



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Deepwater Horizon Gulf Restoration Office
341 Greeno Road North, Suite A
Fairhope, Alabama 36532



In Reply Refer To:
FWS/R4/DH NRDAR

Memorandum

January 22, 2025

To: Memorandum To File

From: Michael Barron, Deepwater Horizon Gulf Restoration Office

Subject: Consultation Reinitiation Not Required for Proposed Changes to Florida Trustee Implementation Group Restoration Plan #2 Project: Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades

Under the Endangered Species Act Section 7(a)(2), each Federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species, or destroy/adversely modify designated critical habitat. If a Federal agency determines that a Federal action will have no effect on ESA-listed species or designated critical habitat, then the Federal agency is not required to consult with the US Fish and Wildlife Service (USFWS) for purposes of ESA. If the amount or extent of incidental take is exceeded, if new information reveals effects not previously considered, if the action is modified in a manner that causes an effect not previously considered, or if a new species is listed or critical habitat designated that may be affected, then the project must be reevaluated for possible re-initiation.

The Florida Trustee Implementation Group (FL TIG) Restoration Plan #2 Project: Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades was determined to require Informal Consultation which was concluded on July 16, 2021 as the Florida Ecological Services Field Office (FFO) agreed with the May Affect, Not Likely to Affect determination (Log Number 04EF2000-2021-B-0020) (Attachment 1).

On January 17, 2025, the FL TIG finalized a Project Change Memorandum (Attachment 2) and a revised Biological Evaluation Form (Attachment 3). Following is a brief summary of the project changes and a map showing the project area. Specific details can be found in the Project Change Memorandum (Attachment 2).

The Florida Fish and Wildlife Conservation Commission, at the request of the City of Pensacola (City) is proposing additional project elements to the Project. In particular, the City would remove the existing bathroom and replace it with a prefabricated bathroom instead of updating it. The City would also remove the four existing picnic table pavilions and replace them with four individual solar-lighted picnic table pavilions. Finally, the City would not construct the previously authorized picnic pavilion shelter and would instead utilize an already existing pavilion in the park and add picnic tables to it.



Figure 1. Figure of proposed project elements at Sanders Beach Park.

Based on our analysis of the Project Change Memorandum and revised Biological Evaluation Form, we have concluded that all aspects of this project are within previously disturbed areas which were evaluated in the existing consultation (Attachment 1) and the existing consultation sufficiently covers all listed species concerns. Therefore, we have determined that re-initiation of consultation is not required.

We also concluded that the following Federal Acts would not require re-initiation:

- Bald and Golden Eagle Protection Act of 1940 as amended (16 U.S.C. 668-668c);
- Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501) (new location is not in a protect unit);
- Coastal Zone Management Act of 1972 as amended (16 U.S.C. 1451-1465);

- Marine Mammal Protection Act of 1972 as amended (16 U.S.C. 1361-1383b, 1401-1406, 1411-1421h); and
- Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712).

This memo does not include any information or effects determinations for protected species under the jurisdiction of the National Marine Fisheries Service.

If you have questions or concerns regarding this action, please contact Michael Barron, Fish and Wildlife Biologist, at 251-421-7030 or michael_barron@fws.gov.

Attachments (3)

Attachment 1. United States Fish and Wildlife Service Informal Consultation Concurrence
Log Number 04EF2000-2021-B-0020



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Deepwater Horizon Gulf Restoration Office
341 Greeno Road North, Suite A
Fairhope Alabama 36532



In Reply Refer To:
FWS/R4/DH NRDAR



U.S. Fish and Wildlife Service
Florida Ecological Service Office

FWS Log No. 04EF2000-2021-B-0020

Memorandum

To: Field Supervisor, Vero Beach

From: Chief, Planning and Compliance Office

Subject: Informal Consultation Request proposed in the Florida Trusts

The U.S. Fish and Wildlife Service has reviewed the information provided and finds that the proposed action is not likely to adversely affect any federally listed species or designated critical habitat protected by the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et. seq.). A record of this consultation is on file at the Florida Ecological Service Office.

This fulfills the requirements of section 7 of the Act and further action is not required. If modifications are made to the project, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

Robert L. Carey, Division Manager, Environmental Review

7/16/2021

Date

Overview

Nine projects are currently being evaluated as potential restoration projects to restore natural resources in Florida that were injured as a result of the Deepwater Horizon (DWH) oil spill. We have reviewed the enclosed projects in accordance with Section 7 of the Endangered Species Act (ESA) of 1973 as amended (16 U.S.S 1531-1544). For these projects, we have made a May Affect, Not Likely to Adversely Affect determination and are requesting concurrence with our determinations. A brief description of the project and species determinations are provided in Tables 1 and 2 below. Project specific descriptions are contained in the attached biological evaluations.

Background

After the DWH oil spill, federal and state natural resource trustee agencies (Trustees) came together to assess the effects of the spill and plan for the restoration of injured natural resources. As part of the legal settlement reached with BP in 2016, the Trustees prepared a Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS), to provide the framework for DWH oil spill restoration across the Gulf.

The Final PDARP/PEIS established Trustee Implementation Groups (TIGs) that develop specific plans for, developing, selecting, and implementing specific restoration actions under the Final PDARP/PEIS. The Florida TIG includes two State trustee agencies and four federal trustee agencies: the Florida Department of Environmental Protection; the Florida Fish and Wildlife Conservation Commission (FWC); the United States Department of Commerce, represented by the National Oceanic and Atmospheric Administration; the United States Department of the Interior, represented by the United States Fish and Wildlife Service (USFWS) and the National Park Service; the United States Department of Agriculture; and the United States Environmental Protection Agency.

The FL TIG has evaluated these projects under the *Florida Trustee Implementation Group Draft Restoration Plan and Environmental Assessment #2: Habitat Projects on Federally Managed Lands; Sea Turtles; Marine Mammals; Birds; and Provide and Enhance Recreational Opportunities*, which was released for public comment on February 19, 2021. If the FL TIG selects these projects, the FL TIG trustees would implement these projects. A brief description of each project is provided in Table 1 below.

These facts lead us to the conclusion that consultation under Section 7 of the ESA, is required for the proposed project and we wish to engage in such consultation. We have reviewed the proposed projects for potential impacts to listed, candidate, and proposed species, and designated and proposed critical habitats in accordance with Section 7 of the ESA. Potential effects, conservation measures, and justifications for our determination are presented in the attached Biological Evaluation (BE) forms. Our determinations are summarized in Table 2 below.

Within the BE form, we have also reviewed the proposed project for impacts to bald eagles (*Haliaeetus leucocephalus*) in accordance with the Bald and Golden Eagle Protection Act of 1940 as amended (16 U.S.C. 668-668c), impacts to migratory birds in accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), and impacts to West Indian manatee (*Trichechus manatus*) in accordance with the Marine Mammal Protection Act of 1972 as amended (16 U.S.C. 1361-1383b, 1401-1406, 1411-1421h) and we determined that take would be avoided.

This memo requests your concurrence with our determinations for the nine proposed projects.

To facilitate your response, should you concur with our determination, we have attached a template response letter. If you have questions or concerns regarding this request, please contact Michael Barron, Fish and Wildlife Biologist, at 251-421-7030 or michael_barron@fws.gov.

Attachments (10)

- BE form including project maps (9)
- Template response letter

Table 1. Brief description of the projects in FL TIG RP/EA #2.

Proposed Project	Brief Description
<p>Gomez Key Oyster Reef Expansion and Breakwaters for American Oystercatchers</p>	<p>This project would be implemented by FWC. The goal of the project is to restore and enhance American oystercatcher nesting and foraging habitat at Gomez Key and to prevent further erosion and habitat loss. Specifically, project activities include:</p> <ul style="list-style-type: none"> • Providing durable structure and surface area of approximately two to five acres, including the breakwater, for oyster reef expansion and recolonization in the intertidal zone and expand potential nesting habitat above the mean high-water line; and • Installing native rock (e.g., limestone and shell) breakwaters of approximately 820-1,805 linear feet along the wave-ward side of the island to dissipate wave energy and increase sediment deposition on the island. <p>Project activities include planning, engineering, design, permitting, placement of cultch material, installation of breakwaters, and monitoring.</p> <p>Oyster reef expansion and breakwater installation would involve using barge and excavators to deposit limestone rip rap and Carolina Skiffs to deposit cultch material in the intertidal zone. The breakwater(s) would likely be a detached single or multiple configuration and be oriented to buffer the island from dominant wind/wave energy. Breakwaters would include gaps to allow for species movement and reduce the risk of entrapment. Where feasible, additional rock would be placed between the breakwater and the island to allow for intertidal oyster reef expansion. Approximately 844.7 to 1,689.4 cubic yards of limestone rip rap with cultch are expected to be deposited in the intertidal zone as part of this project.</p>

<p>Reducing Vessel-Strikes of Sea Turtles</p>	<p>The project would be implemented by FWC in partnership with Florida State University. The project would work to reduce the mortality of sea turtles.</p> <p>This project would:</p> <ul style="list-style-type: none"> • Compile data on sea turtles by collating existing and/or obtaining new information, as needed, on the habitat use, behavior, and temporal distribution of sea turtles at selected passes in the Gulf of Mexico where injury by motorized watercraft is high; • Quantify vessel use and activity at the same passes; • Compile data on vessel strikes by collating existing and/or obtaining new information, as needed, to determine the overlap between sea turtles and vessels at the selected
	<p>passes and identify areas with low, medium and high risk of a vessel-strike;</p> <ul style="list-style-type: none"> • Obtain information on factors that may influence the risk of a vessel-strike for sea turtles; • Conduct surveys of boaters to assess the acceptability and perception of boaters to identified strategies to reduce vessel-strikes; • Quantify the willingness and potential motivation of boaters to change their boating practices to reduce vessel-strikes of sea turtles; • Conduct a public awareness campaign at each pass to educate the public about the presence of sea turtles around each pass and the threat of a vessel-strike for those sea turtles and to suggest strategies for boaters that would reduce vessel-strikes of sea turtles and encourage responsible boating practices.

<p>Perdido Key Sediment Placement</p>	<p>This project would partially restore the natural sediment budget for the Perdido Key unit of Gulf Islands National Seashore through the placement of dredged material. The goal of the project is to: 1) improve habitat at Perdido Key that is home to a wide variety of wildlife, nesting sea turtles, a variety of shorebirds, and a wide variety of plants, and 2) increase the ability of Perdido Key to withstand the natural erosive effects of storms. Project activities would include planning and design (engineering, design, and permitting), placement of dredged material, and monitoring.</p> <p>Specifically, project activities would:</p> <ul style="list-style-type: none"> • Re-introduce sand into the barrier island system through <ul style="list-style-type: none"> ○ A) “swash zone” placement (the area extending from the +three-foot-above mean high water to mean low water); or ○ B) direct “on-beach” placement (the area extending from the + eight-foot-above mean high water [MHW] to mean low water [MLW]). The exact placement location would depend on the condition of the shoreline at the time of the next dredging cycle at Pensacola Pass.
<p>St. Vincent National Wildlife Refuge Access and Recreational Improvements</p>	<p>The primary goals of this project are to (1) acquire and enhance a 10 to 15-acre parcel at Indian Pass to ensure access to St. Vincent National Wildlife Refuge (SVNWR) in perpetuity and (2) enhance recreational opportunities at the parcel. To accomplish these goals, the project would:</p> <ul style="list-style-type: none"> • Acquire the 10 to 15-acre Indian Pass parcel for inclusion into SVNWR;

	<ul style="list-style-type: none"> • Ensure access and use of the boat dock/slip (for primary access to SVNWR); • Increase vehicle/trailed unpaved gravel parking at the existing boat ramp from approximately 14 to 31 spaces; • Install monofilament fishing line recycling bins; • Convert the campground store to a visitor contact station for SVNWR, including installing educational signage; • Construct a kayak boat launch that provides access to the shoreline but no launch structure; and, • Construct an additional 10 unpaved parking spaces. <p>Project activities include implementation (non-construction and operation and maintenance) and monitoring. The acquisition would require a professional appraisal, a boundary survey, and a Level 1 contaminants survey.</p>
Pensacola Maritime Park Public Fishing Marina	<p>This project would provide and enhance recreational fishing opportunities by constructing a public fishing marina in Pensacola Bay. Specific planned amenities include:</p> <ul style="list-style-type: none"> • Construction of a designed and permitted 48-vessel slip public fishing marina; • Installation educational signage/kiosks, monofilament recycling bins, and sea-turtle-friendly lights at the new marina. <p>Project activities include construction and monitoring. Implementation of this project could include use of heavy construction equipment, such as bulldozers, trucks, backhoes, tractor trailers, cranes, small excavators, forklifts, asphalt machine, roller, small power tools, generators, small trucks, and hand tools.</p>

<p>Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades</p>	<p>This project would provide and enhance recreational paddling opportunities by creating recreational amenities and water access points at two locations in Pensacola. Specific planned amenities include:</p> <ul style="list-style-type: none"> • Creating recreational infrastructure at Baars Park: <ul style="list-style-type: none"> ○ Construct a small pier and dock with specialized kayak and accessible entry. Any lighting associated with the pier and dock would be implemented in accordance with applicable sea turtle lighting regulations; ○ Construct a small unpaved parking lot with approximately eight parking spaces; ○ Construct a picnic area/shelter; ○ Install monofilament recycling bins;
	<ul style="list-style-type: none"> ○ Install informational/educational kiosks; • Enhancing existing infrastructure at Sanders Beach Boat Launch: <ul style="list-style-type: none"> ○ Convert the existing powercraft launch to an accessible kayak launch (method to be determined); ○ Install floating accessible kayak launches to the two existing docks; ○ Reconfigure, and possibly expand, the existing parking lot; ○ Install monofilament recycling bins; ○ Install informational/educational kiosks. <p>Project activities include engineering, design, permitting, construction, and monitoring.</p> <p>This project is in conceptual planning and most amenities have yet to be designed. The exact locations would be determined during design but would be sited based on existing site conditions to minimize impacts to habitat. Implementation of this project could include use of heavy construction equipment, such as bulldozers, trucks, backhoes, tractor trailers, cranes, small excavators, forklifts, asphalt machine, roller, small power tools, generators, small trucks, and hand tools. Both land- and water-based construction would occur. Vehicles and staging equipment would</p>

