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 February 28, 2024

To: Memorandum to File

From: Michael Barron, Deepwater Horizon Gulf Restoration Office

Subject: Regulatory Compliance Determinations for Restoration Projects Proposed in the Florida Trustee Implementation Group's Restoration Plan #3: Water Quality

Under the Endangered Species Act (ESA) 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. This memo does not include any information or effects determinations for protected species under the jurisdiction of the National Marine Fisheries Service.

Based on our review of the project materials provided, the compliance determinations of eleven projects proposed for implementation in the *Draft Restoration Plan and Environmental Assessment #3: Water Quality* are indicated below:

Project Title	Endangered Species Act	Marine Mammal Protection Act	Bald and Golden Eagle Protection Act	Migratory Bird Treaty Act	Coastal Barrier Resources Act
Bond Farm Hydrologic Enhancement Impoundment	R-SC	NA	NT	NT	NA
Bond Farm Hydrologic Enhancement Southwest Discharge Structure (Planning)	R-SC	NA	NT	NT	NA
Carpenter Creek Hydrologic Restoration and Stormwater Improvements	NE	NA	NT	NT	NA
Choctawhatchee Bay Unpaved Roads Initiative	R-SC	NA	NT	NT	NA
Gulf Breeze Septic to Sewer Conversion	NE	NA	NT	NT	R-SC
Hollice T. Williams Stormwater Park	NE	NA	NT	NT	NA
Lower Suwannee National Wildlife Refuge Hydrologic Restoration Phase 2 (Planning)	R-SC	NA	NT	NT	NA
Pensacola Bay Unpaved Roads Initiative Phase 2 (Planning)	R-SC	NA	NT	NT	R-SC
Pensacola and Perdido Bay Watersheds Microbial Source Tracking (Planning)	R-SC	R-SC	NT	NT	R-SC
Santa Rosa County Septic to Sewer Conversion	NE	NA	NT	NT	R-SC
Telogia Creek Watershed Water Quality Improvements	R-SC	NA	NT	NT	NA

R-SC – Required-Separate Consultation; NA – Not Applicable; NT – No Take; NE – No Effect

Should any project be modified in a way that could adversely impact species or habitats, this determination will be reevaluated as appropriate.

All projects with statutes marked as R-SC will undergo separate consultations in order to satisfy those requirements and are not approved by this memorandum.

If you have questions or concerns regarding this action or need to see any documents that are not included in this memo, please contact Michael Barron, Fish and Wildlife Biologist, at 251-421-7030 or michael_barron@fws.gov.

Attachments (11)

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: Michael Barron at michael_barron@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: Bond Farm Hydrologic Enhancement Impoundment

DIVER ID# Click to enter text TIG: Florida TIG Restoration Plan # 3

B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:
Just
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:
100% design drawings have been completed and are included with the Clean Water Act Section 404 Permit (beginning p. 15
Attachment A).

C. Project Location

I. State and County/Parish of action area

Bond Farm Property within the Fred C. Babcock/Cecil M. Webb Wildlife Management Area (BWWMA), Charlotte County, Florida (**Figures 1** and **2**).

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] Project activities would occur at 26.811740°N, 81.904372°W NAD83.

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 may be added to the same folder location as where this BE is filed on Sharepoint . 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

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: Clean Water Action Section 404 Individual

Permit, TaILS tracking number: 04EF2000-2020-TA-0017; USACE project number SAJ-2019-01500. Included as **Attachment A**.

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.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan 3 and Environmental Assessment (RP3/EA).

This project has secured a Clean Water Act Section 404 Individual permit through the Florida Department of Environmental Protection's (FDEP) State permitting program (permit no: 0375475-004 SFI; included as **Attachment A**). As part of this permitting process, the U.S. Fish and Wildlife Service (USFWS) reviewed the permit application and provided technical assistance comments that are incorporated as specific permit conditions for listed species.

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

Name of Person Completing this Form: Emily Mazur, IEc
Name of Project Lead: Gareth Leonard, FWC
Date Form Completed: November 6, 2023
Date Form Updated: January 4, 2024

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 a hydrologic enhancement impoundment (HEI) on the Bond Farm property of the BWWMA in Charlotte County, Florida. No marine in-water work would be conducted. Bond Farm is a parcel located within the broader BWWMA (i.e., managed by the Florida Fish and Wildlife Conservation Commission [FWC]) and the Gator Slough Basin. The nearby Charlotte Harbor is largely pollution-free, leading to the area's designation as an Outstanding Florida Water Body (Florida Department of Environmental Protection [FDEP] 2022). Freshwater emergent wetlands, forested/shrub wetlands, freshwater ponds, and riverine wetlands are present within the Bond Farm property (U.S. Fish and Wildlife Service [USFWS] 2021).

The BWWMA lies at the headwaters of the Gator Slough watershed, which historically drained southwest via the Yucca
Pens Unit towards Matlacha Pass and Charlotte Harbor to the Gulf of Mexico (**Figure 1**). Surface water flows off the BWWMA have been altered by various land management and land use changes. Today, the BWWMA experiences a deeper and longer duration of seasonal flooding. Surface water draining from the BWWMA headwaters has been restricted, and wet season stages and hydroperiods in the southwest portions are now wetter than typical for the historic vegetative communities. The Bond Farm property, which is within the historic flow way for much of the BWWMA, was purchased in 2015 by the State of Florida to be merged with the BWWMA and managed by FWC. The goal of this acquisition was to help alleviate drainage issues in BWWMA by converting the property to an impoundment that captures, stores, and conveys water. Water flows would be facilitated through the Gator Slough watershed by restoring hydroperiods in wetlands upstream on the BWWMA and downstream on the Yucca Pens Unit, reducing peak flow to the downstream estuarine waters of Matlacha Pass and Charlotte Harbor to the Gulf of Mexico.

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. N/A

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.

Some limited, existing structures existing on the Bond Farm property from its previous use as private pasture lands.

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 – no in-water work would occur.

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 – no in-water work would occur as part of the project.

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 – no in-water work would occur as part of the project.

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.).

Uplands in BWWMA consists of slash pine flatwood, depression marsh, dry prairie, and wet flatwood habitats. The U.S. Geological Survey's (USGS) National Land Cover Database categorizes upland areas in the Bond Farm property as primarily woody wetlands and pasture/hay (USGS 2016).

g. Soils and Sediments

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

Soils within the BWWMA are characterized as primarily Wabsso, Hallandale, and Pineda sands, with shelly and molluskbearing sediments (U.S. Department of Agriculture Natural Resource Conservation Service 2023). Soils and sediments within the Bond Farm property are composed of fine, silty and clay sands on top of limestone substrates. The BWWMA is located within the Gulf Coastal Lowlands and Caloosahatchee Valley physiographic provinces. The Gulf Coastal Lowlands is a gently sloping marine plain that is characterized by karst flatlands with many swamps and sloughs (FWC 2014).

h. Land Use

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

Areas within BWWMA are zoned for hydrological preservation, habitat preservation, and public visitation purposes. The Bond Farm Property was historically a private cattle pasture. In 2015, the State of Florida purchased the property to convert it to an HEI as part of the Lower Charlotte Harbor Flatwoods Strategic Hydrologic Restoration Plan.

