UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
https://www.fisheries.noaa.gov/region/southeast

11/19/2021

F/SER31:MT
SERO-2021-01345

Christy Fellas
DWH Environmental Compliance Coordinator
NOAA Restoration Center
263 13th Ave. South
St. Petersburg, FL 33701

Dear Christy Fellas:

This letter responds to your request for consultation with us, the National Marine Fisheries Service (NMFS), pursuant to Section 7 of the Endangered Species Act (ESA) for the following action.

Project Name	Applicant	SERO Number	Project Type
Gulf Breeze Park Upgrades	Florida Fish and Wildlife Conservation Commission (FWC)	SERO-2021-01345	Recreational Access Improvement

Consultation History
We received your letter requesting consultation on May 21, 2021, and initiated consultation that day. This project has been assigned a tracking number in our NMFS Environmental Consultation Organizer (ECO), SERO-2021-01345. Please refer to this number in any future inquiries regarding this project.

Project Location

Location	Latitude/Longitude (World Geodetic System 1984)	Water body
Woodland Park: 2 Highpoint Dr, Gulf Breeze, FL	30.36167º N, -87.18016º W	Pensacola Bay, Gulf of Mexico
Shoreline Park South: 1 Shoreline Park Dr, Gulf Breeze, FL	30.351285º N, -87.17555º W	Pensacola Bay, Gulf of Mexico
Vista Park: Pensacola Beach Rd, Northwest end of Bob Sikes Bridge	30.353315º N, -87.157604º W	Pensacola Bay, Gulf of Mexico

Existing Site Conditions
The three parks proposed for improvements are located in Gulf Breeze, Florida, which is on the west end of Fairpoint Peninsula, between Pensacola and Pensacola Beach (Figure 1). All three parks are currently developed, and proposed improvements would occur in currently developed areas. Based on available information, submerged aquatic vegetation (SAV), or habitat likely to

support SAV, is present in 2 of the in-water project areas, specifically at Shoreline Park South and adjacent to Vista Park. There is no such habitat present at Woodland Park. Substrate sediments across all three Parks consist of sand, loamy sand, and limited flood plain/marine terrace soils.

Figure 1. Overview of the 3 Proposed Project Areas (Outlined in Red) Located in Gulf Breeze, FL (Figure 1 in the Biological Evaluation Form for the Gulf Breeze Park Recreational Access Upgrades Project)

Project Description

The proposed project would be implemented by FWC in coordination with the City of Gulf Breeze. The goal of the project is to increase recreational opportunities for residents and tourists visiting the Gulf Breeze area by renovating three of the City's existing parks (Shoreline Park South, Woodlands Park, and Vista Park). The project includes construction of new amenities and enhancement of existing amenities to increase access and improve visitors' overall outdoor experiences.

Specifically, this project would:

- Enhance Shoreline Park South (Figure 2):
    - Renovating the boat launches (specifically, making slope repairs above the waterline);
    - Constructing a new floating pier/gangway (eight feet wide by 60 feet long) with attached floating dock (16 feet by 26 feet) and kayak launch, an on-shore fish cleaning station (hooked up to municipal sewage and water), and a

refresh station for fisherman with ice, snacks, and frozen bait vending machines;
    - Improving/enhancing parking (add 133 square yards to accommodate 12 additional truck/trailer spaces) and utilities (extending water and sewer lines to the fish cleaning station);
    - Installing additional monofilament recycling bins, if there is determined to be a need.
- Enhance Woodlands Park (Figure 3):
    - Demolishing the existing dock and pier;
    - Constructing a new floating pier/gangway (eight feet wide by 60 feet long) with attached floating dock (16 feet by 26 feet) and kayak launch;
    - Constructing a new American with Disabilities Act (ADA) compliant restroom facility;
    - Installing monofilament recycling bins;
    - Expanding parking (add 1,125 square feet to accommodate up to six more cars) and a concrete walk to connect the improvements to the existing facilities.
- Enhance Vista Park (Figure 4):
    - Construct a new floating pier/gangway (eight feet wide by 60 feet long) with attached floating dock (16 feet by 26 feet) and kayak launch;
    - Installing monofilament recycling bins;

Figure 2. Overview of the Shoreline Park South project area showing the primary elements of the project (Figure 4 in the Biological Evaluation Form for the Gulf Breeze Park Recreational Access Upgrades Project)

