized boat dock on the southwest portion of the property in North Bay, one fishing dock and paddle craft launch in North Bay, one fishing dock in McKitchen's Bayou, and one paddle craft access dock in McKitchen's Bayou. Overwater area of the docks are expected to be approximately 2,625 square feet, 1,000 square feet, 1,000 square feet, and 500 square feet, respectively. 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, environmental and construction cost considerations (e.g., jetting, pushing, or driving the piles). During construction, BMPs and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. This would include installation of floating turbidity barriers.

After construction, the presence of the motorized boat dock would 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 would be minimized through no-wake or speed zones to mitigate shoreline erosion.

To the maximum extent possible, all construction activities would avoid wetlands. Any work in waters of the U.S., including wetlands, associated with this project would be coordinated with the USACE pursuant to the Clean Water Act Section 404 and Rivers and Harbors Act (CWA/RHA). Coordination with the USACE and final authorization pursuant to CWA/RHA would be completed prior to the finalization of design and construction.

Terrestrial work that may affect hydrology and water quality includes construction of additional impervious surfaces such as ten ADA accessible parking spaces, concrete sidewalks in the northern portion of the park (covering approximately 9,050 square feet), asphalt access road (paving from Deer Point Elementary School to park entrance, approximately 900 feet), and multiple site structures in various places throughout the property (none larger than 2,400 square feet). These impervious surfaces would alter on-site stormwater run-off. A stormwater retention pond(s) would be constructed on site if engineering designs deem it to be necessary, in order to mitigate any potential impacts to hydrology and water quality. Construction of the boardwalks, structures, roads, and parking lots may temporarily impact water quality. Construction BMPs along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and

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<sup>29</sup> Sections 6.5.1, 6.5.2, and 6.7.2.2 of the Final Phase III ERP/PEIS describes the impacts to hydrology and water quality from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.2 and 6.5.2.2 statements are explained in footnote 7.

sedimentation impacts associated with construction activities (see Appendix E for a list of potential best practices that would be undertaken, as appropriate). Silt and sedimentation control measures would be installed and properly maintained to protect water quality resources.

The implementation of the project component would result in short-term as well as long-term adverse impacts on water quality and hydrology as a result of the construction of docks and impervious surfaces and site preparation activities. BMPs would be followed such that the impacts would be localized to the site area. Thus, with the impacts localized to the site, this project component would have short-term and long-term minor adverse impacts to water quality and hydrology. The project is not expected to have any significant adverse effects on floodplains pursuant to Executive Order 11988.

#### *3.5.3.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction of impervious surfaces and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse or beneficial impacts to hydrology and water quality would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.3.3 Air Quality and Greenhouse Gas Emissions**

#### **3.5.3.3.1 Affected Environment**

The affected environment for air resources this area is discussed in Section 3.5.1.3. The Lynn Haven Preserve and Park site is located Bay County, Florida which is not listed on EPA's current nonattainment counties list for all criteria pollutants (EPA 2015).

#### **3.5.3.3.2 Environmental Consequences**

##### *3.5.3.3.2.1 Proposed Action*

For this project type, air quality impacts were analyzed within the Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>30</sup>

Implementation of this project component could include use of heavy construction equipment, such as bulldozers, barges, trucks, backhoes, tractor trailers, cranes, small barges with crane, small excavators, fork lifts, asphalt machine, roller, small power tools, generators, small trucks, and hand tools. During construction activities, short-term adverse impacts to air quality would occur from the use of gasoline

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<sup>30</sup> Sections 6.5.1, 6.5.2 and 6.7.3.2 of the Final Phase III ERP/PEIS describe the impacts to air quality and greenhouse gas emissions from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.3 and 6.5.2.3 of the PEIS state, "During construction activities, short-term impacts to air quality and GHGs would occur from the use of gasoline and diesel powered construction vehicles and equipment, including barges, and exhaust produced by the use of this equipment. Examples of project-specific projected emissions are located in Chapters 8 through 12. The severity of impacts would be highly dependent on the length and type of construction required and the location of the project. There is a slight potential for fugitive dust creation from construction activities, resulting in minor to moderate adverse impacts. Long-term minor adverse effects from these enhancements due to increased recreational use and associated vehicle traffic may occur."

and diesel powered construction vehicles and equipment, including barges, and exhaust produced by the use of this equipment. Project implementation would require the use of equipment which would temporarily affect air quality in the site vicinity due to construction vehicle emissions. Most impacts to air quality would be localized and occur only during active construction activities.

CEQ guidance states that Federal agencies, to remain consistent with NEPA, should consider the extent to which a proposed action and its reasonable alternatives contribute to climate change through GHG emissions and take into account the ways in which a changing climate over the life of the project may alter the overall environmental implications of such actions. CEQ recommends that agencies use a reference point to determine when GHG emissions warrant a quantitative analysis taking into account available GHG quantification tools and data that are appropriate for proposed agency actions. In addressing GHG emissions, agencies should be guided by the principle that the extent of the analysis should be commensurate with the quantity of projected GHG emissions. When assessing the potential significance of the climate change impacts of their proposed actions, agencies should consider both context and intensity, as they do for all other impacts (CEQ 2014).

In its recent guidance, CEQ provides a threshold of 25,000 metric tons of CO<sub>2</sub> emissions on an annual basis below which a GHG emissions quantitative analysis is not warranted unless quantification below that reference point is easily accomplished. CEQ states that this is an appropriate reference point that would allow agencies to focus their attention on projects with potentially large GHG emissions. In its guidance, the CEQ "Recommends that an agency select the appropriate level of action for NEPA review at which to assess the effects of GHG emissions and climate change, either at a broad programmatic or landscape-scale level or at a project- or site-specific level and that the agency set forth a reasoned explanation for its approach (CEQ 2014)." Engine exhaust from bulldozers, excavators, trucks, backhoes and other vehicles would contribute to an increase in GHGs. However, the Trustees have reasoned that due to the small-scale and short duration of the construction portion of the project, predicted GHG emissions would be short-term and minor and would not exceed 25,000 metric tons per year per site, and thereby does not warrant a quantitative analysis of GHG emissions. Indeed, some projects of similar scope and scale were included in the Phase III ERP/PEIS and were developed enough in their design to estimate specific construction vehicle use estimated emissions. Analyses for these projects found that they would not exceed 25,000 metric tons of CO<sub>2</sub> emissions, the threshold for triggering additional requirements for GHG emissions. As such, it appears likely that this project component would not exceed the threshold for additional analysis.

#### *3.5.3.3.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities including the use of construction vehicles and fossil fuel burning equipment would not occur and therefore no additional adverse air quality and greenhouse gas emissions would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### 3.5.3.4 Noise

#### 3.5.3.4.1 Affected Environment

Section 3.2.4 of the Final Phase III ERP/PEIS states the primary sources of terrestrial noise in the coastal environment are transportation and construction-related activities. The primary sources of ambient (background) noise in the project areas are operation of vehicles, humans, recreational vessels, and natural sounds such as wind and wildlife. City noise is mainly from vehicles and human activities. The level of noise in the project areas vary depending on the season, time of day, number and types of noise sources, and distance from the noise source.

The Lynn Haven Preserve and Park component is within an undeveloped parcel of Bay County Florida. The closest terrestrial structure is the Deer Park Elementary school (approximately 5,000 feet from the proposed park border). However developed residential/vacation areas exist across North Bay to the west. To the north, the McCall Everitt Park and Boat Ramp is a source of recreational vessel noise. Other existing sources of noise in the project area include overhead aircraft and ambient natural sounds such as wind and wildlife.

#### 3.5.3.4.2 Environmental Consequences

##### 3.5.3.4.2.1 Proposed Action

For this project type, noise impacts were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>31</sup>

The project component would generate construction noise associated with equipment during construction of the docks (including placement of new piles, two approximately 8" pilings for every 10 feet of dock), boardwalk, overlook structure, restrooms, picnic pavilions, stormwater pond(s) (as-needed), parking lots, concrete sidewalks, disc-golf course, access road, signs, vegetation clearing, outdoor classroom, and other amenities. Implementation of the project would include transportation of construction materials to the project area, which may include trucks or other types of transportation and also contribute to short-term noise disturbances.

Human activities on adjacent properties and wildlife in and around the project areas may be sensitive to changes in noise sources or levels due to project construction. Construction equipment (e.g., generators, pile drivers, etc.) noise is known to disturb fish, marine mammals, and nesting shorebirds. Placement of the dock piles would be done using the least disturbing techniques given substrate and construction cost considerations (e.g., jetting, pushing, or driving the piles). Conservation measures for marine mammals from noise are discussed further in the Protected Species section. Construction noise can also be a nuisance to residents living or recreating on the shorelines adjacent to project construction activities.

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<sup>31</sup> Sections 6.5.1, 6.5.2, and 6.7.1.2 of the Final Phase III ERP/PEIS describe the impacts to noise from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.4 and 6.5.2.4 statements are explained in footnote 9.

Construction activities at the site would result in short-term moderate impacts to noise at the site and in the immediate vicinity.

Mitigation measures that serve to limit noise impacts to humans from construction activities include: limiting activity at project sites to daytime hours; limiting truck traffic ingress/egress to the site to daytime hours; promoting awareness that producing prominent discrete tones and periodic noises (e.g., excessive dump truck gate banging) should be avoided as much as possible; and requiring that work crews seek pre-approval for any weekend activities, or activities outside of daytime hours. The timing of noise producing activities in-water would be planned to minimize disturbances to marine life. Because construction noise is temporary, any negative impacts to the human and marine environment during construction activities would be short-term, adverse, and minor. Standard practices such as muffle units for generators would be implemented during construction operations to mitigate noise impacts (see Appendix E).

Once the park is open, visitors may cause some noise associated with picnicking and parking. These noises could be slightly more disturbing to any resting or roosting birds that may utilize the site compared to baseline conditions, although the site's close proximity to the high traffic waterway may render these increases as negligible. Overall, long-term noise impacts at this project component from personal vehicle use, boating, fishing, and other recreational activities would likely be minor and adverse.

#### *3.5.3.4.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities including the use of equipment and vehicles would not occur and therefore no additional adverse or beneficial impacts to noise would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.3.5 Habitat**

#### **3.5.3.5.1 Affected Environment**

The Lynn Haven Preserve and Park site is located within Bay County on the Florida Panhandle against an eastern shore of North Bay (in St. Andrew Bay), south of Route 77A. 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. The most updated wetland assessment shows that there are estuarine and marine intertidal wetlands, freshwater emergent wetlands, and freshwater forested/shrub wetland (USFWS 2015). The property includes approximately 58.5 acres of upland habitat and 32.2 acres of wetlands. 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 (Google Maps Imagery 2015). However, SAV surveys would be conducted as part of assessments prior to finalization of engineering and design plans.

### 3.5.3.5.2 Environmental Consequences

#### 3.5.3.5.2.1 Proposed Action

For this project type, impacts to habitats were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>32</sup>

The improvements at Lynn Haven Preserve and Park are on a site with no previous development and only minor disturbances (e.g., unofficial roads, mowing). This project would include in-water work to construct 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 see Figure 3-11). Dock 2 is a fishing dock with paddle craft launch. Dock 3 is a fishing dock. Dock 4 is a dock with paddle craft access. Dock 1 would be a docking facility (boat access to the park only, no vehicle boat drop-off access). Docks 2, 3, and 4 would be fishing piers (docks). Overwater area of Dock 1 is expected to be approximately 2,625 square feet. Dock 2 is approximately 1,000 square feet Dock 3 is approximately 1,000 square feet. Dock 4 is approximately 500 square feet. The total overwater dock area is around 5,100 square feet. All dock work would 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, environmental and construction cost considerations (e.g., jetting, pushing, or driving the piles). 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 would be subject to final design, but there would be less than 70 square feet of substrate displaced from pilings in the marine/estuarine environment. As such, long-term effects on a small area of marine substrates would occur as a result of this project component. Additionally, construction activities could result in indirect impacts to aquatic habitat due to erosion and increased turbidity during construction. The release of sediments during construction would be controlled using best management practices and mitigation to protect soil resources, prevent the transport of sediment into waterways, confine impacts to construction sites, and minimize the magnitude of the impacts on downstream water quality.

USACE and NMFS dock construction guidelines would be followed where possible regarding dock construction, however, final placement and design would include considerations for ADA compliance. In-water and terrestrial improvements would avoid wetlands to the extent practical and feasible and are subject to regulatory consultations and final design.

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<sup>32</sup> Sections 6.5.1, 6.5.2, and 6.7.5.2 of the Final Phase III ERP/PEIS describe the impacts to habitat from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.5 and 6.5.2.5 statements are explained in footnote 10.

This site includes 32.2 acres of wetlands, as noted above. Following a recent wetland delineation at the site, the conceptual plan has been adjusted marginally to avoid most impacts to wetlands. The internal access road and the foot trails may affect some wetland areas. These were sited to offer the least possible impacts to wetlands. The project plan anticipates that the road would use culvert crossings rather than fill, and that the trails would use raised boardwalks rather than fill, where crossing wetlands.

Construction equipment and materials for staging have not yet been identified, but would likely be located on site, where the parking lot would be constructed, or on previously disturbed sites. Although boardwalks, overlook decks, buildings, restrooms, disc golf course, and parking lots could potentially impact habitats (e.g., removal of trees and understory for buildings), most of the improvements are proposed for areas outside wetlands or on previously disturbed areas including mowed areas and unofficial roads (e.g., walking trails on existing unofficial roads). There is the potential for removal of trees and impacts to wetlands, but the conceptual plan is designed to minimize removal of habitat. Additionally, the trails would direct and condense foot traffic into designated areas, minimizing adverse impacts to the overall site location.

This Lynn Haven Preserve and Park component intends to preserve approximately half of the existing habitat on site. This includes longleaf pine habitat preservation and restoration and existing oak hammock preservation. Most of the southern part of this parcel is proposed as conservation areas.

Specific mitigation measures would be implemented during construction to minimize erosion and overall habitat impacts. To the extent possible, the project would utilize existing development footprints and disturbed areas (e.g., parking areas). Park improvements would be designed to avoid or minimize impacts to wetlands. Invasive species removal actions in the wetlands as part of operation and maintenance are being considered as potential mitigation measures for any unavoidable wetland impacts at Lynn Haven Preserve and Park. Minimization and avoidance measures would be developed in consultation with the USACE. This project complies with the Protection of Wetlands Executive Order (Executive Order 11990) by meeting the requirements presented in the Order including consideration of the factors relevant to the proposal's effect on the survival and quality of wetlands as specified in Section 5 (a-c). Additional mitigation measures and reduction of adverse impacts would include following established BMPs for construction activities such as the implementation of an erosion control and stormwater management plan, the installation of sediment traps prior to commencement of construction activities, and ongoing construction monitoring to ensure compliance. Any in-water piling work would be performed behind silt curtains to isolate construction impacts and reduce any impacts to surrounding habitat (see Appendix E for a list of potential best practices that would be undertaken, as appropriate).

Short-term as well as long-term disturbances to habitat would occur on site as a result of construction and site preparation activities. Because the construction activities would largely disturb habitat that has already been disturbed, which may contain non-native species, and would be localized to the site, adverse impacts to habitats would be short and long-term, but minor.

#### *3.5.3.5.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; dock construction and other construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse or beneficial impacts to habitat would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### **3.5.3.6 Migratory Birds**

##### **3.5.3.6.1 Affected Environment**

Migratory birds that could potentially utilize the Lynn Haven Preserve and Park parcel were identified using the USFWS IPaC. Migratory birds could potentially utilize this site for nesting, foraging, roosting, and breeding. Four species groups were identified at this site as wading birds, shorebirds, raptors, and songbirds. Potential wading birds at this site could include herons, egrets, and rails. Potential shorebirds at this site could include plovers and terns. Potential raptors at this site could include the falcons, hawks, and kites. Potential songbirds at this site could include sparrows, warblers, and woodpeckers. There are no bald eagles known to occur at this site (USFWS 2015). The project site, which is in the Florida Panhandle, could provide stopover and staging habitat for migratory birds.

##### **3.5.3.6.2 Environmental Consequences**

###### *3.5.3.6.2.1 Proposed Action*

For this project type, impacts to migratory birds were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>33</sup>

The Trustees have begun coordination and review of the project for impacts to bald eagles and migratory birds in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712) to ensure appropriate conservation measures and BMPs would be incorporated into the project. There are no apparent suitable sites for bald eagle nests in and around the project area and no eagle nests have been documented on the proposed site. If bald eagle nests are located during pre-construction site assessments, best management practices under the Bald and Golden Eagle Protection Act would be followed to minimize harm to bald eagles. The MBTA requires the protection of all migratory bird species and protection of ecosystems of special importance to migratory birds against detrimental alteration, pollution, and other environmental degradation. Migratory birds could use areas at and around the project location for foraging, feeding, resting, and nesting. Noise and physical disruptions related to construction and increased human activity from park operations and maintenance, and public use may impact birds.

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<sup>33</sup> Sections 6.5.1, 6.5.2, and 6.7.6.2 of the Final Phase III ERP/PEIS describes the impacts to living resources from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.6 and 6.5.2.6 statements are explained in footnote 11.

Construction equipment and materials for staging have not yet been identified, but would likely be located on site, where the parking lot would be constructed, or on previously disturbed sites. Although boardwalks, overlook decks, buildings, restrooms, disc golf course, and parking lots could potentially impact habitats (e.g., removal of trees and understory for buildings), most of the improvements are proposed for areas outside wetlands or on previously disturbed areas including mowed areas and unofficial roads (e.g., walking trails on existing unofficial roads). There is the potential for removal of trees and impacts to wetlands, but the conceptual plan is designed to minimize removal and impacts to habitat.

Specific conservation measures would be implemented during construction to minimize disruption and overall impacts to birds. The migratory bird species groups, impacts to the species groups and conservation measures proposed for the Lynn Haven Point Park parcel improvements are listed below. General avoidance and minimization measures are described as follows. To the extent possible, construction activities would avoid specific habitat locations onsite if there are known nesting birds and avoid nesting seasons. Pre-construction nesting surveys for migratory birds and raptors would be conducted and if evidence of nesting is found, the Trustees would coordinate with the USFWS to develop and implement appropriate conservation measures. At a minimum, trees or shrubs with active nests would be flagged and avoided. To minimize impacts to migratory birds from increased human activity, trails would divert and concentrate recreational users away from any important nesting, foraging, or rookery locations including those in the oak hammocks and shorelines. Access to the shoreline habitats would be limited to specific access areas and boardwalk/dock areas. This project component proposes minimal habitat fragmentation by improvements on existing areas of disturbance. Additionally, signage would 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; some habitat could be permanently destroyed when structures are constructed on site; however destruction of habitat areas would be minimized and avoided wherever possible.

- **Wading Birds.** 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. These species are known to avoid areas with high human activity when given the opportunity. Roosting would not be affected because the proposed construction would occur during daylight hours only. No take of wading birds is anticipated.

- **Shorebirds.** 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 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. These species are known to avoid areas with high human activity when given the opportunity. Therefore, no take of shorebirds is anticipated.

- **Raptors.** Raptors could forage and rest in the action 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 and resting. These birds primarily nest and roost in trees. There are no known raptor nests on site. The 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. These species are known to avoid areas with high human activity when given the opportunity. Conservation measures would 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.** Songbirds could forage, rest and nest in the project area. It is expected that 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 would be completed prior to any tree/shrub removal and any trees/shrubs with active nests would be flagged and avoided. For these reasons, no take of songbirds or their nests is anticipated.

Short-term disturbances to migratory birds could occur on site as a result of habitat disturbances and construction activities for this project component. However, the impacts would be localized. Additionally, habitat conservation at the Lynn Haven Preserve and Park would provide benefits to any migratory birds that might use this parcel. Because construction activities would be localized to the site and care would be taken to minimize impacts (e.g., minimize noise and vibration, conducting construction activities during daylight hours), adverse impacts to migratory birds would be short-term and minor.

#### 3.5.3.6.2.2 *No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse impacts to migratory birds would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### 3.5.3.7 *Protected Species*

##### 3.5.3.7.1 *Affected Environment*

Protected species and their habitats include ESA-listed species and designated critical habitats, which are regulated by either the USFWS or the NMFS. Protected species also include marine mammals protected under the Marine Mammal Protection Act, and Essential Fish Habitat (EFH) protected under the Magnuson-Stevens Fishery Conservation and Management Act.

A full list of Federally threatened, endangered, proposed, candidate, and other species of concern in the Florida panhandle, by county, is available and was used to cross reference the USFWS IPaC produced list (USFWS 2015). The Trustees have also started reviewing the project component and associated actions for potential impacts to the protected species and their associated critical habitat managed by NMFS. Affected species and critical habitat identified as possibly occurring at this site and their status (T= threatened, E= endangered, SSC=Sate Species of Special Concern) include the following:

- Gulf sturgeon (T)
- West Indian manatee (E)
- Green sea turtle (T)
- Hawksbill sea turtle (E)
- Kemp's ridley sea turtle (E)
- Leatherback sea turtle (E)
- Loggerhead (T)
- Florida skullcap (T)
- Godfrey's butterwort (T)
- Papery whitlow-wort (T)
- Telephus spurge (T)
- White birds-in-a-nest (T)
- Harper's beauty (E)
- Panama city crayfish (SSC)

There is no marine or terrestrial critical habitat on the proposed Lynn Haven Preserve and Park parcel or adjacent waterbody.



### 3.5.3.7.2 Environmental Consequences

#### 3.5.3.7.2.1 Proposed Action

For this project type, impacts to protected species were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>34</sup>

NMFS and USFWS have initiated consultation for the proposed park site in Bay County related to potential impacts to protected species in accordance with section 7 of the ESA. Conservation measures recommended during consultation would be incorporated into final project design and implementation to avoid and/or minimize impacts to protected species and critical habitats. Specific conservation measures would be implemented during construction to minimize disruption and overall impacts to protected species. Below is a list of potential protected species at the Lynn Haven Preserve and Park site location, their habitat preference, effects from improvement activities and conservation measures.

- **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 project component may have direct or indirect adverse effects on Gulf sturgeon.

Impacts to the Gulf sturgeon would be avoided and minimized by implementation of BMPs during ground disturbance activities that would 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. All work would 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. In-water work would most likely take place during the spring and summer months, when Gulf Sturgeon are not likely to be present in inshore waters. Additional adverse impact reduction strategies would include the following:

- Control turbidity levels through the use of floating turbidity screens during in-water construction; and
- 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.

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<sup>34</sup> Sections 6.5.1, 6.5.2, and 6.7.6.2 of the Final Phase III ERP/PEIS describes the impacts to living resources from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.6 and 6.5.2.6 statements are explained in footnote 11.

- **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. Sea turtles, specifically Kemp's ridley and Green, are sometimes caught as bycatch from recreational pier fishing. Sea turtles, specifically Kemp's ridley and Green, are sometimes bycatch from recreational pier fishing. However, historically there are not many sea turtle strandings in this area (e.g., approximately 20 Kemp's ridley and 15 Green turtle strandings in Choctawhatchee Bay and East Bay over the last eight years). Thus, 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 are unlikely.

To avoid and minimize adverse impacts the best management practices identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) and the Standard Manatee Conditions for In-Water Work (USFWS 2011) would 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. Additional conservation measures for sea turtles include the use of wildlife friendly lighting on both docks. Lighting would be placed on docks for boater safety. The lighting would be wildlife friendly, consisting of solar LED lights.

- **West Indian manatee and other marine mammals.** 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.). 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 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, pushing, or driving the piles). BMPs, to limit the noise from the placement of piles (e.g., consideration of bubble curtains) would be evaluated with the selection of the final construction methods and implemented, as appropriate. If placement of the piles requires anything other than pushing or jetting (i.e., if pile drivers or vibratory hammers are used), Marine Mammal Protection Act (MMPA) coordination would be initiated and the Trustees would work with the NMFS' Office of Protected Resources to develop a mitigation plan or seek Incidental Harassment Authorization, as appropriate. As such, appropriate conservation measures would be undertaken to avoid adverse impacts associated with noise from construction activities.

To avoid and minimize the risk of adverse impacts the best management practices identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) and the Standard Manatee Conditions for In-Water Work (USFWS 2011) would 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.

- **Plants (Florida skullcap, Godfrey's butterwort, papery whitlow-wort, Telephus spurge, white birds-in-a-nest, and Harper's beauty).** These six plants occur primarily in wet prairies, savannahs, and pine flatwoods. Habitat on this parcel consists mostly of scrub oak areas, pine, oak hammocks, wetlands, magnolia trees, and longleaf pines, providing potential habitat for these plants. Although these plants could occur on the parcel, they are not known to inhabit the site. Potential benefits to these plants would be provided via restoration and conservation of the pine habitat on the site. However, if construction of trails occurs where plants are growing, there could be adversely impacted.

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 would be contacted.

- **Panama City crayfish.** This state listed species of special concern is pending review for federal designation. It is typically found in coastal plain flatwood forests and vernal pools. It is a freshwater species that lives in burrows on land and prefers open wetlands with herbaceous vegetation and no tall trees or overstory vegetation (less than fifty percent cover). The soil types that provide preferential habitat for this crayfish are Pamlico-Dorovan Complex, Rutlege Sand, Plummer Sand, Pelham Sand, Rutledge Sandy Loam, and Rutlege Pamlico Complex. This site contains only two of these soil types including Pamlico-Dorovan Complex and Rutledge Sand. Pamlico-Dorovan Complex soil covers approximately 13 percent of area of interest on the northeast side of the parcel, which has some areas with less than 50 percent canopy cover, making this suitable habitat for the crayfish. Rutlege sand covers approximately 3 percent of the

area of interest on the southwestern part of the parcel, which has some areas with less than 50 percent canopy cover. Although this species could occur on the parcel, it is not known to inhabit the site. Potential benefits to the Panama City crayfish would be provided via conservation of existing habitat areas on site.

Although a Florida state species of special concern, it does not have federal designation as a listed species. Thus, there are no requirements to avoid and minimize impacts to this species. Pre-construction surveys for presence of Panama City crayfish would be conducted, and if evidence of Panama City crayfish is found, the Trustees would coordinate with the Florida Fish and Wildlife Conservation Commission to develop and implement appropriate conservation measures.

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

The preservation and restoration of over half of the area at this site would help to reduce any adverse effects to protected species at or around this site. The following conservation measures would be followed to avoid and minimize adverse indirect impacts to protected 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 would 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 would be planned and maintained.
- Soil erosion best management practices such as sediment traps, erosion check screen filters, and hydro mulch to prevent the entry of sediment into waterways would be used.
- Any hazardous waste that is generated in the project area would be promptly removed and properly disposed of.
- Equipment would be inspected for leaks of oil, fuels, or hydraulic fluids before and during use to prevent soil and water contamination. Contractors would be required to implement a plan to promptly clean up any leaks or spills from equipment, such as hydraulic fluid, oil, fuel, or antifreeze.
- Onsite fueling and maintenance would be minimized. If these activities could not be avoided, fuels and other fluids would be stored in a restricted/designated area, and fueling and maintenance would be performed in designated areas that are bermed and lined to contain spills. Provisions for the containment of spills and the removal and safe disposal of contaminated materials, including soil, would be required.
- Actions would be taken to minimize effects on site hydrology and fluvial processes, including flow, circulation, water level fluctuations, and sediment transport. Care would be taken to avoid any rutting caused by vehicles or equipment.

- Measures would be employed to prevent or control spills of fuels, lubricants, or other contaminants from entering wetland areas. Action would be consistent with state water quality standards and Clean Water Act Section 401 certification requirements.
- Appropriate erosion and siltation controls would be maintained during construction.
- Fill material would be properly maintained to avoid adverse impacts on aquatic environments or public safety.
- All contractors and their employees would be trained regarding safety protocols (fuel handling), and food storage regulations. Storage and handling of food and other attractants would be required to minimize potential conflicts with wildlife. All project crews would be required to meet standards for sanitation, attractant storage, and access.
- Construction workers and supervisors would be informed about the potential for special status species in the work area. Contract provisions that require a stop in construction activities if a special status species is discovered until staff members evaluate the situation would be included. Protection measures would be modified as appropriate to protect the birds.

Short-term disturbances to protected species could occur on site as a result of habitat disturbances and construction activities. However, the impacts would be localized. There could be benefits to protected species on site by conservation of existing habitat of oaks and uplands and restoration of habitat including longleaf pines. Thus, this project component could have short-term minor adverse impacts to protected species. As noted above, Trustees have initiated ESA section 7 consultations on protected species. Conservation measures recommended during consultation would be incorporated into final project design and implementation to avoid and/or minimize impacts to protected species and designated critical habitats.

#### *3.5.3.7.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse or beneficial impacts to protected species would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.3.8 EFH**

#### **3.5.3.8.1 Affected Environment**

EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act as "those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity (16 U.S.C. § 1802(10))." The designation and conservation of EFH seeks to minimize adverse impacts on habitat caused by fishing and non-fishing activities. The NMFS has identified EFH habitats for the Gulf of Mexico in its Fishery Management Plan Amendments. These habitats include estuarine emergent wetlands, seagrass beds, algal flats, mud, sand, shell, and rock substrates, and the estuarine water column.

Lynn Haven Preserve and Park includes mud substrate and estuarine water column habitat in the water off of the park area. No Habitat Areas of Particular Concern (HAPC) or EFH Areas protected from fishing were identified within the project area.

### 3.5.3.8.2 Environmental Consequences

#### 3.5.3.8.2.1 Proposed Action

Under the Proposed Action, area covered by the four docks would be built would be permanently shaded. Therefore, these areas would likely no longer support SAV following construction due to shading, should SAV be present at the site. The conceptual design for this project proposes a total overwater area to be covered by the four docks of approximately 5,100 square feet. The Trustees have initiated an EFH consultation with NMFS (Habitat and Conservation Division) to inform regulatory compliance with EFH requirements. After initiating consultations with NMFS, it was determined that an EFH assessment for the Lynn Haven Preserve and Park was not necessary because this site does not contain SAV submerged aquatic vegetation and proposed activities would not affect EFH. No Action Alternative

#### 3.5.3.8.2.2 No Action

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; in-water construction activities including the addition of a dock would not occur and therefore no additional adverse impacts to EFH would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### 3.5.3.9 Invasive Species

#### 3.5.3.9.1 Affected Environment

The potential introduction of terrestrial and aquatic non-native invasive species of plants, animals, and microbes is a concern for any project. Non-native invasive species could alter existing terrestrial or aquatic ecosystems, may cause economic damages and losses, and are a common reason for protecting species under the Endangered Species Act. The species that are or may become introduced, established, and invasive are difficult to identify prior to occurrence. Surveys have not been conducted to specifically determine if invasive species are present.

### 3.5.3.9.2 Environmental Consequences

#### 3.5.3.9.2.1 Proposed Action

The analysis focuses on pathway control or actions/mechanisms that may be taken or implemented to prevent the spread of invasive species on site or the introduction of invasive species to the site. The Lynn Haven Preserve and Park component involves in-water construction of a boat dock and fishing dock, construction of picnic areas, boardwalk, overlook, playgrounds, restrooms, and a parking area. The construction equipment that would be used would serve as potential pathways to introduce or spread invasive species in the aquatic and terrestrial environment. BMPs to control the spread of any invasive species present, and prevent the introduction of new invasive species due to the project would be implemented. In general, BMPs would primarily address risk associated with vectors (e.g., construction



equipment, personal protective equipment, delivery services, foot traffic, vehicles/ vessels, shipping material). The potential for introduction and spread of invasive species would be minimized by requiring the contractor to clean all equipment (i.e., inspect and remove presence of mud, seeds, vegetation, insects, and other species) before entering and when leaving the project sites. Through the implementation of BMPs, the potential spread or introduction of invasive species would be minimized. The implementation of these BMPs meets the spirit and intent of EO 13112. Due to the implementation of BMPs, the Trustees expect risk from invasive species introduction and spread to be short-term and minor.

### 3.5.3.9.2.2 No Action Alternative

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities including the use of construction equipment and vehicles and other potential pathways to introduce or spread invasive species would not occur and therefore no additional adverse impacts to invasive species would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### 3.5.3.10 Socioeconomics and Environmental Justice

#### 3.5.3.10.1 Affected Environment

The Lynn Haven Preserve and Park site is located in Bay County, Florida, which is demographically similar to Florida and to the United States as a whole (see Table 3-3). The percent of white individuals (82.4 percent) in Bay County is slightly higher than that for the State of Florida and the United States, both approximately 77 percent (U.S. Census Bureau, 2015). Across all three geographic areas the percent of the population (aged 25 or older) with a high school education or higher is very similar, all between 86 and 87 percent. The percent of the population (aged 16 or older) in the labor force in Bay County (61.4 percent) is slightly higher than the State level (59.7 percent) and slightly lower than the Country level (63.8 percent) (U.S. Census Bureau, 2015). When considering median household income, Bay County is very similar to the State of Florida, both slightly lower than the United States. With respect to poverty, the percent of persons in poverty is slightly higher in Bay County (18.0 percent) than in Florida and the entire United States (16.5 percent and 14.8 percent respectively) (U.S. Census Bureau, 2015).

**Table 3-3. Bay County Demographics**

Location	Population (2014)	Percent White Alone (2014)	Percent of population aged 25 or older with high school education or higher (2009-2013)	Percent of population aged 16 or older in civilian labor force (2009-2013)	Median household income, 2013 dollars (2009-2013)	Percent of persons in poverty
Bay County, FL	178,985	82.4%	87.0%	61.4%	\$47,461	18.0%
Florida	19,893,297	77.8%	86.1%	59.7%	\$46,956	16.5%
United States	318,857,056	77.4%	86.0%	63.8%	\$53,046	14.8%

Source: United States Census Bureau. 2015. QuickFacts Beta. Accessed 11/5/2015.  
<http://www.census.gov/quickfacts/table/PST045214/00>

### 3.5.3.10.2 Environmental Consequences

#### 3.5.3.10.2.1 Proposed Action

The Lynn Haven Park Preserve and Park project component is likely to provide long-term benefits to the local community. These benefits would include enhanced public access to natural resources for recreational use and enhanced recreational experiences. Construction and spending associated with designing, engineering, managing, and carrying out this project are likely to have short-term benefits for the regional economy. The temporary closure of this property during construction would have negligible impact on current public use, as the property is currently gated and closed to the public.

Section 6.6.1 of the Final Phase III ERP/PEIS states that project types that contribute to providing and enhancing recreational opportunities are not, in general, expected to create a disproportionately high and adverse effect on a minority or low-income population. Since this project would provide and enhance recreational opportunities, the Trustees find that the project does not meet any of the criteria to suggest that disproportionately high and adverse effects would likely fall on minority or low-income populations. Overall, short-term beneficial impacts to socioeconomics would occur as a result of the addition of temporary jobs in the area during construction, and the long-term impact of this project is beneficial.

#### 3.5.3.10.2.2 No Action Alternative

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities and the development of the public park would not occur and therefore no additional beneficial or adverse impacts to human uses and socioeconomics would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### 3.5.3.11 Cultural Resources

The Lynn Haven Preserve and Park site is relatively undeveloped at present, though some dirt roadways exist on site. Coordination under Section 106 National Historic Preservation Act of 1966 has been initiated. Due to the undeveloped state of the parcel, cultural site survey is planned for this site. The Area of Potential Effect (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist (36 C.F.R. § 800.16 (d)). The APE of the project consists of areas where each improvement would take place, as well as the access road to each site.

#### 3.5.3.11.1 Environmental Consequences

##### 3.5.3.11.1.1 Proposed Action

The Final Phase III ERP/PEIS concludes that if not properly conducted, activities conducted under this project type have the potential to compromise a site's integrity and cause a loss of cultural information. BMPs and other mitigation measures that may be employed, depending on site-specific considerations, to further minimize or contain adverse impacts to cultural resources are detailed in Appendix E to this document. Most relevant to this project component is the recommendation to conduct preconstruction

surveys for the presence of sensitive natural and cultural resources. As noted above, a preconstruction survey is planned for this site.

A complete review of this project site under Section 106 of the National Historic Preservation Act would be completed prior to any construction activities being implemented, with consideration of measures to avoid, minimize or mitigate any adverse effects on any cultural resources located within the project area. This project would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

#### *3.5.3.11.1.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse impacts to cultural resources would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### *3.5.3.12 Infrastructure*

##### *3.5.3.12.1 Affected Environment*

The Lynn Haven Preserve and Park property is a cut-out from a larger commercially owned property and is currently undeveloped. There is currently no public access to the site, but dirt roads for property maintenance exist throughout the site. The site is located on land with existing infrastructure in proximity of the project site. At the edge of the property, a dirt road connects the site to a nearby elementary school. The site is connected to public sewer and water, but new extensions would need to be built to reach the site.

##### *3.5.3.12.2 Environmental Consequences*

###### *3.5.3.12.2.1 Proposed Action*

This project would include the paving of an access road outside of the project site, which would include the construction of a small 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 appropriate utilities (public water and sewer systems). These utilities would need to be extended to site facilities. The conceptual plan includes construction of three gravel parking lot with approximately 205 parking spaces in total.

This project component would involve the transport of construction vehicles, equipment, and materials. Construction waste would be removed by the contractor to an appropriate landfill using dump trucks, roll-off dumpsters, or trailers. Short-term disruptions caused by roadway traffic in the vicinity of the project site should be minimal, as the area surrounding the site is largely undeveloped. Construction of the off-site road to the site would result in improved road access to the area for the public over the long-term. Increased use of this part of the road, which is currently dirt, would be expected.

In summary, the project is likely to add an additional burden on the public utilities due to increased use over the long term, resulting in a long-term minor adverse impact. However, the project improvements

would provide benefits and amenities to park visitors over the long term. Thus, under the project there would be long-term minor adverse impacts to infrastructure, but long-term beneficial impacts as well.

#### *3.5.3.12.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; infrastructure improvements and additional demands on existing infrastructure would not occur and therefore no additional adverse or beneficial impacts to infrastructure would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.3.13 Land and Marine Management**

#### **3.5.3.13.1 Affected Environment**

The Lynn Haven Preserve and Park site is privately owned and zoned as “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. The nearshore bottomlands are considered state-owned and are held in public trust.

#### **3.5.3.13.2 Environmental Consequences**

##### *3.5.3.13.2.1 Proposed Action*

For this project type, land and marine management impacts were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>35</sup>

The Lynn Haven Preserve and Park site would need to be re-zoned for recreational use following acquisition. Land ownership would be transferred from private ownership to TPL, and ultimately, County ownership to be managed as a park. From the public perspective, this is a beneficial effect because more lands are owned and managed for public use.

Pursuant to the Coastal Zone Management Act of 1972, federal activities must be consistent to the maximum extent practicable with the federally approved coastal management programs for states where the activities would affect a coastal use or resource. Federal Trustees are submitting consistency determinations for state review coincident with public review of this document.

##### *3.5.3.13.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; the current land use at the site and the adjoining shoreline would not change and therefore no additional beneficial impacts to land and marine management would be expected. The

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<sup>35</sup> Section 6.6.4 and 6.7.10.2 of the Final Phase III ERP/PEIS states that actions undertaken for this project type may lead to short-term adverse impacts, stemming from construction and land transfer activities. To the extent that projects better align management goals and assist management and staff to manage properties for the benefit of the environmental and human environment, long-term benefits may also accrue.

conditions at the project site would remain the same as described in the Affected Environment section above.

#### *3.5.3.14 Aesthetics and Visual Resources*

##### *3.5.3.14.1 Affected Environment*

The affected aesthetic environment in the vicinity of the Lynn Haven Preserve and Park site is characterized by open water, coastline, and nearby urban development. There are no designated protected viewsheds in the vicinity of the project site. The current site is vegetated in most areas viewable from the water. From the water, no docks are visible.

##### *3.5.3.14.2 Environmental Consequences*

###### *3.5.3.14.2.1 Proposed Action*

For this project type, impacts to aesthetics and visual resources were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>36</sup>

During the construction phase of this project, construction equipment and operations would be likely located along the coast and within view of the water. To the extent required, the use of construction equipment, including equipment used for the movement and placement of materials (i.e., barges) and barriers enacted to protect public safety would result in some minor to moderate short-term adverse impacts on aesthetics and visual quality. These impacts result from the presence of equipment, barriers and construction-related dust and emissions. During the construction period, visible impedances would detract from the natural landscape and create visual contrast for observers visiting the project area.

During construction, there would be temporary adverse aesthetic and visual impacts for recreational boaters and fishermen due to the use of construction equipment in and around the project areas. Although such changes would not dominate the viewsheds, they would detract from current user activities or experiences nearby. Over the long term, the docks that would be constructed as part of this project would impact the appearance of the land from the water, creating a more developed appearance.

The bayou boardwalk, bay shore access point, and docks would enhance accessibility to existing natural viewsheds, leading to long-term beneficial impacts from the project for visitors.

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<sup>36</sup> Section 6.6.8 and 6.7.14.2 of the Final Phase III ERP/PEIS states that this project type “would have minor to moderate short-term adverse impacts from the temporary landscape during the construction period from the presence of bulldozers, front-loaders and other large earth moving equipment required for upgrades or new facilities. These impacts would constitute a change in the viewshed that is readily apparent and which would attract attention in the short-term. Although such changes would not dominate the viewscape, they could detract from the current user activities or experiences. Over the long-term, the addition of infrastructure and facilities into the existing setting would present some degree of visual contrast. Long-term adverse effects of these enhancements would range from minor to moderate, depending on the existing aesthetic character of the surrounding landscape. Where the addition of these facility enhancements into the existing setting would present a large degree of visual contrast, impacts would be moderate because they would detract from the current user activities or experiences.”

Thus, although the short-term and long-term minor adverse impacts to aesthetics are anticipated from this project component, the improvements would provide benefits and amenities to park visitors. Thus, under the project there would be short-term and long-term minor adverse impacts to aesthetics, but long term beneficial impacts as well.

#### *3.5.3.14.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction operations and the construction of various structures that may be viewed from the water would not occur and therefore no additional adverse or beneficial impacts to tourism and recreational use would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### ***3.5.3.15 Tourism and Recreational Use***

#### **3.5.3.15.1 Affected Environment**

The Lynn Haven Preserve and Park project component is located in Bay County, on the Florida panhandle. Common tourism and recreation activities in and around this location include boat and shoreline saltwater fishing, boat and shoreline fresh water fishing, hunting, hiking, camping, trail-riding, snorkeling, birding, canoeing, kayaking, boating, and swimming. There are also a number of beach access points, boat ramps, community buildings, and county parks located within Bay County that provide a variety of recreational and tourism opportunities for visitors and community members (Bay County Online, 2014).