	<p>utilize previously existing roads, parking areas, and disturbed areas.</p>
<p>Gulf Breeze Park Boating and Fishing Access Upgrades</p>	<p>This project would be implemented by FWC in coordination with the City of Gulf Breeze. The goal of the project is to increase recreational fishing opportunities by renovating three 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 overall fishing experiences.</p> <p>Specifically, this project would:</p> <ul style="list-style-type: none"> • Enhance Shoreline Park South (a popular destination for boat launching) by: <ul style="list-style-type: none"> ○ Demolishing the existing pier (which was damaged by recent storms) and constructing an expanded fishing pier in the same location to increase foot traffic, and accommodate the mooring of fishing vessels; ○ Renovating the boat launches (specifically, making slope repairs above the waterline); ○ Constructing a new small vessel/fishing boat launch with floating dock, a fish cleaning station, and a

	refresh station for fisherman with ice, vending, and frozen bait machines;
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	<ul style="list-style-type: none"> ○ Improving/enhancing parking, utilities, and security; ○ Installing additional monofilament recycling bins, if there is determined to be a need. • Enhance Woodlands Park by: <ul style="list-style-type: none"> ○ 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 compliant restroom facility; ○ Installing monofilament recycling bins; ○ Expanding parking and a concrete walk to connect the improvements to the existing facilities. • Enhance Vista Park by: <ul style="list-style-type: none"> ○ Constructing a new small vessel/fishing boat launch; ○ Installing a floating dock (16 feet by 26 feet) attached to the shoreline; ○ Installing monofilament recycling bins; ○ Constructing a new concrete walk connecting to existing park. <p>Project activities include engineering, design, construction, and monitoring.</p>
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<p>Lincoln Park Boat Ramp and Dock Improvements</p>	<p>This project would enhance recreational experiences at Lincoln Park by improving existing recreational infrastructure. The goal of the project is to enhance public fishing opportunities by improving water access sites. Specific upgrades include:</p> <ul style="list-style-type: none"> • Demolish two existing single-lane boat ramps (~1,191 square feet) and construct a new re-designed two-lane boat ramp in the same location (~1500 square feet); • Incorporate sheetpile into the new boat ramp for increased resiliency and design life to reduce potential for scour at the ramp toe and siltation along the nearshore portion of the ramp; • Install approximately three concrete piles to support the waterward end of the slab (if determined to be required during design); • Demolish the existing central pier (~710 square feet) and construct two new flanking access docks (~1,072 square feet); • Repair and expand the existing unpaved parking lot (existing parking lot is a gravel lot and the project would expand it with an additional approximately 11 spaces that would be graveled as well); and • Install monofilament recycling bins.
	<p>Equipment involved in includes front-end loaders, back hoes, skid steers, augers, pavement cutters, large jackhammers, dump trucks, concrete trucks, vehicle and material delivery trucks and trailers, light-duty work trucks, generators, port-a-johns, a construction trailer, and a variety of power tools. Staging areas would be located on existing pavement or other heavily impacted areas to the greatest extent possible.</p>

<p>Florida Artificial Reef Creation and Restoration - Phase 2</p>	<p>The project would be implemented by FWC, in coordination with Escambia County, Santa Rosa County, Okaloosa County, Walton County, Bay County, City of Mexico Beach, Gulf County, Franklin County, and Wakulla County. Building upon the interagency partnerships developed during the Early Restoration Florida Artificial Reef Creation and Restoration project (Phase 1), the project would implement the second phase of artificial reef development across Northwest Florida, creating new marine recreational fishing and diving opportunities.</p> <p>Specifically, the project would include:</p> <ul style="list-style-type: none"> • Partnering and establishing grant agreements with local coastal governments for project implementation (planning, selection, design, permitting, construction, and as-built documentation) off Escambia, Santa Rosa, Okaloosa, Walton, and Bay counties. FWC will directly oversee these activities off Gulf, Franklin, and Wakulla counties. • Constructing artificial reefs with one or more of the following materials: 1) rock boulders, 2) prefabricated concrete, or 3) designed modules. <p>Project activities include engineering, design, feasibility studies, permitting, construction, and monitoring. All in-water conservation measures for manatees would be followed.</p>
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Table 2. Summary of ESA determinations for proposed projects in FL TIG RP/EA #2. (NE = No Effect, NLAA = May Affect, Not Likely to Adversely Affect)

ESA Species Under USFWS Jurisdiction	Status	Gomez Key Oyster Reef Expansion and Breakwaters for American Oystercatchers	Reducing Vessel-Strikes of Sea Turtles	Perdido Key Sediment Placement	St. Vincent National Wildlife Refuge Access and Recreational Improvements	Pensacola Maritime Park Public Fishing Marina
Piping Plover (<i>Charadrius melodus</i>)	Threatened	--	No Effect	NLAA	No Effect	--
Piping Plover (CH)	Threatened	--	No Effect	--	--	--
Red Knot (<i>Calidris cantutus rufa</i>)	Threatened	NLAA	--	--	No Effect	--
Eastern Black Rail (<i>Laterallus jamaicensis jamaicensis</i>)	Threatened	NLAA	--	--	--	--
Wood Stork (<i>Mycteria americana</i>)	Threatened	NLAA	--	No Effect	No Effect	No Effect
West Indian Manatee (<i>Trichechus manatus</i>)	Threatened	NLAA	NLAA	NLAA	No Effect	NLAA
West India Manatee (CH)	Threatened	--	No Effect	--	--	--
Perdido Key Beach Mouse (<i>Peromyscus polionotus trissyllepsis</i>)	Endangered	--	--	NLAA	--	--
Perdido Key Beach Mouse (CH)	Endangered	--	--	NLAA	--	--

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St. Andrew Beach Mouse (<i>Peromyscus polionotus peninsularis</i>)	Endangered	--	--	--	No Effect	--
Florida Salt Marsh Vole (<i>Microtus pennsylvanicus dukecampbelli</i>)	Endangered	No Effect	--	--	--	--
Green Sea Turtle (<i>Chelonia mydas</i>)	Threatened	--	--	NLAA	NLAA	--
Kemp's Ridley Sea Turtle (<i>Lepidochelys kempii</i>)	Endangered	--	--	NLAA	NLAA	--
Loggerhead Sea Turtle (<i>Caretta caretta</i>)	Threatened	--	--	NLAA	NLAA	--
Loggerhead Sea Turtle (CH)	Threatened	--	--	--	NLAA	--
Leatherback Sea Turtle (<i>Dermochelys coriacea</i>)	Endangered	--	--	NLAA	NLAA	--

Table 2. (Continued)

ESA Species Under USFWS Jurisdiction	Status	Gomez Key Oyster Reef Expansion and Breakwaters for American Oystercatchers	Reducing Vessel-Strikes of Sea Turtles	Perdido Key Sediment Placement	St. Vincent National Wildlife Refuge Access and Recreational Improvements	Pensacola Maritime Park Public Fishing Marina
Gopher Tortoise (<i>Gopherus polyphemus</i>)	Candidate	No Effect	--	No Effect	No Effect	NLAA
Indigo Snake (<i>Drymarchon corais couperi</i>)	Threatened	No Effect	--	No Effect	--	NLAA
Reticulated Flatwoods Salamander (<i>Ambystoma bishopi</i>)	Endangered	--	--	--	--	No Effect
Okaloosa Darter (<i>Etheostoma okaloosae</i>)	Threatened	--	--	--	--	--
Chapman Rhododendron (<i>Rhododendron chapmanii</i>)	Endangered	--	--	--	No Effect	--
Florida Skullcap (<i>Scutellaria floridana</i>)	Threatened	--	--	--	No Effect	--
Godfrey's Butterwort (<i>Pinguicula ionatha</i>)	Threatened	--	--	--	No Effect	--
Telephus Spurge (<i>Euphorbia telephioides</i>)	Threatened	--	--	--	No Effect	--

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White Birds-in-a-Nest (<i>Macbridea alba</i>)	Threatened	--	--	--	No Effect	--
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Table 2. (Continued)

ESA Species Under USFWS Jurisdiction	Status	Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades	Gulf Breeze Park Boating and Fishing Access Upgrades	Lincoln Park Boat Ramp and Dock Improvements	Florida Artificial Reef Creation and Restoration – Phase 2
Piping Plover (<i>Charadrius melodus</i>)	Threatened	--	--	--	No Effect
Piping Plover (CH)	Threatened	--	--	--	--
Red Knot (<i>Calidris cantutus rufa</i>)	Threatened	--	--	--	No Effect
Eastern Black Rail (<i>Laterallus jamaicensis jamaicensis</i>)	Threatened	--	--	--	--
Wood Stork (<i>Mycteria americana</i>)	Threatened	No Effect	--	NLAA	--
West Indian Manatee (<i>Trichechus manatus</i>)	Threatened	NLAA	NLAA	NLAA	NLAA
West Indian Manatee (CH)	Threatened	--	--	--	--
Perdido Key Beach Mouse (<i>Peromyscus polionotus trissyllepsis</i>)	Endangered	--	--	--	--
Perdido Key Beach Mouse (CH)	Endangered	--	--	--	--

Florida Salt Marsh Vole (<i>Microtus pennsylvanicus dukecampbelli</i>)	Endangered	--	--	--	--
St. Andrew Beach Mouse (<i>Peromyscus polionotus peninsularis</i>)	Endangered	--	--	--	--
Green Sea Turtle (<i>Chelonia mydas</i>)	Threatened	--	--	--	--
Kemp's Ridley Sea Turtle (<i>Lepidochelys kempii</i>)	Endangered	--	--	--	--
Loggerhead Sea Turtle (<i>Caretta caretta</i>)	Threatened	--	--	--	--

Table 2. (Continued)

ESA Species Under USFWS Jurisdiction	Status	Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades	Gulf Breeze Park Boating and Fishing Access Upgrades	Lincoln Park Boat Ramp and Dock Improvements	Florida Artificial Reef Creation and Restoration – Phase 2
Loggerhead Sea Turtle (CH)	Threatened	--	--	--	--
Leatherback Sea Turtle (<i>Dermochelys coriacea</i>)	Endangered	--	--	--	--
Gopher Tortoise (<i>Gopherus polyphemus</i>)	Candidate	NLAA	NLAA	NLAA	--
Indigo Snake (<i>Drymarchon corais couperi</i>)	Threatened	NLAA	--	NLAA	--
Reticulated Flatwoods Salamander (<i>Ambystoma bishopi</i>)	Endangered	--	--	--	--
Okaloosa Darter (<i>Etheostoma okaloosae</i>)	Threatened	--	--	No Effect	--
Chapman Rhododendron (<i>Rhododendron chapmanii</i>)	Endangered	--	--	--	--
Florida Skullcap (<i>Scutellaria floridana</i>)	Threatened	--	--	--	--
Godfrey's Butterwort (<i>Pinguicula</i>	Threatened	--	--	--	--

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<i>ionatha</i>)					
Telephus Spurge (<i>Euphorbia</i> <i>telephioides</i>)	Threatened	--	--	--	--
White Birds-in-a- Nest (<i>Macbridea</i> <i>alba</i>)	Threatened	--	--	--	--

Attachment 2. Florida Trustee Implementation Group Restoration Plan #2 Project Change Memorandum for Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades

RESTORATION IN FLORIDA TRUSTEE IMPLEMENTATION GROUP
of the
DEEPWATER HORIZON TRUSTEE COUNCIL

In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico on April 20, 2010,
Civil Action Nos. 10-4536; 10-04182; 10-03059; 13-4677; 13-158; 13-00123
(ED. La.) MDL No. 2179

Resolution # FL-2025-002

Resolution of the Florida Trustee Implementation Group for Approval of Project

Changes, Budget Change, and Allocation of Additional Funds for the Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades Project

1. In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), the *Deepwater Horizon* (DWH) Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Programmatic Environmental Impact Statement (Final PDARP/PEIS), and the Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the DWH Oil Spill, revised August 2, 2021 (TC SOPs), and the Consent Decree entered in *United States v. BPXP et al.*, Civ. No. 10-4536, centralized in MDL 2179, *In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico*, on April 20, 2010 (E.D. La.) (Consent Decree), the undersigned representatives of the Florida Trustee Implementation Group (FL TIG) hereby approve the actions set forth below to continue the restoration of natural resources and services injured or lost as a result of the DWH oil spill, which occurred on or about April 20, 2010, in the Gulf of Mexico.
2. The Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades project (Project)
(Project ID # 282) was a preferred alternative identified and selected in the *Deepwater Horizon Oil Spill Florida Trustee Implementation Group Final Restoration Plan 2 and Environmental Assessment: Habitat Projects on Federally Managed Lands; Sea Turtles; Marine Mammals; Birds; and Provide and Enhance Recreational Opportunities* (Final RP2/EA), which was approved by the FL TIG in June of 2021. The Florida Fish and Wildlife Conservation Commission (FWC) was originally allocated \$1,402,531, which was authorized pursuant to FL TIG Resolution FL-2021-014.

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3. The objective of the Project is to enhance and/or increase recreational fishing opportunities in the Pensacola region through enhanced/increased access to Pensacola waterways for kayak fishing and paddling. The current project will enhance the existing infrastructure at Sanders Beach.
4. The Project is consistent with the restoration goals identified in the Final PDARP/PEIS and the Record of Decision that provides and explains the Trustees' selection of the Preferred Alternative (Alternative A) for the Final PDARP/PEIS. The Project is also consistent with the Consent Decree resolving the civil actions referenced above.
5. In May 2023, the FL TIG approved Resolution FL-2023-005, which terminated the Baars Park portion of the project and transferred those funds to the Sanders Beach component to implement additional project elements.
6. The City of Pensacola, which is implementing the Project on behalf of the Florida Fish and Wildlife Conservation Commission (FWC), has requested to implement additional project elements at the Sanders Beach component and a budget increase. See attached *Evaluation of Changes to the Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades' Project (2024)* (Change Memo) for additional details.
7. FWC, as Implementing Trustee, is proposing additional project elements to the Project. In particular, the City of Pensacola would remove the existing bathroom and replace it with a prefabricated bathroom instead of updating it. The City would also remove the four existing picnic table pavilions and replace them with four individual solar-lighted picnic table pavilions. Finally, the City would not construct the previously authorized picnic pavilion shelter and would instead utilize an already existing pavilion in the park and add picnic tables to it. The City's design and engineering contractor has completed a recent evaluation of current construction costs and has determined that costs have increased since the Project was first approved. Taking these cost increases into account along with the addition of a new contingency, the Project is now over budget.
8. FWC estimates that an additional \$112,594 in additional funding is needed to fully implement the Project resulting in a new total cost of \$1,515,125. This amount includes all planning, engineering, and design, permitting, construction, Implementing Trustee administration and oversight, indirect costs, and a contingency.
9. The FL TIG concludes, after review of the attached Change Memo, that the Project change does not affect the selection of this Project under OPA, and the Project is still

Resolution # FL-2025-002

consistent with the environmental review conducted for the Final RP2/EA. The Project change is considered reasonable and appropriate to achieve the project goal of enhancing and/or increasing recreational fishing opportunities in the Pensacola region through the enhancement of existing infrastructure at Sanders Beach, helping to partially restore for injuries resulting from the *Deepwater Horizon* oil spill.

10. Through this Resolution and the associated *Deepwater Horizon* Trustee Withdrawal Form(s), the FL TIG approves the new authorized budget in the amount of \$1,515,125 and requests disbursement in the amount of \$112,594 in Provide and Enhance Recreational Opportunities

Restoration Type funding from the FL TIG's General Restoration Subaccount in the DOI Restoration Fund for the Project. Disbursements will be effected through one or more *Deepwater Horizon* Trustee Withdrawal Forms to be submitted following the execution of this Resolution. This Resolution authorizes commitment and disbursement of funds to the Implementing Trustee as listed in the table below.