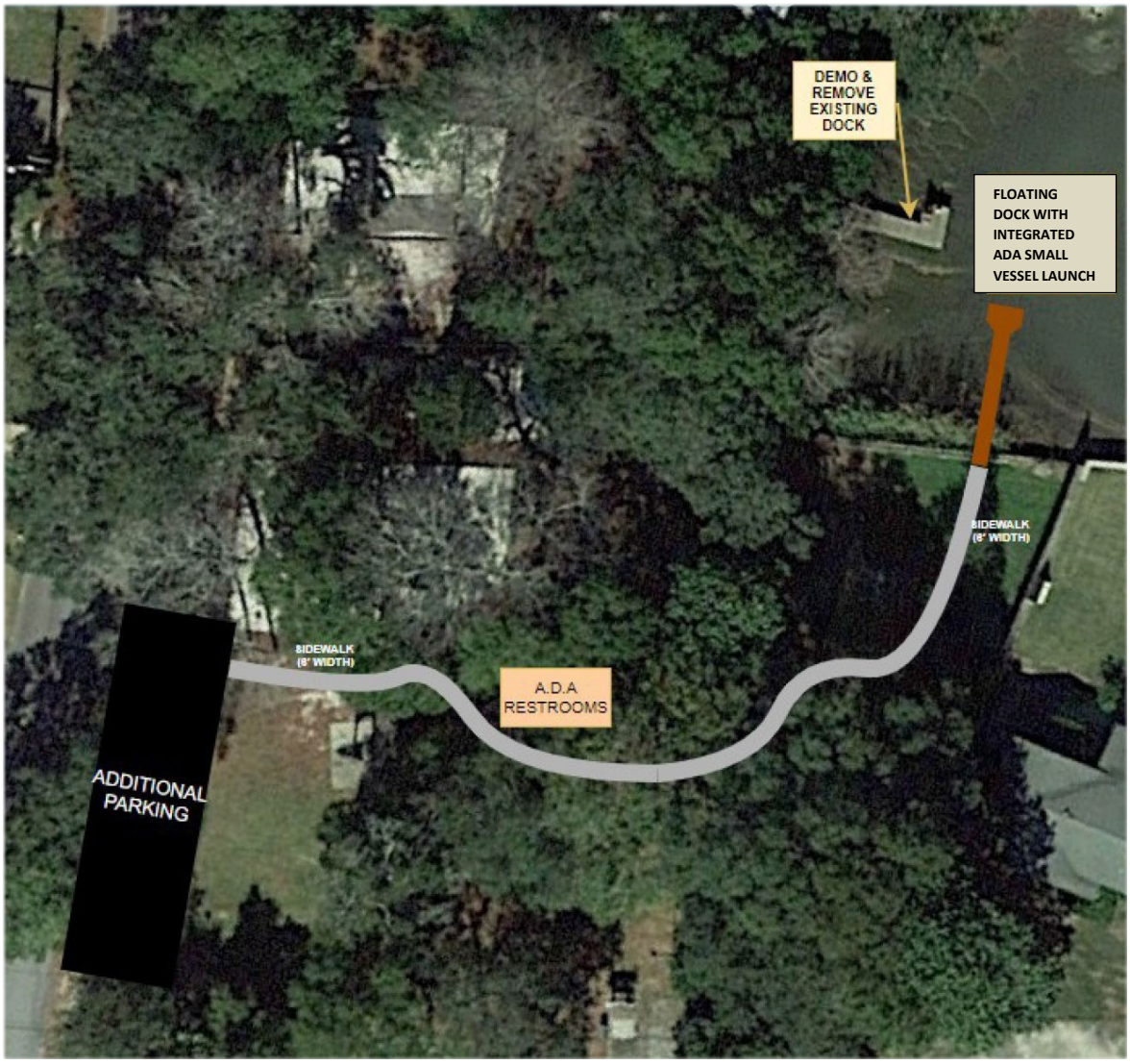

Figure 3. Overview of the Woodlands Park project area showing the primary elements of the project (Figure 5 in the Biological Evaluation Form for the Gulf Breeze Park Recreational Access Upgrades Project)

Figure 4. Overview of the Vista Park project area showing the location of the proposed new floating pier/kayak launch (Figure 6 in the Biological Evaluation Form for the Gulf Breeze Park Recreational Access Upgrades Project)

Benthic surveys will be completed prior to any construction activities for all in-water work at Vista Park and Shoreline Park South (SAV or habitat likely to support SAV are not present at Woodland Park). The benthic survey will be completed between June 1 and September 30 to determine whether the proposed activities would result in adverse impacts to SAV. If SAV is present in the immediate area of proposed overwater structures, the appropriate guidance documents (e.g., NMFS Dock Construction Guidelines) would be implemented. To the greatest extent possible, the floating dock at Vista Park would be sited to the north to avoid impacts to SAV (see Figure 4).

