



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

1875 Century Boulevard  
Atlanta, Georgia 30345

January 12, 2018

Mr. Chris Stahl  
Coordinator, Florida State Clearinghouse  
Florida Department of Environmental Protection  
2600 Blair Stone Rd, MS 47  
Tallahassee, FL 32399-2400

RE: Request for Consistency Certification with Coastal Zone Management Act (CZMA) for one proposed NRDA Restoration Project in the Florida Restoration Area

- **Salinas Park Addition**

Dear Mr. Stahl,

The Florida Trustee Implementation Group (FL TIG) is responsible for restoring the natural resources and services within the Florida Restoration Area that were injured by the April 20, 2010 *Deepwater Horizon* oil spill (*DWH* oil spill) and associated spill response efforts. The FL TIG is proposing implementing the Second Phase of the Florida Coastal Access Project through the acquisition and enhancement of one preferred coastal parcel of land, if approved by the FL TIG after consideration of public review and comment, in the “Deepwater Horizon Oil Spill Phase V.2 Florida Coastal Access Project: Restoration Plan and Supplemental Environmental Assessment” (Draft Phase V.2 RP/SEA).

The FL TIG is comprised of: the Florida Department of Environmental Protection (FDEP); the Fish and Wildlife Conservation Commission (FWC); National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce (DOC); the United States Department of the Interior (DOI), as represented by the National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), and Bureau of Land Management (BLM); the United States Department of Agriculture (USDA); and the Environmental Protection Agency (EPA). Initial CZMA federal consistency reviews are conducted so that the consistency determinations can be issued for official state review concurrently with the release of a draft restoration plan. The federal TIG members have agreed to a lead federal agency to organize the CZMA federal consistency review process. DOI has been assigned as the lead federal agency with the responsibility of drafting the federal Consistency Determination. The Federal Trustees (NOAA,

DOI, USDA, and EPA) have reviewed the proposed projects for consistency with the Florida Coastal Management Program (FCMP). This letter submits that federal consistency determination for your review.

## **Background**

After the *DWH* oil spill the state and federal natural resources trustees (the Trustees) conducted a Natural Resources Damage Assessment (NRDA) to assess impacts to the Gulf's natural resources, and a comprehensive, integrated ecosystem restoration approach was proposed to address the potential magnitude and breadth of restoration for injuries resulting from the oil 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 *DWH* oil spill. A programmatic Early Restoration plan and environmental impact statement was prepared in 2014 by the *DWH* Trustees to analyze the environmental impacts from the implementation of a suite of Early Restoration projects (Final Phase III ERP/PEIS). The final Phase V Early Restoration Plan and Environmental Assessment (Final Phase V ERP/EA) was published in January 2016 and selected the first phase of the Florida Coastal Access Project. The NEPA analysis in the Final Phase V ERP/EA was "tiered" from the Final Phase III ERP/PEIS.

In February 2016, the *DWH* Trustee Council issued a Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS) under the Oil Pollution Act (OPA) and the National Environmental Policy Act (NEPA) to analyze alternative approaches to implementing restoration and to consistently guide restoration decisions across the Gulf of Mexico region. The purpose of restoration is to make the environment and the public whole for injuries resulting from the incident by implementing restoration actions that return injured natural resources and services to baseline conditions and compensate for interim losses, in accordance with OPA and associated NRDA regulations.

On April 4, 2016, the United States District Court for the Eastern District of Louisiana entered a Consent Decree resolving civil claims by the Trustees against BP Exploration and Production Inc. (BP) arising from the *DWH* oil spill. This historic settlement resolves the Trustees' claims against BP for natural resources damages under OPA. The Draft Phase V.2 RP/SEA prepared by the FL TIG is consistent with the PDARP/PEIS, supplements the Phase V ERP/EA and proposes to implement the second phase of the Florida Coastal Access Project.

## **Proposed Project Descriptions**

A description of the proposed project is provided below, and the location is illustrated in Figure 1. Additional information on the proposed project may be found here:

<http://www.gulfspillrestoration.noaa.gov>



# Salinas Park Addition

GULF COUNTY

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**Figure 1: Locations of Proposed Project**

- **Salinas Park Addition**

The proposed Salinas Park Addition would involve acquiring a 6.6-acre undeveloped parcel on the south side of Saint Joseph Bay in Gulf County, Florida and providing recreational use amenities. The parcel is adjacent to both the existing Salinas Park (Bayside) property and the Saint Joseph Bay Aquatic Preserve, and near the Saint Joseph Bay State Buffer Preserve. The FL TIG proposes to purchase this privately owned parcel and construct park amenities including a boardwalk, playground, pickleball courts, and bike trail facilities, as an extension to the existing Salinas Park. This would enhance the public's access to the surrounding natural resources and increase recreational opportunities.