Restoration Type	Implementing Trustee	Project Name	Portal ID#	Current Authorized Project Budget	Additional Funds Authorized for Disbursement	New Authorized Project Budget
Provide and Enhance Recreational Opportunities	FWC	Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades	282	\$1,402,531	\$112,594	\$1,515,125

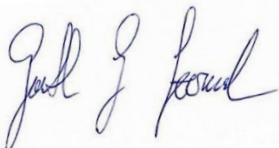
11. Funds committed and allocated by this Resolution to this Project may be used only for the activities authorized by the Final RP2/EA. Any other use of the funds committed pursuant to this Resolution is prohibited. Any unauthorized use of committed funds must be reported to the full FL TIG immediately upon discovery of the unauthorized use.
12. At the time of this resolution, all environmental compliance is complete except for the U.S. Army Corps of Engineers 404 permit. The Implementing Trustee, FWC, will ensure that all applicable regulatory compliance activities are completed prior to implementation of the Project, and that the terms and conditions of all applicable federal and state permits will be complied with while implementing the Project.
13. It is resolved that after a review of the attached Change Memo, the duly authorized officials for the FL TIG approve the project changes and the budget change and authorize the allocation of funds as specified in Paragraph 10. This resolution may be authorized in counterparts. The effective date of this resolution is the date of the last signature below.

**RESTORATION IN FLORIDA TRUSTEE
IMPLEMENTATION GROUP**



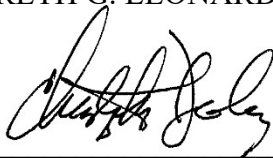
SARAH KETRON

Alternative Representative, Florida Department of
Environmental Protection



GARETH G. LEONARD

Principal Representative, Florida Fish and
Wildlife Conservation Commission



CHRISTOPHER D. DOLEY

Principal Representative, National Oceanic and Atmospheric Administration



MARY JOSIE BLANCHARD

Principal Representative, Department of the Interior



DORIS G. WASHINGTON

Alternate to Principal Representative, U.S. Department of Agriculture



MARY KAY LYNCH

Alternate to Principal Representative, U.S. Environmental Protection Agency

DATE OF LAST SIGNATURE: January 17, 2025

Evaluation of Changes to the ‘Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades’ Project (2024)

Introduction

Section 9.4.9 of the *Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the Deepwater Horizon (DWH) Oil Spill* (TC SOPs) states that if changes are made to any selected project, those changes may require a re-evaluation of determinations made in existing environmental compliance documents. Section 9.5.2 further states that Implementing Trustee(s) will notify the Trustee Implementation Group (TIG) of material project changes during design or construction before taking further action on a project. Trustees must determine whether additional restoration planning and environmental review—including opportunity for public comment—are necessary. Section 9.5.2 provides several factors upon which, in the event of a project change, the TIG would conduct a project review:

- (1) To evaluate whether a project change affects selection under OPA.
- (2) To determine whether a project change is consistent with the environmental review in the respective restoration plan/NEPA analysis, or where there are substantial changes that are relevant to environmental concerns.
- (3) To assess whether there are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the respective restoration plan/NEPA analysis [40 CFR § 1502.9 (c)].

The Florida Fish and Wildlife Conservation Commission (FWC), as Implementing Trustee of the ‘Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades’ project (Project; Portal ID #282¹), at the request of the City of Pensacola, proposes to **1) remove the existing bathroom and replace it with a prefabricated bathroom instead of updating the existing bathroom, 2) remove four existing picnic table pavilions and replace them with four individual solarlighted picnic table pavilions, and 3) no longer construct a new picnic pavilion shelter at Sanders Beach** (see Section III for more details). FWC also determined that an increase to the Project’s budget is necessary. The Project’s original total estimated cost was \$1,402,531. **The proposed budget for the Project is now \$1,515,125 - this equates to an additional \$112,594 from the FL TIG Provide and Enhance Recreational Opportunities Restoration Type allocation.** FWC notified the FL TIG of the Project change and prepared this change memo to evaluate the change in accordance with the above factors.

Project Background

The Project was analyzed in the 2021 Deepwater Horizon *Oil Spill Florida Trustee*

¹ www.gulfpillrestoration.noaa.gov/project?id=282

*Implementation Group Final Restoration Plan 2 and Environmental Assessment: Habitat Projects on Federally Managed Lands; Sea Turtles; Marine Mammals; Birds; and Provide and Enhance Recreational Opportunities*² (RP2/EA) and was selected by the FL TIG for implementation. Based on the NEPA analyses documented in the RP2/EA, the federal Trustees of the FL TIG prepared a Finding of No Significant Impact (FONSI; see Appendix F of the RP2/EA). Furthermore, the RP2/EA is consistent with and tiered from the 2016 *DWH NRDA Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement*³ (PDARP/PEIS), which was prepared by the Trustees to programmatically plan to fund and implement restoration projects across the Gulf.

This Project is being implemented by FWC in coordination with the City of Pensacola. This Project will enhance/increase access to Pensacola waterways for kayak fishing and paddling. The original Project description and analyses can be found in Sections 2.5.5, 3.6, and 4.9.1.3 of the RP2/EA. The FL TIG allocated \$1,402,531 in Provide and Enhance Recreational Opportunities Restoration Type funding to implement this Project. [Resolution FL-2023-005](#) terminated the Baars Park component of the Project and funded additional project elements at the Sanders Beach component (no budget change).

Description of Project Change

FWC, at the request of the City of Pensacola, proposes changes to project elements at Sanders Beach (as approved in FL-2023-005). The proposed changes are a result of recent evaluations of existing amenities at Sanders Beach and ongoing needs. The changes are requested to further enhance the visitor experience. There is no budget change. Below is a comparison of the FL2023-005 Project scope versus the proposed Project scope:

Table 1: Proposed scope changes. Bold font indicates elements that have proposed changes.

FL-2023-005 scope	Proposed scope
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² www.gulfspillrestoration.noaa.gov/sites/default/files/2021-06%20FL%20Final_FL%20TIG_RP2_EA_1.pdf

³ www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan/

<ul style="list-style-type: none"> • Install floating accessible kayak launch to the existing dock. • Reconfigure and expand the existing parking lot to include a concrete ramp that will allow handicap access from the parking lot to the east sidewalk and existing pier. • Install monofilament recycling bins. • Install informational (e.g., navigational) and educational kiosks. • Install a new pavilion shelter that includes a picnic area. • Enhance lighting at the park through the installation of new poles and lights in accordance with applicable sea turtle lighting best practices. • Update the existing restrooms through the application of 	<ul style="list-style-type: none"> • Install floating accessible kayak launch to the existing dock. • Reconfigure and expand the existing parking lot to include a concrete ramp that will allow handicap access from the parking lot to the east sidewalk and existing pier. • Install monofilament recycling bins. • Install informational (e.g., navigational) and educational kiosks. • Do not construct a new picnic pavilion shelter. Instead, utilize the existing shelter and add picnic tables under it. • Remove the four individual existing picnic table pavilions and replace them with four individual solarlighted picnic table pavilions (in accordance with applicable sea turtle
<p>resinous/epoxy flooring and provide funding for two new water closets.</p> <ul style="list-style-type: none"> • Install benches and trash cans. 	<ul style="list-style-type: none"> • lighting best practices). Enhance lighting at the park through the installation of new poles and lights in accordance with applicable sea turtle lighting best practices. • Remove the existing restrooms and install a prefabricated restroom. • Install benches and trash cans.



Figure 1. Figure of project elements at Sanders Beach Park, including the new proposed elements of prefabricated bathroom and solar picnic pavilions.

FWC, at the City of Pensacola's request, also proposes an increase to the total project budget. FWC is requesting \$112,594 in additional funding, bringing the new total project budget to \$1,515,125. The proposed changes result from the recent evaluations of current construction costs by the City's design and engineering contractor, who has determined that the costs have increased since the Project was first approved. Taking these cost increases into account, along with the addition of a new contingency, the Project is now over budget.

Determination of Need for Additional OPA NRDA Restoration Planning

The Project change does not affect the selection of the Project under OPA. The Project will enhance/increase access to Pensacola waterways for kayak fishing and paddling through the addition of infrastructure/amenities, while continuing to invest in nature-based tourism. Additional public access points are integral to Pensacola's long-term strategy for environmental education and would increase opportunities for the public to access natural resources, thereby helping to compensate for interim losses to recreational use by the DWH oil spill.

The Project is consistent with the analysis in the RP2/EA found in Section 3.6, specifically Table 3-5 (Evaluation of OPA criteria for the Provide and Enhance Recreational Opportunities alternatives). The Project change is within the scope of the original restoration approach, “Enhance public access to natural resources for recreational use” (PDARP/PEIS Section 5.5.14.2; Appendix 5.D.8.1) and is therefore consistent with the OPA NRDA analysis in the PDARP/PEIS.

The Project change described in Section III would not decrease the benefits of this Project but would enhance Project success. The Project’s original OPA NRDA evaluation is found in the RP2/EA, Chapter 3, Table 3-5 and is used for comparison with the project change. Of the six OPA NRDA evaluation standards on which the original evaluation is based, there would be no changes to Avoid Collateral Injury, Benefits, and Health and Safety. Therefore, the original OPA NRDA evaluation for these three evaluation standards, as described in Table 3-5 of the RP2/EA, is incorporated by reference. The three evaluation standards which are revised under this change memo (Likelihood of Success, Goals and Objectives, and Cost-effectiveness) are discussed in Table 2 below.

Table 2: OPA NRDA evaluation comparing original Project scope to Project changes.

Original OPA NRDA evaluation	OPA NRDA evaluation with Project change
<p>Likelihood of Success: This Project includes planning and construction of standard park amenities, activities that have been successfully implemented by FWC and the City of Pensacola in the past and have resulted in enhanced/ increased recreational use. As such, the FL TIG anticipates this project would have a high likelihood of success.</p>	<p>The Project change provides updated needs at Sanders Park after a recent on-site evaluation of the current state of the amenities. The FL TIG anticipates that with the Project change, there is a high likelihood of success for this Project.</p>

<p>Goals and Objectives: This Project is consistent with the Provide and Enhance Recreational Opportunities Restoration Goal and underlying Provide and Enhance Recreational Opportunities Restoration Type and has a clear nexus to recreational use injuries from the DWH oil spill. More specifically, the pier, dock, and kayak launch would enhance/increase access to recreational fishing opportunities and the parking lots, education kiosks, and monofilament recycling bins would enhance visitor experiences.</p>	<p>The Project changes are still consistent with the Provide and Enhance Recreational Opportunities Restoration Goal and underlying Provide and Enhance Recreational Opportunities Restoration Type and have a clear nexus to recreational use injuries from the DWH oil spill. The addition of the solar-lit picnic tables and new prefabricated restroom facility will further enhance visitor experiences at the park.</p>
<p>Cost-effectiveness: The total estimated cost of \$1,402,531 includes planning, design, permitting, construction, monitoring, oversight, indirect costs, and contingency funds. The costs to carry out this alternative are based on similar projects and FWC’s experience, and, in the judgment of the FL TIG, are reasonable and appropriate.</p>	<p>The additional \$112,594 will account for the increased construction costs and the inclusion of a new contingency. These budget changes are necessary to successfully implement this Project and are deemed by the FL TIG to be reasonable and appropriate.</p>

OPA NRDA Evaluation Summary

The Project change does not affect the selection of the Project under OPA NRDA. This Project is consistent with the Provide and Enhance Recreational Opportunities Restoration Goal and underlying Provide and Enhance Recreational Opportunities Restoration Type and has a clear nexus to recreational use injuries from the DWH oil spill.

Determination of Need for Additional NEPA Analysis

DOI, as Lead Federal Trustee for RP2/EA, and FWC, as the Implementing Trustee, conducted a NEPA review comparing the impacts of the original Project scope to the currently proposed

changes (terminating the Baars Park component and adding additional elements to the Sanders Beach component). Both changes are considered in this section.

The FONSI, found in Appendix F of the Final RP2/EA, provides the reasons why the projects selected for implementation in the Final RP2/EA would not have a significant impact on human environment and that the cumulative effects of the actions on the quality of the human environment are not expected to be regionally or locally significant (40 C.F.R. 1508.13). The NEPA analysis notes short- and long-term minor adverse impacts to physical resources, short- and long-term, minor to moderate adverse impacts to biological resources, and short-term, minor adverse impacts to socioeconomic resources are anticipated from implementation of the original Project, and long-term beneficial impacts are expected for socioeconomic resources, infrastructure, and tourism and recreational use.

Table 3 below compares the impacts of the Project's original scope to expected impacts from the Project with the proposed change. Only resources with the potential to be impacted from the Project change are discussed. When taken in the context of the Project area and the surrounding area, the intensity of the impacts from the Project change to affected resources is not substantial and requires no additional NEPA analysis.

Table 3: Summary of comparison of environmental consequences – original scope and proposed change.

Impacts to Physical Resources – original scope	Impacts to Physical Resources with Project Change
In short, this Project is anticipated to result in short-and long-term minor adverse impacts to physical resources. See Final RP2/EA Sections 4.9.1 and 4.9.1.3 as well as FL TIG Resolution FL-2023-005.	The addition of the new upland elements at Sanders Beach, which includes removing an existing bathroom and replacing with a prefabricated one, removing four individual existing picnic table pavilions and replacing them with four individual solar-lighted picnic pavilions, and adding picnic tables to the existing picnic pavilion shelter, would be implemented in already developed or disturbed areas. These new elements would not change the anticipated environmental consequences to the physical resources at Sanders Beach. Overall, the anticipated environmental consequences to physical resources from the Project would be the same as those described in RP2/EA and FL TIG Resolution FL-2023-005.
Impacts to Biological Resources – original scope	Impacts to Biological Resources with Project Change

In summary, this Project is anticipated to result in short- and long-term, minor to moderate adverse impacts to biological resources. See Final RP2/EA Sections 4.9.1 and 4.9.1.3 as well as FL TIG Resolution FL-2023-005.	The impacts from the implementation of the new proposed upland elements at the Sanders Beach component are anticipated to be consistent with the level of impacts to biological resources described in the original scope. While additional components would be constructed at Sanders Beach, they would occur on a previously disturbed site that sees regular use from the public. Therefore, overall, this Project with the proposed changes is expected to result in only short-term minor to moderate adverse impacts to biological resources at Sanders Beach.
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Determination of Need for Additional Environmental Compliance

FWC, as Implementing Trustee, engaged in technical assistance with the Department of the Interior and the National Oceanic and Atmospheric Administration to determine if there is a need for further consultations for the following:

- Bald and Golden Eagle Protection Act (U.S. Fish and Wildlife Service [USFWS])
- Coastal Barrier Resources Act (USFWS)
- Endangered Species Act (National Marine Fisheries Service [NMFS])
- Endangered Species Act (USFWS)
- Magnuson-Stevens Fishery Conservation and Management Act/Essential Fish Habitat (NMFS)
- Marine Mammals Protection Act (NMFS)
- Marine Mammal Protection Act (USFWS)
- Migratory Bird Treaty Act (USFWS)

DOI determined that the original consultations above remained valid, and no further consultations were required. DOI documented these decisions in a Memo to the File. NOAA has determined that the project changes do not result in additional effects beyond what was analyzed in the existing consultations, since all the new proposed work at the Sanders Beach component is on the park's uplands.