#### **3.5.3.15.2 Environmental Consequences**

##### *3.5.3.15.2.1 Proposed Action*

For this project type, the impacts to tourism and recreation are analyzed in the Final Phase III ERP/PEIS. The Lynn Haven Preserve and Park would benefit tourism and recreation onsite and regionally, to the local city and county.<sup>37</sup>

Proposed improvement activities could result in some short-term minor to moderate adverse impacts to wildlife viewing, beach and waterfront visitors, tourism, and fishing. Impacts to these different resource areas stem from (1) temporary site closures enacted to protect public safety; and (2) construction activities and associated wildlife disturbances. These activities may limit and adversely impact tourism and recreational uses accessibility and opportunities; the impacts are anticipated to be minor and temporary. Beneficial economic effects would accrue to local recreational supply retailers, restaurants, and hospitality providers. These economic benefits would likely be concentrated in the service and retail

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<sup>37</sup> Section 6.6.5 and 6.7.11.2 of the Final Phase III ERP/PEIS states that recreational enhancement project types that include techniques such as beach re-nourishment, placing materials to create reef structures, and enhancing recreational infrastructure could provide long-term benefits to tourist and recreational uses by improving wildlife habitat, and increasing recreational amenities (such as beach facilities). As a result, these types of projects would enhance wildlife viewing, hunting, beach and waterfront visitors, fishing and tourist experiences and provide additional areas in which to experience these opportunities.



industry sectors. The project should result in beneficial impacts to tourism and recreational users over the long-term.

Overall, the implementation of the project would contribute positively to visitor experience and public access. Any adverse impacts to tourism and recreational use would be short-term and minor. Overall impacts would be long-term and beneficial.

#### *3.5.3.15.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; development of proposed park improvements would not occur and therefore no additional adverse or beneficial impacts to tourism and recreational use would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.3.16 Public Health and Safety and Shoreline Protection**

#### **3.5.3.16.1 Affected Environment**

Recreational angling is significant in the Florida Panhandle and is primarily conducted from boats, shorelines, and piers near the Lynn Haven Preserve and Park site. Vegetation and habitat on the shorelines and in the buffer zone provide shoreline protection.

#### **3.5.3.16.2 Environmental Consequences**

##### *3.5.3.16.2.1 Proposed Action*

For this project type, the impacts to public health and safety and shoreline protection are analyzed in the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>38</sup>

Threats to public health and safety at the Lynn Haven Preserve and Park site from construction activities would be mitigated through construction BMPs, including adequate staging of equipment, limitation of public access to equipment and staging area, and reduced park access during construction periods. BMPs in accordance with Occupational Safety and Health Administration (OSHA) and state and local requirements would be incorporated into construction activities on site to ensure the proper handling, storage, transport and disposal of all hazardous materials. Personal protective equipment would be required for all construction personnel and authorized access zones would be established at the perimeter of the worksite during construction.

Soil and sediment stabilization measures would be incorporated into project design as needed in areas where the potential exists for erosion to occur in order to protect resources and ensure public health and safety.

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<sup>38</sup> Section 6.6.9 and 6.7.15.2 of the Final Phase III ERP/PEIS states that this project type “involving construction and construction activities would result in short-term minor adverse impacts to public health and safety as a result of the operation of heavy equipment and construction materials as well as the potential of hazardous waste and materials contaminating soils, groundwater, and surface waters. Projects would be designed using similar safety-related BMPs to reduce hazards.”

No long-term adverse impacts to public health and safety are expected as a result of this project component.

#### *3.5.3.16.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; development of proposed park improvements would not occur and therefore no additional adverse or beneficial impacts to public health and safety and shoreline protection would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.4 Island View Park Component**

#### *3.5.4.1 Geology and Substrates*

##### *3.5.4.1.1 Affected Environment*

The 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 (USDA NRCS 2015). 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.

##### *3.5.4.1.2 Environmental Consequences*

###### *3.5.4.1.2.1 Proposed Action*

For this project type, impacts to geology and substrates were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>39</sup>

This project component proposes to widen the existing docks to meet ADA compliance pending additional submerged aquatic vegetation surveys and consultations. No new pilings would be required; all dock work would use the existing pilings. Therefore, no in-water dredging or digging would occur. As such, no effects on marine substrates would occur as a result of this project component.

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 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 would 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

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<sup>39</sup> Sections 6.5.1, 6.5.2 and 6.7.1.2 of the Final Phase III ERP/PEIS describe the impacts to geology and substrates from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.1 and 6.5.2.1 statements are explained in footnote 6.

entry/exit. Concrete would be used for two ADA compliant parking spaces. Minor disturbances associated with the fire hydrant installation, and installation of a small irrigation system and accompanying infrastructure would occur. The depth of disturbance depends on final engineering design for the boardwalk, but for most of the parking lot, depth would be less than one foot. The extent of terrestrial digging would likely be less than one acre of total area.

Construction equipment and materials for staging have not been identified, but would likely be located on site, where the parking lot would be constructed, or on previously disturbed sites. Although boardwalks and paved pathways would impact soils, the trails would direct and condense foot traffic into designated areas, minimizing adverse impacts to the overall site location.

Specific mitigation measures would be implemented during construction to minimize erosion and overall soil impacts. To the extent possible, the project would utilize existing development footprints and disturbed areas (e.g., parking areas). These would include following established BMPs for construction activities such as the implementation of an erosion control and stormwater management plan, the installation of sediment traps prior to commencement of construction activities, and ongoing construction monitoring to ensure compliance. Any in-water piling work would be performed behind silt curtains to isolate construction impacts (see Appendix E for a list of potential best practices that would be undertaken, as appropriate).

Short-term as well as long-term disturbances to terrestrial soils and substrates would occur on site as a result of construction and site preparation activities. However, the impacts would be localized to approximately one acre within the site area. Thus, this project component would have short-term and long-term minor adverse impacts to geology and substrates.

Additionally, the potential restoration activities funded separately through a National Coastal Wetlands Conservation Grant, which include wetland restoration and longleaf pine restoration on the inland parcel, maritime hammock restoration on the waterfront parcel, and vegetation restoration along the shoreline, would result in short-term minor adverse impacts due to ground disturbances during the restoration process (i.e., removal of piping any other infrastructure and planting of native plants). Over the long-term, these activities are anticipated to have long-term beneficial impacts on geology and substrates.

#### *3.5.4.1.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse or beneficial impacts to geology and substrates would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### 3.5.4.2 Hydrology and Water Quality

#### 3.5.4.2.1 Affected Environment

The 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 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 (FEMA 2009).

Water quality in Franklin County has decreased due to coastal development and excessive stormwater runoff (Yarbro and Carlson 2014). 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 (FDEP 2015c).

#### 3.5.4.2.2 Environmental Consequences

##### 3.5.4.2.2.1 Proposed Action

For this project type, impacts to hydrology and water quality were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>40</sup>

Terrestrial work that may affect hydrology and water quality includes construction of additional impervious surfaces such as ADA accessible parking spaces, concrete sidewalks (covering approximately 635 square feet), acceleration lane (3,200 square feet), and alternative vehicle entry/exit (10,700 square feet). These impervious surfaces would alter on-site stormwater run-off. Pervious pavement would be used in the parking area to reduce runoff and potential water quality impacts. A stormwater retention pond would be constructed on site if engineering designs deem it to be necessary, in order to mitigate any potential impacts to hydrology and water quality. Construction of the boardwalks and decks, sidewalks, access drives, stormwater retention pond (as-needed), and the parking lot may temporarily impact water quality. Construction BMPs along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts associated with construction activities (see Appendix E for a list of potential best practices that would be undertaken, as appropriate). Silt and sedimentation control measures would be installed and properly maintained to protect water quality resources.

Any work in waters of the U.S., including wetlands, associated with this project would be coordinated with the USACE pursuant to the Clean Water Act Section 404 and Rivers and Harbors Act (CWA/RHA). Coordination with the USACE and final authorization pursuant to CWA/RHA would be completed prior to final design and construction.

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<sup>40</sup> Sections 6.5.1, 6.5.2, and 6.7.2.2 of the Final Phase III ERP/PEIS describes the impacts to hydrology and water quality from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.2 and 6.5.2.2 statements are explained in footnote 7.

The implementation of the project component would result in short-term as well as long-term adverse impacts on water quality and hydrology as a result of the construction of impervious surfaces and site preparation activities. BMPs would be followed such that the impacts would be localized to the site area. Thus, with the impacts localized to the site, this project component would have short-term and long-term minor adverse impacts to water quality and hydrology. The project is not expected to have any significant adverse effects on floodplains pursuant to Executive Order 11988.

Additionally, the potential restoration activities funded separately through a National Coastal Wetlands Conservation Grant, which include wetland restoration and longleaf pine restoration on the inland parcel, maritime hammock restoration on the waterfront parcel, and vegetation restoration along the shoreline are anticipated to have long-term beneficial impacts on hydrology and water quality.

#### *3.5.4.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse or beneficial impacts to hydrology and water quality would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.4.3 Air Quality and Greenhouse Gas Emissions**

#### **3.5.4.3.1 Affected Environment**

The affected environment for air resources this area is discussed in Section 3.5.1.3. The Island View Park site is located in Franklin County, Florida, which is not listed on EPA's current nonattainment counties list for all criteria pollutants (EPA 2015).

#### **3.5.4.3.2 Environmental Consequences**

##### *3.5.4.3.2.1 Proposed Action*

For this project type, air quality impacts were analyzed within the Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>41</sup>

Implementation of this project component could include use of heavy construction equipment, such as bulldozers, barges, trucks, backhoes, tractor trailers, cranes, small barges with crane, small excavators, fork lifts, asphalt machine, roller, small power tools, generators, small trucks, and hand tools. During construction activities, short-term adverse impacts to air quality would occur from the use of gasoline

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<sup>41</sup> Sections 6.5.1, 6.5.2 and 6.7.3.2 of the Final Phase III ERP/PEIS describe the impacts to air quality and greenhouse gas emissions from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.3 and 6.5.2.3 of the PEIS state, "During construction activities, short-term impacts to air quality and GHGs would occur from the use of gasoline and diesel powered construction vehicles and equipment, including barges, and exhaust produced by the use of this equipment. Examples of project-specific projected emissions are located in Chapters 8 through 12. The severity of impacts would be highly dependent on the length and type of construction required and the location of the project. There is a slight potential for fugitive dust creation from construction activities, resulting in minor to moderate adverse impacts. Long-term minor adverse effects from these enhancements due to increased recreational use and associated vehicle traffic may occur."

and diesel powered construction vehicles and equipment, including barges, and exhaust produced by the use of this equipment. Project implementation would require the use of equipment which would temporarily affect air quality in the site vicinity due to construction vehicle emissions. Most impacts to air quality would be localized and occur only during active construction activities.

CEQ guidance states that Federal agencies, to remain consistent with NEPA, should consider the extent to which a proposed action and its reasonable alternatives contribute to climate change through GHG emissions and take into account the ways in which a changing climate over the life of the project may alter the overall environmental implications of such actions. CEQ recommends that agencies use a reference point to determine when GHG emissions warrant a quantitative analysis taking into account available GHG quantification tools and data that are appropriate for proposed agency actions. In addressing GHG emissions, agencies should be guided by the principle that the extent of the analysis should be commensurate with the quantity of projected GHG emissions. When assessing the potential significance of the climate change impacts of their proposed actions, agencies should consider both context and intensity, as they do for all other impacts (CEQ 2014).

In its recent guidance, CEQ provides a threshold of 25,000 metric tons of CO<sub>2</sub> emissions on an annual basis below which a GHG emissions quantitative analysis is not warranted unless quantification below that reference point is easily accomplished. CEQ states that this is an appropriate reference point that would allow agencies to focus their attention on projects with potentially large GHG emissions. In its guidance, the CEQ "Recommends that an agency select the appropriate level of action for NEPA review at which to assess the effects of GHG emissions and climate change, either at a broad programmatic or landscape-scale level or at a project- or site-specific level and that the agency set forth a reasoned explanation for its approach (CEQ 2014)." Engine exhaust from bulldozers, excavators, trucks, backhoes and other vehicles would contribute to an increase in GHGs. However, the Trustees have reasoned that due to the small-scale and short duration of the construction portion of the project, predicted GHG emissions would be short-term and minor and would not exceed 25,000 metric tons per year per site, and thereby does not warrant a quantitative analysis of GHG emissions. Indeed, some projects of similar scope and scale were included in the Phase III ERP/PEIS and were developed enough in their design to estimate specific construction vehicle use estimated emissions. Analyses for these projects found that they would not exceed 25,000 metric tons of CO<sub>2</sub> emissions, the threshold for triggering additional requirements for GHG emissions. As such, it appears likely that this project component would not exceed the threshold for additional analysis.

#### *3.5.4.3.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities including the use of construction vehicles and fossil fuel burning equipment would not occur and therefore no additional adverse air quality and greenhouse gas emissions would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.



### 3.5.4.4 Noise

#### 3.5.4.4.1 Affected Environment

Section 3.2.4 of the Final Phase III ERP/PEIS states the primary sources of terrestrial noise in the coastal environment are transportation and construction-related activities. The primary sources of ambient (background) noise in the project areas are operation of vehicles, humans, recreational vessels, and natural sounds such as wind and wildlife. City noise is mainly from vehicles and human activities. The level of noise in the project areas vary depending on the season, time of day, number and types of noise sources, and distance from the noise source.

The Island View Park component is divided by U.S. 98, state highway that produces motor vehicle traffic noise. Other sources of noise in the project area include overhead aircraft and ambient natural sounds such as wind and wildlife.

#### 3.5.4.4.2 Environmental Consequences

##### 3.5.4.4.2.1 Proposed Action

For this project type, noise impacts were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>42</sup>

The project component would generate construction noise associated with equipment during construction on the docks, boardwalk, stormwater pond (as-needed), parking lot, concrete sidewalks, signs and other amenities. Implementation of the project would include transportation of construction materials to the project area, which may include trucks or other types of transportation and also contribute to short-term noise disturbances.

Human activities on adjacent properties and wildlife in and around the project areas may be sensitive to changes in noise sources or levels due to project construction. Construction equipment (e.g., generators, pile drivers, etc.) noise is known to disturb fish, marine mammals, and nesting shorebirds. Construction noise can also be a nuisance to residents living or recreating on the shorelines adjacent to project construction activities. Construction activities at the site would result in short-term moderate impacts to noise at the site and in the immediate vicinity.

Mitigation measures that serve to limit noise impacts to humans from construction activities include: limiting activity at project sites to daytime hours; limiting truck traffic ingress/egress to the site to daytime hours; promoting awareness that producing prominent discrete tones and periodic noises (e.g., excessive dump truck gate banging) should be avoided as much as possible; and requiring that work crews seek pre-approval for any weekend activities, or activities outside of daytime hours. Because construction noise is temporary, any negative impacts to the human and marine environment during construction activities would be short-term, adverse, and minor. Standard practices such as muffle units

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<sup>42</sup> Sections 6.5.1, 6.5.2, and 6.7.1.2 of the Final Phase III ERP/PEIS describe the impacts to noise from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.4 and 6.5.2.4 statements are explained in footnote 9.

for generators would be implemented during construction operations to mitigate noise impacts (see Appendix E).

Once the park is open, visitors may cause some noise associated with picnicking and parking. These noises could be slightly more disturbing to any resting or roosting birds that may utilize the site compared to baseline conditions, although the site's close proximity to the high traffic waterway may render these increases as negligible. Overall, long-term noise impacts at this project component from personal vehicle use, boating, fishing, and other recreational activities would likely be minor and adverse.

#### *3.5.4.4.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities such as pile driving and the use of equipment and vehicles would not occur and therefore no additional adverse or beneficial impacts to noise would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.4.5 Habitat**

#### **3.5.4.5.1 Affected Environment**

The Island View Park site is located within Franklin County on the Florida Panhandle along St. George Sound, adjacent to the Apalachicola estuary. 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. Over half of this site has had prior development and currently sees unofficial usage for parking and recreational activities on the shores and piers. 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 (USFWS 2015). Little understory exists under most trees. At the shoreline, emergent marsh grasses occur but have been disturbed by regular mowing.

#### **3.5.4.5.2 Environmental Consequences**

##### *3.5.4.5.2.1 Proposed Action*

For this project type, impacts to habitats were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>43</sup>

The proposed improvements at the Island View Park site are on a site that has had previous development including two docks that have existed there since the 1950s. An analysis of submerged

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<sup>43</sup> Sections 6.5.1, 6.5.2, and 6.7.5.2 of the Final Phase III ERP/PEIS describe the impacts to habitat from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.5 and 6.5.2.5 statements are explained in footnote 10.

aquatic vegetation (SAV), likely via aerial imagery analysis and field survey, would be conducted prior to finalization of engineering and design plans. This project proposes to modify the existing docks on the existing pilings to make them ADA compliant pending additional SAV surveys and consultations. No new pilings would be required; all dock work would use the existing pilings. Therefore, no in-water dredging or digging would occur, thus having minimal new disturbances to SAV.

USACE and NMFS dock construction guidelines would be followed where possible regarding dock improvements. Dock 1 (northern pier) is oriented southeast from the site. Dock 2 (southern pier) is oriented southeast from the site. Dock 1 would be approximately no more than 2,140 square feet and Dock 2 would be approximately no more than 1,400 square feet. Impacts to SAV would result from the expected shadow footprint of the widened piers, as shading has been known to reduce SAV patch extent. If the SAV survey finds that the SAV near the proposed dock location would be adversely affected by the widened docks, there is the potential to modify this improvement. The current dock heights have not been quantified, but likely greater than 2 feet. As such, due to project design requirements and cost considerations, long-term effects on a small area of SAV may be unavoidable from the implementation of widened docks. Potential impacts of the proposed action on SAV are analyzed as part of the EFH Section below (3.5.4.8).

The terrestrial habitat, which is very disturbed with areas of bare vegetation, would also be impacted by the project. 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 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 would 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 the fire hydrant installation, and installation of a small irrigation system and accompanying infrastructure would occur. The depth of disturbance depends on final engineering design for the boardwalk, but for most of the parking lot, depth would be less than one foot. The extent of terrestrial digging would likely be less than one acre of total area.

Construction equipment and materials for staging have not been identified, but would likely be located on site, where the parking lot would be constructed, or on previously disturbed sites. Although boardwalks, overlook decks, parking, road improvements, and paved pathways could potentially impact habitats (e.g., removal of vegetation from shorelines), most of the improvements are proposed for currently disturbed areas including grasses and vegetative understory that are frequently mowed and areas that previously had cottages. There is the potential for removal of trees and vegetative habitat, but the conceptual plan is designed to minimize removal of habitat. Additionally, the trails would direct and condense foot traffic into designated areas, minimizing adverse impacts to the overall site location.

Specific mitigation measures would be implemented during construction to minimize erosion and overall habitat impacts. To the extent possible, the project would utilize existing development footprints and disturbed areas (e.g., parking areas). These would include following established BMPs for

construction activities such as the implementation of an erosion control and stormwater management plan, the installation of sediment traps prior to commencement of construction activities, and ongoing construction monitoring to ensure compliance. Any work on the docks that may require a barge with small crane would use shallow draft and be moored outside of areas with submerged habitat (see Appendix E for a list of potential best practices that would be undertaken, as appropriate).

Short-term as well as long-term disturbances to habitat would occur on site as a result of construction and site preparation activities. Because the construction activities would largely disturb habitat that has already been disturbed, which may contain non-native species, and would be localized to the site, adverse impacts to habitats would be short and long-term, but minor.

Additionally, the potential restoration activities funded separately through a National Coastal Wetlands Conservation Grant, which include wetland restoration and longleaf pine restoration on the inland parcel, maritime hammock restoration on the waterfront parcel, and vegetation restoration along the shoreline, would result in short-term minor adverse impacts due to ground disturbances during the restoration process (i.e., removal of piping any other infrastructure and planting of native plants). Over the long-term, these activities are anticipated to have long-term beneficial impacts on habitats.

#### *3.5.4.5.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; dock construction and other construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse or beneficial impacts to habitat would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### *3.5.4.6 Migratory Birds*

#### *3.5.4.6.1 Affected Environment*

Migratory birds that could potentially utilize the Island View Park parcel were identified using the USFWS IPaC. Migratory birds could potentially utilize this site for nesting, foraging, roosting, and breeding. Four species groups were identified at this site as wading birds, shorebirds, raptors, and songbirds. Potential wading birds at this site could include herons and egrets. Potential shorebirds at this site could include plovers, terns, and skimmers. Potential raptors at this site could include falcons, hawks, kites, and bald eagles. Potential songbirds at this site could include sparrows, warblers, wrens and woodpeckers. There is the potential for bald eagles to be present at this site (USFWS 2015). Although these species could occur on the parcel, they are not known to inhabit or nest on the site or in the nearby vicinity. The project site could provide stopover and staging habitat for migratory birds.

### 3.5.4.6.2 Environmental Consequences

#### 3.5.4.6.2.1 Proposed Action

For this project type, impacts to migratory birds were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>44</sup>

The Trustees have begun coordination and review of the project for impacts to bald eagles and migratory birds in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712) to ensure appropriate conservation measures and BMPs would be incorporated into the project. The MBTA requires the protection of all migratory bird species and protection of ecosystems of special importance to migratory birds against detrimental alteration, pollution, and other environmental degradation. Migratory birds could use areas at and around the project location for foraging, feeding, resting, and nesting. Noise and physical disruptions related to construction and increased human activity from park operations and maintenance, and public use may impact birds.

The BGEPA prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. BGEPA provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... alive or dead, or any part, nest, or egg thereof." There could be bald eagles at this site and as such, all bald eagle BMPs would be followed, thus, there is no anticipated take of bald eagles. All bald eagle avoidance and conservation measures listed below would be implemented if bald eagles or their nests are detected in the vicinity:

- 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).
- 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.
- 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.
- 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 would be moved away until the eagles are no longer displaying disturbance behaviors.

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<sup>44</sup> Sections 6.5.1, 6.5.2, and 6.7.6.2 of the Final Phase III ERP/PEIS describes the impacts to living resources from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.6 and 6.5.2.6 statements are explained in footnote 11.

Construction equipment and materials for staging have not been identified, but would likely be located on site, where the parking lot would be constructed, or on previously disturbed sites. Although boardwalks, overlook decks, parking, road improvements, and paved pathways could potentially impact habitats (e.g., removal of vegetation from shorelines), most of the improvements are proposed for currently disturbed areas including grasses and vegetative understory that are frequently mowed and areas that previously had cottages. There is the potential for removal of trees and vegetative habitat, but the conceptual plan is designed to minimize removal of habitat.

Specific conservation measures would be implemented during construction to minimize disruption and overall impacts to birds. The migratory bird species groups, impacts to the species groups and conservation measures proposed for the Island View Park parcel improvements are listed below. General impact reduction methods are described as follows. To the extent possible, construction activities would avoid specific habitat locations onsite if there are known nesting birds and avoid nesting seasons. Pre-construction nesting surveys for migratory birds and raptors would be conducted and if evidence of nesting is found, the Trustees would coordinate with the USFWS to develop and implement appropriate conservation measures. At a minimum, trees or shrubs with active nests would be flagged and avoided. To minimize impacts to migratory birds from increased human activity, trails would divert and concentrate recreational users away from any important nesting, foraging, or rookery locations including existing trees onsite. This project component proposes minimal habitat fragmentation by improvements on existing areas of disturbance. Additionally, signage would be installed along trails, boardwalks, and picnic locations to provide users information on sensitive species in the area and actions to take to avoid and minimize impacts to sensitive species. Foraging and resting birds may temporarily be displaced during construction or recreation activities. Bird roosting would not be affected because construction activities and most human use would occur during daylight hours.

- **Wading Birds.** 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. These species are known to avoid areas with high human activity when given the opportunity. No take of wading birds is anticipated.

- **Shorebirds.** 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 beach and mudflat habitat. There are no known shorebird nests on site. 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 were encountered. All disturbances would be localized and temporary. These species are known to avoid areas with high human activity when given the opportunity. Therefore, no take of shorebirds is anticipated.

- **Raptors.** Raptors could forage and rest in the action 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 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 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. These species are known to avoid areas with high human activity when given the opportunity. Conservation measures would 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.** Songbirds could forage, rest, and nest in the project area. It is expected that 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 would be completed prior to any tree/shrub removal and any trees or shrubs with active nests would be flagged and avoided. For these reasons, no take of songbirds or their nests is anticipated.

Short-term disturbances to migratory birds could occur on site as a result of habitat disturbances and construction activities for this project component. Because construction activities would be localized to the site and care would be taken to minimize impacts (e.g., minimize noise and vibration, conducting construction activities during daylight hours), adverse impacts to migratory birds would be short-term and minor.

Additionally, the potential restoration activities funded separately through a National Coastal Wetlands Conservation Grant, which include wetland restoration and longleaf pine restoration on the inland parcel, maritime hammock restoration on the waterfront parcel, and vegetation restoration along the shoreline are anticipated to have long-term beneficial impacts to migratory birds.

#### 3.5.4.6.2.2 *No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling, and vegetation removal would not occur and therefore no additional adverse or beneficial impacts to migratory birds would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### 3.5.4.7 *Protected Species*

##### 3.5.4.7.1 *Affected Environment*

Protected species and their habitats include ESA-listed species and designated critical habitats, which are regulated by either the USFWS or the NMFS. Protected species also include marine mammals protected under the Marine Mammal Protection Act, and Essential Fish Habitat (EFH) protected under the Magnuson-Stevens Fishery Conservation and Management Act.

A full list of Federally threatened, endangered, proposed, candidate, and other species of concern in the Florida panhandle, by county, is available and was used to cross reference the USFWS IPaC produced list (USFWS 2015). The Trustees have also started reviewing the project component and associated actions for potential impacts to the protected species and their associated critical habitat managed by NMFS. Affected species and critical habitat identified as possibly occurring at this site and their status (T= threatened, E= endangered, CH= critical habitat) include the following:

- Piping plover (T)
- Red knot (T)
- Gulf sturgeon (T)
- West Indian manatee (E)
- Green sea turtle (T)
- Hawksbill sea turtle (E)
- Kemp's ridley sea turtle (E)
- Leatherback sea turtle (E)
- Loggerhead (T)
- Florida skullcap (T)
- Godfrey's butterwort (T)
- Telephus spurge (T)
- White birds-in-a-nest (T)
- Harper's beauty (E)
- Gulf sturgeon critical habitat (CH)

### 3.5.4.7.2 Environmental Consequences

#### 3.5.4.7.2.1 Proposed Action

For this project type, impacts to protected species were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>45</sup>

NMFS and USFWS have initiated consultation for the proposed park site in Franklin County related to potential impacts to protected species in accordance with section 7 of the ESA. Conservation measures recommended during consultation would be incorporated into final project design and implementation to avoid and/or minimize impacts to protected species and critical habitats. Specific conservation measures would also be implemented during construction to minimize disruption and overall impacts to protected species. Below is a bulleted list of potential protected species at the proposed Island View Park site location, their habitat preference, effects from improvement activities and conservation measures.

- **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, thus 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 project component may have direct or indirect adverse effects on Gulf sturgeon.

Impacts to the Gulf sturgeon would be avoided and minimized by implementation of BMPs during ground disturbance activities that would 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. In-water work would most likely take place during the spring and summer months, when Gulf Sturgeon are not likely to be present in inshore shallow waters. All external dock work would take place in less than 1.5 meters of water and in areas of silty sand with seagrass. Additionally, these species are known to avoid areas of high human activity when given the opportunity. Additional conservation measures 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.

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<sup>45</sup> Sections 6.5.1, 6.5.2, and 6.7.6.2 of the Final Phase III ERP/PEIS describes the impacts to living resources from early restoration projects intended to enhance public access to natural resources for recreational use and enhance recreational experiences. Section 6.5.1.6 and 6.5.2.6 statements are explained in footnote 11.

- 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.** The only in-water work proposed at this site is dock widening of the two existing piers, i.e., there would not be piling installation at 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 and the turtles' ability to avoid activity in the area may make this less likely. Sea turtles, specifically Kemp's ridley and Green, are sometimes bycatch from recreational pier fishing. Sea turtles, specifically Kemp's ridley and Green, are sometimes bycatch from recreational pier fishing. However, historically there are not many sea turtle strandings in this area (e.g., approximately 20 Kemp's ridley and 15 Green turtle strandings in Choctawhatchee Bay and East Bay over the last eight years). Thus, as a result of construction activities proposed on the docks and anticipated recreational uses, this project component may have direct or indirect adverse effects on sea turtles.

To avoid and minimize adverse impacts the best management practices identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) and the Standard Manatee Conditions for In-Water Work (USFWS 2011) would be implemented and adhered to during periods of external dock 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 consultations 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. Additional conservation measures for sea turtles include the use of wildlife friendly lighting on both docks. Lighting would be placed on docks for boater safety. The lighting would be wildlife friendly, consisting of solar LED lights.

**West Indian manatee and other marine mammals.** 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.). There is no proposed in-water work (e.g., driving or pushing

pilings) at this site, but the existing docks will be expanded. Accordingly, as a result of construction related activities from external dock work, this project may have indirect adverse effects on the West Indian manatee and other marine mammals. As such, appropriate conservation measures would be undertaken to avoid adverse impacts associated with noise from construction activities.

To avoid and minimize adverse impacts the best management practices identified within the Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) and the Standard Manatee Conditions for In-Water Work (USFWS 2011) would be implemented and adhered to during periods where external dock work would occur. 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.

- **Red knot and piping plover.** The red knot and piping plover prefer open coastal areas including sandy beaches and tidal flats. They usually are present along the Gulf coast in the winter. There is very little suitable habitat present for these species on the shoreline of this site. If they are present onsite, it would likely be for foraging only. If construction occurs during the summer months (approximately May to August), the two species are not generally present along the Gulf coast. Although the red knot and piping plover could occur on this parcel, they are not known to inhabit the site. However, construction may need to occur in other months which could generate construction noise and disturbance to resting and foraging birds. Therefore, this project is not expected to have any direct or indirect adverse effects on red knot and piping plover. If disturbed while foraging during construction activities, these birds would be able to move to other suitable foraging habitat nearby to continue foraging and resting. Therefore, this project component could have short-term minor indirect adverse effects on red knot and piping plover.

Impacts to protected birds could be avoided and minimized by implementation of BMPs during on site work that would prevent disturbance of birds, 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 would be implemented to minimize exposure to noise and disturbance. If these birds are located on site, additional considerations include:

- Provide all individuals working on a project with information in support of general awareness of piping plover or red knot presence and means to avoid birds and their critical or otherwise important habitats.
- During recreational use, enforce leash or “no pet” policies in critical or important habitats.

- Minimize vegetation planting in preferred habitats and avoid removal of natural organic material (“wrack”) year-around along the shoreline.
- **Plants (Florida skullcap, Godfrey's butterwort, Telephus spurge, white birds-in-a-nest, Harper's beauty).** These five 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 areas. 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. If protected plants are found during project implementation, a USFWS botanist would be contacted. Although these species could occur onsite, the proposed preservation of suitable habitat onsite would reduce potential impacts to these plant species.

The site contains no critical habitat for any of the species except Gulf sturgeon (critical habitat unit 13). 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. The only in-water work proposed at this site is dock widening of the two existing piers, i.e., there would not be piling installation at this site. 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 for dock work, these would most likely be staged in the site area, thus in Gulf sturgeon critical habitat. However, disturbances would be temporary and not likely to permanently alter any of the habitat. Therefore, the project is not expected to adversely modify or destroy any Gulf sturgeon critical habitat.

Any dock enhancements requiring equipment use from vessels (e.g., cranes on barges), would be conducted in accordance with the best management practices in the Standard Manatee Conditions for In-Water Work (USFWS 2011) and Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) to help to avoid injury to critical habitat. This would minimize and mitigate potential impacts to species and critical habitat in the area. Additionally, water quality measures (listed above for Gulf sturgeon and below in general conservation measures) would 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.

It is unlikely that sea turtles would nest or rest within or adjacent to the project area due to a lack of suitable habitat. The closest sea turtle critical habitat in the marine or terrestrial environment is for Loggerheads and is further than three miles away and separated from the action area by St. George Bay and a land body, Dog Island.

The following conservation measures would be followed to avoid and minimize adverse indirect impacts to protected 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 would 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 would be planned and maintained.
- Soil erosion best management practices such as sediment traps, erosion check screen filters, and hydro mulch to prevent the entry of sediment into waterways would be used.
- Any hazardous waste that is generated in the project area would be promptly removed and properly disposed of.
- Equipment would be inspected for leaks of oil, fuels, or hydraulic fluids before and during use to prevent soil and water contamination. Contractors would be required to implement a plan to promptly clean up any leaks or spills from equipment, such as hydraulic fluid, oil, fuel, or antifreeze.
- Onsite fueling and maintenance would be minimized. If these activities could not be avoided, fuels and other fluids would be stored in a restricted/designated area, and fueling and maintenance would be performed in designated areas that are bermed and lined to contain spills. Provisions for the containment of spills and the removal and safe disposal of contaminated materials, including soil, would be required.
- Actions would be taken to minimize effects on site hydrology and fluvial processes, including flow, circulation, water level fluctuations, and sediment transport. Care would be taken to avoid any rutting caused by vehicles or equipment.
- Measures would be employed to prevent or control spills of fuels, lubricants, or other contaminants from entering wetland areas. Action would be consistent with state water quality standards and Clean Water Act Section 401 certification requirements.
- Appropriate erosion and siltation controls would be maintained during construction.
- Fill material would be properly maintained to avoid adverse impacts on aquatic environments or public safety.
- All contractors and their employees would be trained regarding safety protocols (fuel handling), and food storage regulations. Storage and handling of food and other attractants would be required to minimize potential conflicts with wildlife. All project crews would be required to meet standards for sanitation, attractant storage, and access.
- Construction workers and supervisors would be informed about the potential for special status species in the work area. Contract provisions that require a stop in construction activities if a special status species is discovered until staff members evaluate the situation would be included. Protection measures would be modified as appropriate to protect the birds.

Short-term disturbances to protected species could occur due to habitat disturbances and construction activities. However, the impacts would be localized. Thus, this project component could have short-term adverse minor impacts to protected species and Gulf sturgeon critical habitat due to potential suspended sediments and increased noise. As noted above, the Trustees have initiated ESA section 7 consultations on protected species. Conservation measures recommended during consultation would be incorporated into final project design and implementation to avoid and/or minimize impacts to protected species and designated critical habitats.

Additionally, the potential restoration activities funded separately through a National Coastal Wetlands Conservation Grant (a connected action), which include wetland restoration and longleaf pine restoration on the inland parcel, maritime hammock restoration on the waterfront parcel, and vegetation restoration along the shoreline are anticipated to have long-term beneficial impacts to any protected species that occur on site.

#### *3.5.4.7.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse or beneficial impacts to protected species would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

#### **3.5.4.8 EFH**

##### **3.5.4.8.1 Affected Environment**

EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act as "those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity (16 U.S.C. § 1802(10))." The designation and conservation of EFH seeks to minimize adverse impacts on habitat caused by fishing and non-fishing activities. The NMFS has identified EFH habitats for the Gulf of Mexico in its Fishery Management Plan Amendments. These habitats include estuarine emergent wetlands, seagrass beds, algal flats, mud, sand, shell, and rock substrates, and the estuarine water column.

Island View Park is within the EFH area for coastal migratory pelagics, reef fish, shrimp, stone crab, and red drum. SAV is present at the Island View Park project area, located on St. George Sound, east of the Carrabelle River (NPS 2010). According to the Apalachicola National Estuarine Research Reserve Management Plan (FDEP 2014), SAV found in the Apalachicola Bay includes fresh water, brackish, and marine species. Island View Park is close to this reserve and is expected to have similar SAV communities. SAV distribution is confined to the shallow perimeters of the system because of high turbidity which limits the depth of the photic zone. The shallow bayside regions of St. George and the mainland areas of St. George Sound support SAV (shoalgrass is the dominant species). Turtle-grass and manatee-grass are found in deeper, higher salinity waters in the eastern reaches of the Bay. Widgeon-grass and tapegrass are found near the mouth of the river and in the upper reaches of the Bay. There is SAV in the water near the docks at this site. However, it is unlikely that seagrasses persist under the existing piers. The most recent SAV survey was conducted in 2010, before that the most recent was from 1992 showing patchy, discontinuous, sparse SAV. SAV has increased in St. George Sound since 1992, but it is 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 (Google Maps Imagery 2014). The Florida Department of Environmental Protection's seagrass GIS data, shows a patch of discontinuous SAV off of this site, but it is difficult to differentiate between soft and sandy bottom substrate and SAV at this site. The patch size is in a discontinuous area and could cover portions of 2.5 acres off the proposed Island View Park site (FDEP 2015e). Updated SAV surveys would be conducted prior to

construction, ideally between June 1 through September 30, because SAV bed continuity, extent, and density are subject to change over time.

Mud substrate and estuarine water column habitat also exists within the project area. No Habitat Areas of Particular Concern (HAPC) or EFH areas protected from fishing were identified within the project area.

### 3.5.4.8.2 Environmental Consequences

#### 3.5.4.8.2.1 Proposed Action

Under the Proposed Action, all dock/pier work would use the existing pilings. Therefore, no in-water dredging or digging would occur, thus resulting in minimal SAV disturbances. However, the dock would be widened to be ADA compliant, pending additional submerged aquatic vegetation surveys and consultations. The total dock area is expected to be approximately 3,500 square feet including the fishing platforms (approximately 2,100 square feet for Dock 1 and 1,400 square feet for Dock 2).

Impacts to SAV would result from the shadow of the widened piers, as shading has been known to impact SAV. Impacts to SAV would also stem from external dock work and could include increased turbidity and suspended sediments in waters around the dock in the short-term. An analysis of SAV, likely via aerial imagery analysis and field survey conducted June 1 through September 30, 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 results of the SAV survey identify SAV in the potential shadow of the dock, design modifications would be made to avoid and minimize impacts where possible. The current dock heights have not been quantified, but are not likely greater than 2 feet. Additionally, if necessary, the design of the expanded docks would incorporate the use of durable composite grated material for the decking, which would allow increased sunlight through the structure to SAV under the dock while also being ADA compliant.

On land construction activities including the construction of a pervious parking lot, boardwalk and observation platforms, and access turning and acceleration lanes as well as site improvements at the lawn areas, and beach enhancements have the potential to temporarily impact EFH in the immediate vicinity or greater St. George Sound from erosion and runoff, increasing turbidity and suspended sediments.

The Trustees have initiated an EFH consultation with NMFS (Habitat and Conservation Division) to inform regulatory compliance with EFH requirements. Any EFH conservation recommendations received during consultation would be incorporated into final project design and implementation to avoid and minimize impacts to EFH. The Trustees would work with NMFS to ensure appropriate conservation measures are used, which could include:

- Use of BMPs during construction to minimize and avoid potential adverse impacts to EFH during in-water work under this project. Construction BMPs could include, but are not limited to mooring and staging work barges overnight and on weekends/holidays in areas devoid of SAV and in areas where previous impacts have occurred.
- All construction activities would be completed during daylight hours.

- When possible, pilings would be installed using methods and materials that use the least disruptive techniques, given substrate conditions, such as pushing or jetting.
- Dock construction methods would be designed to maximize sunlight reaching SAV.
- Compensatory mitigation, contingency, and monitoring plans would be developed and provided to the USACE and NMFS for unavoidable impacts to EFH.

The project component has the potential to cause disturbances to EFH in areas adjacent to the project location from increased suspended sediment and runoff as well as the widening of the dock. However, as noted above, EFH conservation recommendations received during consultation would be incorporated into final project design and implementation to avoid and minimize impacts to EFH. Therefore, adverse impacts to EFH are expected to be short term and minor.

#### *3.5.4.8.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; in-water construction activities including the addition of a dock would not occur and therefore no additional adverse or beneficial impacts to EFH would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### *3.5.4.9 Invasive Species*

#### *3.5.4.9.1 Affected Environment*

The potential introduction of terrestrial and aquatic non-native invasive species of plants, animals, and microbes is a concern for any project. Non-native invasive species could alter existing terrestrial or aquatic ecosystems, may cause economic damages and losses, and are a common reason for protecting species under the ESA. The species that are or may become introduced, established, and invasive are difficult to identify prior to occurrence. Surveys have not been conducted to specifically determine if invasive species are present.

##### *3.5.4.9.1.1 Environmental Consequences*

##### *3.5.4.9.1.2 Proposed Action*

The analysis focuses on pathway control or actions/mechanisms that may be taken or implemented to prevent the spread of invasive species on site or the introduction of invasive species to the site. The Island View Park component involves construction of a boardwalk, deck, and a parking area. The construction equipment that would be used serve as potential pathways to introduce or spread invasive species in the terrestrial environment. BMPs to control the spread of any invasive species present, and prevent the introduction of new invasive species due to the project would be implemented. In general, BMPs would primarily address risk associated with vectors (e.g., construction equipment, personal protective equipment, delivery services, foot traffic, vehicles/ vessels, shipping material). The potential for introduction and spread of invasive species would be minimized by requiring the contractor to clean all equipment (i.e., inspect and remove presence of mud, seeds, vegetation, insects, and other species) before entering and when leaving the project sites. Through the implementation of BMPs, the potential spread or introduction of invasive species would be minimized. The implementation of these BMPs

meets the spirit and intent of EO 13112. Due to the implementation of BMPs, the Trustees expect risk from invasive species introduction and spread to be short-term and minor.

Additionally, the potential restoration activities funded separately through a National Coastal Wetlands Conservation Grant, which include wetland restoration and longleaf pine restoration on the inland parcel, maritime hammock restoration on the waterfront parcel, and vegetation restoration along the shoreline are anticipated to have long-term beneficial impacts due to planting of native species.

#### *3.5.4.9.1.3 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities including the use of construction equipment and vehicles and other potential pathways to introduce or spread invasive species would not occur and therefore no additional adverse impacts to invasive species would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### *3.5.4.10 Socioeconomics and Environmental Justice*

#### *3.5.4.10.1 Affected Environment*

The Island View Park component is located in Franklin County, Florida, which is relatively similar to Florida and to the United States as a whole when considering demographic and socioeconomic factors (see Table 3-4). The percent of white individuals (82.7 percent) in Franklin County is slightly higher than that for the State of Florida and the United States, both approximately 77 percent (U.S. Census Bureau, 2015). Conversely, the percent of the population (aged 25 or older) with a high school education or higher is lower in Franklin County (79.3 percent) than in Florida and the United States (both approximately 86 percent). The percent of the population (aged 16 or older) in the labor force in Franklin County (48.3 percent) is lower than both the State and Country levels (59.7 percent and 63.8 percent respectively) (U.S. Census Bureau, 2015). The median household income for Franklin County is also less than what is reported for the State of Florida and the United States. In keeping with this pattern, the percent of persons in poverty is significantly higher in Franklin County (25.9 percent) than in Florida and in the entire United States (16.5 percent and 14.8 percent respectively) (U.S. Census Bureau, 2015). As of 2013, Franklin County was ranked tenth out of 67 counties in Florida for the percentage of their population in poverty (25.9 percent; U.S. Census Bureau 2013).

Furthermore, Franklin County is a state-designated Rural Area of Opportunity (RAO). RAO are defined as rural communities, or a region of rural communities, that have been adversely affected by extraordinary economic events or natural disasters.