The purchase of the Salinas Park Addition site would be achieved via a partnership between the FL TIG and Trust for Public Land (TPL). After acquiring the title, TPL would, at the direction and under the oversight of the FL TIG, oversee the design, permitting, and construction of the proposed park infrastructure. Once all the improvements to the property are completed, TPL would donate the property to Gulf County to be operated by the County as a new addition to the Salinas Park. The property deed would include restrictions on future use such that the land may not be used for purposes other than conservation and restoration of natural resources and for passive public outdoor recreation. As part of the proposed alternative, Gulf County would be provided with funds, through a grant agreement with the FDEP, to cover ten years of operation and maintenance costs of the site as a dedicated public park.

Environmental impacts of the Salinas Park Addition to the physical, biological, and socioeconomic environment are evaluated in the Draft Phase V.2 RP/SEA. Specific mitigation measures would be implemented during construction to minimize overall impacts. To the extent possible, the Salinas Park Addition would utilize existing development footprints and disturbed areas (e.g., existing Salinas Park). 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, ongoing construction monitoring to ensure compliance, along with other avoidance and mitigation measures required by state and federal regulatory agencies.

The Salinas Park Addition does not include in-water work, other than a small number of pilings that may be required in wetland areas for boardwalk construction. Any work in waters of the U.S., including wetlands, associated with this alternative would be coordinated with the USACE pursuant to the CWA/RHA. Coordination with the U.S. Army Corps of Engineers (USACE) and final authorization pursuant to the Clean Water Act Section 404 and Rivers and Harbors Act (CWA/RHA) would be completed prior to final design and construction.

The restoration goal of the proposed Salinas Park Addition is to enhance the public's access to the surrounding natural resources and increase recreational opportunities. This goal is consistent with the Final PDARP/PEIS programmatic goal to "Provide and Enhance Recreational Opportunities" through the restoration approach "Enhance public access to natural resources for recreational use."



### **Federally-approved FCMP Consistency Review**

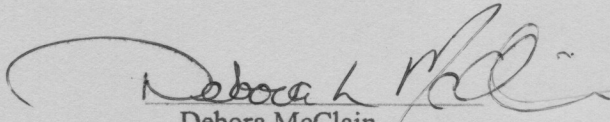
The federally-approved FCMP consists of a network of 24 Florida Statutes administered by nine state agencies and five water management districts. This framework allows the state to make integrated, balanced decisions that ensure the wise use and protection of the state's water, property, cultural, historic, and biological resources; protect public health; minimize the state's vulnerability to coastal hazards; ensure orderly, managed growth; protect the state's transportation system; and sustain a vital economy. The goal of the program is to coordinate local, state, and federal agency activities using existing laws to ensure that Florida's coast is as valuable to future generations as it is today.

The principle policies of the FCMP that are potentially relevant to restoration actions described in the RP/SEA are those in: Chapter 163, Part II, F.S., Intergovernmental Programs: Growth Policy, County and Municipal Planning: Land Development Regulation; Chapter 186, F.S., State and Regional Planning; Chapter 253, F.S., State Lands; Chapter 258, F.S., State Parks and Preserves; Chapter 267, F.S., Historical Resources; Chapter 373, F.S., Water Resources; Chapter 376, F.S., Pollutant Discharge Prevention and Removal; Chapter 379, F.S., Fish and Wildlife Conservation; Chapter 380, F.S., Land and Water Management; Chapter 403, F.S., Environmental Control; and Chapter 553, F.S., Building and Construction Standards.

#### **Conclusion:**

Based on the above review, the federal Trustees of the FL TIG have determined that the proposed restoration projects are consistent to the maximum extent practicable with all the applicable, enforceable policies of the state's coastal management program. If selected and implemented, the proposed projects will comply and be implemented in a manner consistent with the FCMP. We submit this determination letter for state review and concurrence, and thank you in advance for your assistance.

Best regards,



Debora McClain  
Designated Alternate Department of the Interior Natural Resource  
Trustee Official for the Florida Implementation Group

#### **Copy:**

Gareth Leonard, Principal Representative for FWC  
Trina Vielhauer, Principal Representative for FDEP  
Chris Doley, Principal Representative for NOAA  
Gale Bonanno, Principal Representative for EPA  
Homer Wilkes, Primary Representative for USDA

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**From:** Stahl, Chris  
**Sent:** Friday, January 26, 2018 3:18 PM  
**To:** [debora\\_mcclain@fws.gov](mailto:debora_mcclain@fws.gov)  
**Cc:** Craig, Kae ; Coram, Phil  
**Subject:** State\_Clearance\_Letter\_For\_FL201801268242C\_The Salinas Park Addition, Gulf County

January 26, 2018

Debora McClain  
US Fish and Wildlife Service  
1875 Century Boulevard  
Suite 200  
Atlanta, Georgia 30345

RE: Gulf Coast Ecosystem Restoration Council, Comprehensive Plan Component Program, The Salinas Park Addition, Gulf County, Florida  
SAI # FL201801268242C

Dear Debora:

Florida State Clearinghouse staff has reviewed the proposal under the following authorities: Presidential Executive Order 12372; § 403.061(42), Florida Statutes; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended.