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 (SARs) 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.*

This project would be implemented by the FWC Florida TIG Trustee in coordination with the BWWMA. This project would reduce hydrologic degradation in the BWWMA through the construction of a HEI to manage surface water flows. This alternative builds on work conducted in the FL TIG RP1/EA *Lower Charlotte Harbor Flatwoods Hydrologic Restoration Initiative, Yucca Pens Unit (Planning & Design)* project, which developed a science-based, data-driven Strategic Hydrological Planning tool that provided guidance for restoration and management of surface waters that flow through the Yucca Pens Unit of the Babcock-Webb WMA into eastern Charlotte Harbor and the Caloosahatchee River.

Specifically, this project would construct a 538-acre HEI that would store up to 2,150 acre-feet of excess surface water from the BWWMA during the wet season and release the water downstream primarily through Prairie Pines during the dry season. The impoundment would include berms approximately 8 feet high to store surface water up to 4 feet, flashboard risers, stop logs, small vertical lift gates, and two small pump stations. Approximately 484,000 cubic yards of sediment would be excavated, and 394,000 cubic yards would be filled. Excavated sediment/soils could be re-used on site, as long as it meets the requirements for the Select Fill. Surplus or unsuitable excavated soils/sediments could be disposed of on-site (in areas approved by FWC) or hauled and disposed of off-site.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)* This project would take approximately 10 years. Years 1 and 2 would include pre-construction monitoring, acquiring permits, and procuring construction materials. Years 3 and 4 would include construction. Post-construction monitoring would start in Year 5 and continue for 5 years. Monitoring and reporting requirements are detailed in the attached documents.

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☐	NO☒
Does this project include terrestrial construction?	YES☒	NO☐
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

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)?*

Terrestrial-based construction would occur to excavate and fill the HEI, create the berms around the property, and install pump structures as outlined in **Attachment A**. Various small to heavy-weight digging and manual construction equipment would be used, such as backhoes, excavators, dump trucks, graders, dozers, pile drivers, crane, dewatering pumps etc. All construction staging would occur within site boundaries, after requisite pre-construction monitoring as outlined in **Attachment A**. Construction would occur year-round, with potential breaks during heavy rain seasons and if listed species are present.

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.*

Digging would occur in the terrestrial environment to excavate and fill the HEI, construct the berms, and install water pumps and conveyance features as designed in **Attachment A**. Various

small to heavy-weight digging and manual construction equipment would be used, such as backhoes, excavators, dump trucks, graders, dozers, pile drivers, crane, dewatering pumps etc. All construction staging would occur within site boundaries, after requisite pre-construction monitoring as outlined in **Attachment A**. Construction would occur year-round, with potential breaks during heavy rain seasons and if listed species are present. Approximately 484,000 cubic yards of sediment would be excavated and 394,000 cubic yards would be filled.

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)).*

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

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐
Eco-Region 2: North Florida *(Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☐	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama *(Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐

Eco-Region 4: East Texas and West Louisiana *(Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas *(Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

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☐ NO☒
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.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

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: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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 H. 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 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 listed in the firs 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.

*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 G. 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 G.

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.**
Aboriginal prickly-apple			No Effect	No suitable habitat in action area
Audubon's crested caracara			May Affect, Not Likely to Adversely Affect	Choose an item.
Beautiful pawpaw			No Effect	No suitable habitat in action area
Eastern black rail			No Effect	No suitable habitat in action area
Eastern indigo snake			May Affect, Not Likely to Adversely Affect	Choose an item.
Everglade snail kite			No Effect	Species does not occur within action area
Florida bonneted bat			May Affect, Not Likely to Adversely Affect	Choose an item.
Florida panther			No Effect	No suitable habitat in action area
Gopher tortoise			May Affect, Not Likely to Adversely Affect	Choose an item.

Miami blue butterfly			No Effect	Species does not occur within action area
Red-cockaded woodpecker			May Affect, Not Likely to Adversely Affect	Choose an item.
Wood stork			May Affect, Not Likely to Adversely Affect	Choose an item.
Aquatic species present in the county in IPaC, but unlikely at the inland, terrestrial project area.				
Green sea turtle		Terrestrial	No effect	No suitable habitat in action area
Loggerhead sea turtle		Terrestrial	No effect	No suitable habitat in action area
Gulf sturgeon		Riverine/Freshwater	No effect	No suitable habitat in action area

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 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.

As described in Section D, this project has secured a Clean Water Act Section 404 Individual permit through FDEP's State permitting program (permit no: 0375475-004 SFI; included as **Attachment A**). As part of the permitting process, the USFWS reviewed the permit application and provided technical assistance comments (TaILS 04EF2000-2020-TA-0017) that are incorporated as specific permit conditions for listed species. In addition to the discussion of potential species presence and project impacts, a summary of permit conditions to prevent or mitigate impacts to protected species are included below.

The **aboriginal prickly-apple** (*Harrisia aboriginum*) is unlikely to be present at the project site. The Bond Farm site is previously-disturbed, altered habitat from long-term use as cattle pasture. The property contains many old berms separated by pooling surface water. According to the Section 404 permit issued for the project, at least 610 acres of the 669-acre project site at Bond Farm consists of wetlands and surface waters, and due to historic hydrologic changes, the site and the nearby BWWMA experience increasingly prolonged high-water periods. According to the species' critical habitat designation (see 81 F.R. 3874), hydric or saline soil conditions do not support *H. aboriginum.* Further, the plant occurs on coastal berms and spoil mounds, maritime hammocks, and shell middens, all of which are not found at the project site. Therefore, this project would have no effect on *H. aboriginum*.

The **American alligator** (*Alligator mississippiensis*) is listed as "threatened due to similarity of appearance" with the American crocodile (*Crocodylus acutus*), typically prefers slow-moving freshwater rivers, swamps, or marshes. Despite the previously-disturbed nature of the project site, it is possible that these reptiles may be found in its wetlands, as the nearby BWWMA is known habitat for *A. mississippiensis.* If project activities do cause any disturbance to *A. mississippiensis* in the project area, there is protected, suitable habitat nearby at the BWWMA for individuals to move to.