DOI has completed a Section 106 review of the National Historic Preservation Act and determined that there would be no impacts on cultural resources.

Conclusions

The Trustees are required to evaluate material changes to any selected restoration project. Trustees must also determine whether additional restoration planning and environmental review—including opportunity for public comment—is necessary. The Project change has been evaluated by the FL TIG in accordance with TC SOPs.

Outcome of evaluation of project review factors:

1. The change to the Project is consistent with the environmental review in the RP2/EA NEPA review, and there are no substantial changes relevant to environmental concerns.
2. There are no significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the respective restoration plan/NEPA review [40 CFR § 1502.9 (c)].
3. The FL TIG evaluated whether the Project changes affect the selection under OPA and determined it does not.
4. The FL TIG evaluated whether the Project changes affect the need for additional consultations or reviews for environmental compliance. Based on review of the Project changes, existing completed consultations remain valid, and no further consultations or review are needed for existing compliance. The USACE permit will be completed before any construction begins.

The FL TIG evaluated whether the Project changes affect the need for additional consultations or reviews for environmental compliance. Based on review of the Project changes, existing completed consultations remain valid, and no further consultations or review are needed for existing compliance. The Project change does not impact the overall project objectives or environmental consequences. The change does not affect the selection of this Project under OPA, and the Project is consistent with the environmental review conducted for the RP2/EA. Therefore, no further analyses under the OPA NRDA regulations or NEPA are necessary. In addition, the original public comment period conducted for the RP2/EA solicited public input on the Project and comments were supportive of the original project with no controversial issues identified. No additional public comment is necessary to implement this change.

Evaluation of Changes to the ‘Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades’ Project

I. Introduction

Section 9.4.9 of the *Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the Deepwater Horizon (DWH) Oil Spill* (TC SOPs) states that if changes are made to any selected project, those changes may require a re-evaluation of determinations made in existing environmental compliance documents. Section 9.5.2 further states that Implementing Trustee(s) will notify the Trustee Implementation Group (TIG) of material project changes during design or construction before taking further action on a project. Trustees must determine whether additional restoration planning and environmental review—including opportunity for public comment—are necessary. Section 9.5.2 provides several factors upon which, in the event of a project change, the TIG would conduct a project review:

- (1) To evaluate whether a project change affects selection under OPA.
- (2) To determine whether a project change is consistent with the environmental review in the respective restoration plan/NEPA analysis, or where there are substantial changes that are relevant to environmental concerns.
- (3) To assess whether there are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the respective restoration plan/NEPA analysis [40 CFR § 1502.9 (c)].

The Florida Fish and Wildlife Conservation Commission (FWC), as Implementing Trustee of the ‘Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades’ project (Project) (Portal

ID #282), at the request of the City of Pensacola, will terminate the Baars Park component of the Project and fund additional project elements at the Sanders Beach component (see Section III for more details). This Project change will correct unforeseen lack of local public support for the Baars Park portion of the Project, which would have hindered project success. There are no budget changes to the Project total. FWC notified the FL TIG of the Project change and prepared this change memo to evaluate the change in accordance with the above factors.

II. Project Background

The Project was analyzed in the 2021 Deepwater Horizon *Oil Spill Florida Trustee*

Implementation Group Final Restoration Plan 2 and Environmental Assessment: Habitat

*Projects on Federally Managed Lands; Sea Turtles; Marine Mammals; Birds; and Provide and Enhance Recreational Opportunities*⁴ (RP2/EA) and was selected by the FL TIG for implementation. Based on the findings of the OPA and NEPA analyses documented in the RP2/EA, the federal Trustees of the FL TIG prepared a Finding of No Significant Impact (FONSI; see Appendix F of RP2/EA). Furthermore, the RP2/EA is consistent with and tiered from the 2016 *DWH NRDA Programmatic Damage Assessment and Restoration*

*Plan/Programmatic Environmental Impact Statement*⁵ (PDARP/PEIS), which was prepared by the Trustees to programmatically plan to fund and implement restoration projects across the Gulf.

This Project is being implemented by FWC in coordination with the City of Pensacola. This Project will enhance/increase access to Pensacola waterways for kayak fishing and paddling. Originally, the Project was going to establish a designated kayak fishing and paddling trail starting at Baars Park and ending at Sanders Beach. Specifically, the Project was originally approved for the following:

- Establish trailhead-related infrastructure at Baars Park.
 - Construct a fishing pier and dock with specialized kayak and accessible entry. Any lighting associated with the pier and dock would be implemented in accordance with applicable sea turtle lighting best practices;
 - Construct a small, unpaved parking lot with approximately eight parking spaces; ○ Construct a picnic area/shelter; ○ Install monofilament recycling bins; and ○ Install informational (e.g., navigational) and educational kiosks.
- Enhance existing infrastructure at Sanders Beach.
 - Convert the existing powercraft launch to an accessible kayak launch; ○ Install floating accessible kayak launches to the two existing docks; ○ Reconfigure, and possibly expand, the existing parking lot; ○ Install monofilament recycling bins; and ○ Install informational (e.g., navigational) and educational kiosks.

⁴ The RP2/EA can be found at www.gulfspillrestoration.noaa.gov/sites/default/files/202106%20FL%20Final_FL%20TIG_RP2_EA_1.pdf.

⁵ The PDARP/PEIS can be found at www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan/.

The full Project description and analyses can be found in Sections 2.5.5, 3.6, and 4.9.1.3 of the RP2/EA. The FL TIG allocated \$1,402,531 in Provide and Enhance Recreational Opportunities Restoration Type funding to implement this Project.

III. Description of Project Change

FWC, at the request of the City of Pensacola, will terminate the Baars Park component of the Project and fund additional elements at the Sanders Beach component. Below is a comparison of the original Project scope versus the new Project scope:

Table 1: Original vs. new Project scope. Strikethrough font indicates terminated activities, italicized font indicates elements carried over from original to new Project scope, underline text indicates clarification of existing elements, and bold font indicates elements that are new.

Original Project scope	New Project scope
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<ul style="list-style-type: none"> • Establish trailhead-related infrastructure at Baars Park. <ul style="list-style-type: none"> ○ Construct a fishing pier and dock with specialized kayak and accessible entry. Any lighting associated with the pier and dock would be implemented in accordance with applicable sea turtle lighting best practices. ○ Construct a small, unpaved parking lot with approximately eight parking spaces. ○ Construct a picnic area/shelter. ○ Install monofilament recycling bins. ○ Install informational (e.g., navigational) and educational kiosks. • Enhance existing infrastructure at Sanders Beach. <ul style="list-style-type: none"> ○ Convert the existing powercraft launch to an accessible kayak launch.⁶ ○ <i>Install floating accessible kayak launches to the two existing docks.</i> ○ <i>Reconfigure, and possibly expand, the existing parking lot.</i> ○ <i>Install monofilament recycling bins.</i> ○ <i>Install informational (e.g., navigational) and educational kiosks.</i> 	<ul style="list-style-type: none"> • Enhance existing infrastructure at Sanders Beach. <ul style="list-style-type: none"> ○ <i>Install floating accessible kayak launch to the existing dock.</i> ○ <i>Reconfigure and expand the existing parking lot to include a concrete ramp that will allow handicap access from the parking lot to the east sidewalk and existing pier.</i> ○ <i>Install monofilament recycling bins.</i> ○ <i>Install informational (e.g., navigational) and educational kiosks.</i> ○ Install a new pavilion shelter that includes a picnic area. ○ Enhance lighting at the park through installation of new poles and lights in accordance with applicable sea turtle lighting best practices. ○ Update the existing restrooms through the application of a resinous/epoxy flooring and provide funding for two new water closets. ○ Install benches and trash cans.
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⁶ This project activity has already been completed by the City of Pensacola with non-NRDA funds.

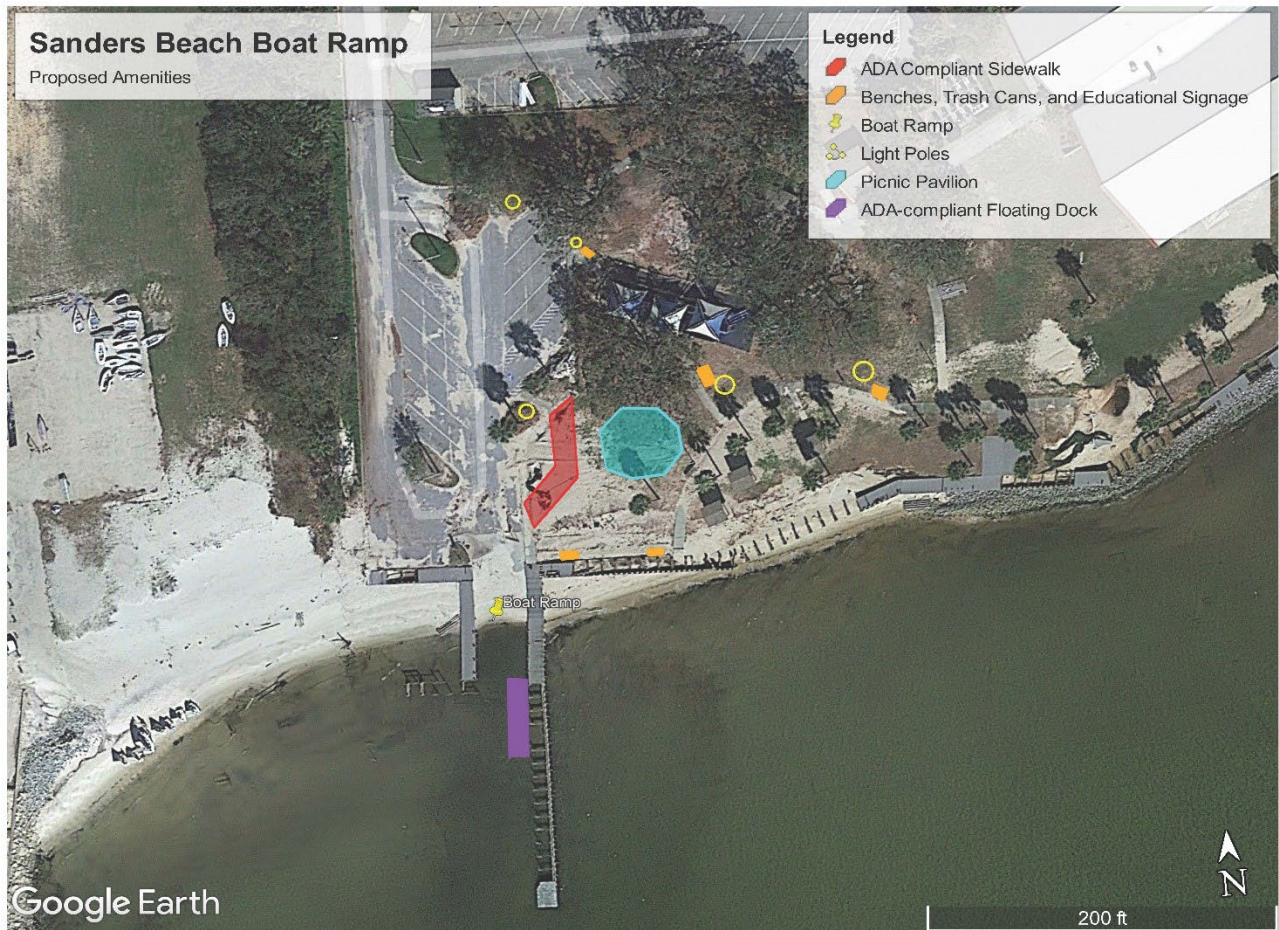


Figure 1. Figure of proposed project elements at Sanders Beach Park.

IV. **Determination of Need for Additional OPA NRDA Restoration Planning**

The Project change doesn't affect the selection of the Project under OPA. The Project will provide enhanced/increased access to Pensacola waterways for kayak fishing and paddling through the addition of much needed infrastructure, while continuing to invest in nature-based tourism. Additional public access points are integral to Pensacola's long-term strategy for environmental education and would increase opportunities for the public to access natural resources, thereby helping to compensate for interim losses to recreational use by the DWH oil spill.

The Project is consistent with the analysis in the RP2/EA found in Section 3.6, specifically Table 3-5 Evaluation of OPA criteria for the Provide and Enhance Recreational Opportunities alternatives. The Project change is within the scope of the original restoration

approach, “Enhance public access to natural resources for recreational use” (PDARP/PEIS Section 5.5.14.2; Appendix 5.D.8.1) and is therefore consistent with the OPA NRDA analysis in the PDARP/PEIS.

The Project change described in Section III would not decrease the benefits of this Project and would ensure project success. The Project’s original OPA NRDA evaluation is found in the RP2/EA, Chapter 3, Table 3-5 and is used for comparison with the project change. Of the six

OPA NRDA evaluation standards on which the original evaluation is based, Avoid Collateral

Injury, Benefits, and Health and Safety would not change. Likelihood of Success, Goals and Objectives, and Cost Effectiveness are the evaluation standards which are revised under this change memo and discussed in Table 2.

Table 2: OPA NRDA evaluation comparing original Project scope to Project change for likelihood of success.

Original OPA NRDA evaluation	OPA NRDA evaluation with Project change
Likelihood of Success: This Project includes planning and construction of standard park amenities, activities that have been successfully implemented by FWC and the City of Pensacola in the past and have resulted in enhanced/increased recreational use. As such, the FL TIG anticipates this project would have a high likelihood of success.	The Project change will correct unforeseen lack of local public support for the Baars Park portion of the Project which could have hindered project success. FWC has worked with the City of Pensacola and local organizations to identify five new project elements at Sanders Beach, confirming that those elements have local public support. The FL TIG anticipates that with the Project change, there is a high likelihood of success for this Project.
Goals and Objectives: This Project is consistent with the Provide and Enhance Recreational Opportunities Restoration Goal and underlying Provide and Enhance Recreational Opportunities Restoration Type and has a clear nexus to recreational use injuries from the DWH oil spill. More specifically, the pier, dock, and kayak launch would enhance/increase access to recreational fishing opportunities and the parking lots, education kiosks, and monofilament recycling bins would enhance visitor experiences.	The Project changes are still consistent with the Provide and Enhance Recreational Opportunities Restoration Goal and underlying Provide and Enhance Recreational Opportunities Restoration Type and have a clear nexus to recreational use injuries from the DWH oil spill. Even though the Baars Park component has been removed due to the City receiving negative public input, the funding associated with Baars Park will be used to further enhance the Sanders Beach component. The addition of a pavilion shelter with picnic area, the improvements to the existing restroom, and installation of the improved lighting, benches, and trash cans will further enhance visitor experiences

	at the Park.
<p>Cost Effectiveness: The total estimated cost of \$1,402,531 includes planning, design, permitting, construction, monitoring, oversight, indirect costs, and contingency funds. The costs to carry out this alternative are based on similar projects and FWC’s experience, and, in the judgment of the FL TIG, are reasonable and appropriate.</p>	<p>The funding associated with the Baars Park component will be shifted to the Sanders Beach component to pay for the additional project elements. The Project change doesn’t change the Project’s total budget, which is still deemed by the FL TIG to be reasonable and appropriate.</p>

OPA NRDA Evaluation Summary

The Project change described in Section III does not affect the selection of the Project under OPA NRDA. This Project is consistent with the Provide and Enhance Recreational Opportunities Restoration Goal and underlying Provide and Enhance Recreational Opportunities Restoration Type and has a clear nexus to recreational use injuries from the DWH oil spill.

v. Determination of Need for Additional NEPA Analysis

DOI, as Lead Federal Trustee for RP2/EA, and FWC, as the Implementing Trustee, conducted a NEPA review comparing the impacts of the original Project scope to the currently proposed changes (terminating the Baars Park component and adding additional elements to the Sanders Beach component). Both changes are considered in this section.