**Table 3-4. Franklin County Demographics**

Location	Population (2014)	Percent White Alone (2014)	Percent of population aged 25 or older with high school education or higher (2009-2013)	Percent of population aged 16 or older in civilian labor force (2009-2013)	Median household income, 2013 dollars (2009-2013)	Percent of persons in poverty
Franklin County, FL	11,815	82.7%	79.3%	48.3%	\$38,328	25.9%
Florida	19,893,297	77.8%	86.1%	59.7%	\$46,956	16.5%
United States	318,857,056	77.4%	86.0%	63.8%	\$53,046	14.8%

Source: United States Census Bureau. 2015. QuickFacts Beta. Accessed 11/5/2015.  
<http://www.census.gov/quickfacts/table/PST045214/00>

### 3.5.4.10.2 Environmental Consequences

#### 3.5.4.10.2.1 Proposed Action

The Island View Park project component is likely to provide long-term benefits to the local community. These benefits would include enhanced public access to natural resources for recreational use and enhanced recreational experiences. Construction and spending associated with designing, engineering, managing, and carrying out this project are likely to have short-term benefits for the regional economy. The temporary closure of this property during construction would result in a minor displacement of current public use, as the property is currently used for a small volume of unofficial parking, primarily associated with the existing piers on the property.

The Island View Park project component is also likely to provide long-term benefits to the local community. These benefits would include enhanced public access to natural resources for recreational use and enhanced recreational experiences.

Section 6.6.1 of the Final Phase III ERP/PEIS states that project types that contribute to providing and enhancing recreational opportunities are not, in general, expected to create a disproportionately high and adverse effect on a minority or low-income population. Since this project would provide and enhance recreational opportunities, the Trustees find that the project does not meet any of the criteria to suggest that disproportionately high and adverse effects would likely fall on minority or low-income populations. Overall, short-term beneficial impacts to socioeconomics would occur as a result of the addition of temporary jobs in the area during construction, and the long-term impact of this project is beneficial.

#### 3.5.4.10.2.2 No Action Alternative

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction activities and the development of the public park would not occur and therefore no additional adverse or beneficial impacts to human uses and socioeconomics would be



expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### ***3.5.4.11 Cultural Resources***

#### ***3.5.4.11.1 Affected Environment***

The Island View Park parcel where the project activities would occur (waterfront parcel) is very disturbed, having been the site of a number of small cottages for a motel (since removed), and is currently serving to provide unofficial parking, primarily associated with visitors to the existing piers on site. Coordination under Section 106 National Historic Preservation Act of 1966 has been initiated. While the Section 106 review process is ongoing, an initial review of the site has not identified the presence of cultural resources. The Area of Potential Effect (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist (36 C.F.R. § 800.16 (d)). The APE of the project consists of areas where each improvement would take place, as well as the access road to each site.

#### ***3.5.4.11.2 Environmental Consequences***

##### ***3.5.4.11.2.1 Proposed Action***

The Final Phase III ERP/PEIS concludes that if not properly conducted, activities conducted under this project type have the potential to compromise a site's integrity and cause a loss of cultural information. BMPs and other mitigation measures that may be employed, depending on site-specific considerations, to further minimize or contain adverse impacts to cultural resources are detailed in Appendix E to this document.

A complete review of this project site under Section 106 of the National Historic Preservation Act would be completed prior to any construction activities being implemented, with consideration of measures to avoid, minimize or mitigate any adverse effects on any cultural resources located within the project area. This project would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

##### ***3.5.4.11.2.2 No Action Alternative***

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction and site preparation activities such as grading, leveling and vegetation removal would not occur and therefore no additional adverse or beneficial impacts to cultural resources would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### ***3.5.4.12 Infrastructure***

#### ***3.5.4.12.1 Affected Environment***

The waterfront portion of the Island View Park site property was previously developed with number of small cottages as part of a motel. All cottage structures and surface improvements were demolished and most debris was removed after 2011, with the exception of two fishing docks and a dilapidated concrete boat ramp.

### 3.5.4.12.2 Environmental Consequences

#### 3.5.4.12.2.1 Proposed Action

Due to fast-moving traffic and a sharp bend in the road, it has been determined that the Island View project component would include the creation of a turning lane on the highway intersecting the two parcels into the water-side park for safety. Appropriate coordination with the Department of Transportation would be necessary. Additional planned infrastructure includes a parking lot, information kiosk, and boardwalks, but no restroom facilities. The conceptual plan includes construction of a gravel parking lot with approximately 32 parking spaces.

During construction activities, there would be short-term disruptions to roadways in the vicinity of the project site. This project would involve the transport of construction vehicles, equipment, and materials. The impacts associated with these improvements would result from increases in construction traffic, temporary closure of roads and parking lots, or damage to roadways. The impacts to existing infrastructure, such as roadways, could also occur from increased vehicle use as a result of increased visitor use over time. Construction waste would be removed by the contractor to an appropriate landfill using dump trucks, roll-off dumpsters, or trailers.

In summary, the project is likely to add an additional burden on the public utilities due to increased use over the long term, resulting in a long-term minor adverse impact. However, the project improvements would provide benefits and amenities to park visitors over the long term. Thus, under the project there would be long-term minor adverse impacts to infrastructure, but long-term beneficial impacts as well.

#### 3.5.4.12.2.2 No Action Alternative

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; infrastructure improvements and additional demands on existing infrastructure would not occur and therefore no additional adverse or beneficial impacts to infrastructure would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### 3.5.4.13 Land and Marine Management

#### 3.5.4.13.1 Affected Environment

The Island View Park site is currently zoned as “Commercial Recreational District (C-3),” which allows for a variety of intensive commercial uses. This zoning includes retail shops, hospitals, and wholesale distributors. The nearshore bottomlands are considered state-owned and are held in public trust.

Pursuant to the Coastal Zone Management Act of 1972, federal activities must be consistent to the maximum extent practicable with the federally approved coastal management programs for states where the activities would affect a coastal use or resource. Federal Trustees are submitting consistency determinations for state review coincident with public review of this document.

### 3.5.4.13.2 Environmental Consequences

#### 3.5.4.13.2.1 Proposed Action

For this project type, land and marine management impacts were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>46</sup>

The Island View parcel is currently owned by Franklin County prior to project implementation. It would need to be rezoned for recreational use after project initiation. From the public perspective, this is a beneficial effect because more lands are owned and managed for public use.

#### 3.5.4.13.2.2 No Action Alternative

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; the current land use at the site and the adjoining shoreline would not change and therefore no additional beneficial impacts to land and marine management would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### 3.5.4.14 Aesthetics and Visual Resources

#### 3.5.4.14.1 Affected Environment

The affected aesthetic environment in the vicinity of the Island View site is characterized by open water, coastline, and nearby urban development. There are no designated protected viewsheds in the vicinity of the project site. The waterfront portion of the Island View Park property was previously developed with a number of small cottages as part of a motel. All cottage structures and surface improvements were demolished and most debris was removed after 2011, with the exception of two fishing docks and a dilapidated concrete boat ramp. Two existing fishing piers are present on the site.

#### 3.5.4.14.2 Environmental Consequences

##### 3.5.4.14.2.1 Proposed Action

For this project type, impacts to aesthetics and visual resources were analyzed within the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>47</sup>

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<sup>46</sup> Section 6.6.4 and 6.7.10.2 of the Final Phase III ERP/PEIS states that actions undertaken for this project type may lead to short-term adverse impacts, stemming from construction and land transfer activities. To the extent that projects better align management goals and assist management and staff to manage properties for the benefit of the environmental and human environment, long-term benefits may also accrue.

<sup>47</sup> Section 6.6.8 and 6.7.14.2 of the Final Phase III ERP/PEIS states that this project type “would have minor to moderate short-term adverse impacts from the temporary landscape during the construction period from the presence of bulldozers, front-loaders and other large earth moving equipment required for upgrades or new facilities. These impacts would constitute a change in the viewshed that is readily apparent and which would attract attention in the short-term. Although such changes would not dominate the viewscape, they could detract from the current user activities or experiences. Over the long-term, the addition of infrastructure and facilities into the existing setting would present some degree of visual contrast. Long-term adverse effects of these enhancements would range from minor to moderate, depending on the existing aesthetic character of the surrounding landscape. Where the addition of these facility enhancements into the existing setting would present a large

During the construction phase of this project, construction equipment and operations would be likely located along the coast and within view of the water. To the extent required, the use of construction equipment, including equipment used for the movement and placement of materials (i.e., barges) and barriers enacted to protect public safety would result in some minor to moderate short-term adverse impacts on aesthetics and visual quality. These impacts result from the presence of equipment, barriers and construction-related dust and emissions. During the construction period, visible impedances would detract from the natural landscape and create visual contrast for observers visiting the project area.

During construction, there would be temporary adverse aesthetic and visual impacts for recreational boaters and fishermen due to the use of construction equipment in and around the project areas. Although such changes would not dominate the viewsheds, they would detract from current user activities or experiences nearby. That being said, the new landscaping and removal of the unofficial parking area, along with the new boardwalk and viewing platform, would improve the aesthetic appeal of this site.

Thus, although the short-term minor adverse impacts to aesthetics are anticipated from this project component, the improvements would provide benefits and amenities to park visitors. Additionally, under the project there would be short-term and long-term minor adverse impacts to aesthetics, but long term beneficial impacts as well.

#### *3.5.4.14.2.2 No Action Alternative*

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; construction operations and the new dock and other structures that may be viewed from the water as well as the construction of the boardwalk would not occur and therefore no additional adverse or beneficial impacts to aesthetics and visual resources would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### **3.5.4.15 Tourism and Recreational Use**

#### **3.5.4.15.1 Affected Environment**

The Island View Park project component is located in Franklin County, part of the Florida Panhandle. Common tourism and recreation activities in and around this location include boat and shoreline saltwater fishing, boat and shoreline fresh water fishing, hunting, hiking, camping, trail-riding, snorkeling, birding, canoeing, kayaking, boating, and swimming. The proposed site has been publically owned since August 20, 2015, and although no improvements have been made to date, there are two existing piers that could have occasional recreational use. More generally, Franklin County offers a variety of recreational opportunities for tourists and community members. The County is home to more than 250 miles of beaches, multiple picnic areas, seafood restaurants, a championship golf course, historic lighthouses, and a variety of lodging options. Visitors also often enjoy bird watching and visiting one of the many historic museums in the area (Franklin County Tourist Development Council, 2015).

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degree of visual contrast, impacts would be moderate because they would detract from the current user activities or experiences.”

### 3.5.4.15.2 Environmental Consequences

#### 3.5.4.15.2.1 Proposed Action

For this project type, the impacts to tourism and recreation are analyzed in the Final Phase III ERP/PEIS. The Island View Park would benefit tourism and recreation onsite and regionally, to the local city and county.<sup>48</sup>

Proposed improvement activities could result in some short-term minor to moderate adverse impacts to wildlife viewing, beach and waterfront visitors, tourism, and fishing. Impacts to these different resource areas stem from (1) temporary site closures enacted to protect public safety; and (2) construction activities and associated wildlife disturbances. These activities may limit and adversely impact tourism and recreational uses accessibility and opportunities; the impacts are anticipated to be minor and temporary. Beneficial economic effects would accrue to local recreational supply retailers, restaurants, and hospitality providers. These economic benefits would likely be concentrated in the service and retail industry sectors. The project should result in beneficial impacts to tourism and recreational users over the long-term.

Overall, the implementation of the project would contribute positively to visitor experience and public access. Any adverse impacts to tourism and recreational use would be short-term and minor. Overall impacts would be long-term and beneficial.

#### 3.5.4.15.2.2 No Action Alternative

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; development of proposed park improvements would not occur and therefore no additional adverse or beneficial impacts to tourism and recreational use would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

### 3.5.4.16 Public Health and Safety and Shoreline Protection

#### 3.5.4.16.1 Affected Environment

Recreational angling is significant in the Florida Panhandle and is primarily conducted from boats, shorelines, and piers at and near the proposed Island View Park site. The Island View site has two current piers that are unsafe, and not in keeping with current ADA requirements. Pedestrian and vehicle traffic also exist at and around the proposed site and generate public health and safety concerns.

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<sup>48</sup> Section 6.6.5 and 6.7.11.2 of the Final Phase III ERP/PEIS states that recreational enhancement project types that include techniques such as beach re-nourishment, placing materials to create reef structures, and enhancing recreational infrastructure could provide long-term benefits to tourist and recreational uses by improving wildlife habitat, and increasing recreational amenities (such as beach facilities). As a result, these types of projects would enhance wildlife viewing, hunting, beach and waterfront visitors, fishing and tourist experiences and provide additional areas in which to experience these opportunities.

### 3.5.4.16.2 Environmental Consequences

#### 3.5.4.16.2.1 Proposed Action

For this project type, the impacts to public health and safety and shoreline protection are analyzed in the Final Phase III ERP/PEIS. For the project, the impacts would be consistent with the Final Phase III ERP/PEIS analysis.<sup>49</sup>

As part of the planned project, the current pier would be improved to comply with ADA requirements, increasing the safety of using it for all users.

Threats to public health and safety from construction activities would be mitigated through construction BMPs, including adequate staging of equipment, limitation of public access to equipment and staging area, and reduced park access during construction periods. BMPs in accordance with Occupational Safety and Health Administration (OSHA) and state and local requirements would be incorporated into construction activities on site to ensure the proper handling, storage, transport and disposal of all hazardous materials. Personal protective equipment would be required for all construction personnel and authorized access zones would be established at the perimeter of the worksite during construction.

Soil and sediment stabilization measures would be incorporated into project design as needed in areas where the potential exists for erosion to occur in order to protect resources and ensure public health and safety.

The beach enhancement at Island View Park would be located on the portion of the parcel that already has a derelict dock. The turning lane proposed at Island View Park would promote public health and safety by reducing congestion and collision potential on Highway 98. Additionally, the landward side of the proposed Island View Park would not be developed to avoid pedestrians crossing Highway 98. No long-term adverse impacts to public health and safety are expected as a result of this project component.

#### 3.5.4.16.2.2 No Action Alternative

Under the No Action alternative, the first phase of the Florida Coastal Access Project would not be implemented; development of proposed park improvements would not occur and therefore no additional adverse or beneficial impacts to public health and safety and shoreline protection would be expected. The conditions at the project site would remain the same as described in the Affected Environment section above.

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<sup>49</sup> Section 6.6.9 and 6.7.15.2 of the Final Phase III ERP/PEIS states that this project type “involving construction and construction activities would result in short-term minor adverse impacts to public health and safety as a result of the operation of heavy equipment and construction materials as well as the potential of hazardous waste and materials contaminating soils, groundwater, and surface waters. Projects would be designed using similar safety-related BMPs to reduce hazards.”



### 3.5.5 Summary of Impacts of the Florida Coastal Access Project

#### 3.5.5.1 Summary of Impacts to the Physical Environment

Impacts to the physical environment from implementation of the first phase of the Florida Coastal Access Project would include:

- Short-term and long-term minor adverse impacts to geology and substrates are anticipated as a result of the project due to ground disturbances associated with soil removal, grading, and vegetation clearing during construction activities such as dock and pier construction, construction of trails, boardwalks, sidewalks, parking lots and restroom facilities. However, trails and boardwalks would direct and condense foot traffic into designated areas, minimizing adverse impacts. Revegetation of native plants along the shoreline at some sites have short-term minor adverse impacts during the process of invasive species removal and native plantings but overall would have long-term beneficial impacts on the geology and substrates due to reductions in erosion.
- Short-term and long-term minor adverse impacts to hydrology, water quality, and floodplains are anticipated including short-term impacts during construction activities, placement of pilings, and revegetation activities and long-term impacts from new docks and pilings. The installation of pervious pavement would mitigate some of the adverse effects by minimizing runoff. On-site terrestrial construction of the boardwalks, structures, and parking lots may temporarily impact water quality. Adverse impacts to the natural functioning of the floodplain would be minor. Efforts to revegetate areas with native plants could have long term beneficial impacts by reducing runoff and sedimentation in nearshore areas.
- Localized impacts of construction and associated emissions produced from use of machinery and construction vehicles would result in short-term minor adverse impacts to air quality and greenhouse gas emissions.
- Short-term moderate adverse impacts to the natural soundscape would occur during construction activities, but would be localized to the sites and in the immediate vicinity. Long-term minor adverse impacts of noise associated with personal vehicle use, boating, fishing, and other recreational activities would also likely occur.

#### 3.5.5.2 Summary of Impacts to the Biological Environment

Impacts to the biological environment from implementation of the first phase of the Florida Coastal Access Project would include:

- Short and long-term minor adverse impacts to habitats may occur as a result of this project. In marine habitat, adverse impacts may be associated with placement of pilings and other construction activities. In terrestrial habitats, adverse impacts associated with construction activities, including park structures, sidewalks, boardwalks, parking lots, and restroom facilities, would occur as a result of project activities. Revegetation and habitat conservation would have long-term beneficial impacts to habitats.

Short-term and long term minor adverse impacts to migratory birds could occur as a result of construction activities as well as increased recreational activities occurring on site following project implementation. Bald eagles may be present at the proposed Island View Park component, but are likely not present at any of the other locations. Conservation measures would be employed to avoid and minimize potential impacts to bald eagles and other migratory birds. Due to the implementation of best management practices, no “take” is anticipated for bald eagles and migratory birds. Coordination under the MBTA and BGEPA has begun (DOI 2016) and will be completed prior to project implementation.

- BMPs and conservation measures would be used to avoid and minimize impacts to protected species during construction activities. However, short-term minor adverse impacts to protected species could occur as a result of construction activities, particularly associated with installation of new docks and pilings. ESA section 7 consultation with the USFWS and NMFS has been initiated to address all potential impacts to protected species, and will be completed prior to project implementation. Conservation measures recommended during consultation would be incorporated into final project design and implementation to avoid and/or minimize impacts to protected species and their designated critical habitats.
- Short-term impacts to EFH for coastal migratory pelagics, reef fish, shrimp, stone crab, and red drum would be minor and adverse as a result of construction activities (e.g., suspended, compacted, and displaced substrates, noise, vessel traffic). Additionally, areas permanently shaded by docks would have long-term adverse impacts to EFH. However, the footprints within the EFH area would be a relatively small percentage of available EFH and would be avoided where possible. Therefore, impacts are anticipated to be minor. EFH consultation has been initiated and will be completed prior to project implementation.
- Impacts from the introduction or spread of invasive species would be minimized due to BMP implementation and mitigation measures during construction activities. Invasive species removal at Innerarity Point Park and proposed mitigation measures at Lynn Haven Preserve and Park include wetland invasive species removal which would have long-term beneficial impacts to the biological environment.

### ***3.5.5.3 Summary of Impacts to Human Uses and Socioeconomics***

Impacts to human uses and socioeconomics from implementation of the first phase of the Florida Coastal Access Project would include:

- Short-term adverse as well as beneficial impacts to socioeconomics would occur. There would be no environmental justice concerns. Short term area closures of sites that are currently used for informal parking or fishing (e.g., Island View) would have minor adverse impacts. Construction activities would provide short-term employment, which is beneficial. The long-term impact of this project would be beneficial to local communities through enhanced public access to natural resources for recreational use and enhanced recreational experiences.
- Appropriate completion of Section 106 surveys and implementation of mitigation measures would ensure that any adverse impacts to cultural resources would be avoided or resolved through the Section 106 process. The formal compliance review for this project including NHPA

section 106 and Tribal consultations has been initiated and will be completed prior to project implementation.

- Short-term minor adverse impacts to roadway infrastructure as a result of any temporary closures or construction-related traffic may occur. There would be long-term minor adverse impacts to infrastructure from the continued use of and increased demand on public utilities and adjacent roadways. The addition of a turn lane at the Island View site would minimize increased demand at that site. Project improvements would provide new amenities to park visitors, resulting in beneficial impacts.
- The implementation of this project is generally expected to have long-term and beneficial impacts on land and marine management, as the project would make more private lands accessible to the public, and remove those lands from potentially more intensive development in the future.
- Short-term minor to moderate adverse impacts to aesthetics and visual resources as a result of construction activities and equipment and barriers enacted to protect public safety may occur. The docks would result in long-term impacts on the appearance of the land from water, creating a more developed appearance. However, raised expanded boardwalks would enhance accessibility to existing natural viewsheds, leading to long-term beneficial impacts from the project for visitors.
- Short-term minor to moderate adverse impacts to tourism and recreational use would occur from construction activities relating to noise, visual disturbances, and temporary closures. Over the long term, the implementation of the project would contribute positively to the public's recreational experience and the public's access to natural resources along the Florida Panhandle.
- Short-term minor adverse impacts to public health and safety would occur during construction, but would be reduced through the use of construction BMPs put in place to protect construction personnel and the public. Improvements on sites including native vegetation enhancements and plantings would improve shoreline protection and resilience, leading to long-term benefits. No long-term adverse impacts to public health and safety are expected as a result of this project.

### 3.5.6 Cumulative Impacts

The CEQ NEPA regulations require the assessment of cumulative impacts in the decision-making process for federal projects, plans, and programs. Cumulative impacts are defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions” (40 C.F.R. §1508.7).

The first phase of the Florida Coastal Access Project cumulative impacts analysis tiers from the Final Phase III ERP/PEIS. The Final Phase III ERP/PEIS analysis of cumulative impacts relevant to this phase of the proposed Florida Coastal Access Project is incorporated by reference into the following cumulative impacts analysis. The Final Phase III ERP/PEIS programmatic analysis describes impacts from implementation of project types, not necessarily specific projects. The first phase of the Florida Coastal Access Project falls within the project types “Enhance Public Access to Natural Resources for

Recreational Use,” “Enhance Recreational Experiences,” and “Promote Environmental and Cultural Stewardship, Education and Outreach,” as described in that document. The following analysis focuses on the potential contribution of adverse impacts of this phase of the Florida Coastal Access Project to the impacts of some past, present, and reasonably foreseeable future actions not analyzed in the Final Phase III ERP/PEIS. The contribution that the first phase of the Florida Coastal Access Project makes to the cumulative impacts of all actions is then stated.

#### ***3.5.6.1 Site Specific Review and Analysis of Cumulative Impacts to Relevant Resources***

This section describes past, present, and reasonably foreseeable future actions that were not discussed in the Final Phase III ERP/PEIS, but which are relevant to identifying any cumulative impacts that this phase of the Florida Coastal Access Project could contribute to on a local scale. Context and intensity, defined in Section 3.5, are used to determine whether a potential significant cumulative impact from the first phase of the Florida Coastal Access Project exists.

For this phase of the Florida Coastal Access Project, specifically, the relevant affected resources analyzed in this EA are:

- Geology and Substrates
- Hydrology and Water Quality
- Air Quality and Greenhouse Gas Emissions
- Noise
- Living Coastal and Marine Resources
- Habitats
- Migratory Birds
- Protected Species
- Environmental Justice
- Cultural Resources
- Infrastructure
- Land and Marine Management
- Aesthetics and Visual Resources
- Tourism and Recreational Use
- Public Health and Safety and Shoreline Protection

Past, present, and reasonably foreseeable other future actions relevant to this action, but not analyzed in the Final Phase III ERP/PEIS, were identified based on a review of past in-water construction permits within one mile of project sites, as well as drawing on available data on past, pending and future conservation projects that are anticipated in the site watersheds. Actions that could be relevant to the first phase of the Florida Coastal Access Project are past, present, and reasonably foreseeable actions that may affect resources in the project area. The specific areas affected by this phase of the Florida Coastal Access Project include land and marine activities on Perdido Bay, Choctawhatchee Bay, St. Andrew Bay, and St. George Sound, and particularly those within one mile of Innerarity Point Park, Leonard Destin Park, Lynn Haven Preserve and Park, and Island View Park. Federal and state actions, other Early Restoration projects, and other restoration related to the Spill were also considered. These types of actions may include, but are not limited to any or a combination of these possible actions: site disturbances (e.g., construction), restoration activities (e.g., dredge and fill, oyster reef construction, vegetation planting, invasive species removal), enhanced recreational opportunities (e.g., building/facility construction, access improvements, in-water construction, utility infrastructure expansion), land acquisition, land management, and water quality improvements (e.g., stormwater retrofits).

A list of permitted past, existing, and future projects was compiled for each of the projects using Florida Department of Environmental Protection and USACE permitting databases and internet searches for more detail, as needed. All four sites are coastal and regulations pertaining to coastal, wetlands, and stormwater (uplands and wetlands) permits were considered appropriate for developing a list of past and reasonably foreseeable future activities that may affect the resources. In addition, beach nourishment projects proximate to the project sites were identified. Additional data sources reviewed for potential relevant projects include:

- <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/early-restoration-projects-atlas/>
- <http://www.nfwf.org/gulf/Pages/GEBF-Florida.aspx>
- <http://eli-ocean.org/gulf/restoration-projects-database/>

Appendix F to this plan presents information about past and ongoing in-water construction projects in the vicinity of the project areas as well as planned conservation projects in the vicinity of the projects. A few overall findings from the review of other cumulative actions are as follows for each project component:

- **Innerarity Point Park Component.** In Escambia County on Perdido Bay, Innerarity Point Park lies adjacent to the heavily-used Galvez Landing boat ramp. Although this parcel does not have an existing dock, many, if not most, neighboring parcels have existing docks (see Exhibit 2-2 for overview). The area within one mile of this site has been very active for land and in-water construction activities since 1997, with 179 permits being issued, or approximately 10 each year, during that time period.
- **Leonard Destin Park Component.** In Okaloosa County on Choctawhatchee Bay, the waterfront adjacent to and nearby this site is developed, with a number of active boating facilities nearby. The site lies within the City of Destin, which has a population of approximately 13,000 residents. The area within one mile of this site has also been very active for land and in-water construction activities since 1997, with 137 permits being issued, or approximately eight each year, during that time period.
- **Lynn Haven Preserve and Park Component.** In Bay County on St. Andrew Bay, this property is surrounded by a 950-acre undeveloped parcel that is owned by a single commercial developer and could be developed at some time in the future. This 950-acre parcel is currently subject to a private development agreement permitting construction of a marina, hotels, condominiums, a town center, a sports center, public or civic uses, project serving commercial properties, single family, multi-family residential units and timeshares. However, the specific construction time horizon for this project, should it occur, is not known. In 2008 and 2009 the property owner granted two separate conservation easements to the Florida Department of Environmental Protection for two different portions of the parcel. The 2008 conservation easement applies to an 18-acre tract of land and the 2009 conservation easement applies to a 7-acre tract of land, both of which are located outside and to the east of the proposed Lynn Haven Preserve and Park project site. Neither of these conservation easements apply to the proposed Lynn Haven Preserve and Park project site. The site is within the outskirts of Lynn Haven, Florida, which has

a population of 19,000. Immediately to the north of the site is an impoundment on the Bay that creates Deer Point Lake, the local public water supply. The area within one mile of this site has been somewhat active for land and in-water construction activities since 1997, with 29 permits being issued, or approximately two each year, during that time period.

- **Island View Park Component.** In Franklin County on St. George Sound, this property lies between two State-designated aquatic preserves (listed as “Outstanding Florida Waters”) and is adjacent to the Apalachicola National Estuarine Research Reserve. The area within one mile of this site has not been very active for in-water construction activities since 1997, with only two permits being issued during that time period, with the last one occurring in 2012. A separate grant for habitat restoration on this site, and particularly the inland northwestern parcel of this site, was received in 2014.<sup>50</sup>

As noted above, this analysis identified the additional information on potential projects and actions that are relevant to the first phase of the Florida Coastal Access Project cumulative impacts analysis, and were not identified in the Phase III ERP/PEIS due to their localized nature. Cumulative impacts of relevant potential actions, including those listed in Appendix F as well as any relevant actions identified in Phase III, are discussed below by resource.

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<sup>50</sup> Specific planned actions on the Island View site that are funded under the existing grant include: (1) **Potential Wetland Restoration.** There are no proposed infrastructure improvements for the inland side of the proposed Island View Park. There would be removal of PVC piping from the northwestern portion of the inland parcel and restoration of native vegetation. Approximately 80 percent of the inland parcel area would be restored with native vegetation, and approximately 10 percent being wetland restoration; (2) **Longleaf Pine Restoration.** The possible existence of a septic tank in the northern section of the inland plot would be investigated and if present, would be evaluated for proper closure, abandonment, or potential removal. Approximately 80 percent of the inland parcel would be restored with native vegetation, with the potential for approximately 70 percent being longleaf pine restoration; (3) **Maritime Hammock Restoration.** Maritime hammock restoration is proposed on the waterfront parcel with a possible extent of restoration comprising up to one third of the waterfront parcel. Restoration may include planting of native vegetation and fencing of existing trees for protection during restoration (up to 1,000 feet of fencing); and (4) **Shoreline Vegetation Restoration.** This vegetation likely includes restoration of marsh grass along the shoreline. General vegetation restoration 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. Revegetation would include only native plantings, and to the extent possible would be low-maintenance, drought-resistant plants to reduce long-term maintenance.



#### 3.5.6.1.1 Geology and Substrates

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.1.1 Geology and Substrates, Table 6-4. As stated in the Final Phase III ERP/PEIS, when projects that 'Contribute to Providing and Enhancing Recreational Opportunities' were analyzed in combination with other past, present, and reasonably foreseeable future actions, short and long-term cumulative adverse impacts to geology and substrates would likely occur. However, those types of projects carried out in conjunction with other environmental stewardship and restoration efforts also have the potential to result in some long-term beneficial cumulative impacts to geology and substrates in localized areas. Those types of projects were not expected to contribute substantially to cumulative adverse impacts. In this manner, impacts of the first phase of the Florida Coastal Access Project are anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative impacts.

Other past, present, and reasonably foreseeable future actions could result in impacts to geology and substrates in project areas. In particular, there is a large volume of other in-water work ongoing near the Innerarity and Leonard Destin sites in particular. The Lynn Haven site is surrounded by a large parcel that is owned by a commercial developer, which could be developed at some point. This 950-acre parcel is currently subject to a private development agreement. However, as noted above, the specific construction time horizon for this project, should it occur, is not known. Taken together, ongoing and future actions in the vicinity of Innerarity, Leonard Destin, and Lynn Haven sites are expected to result in adverse impacts to geology and substrates. That being said, a number of planned restoration actions are also anticipated in the watershed that could result in benefits such as reduced erosion and reduced siltation, which could be considered a benefit to geology and substrates.

Short-term and long-term minor adverse impacts to geology and substrates are anticipated as a result of the project due to ground disturbances associated with soil removal, grading, and vegetation clearing during construction activities such as dock and pier construction, construction of trails, boardwalks, sidewalks, parking lots and restroom facilities. The Proposed Action carried out in conjunction with other plans and actions discussed above has the potential to result in some short-term minor to moderate adverse, long-term minor adverse, and long-term beneficial cumulative impacts to geology and substrates. Based on these findings, this phase of the Florida Coastal Access Project would not be expected to contribute substantially to cumulative adverse impacts to geology and substrates.

Under the No Action alternative, construction and site preparation activities such as grading, leveling and vegetation removal would not occur at project sites. Therefore, the No Action Alternative carried out in conjunction with other plans and actions within and around the Proposed Action areas would not contribute to adverse cumulative impacts to geology and substrates.

#### 3.5.6.1.2 Hydrology, Water Quality, and Floodplains

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.1.2 Geology and Substrates, Table 6-5. As stated in the Final Phase III ERP/PEIS, when projects that 'Contribute to Providing and Enhancing Recreational Opportunities' were analyzed in combination with other past, present, and reasonably foreseeable future actions, short and long-term cumulative adverse impacts on hydrology and water quality would likely occur. However, those types of projects carried out in conjunction with other

environmental stewardship and restoration efforts have the potential to result in some long-term beneficial cumulative impacts on water quality in localized areas. Those types of projects were not expected to contribute substantially to cumulative adverse impacts. In this manner, the first phase of the Florida Coastal Access Project is anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative impacts.

Other past, present, and reasonably foreseeable future actions could result in impacts to hydrology and water quality in project areas. In particular, there is a large volume of other in-water work ongoing near the Innerarity and Leonard Destin sites in particular. The Lynn Haven site is surrounded by a large parcel that is owned by a commercial developer, which could be developed at some point. This 950-acre parcel is currently subject to a private development agreement. However, as noted above, the specific construction time horizon for this project, should it occur, is not known. Taken together, ongoing and future activities at three sites (not Island View) are expected to result in adverse impacts to hydrology and water quality. That being said, a number of planned restoration actions are also anticipated in the watershed that could result in benefits to hydrology and water quality, including projects with direct aims to increase water quality.

Short-term adverse impacts to hydrology, water quality, and floodplains would be associated with construction activities, placement of pilings, and revegetation activities. The Proposed Action, when carried out in conjunction with other plans and actions within and around the action areas, has the potential to result in minor short- to long-term adverse to surface and groundwater water quality and the natural functioning of the floodplain. Based on these findings, this phase of the Florida Coastal Access Project would not be expected to contribute substantially to cumulative adverse impacts to hydrology and water quality.

Under the No Action alternative, construction and site preparation activities such as grading, leveling and vegetation removal would not occur at project sites. Therefore, the No Action Alternative carried out in conjunction with other plans and actions within and around the Proposed Action areas would not contribute to adverse cumulative impacts to hydrology and water quality.

#### 3.5.6.1.3 Air Quality and Greenhouse Gases

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.1.3 Air Quality, Table 6-4. As stated in the Final Phase III ERP/PEIS, when projects that 'Contribute to Providing and Enhancing Recreational Opportunities' were analyzed in combination with other past, present, and reasonably foreseeable future actions, short and long-term cumulative adverse impacts to air quality and greenhouse gas emissions would likely occur. However, those types of projects carried out in conjunction with other environmental stewardship and restoration efforts have the potential to result in some long-term beneficial cumulative impacts to air quality and greenhouse gas emissions in localized areas. Those types of projects were not expected to contribute substantially to cumulative adverse impacts. In this manner, the first phase of the Florida Coastal Access Project is anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative impacts.

Other past, present, and reasonably foreseeable future actions could result in impacts to air quality and greenhouse gas emissions. In particular, there is a large volume of construction activity ongoing near the Innerarity and Leonard Destin sites in particular. The Lynn Haven site is surrounded by a large parcel that is owned by a commercial developer, which could be developed at some point. This 950-acre parcel is currently subject to a private development agreement. However, the specific construction time horizon for this project, should it occur, are not known. Taken together, ongoing and future activities at three sites (not Island View) are expected to result in adverse impacts to air quality and greenhouse gas emissions. That being said, a number of planned restoration actions are also anticipated in the watershed that could increase vegetated cover, and therefore have beneficial impacts on air quality and GHG emissions.

Under the Proposed Action, localized impacts of construction and associated emissions produced from use of machinery and construction vehicles would result in short-term adverse impacts to air quality and greenhouse gas emissions. Long-term minor adverse impacts from these projects may occur due to increased recreational use and associated vehicle traffic. The Proposed Action carried out in conjunction with other plans and actions within and around the project sites has the potential to result in minor short- and long-term adverse cumulative impacts to air quality and greenhouse gas emissions. Based on these findings, this phase of the Florida Coastal Access Project would not be expected to contribute substantially to cumulative adverse impacts to air quality and greenhouse gases.

Under the No Action alternative, activities on the project component sites, including use of construction vehicles during construction at project sites, would not occur. Therefore, the No Action Alternative carried out in conjunction with other plans and actions within and around the Proposed Action areas would not contribute to adverse cumulative impacts to air and GHG emissions.

#### 3.5.6.1.4 Noise

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.1.4 Noise, Table 6-4. As stated in the Final Phase III ERP/PEIS, when projects that 'Contribute to Providing and Enhancing Recreational Opportunities' were analyzed in combination with other past, present, and reasonably foreseeable future actions, short and long-term cumulative adverse impacts to noise would likely occur. Those types of projects were not expected to contribute substantially to cumulative adverse impacts. In this manner, the first phase of the Florida Coastal Access Project is anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative impacts.

Other past, present, and reasonably foreseeable future actions could result in impacts to noise. In particular, there is a large volume of other in-water work ongoing near the Innerarity and Leonard Destin sites in particular. The Innerarity site is located close to a busy waterway that would produce a fair amount of ambient boat noise. Fewer ongoing activities are occurring at Island View that are anticipated to create noise than at other sites. As such, ongoing and future activities at three sites (not Island View) are expected to result in short and long-term adverse impacts to noise.

Under the Proposed Action, short-term minor to moderate adverse impacts to the natural soundscape and aquatic environment would occur during construction of improvements as a result of construction

activities. Long-term impacts of the project from personal vehicle use, boating, fishing, and other recreational activities would likely be minor and adverse. Based on these findings, this phase of the Florida Coastal Access Project would not be expected to contribute substantially to cumulative adverse impacts to noise.

Under the No Action alternative, construction activities such as pile driving and construction of various park amenities would not occur. Therefore, the No Action Alternative, when carried out in conjunction with other plans and actions within and around the Proposed Action areas would not contribute to adverse cumulative impacts to noise.

#### 3.5.6.1.5 Living Coastal and Marine Resources

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.2.2 Living Coastal and Marine Resources, Table 6-9. As stated in the Final Phase III ERP/PEIS, when projects that 'Contribute to Providing and Enhancing Recreational Opportunities' were analyzed in combination with other past, present, and reasonably foreseeable future actions, short and long-term cumulative adverse impacts to living coastal and marine resources would likely occur. However, those types of projects carried out in conjunction with other environmental stewardship and restoration efforts have the potential to result in some long-term beneficial cumulative impacts to living coastal and marine resources, primarily as a result of increased education and awareness of resources. Those types of projects were not expected to contribute substantially to cumulative adverse impacts. In this manner, the first phase of the Florida Coastal Access Project is anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative

Other past, present, and reasonably foreseeable future actions could result in impacts to living coastal and marine resources, including impacts to habitats, protected species, migratory birds, and EFH. In particular, there is a large volume of other in-water work ongoing near the Innerarity and Leonard Destin sites. A large volume of human activities occur in areas surrounding these sites. As such, ongoing and future activities at three sites (not Island View) are expected to result in adverse impacts to living coastal and marine resources. That being said, a number of planned restoration actions are also anticipated in the watershed that could provide benefits to living coastal and marine resources.

Under the Proposed Action, impacts to living coastal and marine resources would include short and long-term minor to moderate adverse impacts to habitats, migratory birds, protected species, and EFH. Some long-term beneficial effects primarily associated with habitat protection and increases in education and awareness, may also occur.

The Proposed Action carried out in conjunction with other plans and actions within and around the action areas has the potential to result in some minor short- and long-term adverse and long-term beneficial cumulative impacts to living coastal and marine resources. Based on these findings, this phase of the Florida Coastal Access Project would not be expected to contribute substantially to cumulative adverse impacts to living coastal and marine resources.

Under the No Action alternative, construction and site preparation activities such as grading, leveling and vegetation removal would not occur. Therefore, the No Action Alternative carried out in conjunction

with other plans and actions within and around the Proposed Action areas would not contribute to adverse cumulative impacts to living coastal and marine resources (including habitats, protected species, migratory birds, and EFH).

#### 3.5.6.1.6 Socioeconomics and Environmental Justice

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.3.1 Socioeconomics and Environmental Justice. As stated in the Final Phase III ERP/PEIS, when projects that 'Contribute to Providing and Enhancing Recreational Opportunities' were analyzed in combination with other past, present, and reasonably foreseeable future actions, short and long-term cumulative adverse impacts to socioeconomics would likely occur. However, those types of projects carried out in conjunction with other environmental stewardship and restoration efforts have the potential to result in some long-term beneficial cumulative impacts to socioeconomics in localized areas. Those types of projects were not expected to contribute substantially to cumulative adverse impacts. In this manner, the first phase the Florida Coastal Access Project is anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative impacts.

Other past, present, and reasonably foreseeable future actions could result in impacts to socioeconomics from recreational improvements and other planning efforts within the action areas. The variety of recreational opportunities and planning projects proposed in the action area, along with increased spending for improvements and increased visitor use, could boost the local economy and have a long-term beneficial impact on socioeconomics. Implementation of other natural resource management plans within the action areas could have short-term adverse impacts to socioeconomics if areas are closed or restricted. An expansion of any facility and building construction could increase vehicular traffic resulting in short-term beneficial impacts to socioeconomics from construction spending. Installation of new utilities to any development could result in short-term minor adverse impacts from increased utility usage.

Under the Proposed Action, short-term adverse as well as beneficial impacts to socioeconomics would occur. Short term area closures of sites that are currently used for informal parking or fishing (e.g., Island View) would have minor adverse impacts. Construction activities would provide short-term employment, which is beneficial. The long-term impact of this project would be beneficial to local communities. The Proposed Action, when carried out in conjunction with other plans and actions within and around the action areas has the potential to result in minor, short- and long-term beneficial cumulative impacts to socioeconomics. The Proposed Action would have a minor contribution to cumulative beneficial impacts. Based on these findings, this phase of the Florida Coastal Access Project would not be expected to contribute to cumulative adverse impacts to socioeconomics.

Under the Proposed Action, there would be no impacts to environmental justice. Since the project would provide and enhance recreational opportunities, the Trustees find that the project does not meet any of the criteria to suggest that disproportionately high and adverse effects would likely fall on minority or low-income populations. Thus, the project would not contribute to any cumulative impacts.

Under the No Action alternative, acquisition and development of the parks would not occur. Therefore, the No Action Alternative carried out in conjunction with other plans and actions within and around the Proposed Action areas would not contribute to adverse cumulative impacts to socioeconomics and would have no environmental justice concerns.

#### 3.5.6.1.7 Cultural Resources

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.3.2 Cultural Resources, Table 6-11. As stated in the Final Phase III ERP/PEIS, when projects that ‘Contribute to Providing and Enhancing Recreational Opportunities’ were analyzed in combination with other past, present, and reasonably foreseeable future actions, those types of projects are not expected to contribute substantially to short-term or long-term adverse or beneficial cumulative impacts to cultural resources. In this manner, the first phase of the Florida Coastal Access Project is anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative impacts.

Facility expansion, building construction, and installation of new utilities have the potential to adversely affect cultural resources in the vicinity of the Proposed Action.

While the Proposed Action has the potential to cause a loss of important cultural resources, appropriate completion of Section 106 surveys and implementation of mitigation measures would ensure that any adverse impacts to cultural resources would not be significant. Any substantial loss of important cultural information potential and/or encounters with previously undiscovered resources would be subject to established mitigation measures to ensure that adverse impacts are not more than minor. The Proposed Action, when carried out in conjunction with other plans and actions within and around the action areas, has the potential to result in both minor adverse and long-term beneficial cumulative impacts to cultural resources. Based on these findings, this phase of the Florida Coastal Access Project would not be expected to contribute substantially to cumulative adverse impacts to cultural resources.

Under the No Action alternative, construction and site preparation activities such as grading, leveling and vegetation removal would not occur. Therefore, the No Action Alternative carried out in conjunction with other plans and actions within and around the Proposed Action areas would not contribute to adverse cumulative impacts to cultural resources.