Audubon's crested caracara (*Polyborus plancus audubonii*) typically occupies upland prairie containing wet areas. These birds may be present at the project site. Project activities may cause temporary avoidance behavior from the presence of human activity and construction noise. The Section 404 permit conditions include pre-construction surveys to ensure no Audubon's crested caracara nesting pairs are present (**Attachment A**). If nesting is found, nest avoidance buffers would be implemented, and the USFWS would be notified to develop a management plan (**Attachment A**). With the implementation of the permit conditions, impacts

would be insignificant, and as such, this project may affect, but is not likely to adversely affect, *P. plancus audubonii*.

The **beautiful pawpaw** (*Deeringothamnus pulchellus*) typically occupies pine flatwood habitats, including those uplands of Bond Farm on the main tract of the BWWMA. However, it is unlikely to occur at the Bond Farm project site, where little natural habitat exists due to the site's usage as pasture/farmland. Further, the most recent species status assessment documents known locations of the beautiful pawpaw, none of which are located near Bond Farm. Therefore, this project would have no effect on *D. pulchellus*.

The **eastern black rail** (*Laterallus jamaicensis jamaicensis*) occupies herbaceous emergent wetlands with dense ground cover and elevated refugia, and is therefore considered unlikely to be found in the project site due to the already disturbed nature of the Bond Farm plot and its resulting low habitat quality. Further, eBird data indicates that the eastern black rail has not been sighted near the project area or Charlotte County. Therefore, this project would have no effect on *L.*
jamaicensis.

The **eastern indigo snake** (*Drymarchon couperi*) may potentially be found on the project site if refugia such as gopher tortoise burrows are present. The Section 404 permit includes conditions such as compliance with the USFWS's *Standard Protection Measures for the Eastern Indigo Snake* (2013), in addition to the inspection of holes, cavities, or other snake refugia to confirm there are no individuals present, and the cessation of construction if eastern indigo snakes are present in the vicinity of construction areas (**Attachment A**). With the implementation of the permit conditions, impacts would be insignificant, and as such, this project may affect, but is not likely to adversely affect, *D. couperi.*

The **Everglade snail kite** (*Rostrhamus sociabilis plumbeus*) is unlikely to be found on the Bond Farm project site, as the bird primarily occurs in marsh and lake systems within the Everglades, Lake Okeechobee, and a few other freshwater systems in southern peninsular Florida (none of which are near the project site or BWWMA). Therefore, this project would have no effect on *R. sociabilis plumbeus.*

The **Florida bonneted bat** (*Eumops floridanus*) occupies forested wetland, herbaceous wetland, scrub-shrub wetland, upland forest, and upland shrub habitat, and therefore may occur in the project site. Project activities may disrupt foraging or roosting behaviors in the area, cause temporary avoidance behavior due to the presence of human activity and construction noise, or disrupt *E. floridanus* habitat. The Section 404 permit includes conditions such as adherence to the USFWS's *Best Management Practices for Development Projects* (**Attachment A**) to mitigate impacts to the *E. floridanus*. With the implementation of the permit conditions, impacts would be insignificant, and as such, this project may affect, but is not likely to adversely affect, *E. floridanus.*

The **Florida panther** (*Puma concolor coryi*) [and **Puma** (*Puma concolor, all subspecies except coryi*), which is listed as "threatened due to similarity of appearance" in Florida] primarily occupies rockland forest habitat types and is unlikely to occur on the disturbed, low-habitat-quality wetlands of the project site. Further, sighting data indicates that the Florida panther has not occurred within a five-mile radius of Bond Farm (FWC, 2023). Therefore, this project would have no effect on *P. concolor coryi* or other subspecies of *P. concolor.*

The **gopher tortoise** (*Gopherus polyphemus*) may potentially occur at the project site, and therefore project activities may disrupt foraging or burrowing behaviors or cause avoidance of the area due to presence of human activity or alteration of habitat. The Section 404 permit includes conditions such as pre-construction surveys for gopher tortoise burrows, avoidance buffers around any located burrows, and notification of the USFWS if burrows are found so a management plan can be formed (**Attachment A**). With the implementation of the permit conditions, this project may affect, but is not likely to adversely affect, *G. polyphemus.*

The **Miami blue butterfly** (*Cyclargus thomasi bethunebakeri*) is unlikely to be found at the project site, as it is only known to occur within select areas of the Florida Keys. Therefore, this project would have no effect on *C. thomasi bethunebakeri.*

The **red-cockaded woodpecker** (*Leuconotopicus borealis*) may potentially be found at the project site in mature pine forest/trees. Project activities may disrupt foraging behavior for *L. borealis* by causing temporary avoidance behavior from human activity and construction noise. The Section 404 permit includes conditions such as conducting surveys for nesting or cavity trees prior to tree removal or construction, implementing avoidance buffers around any cavity trees found, and the notification of the USFWS if cavity trees or nesting is discovered so a management plan can be formed (**Attachment A**). With the implementation of the permit conditions, impacts would be insignificant, and as such, this project may affect, but is not likely to adversely affect, *L. borealis.*

The **wood stork** (*Mycteria americana*) is likely to be found in the project area and neighboring BWWMA. Project activities may disrupt foraging behavior of *M. americana* in the wetlands of the project site or cause temporary avoidance behavior. The Section 404 permit includes conditions for the wood stork, such as compliance with wetland mitigation and monitoring requirements (**Attachment A**). With the implementation of the permit conditions, impacts would be insignificant, and as such, this project may affect, but is not likely to adversely affect, *M. americana*.

In addition to the species listed in Section I, the monarch butterfly (*Danaus plexippus*), a candidate species, may be present in the action area. However, no conference is being requested for this species at this time.

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 reinitiate this consultation.

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

- ☐ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)[1]**
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species[1]**
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)[1]**

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.

N/A – no critical habitats are designated within the action area.

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.

N/A

[1] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

L. 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
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	*e) Aquaculture*
☐	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*g) Fresh-water river diversions*
☐	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*
☐	☐	*j) Conducting driving of sheet piles or pilings*
☐	☐	*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:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[2]
☐	NMFS Protected Species Construction Conditions (2021)[3]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[4]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. Click here to enter text.

M. 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

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

[2] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[3] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[4] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

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:
The Clean Water Action Section 404 State Individual Permit (**Attachment A**), includes specific conditions for listed species, including migratory birds, that will be implemented during construction and implementation to minimize impacts to listed species. For migratory birds, these measures include preconstruction surveys, buffers around nesting birds, and seasonal construction stoppages to avoid peak nesting season.

