

**From:** [Stahl, Chris](#)  
**To:** [Barron, Michael G](#)  
**Cc:** [State Clearinghouse](#)  
**Subject:** [EXTERNAL] State Clearance Letter for FL202103029146C- Draft Restoration Plan 2 And EA: Habitat Projects On Federally Managed Lands; Sea Turtles; Marine Mammals; Birds; And Provide And Enhance Recreational Opportunities, Waters Of The Gulf Of Mexico, F...  
**Date:** Friday, April 23, 2021 1:05:40 PM  
**Attachments:** [Draft Restoration Plan 2-NRDA\\_DH.docx](#)  
[Deepwater Horizon Oil Spill Draft Restoration Plan 2 and EA\\_04012021\\_43798.pdf](#)

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April 23, 2021

Michael Glenn Barron  
Department of the Interior  
USFWS - Gulf Restoration Office  
341 N. Greeno Road  
Fairhope, Alabama 36532

RE: U.S. Department of the Interior and National Oceanic and Atmospheric Administration - Natural Resource Damage Assessment - Deepwater Horizon Oil Spill, Florida Trustee Implementation Group Draft Restoration Plan 2 And Environmental Assessment: Habitat Projects On Federally Managed Lands; Sea Turtles; Marine Mammals; Birds; And Provide And Enhance Recreational Opportunities, Waters Of The Gulf Of Mexico, Florida  
SAI # FL202103029146C

Dear Michael:

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.

The Florida Department of Environmental Protection and the Fish and Wildlife Conservation Commission has reviewed the proposed action and submitted independent comments. As a courtesy, these have been attached to this letter and are incorporated hereto.

Based on the information submitted, the state has no objections to the subject project and, therefore, it is consistent with the Florida Coastal Management Program (FCMP). 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 at (850) 717-9076.

Sincerely,

*Chris Stahl*

Chris Stahl, Coordinator  
Florida State Clearinghouse  
Florida Department of Environmental Protection  
3800 Commonwealth Blvd., M.S. 47  
Tallahassee, FL 32399-2400  
ph. (850) 717-9076  
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# FLORIDA DEPARTMENT OF Environmental Protection

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Governor

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Lt. Governor

**Noah Valenstein**  
Secretary

## Memorandum

**TO:** Chris Stahl, Coordinator, Florida State Clearinghouse

**FROM:** Roxane Dow, Beaches Federal Coordinator

**SUBJECT:** DRAFT RESTORATION PLAN 2 AND ENVIRONMENTAL ASSESSMENT: HABITAT PROJECTS ON FEDERALLY MANAGED LANDS; SEA TURTLES; MARINE MAMMALS; BIRDS; AND PROVIDE AND ENHANCE RECREATIONAL OPPORTUNITIES: SAI FL202103029146C

**DATE:** March 31, 202`

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Habitat projects described in the draft Restoration Plan 2 and Environmental Assessment for funding by the Deepwater Horizon Natural Resource Damage Assessment do not appear to conflict with coastal construction policies under Chapter 161, Florida Statutes. The projects developed by the interagency and stakeholder teams seem careful to balance beach access with wildlife protections. Much of the habitat enhancements are proposed on federally owned and managed properties and in other areas that would not be subject to Coastal Construction Control Line regulations under sections 161.052 or 161.053, Florida Statutes. References to permit requirements are made in the descriptions of General Project Activities of those projects that may be within state coastal construction and joint coastal permitting jurisdiction. Many of the habitat project activities have been conducted previously with good permit coordination and without known controversy.

We do note in particular two projects that pose some special concerns.

### **4.5.1.3 FM2, Perdido Key Sediment Placement**

The department and Escambia County are currently conducting an inlet management study for Pensacola Pass, which will include the development of an inlet sediment budget and a determination of strategies to balance the sediment budget pursuant to Sections 161.161 and 161.142, Florida Statutes. A Technical Advisory Committee is being organized for this study to include representation by the National Seashore, the U.S. Army Corps of Engineers, the U.S. Navy, the FDEP, and Escambia County. Following completion of the study, the department will prepare an inlet management plan to best manage sand bypassing activities to place beach quality sand on adjacent eroding beaches. The subject FM2 project should be consistent with the inlet management planning strategies developed for Pensacola Pass, and would be subject to the Joint Coastal Permitting program of the department.