#### 3.5.6.1.8 Infrastructure

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.3.3 Infrastructure, Table 6-12. As stated in the Final Phase III ERP/PEIS, when projects that ‘Contribute to Providing and Enhancing Recreational Opportunities’ were analyzed in combination with other past, present, and reasonably foreseeable future actions, those types of projects would not be expected to result in a substantial incremental contribution to cumulative adverse impacts to infrastructure, though infrastructure would likely be affected by ongoing and future activities requiring future investment. Those types of projects may contribute to some long-term adverse or beneficial cumulative impacts to infrastructure in localized areas. In this manner, the first phase of the Florida Coastal Access Project is anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative impacts.



Other past, present, and reasonably foreseeable future actions could affect infrastructure in the vicinity of the project both positively and negatively. New projects could result in upgrades to infrastructure, but could also put additional demands on it.

Under the Proposed Action, short-term impacts to roadway infrastructure would be minor and adverse as a result of any temporary closures or construction-related traffic. There would be long-term minor adverse impacts to infrastructure from the continued use of and increased demand on public utilities and adjacent roadways. However, project improvements would provide new amenities to park visitors. The Proposed Action, when carried out in conjunction with other plans and actions within and around the action areas has the potential to result in some minor to moderate short- and long-term adverse and long-term beneficial cumulative impacts to infrastructure. The Proposed Action would contribute to both short-term adverse and long-term beneficial cumulative impacts. Based on these findings, this phase of the Florida Coastal Access Project would not be expected to contribute substantially to cumulative adverse impacts to infrastructure.

Under the No Action alternative, infrastructure improvements and additional demands on existing infrastructure would not occur. Therefore, the No Action Alternative carried out in conjunction with other plans and actions within and around the Proposed Action areas would not contribute to adverse or beneficial cumulative impacts to infrastructure.

#### 3.5.6.1.9 Land and Marine Management

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.3.4 Land and Marine Management, Table 6-13. As stated in the Final Phase III ERP/PEIS, when projects that 'Contribute to Providing and Enhancing Recreational Opportunities' were analyzed in combination with other past, present, and reasonably foreseeable future actions, those types of projects would not contribute substantially to short-term or long-term cumulative adverse impacts to land and marine management. However, those types of projects carried out in conjunction with other environmental stewardship and restoration efforts may result in long-term beneficial cumulative impacts to land and marine management in the Florida panhandle region because of the potential for synergistic effects of those project types. This could lead to the alignment of management goals and assistance provided to management and staff to best manage properties from restoration, conservation and recovery efforts. In this manner, the first phase of the Florida Coastal Access Project is anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative impacts.

Other past, present, and reasonably foreseeable future actions could result in impacts to land and marine management. Such actions could include changes to local land and marine planning efforts.

Under the Proposed Action, long-term beneficial impacts to land and marine management should result, as the project would make more private lands accessible to the public. The Proposed Action, when carried out in conjunction with other plans and actions within and around the action areas, has the potential to result in some minor short- and long-term neutral, adverse, or beneficial cumulative impacts to land and marine management. Based on these findings, this phase of the Florida Coastal

Access Project would not be expected to contribute substantially to cumulative adverse impacts to land and marine management.

Under the No Action alternative, the current land use at the project sites or the adjoining shoreline areas would not change. The areas would remain zoned for a variety of uses, as they are at present. Thus, no impacts would occur to land and marine management under the No Action alternative. Therefore, the No Action Alternative carried out in conjunction with other plans and actions within and around the Proposed Action areas would not contribute to adverse cumulative impacts to land and marine management.

#### 3.5.6.1.10 Aesthetics and Visual Resources

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.3.8 Aesthetics and Visual Resources, Table 6-17. As stated in the Final Phase III ERP/PEIS, when projects that 'Contribute to Providing and Enhancing Recreational Opportunities' were analyzed in combination with other past, present, and reasonably foreseeable future actions, short and long-term cumulative adverse impacts to aesthetics and visual resources would likely occur. However, those types of projects carried out in conjunction with other environmental stewardship and restoration efforts have the potential to result in some long-term beneficial cumulative impacts to aesthetics and visual resources in localized areas. Those types of projects would not contribute substantially to cumulative adverse impacts. In this manner, the first phase of the Florida Coastal Access Project is anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative impacts.

Other past, present, and reasonably foreseeable future actions could result in impacts to aesthetics and visual resources. The high level of ongoing construction activities, particularly in the vicinity of the Innerarity and Leonard Destin sites, is likely to result in some adverse impacts to aesthetics and visual resources. Planned restoration activities may restore the natural character of some areas, having beneficial effects on aesthetics and visual resources.

Under the Proposed Action, short-term minor to moderate adverse impacts to aesthetics and visual resources as a result of construction activities and equipment and barriers enacted to protect public safety may occur. The docks would result in long-term impacts on the appearance of the land from water, creating a more developed appearance. However, raised expanded boardwalks would enhance accessibility to existing natural viewsheds, leading to long-term beneficial impacts from the project for visitors. The Proposed Action, when carried out in conjunction with other plans and actions within and around the action areas, has the potential to result in short- and long-term minor adverse and long-term beneficial impacts to aesthetics and visual resources. Based on these findings, this phase of the Florida Coastal Access Project would not be expected to contribute substantially to cumulative adverse impacts to aesthetics and visual resources.

Under the No Action alternative, construction of new docks and structures that may be viewed from the water would not occur. Therefore, the No Action Alternative carried out in conjunction with other plans and actions within and around the Proposed Action areas would not contribute to adverse cumulative impacts to aesthetics.

#### 3.5.6.1.11 Tourism and Recreational Use

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.3.5 Tourism and Recreational Use, Table 6-14. As stated in the Final Phase III ERP/PEIS, when projects that 'Contribute to Providing and Enhancing Recreational Opportunities' were analyzed in combination with other past, present, and reasonably foreseeable future actions, short and long-term cumulative adverse impacts to tourism and recreational use would likely occur. However, those types of projects carried out in conjunction with other environmental stewardship and restoration efforts have the potential to result in some long-term beneficial cumulative impacts to tourism and recreational use in localized areas. Those types of projects would not contribute substantially to cumulative adverse impacts. In this manner, the first phase of the Florida Coastal Access Project is anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative impacts.

Other past, present, and reasonably foreseeable future actions could result in impacts to tourism in the vicinity of the Proposed Action. Such actions could include beneficial effects from other recreational improvements and conservation and restoration efforts within the action area, as well as adverse effects that could be associated with ongoing construction activities or development, such as industrial development that would detract from tourist attractions.

Under the Proposed Action, short-term minor to moderate adverse impacts to tourism and recreational use would occur from construction activities relating to noise, visual disturbances, and temporary closures. Over the long term, the implementation of the project would contribute positively to visitor experience and public access. The Proposed Action, when carried out in conjunction with other plans and actions within and around the action areas, has the potential to result in short term adverse and long-term beneficial cumulative impacts to tourism and recreational use. Based on these findings, this phase of the Florida Coastal Access Project would not be expected to contribute substantially to cumulative adverse impacts to tourism and recreational use.

Under the No Action alternative, development of proposed park improvements would not occur. Therefore, the No Action Alternative carried out in conjunction with other plans and actions within and around the Proposed Action areas would not contribute substantially to adverse cumulative impacts to tourism and recreational use, and the beneficial cumulative impact would not be realized.

#### 3.5.6.1.12 Public Health and Safety and Shoreline Protection

This analysis tiers from the Final Phase III ERP/PEIS, Section 6.8.4.3.9 Public Health and Safety, Including Flood and Shoreline Protection, Table 6-18. As stated in the Final Phase III ERP/PEIS, when projects that 'Contribute to Providing and Enhancing Recreational Opportunities' were analyzed in combination with other past, present, and reasonably foreseeable future actions, short and long-term cumulative adverse impacts to public health and safety would likely occur. However, those types of projects carried out in conjunction with other environmental stewardship and restoration efforts have the potential to result in some long-term beneficial cumulative impacts to public health and safety in localized areas. Those types of projects would not contribute substantially to cumulative adverse impacts. In this manner, the first phase of the Florida Coastal Access Project is anticipated to fall within the expected range of the Final Phase III ERP/PEIS cumulative impacts.

Other past, present, and reasonably foreseeable future actions could result in positive as well as adverse impacts to public health and safety and shoreline protection. These could vary from short-term construction-related impacts, to long-term adverse impacts to water quality, to efforts to harden the shoreline resulting in adverse effects to shoreline protection. Beneficial impacts could also occur.

Under the Proposed Action, short-term minor adverse impacts to public health and safety would occur during construction, but would be reduced through the use of construction BMPs put in place to protect construction personnel and the public. Improvements on sites including native vegetation enhancements and plantings would improve shoreline protection and resilience, leading to long-term beneficial impacts. No long-term adverse impacts to public health and safety are expected as a result of this project. The Proposed Action, when carried out in conjunction with other plans and actions within and around the action areas, has the potential to result in short- and long-term minor to moderate adverse and long-term beneficial cumulative impacts to public health and safety. Based on these findings, this phase of the Florida Coastal Access Project would not be expected to contribute substantially to cumulative adverse impacts to public health and safety and shoreline protection.

Under the No Action alternative, development of proposed park improvements would not occur. No Action carried out in conjunction with other plans and actions within and around the action areas has the potential to result in short- and long-term minor to moderate adverse and long-term beneficial cumulative impacts to public health and safety. The No Action alternative would not contribute to cumulative adverse impacts.

### **3.6 Summary and Next Steps**

The first phase of the Florida Coastal Access Project will enhance coastal access to recreational opportunities through infrastructure and other recreational improvements and enhancement of native vegetation on four project sites, including the acquisition of three land parcels. The project is consistent with the Final Phase III ERP/PEIS Alternative 4, "Contribute to Restoring Habitats, Living Coastal and Marine Resources, and Recreational Opportunities" (Preferred Alternative). Under the programmatic Preferred Alternative, the project falls within the scope of three of the project types: "Enhance Public Access to Natural Resources for Recreational Use," "Enhance Recreational Experiences," and "Promote Environmental and Cultural Stewardship, Education and Outreach."

NEPA analysis of the environmental consequences suggests that there would be local minor to moderate short-term and long-term adverse impacts from construction activities to many resources (including geology and substrates, water quality and hydrology, noise, biological environment, as well as socioeconomics and cultural resources). Additionally habitat conservation and revegetation efforts associated with the project components would have long-term benefits. Moderate short-term adverse impacts could also occur to tourism and recreation, and aesthetics and visual resources; however, long-term benefits are expected for those resources after construction is complete. Moreover, this phase of the Florida Coastal Access Project would leverage some funds available through a separate National Coastal Wetlands Conservation Grant to be used for additional restoration activities at Island View Park, which would provide additional long-term beneficial impacts to tourism and recreation in the area.

Overall, the project is not expected to substantially contribute to adverse cumulative impacts on affected resources.

The Trustees have initiated consultation and review under the ESA, the MSA, the MBTA, the MMPA, and the BGEPA. The Trustees have also begun coordination under the National Historic Preservation Act and other federal statutes. This project would be implemented in accordance with all applicable laws and regulations. A complete review of this project would be completed prior to final project design and construction. The formal compliance review for this project including NHPA section 106 and Tribal consultations has been initiated and will be completed prior to project implementation. NHPA Section 106 and Tribal consultations may further identify potential cultural resources in the project areas and any additional surveys or mitigation measures necessary to protect those resources. If Section 106 consultations require additional coordination and consultation with other regulatory authorities, the additional coordination or consultation requirements would be addressed prior to final project design and construction.

Under the Coastal Zone Management Act of 1972, the project must be consistent to the maximum extent practicable with the federally approved Florida Coastal Management Program. Accordingly, the Federal Trustees evaluated those reasonably foreseeable effects of the Florida Coastal Access Project for consistency with Florida's coastal management program and submitted a consistency determination for the project for state review coincident with public review of this document, on December 2, 2015. On December 4, 2015, the Florida Department of Environmental Protection responded and concurred with that determination on behalf of the State of Florida. Additional consistency review may be required pursuant to federal regulations (see 15 C.F.R. Part 930) prior to final project design and construction.

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# Chapter 4: Public Comment on the Draft Phase V ERP/EA and Responses

4.1	Introduction .....	4-1
4.2	The Comment Analysis Process .....	4-1
4.3	Summary Comments.....	4-1

## 4.1 Introduction

The public comment period for the Draft Phase V ERP/EA opened on December 1, 2015, and ended on December 31, 2015. During the public review period the Trustees hosted one public meeting on December 14, 2015, in Panama City, Florida.

At the public meeting, the Trustees accepted verbal comments that were recorded by court reporters.<sup>1</sup> In addition, the Trustees hosted a web-based comment submission site, and provided a P.O. Box and email address for the public to provide comments. Ultimately, the Trustees only received comments provided at the public meeting and via web-based submissions.

During the public comment period, the Trustees received 5 submissions from private citizens, a local government, and non-governmental organizations. Following the comment period, the Trustees reviewed all submissions. Similar or related comments contained in the submissions were then grouped and summarized for purposes of response. All comments submitted during the period for public comment were reviewed and considered by the Trustees prior to finalizing the Phase V ERP/EA. All comments submitted are represented in the summary comment descriptions listed in this chapter, and all public comments will be included in the Administrative Record.

## 4.2 The Comment Analysis Process

Comment analysis is a process used to compile similar public comments into a format that can be addressed by Trustees.

Comments were sorted into logical groups by topics and issues, consistent with the range of topics applicable to the Draft Phase V ERP/EA. The process was designed to capture and condense all comments received rather than to restrict or exclude any ideas. The comment analysis process allows the Trustees to provide an organized and comprehensive response to public comments, consistent with OPA and NEPA regulations.

The Department of the Interior's Planning, Environment and Public Comment (PEPC) database was used to manage public comments. The database stores the full text of all submissions and allows each comment to be grouped by topic and issue.

All comments were read and analyzed, including those of a technical nature; those that contained opinions, feelings, and preferences for one element over another; and comments of a personal or philosophical nature.

## 4.3 Summary Comments

1. Comment: Commenter(s) expressed support for the first phase of the Florida Coastal Access Project.

Response: The Trustees acknowledge this support.

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<sup>1</sup>The Trustees also were prepared to accept written comments at the public meeting, but none were received.

2. Comment: Commenter requested the property owner's names for the four coastal sites being considered in the first phase of the Florida Coastal Access Project.

Response: The current property owners are: 1) Innerarity Holdings LLC for the Innerarity Point Park project site, 2) Calhoun Waterfront Development, LLC for the Leonard Destin Park project site, 3) D&H Properties, LLC for the Lynn Haven Preserve and Park project site, and 4) Franklin County for the Island View Park project site.

Once the project stipulation is executed, the Trustees, through the Trust for Public Land, will purchase: 1) the Innerarity Point Park project site and donate the parcel to Escambia County, 2) the Leonard Destin project site and donate the parcel to the City of Destin, and 3) the Lynn Haven Preserve and Park project site and donate the parcel to the City of Lynn Haven.

3. Comment: Commenter expressed concern that the Trustees were wasting funds in acquiring the Lynn Haven Preserve and Park project site, since D&H Properties, LLC had already granted a conservation easement for the proposed project site to the Florida Department of Environmental Protection.

Response: The proposed Lynn Haven Preserve and Park project site is currently part of a larger parcel that is owned by D&H Properties LLC. In 2008 and 2009, D&H Properties LLC granted two separate conservation easements to the Florida Department of Environmental Protection for two different portions of the larger parcel. The 2008 conservation easement applies to an 18-acre tract of land and the 2009 conservation easement applies to a 7-acre tract of land, both of which are located outside and to the east of the proposed Lynn Haven Preserve and Park project site. Neither of these conservation easements apply to the proposed Lynn Haven Preserve and Park project site. Therefore, the Trustees need to acquire the proposed Lynn Haven Preserve and Park project site in order for the park improvements to be implemented.

4. Comment: Commenter expressed concern that so little BP oil disaster money is being allocated to scientific stock assessments.

Response: Early Restoration is specifically intended to accelerate meaningful restoration of injured natural resources and their services resulting from the Spill before implementation of the damage assessment restoration plan. The Phase III ERP/PEIS describes the process and criteria by which project types appropriate for Early Restoration were identified and proposed. Certain project types, such as scientific stock assessments, were considered by the Trustees, but not evaluated further in the Phase III ERP/PEIS because the Trustees do not consider them appropriate for Early Restoration. The project selected for Phase V tiers from the Phase III ERP/PEIS.

Early Restoration is only one of the processes established to accomplish restoration of injured natural resources and their services resulting from the Spill. For example, In July 2015, BP announced that it reached Agreements in Principle with the United States and the Gulf States of Alabama, Florida, Louisiana, Mississippi, and Texas for settlement of civil claims arising from the *Deepwater Horizon* oil spill. On October 5, 2015, the Department of Justice lodged a

consent decree in federal court in New Orleans for the proposed settlement. Also on that date, the Natural Resource Trustees for the *Deepwater Horizon* oil spill released a Draft Programmatic Damage Assessment and Restoration Plan and Programmatic Environmental Impact Statement (PDARP/PEIS). The PDARP/PEIS considers programmatic alternatives to restore natural resources, ecological services, and recreational use services injured or lost as a result of the *Deepwater Horizon* oil spill. The PDARP/PEIS also presents an examination of the environmental impacts of various restoration alternatives, under the National Environmental Policy Act. A Final PDARP/PEIS will be released after consideration of the public comments submitted on the proposed plan. For more information on the Draft PDARP/PEIS and proposed settlement, please visit the Trustees' website at [www.gulfspillrestoration.noaa.gov](http://www.gulfspillrestoration.noaa.gov) or [www.doi.gov/deepwaterhorizon](http://www.doi.gov/deepwaterhorizon).



## Phase V Early Restoration Plan List of Preparers

AGENCY/FIRM	NAME	POSITION
<b>STATE OF FLORIDA</b>		
Florida Department of Environmental Protection	Mimi Drew	Florida NRDA Trustee Representative
Florida Department of Environmental Protection	Larry Morgan	Senior Deputy General Counsel
Florida Department of Environmental Protection	Gareth Leonard	Senior Assistant General Counsel
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Louis Berger Group, Inc.	Katie Chipman	Scientist
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AGENCY/FIRM	NAME	POSITION
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Texas Commission on Environmental Quality	Cullen McMorrow	Attorney
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Louisiana Department of Natural Resources	Joshua Sylvest	Coastal Resources Scientist
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<b>STATE OF MISSISSIPPI</b>		
Mississippi Department of Environmental Quality	Gary Rikard	Mississippi NRDA Trustee
Mississippi Department of Environmental Quality	Marc Wyatt	P.E., BCEE Director, Office of Oil Spill Restoration
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Covington Civil & Environmental, LLC	Stephen Parker	Principal Ecologist/Planner
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NOAA Restoration Center	Jeff Shenot	Marine Habitat Resource Specialist
NOAA Restoration Center	Jamie Schubert	Marine Habitat Resource Specialist
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NOAA General Counsel	Corinna McMackin	Attorney Advisor
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<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>		
U.S. Environmental Protection Agency	Timothy Landers	Environmental Protection Specialist

AGENCY/FIRM	NAME	POSITION
U.S. DEPARTMENT OF THE INTERIOR		
U.S. Department of the Interior	Colette Charbonneau	DWH Restoration Program Manager
U.S. Department of the Interior	Robin Renn	DOI DWH NEPA Coordinator
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U.S. Department of the Interior	Chip Wood	U.S. Fish and Wildlife Service
U.S. Department of the Interior	Ben Frater	U.S. Fish and Wildlife Service
U.S. Department of the Interior	Woody Woodrow	U.S. Fish and Wildlife Service
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U.S. Department of the Interior	Mark Van Mouwerik	National Park Service
U.S. Department of the Interior	James Haas	National Park Service
U.S. Department of the Interior	Jolene Williams	National Park Service
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Industrial Economics	Andrew Schwarz	Principal
Industrial Economics	Leslie Genova	Principal
Industrial Economics	Meredith Amend	Senior Research Analyst
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Parsons Government Services, Inc.	Alexa Miles	Environmental Planner
Parsons Government Services, Inc.	Alyse Getty	Technical Manager, QA/QC
Parsons Government Services, Inc.	Rebecca Porath	Biologist, Threatened and Endangered Species
Parsons Government Services, Inc.	Amanda Molsberry	Socioeconomist, GIS Specialist
Parsons Government Services, Inc.	Seth Wilcher	Cultural Resources

## Phase V Early Restoration Plan Repositories

STATE	LIBRARY	ADDRESS	CITY	ZIP
AL	Dauphin Island Sea Laboratory, Admin Building	101 Bienville Boulevard	Dauphin Island	36528
AL	Thomas B. Norton Public Library	221 West 19th Ave.	Gulf Shores	36542
AL	ADCNR-State Lands Division Coastal Section Office	31115 5 Rivers Blvd.	Spanish Fort	36527
AL	Weeks Bay National Estuarine Research Reserve (NERR)	11300 US Highway 98	Fairhope	36532
AL	Mobile Public Library, West Regional Library	5555 Grelot Rd.	Mobile	36606
FL	Franklin County Public Library	29 Island Dr.	East Point	32328
FL	Okaloosa County Library	185 Miracle Strip Pkwy, SE	Ft. Walton	32548
FL	Panama City Beach Public Library	125000 Hutchison Blvd	Panama City Beach	32407
FL	Escambia Southwest Branch Library	12248 Gulf Beach Hwy	Pensacola	32507
FL	Wakulla County Library	4330 Crawfordville Hwy	Crawfordville	32327
FL	Walton County Library, Coastal Branch	437 Greenway Trail	Santa Rosa Beach	32459
FL	Santa Rosa County Clerk of Court, County Courthouse	5841 Gulf Breeze Pkwy	Gulf Breeze	32561
LA	St. Tammany Parish Library	310 W. 21st Ave	Covington	70433
LA	Terrebonne Parish Library	151 Library Dr.	Houma	70360
LA	New Orleans Public Library, Louisiana Division	219 Loyola Ave	New Orleans	70112
LA	East Baton Rouge Parish Library	7711 Goodwood Blvd.	Baton Rouge	70806
LA	Jefferson Parish Library East Bank Regional Library	4747 W. Napoleon Ave.	Metairie	70001
LA	Jefferson Parish Library West Bank Regional Library	2751 Manhattan Blvd.	Harvey	70058
LA	Plaquemines Parish Library	8442 Hwy 23	Belle Chase	70037
LA	St. Bernard Parish Library	1125 E. St. Bernard Hwy	Chalmette	70043
LA	St. Martin Parish Library	201 Porter St.	Martinville	70582
LA	Alex P. Allain Library	206 Iberia St.	Franklin	70538
LA	Vermillion Parish Library	405 E. St. Victor St.	Abbeville	70510
LA	Martha Sowell Utley Memorial Library	314 St. Mary St.	Thibodaux	70301
LA	South Lafourche Public Library	16241 E. Main St.	Cut Off	70345
LA	Calcasieu Parish Public Library Central Branch	301 W. Claude St.	Lake Charles	70605
LA	Iberia Parish Library	445 E. Main St.	New Iberia	70560
LA	Mark Shirley, LSU Ag Center	1105 West Port St.	Abbeville	70510
MS	Biloxi Public Library, Local History and Genealogy Department	580 Howard Ave	Biloxi	39530

STATE	LIBRARY	ADDRESS	CITY	ZIP
MS	West Biloxi Public Library	2047 Pass Rd.	Biloxi	39531
MS	Waveland Public Library	333 Coleman Ave.	Waveland	39576
MS	Vancleave Public Library	12604 Hwy 57	Vancleave	39565
MS	Hancock County Library System	312 Hwy 90	Bay St Louis	39520
MS	Gulfport Harrison County Library	1708 25 <sup>th</sup> Ave.	Gulfport	39501
MS	Pass Christian Public Library	111 Hiern Ave.	Pass Christian	39567
MS	Orange Grove Branch Library	12031 Mobile Ave.	Gulfport	39503
MS	Kathleen McIlwain Public Library	2100 Library Ln.	Gautier	39553
MS	Pascagoula Public Library	3214 Pascagoula St.	Pascagoula	39567
MS	Moss Point City Library	4119 Bellview	Moss Point	39563
MS	Ocean Springs Municipal Library	525 Dewey Ave.	Ocean Springs	39564
MS	Kiln Public Library	17065 Hwy 603	Kiln	39556
MS	Margaret Sherry Memorial Library	2141 Popps Ferry Rd.	Biloxi	39532
MS	East Central Public Library	21801 Slider Rd.	Moss Point	39532
MS	D'Iberville Library	10274 3rd Ave.	D'Iberville	39532
MS	Mercy Housing & Human Development	1135 Ford St.	Gulfport	39507
MS	Center for Environmental and Economic Justice	336 Rodenberg Ave.	Biloxi	39531
MS	MS Coalition for Vietnamese-American Fisher Folks and Families	1636 Popps Ferry Rd., Suite 228	Biloxi	39532
MS	STEPS Coalition	610 Water Street	Biloxi	39530
MS	Gulf Islands National Seashore Visitors Center	3500 Park Road,	Ocean Springs	39564
TX	Jack K. Williams Library, Texas A&M University at Galveston	Texas A&M University at Galveston; Building #3010, 200 Seawolf Pkwy	Galveston, TX 77554	77554
TX	Port Arthur Public Library	4615 9th Ave.	Port Arthur, TX 77672	77672
TX	Library Tex A&M Corpus Christi	6300 Ocean Drive	Corpus Christi, TX	78412

## Phase V Early Restoration Plan List of Acronyms

ACRONYM	DEFINITION
ADA	Americans with Disabilities Act
ADCNR	Alabama Department of Conservation and Natural Resources
ADEM	Alabama Department of Environmental Management
APE	Area of Potential Impact
ATCA	Atlantic Tunas Convention Act
BCR	Benefit-to-Cost Ratio
BGEPA	The Bald and Golden Eagle Protection Act
BLM	Bureau of Land Management
BMPs	Best Management Practices
BP	British Petroleum Exploration and Production Inc.
CAAA	Clean Air Act Amendments
CEQ	Council on Environmental Quality
CPRA	Louisiana Coastal Protection and Restoration Authority
CO	Carbon monoxide
CO <sub>2</sub>	Carbon Dioxide
CWA/RHA	Clean Water Act Section 404 and Rivers and Harbors Act
CZMA	Coastal Zone Management Act
DOI	The United States Department of the Interior
DPS	Distinct Population Segment
EA	Environmental Assessment
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EO	Executive Order
EPA	The United States Environmental Protection Agency
ESA	Endangered Species Act
FAC	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
FEMA	Federal Emergency Management Agency
Final Phase III ERP/PEIS	Final Programmatic and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement
FMP	Fishery Management Plan



ACRONYM	DEFINITION
FWC	Florida Fish and Wildlife Conservation Commission
GHG	Greenhouse Gas
GSA	Geological Survey of Alabama
HAPC	Habitat Area of Particular Concern
HMS	Highly Migratory Species
ICCAT	International Commission for the Conservation of Atlantic Tunas
IPaC	Information for Planning and Conservation
IPCC	The Intergovernmental Panel on Climate Change
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LDWF	Louisiana Department of Wildlife and Fisheries
LOSCO	Louisiana Oil Spill Coordinator's Office
MBTA	Migratory Bird Treaty Act
MDEQ	Mississippi Department of Environmental Quality
MDMR	Mississippi Department of Marine Resources
MDWFP	Mississippi Department of Wildlife Fisheries and Parks
MMPA	Marine Mammal Protection Act
MRB	Mississippi River Basin
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act of 1966, as amended
NMFS	National Marine Fisheries Service
NRCS	Natural Resources Conservation Service
NO <sub>2</sub>	Nitrogen Dioxide
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRD	Natural Resource Damage
NRDA	Natural Resource Damage Assessment
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places

ACRONYM	DEFINITION
NWR	National Wildlife Refuge
O <sub>3</sub>	Surficial Ozone
OPA	Oil Pollution Act
OSHA	Occupational Safety and Health Administration
PAH(s)	Polycyclic Aromatic Hydrocarbons
PAIS	Padre Island National Seashore
PCBs	Polychlorinated biphenyls
PCE	Primary Constituent Element
PDARP	Programmatic Damage Assessment and Restoration Plan
PEA	Programmatic Environmental Assessment
PEIS	Programmatic Environmental Impact Statement
Phase IV ERP/EA	Phase IV Early Restoration Plan and Environmental Assessments
PLL	Pelagic Longline
PM10	Fine Particulates With A Diameter Of 10 Micrometers Or Less
PM2.5	Fine Particulates With A Diameter Of 2.5 Micrometers Or Less
RAO	Rural Area of Opportunity
SAFE	Stock Assessment and Fisheries Evaluation
SAV	Submerged Aquatic Vegetation
SCAT	Shoreline Cleanup Assessment Technique
SERO	NOAA Southeast Regional Office
SO <sub>2</sub>	Sulfur Dioxide
Spill	Deepwater Horizon Oil Spill
TCEQ	Texas Commission on Environmental Quality
TGLO	Texas General Land Office
TPL	Trust for Public Land
TPWD	Texas Parks and Wildlife Department
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

# Appendix A Part 1: Evaluation of Project Modification and Supplemental NEPA Analysis for Phase III Early Restoration Project: Strategically Provided Boat Access along Florida’s Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements)

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# Appendix A Part 2: Finding of No Significant Impact for the Evaluation of Project Modification and Supplemental NEPA Analysis for Phase III Early Restoration Project: Strategically Provided Boat Access along Florida’s Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements)

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## A.1 Introduction

Chapter 1, Section 1.13, provides notice of modification to the following Phase III Early Restoration Project: Strategically Provided Boat Access along Florida's Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements), selected by the Trustees in the Record of Decision (ROD) for the Final Phase III ERP/PEIS. All applicable analysis and information on the Frank Pate Boat Ramp Improvement Component in the Phase III ERP/PEIS (hereafter referred to as the Phase III Frank Pate Boat Ramp project) is incorporated here by reference.

Section 9.2 of the ROD for the Final Phase III ERP/PEIS describes criteria the Trustees will consider to evaluate for material change to any selected Phase III Early Restoration project to determine whether additional restoration planning and environmental review, including opportunity for public comment, is necessary. First, the Trustees will determine whether any change to the project is consistent with the environmental review in the Final Phase III ERP/PEIS or if there are substantial changes that are relevant to environmental concerns. Second, the Trustees will assess whether or not there are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the Final Phase III ERP/PEIS (40 C.F.R. § 1502.9 (c)). Third, the Trustees will evaluate whether changes to the project result in changes to the project description in the Final Phase III ERP/PEIS that affects their selection under Oil Pollution Act (OPA) of 1990. The Trustees' evaluation of the modification to the Phase III Frank Pate Boat Ramp project under these criteria is provided in this document.

Based on this evaluation, the Trustees found that the modified project will create new circumstances relevant to environmental concerns not addressed in the impact analysis of the Final Phase III ERP/PEIS and, accordingly, have provided a supplemental environmental assessment (SEA) under NEPA (included in this Appendix). The supplemental NEPA analysis of the modified project (described below) suggests that short-term and long-term minor adverse impacts may occur to some resource categories, but no moderate to major adverse impacts are anticipated. The project modification also is not expected to contribute substantially to adverse cumulative impacts to the affected resources.

Based on the supplemental analysis, the Trustees determined that the identified modification to the Phase III Frank Pate Boat Ramp project does not alter their decision to select the Strategically Provided Boat Access along Florida's Gulf Coast project. The modified project will enhance and/or increase recreational boating and fishing opportunities by improving the boat ramps and associated infrastructure along Florida's Panhandle. Consequently, the Trustees have reinitiated final consultations and coordination on the modified Phase III Frank Pate Boat Ramp project. Final project implementation remains subject to the results of additional consultations and reviews as required for compliance with all other laws (e.g., ESA, MMPA, etc.), including consideration of any significant new circumstances or information presented as part of those processes.

## A.2 Description of Project Modification

The Final Phase III ERP/PEIS states that the work for the Phase III Frank Pate Boat Ramp project includes: 1) the addition of boat trailer parking; 2) the construction of an access drive; 3) the addition of a staging

area; and 4) the construction of a fish cleaning station. The Final Phase III ERP/PEIS project description also states that the currently existing boarding dock separating the two boat lanes of the boat ramp would be renovated and extended to allow for more temporary mooring areas while boaters are launching and loading at the ramp. The Final Phase III ERP/PEIS noted that, as part of the dock expansion, up to 20 pilings could be placed (no pilings need to be removed) and that these were expected to be 8" diameter pilings that would be placed through a combination of water jetting and mechanical auguring, at a minimum of 10 feet apart.

Under the revised project scope, the general project location remains the same (see Figure A-1). Rather than renovating and extending the existing boarding dock, as well as constructing boat trailer parking, an access drive, staging area, and fish cleaning station, the project will be modified to construct multiple timber docks alongshore and improve the existing seawalls.<sup>1</sup> The project scope was modified to reflect current priority needs at the site. The Trustees will replace the existing 140 foot metal sheet pile seawall on the north side of the current boat ramp with an epoxy-coated sheet pile wall with concrete to create a concrete boarding dock, and add a 300 by 6 foot timber dock that includes installation of 62 pilings. Final engineering and construction design will determine the final depth of the pilings but they could be placed between 10 to 12 feet deep. The Trustees will also replace the existing 145 foot metal sheet pile seawall on the south side of the ramp with an epoxy-coated sheet pile wall with concrete to create a concrete boarding dock, and add a 100 by 6 foot timber dock that includes installation of 22 pilings. Depth of the sheet piles will be determined during final engineering and construction design but could be as deep as 20-25 feet. This modification in project activities will alter the specific project construction area (Figure A-2 shows the location of the Phase III ERP/PEIS Frank Pate Boat Ramp Improvements Project area and Figure A-3 shows the location of the project modification area).

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<sup>1</sup> Repairs to the existing boarding dock and boat ramp have already been completed at the site with other funding prior to Phase III funds becoming available due to immediate safety concerns. The planned extension to the boarding dock, boat trailer parking, access drive, staging area, and fish cleaning station were not constructed.



**Figure A-1. General Location of the Strategic Boat Access City of Port St. Joe Frank Pate Boat Ramp Improvements**



Figure A-2. Location of the Frank Pate Boat Ramp Improvements Project (from Phase III ERP/PEIS)



The project modification to the Frank Pate Boat Ramp Improvements component does not impact the overall Strategically Provided Boat Access along Florida’s Gulf Coast project objective, which is to enhance and/or increase recreational boating and fishing opportunities by improving the boat ramps and associated infrastructure along Florida’s Panhandle.



Figure A-3. Location of the Frank Pate Boat Ramp Improvements Project with Described Modification



### A.3 OPA/NRDA Evaluation Criteria, Performance Criteria, Monitoring and Maintenance, Offsets, and Costs Update

No change is proposed at this time to the Trustees' selection of the project under OPA in the Final Phase III ERP/PEIS. In particular, the project as modified still meets the evaluation criteria established for OPA and the Framework Agreement. As a result of the *Deepwater Horizon* oil spill and related response actions, the public's access to and enjoyment of the natural resources along Florida's Panhandle was denied or severely restricted. The project as modified still would enhance and/or increase recreational opportunities by improving boat ramps and associated infrastructure along Florida's Panhandle. The project as changed would enhance and/or increase opportunities for the public's use and enjoyment of the natural resources, helping to offset adverse impacts to such uses caused by the Spill. Thus, the nexus to resources injured by the Spill remains clear. See 15 C.F.R. § 990.54(a)(2); and Section 6a-6c of the Framework Agreement.

The project as changed is technically feasible and uses proven techniques with established methods and documented results. Further, the project as changed can be implemented with minimal delay pending completion of USFWS and NMFS biological consultation. Agencies have successfully completed projects

of similar scope throughout Florida over many years, including projects in earlier phases of the *Deepwater Horizon* Early Restoration. For these reasons, the project as changed has a high likelihood of success (see 15 C.F.R. § 990.54(a)(3); and Section 6e of the Framework Agreement). The project as changed does not result in any material net change to the project's estimated costs as identified in the Final Phase III ERP/PEIS and so the project would still be conducted at a reasonable cost (see 15 C.F.R. § 990.54(a)(1); and Section 6e of the Framework Agreement).

An initial environmental review indicates that adverse impacts from the project change would largely be minor, localized, and often of short duration. In addition, best management practices (BMPs) and measures to avoid or minimize adverse impacts described in section 12.39 of the Final Phase III ERP/PEIS would be implemented. As a result, collateral injury would be avoided and minimized during project implementation (construction and installation and operations and maintenance (see 15 C.F.R. § 990.54(a)(4)). The Trustee's initial findings indicate the project change would not affect the determination of the project's effects in the Final Phase III ERP/PEIS and, further, is not anticipated to negatively affect regional ecological restoration, and is therefore not inconsistent with the long-term restoration needs of the State of Florida (see Section 6d of the Framework Agreement).

Furthermore, the project change does not require or result in any change to the project's performance criteria, monitoring and maintenance, and offsets as provided in the Final Phase III ERP/PEIS for the Frank Pate Boat Ramp Improvements component of the Strategically Provided Boat Access along Florida's Gulf Coast project.

#### Public Notification

The Trustees provided public notice of the project modification for the Phase III Frank Pate Boat Ramp project in the Draft Phase V ERP/EA. No public comments were received in regards to the public notification for the project modification.

### **A.4 Supplemental Environmental Impacts Analysis of Project Change to the Frank Pate Boat Ramp Improvements Component**

This analysis covers the modification to the Phase III Frank Pate Boat Ramp project. The impacts of the project modification are identified and analyzed, including as these impacts relate to the broader environmental analyses of the Strategically Provided Boat Access along Florida's Gulf Coast project and these types of actions as a whole discussed in the Final Phase III ERP/PEIS.

The Phase III Frank Pate Boat Ramp project is one of multiple components encompassed within the Strategically Provided Boat Access along Florida's Gulf Coast project. This analysis is only applicable to activities related to implementation of the modification to the Phase III Frank Pate Boat Ramp project.

#### **A.4.1 Purpose and Need**

The project modification will enhance and/or increase recreational opportunities by replacing the existing sea wall, which will prevent erosion around the ramp and facilitate access to the ramp. The

project is also being modified to construct two timber docks to improve access for boating and fishing. The remaining components of the original project will be constructed at a later date using other funds.

#### **A.4.2 Scope of the SEA**

This SEA addresses the potential environmental impacts from the modification to the approved Phase III Frank Pate Boat Ramp project.

This SEA incorporates by reference the portions of the Final Phase III ERP/PEIS that pertain to the Phase III Frank Pate Boat Ramp project, found mostly in Chapter 12, Section 12.38. This SEA provides NEPA analysis for potential impacts for relevant resources with potential to occur as a result of the project modification and the no action alternative, which are described as follows:

##### **A.4.2.1 Project Modification**

The Phase III Frank Pate Boat Ramp project would be modified to repair the existing seawalls and construct two timber docks, one 300 feet by 6 feet, and one 100 feet by 6 feet. See Section A.2 above for details.

##### **A.4.2.2 No Action Alternative**

The No Action alternative, inclusion of which is a NEPA requirement, is a viable alternative, and also provides a benchmark, enabling decision-makers to compare the magnitude of environmental effects of the action alternatives (CEQ 1502.14(d)). In this case, the No Action Alternative is to not implement the modification to the project, i.e., leave the existing north and south seawalls in their current conditions, and the two timber docks would not be constructed.

#### **A.4.3 Project Location**

The general project location for the Phase III Frank Pate Boat Ramp project is the same as identified in the Final Phase III ERP/PEIS, see Figure A-4. Due to the modification in project activities there are minor adjustments to the project area: 1) the project area no longer includes the parking lot to the southeast of the boat ramp, 2) the project area now extends to the west of the existing boat ramp to account for the construction of a 300 foot and 100 foot timber dock alongshore. Similar to the Final Phase III ERP/PEIS, the work for the project modification would take place on developed land and in-water areas.

#### **A.4.4 Construction and Installation**

The Final Phase III ERP/PEIS states that the improvements include 1) renovating and extending the existing boarding dock; 2) additional boat trailer parking; 3) an access drive; 4) a staging area; and 5) a fish cleaning station. This analysis focuses on the environmental impacts of the modification to construct 400 feet of timber docks alongshore and improve existing seawalls in lieu of renovating and extending the existing boarding dock (which would remain as-is), constructing the boat trailer parking, access drive, staging area, and fish cleaning station. Mechanized equipment and hand tools would be used to replace the existing seawalls and construct the timber docks. As part of the timber dock construction 84

pilings would be placed. These are expected to be less than or equal to 12" diameter pilings that would be placed through a combination of water jetting and pushing. To replace the existing seawalls, the new sheet pile would be driven into place on land behind the currently existing seawall. Once in place, the previous seawall would be removed to limit the amount of in-water work (Figure A-2). Final project plans would incorporate the guidance and requirements set forth in the *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat* (U.S. Army Corps of Engineers/National Marine Fisheries Service 2001) should an SAV survey indicate sea grasses are located in the project area. Among other things, implementing these guidelines would require pilings for the dock expansion be placed a minimum of 10 feet apart. Any proposed discharge of dredged or fill material into waters of the United States, including wetlands, or work affecting navigable waters associated with this project will be coordinated with the U.S. Army Corps of Engineers pursuant to the Clean Water Act Section 404 and Rivers and Harbors Act.

Most work, and all equipment and materials staging, would be completed from the existing disturbed areas near the current boat ramp, although some of the timber dock construction work would take place from the water. During periods of in-water work, there would be implementation and adherence to the guidelines and conditions within the *Sea Turtle and Smalltooth Sawfish Construction Conditions* (NMFS 2006). These provisions include stopping operation of any equipment if sea turtles or smalltooth sawfish come within 50 feet of the equipment until the time when animals leave the project area of their own volition.

BMPs for erosion control would also be implemented and maintained at all times during upland construction to prevent siltation and turbid discharges into surface waters. Methods could include but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and installation of turbidity screens around the immediate project site.

Finally, as described in the Final Phase III ERP/PEIS for the Strategically Provided Boat Access along Florida's Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements), should any lighting be installed or upgraded, the new lighting would be wildlife friendly and comply with the guidance provided in the current edition of the FWC's Lighting Technical Manual.

The Final Phase III ERP/PEIS identified a construction activity time-frame of approximately one year. Due to the modification in project activities, the project is now expected to take approximately four months, with in-water work associated with the project expected to last no more than three months. The project modification does not result in any material net change to the project's estimated costs.



Figure A-4. Frank Pate Boat Ramp Improvements Project Modification Conceptual Site Plan (Courtesy of Preble-Rish, Inc.) Overlaid on Google Earth Imagery





#### **A.4.5 Operations and Maintenance**

As described in the Final Phase III ERP/PEIS, and applicable to this analysis, the City of Port St. Joe would be responsible for operation and maintenance of the Frank Pate Boat Ramp. The Trustees will work with City of Port St. Joe in obtaining all necessary permits that the project modification requires before project implementation begins.