Project proponent will review the appropriate BMPs and CMs found at this 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 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
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**
☒	☐	**Construction of Non-Fishing Piers**

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: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

List of Attachments

- **Attachment A –** Clean Water Action Section 404 State Individual Permit No. 0375475-004SFI

References

Designation of Critical Habitat for Consolea corallicola (Florida Semaphore Cactus) and Harrisia aboriginum (Aboriginal Prickly-Apple): Final rule, 81 F.R. 3874 (to be codified at 50 CFR Part 17). https://www.govinfo.gov/content/pkg/FR2016-01-22/pdf/2016-01141.pdf

Florida Department of Environmental Protection (FDEP). 2022. Outstanding Florida Waters. Web application. Updated September 11, 2023. Accessed September 15, 2023. https://geodata.dep.state.fl.us/datasets/FDEP::outstandingflorida-waters

Florida Fish and Wildlife Conservation Commission (FWC). 2014. A Management Plan for Fred C. Babcock-Cecil M. Webb Wildlife Management Area. November. Available at: https://myfwc.com/media/5347/cmp-babcock-webb.pdf Florida Fish and Wildlife Conservation Commission (FWC). 2023. Panther Sightings. Web page. Accessed 1/2/2024. https://app.myfwc.com/hsc/panthersightings/Home/Locations#.

U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). 2023. Web Soil Survey. Available at: https://webSoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

U.S. Fish and Wildlife Service (USFWS). 2021. 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: Aerial map of the BWWMA and Bond Farm project area

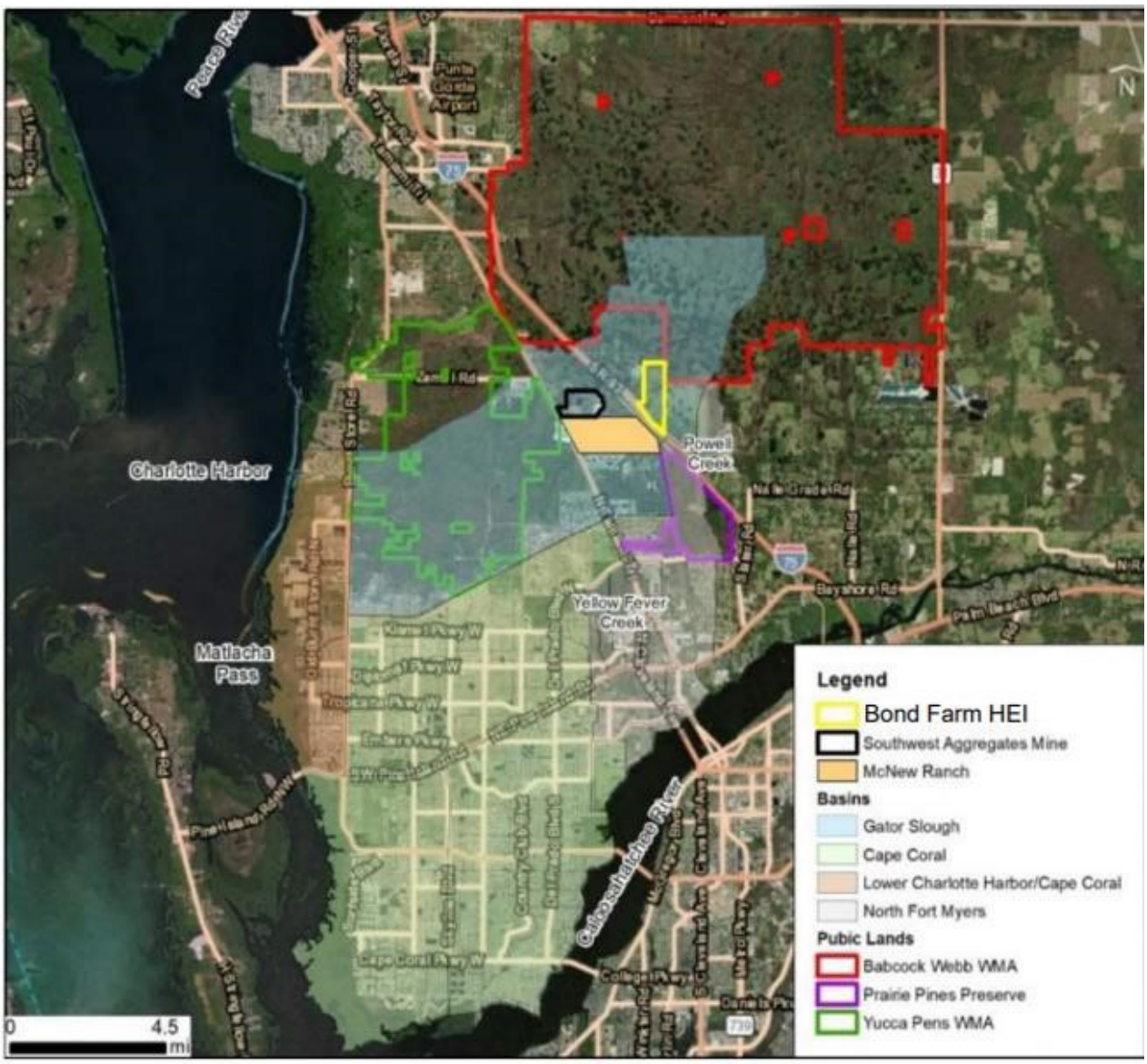
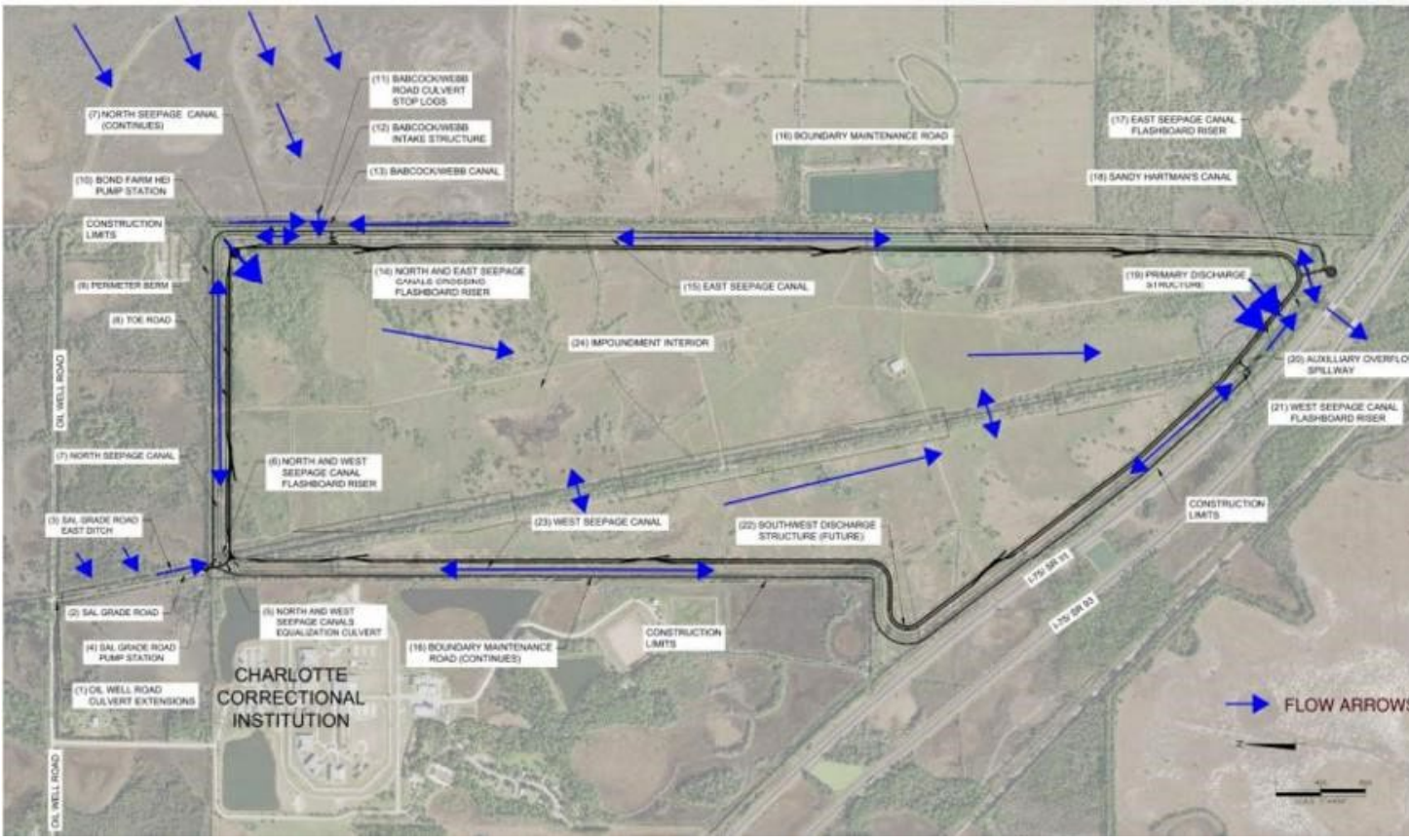