An Environmental Resource Permit (ERP), including a stormwater design may be required. Please contact DEP's Northwest District as well as the Northwest Florida Water Management District for a permit determination and/or pre-application meetings. Contact information NW DEP - <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination> NWFWMMD - <https://www.nwfwater.com/Permits/Environmental-Resource-Permits>

The Florida Department of State/Division of Historical Resources has reviewed the cultural resource assessment submitted earlier by the applicant and they have provided guidance on proceeding with the project. This has been attached to this correspondence and is incorporated hereto. Additionally, should prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes. If you have any questions, please feel free to contact Lindsay Rothrock at [Lindsay.Rothrock@dos.myflorida.com](mailto:Lindsay.Rothrock@dos.myflorida.com).

Based on the information submitted and minimal project impacts, the state has no objections to allocation of federal funds for the subject project and, therefore, the funding award is consistent with the Florida Coastal Management Program (FCMP). The state's final concurrence of the project's consistency with the FCMP will be determined during any environmental permitting processes, in accordance with Section 373.428, Florida Statutes, if applicable.

Thank you for the opportunity to review the proposed plan. If you have any questions or need further assistance, please don't hesitate to contact me.

Sincerely,

Chris Stahl

Chris Stahl, Coordinator  
Florida State Clearinghouse  
Florida Department of Environmental Protection  
2600 Blair Stone Road, M.S. 47  
Tallahassee, FL 32399-2400  
ph. (850) 717-9076  
[State.Clearinghouse@dep.state.fl.us](mailto:State.Clearinghouse@dep.state.fl.us)



## FLORIDA DEPARTMENT OF STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

Mr. Greg Mikell  
Panamerican Consultants Inc.  
4430 Yarmouth Place  
Pensacola, Florida 32514

November 16, 2017

RE: DHR Project File No.: 2017-4933, Received by DHR: October 17, 2017  
*Phase I and II Cultural Resources Assessment of the Salinas Park Addition and Pickleball Court, Gulf County, Florida*

Dear Mr. Mikell:

We note that in September 2017, Panamerican Consultants, Inc., (PCI) conducted the above referenced survey on behalf of the Trust for Public Land. Our office proceeded to review this report with the expectation that the Trust for Public Land will be engaging in permitting processes that will require this office to comment on possible adverse impacts to cultural resources listed or eligible for listing in the *National Register of Historic Places (NRHP)*, or otherwise of historical, architectural, or archaeological significance. We recommend at the time such actions are taken, a copy of this letter be forwarded to the permitting agency(ies) with the application. This letter does not constitute a review under Section 106 of the *National Historic Preservation Act*.

PCI recorded one (1) new archaeology sites, 8GU275, within the area of potential effect (APE) during the survey. Site 8GU275 is a black earth midden and artifact scatter with two rust-encrusted iron artifacts that are potentially early European contact artifacts (they are slated for dating but that has not yet been completed). PCI determined that 8GU275 is ineligible for NRHP listing, but given the potential of an early European contact component, PCI recommends they avoid impacting the site through a slight modification in the elevated walkway plans for the park. PCI suggests that no trees be removed from within the site boundary and that the pilings for the elevated walkway be moved approximately 10 meters to the west to avoid impacting the site. This will prevent adverse impacts to the site and require no additional archaeological investigation.

Based on the information provided, our office determined that site 8GU275 was not fully delineated, due to the location at the edge of the survey boundary, and therefore has insufficient information to make a definitive NRHP determination at this time. Given the incomplete delineation and incomplete dating of recovered artifacts, our office concurs with PCI's outlined recommendations for avoiding impacts to site 8GU275. Our office finds the submitted report complete and sufficient in accordance with Chapter 1A-46, *Florida Administrative Code*.

If I can be of any further help, or if you have any questions about this letter, please feel free to contact Lindsay Rothrock at [Lindsay.Rothrock@dos.myflorida.com](mailto:Lindsay.Rothrock@dos.myflorida.com).

Sincerely,

Timothy A. Parsons, Ph.D., RPA  
Director, Division of Historical Resources  
and State Historic Preservation Officer