Monitoring will be conducted pursuant to the State of Florida's Monitoring Plan for *Deepwater Horizon* NRDA Early Restoration Phase III Recreational Use Projects to ensure project plans and designs were correctly implemented. Monitoring has been designed around the project goals and objectives. Performance monitoring will evaluate the replacement of the seawalls and construction of the timber docks. Specific parameters include the completion of construction as designed and permitted. During the first year following completion of construction, FWC Boating & Waterways staff will go out twice to the site to record the number of users. Subsequently, the City of Port St. Joe will monitor the recreational use activity at the site during the second year following completion of construction. The City of Port St. Joe will visit the site twice during that second year to count the number of users at the boat ramp. The visitation numbers will then be provided to the Florida Department of Environmental Protection, Gulf Restoration staff.

#### **A.4.6 Affected Environment and Environmental Consequences**

Under NEPA, federal agencies must consider environmental impacts of their actions that include, among others, impacts on social, cultural, and economic resources, as well as natural resources. The following sections describe the affected environment and environmental consequences that could potentially occur to the relevant resources impacted by the modification to the Phase III Frank Pate Boat Ramp project. To avoid redundancy and focus the supplemental analysis, the resources analyzed here are only those that are considered relevant to the modification.

##### ***A.4.6.1 Affected Environment***

The affected environments for each of the following subsections are the same as described in the Strategically Provided Boat Access along Florida's Gulf Coast: Environmental Review E (City of Port St. Joe, Frank Pate Boat Ramp Improvements), which is part of the Final Phase III ERP/PEIS, and is incorporated here by reference.

##### ***A.4.6.1.1 Physical Environment***

###### ***Geology and Substrates***

###### *Environmental Consequences*

###### **Project Modification**

Construction of multiple timber docks alongshore and improvements to the existing seawalls would involve minor alterations to geology and substrate. Some excavation of soils would occur as part of the

seawall replacement and movement and compaction of soils due to installation of the pilings. Approximately half of the 84 pilings would be placed in the existing rip-rap currently lining the basin. During piling installation, this rip-rap would be temporarily moved aside; post-installation, it would be moved to surround the newly installed pilings. The project site is in a previously disturbed area; adverse impacts to geology and substrates would be minor. Disturbance would be detectable, but would be short-term, minor, and localized. There would be no long-term changes to local geologic features. Given that the project no longer includes paving of a parking lot, the area of impervious surface would not increase and would not result in potential minor, localized changes to soil characteristics. Overall, the impacts of the project modification related to soil compaction and erosion during construction would be minor and, in the long term, the project modification would not be expected to adversely impact geology, soils, or substrates.

#### No Action

Under the No Action Alternative, the project modification would not be implemented; repair of the seawalls, construction of the two timber docks and construction activities such as installation of pilings would not occur and therefore no additional impacts to geology and substrates would be expected.

### *Hydrology and Water Quality*

#### *Environmental Consequences*

##### Project Modification

Construction of multiple timber docks alongshore and improvements to the existing seawalls would modify the location of in-water work which would involve minor alterations to hydrology and water quality during project construction. All permit conditions requiring mitigation measures for siltation, erosion, turbidity and release of chemicals would be strictly adhered to. During construction, BMPs and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. The Florida Department of Environmental Protection (FDEP) permit conditions require erosion and turbidity mitigation measures. These include:

- Install floating turbidity barriers;
- Install erosion control measures along the perimeter of all work areas;
- Stabilize all filled areas with sod, mats, barriers or a combination; and
- If turbidity thresholds are exceeded the project must stop, stabilize the soils, modify the work procedures, and notify the FDEP.

The FDEP permits also constitute a Certification of Compliance with State Water Quality Standards under Section 401 of the Clean Water Act, which means that the project would comply with state water quality standards and other aquatic resource protection requirements.

After construction, the potential for increased boat traffic at the refurbished boat dock could result in localized adverse impacts to surface water quality over the long term. Boat wakes created by additional

boat traffic that could increase shoreline erosion would be controlled through no-wake or speed zones to mitigate shoreline erosion.

Impacts from chemicals that could potentially be released from sources such as construction equipment and boats are expected to be short term and localized. Required spill containment measures would be implemented for applicable construction activities. FDEP permits require spill containment protection and mitigation measures such as:

- No boat repair or fueling facilities over the water,
- Prohibited activities include hull cleaning and painting, discharges or release of oils or greases, and related metal-based bottom paints associated with hull scraping, cleaning, and painting.

BMPs along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts associated with construction activities of the timber docks and replacement of the seawall. BMPs for erosion control would be implemented and maintained at all times during construction to prevent siltation and turbid discharges into waters of the state. Silt and sedimentation control measures would be installed and properly maintained to protect water quality resources. There would be no substantial change in uses at the project site following implementation of the project activities. This project would not impact groundwater.

This project modification would result in short-term and long-term minor adverse impacts on water resources. With required mitigation in place, impacts to water quality from this project are expected to be minimal.

#### No Action

Under the No Action Alternative, the project modification would not be implemented. Repair of the seawalls, construction of the two timber docks and construction activities such as installation of pilings and potential increase in boat traffic post-construction would not occur. Therefore, no additional impacts to hydrology and water quality would be expected.

### ***Air Quality and Greenhouse Gas Emissions***

#### *Environmental Consequences*

##### Project Modification

The project modification requires additional use of a crane, excavator, a small barge, and various construction vehicles for up to eight hours per day which would temporarily affect air quality in the project vicinity due to construction vehicle emissions. These emissions would also include emissions of greenhouse gases (GHGs). The crane and small barge would be in use for approximately three months, and the excavator would be in use for four months during project construction. The project modification reduces the construction time frame from one year to four months. BMPs would be employed to prevent, mitigate, and control potential air pollutants during project implementation. Any air quality

impacts that would occur would be localized and short in duration. Therefore, any adverse impacts to air quality would be short-term and minor. Over the long term, the project modification would have no long-term impacts on air quality.

Engine exhaust from the crane, excavators, barge, or trucks, or other equipment would include GHG emissions. Table A-1 is a revised estimate of the likely GHG emission scenario for the implementation of Frank Pate Boat Ramp Improvements project as a whole.

Based on the assumptions described in Table A-1 below, and the small scale and short duration of the construction portion of the project, predicted GHG emissions would not exceed 25,000 metric tons per year. Available BMPs would be employed to reduce the release of GHGs during implementation. Based on the small scale and short duration of the project, GHG emissions in the Frank Pate Boat Ramp Improvements project staging and deployment areas would be minimal and would be expected to have minor impacts.

**Table A-1. Greenhouse Gas Emissions Estimates**

PROJECT ACTIVITY	CONSTRUCTION EQUIPMENT	NO. OF HOURS OPERATED	TOTAL CO2E EMISSION RATE <sup>1</sup> (METRIC TONS)
Seawall replacement and timber dock construction	Small barge with crane	8 hours/day, 5 days/week, 3 month	17.4 (used crane .29 equipment for calculating total)
	Small excavator	8 hours/day, 5 days/week, 4 month	12.8 (used pickup truck .16)
	small tools (nail guns, saws, drills)	8 hours/day, 5 days/week, 4 month	12.8 (used pickup truck .16)
	generator (small tools)	8 hours/day, 5 days/week, 4 month	16 (used .8 as conversion)
	tractor trailer (material delivery)	6 trips	.51 (used dump truck .34)
Total			59.5
<sup>1</sup> Includes CO <sub>2</sub> , CH <sub>4</sub> , and NO <sub>x</sub> calculated using USEPA 2009 and USEPA 2011.			

#### No Action

Under the No Action Alternative, the project modification would not be implemented; repair of the seawalls, construction of the two timber docks and construction activities including vehicle emissions from construction equipment would not occur and therefore no additional impacts to air quality and greenhouse gas emissions would be expected.

## **Noise**

### *Environmental Consequences*

#### Project Modification

Sensitive members of the public and wildlife may be exposed to increased noise levels during project construction due to the use of the crane, small excavator, and barge. Noise would be generated during construction of the seawall and timber docks. Construction equipment noise is known to disturb fish, marine mammals and nesting shorebirds (discussed below). Construction noise would also create a potential nuisance to visitors and residents in areas adjacent to project construction activities.

Mitigation measures that serve to limit noise during construction include: limiting activity at project sites to daytime hours; limiting truck traffic ingress/egress to the site to daytime hours; promoting awareness among work crews that producing prominent discrete tones and periodic noises (e.g., excessive dump truck gate banging) should be avoided as much as possible; and requiring that work crews seek pre-approval for any weekend activities, or activities outside of daytime hours. Construction noise would be temporary and limited to daytime hours, and the construction period is not anticipated to last more than four months. Because construction noise would be temporary, negative impacts to the human environment during construction activities would be short-term and minor, as they would likely attract attention but not result in visitors changing their activities.

After completion of the project, noise levels would return to pre-project conditions. There exists potential for increased boat and automobile traffic resulting from improvements to the boat ramp, which would result in a slight increase in noise levels in the vicinity. Overall, long-term noise impacts from boating and other recreational activities would remain minor. Likewise, noise impacts from commercial vessels, highway traffic, and ambient natural sounds would be minor.

#### No Action

Under the No Action Alternative, the project modification would not be implemented; repair of the seawalls, construction of the two timber docks, construction activities such as installation of pilings and use of construction equipment, and potentially increased boat or automobile traffic would not occur and therefore no additional increase in noise levels would be expected.

### **A.4.6.1.2 Biological Environment**

#### ***Protected Species***

### *Environmental Consequences*

#### Project Modification

Coordination with USFWS and NMFS has begun on the potential for impacts to protected species under the ESA and for the potential for take of marine mammals under the MMPA.

The Trustees' initial review indicates that the project modification is not likely to alter the prior USFWS' and Trustees' determination in the Final Phase III ERP/PEIS that the Frank Pate Boat Ramp Improvements project may affect, but is not likely to adversely affect, St. Andrew beach mouse, five species of sea turtles in terrestrial habitats (green, hawksbill, Kemp's ridley, leatherback, and loggerhead), West Indian manatee, piping plover, and red knot. Similarly, it is not likely to alter the USFWS and Trustees' determination that the project modification would not adversely modify or destroy critical habitat for the St. Andrew beach mouse, piping plover, or destroy critical terrestrial habitat for the loggerhead sea turtle. The Trustees' coordination and re-initiation of ESA Section 7 consultation with the USFWS and NMFS on the project modification will allow re-evaluation of potential impacts to protected species and inform a final determination. The project modification will not be implemented until all consultation and coordination under the ESA and MMPA is complete, and where appropriate, conservation measures will be implemented.

#### No Action

Under the No Action Alternative, the project modification would not be implemented; repair of the seawalls, construction of the two timber docks and construction activities such as installation of pilings and potential increase in boat traffic post-construction would not occur and therefore no additional impacts to protected species would be expected.

#### **A.4.7 Cumulative Impacts**

The modification to the Phase III Frank Pate Boat Ramp project is not expected to contribute to adverse cumulative impacts substantially different from those described in the Phase III ERP/PEIS. The removal of the terrestrial components from the project scope and the substantial decrease in project time-frame from one year to four months would be expected to decrease any minor contribution the original Phase III project may have had to adverse cumulative impacts on affected resources.

### **A.5 Analysis of Criteria for Changes to Phase III Early Restoration Projects**

As discussed above (see A.1), Section 9.2 of the ROD for the Final Phase III ERP/PEIS explains the Trustees will review project changes against three criteria in order to assess whether such changes are material. The first criterion is whether the project change is consistent with the environmental review in the Final Phase III ERP/PEIS. This ties into the second criterion of whether or not there are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the Final Phase III ERP/PEIS (40 C.F.R. § 1502.9(c)). The third criterion evaluates whether modifications to the project result in changes to the project description in the Final Phase III ERP/PEIS that affects its selection under OPA.

The Trustees have determined that the change to the project would create new circumstances relevant to environmental concerns not addressed in the impact analysis of the Final Phase III ERP/PEIS and have provided this supplemental NEPA environmental assessment. As discussed above in greater detail, the installation of the seawall and timber docks would result in short-and long-term minor adverse impacts

to, hydrology and water quality, and short-term minor adverse impacts to geology and substrates, air quality and greenhouse gas emissions, and noise; these impacts are consistent with those identified and discussed in the detailed environmental review in the Final Phase III ERP/PEIS and do not change the overall impacts of the project to these resources. Consequently, no change is proposed at this time to the Trustees' selection of the project under OPA or the environmental analysis under NEPA in the Final Phase III ERP/PEIS.

However, the Trustees have begun coordination to evaluate whether environmental consequences of the modification to the City of Port St. Joe, Frank Pate Boat Ramp Improvements Component would be substantial to the biological environment. This evaluation, and the Trustees' final determination, remain subject to the results of additional consultations and reviews as required for compliance with all other laws (e.g., ESA, MMPA, etc.), including consideration of any significant new circumstances or information presented as part of those processes.

As discussed above in greater detail, the nexus to resources injured by the Spill remains clear, since the project as modified would still enhance and/or increase opportunities for the public's use and enjoyment of the natural resources, helping to offset adverse impacts to such uses caused by the Spill. Furthermore, the project as modified has a high likelihood of success since the installation of the seawall and timber docks are technically feasible and would use proven techniques with established methods and documented results. Additionally, the project as modified would be conducted at a reasonable cost since the installation of the timber docks and replacement of the seawalls does not increase the cost of the project. Moreover, collateral injury would be avoided and minimized since the modification is not expected to significantly alter the potential adverse impacts of the project and BMPs that serve to avoid or minimize such impacts would still be implemented. Finally, this project as modified is not inconsistent with the long-term restoration needs of the State of Florida, since it is not anticipated to negatively affect regional ecological restoration. Therefore, the Trustees have determined that the project as modified does not impact the overall Strategically Provided Boat Access along Florida's Gulf Coast project objective (to enhance and/or increase recreational boating and fishing opportunities by improving the boat ramps and associated infrastructure along Florida's Panhandle).

## **A.6 Summary**

The project modification for the Strategically Provided Boat Access along Florida's Gulf Coast – City of Port St. Joe, Frank Pate Boat Ramp Improvements is consistent with the selected alternative in the Final Phase III ERP/PEIS (Alternative 4), which allows the Trustees to implement Early Restoration projects that provide for the restoration of recreational opportunities. This supplemental analysis of the environmental consequences suggests that while short-term and long-term minor adverse impacts may occur to some resources categories, no moderate to major adverse impacts are anticipated. The project modification is not expected to contribute substantially to adverse cumulative impacts to the affected resources. The project modification to the City of Port St. Joe, Frank Pate Boat Ramp Improvements component will still enhance and/or increase recreational opportunities by improving the existing Frank Pate Boat Ramp.



Based on the above analysis, the Trustees find that the project modification does not affect the Trustees' selection of the project under OPA. This analysis remains subject to the results of additional consultations and reviews as required for compliance with all other laws (e.g., ESA, MMPA, etc.), including consideration of any significant new circumstances or information presented as part of those processes.

## A.7 References

Deepwater Horizon Oil Spill Natural Resource Trustees. 2014. Programmatic and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement. June 2014. [Phase III of Early Restoration : NOAA Gulf Spill Restoration](#)

National Marine Fisheries Service (NMFS). 2006. *Sea Turtle and Smalltooth Sawfish Construction Conditions*. March 23. [http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/guidance\\_docs/documents/sea\\_turtle\\_and\\_smalltooth\\_sawfish\\_construction\\_conditions\\_3-23-06.pdf](http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/sea_turtle_and_smalltooth_sawfish_construction_conditions_3-23-06.pdf)

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Appendix A Part 2: Finding of No Significant Impact for the Evaluation of Project Modification and Supplemental NEPA Analysis for Phase III Early Restoration Project: Strategically Provided Boat Access along Florida's Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements)

## FINDING OF NO SIGNIFICANT IMPACT

### **For the Evaluation of Project Modification and Supplemental NEPA Analysis for Phase III Early Restoration Project: Strategically Provided Boat Access along Florida's Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements)**

#### **A.8 Overview and Background**

The Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA), Environmental Protection Agency (EPA), and United States Department of Agriculture (USDA), (collectively "Federal Trustees") conducted a supplemental environmental assessment (SEA) for the modification of the approved Phase III Early Restoration Project: Strategically Provided Boat Access along Florida's Gulf Coast: Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements). The supplemental NEPA analysis is found in Appendix A of the Final Phase V Early Restoration Plan and Environmental Assessment (Final Phase V ERP/EA) for the First Phase of the Florida Coastal Access Project. The original project scope included 1) renovating and extending the existing boarding dock; 2) additional boat trailer parking; 3) an access drive; 4) a staging area; and 5) a fish cleaning station. Under the revised project scope, the modification will alter the specific project footprint, but the general project location will remain the same (see Final Phase V ERP/EA, Appendix A). Rather than renovating and extending the existing boarding dock, as well as constructing boat trailer parking, an access drive, staging area, and fish cleaning station, the project will be modified to construct multiple timber docks alongshore and improve the existing seawalls.<sup>2</sup> The project scope was modified to reflect current priority needs at the site. The project modification reduces the construction time frame from one year to four months.

Under the Oil Pollution Act of 1990, damages recovered from parties responsible for natural resource injuries are used to restore, replace, rehabilitate and/or acquire the equivalent of the injured natural resources and services they provide (33 U.S.C. § 2706). When Federal Trustees are involved, these restoration activities are subject to the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 et seq. Therefore, the Federal Trustees prepared an SEA to evaluate the potential environmental impacts associated with the modifications to the Phase III project. The SEA was prepared by the Federal Trustees in accordance with NEPA, Council on Environmental Quality (CEQ) NEPA regulations, and all applicable agency NEPA regulations and guidance.

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<sup>2</sup> Repairs to the existing boarding dock and boat ramp have already been completed at the site with other funding prior to Phase III funds becoming available due to immediate safety concerns. The planned extension to the boarding dock, boat trailer parking, access drive, staging area, and fish cleaning station were not constructed.

## A.9 Analysis Summary

The Federal Trustees evaluated potential environmental effects of the project modification and analyzed the significance of the modification based on NEPA, CEQ NEPA regulations, and all applicable agency NEPA regulations and guidance. Only the resources that could be potentially impacted by the modification were analyzed. CEQ regulations (40 CFR §1508.27) state that the significance of an action should be analyzed both in terms of “context” and “intensity.” Each criterion discussed below is relevant to making a Finding of No Significant Impact. Each criterion was considered individually, as well as in combination with the others. The analysis suggests that some of the analyzed resources could be affected by the modification with short term minor to moderate adverse impacts and long term minor adverse impacts, as discussed below and in the Final Phase V ERP/EA, Appendix A, Sections A.4.4.1.1 and A.6 (overall summary). Physical and biological resources that could be impacted by the modification where the analysis could differ from the original analysis are: geology and substrates, hydrology and water quality, air quality/greenhouse gas emissions, noise, and protected species. The analysis for each is summarized below.

- Impacts to the physical environment (geology and substrates, hydrology and water quality, air quality/ greenhouse gas emissions and noise):
  - Short-term minor adverse impacts to geology and substrates are anticipated as a result of the project modification due to ground disturbances associated with soil disturbance during seawall replacement. Overall, the impacts of the project modification related to soil compaction and erosion during construction would be minor and, in the long term, the project modification would not be expected to adversely impact geology, soils, or substrates.
  - The modification to construction of multiple timber docks alongshore and improvements to the existing seawalls would modify the location of in-water work which would involve minor alterations to hydrology and water quality during project construction. All permit conditions requiring mitigation measures for siltation, erosion, turbidity and release of chemicals would be strictly adhered to. During construction, BMPs and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. The Florida Department of Environmental Protection (FDEP) permit conditions require erosion and turbidity mitigation measures. These include:
    - Install floating turbidity barriers;
    - Install erosion control measures along the perimeter of all work areas;
    - Stabilize all filled areas with sod, mats, barriers or a combination; and
    - If turbidity thresholds are exceeded the project must stop, stabilize the soils, modify the work procedures, and notify the FDEP.

The FDEP permits also constitute a Certification of Compliance with State Water Quality Standards under Section 401 of the Clean Water Act, which means that the project would comply with state water quality standards and other aquatic resource protection requirements.

After construction, increased boat traffic at the refurbished boat dock could result in localized adverse impacts to surface water quality over the long term. Boat wakes created by additional boat traffic that could increase shoreline erosion would be controlled through no-wake or speed zones to mitigate shoreline erosion.

Impacts from chemicals that could potentially be released from sources such as construction equipment and boats are expected to be short term and localized. Required spill containment measures would be implemented for applicable construction activities. FDEP permits require spill containment protection and mitigation measures such as:

- No boat repair or fueling facilities over the water,
- Prohibited activities include hull cleaning and painting, discharges or release of oils or greases, and related metal-based bottom paints associated with hull scraping, cleaning, and painting

This project modification would result in short-term and long-term minor adverse impacts on water resources. With required mitigation in place, impacts to water quality from this project are expected to be minimal.

- Localized impacts of construction and associated emissions produced from use of machinery and construction vehicles would result in short-term minor adverse impacts to air quality and marginal greenhouse gas emissions (GHGs). Available BMPs would be employed to reduce the release of GHGs during implementation. The project modification reduces the construction time frame from one year to four months. Based on the small scale and short duration of the project, GHG emissions in the modified Frank Pate Boat Ramp Improvements project staging and deployment areas would be minimal.
- Short-term moderate adverse impacts to the natural soundscape would occur during construction activities, but would be localized to the sites and in the immediate vicinity. Mitigation measures that serve to limit noise during construction include: limiting activity at project sites to daytime hours; limiting truck traffic ingress/egress to the site to daytime hours; promoting awareness among work crews that producing prominent discrete tones and periodic noises (e.g., excessive dump truck gate banging) should be avoided as much as possible; and requiring that work crews seek pre-approval for any weekend activities, or activities outside of daytime hours. Construction noise would be temporary and limited to daytime hours, and the construction period is not anticipated to last more than four months. After completion of the project, noise levels are expected to return to pre-project conditions. There exists potential for increased boat and automobile traffic resulting from improvements to the boat ramp, which would



result in a slight increase in noise levels in the vicinity. Overall, long-term noise impacts from boating and other recreational activities would remain minor. Likewise, noise impacts from commercial vessels, highway traffic, and ambient natural sounds would be minor.

- Impacts to the biological environment (protected species):
  - The project modification is subject to ESA consultation. The Trustees' coordination and re-initiation of ESA Section 7 consultation with the USFWS and NMFS on the project modification would allow re-evaluation of potential impacts to protected species and inform a final determination. ESA consultations will be completed prior to project implementation. Conservation measures resulting from ESA consultation will be implemented to avoid or minimize impacts to protected species.
- The modified project is not expected to have any significant long-term adverse effects on wetlands or floodplains, pursuant to Executive Orders 11990 and 11988 because the project activities that would take place within any wetland or floodplain would be subject to mitigation measures that would ensure no more than minor adverse impacts on these resources.
- The modified project's potential impacts are not controversial and the project is supported by the general public. It will restore a portion of lost recreational use in the Florida Panhandle caused by the Spill by improving and enhancing recreational opportunities at four costal sites in the Florida Panhandle. The project will not significantly impact unique areas such as historic or cultural resources, park lands, wetlands, or ecologically critical areas. It will have no effects on the human environment that would be highly uncertain or involve unique or unknown risks.
- No significant adverse direct, indirect or cumulative impacts are anticipated from implementation of the modification to the project, due in part to its scale, scope and duration.

#### **A.9.1 Public Notification**

The Trustees provided public notice of the project modification for the Phase III Frank Pate Boat Ramp project in the Draft Phase V ERP/EA. No public comments were received in regards to the public notification for the project modification. The Final Phase V ERP/EA Appendix A is hereby incorporated by reference.

#### **A.10 Agency Coordination and Consultation Summary**

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and MMPA review will be re-initiated for the modified Phase III City of Port St. Joe, Frank Pate Boat Ramp project for compliance with the MSFCMA for potential impacts to essential fish habitat from the project modification.

Consultation under the ESA will be re-initiated with the U.S. Fish and Wildlife Service (USFWS) and NOAA NMFS for potential impacts to protected species from the project modification.

If any further need arises to coordinate and consult with other regulatory authorities, including for example Clean Water Act Section 404 or the Rivers and Harbors Act, the additional coordination or consultation requirements will be addressed prior to project implementation. The status of Federal regulatory permits/approvals will be maintained online (<http://www.gulfspillrestoration.noaa.gov/environmental-compliance/>) and updated as regulatory compliance information changes. The Federal Trustees' Finding of No Significant Impact for this project is issued subject to the completion of all outstanding compliance reviews under other federal laws. If the project modification changes or information is brought to light as a result of completing such reviews that is potentially relevant to the environmental evaluation supporting this Finding of No Significant Impact, that evaluation will be updated or supplemented as required by NEPA and a new determination made by the Federal Trustees under NEPA as to whether the project modification is likely to significantly affect the quality of the human environment.

### **A.11 Determination**

In view of the information presented in this document and the supporting supplemental analysis contained in Appendix A of the Final Phase V ERP/EA, the Federal Trustees have determined that the Phase III City of Port St. Joe, Frank Pate Boat Ramp project will not significantly impact the quality of the human environment. Accordingly, preparation of an environmental impact statement for this action is not necessary.

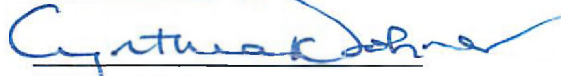
**FINDING OF NO SIGNIFICANT IMPACT**

**For the Evaluation of Project Modification and Supplemental NEPA Analysis for Phase III  
Early Restoration Project: Strategically Provided Boat Access along Florida's Gulf Coast:  
Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements)**

Date:

1/27/2010

Signature:



Cynthia K. Dohner  
Authorized Official, U.S. Department of the Interior

**FINDING OF NO SIGNIFICANT IMPACT**

**For the Evaluation of Project Modification and Supplemental NEPA Analysis for Phase III  
Early Restoration Project: Strategically Provided Boat Access along Florida's Gulf Coast:  
Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements)**

Date: 01/26/2016

Signature: WESTERHOLM.DA DATE: 01/26/2016 10:00:00 AM  
BY: DAVID WESTERHOLM  
FOR: DAVID WESTERHOLM  
VID.G.1083783156

David Westerholm  
Director, Office of Response and Restoration  
National Ocean Service, NOAA

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Date: 01/26/2016

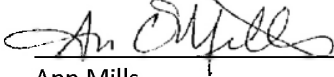
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Patricia A. Montanio  
Director, Office of Habitat Conservation  
National Marine Fisheries Service, NOAA

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Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements)**

Date: 1/27/16

Signature:   
Ann Mills  
Deputy Under Secretary, USDA

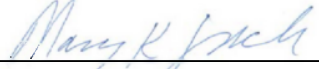


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Project Description E (City of Port St. Joe, Frank Pate Boat Ramp Improvements)**

Date:     1/27/16    

Signature:

  
\_\_\_\_\_

Mary Kay Lynch  
Alternate to Principal Representative, EPA

# Appendix B: Evaluation of Change to Phase III Early Restoration Project: Florida Artificial Reef Creation and Restoration

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B.2	Description of Project Change .....	B-1
B.3	OPA/NRDA Evaluation Criteria, Performance Criteria, Monitoring and Maintenance, Offsets, and Costs Update.....	B-2
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## **B.1 Introduction**

Chapter 1, Section 1.13, provides notice of change to the following Phase III Early Restoration Project: the Florida Artificial Reef Creation and Restoration, selected by the Trustees in the Record of Decision (ROD) for the Final Phase III ERP/PEIS.

Section 9.2 of the ROD for the Final Phase III ERP/PEIS describes criteria the Trustees will consider to evaluate for material changes to any selected Phase III Early Restoration project to determine whether additional restoration planning and environmental review, including opportunity for public comment, is necessary. First, the Trustees will determine whether any change to the project is consistent with the environmental review in the Final Phase III ERP/PEIS or if there are substantial changes that are relevant to environmental concerns. Second, the Trustees will assess whether or not there are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the Final Phase III ERP/PEIS (40 C.F.R. § 1502.9 (c)). Third, the Trustees will evaluate whether changes to the project result in changes to the project description in the Final Phase III ERP/PEIS that affects their selection under Oil Pollution Act (OPA) of 1990. The Trustees' evaluation of the change to the Florida Artificial Reef Creation and Restoration under these criteria is provided in this document.

Based on this evaluation, the Trustees have determined that the identified change (described below) to the Florida Artificial Reef Creation and Restoration project does not impact the overall objectives of the Florida Artificial Reef Creation and Restoration project (to enhance and/or increase the public's use and enjoyment of natural resources by increasing the number of artificial reefs in state waters), that the environmental consequences of the change to the Florida Artificial Reef Creation and Restoration project will not be substantial, and that the change does not present significant new circumstances or information pursuant to the first two criteria. Coordination with NMFS and DOI has also determined that re-initiating ESA consultations for this project change will not be required. Consequently, the Trustees find the project change does not affect the Trustees' selection of the project under OPA or the environmental analysis under NEPA in the Final Phase III ERP/PEIS.

## **B.2 Description of Project Change**

The Final Phase III ERP/PEIS states that the artificial reef design for the Florida Artificial Reef Creation and Restoration project will be either 1) an 8-foot tetrahedron module with open bottom and top (minimum 3-foot opening) or 2) a layered, piling-mounted design with spacers between the disk-shaped layers.

Rather than the use of just two artificial reef module designs, the Trustees are modifying this project to increase the number of possible prefabricated concrete artificial reef module designs that may be used to implement the project. The addition of three general reef module design concepts, previously used in Florida artificial reef projects, will allow for more competitive contractor solicitation, more physically diverse reefs for human observation (recreational use), and habitat diversity attractive to a greater variety of fish species.

The project change does not impact the overall Florida Artificial Reef Creation and Restoration project objective, which is to enhance and/or increase the public's use and enjoyment of natural resources by increasing the number of artificial reefs in state waters.

### **B.3 OPA/NRDA Evaluation Criteria, Performance Criteria, Monitoring and Maintenance, Offsets, and Costs Update**

The project change does not alter the result of the Trustees' analysis of the Florida Artificial Reef Creation and Restoration project described in the Final Phase III ERP/PEIS for the OPA evaluation criteria. In particular, the project as changed still meets the evaluation criteria established for OPA and the Framework Agreement. As a result of the *Deepwater Horizon* oil spill and related response actions, the public's access to and enjoyment of the natural resources along Florida's Panhandle was denied or severely restricted. The project change still will enhance or add long-term recreational opportunities through construction and restoration of artificial reefs. The project change will enhance and/or increase opportunities for the public's use and enjoyment of the natural resources, helping to offset adverse impacts to such uses caused by the Spill. Thus, the nexus to resources injured by the Spill remains clear. See 15 C.F.R. § 990.54(a)(2); and Section 6a-6c of the Framework Agreement.

The project as changed is technically feasible and uses proven techniques with established methods and documented results. Further, the project as changed can still be implemented with minimal delay. Agencies have successfully completed projects of similar scope throughout Florida over many years, including in earlier phases of the *Deepwater Horizon* Early Restoration. For these reasons, the project as changed has a high likelihood of success. See 15 C.F.R. § 990.54(a)(3); and Section 6e of the Framework Agreement. The change does not result in any material net change to the project's estimated costs as identified in the Final Phase III ERP/PEIS and so the project will still be conducted at a reasonable cost. See 15 C.F.R. § 990.54(a)(1); and Section 6e of the Framework Agreement.

The Final Phase III ERP/PEIS includes a thorough environmental review, including review under applicable environmental laws and regulations, at section 12.19. That review indicates that while minor adverse impacts may occur to some resource categories, no moderate to major adverse impacts are anticipated to result from the project. In addition, best management practices (BMPs) and measures to avoid or minimize adverse impacts described in section 12.19 of the Final Phase III ERP/PEIS will be implemented. As a result collateral injury will be avoided and minimized during project implementation (construction and installation of artificial reefs and operations and maintenance). See 15 C.F.R. § 990.54(a)(4). The project as changed represents a modest increase in scale but does not affect the determination of the project's effects in the Final Phase III ERP/PEIS, is not anticipated to negatively affect regional ecological restoration and is therefore not inconsistent with the long-term restoration needs of the State of Florida. See Section 6d of the Framework Agreement.

Broadening the range of artificial reef modular designs does not require or result in any change to the performance criteria, Offsets, or costs as provided in the Final Phase III ERP/PEIS for the Florida Artificial Reef Creation and Restoration project. Monitoring and maintenance will still be conducted pursuant to the State of Florida's Monitoring Plan for *Deepwater Horizon* NRDA Early Restoration Phase III

Recreational Use Projects to ensure project plans and designs were correctly implemented. Monitoring has been designed around the project goals and objectives.

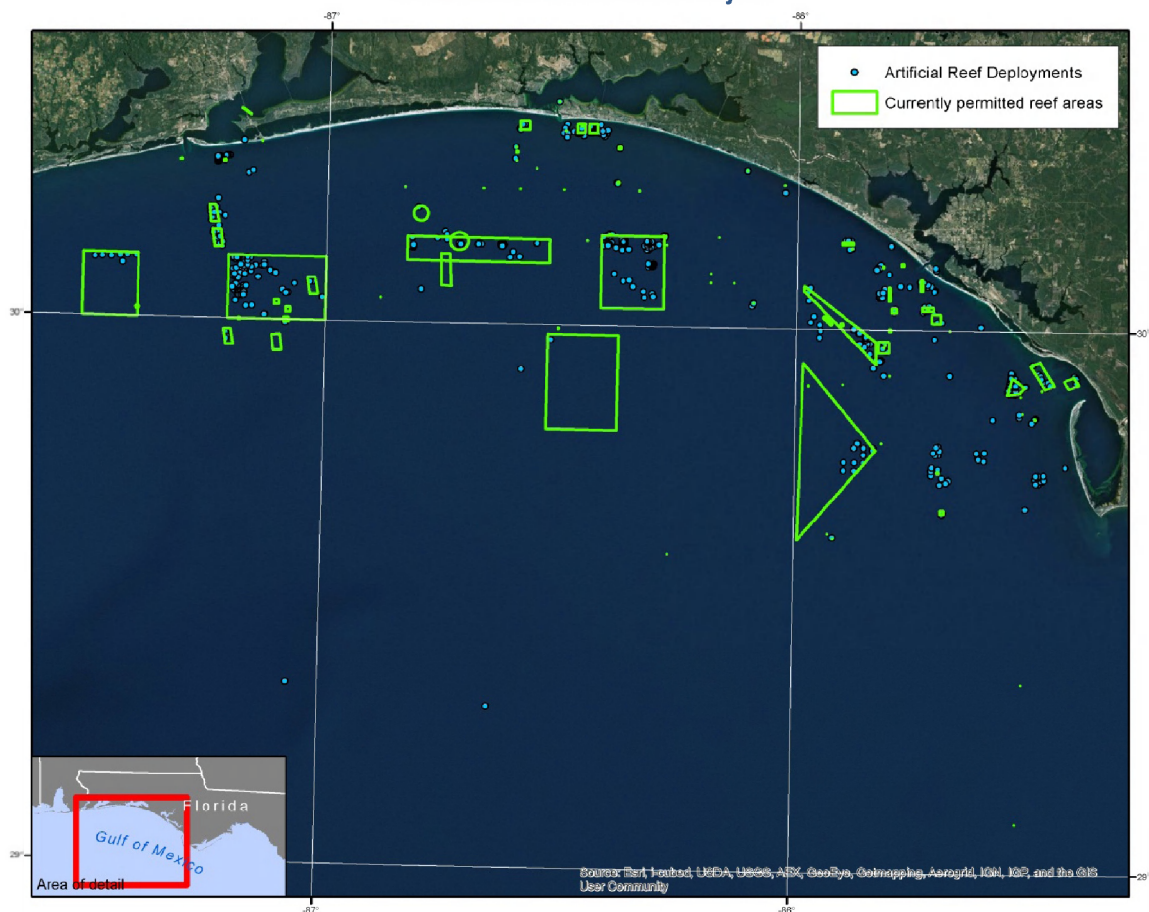
## B.4 Environmental Impacts Analysis of Project Change to Florida Artificial Reef Creation and Restoration

This analysis covers the project change to the Florida Artificial Reef Creation and Restoration project. The impacts of the project change are identified and analyzed, including as these impacts relate to the broader environmental analyses of the Florida Artificial Reef Creation and Restoration project and these types of actions as a whole discussed in the Final Phase III ERP/PEIS. For this project change, the only potential difference in environmental impacts relate to the Physical Environment.

### B.4.1 Project Location

The locations for the Florida Artificial Reef Creation and Restoration project are the same as identified in the Final Phase III ERP/PEIS, see Figure B-1.

**Figure B-1. Location for potential emplacement of artificial reefs as part of the Florida Artificial Reef Creation and Restoration Project**



#### B.4.2 Construction and Installation

The project change adds three additional possible artificial reef modular designs to the two described in the Phase III ERP/PEIS. The three additional modular designs are described below:

- 1) Large Tetrahedron Reef: 18 ft. tall (maximum), 18 ton (maximum) hollow concrete walled structure with three or more sides. Larger version of the original 8 ft. tall tetrahedron. Like the smaller tetrahedron, there will be a turtle escape opening created at the top of the structure that must be at least 36 in (Figure B-2).
- 2) Ledge and Disc Reef: 8 ft. tall (maximum), 4 ton (maximum) concrete hollow base structure, with at least one side almost entirely open (opening at least 36 in.). Attached to the top of the base structure is a vertical reef (rock and concrete disks set on a post-similar to the snorkel reef concept; Figure B-3).
- 3) Large Dome Reef: 8 ft. tall (maximum), 7 ton (maximum) concrete structures in the shape of a dome with a solid base and multiple small holes throughout the structure. There will be a turtle escape opening created at the top of the structure that must be at least 36 in (Figure B-4).

Deployment of any of the three additional modular designs will use the same installation process as outlined in the Final Phase III ERP/PEIS for the tetrahedron type modular design.

The additional module designs comply with the Best Management Practices of Artificial Reef Development as outlined in the National Artificial Reef Plan and in the document entitled "Guidelines for Marine Artificial Reef Materials" developed jointly by the Gulf and Atlantic States Marine Fisheries Commissions. Conservation, mitigation measures and BMPs identical to those described in the Final Phase III ERP/PEIS and the associated Record of Decision, and associated environmental compliance documents for the 8 foot module, and as prescribed in specific permits, will be followed for these additional designs. This includes adhering to the 2006 *Sea Turtle and Smalltooth Sawfish Construction Conditions* (NOAA 2006) and *Standard Manatee Conditions for In-Water Work* (USFWS 2011).



**Figure B-2. Modular artificial reef unit: Large Tetrahedron Reef**



**Figure B-3. Modular artificial reef unit: Ledge and Disc Reef**





**Figure B-4. Modular artificial reef unit: Large Dome Reef**



### **B.4.3 Operations and Maintenance**

As described in the Final Phase III ERP/PEIS, and applicable to this analysis, the FWC will be responsible for anticipated long-term maintenance of the Florida Artificial Reef Creation and Restoration project. The Trustees will work with USACE in obtaining all necessary permits for short-term maintenance activities.

### **B.4.4 Affected Environment and Environmental Consequences**

Under the National Environmental Policy Act, federal agencies must consider environmental impacts of their actions that include, among others, impacts on social, cultural, and economic resources, as well as natural resources. The following sections describe the affected environment and environmental consequences impacted by the change to the Florida Artificial Reef Creation and Restoration project.

#### ***B.4.4.1 Affected Environment***

The affected environments for each of the following subsections are the same as described in Florida Artificial Reef Creation and Restoration project, which is part of the Final Phase III ERP/PEIS.

##### ***B.4.4.1.1 Physical Environment***

###### ***Geology and Substrates***

###### ***Environmental Consequences***

The change to add three new module designs may involve possible minor alterations to the size of the artificial reef substrate emplaced as some of the modular designs are larger than those stated in the Final Phase III ERP/PEIS. As a result, there may be additional minor, short-term impacts to the geology

and substrates associated with the conversion of relatively small areas of similar sandy habitat to areas with hard substrate. Overall, there will be no impact over the long-term as materials degrade and/or subside or are covered by sand and other sediment. The project as changed will have no net negative impact on geology and substrates.

## **B.5 Analysis of Criteria for Changes to Phase III Early Restoration Projects**

As discussed above (see B.1), Section 9.2 of the ROD for the Final Phase III ERP/PEIS provides the Trustees will review material project changes against three criteria in order to assess whether such changes are material. The first criterion is whether the project change is consistent with the environmental review in the Final Phase III ERP/PEIS. As discussed above, any impacts caused by the expanded artificial reef modules designs for placement on substrate types are consistent with the detailed environmental review in the Final Phase III ERP/PEIS and will not change the overall impacts of the project. This ties into the second criterion of whether or not there are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the Final Phase III ERP/PEIS (40 C.F.R. § 1502.9(c)). In this instance, the project change may only result in short-term minor negative impacts, which are also addressed in the impact analysis in the Final Phase III ERP/PEIS. The expansion of modular designs for installation does not create significant new circumstances or information that need to be addressed beyond the impact analysis in the Final Phase III ERP/PEIS. Therefore, the Trustees analysis indicates the environmental consequences of the project change to the Florida Artificial Reef Creation and Restoration project will not be substantially different from the analysis the Final Phase III ERP/PEIS and does not present significant new circumstances or information pursuant to the first two criteria.

The third criterion evaluates whether the change to the project results in changes to the project description in the Final Phase III ERP/PEIS that would affect its selection under OPA. As discussed above, the nexus to resources injured by the Spill remains clear, since the project as changed will still enhance and/or increase the public's use and enjoyment of natural resources by increasing the number of artificial reefs in state waters, helping to offset adverse impacts to such uses caused by the Spill. Furthermore, the project as changed has a high likelihood of success since the installation of the additional types of artificial reef substrate is technically feasible and uses proven techniques with established methods and documented results. Additionally, the project as changed will be conducted at a reasonable cost since the use of the three alternative artificial reef modules does not increase the cost of the project. Moreover, since the change does not alter the potential adverse impacts of the project, collateral injury will be avoided and minimized through the BMPs that serve to avoid or minimize such impacts will still be implemented. Finally, this project change is not inconsistent with the long-term restoration needs of the State of Florida, since the project change is not anticipated to negatively affect regional ecological restoration. Therefore, the Trustees have determined that the project change does not impact the overall Florida Artificial Reef Creation and Restoration project objective (to enhance and/or increase the public's use and enjoyment of natural resources by increasing the number of artificial reefs in state waters).

## B.6 Summary

The project change for the Florida Artificial Reef Creation and Restoration project is consistent with the selected alternative in the Final Phase III ERP/PEIS (Alternative 4), which indicates the Trustees intend to implement Early Restoration projects that provide for the restoration of habitat and living coastal and marine resources as well as projects emphasizing the restoration of recreational opportunities.