Figure 2: Map of the project area with hydrologic enhancement impoundment flow features and directions.


(11) BABCOCK/WEBB ROAD CULVERT STOP LOGS
(7) NORTH SEEPAGE CANAL (CONTINUES)
(12) BABCOCK/WEBB INTAKE STRUCTURE
(16) BOUNDARY MAINTENANCE ROAD
(17) EAST SEEPAGE CANAL FLASHBOARD RISER
(13) BABCOCK/WEBB CANAL
(10) BOND FARM HEI PUMP STATION
(18) SANDY HARTMAN'S CANAL
CONSTRUCTION LIMITS
(14) NORTH AND EAST SEEPAGE CANALS CROSSING FLASHBOARD RISER
(15) EAST SEEPAGE CANAL
(19) PRIMARY DISCHARGE STRUCTURE
(9) PERIMETER BERM
(8) TOE ROAD
(24) IMPOUNDMENT INTERIOR
(20) AUXILLIARY OVERFLOW SPILLWAY
OIL WELL ROAD
(21) WEST SEEPAGE CANAL FLASHBOARD RISER
(7) NORTH SEEPAGE CANAL
(6) NORTH AND WEST SEEPAGE CANAL FLASHBOARD RISER
(3) SAL GRADE ROAD EAST DITCH
(23) WEST SEEPAGE CANAL
(22) SOUTHWEST DISCHARGE STRUCTURE (FUTURE)
CONSTRUCTION LIMITS
I-75/ SR 93
I-75/ SR 93
(2) SAL GRADE ROAD
(5) NORTH AND WEST SEEPAGE CANALS EQUALIZATION CULVERT
(4) SAL GRADE ROAD PUMP STATION
(16) BOUNDARY MAINTENANCE ROAD (CONTINUES)
CONSTRUCTION LIMITS
CHARLOTTE CORRECTIONAL INSTITUTION
(1) OIL WELL ROAD CULVERT EXTENSIONS
FLOW ARROWS
OIL WELL ROAD

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: Michael Barron at michael_barron@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: Bond Farm Hydrologic Enhancement Southwest Discharge Structure (Planning)

DIVER ID# Click to enter text TIG: Florida TIG Restoration Plan # 3

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: N/A

C. Project Location

I. State and County/Parish of action area

Bond Farm, part of the Fred C. Babcock/Cecil M. Webb Wildlife Management Area (BWWMA) in Charlotte County, Florida (**Figure 1**).

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] Project activities would include engineering and design (E&D) and permitting of a water discharge structure (i.e., no construction would occur under this project). The structure is proposed to be built on Bond Farm: 26.794°N, -81.897°W
NAD83 (**Figure 2**).

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 may be added to the same folder location as where this BE is filed on Sharepoint . 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

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.

A National Environmental Policy Act (NEPA) analysis for this planning project would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan 3 and Environmental Assessment (RP3/EA).

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

Name of Person Completing this Form: Emily Mazur, IEc
Name of Project Lead: Gareth Leonard, FWC
Date Form Completed: October 30, 2023
Date Form Updated: January 16, 2024

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 design and acquire permits for a structure to convey waters from the Bond Farm hydrologic enhancement impoundment in Charlotte County, Florida. As such, no in-water or terrestrial construction work would be conducted. Bond Farm is a parcel located within the broader BWWMA (i.e., managed by the FWC) and the Gator Slough Basin. The nearby Charlotte Harbor is largely pollution-free, leading to the area's designation as an Outstanding Florida Water Body (Florida Department of Environmental Protection [FDEP] 2022). Freshwater emergent wetlands, forested/shrub wetlands, freshwater ponds, and riverine wetlands are present within the Bond Farm property (U.S. Fish and Wildlife Service [USFWS] 2021).

The BWWMA lies at the headwaters of the Gator Slough watershed, which historically drained southwest via the Yucca
Pens Unit towards Matlacha Pass and Charlotte Harbor to the Gulf of Mexico (**Figure 1**). Surface water flows off the BWWMA have been altered by various land management and land use changes.