The FONSI, found in Appendix F of the Final RP2/EA, provides the reasons why the projects selected for implementation in the Final RP2/EA would not have a significant impact on human environment and that the cumulative effects of the actions on the quality of the human environment are not expected to be regionally or locally significant (40 C.F.R. 1508.13). The NEPA analysis notes short- and long-term minor adverse impacts to physical resources, short- and long-term, minor to moderate adverse impacts to biological resources, and short-term, minor adverse impacts to socioeconomic resources are anticipated from implementation of the original Project, and long-term beneficial impacts are expected for socioeconomic resources, infrastructure, and tourism and recreational use.

Table 3 below compares the impacts of the Project's original scope to expected impacts from the Project with the proposed change. Only resources with the potential to be impacted from the Project change are discussed. When taken in the context of the Project area and the surrounding area, the intensity of the impacts from the Project change to affected resources is not substantial and requires no additional NEPA analysis.

Table 3: Summary of comparison of environmental consequences – original scope and proposed change.

Impacts to Physical Resources – original scope	Impacts to Physical Resources with Project Change
In short, this Project is anticipated to result in short-and long-term minor adverse impacts to physical resources. See Final RP2/EA Sections 4.9.1 and 4.9.1.3.	The addition of the new upland elements at Sanders Beach, which includes constructing a new picnic pavilion, installing additional lighting, updating the existing bathroom, and adding new benches and trash cans, would be implemented in already developed or disturbed areas. These new elements would not change the anticipated environmental consequences to the physical resources at Sanders Beach. Additionally, the removal of the Baars Park component would result in no adverse impacts to physical resources at that site. Overall, the anticipated environmental consequences to physical
	resources from the Project would be the same or less than those described in RP2/EA.
Impacts to Biological Resources – original scope	Impacts to Biological Resources with Project Change

<p>In summary, this Project is anticipated to result in short- and long-term, minor to moderate adverse impacts to biological resources. See Final RP2/EA Sections 4.9.1 and 4.9.1.3.</p>	<p>The impacts from the implementation of the new proposed upland elements at the Sanders Beach component are anticipated to be consistent with the level of impacts to biological resources described in the original scope. With the removal of the Baars Park component, anticipated long-term moderate impacts to biological resources from limited habitat fragmentation as well as fishing from the small pier would not occur. While additional components would be constructed at Sanders Beach, they would occur on a previously disturbed site that sees regular use from the public. Therefore, overall, this Project with the proposed changes is expected to result in only short-term minor to moderate adverse impacts to biological resources at Sanders Beach.</p>
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VI. **Determination of Need for Additional Environmental Compliance**

FWC, as Implementing Trustee, engaged in technical assistance with the Department of the Interior and the National Oceanic and Atmospheric Administration to determine if there is a need for further consultations for the following:

- Bald and Golden Eagle Protection Act (U.S. Fish and Wildlife Service [USFWS])
- Coastal Barrier Resources Act (USFWS)
- Endangered Species Act (National Marine Fisheries Service [NMFS])
- Endangered Species Act (USFWS)
- Magnuson-Stevens Fishery Conservation and Management Act/Essential Fish Habitat (NMFS)
- Marine Mammals Protection Act (NMFS)
- Marine Mammal Protection Act (USFWS)
- Migratory Bird Treaty Act (USFWS)
- National Historic Preservation Act

DOI determined that the original consultations above remained valid, and no further consultations were required. DOI documented these decisions in a Memo to the File. NOAA has determined that no changes are needed to its consultations, since all the new proposed

work at the Sanders Beach component is on the park's uplands. Since the fishing pier has been removed from the project, the related requirements for construction of a fishing pier in the NOAA ESA consultations are not needed. However, any requirements in the NOAA ESA consultation that apply to the installation of a floating dock will be followed.

The City of Pensacola will be the entity applying for the USACE permit. No construction activities will occur until the permit has been issued.

VII. Conclusions

The Trustees are required to evaluate material changes to any selected restoration project. Trustees must also determine whether additional restoration planning and environmental review—including opportunity for public comment—is necessary. The Project change has been evaluated by the FL TIG in accordance with TC SOPs.

Outcome of evaluation of project review factors:

1. The change to the Project is consistent with the environmental review in the RP2/EA NEPA review, and there are no substantial changes relevant to environmental concerns.
2. There are no significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the respective restoration plan/NEPA review [40 CFR § 1502.9 (c)].
3. The FL TIG evaluated whether the Project changes affect the selection under OPA and determined it does not.
4. The FL TIG evaluated whether the Project changes affect the need for additional consultations or reviews for environmental compliance. Based on review of the Project changes, existing completed consultations remain valid, and no further consultations or review are needed for existing compliance. The USACE permit will be completed before any construction begins.

The FL TIG evaluated whether the Project changes affect the need for additional consultations or reviews for environmental compliance. Based on review of the Project changes, existing completed consultations remain valid, and no further consultations or review are needed for existing compliance. The Project change does not impact the overall project objectives or environmental consequences. The change does not affect the selection of this Project under OPA, and the Project is consistent with the environmental review conducted for the RP2/EA. Therefore, no further analyses under the OPA NRDA regulations or NEPA are necessary. In addition, the original public comment period conducted for the RP2/EA solicited public input on the Project and comments were supportive with no controversial issues identified. No additional public comment is necessary to implement this change.

Attachment 3. Revised Biological Evaluation For Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

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

This form will be filled out by the Implementing Trustee and used by the regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA) and Section 106 of the National Historic Preservation Act (NHPA).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons

USFWS: Erin Chandler at erin_chandler@fws.gov

NMFS: Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency(one or more):USFWS ☒ NOAA ☒ EPA ☐ USDA ☐

Implementing Trustee(s): Florida Fish and Wildlife Conservation Commission (FWC)

Contact Name: Gareth Leonard Phone: 850-617-9452 Email: gareth.leonard@myfwc.com

Project Name: Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades

DIVER ID# 282 TIG: Florida TIG Restoration Plan # 2

B. Project Phase and Supporting Documentation

Please choose the box which best describes the project status, as proposed in this BE form:

Planning/Conceptual ☒

Construction/Implementation ☒

Engineering & Design ☒

If “Engineering & Design” was selected, please describe the level of design that has been completed and is available for review:

Supporting Documentation

Please attach any maps, aerial photographs, or design drawings that will support the information in this BE form. Examples of such supporting documentation include, but are not limited to: Plan view of design drawings

Aerial images of project action area and surrounding area

Map of project area with elements proposed (polygons showing proposed

construction elements) Map of action area with critical habitat units or sensitive habitats overlayed

C. Project Location

I. State and County/Parish of action area

Escambia County, Florida

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83])

[online conversion: <https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees>] This project will occur in the Sanders Beach Park in Pensacola, Florida.

Approximate center of the park location (World Geodetic System 1984): Sanders Beach Park: 30.400267°N, -87.237860°W. See Figure 1.

D. Existing Compliance Documentation

NEPA Documents

Are there any existing draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES ☒

NO ☐

Examples:

- TIG Restoration Plan/EA or EIS (draft or final)
- USACE programmatic NEPA analysis
- USACE Clean Water Act individual permit for the project
- NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES ☐

NO ☒

Permit Number and Type: Click or tap here to enter text

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES ☐

NO ☒

Permit Number and Type: Click or tap here to enter text.

If yes to any question above, please provide details in the text box (i.e. link to the NEPA document, or name of the document, year, lead federal agency, POC, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan.

Complete National Environmental Policy Act analysis for project activities will be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan #2 and Environmental Assessment.

The project would need to obtain U.S. Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP).

Any documentation or information provided will be very helpful in moving your project forward.

Name of Person Completing this Form: Nadia Martin, IEC

Name of Project Lead: Gareth Leonard, FWC

Date Form Completed: October 12, 2020

Date Form Updated: April 14, 2023

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action.

If CH is not designated in the area, then describe any suitable habitat in the area

a. Waterbody

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

This project would construct recreational access upgrades at the existing public Sanders Beach Park in Pensacola, Florida. The work includes both upland and in-water upgrades.

Sanders Beach Park, sits along the north end of Pensacola Bay at the mouth of Bayou Chico, directly west of the Inner

Harbor (Figure 1). Water depths in the harbor are generally shallow, except within the channel of Bayou Chico, and the West and East Approach Channels for the Inner Harbor. The boat launch contains multiple FEMA designated Flood Zones (i.e., Zone VE and Zone AE). Most recreational improvements would occur in both Zones VE and AE, with a flood elevation of eight to 11 feet (FEMA 2020). Sanders Beach Boat Launch sits on a part of Pensacola Bay that is listed as a 303d impaired waterbody for nutrients (FDEP, 2020). Based on the most updated wetland assessment, there are various estuarine and marine wetlands at Sanders Beach Boat Launch (Figure 2).

Does the project area include a river or estuary?

YES ☒ NO ☐

If yes, please approximate the navigable distance from the project location to the marine environment. Sanders Beach Park sits in the marine environment on Pensacola Bay.

b. Existing Structures

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

Sanders Beach Park has an existing paddlecraft launch (was a powercraft launch that was recently converted using non Natural Resource Damage Assessment funds), two existing docks, a parking lot

with 13 boat trailer spaces, and restroom facilities. The docks, restroom facilities, and parking lot would be upgraded as part of this project. The existing docks were demolished by Hurricane Sandy in late September 2020; repairs are ongoing as of May 2021 outside the scope of this Natural Resource Damage Assessment project.

c. Seagrasses & Other Marine Vegetation

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

N/A

d. Mangroves

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

N/A

e. Corals

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

N/A

f. Uplands

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

The upland portion of Sanders Beach Park is currently developed; project enhancements would occur within previously developed areas. Based on USGS's (2016) National Land Cover Database, Sanders Beach Park consists of both low intensity (22) and medium intensity (23) developed land.

g. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins YES ☒ NO ☐
 Whales YES ☐ NO ☒
 Manatees YES ☐ NO ☒

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see <http://www.nmfs.noaa.gov/pr/sars/region.htm>

The Pensacola Bay/East Bay stock of common bottlenose dolphin (*Tursiops truncatus*; NMFS 2020) and West Indian manatee (*Trichechus manatus*) are found in the action area.

h. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

Project soils are dominated by sands and include minimal amounts of tidal muck, pits, and water. Based on U.S.

Department of Agriculture's Natural Resource Conservation Service (2020), 72.7 percent of site soils are Troup sand, 8.6 percent are Dirego tidal muck, 5.3 percent are Hurricane sand, and 4.6 percent are pits (Figure 3).

i. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

Sanders Beach Park has already been developed and is being used for boating activities.

j. Essential Fish Habitat

If applicable. Describe any designated Essential Fish Habitat within the project area

N/A

F. Project Description

*l. Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

This project would provide and enhance recreational paddling opportunities by creating recreational amenities and water access point at Sanders Beach Park in Pensacola (Figures 1 and 4). Specific planned amenities include:

-
- Enhancing existing infrastructure at Sanders Beach Park: ○ Install floating accessible

kayak launch to the existing dock;

- Reconfigure the existing parking lot to include a concrete ramp that will allow handicap access from the parking lot to the east sidewalk and existing pier;
- Install monofilament recycling bins; ○ Install informational/educational kiosks; ○ Install a pavilion shelter that includes a picnic area;
- Enhance lighting at the park through installation of new poled and lights in accordance with applicable sea turtle lighting best practices;
- Update the existing restrooms through the application of resinous/epoxy flooring and provide funding for two new water closets; and
- Install benches and trash cans.

Project activities include engineering, design, permitting, construction, and monitoring. Pensacola manages over 90 parks with varying amenities; they would implement best management practices (BMP) proven successful at other city-managed parks. To better assist mobility impaired enthusiasts, Pensacola will select vendors based on innovative approaches and those who use effective products to assist users with entering and exiting the waterways.

This project is in conceptual planning and most amenities have yet to be designed. The exact locations would be determined during design but would be sited based on existing site conditions to minimize impacts to habitat.

Implementation of this project could include use of heavy construction equipment, such as bulldozers, trucks, backhoes, tractor trailers, cranes, small excavators, forklifts, asphalt machine, roller, small power tools, generators, small trucks, and hand tools. Construction vehicles and equipment would enter the site from the nearby. Both land- and water-based construction would occur. Vehicles and staging equipment would utilize previously existing roads, parking areas, and disturbed areas.

The amenities at Sanders Beach Park would use existing pilings and structures (i.e., no new pilings would need to be installed). Any work in wetland habitat 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.

There is no proposed demolition of existing structures. Avoidance of trees and habitat are proposed, but any unavoidable tree removal or structure removal would require materials to be removed from the site via trucks. Short-term as well as long-term disturbances to terrestrial soils and substrates would occur at the two sites as a result of construction and site preparation activities. However, the impacts would be localized to approximately five acres within the site area.

In-water work is proposed at Sanders Beach Park (which sits on Pensacola Bay). Based on available information, seagrass is not present within the action area (NOAA 2015, Florida Fish and Wildlife Research Institute [FWRI] 1987-2009, and FWCFWRI 2018 as accessed through Environmental Response Management Application, NOAA Office of Response and Restoration, University of New Hampshire, and U.S. Environmental Protection Agency 2018; Google Earth 2020). In-water work would follow USACE and National Marine Fisheries Service dock construction guidelines where possible. Upland work or work in wetlands would be conducted using BMPs such as sediment screens for erosion control to contain and

minimize erosion and runoff impacts such as utilizing erosion control plans, installing sediment traps, and silt curtains.

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

In-water work is anticipated. Construction at Sanders Beach Boat Launch would occur in a previously developed upland and estuarine area.

The project would be completed in approximately four years. Planning, engineering and design, and permitting of the recreational enhancements would occur in the first 12 months (Year 1) of the project. Upland and in-water construction would occur in Year 2. Following construction (Years 3 and 4), FWC would monitor recreational use at the project site. Short- and long-term inspection and maintenance of recreational infrastructure would be provided by the City of Pensacola.