This analysis of the environmental consequences suggests that while minor adverse impacts may occur to one resources category, no moderate to major adverse impacts are anticipated. The project change to the Florida Artificial Reef Creation and Restoration project will still enhance and/or increase the public's use and enjoyment of natural resources by increasing the number of artificial reefs in state waters.

Based on the above analysis, and coordination with NMFS and DOI who has determined that re-initiating ESA consultations for this project change will not be required, the Trustees find that the project change does not affect the Trustees' selection of the project under OPA or the environmental analysis under NEPA in the Final Phase III ERP/PEIS.

## B.7 References

- National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS). 2006. *Sea Turtle and Smalltooth Sawfish Construction Conditions*. St. Petersburg, Florida: National Oceanic and Atmospheric Administration, National Marine Fisheries Service.
- State of Florida Trustees. 2015. State of Florida's Monitoring Plan for Deepwater Horizon NRDA Early Restoration Phase III Recreational Use Projects. April 30.
- USFWS. 2011. Standard Manatee Conditions for In-water Work. Available at: [http://www.dep.state.fl.us/water/wetlands/forms/spgp/SPGP\\_IV\\_Attachment\\_3-ManateeConstructionConditions.pdf](http://www.dep.state.fl.us/water/wetlands/forms/spgp/SPGP_IV_Attachment_3-ManateeConstructionConditions.pdf).

# Appendix C: Phase V Early Restoration, Florida Coastal Access Project Monitoring Plan

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## C.1 Introduction

### C.1.1 Project Overview

The first phase of the Florida Coastal Access Project involves the acquisition and/or enhancement of four project locations in the Florida Panhandle. The primary goal of the project is to enhance the public's access to the surrounding natural resources and increase recreational opportunities. The four locations include Innerarity Point Park, Leonard Destin Park, Lynn Haven Preserve and Park, and Island View Park. The Innerarity Point Park site involves the acquisition of a 3.38 acre property in Escambia County, Florida and the building of a public park on the property. The Leonard Destin Park site involves the acquisition of a 3.42 acre parcel in the City of Destin, Florida and the building of a public park on the property. The Lynn Haven Preserve and Park site involves the acquisition of a 90.7 acre unimproved tract in the City of Lynn Haven, Florida and building a public park on the property. The Island View Park site involves the building of a public park on a parcel owned by Franklin County. Ten years of operation and maintenance activities are budgeted for and will be utilized by the respective county or city through grant agreements with the Florida Department of Environmental Protection (FDEP) in the upkeep of the improved properties as public parks. Additional details on the specific enhancements for each of the project locations are provided in Chapter 3.

### C.1.2 Restoration Objectives and Performance Criteria

The overall goal of this Early Restoration project is to enhance the public's access to the surrounding natural resources and increase recreational opportunities in order to restore for a portion of the lost recreation use injuries sustained on lands in Florida. The specific restoration objectives relevant for this monitoring plan are: (1) to acquire, construct, and complete the project as scoped; and (2) to provide visitors access to the constructed public parks.

Performance criteria will be used to determine restoration success or the need for corrective action (15 CFR 990.55(b)(1)(vii)). The specific performance criteria for this project are identified below.

- Performance Criterion #1: where applicable, parcels at the project locations are acquired;
- Performance Criterion #2: the project infrastructure is constructed and completed as designed and specified in the construction contract;
- Performance Criterion #3: members of the public are able to use the constructed public parks.

### C.1.3 Conceptual Model and Monitoring Questions

Table C-1 below, outlines the conceptual model for this restoration project, which forms the basis of this monitoring plan, and includes a summary of the project activities, the expected product or output of this activity, and the desired project outcomes.

**Table C-1. Conceptual Model for Restoration**

Activity	Output	Short-term outcome	Long-term outcome
<ul style="list-style-type: none"> <li>Acquire the subject parcels</li> <li>Construct the infrastructure and amenities at each of the four locations for the public’s access and use</li> </ul>	<ul style="list-style-type: none"> <li>The infrastructure and amenities are completed and the public parks are used</li> </ul>	<ul style="list-style-type: none"> <li>New infrastructure and amenities function as designed</li> </ul>	<ul style="list-style-type: none"> <li>The public are able to use the constructed public parks</li> <li>New infrastructure and amenities are maintained for lifespan of project</li> </ul>

This monitoring plan has been designed around the objectives and desired outcomes for this restoration project, and is intended to address the following monitoring questions for each objective:

Objective #1: Acquire, construct and complete the project as scoped

- Have the parcels at the project locations been acquired?
- Was the project infrastructure and amenities constructed and completed as designed and contracted?

Objective #2: Provide visitors access to the constructed public parks

- Are the public using the constructed park infrastructure and amenities?

**C.1.4 Roles and Responsibilities**

The Florida Trustees through their third-party agent, The Trust for Public Land (TPL), will be responsible for acquiring the parcels and overseeing construction of the project infrastructure and amenities as designed and contracted. During the first year following completion of construction, TPL and/or FDEP employees will document the use of the parks by the public. After the first year, the local entities will maintain the parks and document the use of the parks by the public. For Innerarity Point Park, this responsibility will fall to Escambia County, for Leonard Destin Park to the City of Destin, for Lynn Haven Preserve and Park to the City of Lynn Haven, and for Island View Park to Franklin County.

**C.2 Project Monitoring**

The monitoring for this restoration project, outlined below, is organized by project objective, with one or more monitoring parameters for each objective. For each of the identified monitoring parameters, information is provided on the monitoring methods, timing and frequency, sample size, and sites. In addition, performance criteria for each parameter are identified (if applicable), including example corrective actions that could be taken if the performance criteria are not met. The parameters listed below may or may not be tied to performance criteria and/or corrective actions.

Objective #1: Acquire, construct and complete the project as scoped

- Have the parcels at the project locations been acquired and was the project constructed and completed as designed and contracted?

Parameter #1: Acquisition of the parcels

- a) Method: TPL will exercise the existing options on the property and acquire them;
- b) Timing and Frequency: all the closings will occur within four months of entering the stipulation with BP;
- c) Sites: three project locations;
- d) Performance Criteria: parcels are acquired;
- e) Corrective Action: resolution with seller so the parcels are acquired.

Parameter #2: Level of construction to terms of contract

- a) Method: TPL will review contractor reports, conduct on-site inspections, and compare to construction drawings;
- b) Timing and Frequency: approximately monthly during project construction and at end of the project's construction warranty period, unless otherwise provided by contract;
- c) Sample Size: approximately 10 (approx. once per month for approx. 9 months) and at the end of the construction warranty period), unless otherwise provided by contract;
- d) Sites: four project locations;
- e) Performance Criteria: project infrastructure and amenities are constructed and completed as designed and specified in the contract; and,
- f) Corrective Action: resolution with contractor such that the terms of the contract are met.

Objective #2: Provide visitors access to the constructed public parks

- Are the public using the constructed park infrastructure and amenities?

Parameter #1: Level of public use

- a) Method: visual observation and counts;
- b) Timing and Frequency: Post construction, visual observations will be conducted 3 hours per quarter for one year;
- c) Sample Size: four times (once every quarter for the first year following completion of construction);
- d) Sites: parking areas of each of the four project locations;
- e) Performance Criteria: the public are using the constructed public park infrastructure and amenities.



**Additional Monitoring:** The use and performance of the project will continue to be measured throughout the life of the parks, however less frequently and methodically than the first year of Natural Resource Damage Assessment Early Restoration monitoring. Continued monitoring after the first year following completion of construction will occur in the course of regular management activities and all costs associated with monitoring, maintenance, and/or corrective actions will be the responsibility of the local governments for each project location (Escambia County for Innerarity Point Park, the City of Destin for Leonard Destin Park, the City of Lynn Haven for Lynn Haven Preserve and Park, and Franklin County for Island View Park) and are, therefore, outside the scope of this monitoring plan.

### C.3 Monitoring Schedule

The schedule for the project monitoring is shown in Table C-2, separated by monitoring activity. Post-execution monitoring will occur after execution of the stipulation and during project construction. Post construction monitoring occurs once project construction has been completed.

**Table C-2. Monitoring Schedule**

Monitoring Parameters	Monitoring Timeframe	
	Post-Execution Monitoring	Post-construction Monitoring
		As-built (Year 0)
Review the closing documents	X	
Review contractor invoices and deliverables, including the completed project	X	X
Observations and counts of visitors		X

### C.4 Reporting and Data Requirements

Reporting will occur at the end of Year 0. There are no known data requirements. The monitoring report will summarize the data collected from the monitoring events, which will document whether the parcels were acquired, the park infrastructure and amenities were completed as designed and permitted, and if the parks are being used by the public.

# Appendix D: Guidelines for NEPA Impact Determinations from the Final Phase III ERP/PEIS

As discussed in Chapter 5 of the Final Phase III ERP/PEIS, agencies must consider the environmental effects of their actions. These effects may include, among others, impacts to social, cultural, and economic resources, as well as natural resources. To identify those resources that could be significantly impacted by alternatives and actions, appropriate definitions of *impacts* must first be identified. Table D- 1 provides guidelines for resource-specific definitions for determining effects of individual planned actions. These definitions were also included and described in the Final Phase III ERP/PEIS.

Table D-1. Guidelines for NEPA Impact Determinations in the Phase V ERP/EA

		IMPACT INTENSITY DEFINITIONS		
RESOURCE AREA	IMPACT DURATION	MINOR	MODERATE	MAJOR
<b>Geology and Substrates</b>	<p><u>Short-term:</u> During construction period.</p> <p><u>Long-term:</u> Over the life of the project or longer.</p>	Disturbance to geologic features or soils could be detectable, but could be small and localized. There could be no changes to local geologic features or soil characteristics. Erosion and/or compaction could occur in localized areas.	Disturbance could occur over local and immediately adjacent areas. Impacts to geology or soils could be readily apparent and result in changes to the soil character or local geologic characteristics. Erosion and compaction impacts could occur over local and immediately adjacent areas.	Disturbance could occur over a wide-spread area. Impacts to geology or soils could be readily apparent and could result in changes to the character of the geology or soils over a wide-spread area. Erosion and compaction could occur over a wide-spread area. Disruptions to substrates or soils may be permanent.
<b>Hydrology and Water Quality</b>	<p><u>Short-term:</u> During construction period.</p> <p><u>Long-term:</u> Over the life of the project or longer.</p>	<p><u>Hydrology:</u> The effect on hydrology could be measurable, but it could be small and localized. The effect could only temporarily alter the area's hydrology, including surface and groundwater flows.</p> <p><u>Water Quality:</u> Impacts could result in a detectable change to water quality, but the change could be expected to be small and localized. Impacts could quickly become undetectable. State water quality standards as required by the Clean Water Act could not be exceeded.</p> <p><u>Floodplains:</u> Impacts may result in a detectable change to natural and beneficial floodplain values, but the change could be expected to be small, and localized. There could be no appreciable increased risk of flood loss including impacts on human safety, health, and welfare.</p> <p><u>Wetlands:</u> The effect on wetlands could be measurable, but small in</p>	<p><u>Hydrology:</u> The effect on hydrology could be measurable, but small and limited to local and adjacent areas. The effect could permanently alter the areas hydrology including surface and groundwater flows.</p> <p><u>Water Quality:</u> Effects to water quality could be observable over a relatively large area. Impacts could result in a change to water quality that could be readily detectable and limited to local and adjacent areas. Change in water quality could persist; however, could likely not exceed state water quality standards as required by the Clean Water Act.</p> <p><u>Floodplains:</u> Impacts could result in a change to natural and beneficial floodplain values and could be readily detectable, but limited to local and adjacent areas. Location of operations in floodplains could increase risk of flood loss including impacts on human safety, health, and welfare.</p>	<p><u>Hydrology:</u> The effect on hydrology could be measurable and wide-spread. The effect could permanently alter hydrologic patterns including surface and groundwater flows.</p> <p><u>Water Quality:</u> Impacts could likely result in a change to water quality that could be readily detectable and wide-spread. Impacts could likely result in exceedance of state water quality standards and/or could impair designated uses of a water body.</p> <p><u>Floodplains:</u> Impacts could result in a change to natural and beneficial floodplain values that could have substantial consequences over a wide-spread area. Location of operations could increase risk of flood loss including impacts on human safety, health, and welfare.</p> <p><u>Wetlands:</u> The action could cause a permanent loss of wetlands across a wide-spread area. The character of the wetlands could be changed so that the functions typically provided by the wetland could be permanently lost.</p>

		IMPACT INTENSITY DEFINITIONS		
RESOURCE AREA	IMPACT DURATION	MINOR	MODERATE	MAJOR
		terms of area and the nature of the impact. A small impact on the size, integrity, or connectivity could occur; however, wetland function could not be affected and natural restoration could occur if left alone.	<u>Wetlands:</u> The action could cause a measurable effect on wetlands indicators (size, integrity, connectivity) or could result in a permanent loss of wetland acreage across local and adjacent areas. However, wetland functions could only be permanently altered in limited areas.	
<b>Air Quality and Greenhouse Gas Emissions</b>	<p><u>Short-term:</u> During construction period.</p> <p><u>Long-term:</u> Over the life of the project or longer.</p>	<p>The impact on air quality may be measurable, but could be localized and temporary, such that the emissions do not exceed the Environmental Protection Agency's (EPA's) de minimis criteria for a general conformity determination under the Clean Air Act (40 C.F.R. 93.153).</p> <p>The contributions to GHGs may be measurable, but below 25,000 metric ton/year of carbon dioxide (CO<sub>2</sub>) or its equivalent.<sup>1</sup></p>	<p>The impact on air quality could be measurable and limited to local and adjacent areas. Emissions of criteria pollutants could be at the EPA's de minimis criteria levels for general conformity determination. The contribution to GHG emissions could exceed 25,000 metric tons of CO<sub>2</sub> or its equivalent annually.<sup>2</sup> Although the level of emissions could be similar to a large source (i.e. natural gas and petroleum users, landfills, agriculture, etc.), the levels could not be a dominant contributor to GHGs in the area.</p>	<p>The impact on air quality could be measurable over a wide-spread area. Emissions are high, such that they could exceed the EPA's de minimis criteria for a general conformity determination.</p> <p>The contribution to GHGs could exceed 25,000 metric tons of CO<sub>2</sub> or its equivalent annually. The source could be a dominant contributor in terms of GHG in the area.</p>

<sup>1</sup> "The reference point of 25,000 metric tons of direct CO<sub>2</sub>-equivalent GHG emissions may provide agencies with a useful indicator – rather than an absolute standard of insignificant effects -- for agencies' action-specific evaluation of GHG emissions and disclosure of that analysis in their NEPA documents. CEQ does not propose this reference point as an indicator of a level of GHG emissions that may significantly affect the quality of the human environment, as that term is used by NEPA, but notes that it serves as a minimum standard for reporting emissions under the Clean Air Act." CEQ, "Draft NEPA guidance on consideration of the effects of climate change and GHG emissions." 2010.

		IMPACT INTENSITY DEFINITIONS		
RESOURCE AREA	IMPACT DURATION	MINOR	MODERATE	MAJOR
<b>Noise</b>	<p><u>Short-term:</u> During construction period.</p> <p><u>Long-term:</u> Over the life of the project.</p>	Increased noise could attract attention, but its contribution to the soundscape would be localized and unlikely to affect current user activities.	Increased noise could attract attention, and contribute to the soundscape including in local areas and those adjacent to the action, but could not dominate. User activities could be affected.	Increased noise could attract attention, and dominate the soundscape over wide-spread areas. Noise levels could eliminate or discourage user activities.
<b>Habitats</b>	<p><u>Short-term:</u> Lasting less than two growing seasons.</p> <p><u>Long-term:</u> Lasting longer than two growing seasons.</p>	<p>Impacts on native vegetation may be detectable, but could not alter natural conditions and be limited to localized areas. Infrequent disturbance to individual plants could be expected, but without affecting local or range-wide population stability. Infrequent or insignificant one-time disturbance to locally suitable habitat could occur, but sufficient habitat could remain functional at both the local and regional scales to maintain the viability of the species.</p> <p>Opportunity for increased spread of non-native species could be detectable but temporary and localized and could not displace native species populations and distributions.</p>	<p>Impacts on native vegetation could be measurable but limited to local and adjacent areas. Occasional disturbance to individual plants could be expected. These disturbances could affect local populations negatively, but could not be expected to affect regional population stability. Some impacts might occur in key habitats, but sufficient local habitat could retain functional to maintain the viability of the species both locally and throughout its range.</p> <p>Opportunity for increased spread of non-native species could be detectable and limited to local and adjacent areas, but could only result in temporary changes to native species population and distributions.</p>	<p>Impacts on native vegetation could be measurable and wide-spread. Frequent disturbances of individual plants could be expected, with negative impacts to both local and regional population levels. These disturbances could negatively affect range-wide population stability. Some impacts might occur in key habitats, and habitat impacts could negatively affect the viability of the species both locally and throughout its range.</p> <p>Actions could result in the wide-spread increase of non-native species resulting in broad and permanent changes to native species populations and distributions.</p>
<b>Living Coastal and Marine Resources:</b> Wildlife Species (including birds)	<p><u>Short-term:</u> Lasting up to two breeding seasons, depending on length of breeding season.</p> <p><u>Long-term:</u> Lasting more than two breeding seasons.</p>	Impacts to native species, their habitats, or the natural processes sustaining them could be detectable, but localized and could not measurably alter natural conditions. Infrequent responses to disturbance by some individuals could be expected, but without interference to feeding, reproduction, resting, migrating, or	Impacts on native species, their habitats, or the natural processes sustaining them could be measurable but limited to local and adjacent areas. Occasional responses to disturbance by some individuals could be expected, with some negative impacts to feeding, reproduction, resting, migrating, or other factors affecting local population levels. Some impacts might occur in	Impacts on native species, their habitats, or the natural processes sustaining them could be detectable, and wide-spread. Frequent responses to disturbance by some individuals could be expected, with negative impacts to feeding, reproduction, migrating, or other factors resulting in a decrease in both local and range-wide population levels and habitat type. Impacts could occur during critical periods of reproduction or in key habitats and

		IMPACT INTENSITY DEFINITIONS		
RESOURCE AREA	IMPACT DURATION	MINOR	MODERATE	MAJOR
		<p>other factors affecting population levels. Small changes to local population numbers, population structure, and other demographic factors could occur. Sufficient habitat could remain functional at both the local and range-wide scales to maintain the viability of the species.</p> <p>Opportunity for increased spread of non-native species could be detectable but temporary and localized and could not displace native species populations and distributions.</p>	<p>key habitats. However, sufficient population numbers or habitat could retain function to maintain the viability of the species both locally and throughout its range.</p> <p>Opportunity for increased spread of non-native species could be detectable and limited to local and adjacent areas, but could only result in temporary changes to native species population and distributions.</p>	<p>could result in direct mortality or loss of habitat that might affect the viability of a species. Local population numbers, population structure, and other demographic factors might experience large changes or declines.</p> <p>Actions could result in the wide-spread increase of non-native species resulting in broad and permanent changes to native species populations and distributions.</p>
<p><b>Living Coastal and Marine Resources:</b> Marine and Estuarine Fauna, (fish, shellfish benthic organisms)</p>	<p><u>Short-term:</u> Lasting up to two spawning seasons, depending on length of season.</p> <p><u>Long-term:</u> Lasting more than two spawning seasons.</p>	<p>Impacts could be detectable and localized but small. Disturbance of individual species could occur; however, there could be no change in the diversity or local populations of marine and estuarine species. Any disturbance could not interfere with key behaviors such feeding and spawning. There could be no restriction of movements daily or seasonally.</p> <p>Opportunity for increased spread of non-native species could be detectable but temporary and localized and could not displace native species populations and distributions.</p>	<p>Impacts could be readily apparent and result in a change in marine and estuarine species populations in local and adjacent areas. Areas being disturbed may display a change in species diversity; however, overall populations could not be altered. Some key behaviors could be affected but not to the extent that species viability is affected. Some movements could be restricted seasonally.</p> <p>Opportunity for increased spread of non-native species could be detectable and limited to local and adjacent areas, but could only result in temporary changes to native species population and distributions.</p>	<p>Impacts could be readily apparent and could substantially change marine and estuarine species populations over a wide-scale area, possibly river-basin wide. Disturbances could result in a decrease in fish species diversity and populations. The viability of some species could be affected. Species movements could be seasonally constrained or eliminated.</p> <p>Actions could result in the wide-spread increase of non-native species resulting in broad and permanent changes to native species populations and distributions.</p>
<p><b>Living Coastal and Marine Resources:</b> Protected Species</p>	<p><u>Short-term:</u> Lasting up to one breeding/growing season.</p>	<p>Impacts on protected species, their habitats, or the natural processes sustaining them could be</p>	<p>Impacts on protected species, their habitats, or the natural processes sustaining them could be detectable</p>	<p>Impacts on protected species, their habitats, or the natural processes sustaining them could be detectable, wide-spread, and</p>

		IMPACT INTENSITY DEFINITIONS		
RESOURCE AREA	IMPACT DURATION	MINOR	MODERATE	MAJOR
	<u>Long-term:</u> Lasting more than one breeding/growing season.	detectable, but small, localized, and could not measurably alter natural conditions. Impacts could likely result in a “may affect, not likely to adversely affect” determination for at least one listed species.	and some alteration in the numbers of protected species, or occasional responses to disturbance by some individuals could be expected, with some negative impacts to feeding, reproduction, resting, migrating, or other factors affecting local and adjacent population levels. Impacts could occur in key habitats, but sufficient population numbers or habitat could remain functional to maintain the viability of the species both locally and throughout its range. Some disturbance to individuals or impacts to potential or designated critical habitat could occur. Impacts could likely result in a “may affect, likely to adversely affect” determination for at least one listed species. No adverse modification of critical habitat could be expected.	permanent. Substantial impacts to the population numbers of protected species, or interference with their survival, growth, or reproduction could be expected. There could be impacts to key habitat, resulting in substantial reductions in species numbers. Results in an “Is likely to jeopardize proposed or listed species / adversely modify proposed or designated critical habitat (impairment)” determination for at least one listed species.
<b>Socioeconomics and Environmental Justice</b>	<u>Short-term:</u> During construction period. <u>Long-term:</u> Over the life of the project or longer.	A few individuals, groups, businesses, properties or institutions could be impacted. Impacts could be small and localized. These impacts are not expected to substantively alter social and/or economic conditions.  Actions could not disproportionately affect minority populations and low-income populations.	Many individuals, groups, businesses, properties or institutions could be impacted. Impacts could be readily apparent and detectable in local and adjacent areas and could have a noticeable effect on social and/or economic conditions  Actions could disproportionately affect minority populations and low-income populations. However, the impact could be temporary and localized.	A large number of individuals, groups, businesses, properties or institutions could be impacted. Impacts could be readily detectable and observed, extend over a wide-spread area, and could have a substantial influence on social and/or economic conditions.  Actions could disproportionately affect minority populations and low-income populations. However, the impact could be permanent and widespread.



		IMPACT INTENSITY DEFINITIONS		
RESOURCE AREA	IMPACT DURATION	MINOR	MODERATE	MAJOR
<b>Cultural Resources</b>	<p><u>Short-term:</u> During construction period.</p> <p><u>Long-term:</u> Over the life of the project or longer.</p>	<p><u>Adverse impact:</u> The disturbance of a site(s), building, structure or object could be confined to a small area with little, if any, loss of important cultural information potential.</p>	<p><u>Adverse impact:</u> Disturbance of a site(s), building, structure or object not expected to result in a substantial loss of important cultural information.</p>	<p><u>Adverse impact:</u> Disturbance of a site(s), building, structure or object could be substantial and may result in the loss of most or all its potential to yield important cultural information.</p>
<b>Infrastructure</b>	<p><u>Short-term:</u> During construction period.</p> <p><u>Long-term:</u> Over the life of the project or longer.</p>	<p>The action could affect public services or utilities but the impact could be localized and within operational capacities.</p> <p>There could be negligible increases in local daily traffic volumes resulting in perceived inconvenience to drivers but no actual disruptions to traffic.</p>	<p>The action could affect public services or utilities in local and adjacent areas and the impact could require the acquisition of additional service providers or capacity.</p> <p>Detectable increase in daily traffic volumes (with slightly reduced speed of travel) resulting in slowing down traffic and delays, but no change in level of service (LOS). Short service interruptions (temporary closure for a few hours) to roadway and railroad traffic.</p>	<p>The action could affect public services utilities over a wide-spread area resulting in the loss of certain services or necessary utilities.</p> <p>Extensive increase in daily traffic volumes (with reduced speed of travel) resulting in an adverse change in LOS to worsened conditions. Extensive service disruptions (temporary closure of one day or more) to roadways or railroad traffic.</p>
<b>Land and Marine Management</b>	<p><u>Short-term:</u> During construction period.</p> <p><u>Long-term:</u> Over the life of the project or longer.</p>	<p>The action could require a variance, zoning change or amendment to a land use or area comprehensive or management plan, but could not affect overall use and management beyond the local area.</p>	<p>The action could require a variance, zoning change or amendment to a land use or area comprehensive or management plan, and could affect overall land use and management in local and adjacent areas.</p>	<p>The action could cause permanent changes to and conflict with land uses or management plans over a wide-spread area.</p>
<b>Tourism and Recreational Use</b>	<p><u>Short-term:</u> During construction period.</p> <p><u>Long-term:</u> Over the life of the project or longer.</p>	<p>There could be partial developed recreational site closures to protect public safety. The same site capacity and visitor experience could remain unchanged after construction.</p> <p>The impact could be detectable and/or could only affect some recreationalists. Users could likely be aware of the action but changes</p>	<p>There could be complete site closures to protect public safety. However, the sites could be reopened after activities occur. There could be slightly reduced site capacity. The visitor experience could be slightly changed but could still be available.</p> <p>The impact could be readily apparent and/or could affect many recreationalists locally and in adjacent</p>	<p>All developed site capacity could be eliminated because developed facilities could be closed and removed. Visitors could be displaced to facilities over a wide-spread area and visitor experiences could no longer be available in many locations.</p> <p>The impact could affect the most recreationalists over a wide-spread area. Users could be highly aware of the action. Users could choose to pursue activities in</p>

		IMPACT INTENSITY DEFINITIONS		
RESOURCE AREA	IMPACT DURATION	MINOR	MODERATE	MAJOR
		<p>in use could be slight. There could be partial closures to protect public safety. Impacts could be local.</p> <p>There could be a change in local recreational opportunities; however it could affect relatively few visitors, or could not affect any related recreational activities.</p>	<p>areas. Users could be aware of the action. There could be complete closures to protect public safety. However, the areas could be reopened after activities occur. Some users could choose to pursue activities in other available local or regional areas.</p>	<p>other available regional areas.</p>
<b>Fisheries and Aquaculture</b>	<p><u>Short-term:</u> During construction period.</p> <p><u>Long-term:</u> Over the life of the project or longer.</p>	<p>A few individuals, groups, businesses, properties or institutions could be impacted. Impacts could be small and localized. These impacts are not expected to substantively alter social and/or economic conditions.</p>	<p>Many individuals, groups, businesses, properties or institutions could be impacted. Impacts could be readily apparent and detectable in local and adjacent areas and could have a noticeable effect on social and/or economic conditions.</p>	<p>A large number of individuals, groups, businesses, properties or institutions could be impacted. Impacts could be readily detectable and observed, extend over a wide-spread area, and could have a substantial influence on social and/or economic conditions.</p>
<b>Marine Transportation</b>	<p><u>Short-term:</u> During construction period.</p> <p><u>Long-term:</u> Over the life of the project or longer.</p>	<p>The action could affect public services or utilities but the impact could be localized and within operational capacities.</p> <p>There could be negligible increases in local daily marine traffic volumes resulting in perceived inconvenience to operators but no actual disruptions to transportation.</p>	<p>The action could affect public services or utilities in local and adjacent areas and the impact could require the acquisition of additional service providers or capacity.</p> <p>Detectable increase in daily marine traffic volumes (with slightly reduced speed of travel) resulting in slowing down traffic and delays. Short service interruptions (temporary delays for a few hours).</p>	<p>The action could affect public services utilities over a wide-spread area resulting in the loss of certain services or necessary utilities.</p> <p>Extensive increase in daily marine traffic volumes (with reduced speed of travel) resulting in an extensive service disruptions (temporary closure of one day or more).</p>
<b>Aesthetics and Visual Resources</b>	<p><u>Short-term:</u> During construction period.</p> <p><u>Long-term:</u> Over the life of the project or longer.</p>	<p>There could be a change in the view shed that was readily apparent but could not attract attention, dominate the view, or detract from current user activities or experiences.</p>	<p>There could be a change in the view shed that was readily apparent and attract attention. Changes could not dominate the viewscape, though they could detract from the current user activities or experiences.</p>	<p>Changes to the characteristic views could dominate and detract from current user activities or experiences.</p>

		IMPACT INTENSITY DEFINITIONS		
RESOURCE AREA	IMPACT DURATION	MINOR	MODERATE	MAJOR
Public Health and Safety , Including Flood and Shoreline Protection	<u>Short-term</u> : During construction period.	Actions could not result in 1) soil, groundwater, and/or surface water contamination, 2) exposure of contaminated media to construction workers or transmission line operations personnel, and/or 3) mobilization and migration of contaminants currently in the soil, groundwater, or surface water at levels that could harm the workers or general public.	Project construction and operation could result in 1) exposure, mobilization and/or migration of existing contaminated soil, groundwater or surface water to an extent that requires mitigation and/or 2) could introduce detectable levels of contaminants to soil, groundwater and/or surface water in localized areas within the project boundaries such that mitigation/remediation is required to restore the affected area to the preconstruction conditions.	Actions could result in soil, groundwater and/or surface water contamination, at levels exceeding federal, state, or local hazardous waste criteria including those established by 40 C.F.R. Part 261; 2) mobilization of contaminants currently in the soil, groundwater or surface water resulting in exposure of humans or other sensitive receptors such as plants and wildlife to contaminant levels that could result in health effects; and 3) result in the presence of contaminated soil, groundwater or surface water within the project area exposing workers and/or the public to contaminated or hazardous materials at levels exceeding those permitted by Federal Occupational Safety and Health Administration (OSHA) in 29 C.F.R. Part 1910.
	<u>Long-term</u> : Over the life of the project or longer.	Increased risk of potential hazards (e.g., increase likelihood of storm surge) to visitors, residents, and workers from decreased shoreline integrity could be temporary and localized.	Increased risk of potential hazards to visitors, residents, and workers from decreased shoreline integrity could be sufficient to cause a permanent change in use patterns and area avoidance in local and adjacent areas.	Increased risk of potential hazards to visitors, residents, and workers from decreased shoreline integrity could be substantial and could cause permanent changes in use patterns and area avoidance over a wide-spread area.

# Appendix E: Potential Mitigation Measures and Best Management Practices

The content in this appendix was modified from Appendix 6-A in the Final Phase III ERP/PEIS for the Phase V ERP/EA to reflect the relevant components of the first phase of the Florida Coastal Access Project.

Guidance was provided by the federal regulatory agencies to the project proponents as part of the regulatory processes. The guidance included Best Management Practices (often called BMPs) that are commonly required through the federal regulatory processes. Trustees will utilize appropriate BMPs to avoid or minimize impacts to natural resources, including listed species and their habitats.

The general regulatory process includes developing a project proposal, incorporating project specific measures as applicable and then entering into consultation or coordination under the relevant regulatory process (e.g., the Endangered Species Act (ESA), Magnuson-Stevens Act (EFH), Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Bald and Golden Eagle Protection Act (BGEPA), Clean Water Act). During this process, additional project-specific measures may be recommended or required. Not all measures are applicable to all projects and the same type of project implemented in different locations (e.g., dune walkovers in Florida and Texas) may not require the same BMPs due to differences in relevant conditions, such as species presence or absence or other factors.

Below is a list of BMPs that the Trustees have determined could be applicable to Early Restoration project types. Standard restoration approaches and practices will be considered as individual projects are proposed. These include but are not limited to steps taken through site selection, engineering and design, use of proven restoration techniques and best management practices, and other conditions or activities required for project-specific regulatory compliance. The project-specific BMPs that are discussed in further detail in the project-specific environmental reviews may include, but not be limited to the BMPs provided here.

The list of BMPs is organized by resource and includes a section on general construction measures. Several of the BMPs are described in larger documents and only the titles are included here. As regulatory agencies periodically update their guidance documents, future restoration proponents and practitioners are expected to be familiar with such updated guidance and BMPs and apply as required or as agreed to by the Trustees. Appropriate websites should be checked during project planning to see if updated guidance is available.

Applicable BMPs for the specific project components in Phase V of Early Restoration are discussed in further detail in the site-specific environmental reviews in Chapter 3. If changes to the BMPs below are warranted for specific aspects of this project, those changes will be analyzed in the future design and consultation phase. Once BMPs have been accepted, the project will be implemented using those BMPs.

The general organization of this list of BMPs is as follows:

Birds

- Bald Eagle
- Migratory Birds
- Piping Plover and Red Knot
- Red-cockaded woodpecker

Mammals

- Manatee
- Marine Mammals

Reptiles

- Reticulated flatwoods salamander
- Eastern Indigo Snake

Tortoises/Turtles

- Gopher tortoise
- Sea turtles – in water

Fish

- Gulf sturgeon

Plants

- Protected Plants

Invasive Species

General Construction Measures

## **Birds**

### **Bald Eagles**

If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, have all activities 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. Maintain this avoidance distance from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).

If a similar activity (like driving on a roadway) is closer than 660 feet to a nest, maintain a distance buffer as close to the nest as the existing tolerated activity. 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 maintain a distance buffer as close to the nest as the existing tolerated activity.

In some instances activities conducted within 660 feet of a nest may result in disturbance, particularly for the eagles occupying the Mississippi barrier islands. If an activity appears to cause initial disturbance, stop the activity and move all individuals and equipment away until the eagles are no longer displaying disturbance behaviors. Contact the Service's Migratory Bird Permit Office to determine how to avoid impacts or if a permit may be needed.

### **Migratory Birds**

Use care to avoid birds when operating machinery or vehicles near birds.

During the project design phase, coordinate with the U.S. Fish and Wildlife Service and the State trust resource agency to site and design projects to avoid or minimize impacts to migratory bird nesting habitats or important feeding/loafing areas.

Avoid working in migratory bird nesting habitats during breeding, nesting, and fledging (approximately mid-February to late August). If project activities must occur during this timeframe and breeding, nesting, or fledging birds are present, contact the State trust resource agency to obtain the most recent guidance to protect nesting birds or rookeries and their recommendations will be implemented.

Conservation areas may already be marked to protect bird nesting areas. Stay out of existing marked areas.

If vegetation clearing is necessary, clear vegetation outside of migratory bird nesting season (approximately mid-February to late August) or have a qualified biologist inspect for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation can be removed after the nest successfully fledges.

Avoid driving over the wrack line or areas of dense seaweed, as these habitats may contain hatchlings and chicks that are difficult to see.

Install pointy, white, piling caps on exposed pilings to prevent bird roosting on piers, docks, and marinas.

**Piping Plover and Red Knot**

Provide all individuals working on a project with information in support of general awareness of piping plover or red knot presence and means to avoid birds and their critical or otherwise important habitats.

Avoid working in designated critical habitat when piping plover are present (approximately late July through late March) or important wintering sites for red knots when they are present (contact U.S. Fish and Wildlife Service for red knot time frames and habitats) to the maximum extent practicable. If work must be conducted when individuals are present, avoid working near concentrations of individuals or post avoidance areas to minimize disturbance.

For projects that result in large scale habitat changes, coordinate early with the U.S. Fish and Wildlife Service to enhance or protect habitat features preferred by the species (inlet shoals, lagoons, washover fans, ephemeral pools, baysides and mud flats). Do not remove sand from intertidal, sand, or mud flats.

Use dredged material to enhance adjacent emerged and submerged shoals and bayside habitats within and adjacent to project areas.

Minimize vegetation planting in preferred habitats and avoid removal of natural organic material ("wrack") year-around along the shoreline.

During recreational use, enforce leash or "no pet" policies in critical or important habitats.

**Red-cockaded woodpecker**

Avoid working within active red-cockaded woodpecker clusters (minimum convex polygon containing the aggregation of cavity trees used by a group of red-cockaded woodpeckers and a 200-foot wide buffer surrounding the polygon).

If avoidance is not possible or management activities in red-cockaded woodpecker suitable habitat are desired, conduct standard surveys to determine if the habitat is supporting any individuals or presence can be assumed. If red-cockaded woodpeckers are present (or assumed to be), avoid cavity trees and the use of mechanized equipment during the nesting season (approximately April 1 – July 31).

If tree removal is necessary, survey pine trees approximately 60 or more years old for active cavities within one year of the removal. Extend surveys from the project site out to no less than ½ mile. Replace any cavities affected by the project via drilled cavity construction.

If impacts to suitable foraging habitat (pines approximately 30 or more years old and within ½ mile of an active cavity tree) are proposed, conduct a foraging habitat analysis. Foraging habitat may need to be replanted post-project.

Design projects within red-cockaded woodpecker suitable habitat such that prescribed fire needs are not impeded.



## **Mammals**

### **Manatee**

In Florida, follow the most current version of the Standard Manatee Conditions for In-water Work available and the Additional Conditions for Project In-water Activities in Manatee Habitat (USFWS 2011).

### **Marine Mammals**

Follow the most current version of the Vessel Strike Avoidance Measures and Reporting for Mariners NOAA Fisheries Service, Southeast Region, Revised February 2008.

## **Reptiles**

### **Reticulated flatwoods salamander**

Avoid suitable habitat during all construction activities and do not permanently alter hydrology of the area. Avoid eliminating connectivity between suitable ponds.

Use silt fencing to prevent sedimentation or erosion of the project site into ponds.

If suitable habitat (including the approximately 1,500 buffer zone around breeding ponds) may be impacted, perform pre-project surveys within 2 miles of known breeding sites or assume the presence of reticulated flatwoods salamanders. Schedule work during the non-breeding season (summer) and maintain the natural contour of the ponds.

### **Eastern Indigo Snake**

If suitable habitat or other evidence of Eastern indigo snake is discovered within the project area during site surveys, implement the most recent version of the U.S. Fish and Wildlife Service's *Standard Protection Measures for the Eastern Indigo Snake*.

## **Tortoises/Turtles**

### **Gopher tortoise**

If suitable habitat is present, have a qualified biologist conduct surveys to identify any gopher tortoise burrows. If burrows are within the project area and cannot be avoided through establishing a protective buffer (size determined by U.S. Fish and Wildlife Service and the State trust resource agency), implement standard procedures to relocate the tortoise within the project site but away from the areas of construction or restoration or consider conservation banks. A Candidate Conservation Agreement with Assurances may be appropriate for project sites within the non-listed range of the species.

### **Sea turtles – in water**

Implement the following guidelines: Sea Turtle and Smalltooth Sawfish Construction Conditions, Revised: March 23, 2006 and Measures for Reducing Entrapment Risk to Protected Species, Revised: May 22, 2012 and Vessel Strike Avoidance Measures and Reporting for Mariners NOAA Fisheries Service, Southeast Region, Revised February 2008.

## **Fish**

### **Gulf sturgeon**

Avoid work in riverine critical habitats when Gulf sturgeon are likely to be present (April to October). Do not dredge in spawning areas when Gulf sturgeon are likely to be present.

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.

Operate dredge equipment in a manner to avoid risks to Gulf sturgeon (e.g., disengage pumps when the cutter head is not in the substrate; avoid pumping water from the bottom of the water column).

Implement the Sea Turtle and Smalltooth Construction Conditions, Revised: March 23, 2006 (NOAA 2006) and Measures for Reducing Entrapment Risk to Protected Species, Revised: May 22, 2012 as they are protective of Gulf sturgeon as well.

## **Plants**

### **Protected Plants**

Perform surveys to determine if protected plants (or suitable habitat) are on or adjacent to the project site. Have a qualified individual perform the surveys and follow suitable survey protocols. Conduct plant surveys during appropriate survey periods (usually flowering season).

Design projects to avoid known locations and associated habitat to the extent possible. Use "temporary" removal of plants and soil profile plugs (which include the A and B horizons) with the intent to replace to original location post construction as a last resort. Consider transplanting and seed banking only after all other options are exhausted.

Enhance and protect plants on-site and adjacent habitats to the maximum extent possible.

Use only native plants for post project restoration efforts.

### **Invasive Species**

Develop and implement a Hazard Analysis and Critical Control Points (HACCP) plan to prevent and control invasive species. Use (ASTM E2590 - 08) or other version of HACCP or other similar planning tool.

Implement an Integrated Pest Management (IPM) approach to facility design, sanitation, and maintenance to prevent and control invasive and pest species.

Inspect sites, staging, and buffer areas for common invasive species prior to the onset of work. Map any invasive species detected and note qualitative or quantitative measures regarding abundance.

Implement a control plan, if necessary, to ensure these species do not increase in distribution or abundance at a site due to project implementation. Inspect sites periodically to identify and control new colonies/individuals of an invasive species not previously observed prior to construction.

Prior to bringing any equipment (including personal gear, machinery, vehicles or vessels) to the work site, inspect each item for mud or soil, seeds, and vegetation. If present, clean the equipment, vehicles,

or personal gear until they are free from mud, soil, seeds, and vegetation. Inspect the equipment, vehicles, and personal gear each time they are being prepared to go to a site or prior to transferring between sites to avoid spreading exotic, nuisance species.

Place and maintain predator-proof waste receptacles in strategic locations during project implementation to prevent an increase in predator abundance. For projects designed to enhance or increase visitor use, maintain predator-proof waste receptacles for the life of the project.

Have the appropriate state agency inspect any equipment or construction materials for invasive species prior to use.

Inspect and certify propagated or transplanted vegetation as pest and disease free prior to planting in restoration project areas.

### **General Construction Measures**

Guidelines:

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat. U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001

Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's Seagrass (*Halophila johnsonii*). National Marine Fisheries Service/U.S. Army Corps of Engineers October 2002

National Artificial Reef Plan (as Amended): Guidelines for siting, construction, development, and assessment of artificial reefs, Revised February 2007

Guidelines for Marine Artificial Reef Materials 1997 GSMFC Number 121

Bubble Curtain Specifications for Pile Driving

Assessment and Mitigation of Marine Explosives: Guidance for Protected Species in the Southeast U.S.

### **Piling Installation**

Push pilings into soft, bottom substrate to reduce noise from installation; do not drive and hammer pilings into bottom substrate unless necessary for proper construction.

### **Protected species**

Provide all individuals working on a project with information in support of general awareness of and means to avoid impacts to protected species and their habitats present at the specific project site.

Survey for other at-risk or imperilled species. If found on site, contact the U.S. Fish and Wildlife Service and State trust resource agency to determine if avoidance or minimization measures or a Candidate Conservation Agreement with Assurances may be appropriate.

### **Site maintenance and conduct**

Use the nearest, existing staging, access and egress areas, travel corridors, pathways, and roadways (including those provided by the State, local governments, land managers, trustee, or private property owner, with proper permissions) and do not create new staging areas, access (except dunewalk overs) or egress, or travel corridors through dune habitats.