Today, the BWWMA experiences a deeper and longer duration of seasonal flooding. Surface water draining from the BWWMA headwaters has been restricted, and wet season stages and hydroperiods in the southwest portions are now wetter than typical for the historic vegetative communities. The Bond Farm property, which is within the historic flow way for much of the BWWMA, was purchased in 2015 by the State of Florida to be merged with the BWWMA and managed by FWC. The goal of this acquisition was to help alleviate drainage issues in BWWMA by converting the property to an impoundment that captures, stores, and conveys water. Water flows would be facilitated through the Gator Slough watershed by restoring hydroperiods in wetlands upstream on the BWWMA and downstream on the Yucca Pens Unit, reducing peak flow to the downstream estuarine waters of Matlacha Pass and Charlotte Harbor to the Gulf of Mexico.

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. Click or tap here to enter text.

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.

Some limited, existing structures exist on the Bond Farm property. No existing structures are located within the footprint of the proposed water discharge structure.

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 – no in-water work would occur for the project.

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 – no in-water work would occur for the project.

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 – no in-water work would occur for the project.

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.).

Uplands in BWWMA consist of slash pine flatwood, depression marsh, dry prairie, and wet flatwood habitats. The U.S. Geological Survey's (USGS) National Land Cover Database categorizes upland areas as primarily woody wetlands and woody herbaceous wetlands (USGS 2016). Substantial portions of the BWWMA are treated for non-native plant species management (FWC 2014).

g. Soils and Sediments

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

Soils within the BWWMA are characterized as primarily Wabsso, Hallandale, and Pineda sands, with shelly and molluskbearing sediments. The BWWMA is located within the Gulf Coastal Lowlands and Caloosahatchee Valley physiographic provinces. The Gulf Coastal Lowlands is a gently sloping marine plain that is characterized by karst flatlands with many swamps and sloughs (FWC 2014).

h. Land Use

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

Areas within the BWWMA are zoned for hydrological preservation, habitat preservation, and public visitation purposes. To the north, areas are zoned for field trial grounds and Boy Scout camps. In the southwest corner of the BWWMA, areas are zoned for camping grounds and picnic areas. The remainder of the area is primarily used for trails and unimproved roads.

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 (SARs) 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.

This project would be implemented by the FWC Florida TIG Trustee in coordination with the BWWMA. This project would design and acquire permits for a discharge structure for the impoundment proposed as part of the Florida TIG RP3/EA's *Bond Farm Hydrologic Enhancement Impoundment* (preferred) project. The discharge structure, once constructed, would facilitate freshwater flows through the Gator Slough watershed, help restore hydroperiods in surrounding wetlands, and assist in reduction of peak flows to downstream estuarine waters.

Specifically, this project would:

- Engineer and design a discharge structure to convey water flows from the proposed Bond Farm impoundment.
- Obtain environmental permits to construct and operate the designed structure.

The discharge structure, once constructed, would convey water from the impoundment to the western property boundary. Water would flow through existing culverts under I-75 and would connect to a future drainage easement which would discharge into the Yucca Pens Unit of the WMA. This alternative would modify a section of the proposed impoundment's west berm and seepage canal; incorporate a gated gravity flow or a pump station discharge; convey flows to existing, unmodified I-75 culverts; and provide for both automatic and manual controls. Water would flow via the future drainage easement to the Yucca Pens Unit as a timed release to reduce the potential for dry-out and extend the wet season hydroperiod.

Project activities would primarily be desktop-based, from existing offices. In-field surveys (topographical, geotechnical, ESAspecies surveys) would occur to support E&D; however, no construction activities would occur.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)* The project would take approximately 2 years.

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☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

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)?*

N/A

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)).*

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

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

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☐ NO☒
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.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

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: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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 H. 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 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 listed in the firs 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.

*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 G. 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 G.

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.**
Florida bonneted bat		Choose an item.	May Affect, Not Likely to Adversely Affect	
Florida panther		Choose an item.	May Affect, Not Likely to Adversely Affect	
Audubon's crested caracara		Choose an item.	May Affect, Not Likely to Adversely Affect	
Eastern black rail		Choose an item.	May Affect, Not Likely to Adversely Affect	
Everglade snail kite		Choose an item.	May Affect, Not Likely to Adversely Affect	
Red-cockaded woodpecker		Choose an item.	May Affect, Not Likely to Adversely Affect	
Wood stork		Choose an item.	May Affect, Not Likely to Adversely Affect	

Eastern indigo snake		Choose an item.	May Affect, Not Likely to Adversely Affect	
Miami blue butterfly		Choose an item.	No Effect	Species does not occur within action area
Aboriginal prickly-apple		Choose an item.	No Effect	No suitable habitat in action area
Beautiful pawpaw		Choose an item.	No Effect	No suitable habitat in action area
Aquatic species present in the county in IPaC, but unlikely at the inland, terrestrial project area				
Green sea turtle		Terrestrial	No Effect	No suitable habitat in action area
Loggerhead sea turtle		Terrestrial	No Effect	No suitable habitat in action area
Gulf sturgeon		Riverine/Freshwater	No Effect	No suitable habitat in action area

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.
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 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.

Project activities would primarily include desk-based analyses, with some in-field topographic and geotechnical surveys by foot. Species listed in Section I may rest, forage, or traverse Bond Farm, where the topographic and geotechnical surveys would occur. Human disturbance could startle individual animals. Because other foraging/resting habitats are nearby (less than 2 miles) this temporary displacement would be within normal movement patterns, and, as such, this effect is considered insignificant. The proposed project would not result in habitat changes. For these reasons, this project may affect, but is not likely to adversely affect, faunal species listed in Section I.

In addition to the species listed in Section I, the monarch butterfly (*Danaus plexippus*), a candidate species, may be present in the action area. However, no conference is being requested for this species at this time.

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 reinitiate this consultation.*

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

- ☐ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)[5]**
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species[1]**
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)[1]**

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

[5] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

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.

N/A – no critical habitat is located within the action area.

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.