III. *Specific In-Water and/or Terrestrial Construction Methods*

Please check yes or no for the following questions related to in-water work and overwater structures

<i>Does this project include in-water work?</i>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<i>Does this project include terrestrial construction?</i>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<i>Does this project include construction of an overwater structure?</i>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<i>Will fishing be allowed from this overwater structure?</i>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<i>Will wildlife observation be allowed from this overwater structure?</i>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<i>Will boat docking be allowed from this overwater structure?</i>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<i>Will fishing be allowed from this overwater structure?</i>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

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

iii. *Use of "Dock Construction Guidelines"?*

http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/dockkey2002.pdf iv. *Type of*

decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing? v. Height above Mean High Water (MHW) elevation?

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sq ft)?*

The overwater structure for this project is a floating kayak launch at Sanders Beach Park. The site is a public facility, and will be used to launch paddlecraft such as kayaks. The structure would only be used for non-motorized boat launch and landing. The floating kayak launch would be American with Disabilities Act compliant.

The overwater structures are still in a conceptual phase. All details regarding size and construction methods and details would be determined during engineering, design, and permitting.

This project would require in-water work for the installation of kayak launches to the existing docks at Sanders Beach Park; however, no pilings would be installed. Any work in wetland habitat would be coordinated with USACE pursuant to CWA/RHA. Coordination with the USACE and final authorization pursuant to CWA/RHA would be completed prior to final design and construction.

b. Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below

1. Method of pile installation	N/A
2. Material type of piles used	N/A
3. Size (width) of piles/sheets	N/A
4. Total number of piles/sheets	N/A
5. Number of strikes for each single pile	N/A
6. Number of strikes per hour (for a single pile)	N/A
7. Expected number of piles to be driven each day	N/A
8. Expected amount of time needed to drive each pile (minutes of driving activities)	N/A
9. Expected number of sequential days spent pile driving	N/A
10. Whether pile driving occurring in-water or on land	N/A
11. Depth of water where piles will be driven	N/A

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

N/A

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

N/A

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

N/A

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft²) to be dredged, volume of material (yd³) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

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

N/A

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris)], deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

There may be enhanced fishing opportunities from the proposed project based on increased parking and water access sites for paddlecraft. Bayou Texar and Pensacola Bay are both open to the Gulf of Mexico, meaning that there is potential for recreational fishing interactions with non-target species.

Monofilament recycling bins would be placed at the Sanders Beach Park to reduce impact of fishing gear on protected species. If required, additional conservation measures could be implemented such as posting educational signage to inform anglers about how to report entangled or trapped protected species, as well as warn anglers about protected species potentially present in the area.

G. NOAA Species & Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section G. and proceed to Section H.

☐ This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☐ ESA effects have been accounted for under an existing consultation.

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs.*

2. *Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit:
http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.*

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

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Determinations (see definitions below)	For “No Effect”, please select justification.
Green Sea Turtle (T)		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Hawksbill Sea Turtle (E)		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Kemp's Ridley Sea Turtle (E)		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Leatherback Sea Turtle (E)		Marine	May Affect, Not Likely to Adversely Affect	Select Most Appropriate
Loggerhead Sea Turtle		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Gulf Sturgeon CH	9	Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Gulf Sturgeon (T)		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Smalltooth sawfish (E)			May Affect, Not Likely to Adversely Affect	Choose an item.
Giant Manta Ray (T)		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.

Determination Definitions

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

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

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

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

H. USFWS Species & Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section G. and proceed to Section H.

☐ This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☐ ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit:
http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Determinations (see definitions below)	For “No Effect”, please select justification.
West Indian Manatee		Choose an item.	May Affect, Not Likely to Adversely Affect	Select Most Appropriate
Gopher Tortoise		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Wood Stork		Choose an item.	No Effect	Species does not occur within action area
Eastern Indigo Snake		Choose an item.	May Affect, Not Likely to Adversely Affect	Select Most Appropriate

Determination Definitions

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

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

LAA = may affect, likely to adversely affect. This determination is appropriate when the proposed action is likely to

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

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

I. Effects of the proposed project to the species and actions to reduce impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

Loggerhead turtle (*Caretta caretta*), green turtle (*Chelonia mydas*), leatherback turtle (*Dermochelys coriacea*), hawksbill turtle (*Eretmochelys imbricata*), and Kemp's ridley turtle (*Lepidochelys kempii*) have been observed swimming or feeding on seagrasses within Pensacola Bay. Turtle nesting does not occur within Pensacola Bay where project activities would occur. There is potential for sea turtle encounters during construction and after construction with private vessels using the paddlecraft launches. However, interactions with kayakers are not anticipated to adversely impact sea turtles. For these reasons, the project may affect but is not likely to adversely affect sea turtles.

Giant manta ray. Giant manta rays inhabit a wide variety of nearshore and offshore productive marine habitats. Since Pensacola Bay is open to the Gulf where giant manta rays are known to occur, the species could be present in the Bay. Boat strikes and fishing gear entanglement are known causes of injury and mortality to giant manta rays. Since giant manta rays are highly mobile, they would likely avoid the area during construction. To avoid and minimize impacts, BMPs would be implemented and adhered to during periods of in-water work. As a result of construction-related activities from these improvements, this project may have direct and/or indirect short-term minor adverse effects on the giant manta ray.

West Indian manatee. The West Indian manatee inhabits freshwater, brackish, and marine environments. It typically occurs in coastal and inland tidal rivers and streams, mangrove swamps, salt marshes,

freshwater springs, canals, lagoons, and vegetated bottoms. It moves to warm-water sites, including industrial warm-water discharges, during the winter. The project location does not intersect with any identified critical habitat for the West Indian manatee, but they could be present in the project area. 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 boat dock and paddle craft launch. As a result of construction related activities from these improvements (and with the implementation of BMPs), this project may affect but is not likely to adversely affect the West Indian manatee and other marine mammals.

Gulf sturgeon (*Acipenser oxyrinchus desotoi*) and their critical habitat and smalltooth sawfish (*Pristis pectinata*) may be affected by the part of this project that occurs in the intertidal zone of Pensacola Bay. Due, however, to the fact that 1) the water where construction activities occur is relatively shallow (less than six feet deep) and close to shore (within approximately 30 feet), 2) gulf sturgeon could avoid any disturbances in that area by swimming away, 3) any increased in turbidity caused by in-water project work would be relatively low compared to the naturally high levels there caused by wave actions in this area, and 4) all the required mitigation measures (i.e., best management practices) will be employed during the project, this project may affect, but is not likely to adversely affect, Gulf sturgeon or smalltooth sawfish.

Gopher tortoise (*Gopherus polyphemus*). The gopher tortoise is a terrestrial turtle that occurs in well drained sandy soils in sandhill, scrub, xeric hammock, pine flatwoods, dry prairie, coastal grasslands and dunes, and mixed hardwood pine habitats. Existing uplands at Baars Park include upland pine communities, providing potential habitat for the gopher tortoise. Additionally, gopher tortoises have been previously spotted in Pensacola. If any burrows are encountered in construction and staging areas, they will need to be relocated (after consulting with USFWS). As such, this project may affect but is not likely to adversely affect gopher tortoise.

Eastern indigo snake (*Drymarchon couperi*). The Eastern indigo snake inhabits a wide range of habitat types, including pine flatwoods, scrubby flatwoods, high pine, dry prairie, tropical hardwood hammocks, edges of freshwater marshes, agricultural fields, coastal dunes, and human-altered habitats. It frequently co-inhabits gopher tortoise burrows, thus the Eastern indigo snake will be subject to the same removal and relocation efforts if encountered. Thus, while this project may affect the Eastern indigo snake, it is not likely to adversely affect this species.

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

Specific conservation measures could be implemented during the finalization of engineering and design plans and construction to minimize erosion, habitat fragmentation, runoff, protected species impacts, and overall habitat impacts. To the extent possible, this alternative would utilize existing disturbed areas. Existing trees and habitat areas would be avoided where possible and feasible. Conservation measures, for any listed species, would be incorporated into final project design and implementation to avoid or

minimize any potential impacts to protected species. These could 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.

The following measures are proposed for implementation before construction activities to reduce or eliminate potential impacts on protected species from the proposed activity.

1. Conduct construction activities in accordance with Standard Manatee Construction Conditions for In-Water Work (USFWS 2011), which include, but are not limited to the following BMPs: Use siltation barriers made of material that will not entrap/entangle the West Indian manatee and will not impede manatee movement. Barriers will be properly secured and routinely monitored to ensure manatees are not entangled. Water vessels associated with construction will operate at “no wake/idle” speeds at all times in the construction area, and in water depths where the draft of the vessel provides less than a four-foot clearance from the sediment. Restrict in-water construction activities to the winter months, when manatees are least likely to be in the project vicinity.
2. Conduct construction activities in accordance with Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) which include, but are not limited to, the following BMPs: Use siltation barriers made of material that will not entrap/entangle a sea turtle, and do not block sea turtle access. Barriers will be properly secured and routinely monitored to ensure turtles are not entangled. Water vessels associated with construction will operate at “no wake/idle” speeds at all times in the construction area, and in water depths where the draft of the vessel provides less than a four-foot clearance from the sediment. Restrict construction activities to the winter months when turtles are not likely to be nesting and hatchlings not likely to be leaving the nest.

Frequently Recommended BMPs: This checklist provides standard BMPs recommended by NOAA and USFWS. Please select any BMPs that will be implemented:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | USFWS Standard Manatee In Water Conditions |
| <input checked="" type="checkbox"/> | NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions⁷ |
| <input checked="" type="checkbox"/> | NMFS Measures for Reducing the Entrapment Risk to Protected Species¹ |
| <input checked="" type="checkbox"/> | NFMS Vessel Strike Avoidance Measures and Reporting for Mariners¹ |

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf

⁷ Documents can be found here: http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

Best practices for birds (bald eagles [*Haliaeetus leucocephalus*], migratory birds), marine mammals (manatee, bottlenose dolphin), reptiles and amphibians (reticulated flatwoods salamander [*Ambystoma bishopi*], Eastern indigo snake), tortoises/turtles (gopher tortoise, sea turtles—in water), fish (gulf sturgeon), and general construction measures could be incorporated, where applicable (DWH Trustees 2016).

J. Effects to critical habitats and actions to reduce impacts

NOTE: Species selected as “No Effect” with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

Gulf Sturgeon critical habitat (unit 9; Figure 5): The only possible adverse long-term impacts would be due to the small increase in the footprint of the boat ramp from the installation of the floating kayak launch (no motorized watercraft) at Sanders Beach Boat Launch. Gulf sturgeon critical habitat (CH) would be avoided to the greatest extent possible by siting the kayak launch closer to shore rather than the end of the existing dock. By siting the launch away from Gulf sturgeon critical habitat, this project would not affect Gulf sturgeon CH.

II. *Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.*

Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

If required, construction activities could be conducted in accordance with general construction BMPs and Gulf sturgeon BMPs which include but are not limited to 1. Instruct all personnel associated with the construction and operational phases of the project in the potential presence of protected Gulf sturgeon. Furthermore, inform the construction site personnel

and personnel associated with operating the ferry of the civil and criminal penalties for harming, harassing, or killing species that are protected. 2. Keep construction noise low (in air and in water) to the greatest extent possible. 3. Care shall be taken in lowering equipment or material below the water surface and into the sediment. These precautions will be taken to ensure no harm occurs to any sturgeon

which may have entered the construction area undetected. 4. Maintain spill response kits on board during construction. 5. In the unlikely event that a protected Gulf sturgeon approaches the near-shore, littoral area of the proposed project, work would immediately cease until the sturgeon moves away from the area on its own volition. 7. Use sediment screens.

K. Marine Mammals

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g., whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☐ NO ☒ YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☒ NO ☐ YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz
<input type="checkbox"/>	<input checked="" type="checkbox"/>	b) In-water construction or demolition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d) In-water Explosive detonation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e) Aquaculture
<input checked="" type="checkbox"/>	<input type="checkbox"/>	f) Restoration of barrier islands, levee construction or similar projects
<input checked="" type="checkbox"/>	<input type="checkbox"/>	g) Fresh-water river diversions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	j) Conducting driving of sheet piles or pilings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	k) Use of floating pipeline during dredging activities

- III. If you checked “Yes” to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: <http://www.nmfs.noaa.gov/pr/acoustics/faq.htm>

Please see Section F for more information regarding in-water construction. Marine mammals, such as the West Indian manatee and bottlenose dolphins, have been documented utilizing a variety of Florida’s coastal waterways such as bays, estuaries, and tributaries. Dolphins primarily reside in marine waters and manatees are found in both marine and freshwater habitats.

- IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

<input checked="" type="checkbox"/>	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines ⁸
<input checked="" type="checkbox"/>	NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions ⁹
<input checked="" type="checkbox"/>	NMFS Measures for Reducing the Entrapment Risk to Protected Species ³
<input type="checkbox"/>	NFMS Vessel Strike Avoidance Measures and Reporting for Mariners ³
<input checked="" type="checkbox"/>	Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don’t Feed Wild Dolphins sign ³

If not listed above, please describe any additional BMPs or conservation measures that may be implemented for marine mammals. 1. Conduct construction activities in accordance with Standard Manatee Construction Conditions for In-Water Work (FWC, 2005), which include, but are not limited to the following BMPs.

- Use siltation barriers made of material that will not entrap/entangle the West Indian manatee and will not impede their movements. Barriers will be properly secured and routinely monitored to ensure manatees are not entangled.
 - Water vessels associated with construction will operate at “no wake/idle” speeds at all times in the construction area, and in water depths where the draft of the vessel provides less than a four-foot clearance from the sediment. 2. Restrict in-water construction activities to the winter months, when West Indian manatees are least likely to be in the project vicinity.
3. Keep construction noise low (in air and in water) to the greatest extent possible.
 4. Instruct all personnel associated with the construction and operational phases of the project in the potential presence of West Indian manatees in the water. Furthermore, advise construction site personnel associated with operating the ferry of the civil and criminal penalties for harming, harassing, or killing species that are protected under the Marine Mammal Protection Act, the ESA, and the Florida Manatee Sanctuary Act.
 5. Maintain spill response kits on board during construction.
 6. If a West Indian manatee comes within 50 feet of the construction area or barrier, activities would cease until the animal has moved on its own volition beyond the 50-foot radius of the project operation. The animals would not be herded away or harassed into leaving.

⁸ Documents can be found here: http://sero.nmfs.noaa.gov/protected_resources/outreach_and_education/index.html

⁹ Documents can be found here: http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html

7. In the event of a collision with a West Indian manatee, the on-site construction manager or ferry operations manager would immediately notify NMFS and the FWC.
8. Temporary signs (FWC-approved) concerning West Indian manatees would be posted before and during in-water project construction activities. For example, the sign depicted in this document would be 8.5 inches high by 11 inches wide, on laminated paper or metal.

L. Bald Eagles

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

If YES, the following conservation measures should be implemented:

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

Will you implement the above measures? ☐ NO ☒ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.

Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov

Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

M. Request approval for use of NMFS PDCs for this project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion completed by NMFS on February 10, 2016. To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. Check “yes” for PDC categories that apply to the proposed project, and request PDC checklist from NMFS.