Work on the Shoreline Park South boat launch would not expand the existing launch footprint. The new fish cleaning station would be located inland, well away from the water (Figure 2) and would be connected to the municipal sewer system to prevent fish scraps/refuse from entering

the waterway. The new docks at all 3 parks would be floating and anchored landward of the water line. Fishing would not be allowed at the floating dock structures, and signs would be posted notifying anglers that fishing is not allowed.

The estimates provided below are intended to represent high-end estimates for the purposes of this evaluation. Construction activities are expected to last for approximately 1 year, and in-water work may occur at any time throughout that year. Work days will be approximately eight hours, and there will be no work conducted at night.

This project includes construction of new paddle craft launches/floating docks at each of the three parks. The pier/gangways and docks at each of the three parks will be floating and anchored landward of the water line. These floating structures would require up to four spars or other guide posts (a maximum of six inches in diameter, made from treated wood) which would be driven into the substrate by vibratory or impact hammer.

In-water construction would be staged from land and from water by barge. No dredging would be required. Dock planks would be appropriately spaced or light transmitting materials would be used as needed to avoid shading of SAV. Work on the Shoreline Park South boat launch would not expand the existing launch footprint. All renovations to the launch will be conducted above the waterline.

The project would be completed in approximately four years. Year 1 would include planning/design. Year 2 would include construction activities. Years 3 and 4 would include post-construction monitoring of recreational use by FWC.

Construction Conditions

To minimize any potential effects to ESA-listed species, the construction contractors will implement the following conditions during all in-water construction activities:

- All project-related vessels will adhere to NMFS's Vessel Strike Avoidance Measures and Reporting for Mariners (https://media.fisheries.noaa.gov/dam-migration/vessel_strike_avoidance_february_2008.pdf).
- Construction contractors will implement the NMFS Protected Species Construction Conditions (https://media.fisheries.noaa.gov/2021-06/Protected_Species_Construction_Conditions_1.pdf?null).
- Construction contractors will implement the NMFS Measures for Reducing the Entrapment Risk to Protected Species (https://media.fisheries.noaa.gov/dam-migration/entrapment_bmps_final.pdf).
- All in-water and upland work would be conducted using measures to minimize turbidity, erosion and runoff impacts including erosion control plans, installing sediment traps, and silt curtains.

Effects Determination(s) for Species the Action Agency or NMFS Believes May Be Affected by the Proposed Action

Species	ESA Listing Status	Action Agency Effect Determination	NMFS Effect Determination
Sea Turtles			
Green (North Atlantic [NA] distinct population segment [DPS])	T	NLAA	NLAA
Green (South Atlantic [SA] DPS)	T	NLAA	NLAA
Kemp's ridley	E	NLAA	NLAA
Loggerhead (Northwest Atlantic [NWA] DPS)	T	NLAA	NLAA
Fish			
Gulf sturgeon (Atlantic sturgeon, Gulf subspecies)	T	NLAA	NLAA
Giant manta ray	T	NLAA	NLAA
Smalltooth sawfish	E	NLAA	NLAA

E = endangered; T = threatened; NLAA = may affect, not likely to adversely affect; NE = no effect.

Critical Habitat

All 3 project areas fall within Gulf sturgeon critical habitat Unit 9. The following essential features are present in Unit 9:

1. Abundant prey items, such as amphipods, lancelets, polychaetes, gastropods, ghost shrimp, isopods, mollusks and/or crustaceans, within estuarine and marine habitats and substrates for subadult and adult life stages;
2. Water quality, including temperature, salinity, pH, hardness, turbidity, oxygen content, and other chemical characteristics, necessary for normal behavior, growth, and viability of all life stages;
3. Sediment quality, including texture and other chemical characteristics, necessary for normal behavior, growth, and viability of all life stages;
4. Safe and unobstructed migratory pathways necessary for passage within and between riverine, estuarine, and marine habitats (e.g., an unobstructed river or a dammed river that still allows for passage).

We believe the proposed project may have the potential to affect essential feature 2 through temporary increases in turbidity resulting from in-water construction activities. None of the proposed activities are expected to affect the abundance of prey species, sediment quality, or migratory pathways within the action area.

Analysis of Potential Routes of Effects to Species

ESA-listed fish and sea turtles may be injured if struck by construction related vessels, equipment, or materials (e.g. barge tugs, dock piles, etc.). The risk of this occurring is extremely unlikely because these species are highly mobile and are expected to avoid the noise and disturbance associated with construction vessels/activities. The implementation of NMFS's *Protected Species Construction Conditions* and *Vessel Strike Avoidance Measures and Reporting for Mariners* will further reduce any risk by requiring all construction vessels to maintain slow

transit speeds (5 knots or less), and all workers shall keep watch for protected species. Operation of any mechanical equipment will cease immediately if a protected species is detected within a 150-ft radius of the equipment. Activities will not resume until the animal(s) have departed the project area of their own volition.