N/A

L. 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
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	*e) Aquaculture*
☐	☐	*f) Restoration of barrier islands, levee construction or similar projects*

☐	☐	*g) Fresh-water river diversions*
☐	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*
☐	☐	*j) Conducting driving of sheet piles or pilings*
☐	☐	*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:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[6]
☐	NMFS Protected Species Construction Conditions (2021)[7]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[8]

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

M. 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).

[6] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[7] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[8] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

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

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 this 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 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
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**

☒ ☐ **Construction of Non-Fishing Piers**

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: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

References

Florida Department of Environmental Protection (FDEP). 2022. Outstanding Florida Waters. Web application. Updated September 11, 2023. Accessed September 15, 2023. https://geodata.dep.state.fl.us/datasets/FDEP::outstandingflorida-waters

Florida Fish and Wildlife Conservation Commission (FWC). 2014. A Management Plan for Fred C. Babcock-Cecil M. Webb Wildlife Management Area. November. Available at: https://myfwc.com/media/5347/cmp-babcock-webb.pdf U.S. Fish and Wildlife Service (USFWS). 2021. 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: Map showing the broader Bond Farm project area

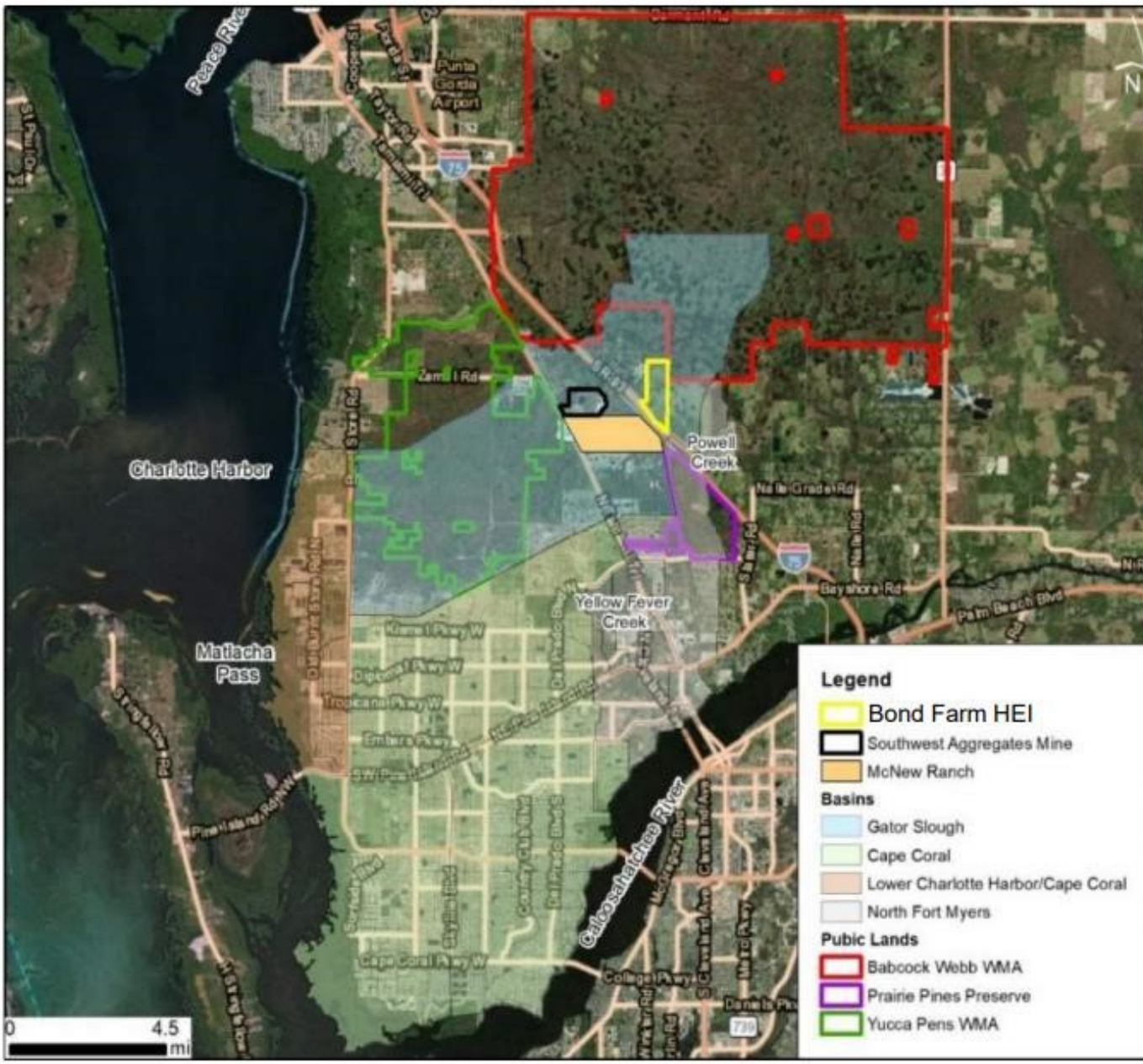
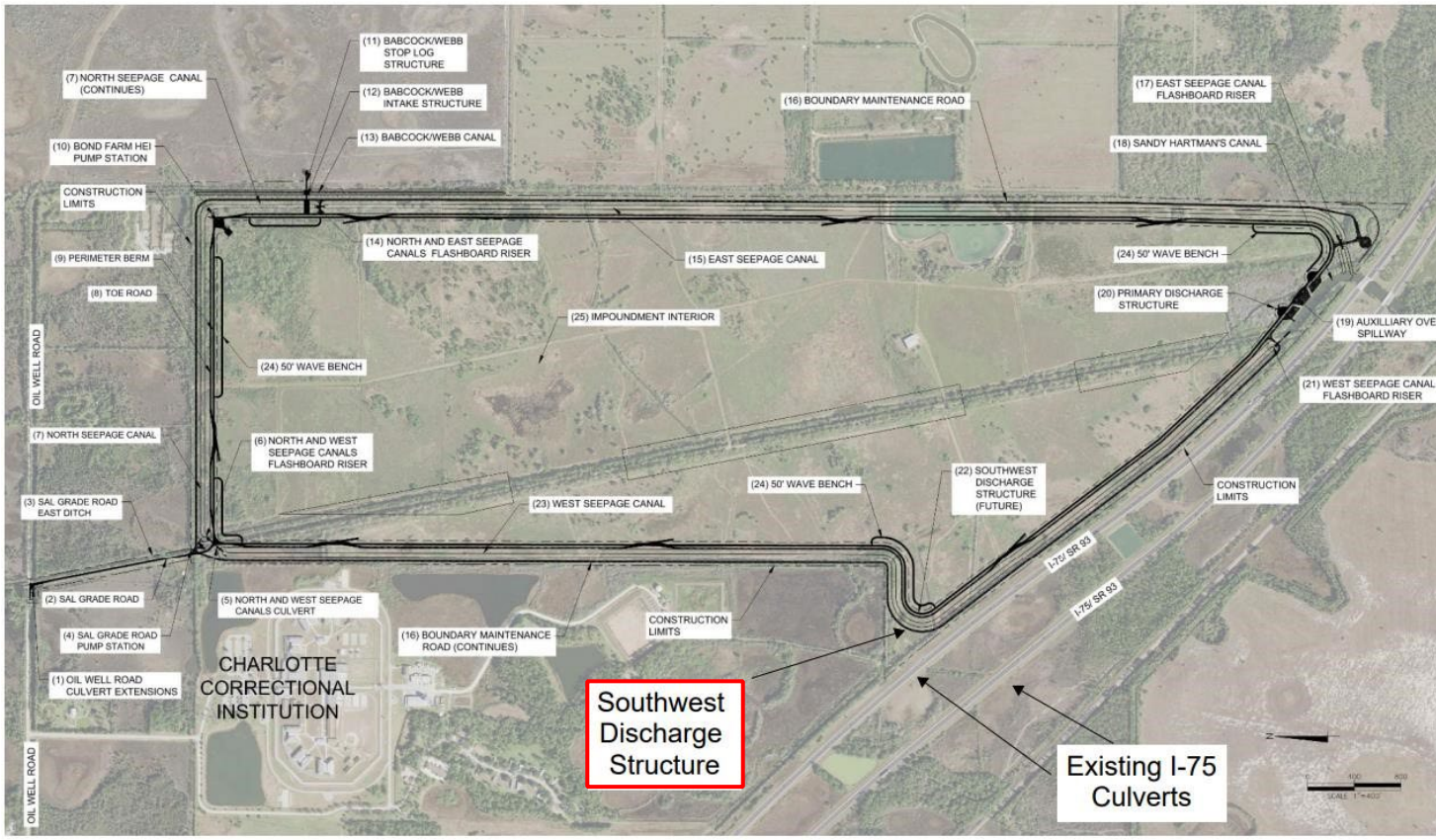