NO	YES	ACTIVITY
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Oyster Reef Creation and Enhancement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Marine Debris Removal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction of Living Shorelines
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Marsh Creation and Enhancement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction of Non-Fishing Piers

N. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation

Christy Fellas, National Oceanic Atmospheric Administration
 Email: Christina.Fellas@noaa.gov
 Phone: 727-551-5714

USFWS ESA § 7 Consultation

Erin Chandler, Department of the Interior
 Email:
Erin_Chandler@fws.gov
 Phone: 470-361-3153

References and Data Sources:

Deepwater Horizon Natural Resource Damage Assessment (DWH NRDA) Trustees. 2016. *Deepwater*

- Horizon* oil spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement.
Baton Rouge, LA: National Oceanic and Atmospheric Administration. Available at:
<http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan>.
- Environmental Response Management Application. Web application. Gulf of Mexico. National Oceanic and Atmospheric Administration, 2014. Web. <<http://response.restoration.noaa.gov/erma/>>
- Federal Emergency Management Agency (FEMA). 2020. FEMA Flood Map. Available at:
<https://msc.fema.gov/portal/search?kbid=62548#searchresultsanchor>.
- Florida Department of Environmental Protection (DEP). Updated April 30, 2020, "Statewide Comprehensive Verified List of Impaired Waters". <https://floridadep.gov/dear/watershed-assessment-section/documents/comprehensiveverified-list>.
- National Marine Fisheries Service (NMFS). 2006. Sea Turtle and Smalltooth Sawfish Construction Conditions; revised March 23, 2006.
- National Marine Fisheries Service (NMFS). 2008. NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners; revised February 2008.
- National Marine Fisheries Service (NMFS). 2012. Measures for Reducing Entrapment Risk to Protected Species; revised May 22, 2012.
- National Marine Fisheries Service (NMFS). 2020. US Atlantic and Gulf of Mexico Marine Mammal Stock Assessments – 2019. NOAA Technical Memorandum NMFS-NE-264. Available at:
<https://www.fisheries.noaa.gov/webdam/download/109188360>.
- National Oceanic and Atmospheric Administration (NOAA). 2018. Essential Fish Habitat – Gulf of Mexico. Silver Spring, MD:
National Oceanic and Atmospheric Administration. Available at:
<https://www.habitat.noaa.gov/application/efhinventory/index.html>.
- U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). 2020. Web Soil Survey. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.
- U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FWC). 2011. Standard Manatee Conditions for In-Water Work.
- U.S. Fish and Wildlife Service (USFWS). 2020. Information for Planning and Consultation (IPaC). Available at: <https://ecos.fws.gov/ipac/>.
- U.S. Fish and Wildlife Service (USFWS). 2020. National Wetlands Inventory Wetlands Mapper (NWI). Available at: <https://www.fws.gov/wetlands/data/Mapper.html>.
- U.S. Geological Survey (USGS). 2016. National Land Cover Database. Available at:
https://www.usgs.gov/centers/eros/science/national-land-cover-database?qt-science_center_objects=0#qtscience_center_objects.



Figure 1. Sanders Beach Park project location in Pensacola, Florida.

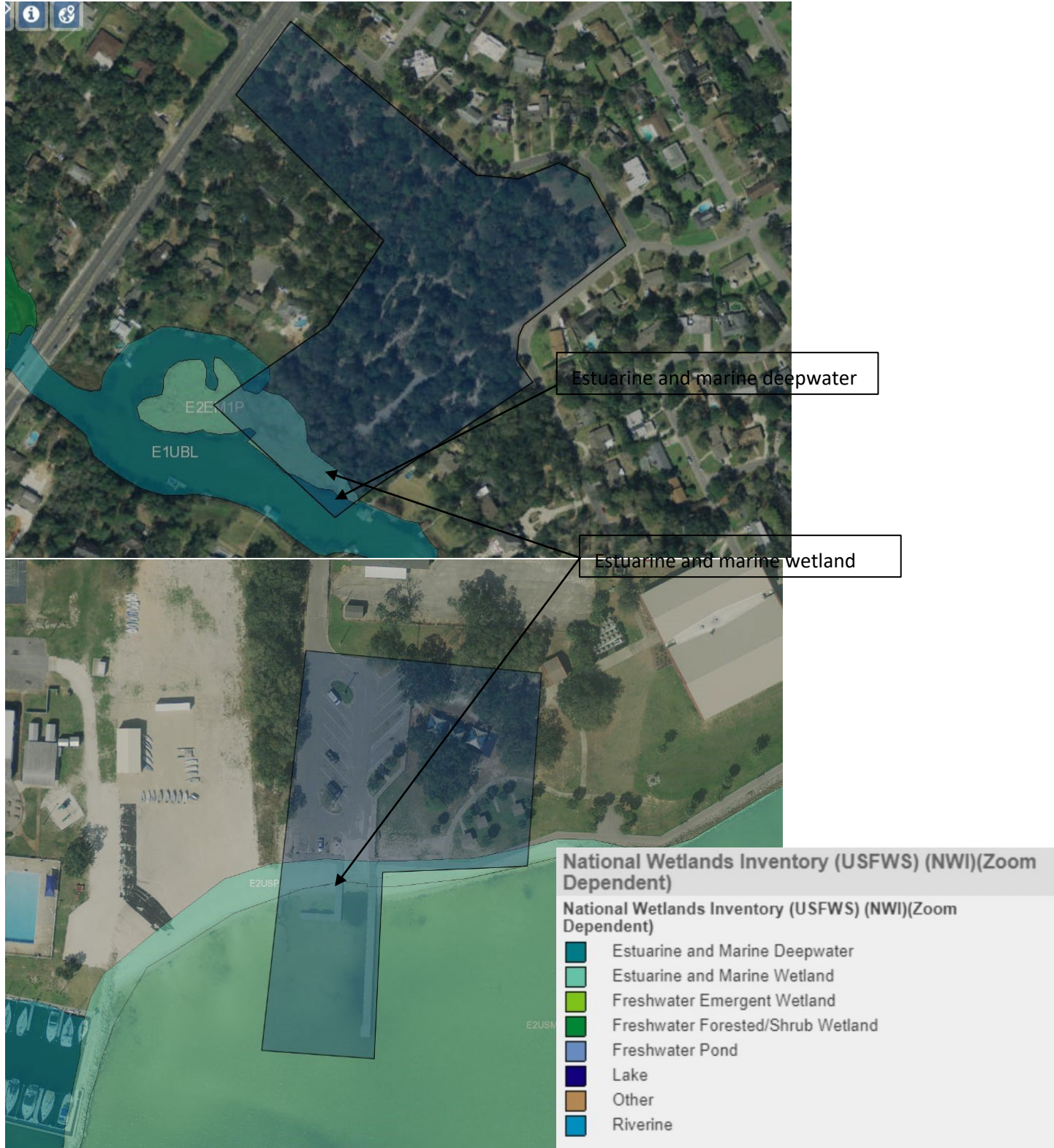
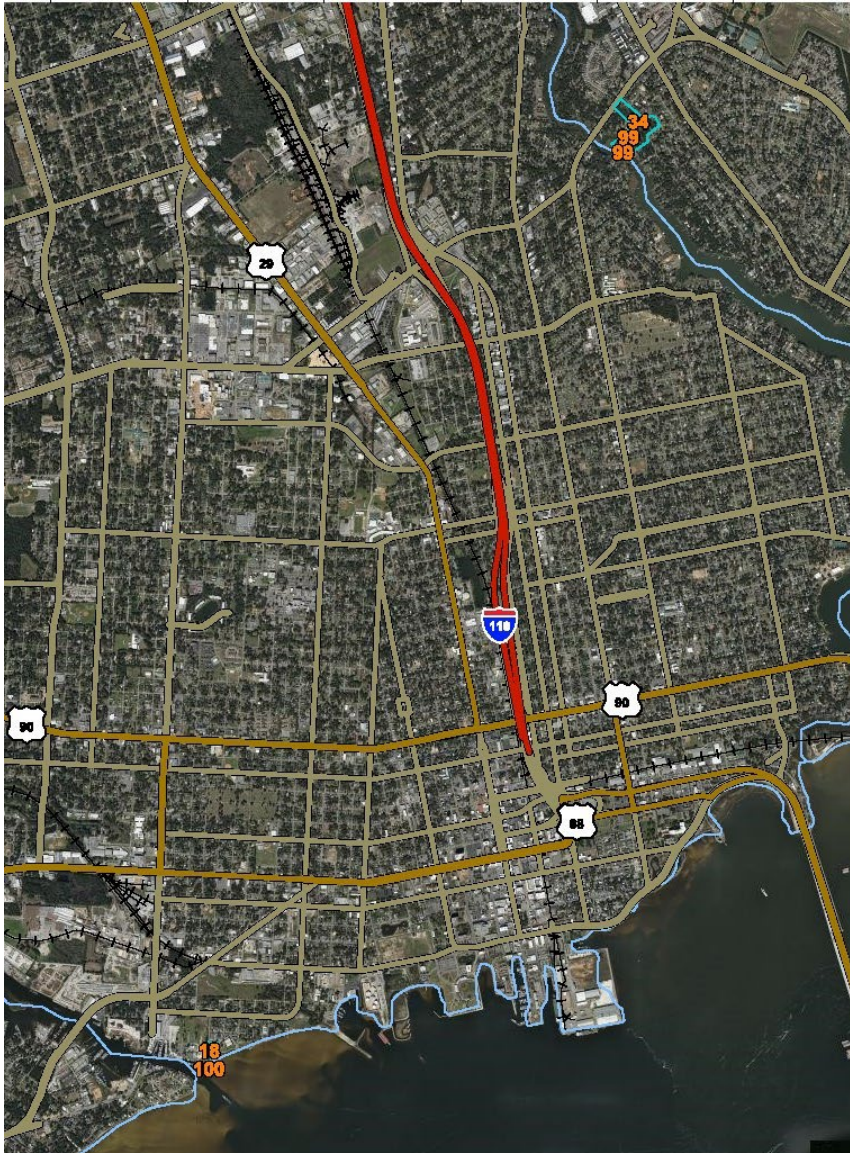


Figure 2. National Wetlands Inventory (USGS, 2016) results for Baars Park (top)(which is no longer part of

this project) and
Sanders Beach Park (bottom).



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
6	Dirego muck, tidal	1.6	8.6%
11	Hurricane sand, 0 to 5 percent slopes	1.0	5.3%
18	Pits	0.8	4.6%
34	Troup sand, 8 to 12 percent slopes	13.3	72.7%
99	Water	1.3	7.0%
100	Waters of the Gulf of Mexico	0.3	1.7%
Totals for Area of Interest		18.3	100.0%

Figure 3. USDA NRCS output for Baars Park (top right)(which is no longer part of this project) and Sanders Beach Park (bottom left).

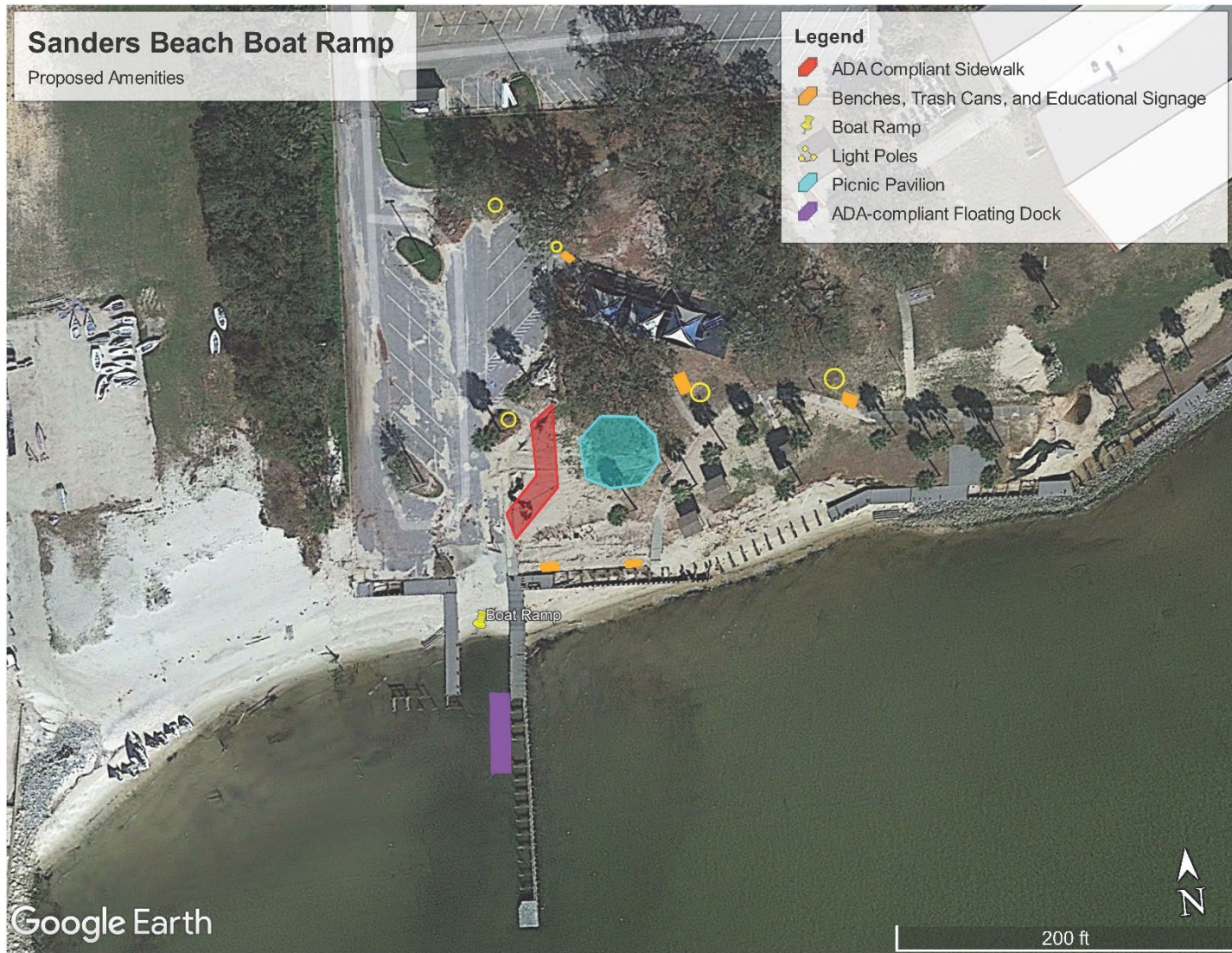


Figure 4. Aerial view of Sanders Beach with the ground proposed project elements identified, except for the existing bathroom facilities.



Figure 5. Gulf sturgeon critical habitat (unit 9) with project footprint at Sanders Beach Park.