#### **4.8.1. B1, Gomez Key Oyster Reef Expansion and Breakwaters for American Oystercatchers**

This project has potential to assist in the restoration of American oystercatcher habitat in a region that has suffered substantial critical habitat loss due to water quality and sea level rise. Successful project design should learn from the successes of other projects in the near vicinity, including the Airport Reef restoration project located adjacent to Gomez Key that employed strategically sited oyster bag sills and the living shoreline projects along G-Street, Airport Road, and Joe Rains Beach in Cedar Key that employed oyster castles, reef balls and oyster bags. Problematic in the design of the Airport Reef project adjacent Gomez Key was the preponderance of sediment consisting of shell hash without silicate sands. The hydrodynamic properties and performance of the shell hash differs from typical beach sediment, and structure design needs to consider the tide range and wave induced currents traversing the site and its effects on the transport of the shell hash sediment. Storm tides and wave conditions from cold fronts and tropical cyclones should be utilized as energy forcing functions to promote accretion of oyster reefs to reverse the loss of American oystercatcher habitat. The monitoring parameters in Table 3-1, page B-56, should include morphological change so that performance and effectiveness of the wave attenuation structures may be fully evaluated in case project modifications are necessary and to improve the state of the art for designing future oystercatcher habitat restoration projects.

The Beaches programs find the Restoration Plan 2 and the Environmental Assessment consistent with our authorities under the Florida Coastal Management Act. Thank you for the opportunity to comment. Please contact me if you have any questions.

Cc. Lanie Edwards  
Greg Garis  
Bob Brantley  
Doug Aarons  
Ralph Clark  
Fritz Wettstein  
Ann Lazar



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and Wildlife  
Conservation  
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April 01, 2021

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RE: SAI #FL202103029146C, U.S. Department of the Interior and National Oceanic and Atmospheric Administration, Natural Resource Damage Assessment – Deepwater Horizon Oil Spill, Florida Trustee Implementation Group, Draft Restoration Plan 2 and Environmental Assessment: Habitat Projects on Federally Managed Lands; Sea Turtles; Marine Mammals; Birds; and Provide and Enhance Recreational Opportunities, Waters of the Gulf of Mexico, Florida

Dear Mr. Stahl:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the *Deepwater Horizon* Natural Resource Damage Assessment Florida Trustee Implementation Group's (FL TIG) Deepwater Horizon Oil Spill Draft Restoration Plan 2 and Environmental Assessment (RP2/EA) and provides the following comments and recommendations for your consideration in accordance with Chapter 379, Florida Statutes (F.S.), and pursuant to the federal National Environmental Policy Act (NEPA), the federal Coastal Zone Management Act, and the State of Florida Coastal Management Program.

### **Project Description**

The FL TIG is proposing to implement 19 restoration projects in Florida with 18 projects being implemented along Florida's Gulf of Mexico coastline and one project along Florida's northeast coastline. These projects will help address injury from the Deepwater Horizon oil spill and will focus on the following restoration types: 1) Habitat Projects on Federally Managed Lands, 2) Sea Turtles, 3) Marine Mammals, 4) Birds, and 5) Provide and Enhance Recreational Opportunities. These projects are identified and analyzed in the FL TIG's RP2/EA, which was drafted pursuant to the Oil Pollution Act of 1990 and NEPA.

### **Potential Affected Resources**

FWC, as one the Trustee members on the FL TIG, has been working with the U.S. Department of the Interior (DOI) and the National Oceanic and Atmospheric Administration, who are also Trustee members on the FL TIG, to identify the federally listed species that have the potential to occur within one or more of the 19 proposed project areas and the appropriate conservation measures that need to be implemented.

For state listed species, FWC has identified Snowy Plovers and Least Terns as affected resources that will occur within one or more of the proposed 19 project areas, including FM1 – Johnson Beach Access Management and Habitat Protection (Johnson Beach Project).

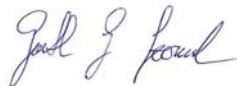
### **Comments and Recommendations**

FWC staff recommends that the “Standard Manatee Conditions for In-Water Work 2011” (enclosed) be implemented for all-in water construction work that would be associated with any of the proposed 19 projects.

Furthermore, FWC will coordinate with DOI on the implementation of the Johnson Beach Project to ensure that all necessary conservation measures are identified and implemented, which include, but are not limited to,: 1) elimination of all road side parking and subsequent enforcement; 2) installation of post-and-rope fencing, primarily around new parking areas; 3) conversion of the eastern most 0.5 miles of existing road to a narrower, unpaved bicycle-pedestrian-only path; 4) implementation of all agreed upon human and predator disturbance-deterrent measures; 5) installation of a car counting system to ensure the number of cars do not exceed the number of available parking spaces; 6) monitoring of beach-nesting birds and visitor compliance with posted areas; 7) installation of educational and other appropriate signage; and 8) implementation of enhanced management and habitat creation/restoration outside of the project boundary.

Please note that FWC staff may have additional comments on the projects at the individual permitting stage, but this will not be known until the permit application(s) have been circulated and reviewed by FWC staff. If you need any further assistance, please do not hesitate to contact our staff at [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com).

Sincerely,



Gareth G. Leonard  
Gulf Restoration Coordinator  
Office of Strategic Development

Deepwater Horizon Oil Spill Draft Restoration Plan 2 and EA\_04012021\_43798

Attachments: Standard Manatee Conditions for In-Water Work

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.