Construction-related noise and turbidity may deter ESA-listed fish and sea turtles from utilizing the project areas during construction activities. We believe any such effects from avoidance of the project areas will be insignificant, given the availability of similar habitat nearby and the abundance of habitat outside of the project areas. We expect any individuals that are excluded from the construction areas to continue their normal behavior in similar habitats outside of the affected zone.

Recreational fishing activities may affect ESA-listed fish and sea turtles through hooking and/or entanglement in fishing gear. While the three sites currently support recreational fishing, the amenities proposed with this project are intended to support general access to existing facilities and add new paddle craft access to the surrounding waters. Signs would be posted that fishing is not allowed from the new structures. The expanded parking at Woodland Park and Shoreline Park South may increase the number of anglers launching from the sites to fish in the greater Pensacola Bay area; however, this is not anticipated to increase fishing pressure, but redistribute recreational anglers who already fish in the area.

Noise created by pile driving activities can physically injure animals or change animal behavior in the affected areas. Injurious effects can occur in two ways. First, immediate adverse effects can occur to listed species if a single noise event exceeds the threshold for direct physical injury. Second, effects can result from prolonged exposure to noise levels that exceed the daily cumulative exposure threshold for the animals, and these can constitute adverse effects if animals are exposed to the noise levels for sufficient periods. Behavioral effects can be adverse if such effects interfere with animals migrating, feeding, resting, or reproducing, for example. Our evaluation of effects to listed species as a result of noise created by construction activities is based on the analysis prepared in support of the biological opinion for SAJ-82 (NMFS Biological Opinion on Regional General Permit SAJ-82 [SAJ-2007-01590], Florida Keys, Monroe County, Florida, June 10, 2014).

The noise analysis in this consultation evaluates effects to ESA-listed fish and sea turtles identified by NMFS as potentially affected in the table above. While we have no information regarding noise effects specific to giant manta ray, we believe that effects to giant manta ray from pile driving noise would be very similar to effects on smalltooth sawfish, which are considered in SAJ-82, because both species are elasmobranchs and lack swim bladders.

Based on our noise calculations, installation of 4 or fewer 6-in wood piles by impact hammer per day will not cause single-strike or peak-pressure injury to sea turtles or ESA-listed fish. The cumulative sound exposure level (cSEL) of multiple pile strikes over the course of a day may cause injury to ESA-listed fishes and sea turtles at a radius of up to 10 ft (3 m). Due to the mobility of sea turtles and ESA-listed fish species, we expect them to move away from noise disturbances. Because we anticipate the animal will move away, we believe that an animal's suffering physical injury from noise is extremely unlikely to occur. Construction personnel will

cease construction activities if a protected species is sighted within 150 ft of operations, per NMFS's *Protected Species Construction Conditions.* Thus, we believe injurious cSEL effects are extremely unlikely to occur. An animal's movement away from the injurious impact zone is a behavioral response, with the same effects discussed below.

The area of potential behavioral effects for ESA-listed fish is approximately 707 ft from the pile being driven, and for ESA-listed sea turtles, approximately 152 ft from the pile being driven. We believe that any effects on these species from behavioral reactions to pile driving noise will be insignificant. Due to the mobility of this species, we expect them to move away from any noise disturbances and continue their normal behavior in similar habitats outside of the affected zone.

Analysis of Potential Routes of Effects to Critical Habitat

The proposed activities within Gulf sturgeon critical habitat Unit 9 have the potential to affect specific essential features of this designated critical habitat. The potential effects to these essential features are described below.

Water quality

In-water construction activities will likely cause a temporary increase in turbidity in and around the area of activity. Any effect that these activities may have on water quality would be insignificant, as any increases in turbidity would be localized and relatively short in duration (disturbed sediments would likely settle out within 1 day following completion of in-water construction).

Conclusion

Because all potential project effects to listed species and critical habitat were found to be discountable, insignificant, or beneficial, we conclude that the proposed action is not likely to adversely affect listed species or critical habitat under NMFS's purview. This concludes your consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action. NMFS's findings on the project's potential effects are based on the project description in this response. Any changes to the proposed action may negate the findings of this consultation and may require reinitiation of consultation with NMFS.

We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions on this consultation, please contact Michael Tucker, Consultation Biologist, at (727) 209-5981 or by email at Michael.Tucker@noaa.gov.

Sincerely,

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for David Bernhart
Assistant Regional Administrator
for Protected Resources

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