Limit driving on the beach for construction to the minimum necessary within the designated travel corridor—established just above or just below the primary “wrack” line. Avoid driving on the upper beach whenever possible, and never drive over any dunes or beach vegetation. Check with the U.S. Fish and Wildlife Service and State trust resource agency for additional specific beach driving recommendations in Florida and Alabama.

Minimize construction noise to the maximum extent practicable when working near protected species and their habitats.

Maintain or improve all lighting regimes. Methods include: working during daylight hours only, prohibiting lighting on dune walkovers, and using wildlife-friendly lighting where lighting is necessary for human safety.

Post signs at kiosks, ramps, and piers to provide visitors with information to avoid and minimize impacts to protected species and their habitats while recreating. Develop signs in coordination with National Marine Fisheries Service, U.S. Fish and Wildlife Service and the local State trust resource agency.

Supply and maintain containers for waste fishing gear to avoid fish and wildlife entanglement.

### **Land and vegetation protection**

Develop and implement an erosion control plan to minimize erosion during and after construction and where possible: use vegetative buffers (100 feet or greater), revegetate with native species or annual grasses, and conduct work during dry seasons.

Develop and implement a spill prevention and response plan, including: conducting daily inspections of all construction and related equipment to assure there are no leaks of antifreeze, hydraulic fluid, or other substances and cleaning and sealing all equipment that would be used in the water to rid it of chemical residue. Develop a contract stipulation to disallow use of any leaking equipment or vehicles.

Prohibit use of hazardous materials, such as: lead paint, creosote, pentachlorophenol, and other wood preservatives during construction in, over, or adjacent to, sensitive sites during construction and routine maintenance.

Where landscaping is necessary or desired, use native plants from local sources. If non-native species must be used, ensure they are non-invasive and use them in container plantings.

### **Wetland and aquatic resource protection**

Complete an engineering design and post-construction inspection for projects where geomorphic elevations would be restored in wetlands, marshes, and shallow water habitats to ensure the success of the restoration project. Manage elevation of fill material to ensure projected consolidation rates were accomplished and that habitat suitable for wetland and marsh vegetation is developed.

Perform an engineering design and post-construction inspection for projects where geomorphic elevations are restored within wetlands, marshes, and shallow water habitats to ensure the success of the restoration project.

Avoid and minimize, to the maximum extent practicable, placement of dredged or fill material in wetlands and other aquatic resources.

Design construction equipment corridors to avoid and minimize impacts to wetlands and other aquatic resources to the maximum extent practicable.

To the maximum extent possible, implement the placement of sediment to minimize impacts to existing vegetation or burrowing organisms.

Place protective warning signs and buoys around at-risk habitats for infrastructure projects that could increase recreational uses in SAV or oyster areas.

Apply herbicide in accordance with the direction and guidance provided on the appropriate Environmental Protection Agency (EPA) labels and State statutes during land-based activities.

Only use suitable borrow sites (that do not contain *Sargassum*, SAV, or oysters) as dredging sites for sediment. Obtain sediments by beneficially using dredged material from navigation channels or by accessing material from approved offshore borrow areas. Sediments must closely match the chemical and physical characteristics of sediment at the restoration site. Additionally, use target borrow areas within reasonable proximity to suitable sites for sediment placement.

When local conditions indicate the likely presence of contaminated soils and sediments, test soil samples for contaminant levels, and take precautions to avoid disturbance of -or to provide for proper disposal of - contaminated soils and sediments. Evaluate methods prior to dredging to reduce the potential for impacts from turbidity or tarballs.

Perform maintenance of generators, cranes, and any other stationary equipment operated within 150 feet of any natural or wetland area, as necessary, to prevent leaks and spills from entering the water.

Designate a vehicle staging area removed from any natural surface water resource or wetland to perform fueling, maintenance, and storage of construction vehicles and equipment. Inspect vehicles and equipment daily prior to leaving the storage area to ensure that no petroleum or oil products are leaking.

Upon completion of construction activities, restore all disturbed areas as necessary to allow habitat functions to return. Create and manage public access developments to enhance recreational experience and educational awareness to minimize effects to habitat within wetland and shallow water areas and to the long-term health of related biological communities.

Incorporate containment levees for fill cells for projects using marsh creation or other barrier island restoration. Remove these containment levees after construction to allow for the restoration of nature tidal exchange.

Use silt fencing where appropriate to reduce increased turbidity and siltation in the project vicinity. This would apply to both on land and in water work.

Continue oyster and clam shell recycling programs to provide natural material for creating additional oyster reefs.

Ensure shells to be introduced for reef creation are subjected to depuration in a secure open air area for a period of not less than 6 months.

Make all efforts to reduce the peak sound level and exposure levels of fish to reduce the potential impact of sound on fish present in the project areas.

Use a vibratory hammer whenever possible to reduce peak sound pressure levels in the aquatic environment.

Use sound attenuation devices where practicable for pulse-noise (impact hammers) to reduce peak sound pressure levels in the aquatic environment.

Stipulate the timing of activities to avoid impacts to spawning fish and eggs/larvae.

Use BMPs to reduce turbidity, such as turbidity blankets, to reduce the potential impact of turbidity on finfish.

Screen water withdrawal pipes to minimize potential entrainment of fish from the withdrawal area. Have project proponents coordinate with NMFS to create an intake screen that would minimize potential impingement of fish.

#### **Aquaculture facilities**

Treat effluent from aquaculture facilities to avoid dispersal of potential pathogens into receiving waters.

Make sure that all aquaculture facilities and fish raised in those facilities meet fish health standards and are screened for pathogens prior to release into receiving waters.

Implement a genetics management plan that ensures maintenance of genetic diversity of native stocks of finfish in the Gulf of Mexico.

Develop and implement a stocking management plan prior to the release of hatchery-reared finfish.

### **BMPs and Mitigation Measures – Benefits to Resources and the Human Environment**

Potential BMPs and Mitigation Measures, including those described above as well as additional measures have been organized into three tables to provide information on the potential benefits to natural resources and the human environment associated with implementing the measures:

1. Table E-1: *Potential Site-Specific and Construction Mitigation Measures and BMPs: Benefits to Natural Resources*. This table presents the benefits to natural resources associated with implementation of a broad range of standard BMPs and Mitigation Measures;
2. Table E-2: *Potential Site-Specific and Construction Mitigation Measures and BMPs. Benefits to the Human Environment*: This table presents the benefits to the human environment associated with implementation of a broad range of standard BMPs and Mitigation Measures; and
3. Table E-3: *Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs*. This table presents BMPs and Mitigation Measures that may be implemented on –case-by-case basis when sensitive habitats or protected species may be present. These measures would not preclude implementation of BMPs or Mitigation Measures listed in Table E-1 or E-2, but may be implemented in addition to those deemed appropriate in Table E-1 or E-2 to further reduce potential for adverse effects to natural resources.



**Table E-1. Potential Site-Specific and Construction Mitigation Measures and BMPs: Benefits to Natural Resources**

Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality				Habitats					Living Coastal and Marine Resources										
	Upland Geology and Substrates	Nearshore Geology and Substrates	Freshwater Environments		Saltwater Environment Fish Resources		Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Finfish			Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife
			Groundwater	Surface Water	Nearshore Coastal Environment	Offshore Marine Environment										Demersal Fish	Pelagic Fish	Diadromous and Freshwater Fish				
Tilling of compacted soil areas to reduce hardening.	X	X					X	X		X								X				X
Use of existing access ways whenever possible. Temporary access roads would not be built in locations that would suggest a likelihood of excessive erosion (e.g., large slopes, erosive soils, proximity to water body). All temporary access roads would be restored when the action is completed, the soil would be stabilized, and the site would be re-vegetated. Temporary roads in wet or flooded areas would be restored shortly after the work period was complete.	X	X		X	X		X	X	X	X		X	X			X	X	X	X	X	X	X
Selection and operation of heavy equipment to minimize adverse effects to the environment (e.g., minimally-sized, low-pressure tires, minimal hard turn paths for tracked vehicles, temporary mats or plates within wet areas or sensitive soils).	X	X		X	X		X	X	X	X					X	X	X	X	X	X	X	X
To the extent feasible, heavy equipment would work from the top of the bank, unless work from another location would result in less habitat disturbance.	X	X		X	X		X	X	X	X		X	X		X	X	X	X	X	X	X	X
Temporary stabilization of areas of upland soil disturbance by sediment and erosion control practices during construction, and re-vegetation with appropriate native species following construction.	X			X			X	X	X	X		X	X		X	X	X	X		X	X	
When local conditions indicate the presence of contaminated soils/sediments is likely, soil samples would be tested for contaminant levels, and precautions would be taken to avoid disturbance of or provide for proper disposal of contaminated soils/sediments.	X	X	X	X	X		X	X	X	X	X	X	X		X	X	X	X	X	X	X	X
Prior to dredging, methods will be evaluated to reduce the potential for impacts from turbidity.				X	X		X	X	X	X	X	X	X		X	X	X	X	X			
Seasonal rainfall will be factored into the construction timeline to reduce ground disturbance during raining or flood seasons.	X	X		X	X		X	X	X	X		X	X		X	X	X	X	X	X	X	X
Employment of standard BMPs for construction to reduce erosion, stormwater runoff, transport of soil into receiving waters, or disturbance of sediment.	X	X	X	X	X	X	X	X	X	X		X	X		X	X	X	X	X	X	X	X

**Table E-1. Potential Site-Specific and Construction Mitigation Measures and BMPs: Benefits to Natural Resources**

Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality				Habitats					Living Coastal and Marine Resources										
	Upland Geology and Substrates	Nearshore Geology and Substrates	Freshwater Environments		Saltwater Environment Fish Resources		Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Finfish			Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife
			Groundwater	Surface Water	Nearshore Coastal Environment	Offshore Marine Environment										Demersal Fish	Pelagic Fish	Diadromous and Freshwater Fish				
Employment of temporary erosion controls prior to any land clearing or land disturbance on the project site, which would be monitored during construction to ensure proper function. Turbidity curtains, hay bales, and erosion mats would be used where appropriate.	X	X	X	X	X	X	X	X	X	X	X		X	X		X	X	X	X	X	X	X
Confinement of vegetation removal and soil disturbance would be to the minimum area and the minimum length of time necessary to complete the action.	X	X	X	X	X	X	X	X	X	X	X			X		X	X	X	X	X	X	X
Site work stoppage under high flows or seasonal conditions that threaten to damage erosion and sediment control measures, except where efforts are aimed at avoiding or minimizing resource damage.	X	X	X	X	X	X	X	X	X	X	X		X	X		X	X	X	X	X	X	X
Maintenance of generators, cranes, and any other stationary equipment operated within 150 feet of any natural or wetland area as necessary to prevent leaks and spills from entering the water.			X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X
Development and implementation of spill prevention and control plans to minimize the risk of releasing petroleum and oil products to receiving waters.			X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X
Management of hazardous material generated, used, or stored onsite in accordance with Federal and State regulations, including notification of proper authorities.	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X
Application of herbicide during land-based activities would be in accordance with the direction and guidance provided on the appropriate Environmental Protection Agency (EPA) labels.			X	X	X	X	X	X	X	X	X		X	X		X	X	X	X	X	X	X
Cleaning of construction equipment before moving between sites to prevent spread of invasive species							X	X	X	X	X	X		X					X	X	X	X
Identification of mooring locations for restoration-related barges and other boats to best avoid EFH and minimize damage to existing healthy reefs or adjacent SAV beds.							X	X	X	X	X		X	X		X	X	X	X			
Creation, as feasible, of a stockpile of topsoil; native channel material; and large, mature native trees and shrubs for reuse in the restoration process.	X	X						X	X		X							X		X	X	X

**Table E-1. Potential Site-Specific and Construction Mitigation Measures and BMPs: Benefits to Natural Resources**

Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality				Habitats					Living Coastal and Marine Resources											
	Upland Geology and Substrates	Nearshore Geology and Substrates	Freshwater Environments		Saltwater Environment Fish Resources		Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Finfish			Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife	
			Groundwater	Surface Water	Nearshore Coastal Environment	Offshore Marine Environment										Demersal Fish	Pelagic Fish	Diadromous and Freshwater Fish					
Upon completion of construction activities, all disturbed areas would be restored as necessary to allow habitat functions to return.	X	X	X	X	X		X	X	X	X	X	X		X		X	X	X	X	X	X	X	X
Temporal (e.g., time-of-year, seasonal) restrictions for construction activities applicable to protection of Federally listed threatened and endangered species, EFH, diadromous fish species, SAV, or other natural resources could be employed to avoid impacts.							X	X	X	X	X		X			X	X	X	X	X	X	X	X
Fueling, maintenance, and storage of construction vehicles and equipment within a designated vehicle staging area removed from any natural surface water resource or wetland. Vehicles and equipment would be inspected daily prior to leaving the storage area to ensure that no petroleum or oil products are leaking.			X	X	X		X	X	X	X	X	X	X			X	X	X	X	X	X	X	X
Conducting preconstruction surveys for the presence of sensitive natural and cultural resources.							X	X	X	X	X				X	X	X	X	X	X	X	X	X
Installation of protective buffers around sensitive wetlands, surface waters, and wildlife habitat. At a minimum, flagging or fencing sensitive resource areas adjacent to the action area would be employed to avoid accidental impacts.				X	X		X	X	X	X			X			X	X	X	X	X	X	X	X
The use of an appropriate assemblage of species native to the action area or region, including trees, shrubs, and herbaceous species, would be used in the re-vegetation and restoration processes.							X	X	X	X						X	X	X	X	X	X	X	X
Performing exploratory trenching																							
During all phases of the project, keeping equipment and vehicles within the limits of the initially disturbed areas. In addition, use existing roads to the maximum extent feasible to avoid additional surface disturbance.							X			X						X	X	X					
Restoration activities could utilize the Secretary of the Interior's Standards for the Treatment of Historic Properties. Archeological deposits should be avoided or excavated, analyzed, and curated with the proper State or Federal repository.																							

**Table E-1. Potential Site-Specific and Construction Mitigation Measures and BMPs: Benefits to Natural Resources**

Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality				Habitats					Living Coastal and Marine Resources											
	Upland Geology and Substrates	Nearshore Geology and Substrates	Freshwater Environments		Saltwater Environment Fish Resources		Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Finfish			Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife	
			Groundwater	Surface Water	Nearshore Coastal Environment	Offshore Marine Environment										Demersal Fish	Pelagic Fish	Diadromous and Freshwater Fish					
Construction workers and volunteers employed in the projects associated with restoration techniques would be adequately trained to ensure that impacts are minimized. Training may include but may not be limited to: understanding impacts to transportation and energy infrastructure.																							
Local companies should try to work with project leads to establish construction work times that overlap with off season tourism schedules.																							

**Table E-2. Potential Site-Specific and Construction Mitigation Measures and BMPs: Benefits to the Human Environment.**

Potential Mitigation Measures	Socio-economics		Cultural Resources	Infrastructure	Land and Marine Management	Tourism and Recreation Use					Fisheries		Marine Transportation	Aesthetics and Visual	Public Health and Safety	Noise	Air Quality and Greenhouse Gases	
	Demographics	Regional Economy				Wildlife Observation	Hunting	Beach and Waterfront	Boating	Recreational Fishing and Stock Enhancement	Tourism	Commercial Fisheries, Processing, and Sales						Aquaculture, Processing, and Sales (and Shellfish Leases)
Tilling of compacted soil areas to reduce hardening.																		
Use of existing access ways whenever possible. Temporary access roads would not be built in locations that would suggest a likelihood of excessive erosion (e.g., large slopes, erosive soils, proximity to water body). All temporary access roads would be restored when the action is completed, the soil would be stabilized, and the site would be re-vegetated. Temporary roads in wet or flooded areas would be restored shortly after the work period was complete.			X										X	X			X	
Selection and operation of heavy equipment to minimize adverse effects to the environment (e.g., minimally-sized, low-pressure tires, minimal hard turn paths for tracked vehicles, temporary mats or plates within wet areas or sensitive soils).													X				X	
To the extent feasible, heavy equipment would work from the top of the bank, unless work from another location would result in less habitat disturbance.						X	X	X										
Temporary stabilization of areas of upland soil disturbance by sediment and erosion control practices during construction, and re-vegetation with appropriate native species following construction.						X	X	X					X	X			X	
When local conditions indicate the presence of contaminated soils/sediments is likely, soil samples would be tested for contaminant levels, and precautions would be taken to avoid disturbance of or provide for proper disposal of contaminated soils/sediments.	X														X			
Prior to dredging, methods will be evaluated to reduce the potential for impacts from turbidity.	X								X		X	X						
Seasonal rainfall will be factored into the construction timeline to reduce ground disturbance during raining or flood seasons.	X								X		X	X			X			
Employment of standard BMPs for construction to reduce erosion, stormwater runoff, transport of soil into receiving waters, or disturbance of sediment.	X		X			X	X	X	X		X	X	X	X	X			

**Table E-2. Potential Site-Specific and Construction Mitigation Measures and BMPs: Benefits to the Human Environment.**

Potential Mitigation Measures	Socio-economics		Cultural Resources	Infrastructure	Land and Marine Management	Tourism and Recreation Use					Fisheries		Marine Transportation	Aesthetics and Visual	Public Health and Safety	Noise	Air Quality and Greenhouse Gases	
	Demographics	Regional Economy				Wildlife Observation	Hunting	Beach and Waterfront	Boating	Recreational Fishing and Stock Enhancement	Tourism	Commercial Fisheries, Processing, and Sales						Aquaculture, Processing, and Sales (and Shellfish Leases)
Employment of temporary erosion controls prior to any land clearing or land disturbance on the project site, which would be monitored during construction to ensure proper function. Turbidity curtains, hay bales, and erosion mats would be used where appropriate.	X		X			X	X	X		X		X		X				
Confinement of vegetation removal and soil disturbance would be to the minimum area and the minimum length of time necessary to complete the action.			X	X		X	X	X						X	X			
Site work stoppage under high flows or seasonal conditions that threaten to damage erosion and sediment control measures, except where efforts are aimed at avoiding or minimizing resource damage.				X		X	X	X						X	X			
Maintenance of generators, cranes, and any other stationary equipment operated within 150 feet of any natural or wetland area as necessary to prevent leaks and spills from entering the water.						X	X	X			X	X		X	X		X	
Development and implementation of spill prevention and control plans to minimize the risk of releasing petroleum and oil products to receiving waters.						X	X	X		X		X		X	X			
Management of hazardous material generated, used, or stored onsite in accordance with Federal and State regulations, including notification of proper authorities.															X		X	
Application of herbicide during land-based activities would be in accordance with the direction and guidance provided on the appropriate Environmental Protection Agency (EPA) labels.															X			
Cleaning of construction equipment before moving between sites to prevent spread of invasive species						X	X	X						X				
Identification of mooring locations for restoration-related barges and other boats to best avoid EFH and minimize damage to existing healthy reefs or adjacent SAV beds.						X	X	X		X		X						
Creation, as feasible, of a stockpile of topsoil; native channel material; and large, mature native trees and shrubs for reuse in the restoration process.																		

**Table E-2. Potential Site-Specific and Construction Mitigation Measures and BMPs: Benefits to the Human Environment.**

Potential Mitigation Measures	Socio-economics		Cultural Resources	Infrastructure	Land and Marine Management	Tourism and Recreation Use					Fisheries		Marine Transportation	Aesthetics and Visual	Public Health and Safety	Noise	Air Quality and Greenhouse Gases	
	Demographics	Regional Economy				Wildlife Observation	Hunting	Beach and Waterfront	Boating	Recreational Fishing and Stock Enhancement	Tourism	Commercial Fisheries, Processing, and Sales						Aquaculture, Processing, and Sales (and Shellfish Leases)
Upon completion of construction activities, all disturbed areas would be restored as necessary to allow habitat functions to return.						X	X	X						X	X			
Temporal (e.g., time-of-year, seasonal) restrictions for construction activities applicable to protection of Federally listed threatened and endangered species, EFH, diadromous fish species, SAV, or other natural resources could be employed to avoid impacts.						X	X	X		X		X						
Fueling, maintenance, and storage of construction vehicles and equipment within a designated vehicle staging area removed from any natural surface water resource or wetland. Vehicles and equipment would be inspected daily prior to leaving the storage area to ensure that no petroleum or oil products are leaking.															X			
Conducting preconstruction surveys for the presence of sensitive natural and cultural resources.			X			X								X				
Installation of protective buffers around sensitive wetlands, surface waters, and wildlife habitat. At a minimum, flagging or fencing sensitive resource areas adjacent to the action area would be employed to avoid accidental impacts.						X	X	X		X		X			X			
The use of an appropriate assemblage of species native to the action area or region, including trees, shrubs, and herbaceous species, would be used in the re-vegetation and restoration processes.						X	X							X				
Cultural resource monitoring of construction in the vicinity of the development			X												X	X	X	
Conducting records searches to determine the presence of known archaeological sites and historic structures within the area of potential effect. Identify the need for an archaeological and/or architectural survey. Conduct a survey, if needed.			X	X														
During all phases of the project, keeping equipment and vehicles within the limits of the initially disturbed areas. In addition, use existing roads to the maximum extent feasible to avoid additional surface disturbance.			X			X	X	X						X	X			



**Table E-2. Potential Site-Specific and Construction Mitigation Measures and BMPs: Benefits to the Human Environment.**

Potential Mitigation Measures	Socio-economics		Cultural Resources	Infrastructure	Land and Marine Management	Tourism and Recreation Use						Fisheries		Marine Transportation	Aesthetics and Visual	Public Health and Safety	Noise	Air Quality and Greenhouse Gases
	Demographics	Regional Economy				Wildlife Observation	Hunting	Beach and Waterfront	Boating	Recreational Fishing and Stock Enhancement	Tourism	Commercial Fisheries, Processing, and Sales	Aquaculture, Processing, and Sales (and Shellfish Leases)					
Restoration activities could utilize the Secretary of the Interior's Standards for the Treatment of Historic Properties. Archeological deposits should be avoided or excavated, analyzed, and curated with the proper State or Federal repository.			X															
Construction workers and volunteers employed in the projects associated with restoration techniques would be adequately trained to ensure that impacts are minimized. Training may include but may not be limited to: understanding impacts to transportation and energy infrastructure.			X	X	X	X	X	X		X		X	X		X	X	X	
Local companies should try to work with project leads to establish construction work times that overlap with off season tourism schedules.		X									X							
Local companies and workforces should be used for construction or implementation the project if possible to support local economic benefits.		X																
Vocational training for out-of-work fisheries workers.		X									X	X						

Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality		Habitats				Living Coastal and Marine Resources												
		Upland Geology and Substrates	Nearshore Geology and Substrates	Fresh water Environments	Salt water Environment Fish Resources	Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Demersal Fish	Finfish	Pelagic Fish	Diatomous and Crustacean Fish	Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife
<b>BIRDS</b>																						
Bald Eagle	If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, have all activities 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. Maintain this avoidance distance from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).																					X
	If a similar activity (like driving on a roadway) is closer than 660 feet to a nest, maintain a distance buffer as close to the nest as the existing tolerated activity. 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 maintain a distance buffer as close to the nest as the existing tolerated activity.																					X
	In some instances activities conducted within 660 feet of a nest may result in disturbance, particularly for the eagles occupying the Mississippi barrier islands. If an activity appears to cause initial disturbance, stop the activity and move all individuals and equipment away until the eagles are no longer displaying disturbance behaviors. Contact the Service's Migratory Bird Permit Office to determine how to avoid impacts or if a permit may be needed.																					X
Migrator	Use care to avoid birds when operating machinery or vehicles near birds.																					X

**Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs**

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality		Habitats					Living Coastal and Marine Resources																
		Upland Geology and Substrates	Nearshore Geology and Substrates	Fresh water Environments	Salt water Environment Fish Resources	Groundwater	Surface Water	Nearshore Coastal Environment	Offshore Marine Environment	Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Demersal Fish	Pelagic Fish	Diadromous and Anadromous Fish	Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife		
y Birds	During the project design phase, coordinate with the U.S. Fish and Wildlife Service and the State trust resource agency to site and design projects to avoid or minimize impacts to migratory bird nesting habitats or important feeding/loafing areas.																								X		
	Avoid working in migratory bird nesting habitats during breeding, nesting, and fledging (approximately Mid February to late August). If project activities must occur during this timeframe and breeding, nesting, or fledging birds are present, contact the State trust resource agency to obtain the most recent guidance to protect nesting birds or rookeries and their recommendations will be implemented.																									X	
	Conservation areas may already be marked to protect bird nesting areas. Stay out of existing marked areas.																									X	
	If vegetation clearing is necessary, clear vegetation outside of migratory bird nesting season (approximately Mid February to late August) or have a qualified biologist inspect for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation can be removed after the nest successfully fledges.																									X	
	Avoid driving over the wrack line or areas of dense seaweed, as these habitats may contain hatchlings and chicks that are difficult to see.																									X	
	Install pointy, white, piling caps on exposed pilings to prevent bird roosting on piers, docks, and marinas.																									X	

**Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs**

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality		Habitats				Living Coastal and Marine Resources																	
		Upland Geology and Substrates	Nearshore Geology and Substrates	Fresh water Environments	Salt water Environment Fish Resources	Groundwater	Surface Water	Nearshore Coastal Environment	Offshore Marine Environment	Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Demersal Fish	Pelagic Fish	Diadromous and Anadromous Fish	Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife		
Piping Plover and Red Knot	Provide all individuals working on a project with information in support of general awareness of piping plover or red knot presence and means to avoid birds and their critical or otherwise important habitats.																								X		
	Avoid working in designated critical habitat when piping plover are present (approximately late July through mid-May) or important wintering sites for red knots when they are present(contact U.S. Fish and Wildlife Service for red knot time frames and habitats) to the maximum extent practicable. If work must be conducted when individuals are present, avoid working near concentrations of individuals or post avoidance areas to minimize disturbance.																									X	
	For projects that result in large scale habitat changes, coordinate early with the U.S. Fish and Wildlife Service to enhance or protect habitat features preferred by the species (inlet shoals, lagoons, washover fans, ephemeral pools, baysides and mud flats). Do not remove sand from intertidal, sand, or mud flats. Use dredged material to enhance adjacent emerged and submerged shoals and bayside habitats within and adjacent to project areas.																									X	
	Minimize vegetation planting in preferred habitats and avoid removal of natural organic material (“wrack”) year-around along the shoreline.																									X	
	During recreational use, enforce leash or “no pet” policies in critical or important habitats.																									X	

Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality		Habitats				Living Coastal and Marine Resources												
		Upland Geology and Substrates	Nearshore Geology and Substrates	Fresh water Environments	Salt water Environment Fish Resources	Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Demersal Fish	Finfish	Pelagic Fish	Diadromous and Anadromous Fish	Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife
<b>MAMMALS</b>																						
Manatee	In Florida, follow the most current version of the <i>Standard Manatee Conditions for In-water Work</i> available and the <i>Additional Conditions for Project In-water Activities in Manatee Habitat</i> (USFWS 2011).																				X	
	For in-water work in other states (Alabama, Mississippi, Louisiana, and Texas) where manatees could be present, follow conditions b, c, and d of the <i>Standard Manatee Conditions for In-water Work</i> . Report any collisions to the U.S. Fish and Wildlife Service or State trust resource agency. Temporary signs, if necessary, can be modified from the Florida Fish and Wildlife Conservation Commission’s template to reflect local conditions.																				X	
Marine Mammals	Follow the most current version of the <i>Vessel Strike Avoidance Measures and Reporting for Mariners NOAA Fisheries Service, Southeast Region, Revised February 2008</i> .																				X	
<b>TORTOISES/TURTLES</b>																						
Sea turtles – in water	Implement the following guidelines: <i>Sea Turtle and Smalltooth Sawfish Construction Conditions, Revised: March 23, 2006</i> and <i>Measures for Reducing Entrapment Risk to Protected Species, Revised: May 22, 2012</i> and <i>Vessel Strike Avoidance Measures and Reporting for Mariners NOAA Fisheries Service, Southeast Region, Revised February 2008</i> .																				X	
<b>FISH</b>																						
Gulf sturgeon	Avoid work in riverine critical habitats when Gulf sturgeon are likely to be present (April to October). Do not dredge in spawning areas when Gulf																				X	

Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality				Habitats				Living Coastal and Marine Resources											
		Upland Geology and Substrates	Nearshore Geology and Substrates	Fresh water Environments		Salt water Environment Fish Resources	Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Finfish		Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife		
				Groundwater	Surface Water											Nearshore Coastal Environment	Offshore Marine Environment					Demersal Fish	Pelagic Fish
	sturgeon are likely to be present.																						
	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.																						
	Operate dredge equipment in a manner to avoid risks to Gulf sturgeon (e.g., disengage pumps when the cutter head is not in the substrate; avoid pumping water from the bottom of the water column).																						
	Implement the Sea Turtle and Smalltooth Construction Conditions, Revised: March 23, 2006 (NOAA 2006) and Measures for Reducing Entrapment Risk to Protected Species, Revised: May 22, 2012 as they are protective of Gulf sturgeon as well.																						
<b>PLANTS</b>																							
Protected plants	Perform surveys to determine if protected plants (or suitable habitat) are on or adjacent to the project site. Have a qualified individual perform the surveys and follow suitable survey protocols. Conduct plant surveys during appropriate survey periods (usually flowering season).				X		X	X	X	X	X												
	Design projects to avoid known locations and associated habitat to the extent possible. Use "temporary" removal of plants and soil profile plugs (which include the A and B horizons) with the intent to replace to original location post construction as a last resort. Consider transplanting and seed banking only after all other options are exhausted.				X		X	X	X	X	X												

Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality				Habitats				Living Coastal and Marine Resources													
		Upland Geology and Substrates	Nearshore Geology and Substrates	Fresh water Environments		Salt water Environment Fish Resources		Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Demersal Fish	Finfish		Diacromis and Crabs	Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife	
Groundwater	Surface Water	Nearshore Coastal Environment	Offshore Marine Environment	Pelagic Fish	Demersal Fish																				
	Enhance and protect plants on-site and adjacent habitats to the maximum extent possible.					X		X	X	X	X	X													
	Use only native plants for post project restoration efforts.					X		X	X	X	X	X													
Invasive species	Develop and implement a HACCP plan to prevent and control invasive species. Use (ASTM E2590 - 08) or other version of HACCP or other similar planning tool.					X	X	X	X	X	X	X													
	Implement an Integrated Pest Management (IPM) approach to facility design, sanitation, and maintenance to prevent and control invasive and pest species.					X	?	X	X	X	X	X													
	Inspect sites, staging, and buffer areas for common invasive species prior to the onset of work. Map any invasive species detected and note qualitative or quantitative measures regarding abundance. Implement a control plan, if necessary, to ensure these species do not increase in distribution or abundance at a site due to project implementation. Inspect sites periodically to identify and control new colonies/individuals of an invasive species not previously observed prior to construction.					X	X	X	X	X	X	X													
	Prior to bringing any equipment (including personal gear, machinery, vehicles or vessels) to the work site, inspect each item for mud or soil, seeds, and vegetation. If present, clean the equipment, vehicles, or personal gear until they are free from mud, soil, seeds, and vegetation. Inspect the equipment, vehicles, and personal gear each time they are being prepared to go to a site or prior to transferring between sites to					X	X	X	X	X	X	X													



Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality				Habitats				Living Coastal and Marine Resources												
		Upland Geology and Substrates	Nearshore Geology and Substrates	Groundwater	Surface Water	Nearshore Coastal Environment	Offshore Marine Environment	Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Demersal Fish	Pelagic Fish	Diadromous and Anadromous Fish	Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife	
	avoid spreading exotic, nuisance species.																							
	Place and maintain predator-proof waste receptacles in strategic locations during project implementation to prevent an increase in predator abundance. For projects designed to enhance or increase visitor use, maintain predator-proof waste receptacles for the life of the project.					X	X	X	X	X	X													
	Have the appropriate state agency inspect any equipment or construction materials for invasive species prior to use.					X	X	X	X	X	X													
	Inspect and certify propagated or transplanted vegetation as pest and disease free prior to planting in restoration project areas.					X		X	X	X	X													
<b>GENERAL CONSTRUCTION MEASURES</b>																								
	<p>Guidelines:</p> <ul style="list-style-type: none"> <li>- <i>Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat.</i> U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001</li> <li>- <i>Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's Seagrass (Halophila johnsonii).</i> National Marine Fisheries Service/U.S. Army Corps of Engineers October 2002</li> <li>- <i>National Artificial Reef Plan (as Amended): Guidelines for siting, construction, development, and assessment of artificial reefs,</i> Revised February 2007</li> </ul>					X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

**Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs**

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality				Habitats				Living Coastal and Marine Resources												
		Upland Geology and Substrates	Nearshore Geology and Substrates	Fresh water Environments		Salt water Environment Fish Resources	Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Finfish				Marine Mammals	Birds	Terrestrial Wildlife		
				Groundwater	Surface Water											Nearshore Coastal Environment	Offshore Marine Environment	Demersal Fish	Pelagic Fish				Uncollected and Esophageal Fish	Sea Turtles
	<ul style="list-style-type: none"> <li>- <i>Guidelines for Marine Artificial Reef Materials</i> 1997 GSMFC Number 121</li> <li>- <i>Bubble Curtain Specifications for Pile Driving</i></li> <li>- <i>Assessment and Mitigation of Marine Explosives: Guidance for Protected Species in the Southeast U.S.</i></li> </ul>																							
Piling installation	Push pilings into soft, bottom substrate to reduce noise from installation; do not drive and hammer pilings into bottom substrate unless necessary for proper construction.														X	X	X	X	X	X	X			
Protected species	Provide all individuals working on a project with information in support of general awareness of and means to avoid impacts to protected species and their habitats present at the specific project site.																							
	Survey for other at-risk or imperilled species. If found on site, contact the U.S. Fish and Wildlife Service and State trust resource agency to determine if avoidance or minimization measures or a Candidate Conservation Agreement with Assurances may be appropriate.				X	X	X	X	X	X	X													
Site maintenance and conduct	Use the nearest, existing staging, access and egress areas, travel corridors, pathways, and roadways (including those provided by the State, local governments, land managers, trustee, or private property owner, with proper permissions) and do not create new staging areas, access (except dunewalk overs) or egress, or travel corridors through dune habitats.				X	X	X	X	X	X											X	X	X	
	Limit driving on the beach for construction to the minimum necessary within the designated travel corridor—established just above or just below				X			X	X												X	X	X	



Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs

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				Groundwater	Surface Water											Nearshore Coastal Environment	Offshore Marine Environment	Demersal Fish					Pelagic Fish	Diatomous and Crustacean Fish	
	assure there are no leaks of antifreeze, hydraulic fluid, or other substances and cleaning and sealing all equipment that would be used in the water to rid it of chemical residue. Develop a contract stipulation to disallow use of any leaking equipment or vehicles.																								
	Prohibit use of hazardous materials, such as: lead paint, creosote, pentachlorophenol, and other wood preservatives during construction in, over, or adjacent to, sensitive sites during construction and routine maintenance.			X	X	X	X	X	X	X	X														
	Where landscaping is necessary or desired, use native plants from local sources. If non-native species must be used, ensure they are non-invasive and use them in container plantings.					X	X	X	X	X															
Wetland and aquatic protection	Complete an engineering design and post-construction inspection for projects where geomorphic elevations would be restored in wetlands, marshes, and shallow water habitats to ensure the success of the restoration project. Manage elevation of fill material to ensure projected consolidation rates were accomplished and that habitat suitable for wetland and marsh vegetation is developed.		X			X	X																		
	Perform an engineering design and post-construction inspection for projects where geomorphic elevations are restored within wetlands, marshes, and shallow water habitats to ensure the success of the restoration project.		X			X	X																		

Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality				Habitats				Living Coastal and Marine Resources													
		Upland Geology and Substrates	Nearshore Geology and Substrates	Groundwater	Surface Water	Nearshore Coastal Environment	Offshore Marine Environment	Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Demersal Fish	Finfish		Diadromous and Anadromous Fish	Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife	
	Avoid and minimize, to the maximum extent practicable, placement of dredged or fill material in wetlands.							X																	
	Design construction equipment corridors to avoid and minimize impacts to wetlands to the maximum extent practicable.							X																	
	To the maximum extent possible, implement the placement of sediment to minimize impacts to existing vegetation or burrowing organisms.					X		X				X													
	Place protective warning signs and buoys around at-risk habitats for infrastructure projects that could increase recreational uses in SAV or oyster areas.					X				X			X												
	Apply herbicide in accordance with the direction and guidance provided on the appropriate Environmental Protection Agency (EPA) labels and State statutes during land-based activities.				X	X		X	X	X	X	X													
	Only use suitable borrow sites (that do not contain <i>Sargassum</i> , SAV, or oysters) as dredging sites for sediment. Obtain sediments by beneficially using dredged material from navigation channels or by accessing material from approved offshore borrow areas. Sediments must closely match the chemical and physical characteristics of sediment at the restoration site. Additionally, use target borrow areas within reasonable proximity to suitable sites for sediment placement.					X	X	X	X	X		X	X	X	X						X		X	X	X
	When local conditions indicate the likely presence of contaminated soils and sediments, test soil samples for contaminant levels, and take precautions to avoid disturbance of -or to provide for proper disposal of -				X	X	X	X	X	X	X	X													

Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality				Habitats				Living Coastal and Marine Resources													
		Upland Geology and Substrates	Nearshore Geology and Substrates	Fresh water Environments		Salt water Environment Fish Resources	Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Finfish			Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife			
				Groundwater	Surface Water											Nearshore Coastal Environment	Offshore Marine Environment	Demersal Fish					Pelagic Fish	Diatomous and Crustacean Fish	
	contaminated soils and sediments. Evaluate methods prior to dredging to reduce the potential for impacts from turbidity or tarballs.																								
	Perform maintenance of generators, cranes, and any other stationary equipment operated within 150 feet of any natural or wetland area, as necessary, to prevent leaks and spills from entering the water.				X	X		X	X	X		X													
	Designate a vehicle staging area removed from any natural surface water resource or wetland to perform fueling, maintenance, and storage of construction vehicles and equipment. Inspect vehicles and equipment daily prior to leaving the storage area to ensure that no petroleum or oil products are leaking.				X	X		X	X	X															
	Upon completion of construction activities, restore all disturbed areas as necessary to allow habitat functions to return. Create and manage public access developments to enhance recreational experience and educational awareness to minimize effects to habitat within wetland and shallow water areas and to the long-term health of related biological communities.				X	X		X	X	X		X													
	Incorporate containment levees for fill cells for projects using marsh creation or other barrier island restoration. Remove these containment levees after construction to allow for the restoration of nature tidal exchange.				X	X		X	X																
	Use silt fencing where appropriate to reduce increased turbidity and siltation in the project vicinity. This would apply to both on land and in water work.				X	X		X	X	X	X														

Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality			Habitats				Living Coastal and Marine Resources													
		Upland Geology and Substrates	Nearshore Geology and Substrates	Fresh water Environments		Salt water Environment Fish Resources	Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Finfish			Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife		
				Groundwater	Surface Water											Nearshore Coastal Environment	Offshore Marine Environment	Demersal Fish					Pelagic Fish	Diatomous and Crustacean Fish
	Continue oyster and clam shell recycling programs to provide natural material for creating additional oyster reefs.					X						X												
	Ensure shells to be introduced for reef creation are subjected to depuration in a secure open air area for a period of not less than 6 months.					X						X												
	Make all efforts to reduce the peak sound level and exposure levels of fish to reduce the potential impact of sound on fish present in the project areas.														X	X	X							
	Implement monitoring of restored oyster beds to evaluate success.					X						X												
	Use a vibratory hammer whenever possible to reduce peak sound pressure levels in the aquatic environment.														X	X	X	X	X					
	Use sound attenuation devices where practicable for pulse-noise (impact hammers) to reduce peak sound pressure levels in the aquatic environment.														X	X	X	X	X					
	Stipulate the timing of activities to avoid impacts to spawning fish and eggs/larvae.														X	X	X							
	Use BMPs to reduce turbidity, such as turbidity blankets, to reduce the potential impact of turbidity on finfish.				X	X	X								X	X	X							
	Screen water withdrawal pipes to minimize potential entrainment of fish from the withdrawal area. Have project proponents coordinate with NMFS to create an intake screen that would minimize potential impingement of fish.														X	X	X							



Table E-3: Potential Site, Habitat and Species-Specific Construction Mitigation Measures and BMPs

Category	Potential Mitigation Measures	Geology and Substrates		Hydrology and Water Quality				Habitats				Living Coastal and Marine Resources												
		Upland Geology and Substrates	Nearshore Geology and Substrates	Fresh water Environments		Salt water Environment Fish Resources		Wetlands	Barrier Islands	Beaches	Submerged Aquatic Vegetation (SAV)	Terrestrial, Coastal, and Riparian Habitat	Nearshore Benthic Communities	Oysters	Pelagic Microfaunal Communities	Sargassum	Finfish			Sea Turtles	Marine Mammals	Birds	Terrestrial Wildlife	
Groundwater	Surface Water	Nearshore Coastal Environment	Offshore Marine Environment	Demersal Fish	Pelagic Fish	Diatomous and Crustacean Fish																		
Aquaculture facilities	Treat effluent from aquaculture facilities to avoid dispersal of potential pathogens into receiving waters.				X	X																		
	Make sure that all aquaculture facilities and fish raised in those facilities meet fish health standards and are screened for pathogens prior to release into receiving waters.																X	X	X	X	X	X		
	Implement a genetics management plan that ensures maintenance of genetic diversity of native stocks of finfish in the Gulf of Mexico.																X	X	X					
	Develop and implement a stocking management plan prior to the release of hatchery-reared finfish.																X	X	X					

# Appendix F: Phase V Early Restoration, Cumulative Actions

F.1	Introduction .....	F-1
F.2	Past, Ongoing, and Trends in Construction Activities.....	F-1
F.3	Planned Restoration Actions in the Vicinity of the Phase V Project.....	F-2

## F.1 Introduction

The first phase of the Florida Coastal Access Project includes the following components:

- Innerarity Point Park on Perdido Bay, Escambia County,
- Leonard Destin Park on Choctawhatchee Bay, City of Destin, Okaloosa County,
- Lynn Haven Preserve and Park on St. Andrew Bay/ North Bay, City of Lynn Haven, Bay County, and
- Island View Park on St. George Sound/ Apalachicola Bay, Franklin County.

This appendix presents a summary of other past, present, and reasonably foreseeable future actions anticipated in the areas affected by the first phase of the Florida Coastal Access Project.

## F.2 Past, Ongoing, and Trends in Construction Activities

This section presents the results of a review of past and ongoing construction activities in project areas, which provides insight both into the level of cumulative actions affecting resources, as well as insights into likely future actions.

A list of permitted past, existing, and future projects was compiled for each of the project components using Florida Department of Environmental Protection (FDEP) and U.S. Army Corps of Engineers (USACE) permitting databases and internet searches for more detail, as needed. All four sites are coastal and regulations pertaining to coastal, wetlands, and stormwater (uplands and wetlands) permits were considered appropriate for developing a list of past and reasonably foreseeable future activities that may affect the resources (See Tables F-1 and F-3). In addition, beach nourishment projects proximate to the project sites were identified (Table F-2).

