



# 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 Trustee

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.

<b>Proposed Project</b>	<b>Brief Description</b>
<p><b>Gomez Key Oyster Reef Expansion and Breakwaters for American Oystercatchers</b></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"> <li>• 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</li> <li>• 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.</li> </ul> <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><b>Reducing Vessel-Strikes of Sea Turtles</b></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"> <li>• 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;</li> <li>• Quantify vessel use and activity at the same passes;</li> <li>• 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</li> </ul>

	<p>passes and identify areas with low, medium and high risk of a vessel-strike;</p> <ul style="list-style-type: none"> <li>• Obtain information on factors that may influence the risk of a vessel-strike for sea turtles;</li> <li>• Conduct surveys of boaters to assess the acceptability and perception of boaters to identified strategies to reduce vessel-strikes;</li> <li>• Quantify the willingness and potential motivation of boaters to change their boating practices to reduce vessel-strikes of sea turtles;</li> <li>• 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.</li> </ul>
<p><b>Perdido Key Sediment Placement</b></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"> <li>• Re-introduce sand into the barrier island system through: <ul style="list-style-type: none"> <li>○ A) “swash zone” placement (the area extending from the +three-foot-above mean high water to mean low water); or</li> <li>○ 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.</li> </ul> </li> </ul>
<p><b>St. Vincent National Wildlife Refuge Access and Recreational Improvements</b></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"> <li>• Acquire the 10 to 15-acre Indian Pass parcel for inclusion into SVNWR;</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensure access and use of the boat dock/slip (for primary access to SVNWR);</li> <li>• Increase vehicle/trailed unpaved gravel parking at the existing boat ramp from approximately 14 to 31 spaces;</li> <li>• Install monofilament fishing line recycling bins;</li> <li>• Convert the campground store to a visitor contact station for SVNWR, including installing educational signage;</li> <li>• Construct a kayak boat launch that provides access to the shoreline but no launch structure; and,</li> <li>• Construct an additional 10 unpaved parking spaces.</li> </ul> <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>
<p><b>Pensacola Maritime Park Public Fishing Marina</b></p>	<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"> <li>• Construction of a designed and permitted 48-vessel slip public fishing marina;</li> <li>• Installation educational signage/kiosks, monofilament recycling bins, and sea-turtle-friendly lights at the new marina.</li> </ul> <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><b>Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades</b></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"> <li>• Creating recreational infrastructure at Baars Park: <ul style="list-style-type: none"> <li>○ 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;</li> <li>○ Construct a small unpaved parking lot with approximately eight parking spaces;</li> <li>○ Construct a picnic area/shelter;</li> <li>○ Install monofilament recycling bins;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Install informational/educational kiosks;</li> <li>● Enhancing existing infrastructure at Sanders Beach Boat Launch: <ul style="list-style-type: none"> <li>○ Convert the existing powercraft launch to an accessible kayak launch (method to be determined);</li> <li>○ Install floating accessible kayak launches to the two existing docks;</li> <li>○ Reconfigure, and possibly expand, the existing parking lot;</li> <li>○ Install monofilament recycling bins;</li> <li>○ Install informational/educational kiosks.</li> </ul> </li> </ul> <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 utilize previously existing roads, parking areas, and disturbed areas.</p>
<p><b>Gulf Breeze Park Boating and Fishing Access Upgrades</b></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"> <li>● Enhance Shoreline Park South (a popular destination for boat launching) by: <ul style="list-style-type: none"> <li>○ 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;</li> <li>○ Renovating the boat launches (specifically, making slope repairs above the waterline);</li> <li>○ 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;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Improving/enhancing parking, utilities, and security;</li> <li>○ Installing additional monofilament recycling bins, if there is determined to be a need.</li> <li>● Enhance Woodlands Park by: <ul style="list-style-type: none"> <li>○ Demolishing the existing dock and pier;</li> <li>○ 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;</li> <li>○ Constructing a new American with Disabilities Act compliant restroom facility;</li> <li>○ Installing monofilament recycling bins;</li> <li>○ Expanding parking and a concrete walk to connect the improvements to the existing facilities.</li> </ul> </li> <li>● Enhance Vista Park by: <ul style="list-style-type: none"> <li>○ Constructing a new small vessel/fishing boat launch;</li> <li>○ Installing a floating dock (16 feet by 26 feet) attached to the shoreline;</li> <li>○ Installing monofilament recycling bins;</li> <li>○ Constructing a new concrete walk connecting to existing park.</li> </ul> </li> </ul> <p>Project activities include engineering, design, construction, and monitoring.</p>
<p><b>Lincoln Park Boat Ramp and Dock Improvements</b></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"> <li>● 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);</li> <li>● 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;</li> <li>● Install approximately three concrete piles to support the waterward end of the slab (if determined to be required during design);</li> <li>● Demolish the existing central pier (~710 square feet) and construct two new flanking access docks (~1,072 square feet);</li> <li>● 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</li> <li>● Install monofilament recycling bins.</li> </ul>

	<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><b>Florida Artificial Reef Creation and Restoration - Phase 2</b></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 inter-agency 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"> <li>• 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.</li> <li>• Constructing artificial reefs with one or more of the following materials: 1) rock boulders, 2) prefabricated concrete, or 3) designed modules.</li> </ul> <p>Project activities include engineering, design, feasibility studies, permitting, construction, and monitoring. All in-water conservation measures for manatees would be followed.</p>



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

Table 2. (Continued)

<b>ESA Species Under USFWS Jurisdiction</b>	<b>Status</b>	<b>Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades</b>	<b>Gulf Breeze Park Boating and Fishing Access Upgrades</b>	<b>Lincoln Park Boat Ramp and Dock Improvements</b>	<b>Florida Artificial Reef Creation and Restoration – Phase 2</b>
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)

<b>ESA Species Under USFWS Jurisdiction</b>	<b>Status</b>	<b>Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades</b>	<b>Gulf Breeze Park Boating and Fishing Access Upgrades</b>	<b>Lincoln Park Boat Ramp and Dock Improvements</b>	<b>Florida Artificial Reef Creation and Restoration – Phase 2</b>
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 ionatha</i> )	Threatened	--	--	--	--
Telephus Spurge ( <i>Euphorbia telephioides</i> )	Threatened	--	--	--	--
White Birds-in-a-Nest ( <i>Macbridea alba</i> )	Threatened	--	--	--	--