**Attachment 3. Revised Biological Evaluation for Florida Trustee Implementation Group
Restoration Plan #2 Project: Baars Park and Sanders Beach Kayak Fishing Trail Access
Upgrades**

Biological Evaluation Form
Deepwater Horizon Oil Spill Restoration
U.S. Fish and Wildlife Service & National Marine Fisheries Service

This Biological Evaluation (BE) form will be filled out by the Implementing Trustee and used by the U. S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA). Section 106 of the National Historic Preservation Act (NHPA) review can be started by submitting this form to the online NHPA Submission Portal (<https://www.fws.gov/doid/web/compliance-reviews>).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons
U.S Fish and Wildlife Service: Michael Barron at michael_barron@fws.gov
National Marine Fisheries Service (NMFS): Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency (one or more):

USFWS ☒ NOAA ☒ Environmental Protection Agency (EPA) ☐ U.S. Department of Agriculture (USDA) ☐

Implementing Trustee(s): Florida Fish and Wildlife Conservation Commission

Contact Name: Gareth Leonard Phone: 850-617-9452 Email: gareth.leonard@myfwc.com

Project Name: Baars Park and Sanders Beach Kayak Fishing Trail

Access Upgrades DIVER ID# 282 Trustee Implementation

Group (TIG): Florida TIG Restoration Plan # 2

Name of Person Completing this Form: Amy Raker/Gareth Leonard

Name of Project Lead: Gareth Leonard

Date Form Completed: November 2024
 Date Form Updated: [Click here to enter text.](#)

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation ☒ Planning/Conceptual ☐ Engineering & Design ☒

If “Engineering & Design” was selected, please describe the level of design that has been completed and is available for review:

E&D in progress.

C. Project Location

I. State and County/Parish of action area

Sanders Beach Park, Pensacola, Escambia County, Florida.

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83]
 [online conversion: <https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees>] Approximate center of Sanders Beach Park (World Geodetic System 1984): 30.400267°N, -87.237860°W. See Figure 1.

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files are required and should be added to the same Sharepoint folder location as the BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component; all files should be polygons and not polylines



Figure 1: Sanders Beach Park project location in Pensacola, Florida.

D. Existing Compliance Documentation

National Environmental Policy Act (NEPA) Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES ☒

NO ☐

Examples:

-TIG Restoration Plan/Environmental Assessment or Environmental Impact Statement (draft or final)

-U.S. Army Corps of Engineers (USACE) programmatic NEPA analysis

-USACE Clean Water Act individual permit for the project

-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES ☐

NO ☒

Permit Number and Type: [Click here to enter text](#)

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES ☒

NO ☐

Permit Number and Type: [Click here to enter text.](#)

If yes to any question above, please provide details in the text box (i.e. link to/name of the NEPA document, year, lead federal agency, Point of Contact, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan. Any documentation or information provided will help move the project forward.

Complete NEPA analysis for project activities is included in the Florida Trustee Implementation Group's (TIG) Restoration

Plan #2 and Environmental Assessment <https://www.fws.gov/doiddata/dwh-ar-documents/4004/DWH-ARZ009338.pdf> and

FL TIG Resolution FL-2023-005 <https://www.fws.gov/doiddata/dwh-ar-documents/1203/DWH-ARZ011901.pdf>. The City of Pensacola is currently obtaining U.S. Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP) permits.

E. Description of Action Area

Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

a. Waterbody & Wetlands

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

This project would construct recreational access upgrades at the existing public Sanders Beach Park in

Pensacola, Florida. The proposed work includes upland work only. Sanders Beach Park sits along the north end of Pensacola Bay at the mouth of Bayou Chico, directly west of the Inner Harbor (Figure 1). Water depths in the harbor are generally shallow, except within the channel of Bayou Chico, and the West and East Approach Channels for the Inner Harbor. The boat launch contains multiple FEMA designated Flood Zones (i.e., Zone VE and Zone AE). Most recreational improvements would occur in both Zones VE and AE, with a flood elevation of eight to 11 feet (FEMA 2020). Sanders Beach Boat Launch sits on a part of Pensacola Bay that is listed as a 303d impaired waterbody for nutrients (FDEP, 2020). Based on the most updated wetland assessment, there are various estuarine and marine wetlands at Sanders Beach Boat Launch.

Does the project area include a river or estuary?

YES ☒ NO ☐

If yes, please approximate the navigable distance from the project location to the marine environment. Sanders Beach Park sits in the marine environment on Pensacola Bay.

b. Existing Structures

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

Sanders Beach Park has an existing paddlecraft launch, two existing docks, a parking lot with 13 boat trailer spaces, four individual picnic table pavilions, one larger pavilion, and restroom facilities. The restroom and picnic table pavilions would be replaced as part of this project.

c. Seagrasses & Other Marine Vegetation

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

N/A

d. Mangroves

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

N/A

e. Corals

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

N/A

f. Uplands

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

The upland portion of Sanders Beach Park is currently developed; project enhancements would occur within previously developed areas. Based on USGS's (2016) National Land Cover Database, Sanders Beach Park consists of both low intensity (22) and medium intensity (23) developed land.

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

Project soils are dominated by sands and include minimal amounts of tidal muck, pits, and water. Based on U.S.

Department of Agriculture's Natural Resource Conservation Service (2020), 72.7 percent of site soils are Troup sand, 8.6 percent are Dirego tidal muck, 5.3 percent are Hurricane sand, and 4.6 percent are pits.

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

Sanders Beach Park has already been developed and is being used for boating activities.

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins YES ☐ NO ☒

Whales YES ☐ NO ☒

Manatees YES ☐ NO ☒

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports for more information, see <http://www.nmfs.noaa.gov/pr/sars/region.htm>

N/A

F. Project Description

*I. Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

The City of Pensacola has requested that it modify the exiting Sanders Beach project, which was reviewed under two preexisting BE forms, which can be found here: <https://www.fws.gov/doiddata/dwh-ar-documents/4008/DWHARZ009705.pdf> and <https://www.fws.gov/doiddata/dwh-ar-documents/4008/DWH-ARZ012582.pdf>

The new proposed project elements are:

- **Do not build the proposed pavilion shelter. Instead, utilize the existing pavilion shelter and add picnic tables to it.**
- **Remove the four existing individual picnic table pavilions and replace them with 4 individual solar-lit picnic table pavilions.**
- **Remove the existing restrooms and install a prefabricated restroom.**

See *Evaluation of Changes to the Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades Project (2024)* for more detailed information.

There is proposed demolition of existing structures (restroom and four picnic table pavilions). Avoidance of trees and habitat is ideal, but any unavoidable tree removal or structure removal would require materials to be removed from the site via trucks. Short-term as well as long-term disturbances to terrestrial soils and substrates would occur as a result of construction and site preparation activities. However, the impacts would be localized to approximately five acres within the site area.

Implementation of these project elements could include the use of heavy construction equipment, such as bulldozers, trucks, backhoes, tractor-trailers, cranes, small excavators, forklifts, small power tools, generators, small trucks, and hand tools. Construction vehicles and equipment would enter the site from the nearby road. Vehicles and staging equipment would utilize previously existing roads, parking areas, and disturbed areas.



Figure 2: Project amenities including the new proposed elements of prefabricated bathroom and solar picnic pavilions.

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

Construction of the new proposed elements at Sanders Beach would occur in a previously developed upland. Following completion of E&D and permitting, upland construction would commence and be completed within 6-12 months. For 2 years post-construction, FWC would monitor recreational use at the project site. Short- and long-term inspection and maintenance of recreational infrastructure would be provided by the City of Pensacola.

III. *Specific In-Water and/or Terrestrial Construction Methods*

Please check yes or no for the following questions related to in-water work and overwater structures

Does this project include in-water work?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Does this project include terrestrial construction?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Does this project include construction of an overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Will fishing be allowed from this overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

Will wildlife observation be allowed from this overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Will boat docking be allowed from this overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).

N/A

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

iii. Use of "Dock Construction Guidelines"? <https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf>

iv. Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?

v. Height above Mean High Water (MHW) elevation?

vi. Directional orientation of main axis of dock?

vii. Overwater area (sq ft)?

The existing bathroom and four picnic table pavilions will be demolished, and the debris will be removed from the site by trucks. The prefabricated bathroom and solar-powered picnic table pavilions will be brought in by truck and will be installed in the same locations as the amenities they are replacing. Implementation of these project elements could include the use of heavy construction equipment, such as bulldozers, trucks, backhoes, tractor-trailers, cranes, small excavators, forklifts, small power tools, generators, small trucks, and hand tools. Construction vehicles and equipment would enter the site from the nearby road. Vehicles and staging equipment would utilize previously existing roads, parking areas, and disturbed areas.

a. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	N/A
2. Material type of piles used	N/A
3. Size (width) of piles/sheets	N/A
4. Total number of piles/sheets	N/A
5. Number of strikes for each single pile	N/A
6. Number of strikes per hour (for a single pile)	N/A
7. Expected number of piles to be driven each day	N/A
8. Expected amount of time needed to drive each pile (minutes of driving activities)	N/A

9. Expected number of sequential days spent pile driving	N/A
10. Whether pile driving occurring in-water or on land	N/A
11. Depth of water where piles will be driven	N/A

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

N/A

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

N/A

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

N/A

- e. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft²) to be dredged, volume of material (yd³) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

N/A

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

N/A

- g. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris)], deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

N/A

h. *Fishery Activities* (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:

<https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast> N/A

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

<https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb>
<https://portal.gulfcouncil.org/EFHreview.html>

<u>Gulf of Mexico EFH Eco-Region</u>	<u>Estuarine</u>	<u>Nearshore</u>	<u>Offshore</u>
<u>Eco-Region 1: South Florida</u> (Florida Keys north to Tarpon Springs, Florida)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Eco-Region 2: North Florida</u> (Tarpon Springs, Florida, north and west to Pensacola Bay, Florida)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Eco-Region 3: East Louisiana, Mississippi, and Alabama</u> (Pensacola Bay, Florida, west to the Mississippi River Delta)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Eco-Region 4: East Texas and West Louisiana</u> (Mississippi River Delta west and south to Freeport, Texas)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Eco-Region 5: West Texas</u> (Freeport, Texas south to the U.S./Mexico border)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

N/A

Will this project have beneficial effects to EFH?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If yes, please describe how your project will have beneficial effects the text box below:	

N/A

Will this project have adverse effects on EFH?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If yes, please describe what type of adverse effects your project will cause to EFH in the text box below:	

N/A

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

☐ This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

☒ ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit the ESA Section 7 Mapper at:

<https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=b184635835e34f4d904c6fb741cfb00d>

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in

riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Determinations (see definitions below)	For "No Effect", please select justification.
Choose an item.		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

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

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

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

I. USFWS Species and Critical Habitat and Effects Determination Requested

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

☐ This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.

☒ ESA effects have been accounted for under an existing consultation.

Existing Consultation Concurrence - #04EF2000-2021-B-0020, 07/16/2021

1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: <https://ipac.ecosphere.fws.gov/>.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Determinations (see definitions below)	For "No Effect", please select justification.
Choose an item.		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

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

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to

the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

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

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J.

I. *Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

Since the new proposed project activities are in the same project location and similar to those already evaluated under the two previously reviewed and approved BE forms <https://www.fws.gov/doiddata/dwh-ar-documents/4008/DWHARZ009705.pdf> and <https://www.fws.gov/doiddata/dwh-ar-documents/4008/DWH-ARZ012582.pdf>, the earlier consultation findings associated with these BE forms apply to these proposed project activities.

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

See Section J.I. above.

Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:

- ☐ **NMFS Protected Species Construction Conditions (2021)¹⁰**
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species¹**
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)¹**
- ☐ **USFWS Standard Manatee In Water Conditions (2011)¹¹ and Appropriate State Manatee Conditions¹²**

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

N/A

K. Effects to Critical Habitats and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

Since the new proposed project activities are in the same project location and similar to those already evaluated under the two previously reviewed and approved BE forms <https://www.fws.gov/doiddata/dwh-ar-documents/4008/DWHARZ009705.pdf> and <https://www.fws.gov/doiddata/dwh-ar-documents/4008/DWH-ARZ012582.pdf>, the earlier consultation findings associated with these BE forms apply to these proposed project activities.

¹⁰ <https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>

¹¹ <https://www.fws.gov/media/2011-standard-manatee-construction-conditions-water-work>

¹² Contact USFWS representative for appropriate documents

II. Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.

Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.

See Section K.I. above.

L. Marine Mammals

I. The Marine Mammal Protection Act (MMPA) prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g., whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☒ NO ☐ YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or

estuarine waters? ☐ NO ☐ YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
<input type="checkbox"/>	<input type="checkbox"/>	a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz
<input type="checkbox"/>	<input type="checkbox"/>	b) In-water construction or demolition
<input type="checkbox"/>	<input type="checkbox"/>	c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)
<input type="checkbox"/>	<input type="checkbox"/>	d) In-water Explosive detonation
<input type="checkbox"/>	<input type="checkbox"/>	e) Aquaculture
<input type="checkbox"/>	<input type="checkbox"/>	f) Restoration of barrier islands, levee construction or similar projects
<input type="checkbox"/>	<input type="checkbox"/>	g) Fresh-water river diversions
<input type="checkbox"/>	<input type="checkbox"/>	h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)
<input type="checkbox"/>	<input type="checkbox"/>	i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.
<input type="checkbox"/>	<input type="checkbox"/>	j) Conducting driving of sheet piles or pilings
<input type="checkbox"/>	<input type="checkbox"/>	k) Use of floating pipeline during dredging activities

III. If you checked “Yes” to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: <http://www.nmfs.noaa.gov/pr/acoustics/faq.htm>

N/A

IV. *Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:*

<input type="checkbox"/>	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines ¹³
<input type="checkbox"/>	NMFS Protected Species Construction Conditions (2021) ¹⁴
<input type="checkbox"/>	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012) ³
<input type="checkbox"/>	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021) ³
<input type="checkbox"/>	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don’t Feed Wild Dolphins sign ¹⁵

If not listed above, please describe any additional BMPs or conservation measures that may be implemented for marine mammals. N/A

M. Bald Eagles (Bald and Golden Eagle Protection Act)

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

Whether Bald Eagles are present or not, the following conservation measures should be implemented to protect eagles or in the case that previously unknown eagles are documented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.

¹³ <https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines>

¹⁴ <https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>

¹⁵ <https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>

3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐ NO ☒ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.

Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov

Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? ☒ NO ☐ YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at the following website and implement the appropriate measures to the extent practicable:

<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>

☐ NO ☒ YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic

Biological Opinion and updated Appendix A (2023). To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project.

Check “yes” for PDC categories that apply to the proposed project, and [request PDC checklist from NMFS](#). Review the document here on Sharepoint: [NMFS ESA PDCs](#)

YES	NO	ACTIVITY
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Marsh Creation, Maintenance, or Enhancement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Living Shorelines Construction Maintenance, or Expansion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Removal of Fishing Gear and Other Marine Debris
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Oyster Reefs Creation, Maintenance, or Enhancement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Artificial Reefs Construction, Maintenance, or Expansion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Boat Ramps Installation, Repair, Replacement, or Removal
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Establishing or Restoring SAV
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review.

Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation

Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 813-816-2732

USFWS ESA § 7 Consultation

Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

NHPA Consultation

Benjamin Frater, Department of the Interior
Email: benjamin_frater@fws.gov
Phone: 404-314-8815