The FDEP maintains a web-based MapDirect map that uses information in FDEP databases to provide locations and information for FDEP facilities/sites (<http://ca.dep.state.fl.us/mapdirect/gateway.jsp>). MapDirect includes numerous layers of data, including dredge and fill activities, coastal construction permits, mitigation areas, beach renourishment sites (based on the 2014 Strategic Beach Management Plan document), and impaired waters data. Using MapDirect, activities proximate to the project sites that required Environmental Resource Permits (ERPs) from the state of Florida were mapped. The number of permits was extensive and a radius of one mile around the project site was used to reduce the list of activities, although projects are mapped for a much larger area. In Florida, dredge and fill and stormwater permitting is implemented by the FDEP and the five water management districts (Northwest Florida, Suwanee River, St. Johns River, Southwest Florida, and South Florida) as well as USACE. A submitted permit is assigned to the designated regulating agency. Most of these activities are related to individual docks and shoreline stabilization projects.

USACE has streamlined processing of state and federal regulatory permits under a State Programmatic General Permit (SPGP) that allows FDEP to approve the applicable federal permit during the review of an environmental resource permit for certain minor activities including shoreline stabilization, boat ramps, docks and piers, and maintenance dredging, as well as for activities that qualify for regulatory

exemptions and general permits, subject to conditions. Therefore, these are included in the FDEP databases. Individual Permits are issued by the USACE and include Standard Permits (IP) (requiring public notice) and an abbreviated procedure for Letters of Permission (no public comment). A search of the USACE issued and pending IPs was completed for Florida. These include larger, more complicated projects such as marinas and other commercial projects. Individual permits issued since 2013 and pending IP applications were included for each project. There are many fewer of these issued.

Lines have been established in an ongoing effort to identify areas of the state in which Coastal Nourishment Projects have taken place. Considering this effort is still on going and information related to it is periodically updated. Information contained within the layer should not be used for any surveying, engineering, legal determinations or calculations. The information used to determine the line locations have been translated and taken from the 2014 Strategic Beach Management Plan document.

Figures F-1 through F-4 show the locations of the permit projects outlined in the tables below.

### **F.3 Planned Restoration Actions in the Vicinity of the Phase V Project**

Because of the small scale (context) of the project and potential for temporary, localized (intensity) impacts described in the analyses above, only projects that could be implemented at roughly the same time as the first phase of the Florida Coastal Access project sites are analyzed here. Resources reviewed for potential relevant projects include:

- <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/early-restoration-projects-atlas/>
- <http://www.nfwf.org/gulf/Pages/GEBF-Florida.aspx>
- <http://eli-ocean.org/gulf/restoration-projects-database/>

For the purpose of this analysis, the project action area includes the waterbody and watershed locations for the respective project sites. The action areas for Innerarity Point Park, Leonard Destin Park, Lynn Haven Preserve and Park, and Island View Park are the watersheds of Perdido Bay, Choctawhatchee Bay, St. Andrew Bay, and St. George Sound, respectively. Actions that will be relevant to the first phase of the Florida Coastal Access Project cumulative impacts analysis are defined here as those with similar scope, timing, impacts, or location. Projects listed in Table F-4 are not inclusive of those discussed in the Final Phase III ERP/PEIS. There are no current projects planned near the Innerarity Point Park. Table F-5 lists Early Restoration Projects that have been planned in the vicinity of the first phase of the Florida Coastal Access Project.

Table F-1. USACE Individual Permits since 2013 or Pending

PROJECT NAME	PERMIT NUMBER	PERMIT STATUS	PROJECT	LOCATION
Innerarity Park	SAJ-2015-00923-HMM	Pending (6/15/2015)	Pensacola Bay Oyster Co. / Oyster farm	Escambia County (Pensacola)
	SAJ-2008-01131	Pending (7/24/2015)	Commercial restaurant development on 5.03 acre undeveloped project area	Escambia County (Pensacola)
Leonard Destin Park	SAJ-2010-03346-TSH	Pending (7/1/2015)	Modify and expand the existing Legendary Yacht Club marina by 19,662 sf) to accommodate 20 jet ski slips and boardwalk	Okaloosa County (Destin)
	SAJ-2007-04911	Pending (12/22/2014)	City of Destin/ maintenance dredging	Okaloosa County (Destin)
	SAJ-1996-03565	Pending (8/26/2013)	Okaloosa County BOCC/ Artificial Reef	Okaloosa County
Lynn Haven Preserve and Park	SAJ-2014-01746-DNA	Issued With Special Conditions	USAF / Tyndall Air Force Base / F-22 Complex	Bay County
	SAJ-1998-05026-LSL	Pending (1/7/2015)	Northwest Florida Holdings, Inc./ Dredging and filling	Bay County (Mexico Beach)
Island View Park	SAJ-2015-00966	Issued	City of Carabelle/ St. Terese/ Artificial reef	Franklin County

**Table F-2. Renourishment Projects**

PROJECT NAME	LOCATION	YEAR COMPLETED	SOURCE OF SAND	VOLUME OF SAND (CY)
Innerarity Park	Pensacola Beach	2006	Offshore and Storm Over Wash	2,909,300
Leonard Destin Park	West Destin	2010	Offshore	138437
	West Destin	2013	Offshore	634292
	Eglin Air Force Base	2010	Inlet	729570
	Holiday Isle Beach	2006	Inlet	50000
	Destin - Western Walton	2007	East Pass ebb shoal	2850000
Lynn Haven Preserve and Park	Panama City Beaches	2011	Borrow Sites	1,370,000
	Panama City Beaches	2006	Upland	17,000
	Panama City Beaches	2006	Borrow Sites	3,265,000
	Panama City Beaches	1999	Borrow Sites	9,115,000

**Table F-3. ERPs Issued Since 1997 One Mile of the Project Site**

PERMIT TYPE	INNERARITY PARK	LEONARD DESTIN PARK	LYNN HAVEN PRESERVE AND PARK	ISLAND VIEW	GRAND TOTAL
Boat/Dock/Pier	36	20	2	0	58
Dredging	1	2	0	0	3
Dredge and Fill	119	90	26	1	236
Seawalls	6	2	0	0	8
Other	17	23	1	1	42
Grand Total	179	137	29	2	347

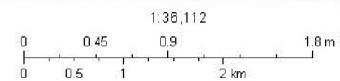
Figure F-1. Map of Permits Near Innerarity Park

### Innerarity Point Park



November 8, 2015

- Environmental Resource Permits (Historic)
- No
- Yes
- Issued
- Pending
- + ERPPa



FD/EP  
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Earthstar Geographics, IGN, AeroGRID, IGN, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

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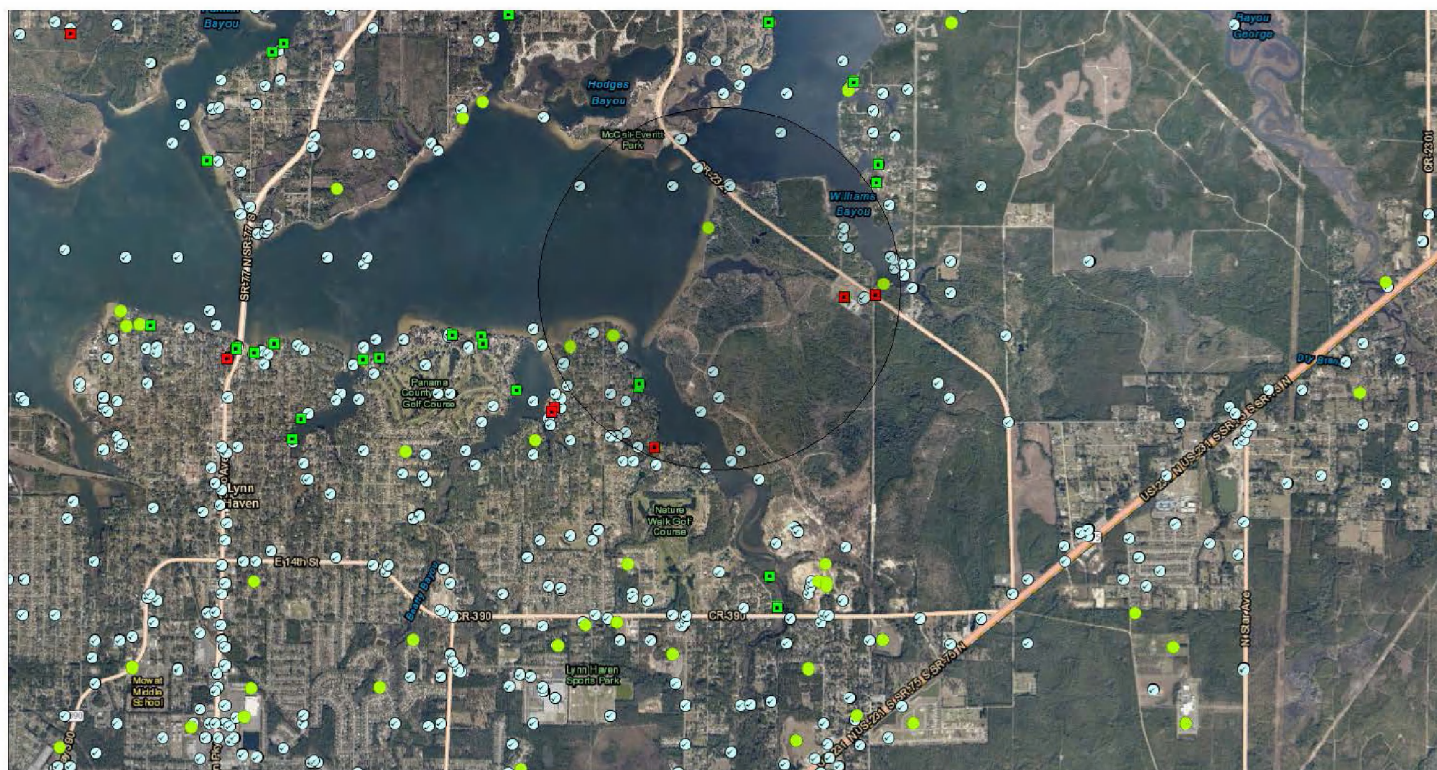
Figure F-2. Map of Permits Near Leonard Destin Park

### Leonard Destin Park ERPs



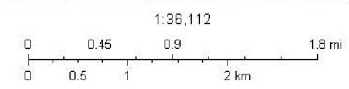
Figure F-3. Map of Permits Near Lynn Haven Preserve and Park

### Lynn Haven Preserve and Park



November 6, 2015

- No
- Yes
- Issued
- Pending
- PA



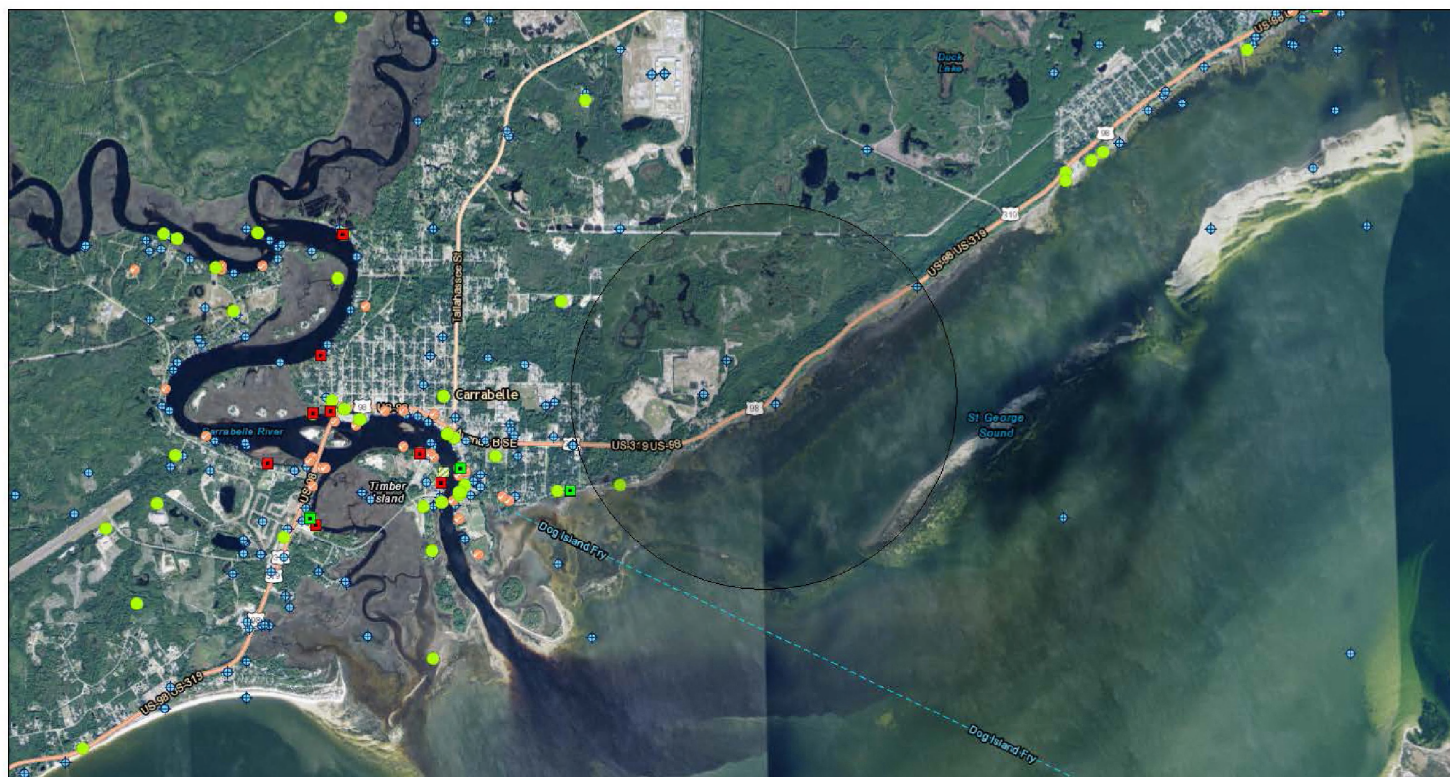
FDEP  
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,  
 CNES/Airbus DS, USDA, USGS, Aero, GeoMapping, AeroGRID, IGN,  
 Itasca, Swisstopo, and the GIS User Community  
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Figure F-4. Map of Permits Near Island View Park

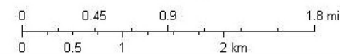
### Island View Park



November 6, 2015

- No
- Yes
- Issued
- Pending
- Environmental Resource Permits (Historic)
- + ERPPs

1:36,112



FOBP  
 Services: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,  
 CNES/Airbus DS, USDA, USGS, AEK, Gernipmapping, AeroGRID, IGN,  
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**Table F-4. Current Projects in Each Park's Watershed**

RELEVANT SITE	PROJECT TITLE	FUNDING SOURCE	LOCATION
Leonard Destin Park	Restoration of Florida's Coastal Dune Lakes	NFWF Gulf Environmental Benefit Fund	Walton County, FL
	Destin Harbor, Joe's Bayou, and Indian Bayou Water Quality Improvement	NFWF Gulf Environmental Benefit Fund	Okaloosa County, FL
	Boggy Bayou Watershed Water Quality Improvement	NFWF Gulf Environmental Benefit Fund	Okaloosa County, FL
Lynn Haven Preserve and Park	Oyster Reef Habitat Restoration in Saint Andrew Bay	NFWF Gulf Environmental Benefit Fund	St. Andrew Bay, FL
	Comprehensive Panhandle Coastal Bird Conservation	NFWF Gulf Environmental Benefit Fund	Escambia, Santa Rosa, Walton, Okaloosa, Bay, Gulf, Franklin Counties, FL
	Eliminating Light Pollution on Sea Turtle Nesting Beaches	NFWF Gulf Environmental Benefit Fund	Walton, Gulf, Franklin Counties, FL
	Stormwater Retrofit Projects	MOEX Supplemental Environmental Project	Bay, Okaloosa, Santa Rosa Counties, FL
Island View Park	Apalachicola Bay Oyster Restoration	NFWF Gulf Environmental Benefit Fund	Apalachicola Bay, FL
	Apalachicola Bay Oyster Restoration	RESTORE Act	Apalachicola Bay, FL
	Tate's Hell Strategy 1	RESTORE Act	Franklin County, FL

**Table F-5. Early Restoration Projects in the Vicinity of the First Phase of the Florida Coastal Access Project**

RELEVANT SITE	BAY	PROJECT TITLE
Innerarity Point Park	Perdido Bay	Florida Boat Ramp Enhancement and Construction Project, NRDA Phase I Early Restoration Project (Escambia County)
		Enhanced Management of Avian Breeding Habitat Injured by Response Activities in the Florida Panhandle, Alabama and Mississippi, NRDA Phase II Early Restoration Project (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, and Franklin Counties)
		Improving Habitat Injured by Spill Response: Restoring the Night Sky Project, NRDA Phase II Early Restoration Project (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties)
		Perdido Key Dune Restoration, NRDA Phase III Early Restoration Project (Escambia County)
		Perdido Key State Park Beach Boardwalk Improvements, NRDA Phase III Early Restoration Project (Escambia County)
		Big Lagoon State Park Boat Ramp Improvement, NRDA Phase III Early Restoration Project (Escambia County)
Leonard Destin Park	Choctawatchee Bay	Enhanced Management of Avian Breeding Habitat Injured by Response Activities in the Florida Panhandle, Alabama and Mississippi, NRDA Phase II Early Restoration Project (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, and Franklin Counties)
		Improving Habitat Injured by Spill Response: Restoring the Night Sky Project, NRDA Phase II Early Restoration Project (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties)
		Northwest Florida Estuarine Habitat Restoration, Protection, and Education – Fort Walton Beach, NRDA Phase III Early Restoration Project (Okaloosa County)
		Norriego Point Restoration and Recreation Project, NRDA Phase III Early Restoration Project (Okaloosa County)
		Scallop Enhancement or Increased Recreational Fishing Opportunity in the Florida Panhandle, NRDA Phase III Early Restoration Project (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin and Wakulla Counties)
		Strategically Provided Boat Access Along Florida’s Gulf Coast, NRDA Phase III Early Restoration Project (Walton, Bay, Gulf, and Wakulla Counties)
		Walton County Boardwalks and Dune Crossovers, NRDA Phase III Early Restoration Project (Walton County)
Lynn Haven Preserve and Park	St. Andrews Bay / North Bay	Enhanced Management of Avian Breeding Habitat Injured by Response Activities in the Florida Panhandle, Alabama and Mississippi, NRDA Phase II Early Restoration Project (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, and Franklin Counties)
		Improving Habitat Injured by Spill Response: Restoring the Night Sky Project, NRDA Phase II Early Restoration Project (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties)
		Scallop Enhancement or Increased Recreational Fishing Opportunity in the Florida Panhandle, NRDA Phase III Early Restoration Project (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin and Wakulla Counties)
		Strategically Provided Boat Access Along Florida’s Gulf Coast, NRDA Phase III Early Restoration Project (Walton, Bay, Gulf, and Wakulla Counties)
		Florida Oyster Cultch Placement Project, NRDA Phase III Early Restoration Project (Escambia, Santa Rosa, Bay, and Franklin Counties)
		Panama city Marina Fishing Pier, Boat Ramp, and Staging Docks, NRDA Phase III Early Restoration Project (Bay County)
		City of Parker – Oak Shore Drive Pier, NRDA Phase III Early Restoration Project (Bay County)
		Florida Sea Grass Recovery, NRDA Phase III Early Restoration Project (Bay, Gulf, and Wakulla County)

RELEVANT SITE	BAY	PROJECT TITLE
Island View Park	St. George Sound / Apalachicola Bay	Enhanced Management of Avian Breeding Habitat Injured by Response Activities in the Florida Panhandle, Alabama and Mississippi, NRDA Phase II Early Restoration Project (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, and Franklin Counties)
		Improving Habitat Injured by Spill Response: Restoring the Night Sky Project, NRDA Phase II Early Restoration Project (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties)
		Scallop Enhancement or Increased Recreational Fishing Opportunity in the Florida Panhandle, NRDA Phase III Early Restoration Project (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin and Wakulla Counties)
		Florida Oyster Cultch Placement Project, NRDA Phase III Early Restoration Project (Escambia, Santa Rosa, Bay, and Franklin Counties)
		Enhancement of Franklin County Parks and Boat Ramps, NRDA Phase III Early Restoration Project (Franklin County)
		Florida Cat Point Living Shoreline, NRDA Phase III Early Restoration Project (Franklin County)
		Apalachicola River Wildlife and Environmental Area Fishing and Wildlife Viewing Access Improvements, NRDA Phase III Early Restoration Project (Franklin County)

Additionally, there are continual proposals for restoration projects accepted to the Gulf Spill Restoration website. As of early November, 2015, there were 13 proposed projects in the Perdido Bay watershed containing the Innerarity Point Park; 18 proposed projects in the Choctawhatchee bay watershed containing the Leonard Destin Park; seven proposed projects in the St. Andrew Bay watershed containing the Lynn Haven Preserve and Park; and nine proposed projects in the St. George Sound watershed containing the Island View Park.

# Appendix G: Finding of No Significant Impact for the First Phase of the Florida Coastal Access Project

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## G.1 Overview and Background

The Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA), Environmental Protection Agency (EPA), and United States Department of Agriculture (USDA), (collectively “Federal Trustees”) have conducted an environmental assessment (EA) for the first phase of the Florida Coastal Access Project. The project involves the acquisition and/or enhancement of four coastal project locations in the Florida Panhandle and will be implemented by the Florida Department of Environmental Protection, through its third party agent, Trust for Public Land. The project is an early restoration project to be funded as part of the *Deepwater Horizon* Natural Resource Damage Assessment and Restoration process in accordance with the “Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill.” This project is to be implemented by the Trustees as identified in the Final Phase V Early Restoration Plan and Environmental Assessment (Final Phase V ERP/EA) to accelerate restoration, and represents an initial step toward the restoration of natural resources injured by the *Deepwater Horizon* oil spill (Spill).

Under the Oil Pollution Act of 1990, damages recovered from parties responsible for natural resource injuries are used to restore, replace, rehabilitate and/or acquire the equivalent of the injured natural resources and services they provide (33 U.S.C. § 2706). When Federal Trustees are involved, these restoration activities are subject to the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 et seq. Therefore, the Federal Trustees conducted an environmental assessment (EA) to evaluate the potential environmental impacts associated with the Florida Coastal Access Project. This EA tiers from the Final Phase III Early Restoration Plan and Programmatic Environmental Impact Statement (Final Phase III ERP/PEIS) prepared by the Trustees in 2014, and is prepared in accordance with NEPA, Council on Environmental Quality (CEQ) NEPA regulations, and all applicable agency NEPA regulations and guidance.

## G.2 Summary of Proposed Action and Alternatives

The CEQ NEPA regulations require the decision-maker to consider the environmental effects of the proposed action and a reasonable range of alternatives, including the no action alternative, (40 CFR § 1502.14). The EA addresses the proposed action and a no action alternative. The purpose of, and need for, the proposed action is to partially restore lost recreational uses in the Florida Panhandle caused by the Spill. The project is needed to provide additional recreational opportunities in the Florida Panhandle. The project involves the acquisition and/or enhancement of four coastal project locations in the Florida Panhandle. The locations are Innerarity Point Park, Leonard Destin Park, Lynn Haven Preserve and Park, and Island View Park. The Innerarity Point Park, Leonard Destin Park, and Lynn Haven Preserve Park sites will be acquired, while the Island View Park site is already in local government ownership. A public park will be built at each site. The public parks on each of the four coastal project sites will include the construction of various amenities such as docks, picnic areas, wildlife viewing platforms, natural playground areas, restroom facilities, and parking areas. Ten years of operation and maintenance activities are budgeted for and will be utilized by the respective county or city, through grants and agreements with the Florida Department of Environmental Protection, to provide for upkeep of the improved properties as public parks. Implementation of the project will be performed in two

stages: (1) the acquisition of three of the four coastal parcels and (2) the design and construction of the park infrastructure and amenities at each of the four sites.

Under the No Action Alternative the Trustees would not expend funds to acquire the three parcels and build public parks on the four parcels. The No Action alternative would result in the three parcels remaining in private ownership and not being developed for public recreational use and making those lands potentially subject to more intensive development in the future. The fourth parcel would remain in public ownership and would have minor recreational infrastructural improvements not funded by Early Restoration, and not to the level described in the proposed action.

The Florida Coastal Access Project is analyzed and described in an EA composed of four sections based on the four project sites. The four sections of the project EA are:

- 1) Innerarity Point Park;
- 2) Leonard Destin Park;
- 3) Lynn Haven Preserve and Park; and
- 4) Island View Park.

The proposed action is selected because it will result in more efficient recovery of recreational use loss in the Florida Panhandle as compared to the No Action Alternative. The Final EA and this Finding of No Significant Impact were prepared after considering input from the public during the public comment period for the Draft Phase V ERP/ EA.

### **G.3 Analysis Summary**

The Federal Trustees evaluated potential environmental effects of the proposed action and analyzed the significance of this action based on NEPA, CEQ NEPA regulations, and all applicable agency NEPA regulations and guidance. CEQ regulations (40 CFR §1508.27) state that the significance of an action should be analyzed both in terms of “context” and “intensity.” Each criterion discussed below is relevant to making a Finding of No Significant Impact. Each criterion was considered individually, as well as in combination with the others. The Phase V ERP/EA’s analysis of the environmental consequences of each component of this proposed project suggests that minor (or less) short and long-term impacts to some resource categories and no moderate or major adverse impacts are anticipated to result from any of the project components described above. See the Final Phase V ERP/EA Chapter 3, sections 3.5.1.1, through 3.5.1.16; 3.5.2.1 through 3.5.2.16; 3.5.3.1 through 3.5.3.16; 3.5.4.1 through 3.5.4.16; and 3.5.5 (overall summary). When environmental consequences were reviewed across the Florida Coastal Access Project, the analysis suggests that resources would either not be affected by project activities or have minor adverse and/or minor to moderate beneficial impacts, as discussed below and in the Final Phase V ERP/EA Chapter 3:

- Impacts to the physical environment (geology and substrates, hydrology and water quality, air quality/ greenhouse gas emissions and noise) were assessed in the Final Phase V ERP/EA

Chapter 3, sections 3.5.1.1 through 3.5.1.4; 3.5.2.1 through 3.5.2.4; 3.5.3.1 through 3.5.3.4; 3.5.4.1. through 3.5.4.4 and would be minor. In particular:

- Short-term and long-term minor adverse impacts to geology and substrates are anticipated as a result of the proposed project due to ground disturbances associated with soil removal, grading, and vegetation clearing during construction activities such as dock and pier construction, construction of trails, boardwalks, sidewalks, parking lots and restroom facilities. However, trails and boardwalks would direct and condense foot traffic into designated areas, minimizing adverse impacts. Revegetation of native plants along the shoreline at some sites have short-term minor adverse impacts during the process of invasive species removal and native plantings but overall would have long-term beneficial impacts on the geology and substrates due to reductions in erosion.
  - Short-term and long-term minor adverse impacts to hydrology, water quality, and floodplains are anticipated including short-term impacts during construction activities, placement of pilings, and revegetation activities and long-term impacts from new docks and pilings. The installation of pervious pavement would mitigate some of the adverse effects by minimizing runoff. On-site terrestrial construction of the boardwalks, structures, and parking lots may temporarily impact water quality. Adverse impacts to the natural functioning of the floodplain would be minor. Efforts to revegetate areas with native plants could have long term beneficial impacts by reducing runoff and sedimentation in nearshore areas.
  - Localized impacts of construction and associated emissions produced from use of machinery and construction vehicles would result in short-term minor adverse impacts to air quality and greenhouse gas emissions.
  - Short-term moderate adverse impacts to the natural soundscape would occur during construction activities, but would be localized to the sites and in the immediate vicinity. Long-term minor adverse impacts of noise associated with personal vehicle use, boating, fishing, and other recreational activities would also likely occur.
- Impacts to the biological environment were assessed in the Final Phase V ERP/EA Chapter 3, sections 3.5.1.5 through 3.5.1.9; 3.5.2.5; through 3.5.2.9; 3.5.3.5 through 3.5.3.9; and 3.5.4.5 through 3.5.4.9, and would be minor. In particular:
    - Short and long-term minor adverse impacts to habitats may occur as a result of this project. In marine habitat, adverse impacts may be associated with placement of pilings and other construction activities. In terrestrial habitats, adverse impacts associated with construction activities, including park structures, sidewalks, boardwalks, parking lots, and restroom facilities, would occur as a result of project activities. Revegetation and habitat conservation would have long-term beneficial impacts to habitats.
    - Short-term and long term minor adverse impacts to migratory birds could occur as a result of construction activities as well as increased recreational activities occurring on

site following project implementation. Bald eagles may be present at the proposed Island View Park component, but are likely not present at any of the other locations. Conservation measures will be employed to avoid and minimize potential impacts to bald eagles and other migratory birds. Due to the implementation of best management practices no “take” is anticipated for bald eagles or migratory birds. Coordination and review under the MBTA and BGEPA has been completed.

- BMPs and conservation measures will be used to avoid and minimize impacts to protected species during construction activities. However, short-term minor adverse impacts to protected species could occur as a result of construction activities, particularly associated with installation of new docks and pilings. ESA consultation with the USFWS has been completed. By letter dated January 7, 2016, the USFWS concurred with the Trustees’ determination that this project is not likely to adversely affect any federally listed species. ESA consultation with NMFS has been initiated to address all potential impacts to protected species, and will be completed prior to project implementation. Conservation measures recommended during consultation will be incorporated into final project design and implementation to avoid and/or minimize impacts to protected species and their designated critical habitats. The following measures may be implemented for species which may be affected by project actions:
  - *Gulf sturgeon (all sites)*. Impacts to the Gulf sturgeon and their critical habitat 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. In-water 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 (all sites)*. 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 the turtles move away from project area. Sea turtle and Smalltooth Sawfish Construction Guidelines (2006) also include recommendations such as construction personnel education, use of “no wake/idle” speeds in proper locations, adhering to

protection guidelines when a sea turtle is within 100 yards of activities, and reporting turtle injuries that 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); and
  - Bubble Curtain Specifications for Pile Driving.
- *West Indian manatee (all sites)*. 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.
  - *Piping plover and red knot (Island View site)*. 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 implemented to minimize exposure to noise and disturbance. If these birds are located on site, additional considerations could include:
    - Provide all individuals working on a project with information in support of general awareness of piping plover or red knot presence and means to avoid birds and their critical or otherwise important habitats.
    - During recreational use, enforce leash or "no pet" policies in important habitats.
    - Minimize vegetation planting in preferred habitats and avoid removal of natural organic material ("wrack") year-around along the shoreline.

- *Plants (Florida skullcap, Godfrey's butterwort, papery whitlow-wort, Telephus spurge, white birds-in-a-nest, and Harper's beauty) (Lynn Haven and Island View sites).* 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.

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:

- 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.
- Soil erosion best management practices such as sediment traps, erosion check screen filters, and hydro mulch to prevent the entry of sediment into waterways will be used.
- Any hazardous waste that is generated in the project area will be promptly removed and properly disposed of.
- Equipment will be inspected for leaks of oil, fuels, or hydraulic fluids before and during use to prevent soil and water contamination. Contractors will be required to implement a plan to promptly clean up any leaks or spills from equipment, such as hydraulic fluid, oil, fuel, or antifreeze.
- Onsite fueling and maintenance will be minimized. If these activities could not be avoided, fuels and other fluids will be stored in a restricted/designated area, and fueling and maintenance will be performed in designated areas that are bermed and lined to contain spills. Provisions for the containment of spills and the removal and safe disposal of contaminated materials, including soil, will be required.
- Actions will be taken to minimize effects on site hydrology and fluvial processes, including flow, circulation, water level fluctuations, and sediment transport. Care will be taken to avoid any rutting caused by vehicles or equipment.
- Measures will be employed to prevent or control spills of fuels, lubricants, or other contaminants from entering wetland areas. Actions will be consistent with state water quality standards and Clean Water Act Section 401 certification requirements.
- Appropriate erosion and siltation controls will be maintained during construction.
- Fill material will be properly maintained to avoid adverse impacts on aquatic environments or public safety.

- All contractors and their employees will be trained regarding safety protocols (fuel handling), and food storage regulations. Storage and handling of food and other attractants will be required to minimize potential conflicts with wildlife. All project crews will be required to meet standards for sanitation, attractant storage, and access.
    - Construction workers and supervisors will be informed about the potential for special status species in the work area. Contract provisions that require a stop in construction activities if a special status species is discovered until staff members evaluate the situation will be included. Protection measures will be modified as appropriate to protect the birds.
  - Short-term impacts to EFH for coastal migratory pelagics, reef fish, shrimp, stone crab, and red drum would be minor and adverse as a result of construction activities (e.g., suspended, compacted, and displaced substrates, noise, vessel traffic). EFH consultation with NMFS has been initiated to address all potential impacts to protected habitats, and will be completed prior to project implementation. Additionally, areas permanently shaded by docks would have long-term adverse impacts to EFH. However, the footprints within the EFH area would be a relatively small percentage of available EFH and would be avoided where possible. Therefore, impacts are anticipated to be minor.
  - The proposed action is not expected to result in the introduction or spread of any invasive species due to BMP implementation and mitigation measures during construction activities. Invasive species removal at Innerarity Point Park and proposed mitigation measures at Lynn Haven Preserve and Park include wetland invasive species removal which would have long-term beneficial impacts to the biological environment.
- Impacts to human uses and socioeconomics were analyzed in the Final Phase V ERP/EA Chapter 3, sections 3.5.1.10 through 3.5.1.16; 3.5.2.10 through 3.5.2.16; 3.5.3.10 through 3.5.3.16; 3.5.4.10 through 3.5.4.16, and would be minor and short-term. In particular:
  - Short-term adverse as well as beneficial impacts to socioeconomics would occur. There would be no environmental justice concerns. Short term area closures of sites that are currently used for informal parking or fishing (e.g., Island View) would have minor adverse impacts. Construction activities would provide short-term employment, which is beneficial. The long-term impact of this proposed project would be beneficial to local communities through enhanced public access to natural resources for recreational use and enhanced recreational experiences.
  - Appropriate completion of Section 106 surveys and implementation of mitigation measures would ensure that any adverse impacts to cultural resources would be avoided or resolved through the Section 106 process.
  - Short-term minor adverse impacts to roadway infrastructure as a result of any temporary closures or construction-related traffic may occur. There would be long-term



minor adverse impacts to infrastructure from the continued use of and increased demand on public utilities and adjacent roadways. The addition of a right-hand turn lane at the Island View site would minimize increased demand at that site. Proposed project improvements would provide new amenities to park visitors, resulting in beneficial impacts.

- The implementation of this proposed project is generally expected to have long-term and beneficial impacts on land and marine management, as the proposed project would make more private lands accessible to the public, and remove those lands from potentially more intensive development in the future.
- Short-term minor to moderate adverse impacts to aesthetics and visual resources as a result of construction activities and equipment and barriers enacted to protect public safety may occur. The docks would result in long-term impacts on the appearance of the land from water, creating a more developed appearance. However, raised expanded boardwalks would enhance accessibility to existing natural viewsheds, leading to long-term beneficial impacts from the proposed project for visitors.
- Short-term minor to moderate adverse impacts to tourism and recreational use would occur from construction activities relating to noise, visual disturbances, and temporary closures. Over the long term, the implementation of the proposed project would contribute positively to the public's recreational experience and the public's access to natural resources along the Florida Panhandle.
- Short-term minor adverse impacts to public health and safety would occur during construction, but would be reduced through the use of construction BMPs put in place to protect construction personnel and the public. Improvements on sites including native vegetation enhancements and plantings would improve shoreline protection and resilience, leading to long-term benefits. No long-term adverse impacts to public health and safety are expected as a result of this proposed project.
- The project is not expected to have any significant long-term adverse effects on wetlands or floodplains, pursuant to Executive Orders 11990 and 11988, because the project activities that would take place within any wetland or floodplain would be subject to mitigation measures that would ensure no more than minor adverse impacts on these resources.
- The Florida Coastal Access Project's potential impacts are not controversial and the project is supported by the general public. It will restore a portion of lost recreational use in the Florida Panhandle caused by the Spill by improving and enhancing recreational opportunities at four coastal sites in the Florida Panhandle. The project will not significantly impact unique areas such as historic or cultural resources, park lands, wetlands, or ecologically critical areas. It will have no effects on the human environment that would be highly uncertain or involve unique or unknown risks.

- The proposed action is not expected to result in the introduction or spread of any non-indigenous species.
- No significant adverse direct, indirect or cumulative impacts are anticipated from implementation of this project, due in part to its scale, scope and duration (refer to the Final Phase V ERP/EA Chapter 3, section 3.5.6).

Copies of the draft EA for this project were available to the public as provided in a Federal Register notice published on December 1, 2015. See *Deepwater Horizon* Oil Spill, Draft Phase V Early Restoration Plan and Environmental Assessment; 80 FR 75126-75128 (December 1, 2015). Public comments on the Draft Phase V ERP/EA were taken during a public comment period extending from December 1, 2015 to December 31, 2015. Public comments that were received during this period have been considered and incorporated into the Final Phase V ERP/EA (Chapter 4, Response to Comments). The Final Phase V ERP/EA is hereby incorporated by reference.

#### **G.4 Agency Coordination and Consultation Summary**

**Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):** NOAA has reviewed the Florida Coastal Access Project for compliance with the MSFCMA, and had informational discussions with NMFS Southeast Regional Office (SERO) Habitat Conservation Division (HCD). NOAA determined the project may result in minor adverse impacts to estuarine areas that are considered EFH for various life stages of the species managed under Gulf of Mexico Fishery Management Council's 2005 Generic EFH Amendment and the NMFS Highly Migratory Species Fishery Management Plan. The Trustees have initiated EFH consultation with SERO-HCD for the Florida Coastal Access Project. EFH consultation will be completed prior to project implementation.

**Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act (BGEPA), and Marine Mammal Protection Act (MMPA):** To fulfill requirements and obligations under ESA and MMPA, the Trustees completed a review of the Florida Coastal Access Project for compliance with Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et seq.) and Section 101 of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1371(a)(5) et seq.). See the Final Phase V ERP/EA Chapter 3, Protected Resources sections 3.5.1.7, 3.5.2.7, 3.5.3.7, and 3.5.4.7. After the review, the Trustees initiated consultation pursuant to the ESA and coordination under the MBTA and BGEPA with the USFWS Panama City Ecological Services Field Office. In addition, the Trustees initiated ESA consultation with the NMFS' Protected Resources Division. The Trustees are awaiting a response from NMFS. USFWS provided concurrence in a letter dated January 7, 2016 that the project is not likely to adversely affect any federally listed species managed under USFWS jurisdiction. The project was also reviewed for impacts to bald eagles and migratory birds in accordance with the BGEPA and the MBTA, and determined take would be avoided.

The Trustees coordinated with NMFS Protected Resources Division to determine that the Florida Coastal Access project, as currently designed, does not require authorization under the MMPA.

Potential impacts to cultural and historical resources protected under Section 106 of the National Historic Preservation Act NHPA were evaluated in the Final Phase V ERP/EA Chapter 3, sections 3.5.1.11;

3.5.2.11; 3.5.3.11; and 3.5.4.11. The formal compliance review for this project including NHPA section 106 and Tribal consultations has been initiated and will be completed prior to project implementation.

Because the project has reasonably foreseeable effects on coastal uses or resources that are the subject of federally approved Coastal Zone Management Plans in Florida, the Federal Trustees submitted a consistency determination for the project to the Florida Department of Environmental Protection. Florida Department of Environmental Protection, after consulting with other Florida state agencies, concurred with that determination on behalf of its state. Additional consistency review may be required pursuant to Federal regulations (see 15 C.F.R. Part 930) prior to project implementation, including as part of required Federal and State permitting processes and authorizations, as may be applicable.

If any further need arises to coordinate and consult with other regulatory authorities, including for example Clean Water Act Section 404 or the Rivers and Harbors Act, the additional coordination or consultation requirements will be addressed prior to project implementation. The status of Federal regulatory permits/approvals will be maintained online (<http://www.gulfspillrestoration.noaa.gov/environmental-compliance/>) and updated as regulatory compliance information changes. The Federal Trustees' Finding of No Significant Impact for this project is issued subject to the completion of all outstanding compliance reviews under other federal laws. If the proposed action changes or information is brought to light as a result of completing such reviews that is potentially relevant to the environmental evaluation supporting this Finding of No Significant Impact, that evaluation will be updated or supplemented as required by NEPA and a new determination made by the Federal Trustees under NEPA as to whether the proposed action is likely to significantly affect the quality of the human environment.

## **G.5 Determination**

In view of the information presented in this document and the analysis contained in the supporting Final Phase V ERP/EA, the Federal Trustees have determined that the first phase of the Florida Coastal Access Project will not significantly impact the quality of the human environment. Accordingly, preparation of an environmental impact statement for this action is not necessary.

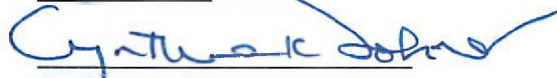
**FINDING OF NO SIGNIFICANT IMPACT**

**For the First Phase of the Florida Coastal Access Project**

Date:

1/27/2015

Signature:



Cynthia K. Dohner  
Authorized Official, U.S. Department of the Interior

**FINDING OF NO SIGNIFICANT IMPACT**

**For the First Phase of the Florida Coastal Access Project**

Date: 01/26/2016

Signature: WESTERHOLM.DA Digitally signed by WESTERHOLM.DA, DN: cn=WESTERHOLM.DA, o=NOAA, ou=U.S. Government, email=DAVID.WESTERHOLM@NOAA.GOV, c=US  
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David Westerholm  
Director, Office of Response and Restoration  
National Ocean Service, NOAA

**FINDING OF NO SIGNIFICANT IMPACT**

**For the First Phase of the Florida Coastal Access Project**

Date: 01/26/2016

Signature: MONTANIO.PATRICIA.A.1365839030


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Date: 2016.01.26 11:24:24 -0500

Patricia A. Montanio  
Director, Office of Habitat Conservation  
National Marine Fisheries Service, NOAA

**FINDING OF NO SIGNIFICANT IMPACT**

**For the First Phase of the Florida Coastal Access Project**

Date: \_\_\_\_\_1/27/16\_\_\_\_\_

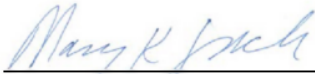
Signature:  \_\_\_\_\_  
Ann Mills  
Deputy Under Secretary, USDA



**FINDING OF NO SIGNIFICANT IMPACT**

**For the First Phase of the Florida Coastal Access Project**

Date:     1/27/16    

Signature:   
Mary Kay Lynch  
Alternate to Principal Representative, EPA