Figure 2: Map showing different elements of the Bond Farm project and proposed discharge structure (in red)


(11) BABCOCK/WEBB STOP LOG STRUCTURE
(7) NORTH SEEPAGE CANAL (CONTINUES)
(12) BABCOCK/WEBB INTAKE STRUCTURE
(16) BOUNDARY MAINTENANCE ROAD
(17) EAST SEEPAGE CANAL FLASHBOARD RISER
(10) BOND FARM HEI PUMP STATION
(13) BABCOCK/WEBB CANAL
(18) SANDY HARTMAN'S CANAL
CONSTRUCTION LIMITS
(14) NORTH AND EAST SEEPAGE CANALS FLASHBOARD RISER
(15) EAST SEEPAGE CANAL
(24) 50' WAVE BENCH
(9) PERIMETER BERM
(8) TOE ROAD
(25) IMPOUNDMENT INTERIOR
(20) PRIMARY DISCHARGE STRUCTURE
(19) AUXILLIARY OVE SPILLWAY
OIL WELL ROAD
(24) 50' WAVE BENCH
(21) WEST SEEPAGE CANAL FLASHBOARD RISER
(7) NORTH SEEPAGE CANAL
(6) NORTH AND WEST SEEPAGE CANALS FLASHBOARD RISER
(22) SOUTHWEST DISCHARGE STRUCTURE (FUTURE)
(24) 50' WAVE BENCH
CONSTRUCTION LIMITS
(3) SAL GRADE ROAD EAST DITCH
(23) WEST SEEPAGE CANAL
I-75/ SR 93
I-75/ SR 93
(2) SAL GRADE ROAD
(5) NORTH AND WEST SEEPAGE CANALS CULVERT
(4) SAL GRADE ROAD PUMP STATION
(16) BOUNDARY MAINTENANCE ROAD (CONTINUES)
CONSTRUCTION LIMITS
CHARLOTTE CORRECTIONAL INSTITUTION
(1) OIL WELL ROAD CULVERT EXTENSIONS
Southwest Discharge Structure
Existing I-75 Culverts
OIL WELL ROAD
N

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: Michael Barron at michael_barron@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 Department of Environmental Protection (FDEP)

Contact Name: Sarah Ketron Phone: 850-245-2167 Email: Sarah.Ketron@FloridaDEP.gov

Project Name: Carpenter Creek Hydrologic Restoration and Stormwater Improvements

DIVER ID# Click to enter text TIG: Florida TIG Restoration Plan # 3

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: N/A

C. Project Location

I. State and County/Parish of action area City of 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]

Project activities would occur at three sites in the Carpenter Creek Watershed in Escambia County, Florida (**Figure 1**). The central locations for each of the three sites are as follows:

- Robins Ridge: 30.498304°N, 87.24295°W NAD83.
- Coronet Drive: 30.505537°N, 87.246689°W NAD83
- Cardinal Cove: 30.501657°N, 87.236729°W NAD83

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 may be added to the same folder location as where this BE is filed on Sharepoint . 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

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.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan 3 and Environmental Assessment (RP3/EA).

This project would require a Clean Water Action Section 404 permit through the Florida Department of Environmental Protection (FDEP). A permit would be applied for following completion of engineering and design.

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

Name of Person Completing this Form: Emily Mazur, IEc
Name of Project Lead: Sarah Ketron, FDEP
Date Form Completed: November 2, 2023
Date Form Updated: December 10, 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 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 retrofit existing stormwater management systems and restore stream hydrology within the
Carpenter Creek Watershed in Escambia, Florida. No marine in-water work would occur as part of the project. The
Carpenter Creek Watershed is a highly degraded urban tributary, flowing south through the City of Pensacola to Bayou Texar and Pensacola Bay. Carpenter Creek is currently listed as a FDEP impaired waterbody for nutrients and fecal indicator bacteria (FDEP 2023). Freshwater forested/shrub wetlands are present within the action area (Robins Ridge) (U.S. Fish and Wildlife Service [USFWS] 2021).

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. Approximately 4.5 river-miles.

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.

The Carpenter Creek Watershed is a highly developed urban watershed, built out with residential, commercial, and industrial areas. This project would target stormwater improvements near residential areas.

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- No marine in water work would occur.

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- No marine in water work would occur.

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- No marine in water work would occur.

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.).

Uplands the Carpenter Creek Watershed consists primarily of developed land ranging from low to high intensities. The U.S. Geological Survey's (USGS) National Land Cover Database categorizes remaining upland areas as evergreen forests and woody wetlands (USGS 2016).

g. Soils and Sediments

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

Sediments and soils within the Carpenter Creek Watershed have been formally characterized Croatan Muck, Poarch Sandy Loam, Escambia Fine Sandy Loam, and Grady Loam (U.S. Department of Agriculture Natural Resource Conservation Service 2023). Soils along the creek itself are Dorovan mucks.

h. Land Use

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

Areas within the Carpenter Creek Watershed are zoned for residential, industrial, and commercial purposes.

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 (SARs) 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.*

This project would be implemented by the FDEP Florida TIG Trustee in coordination with the City of Pensacola. The project would retrofit existing stormwater management systems and install additional stormwater infrastructure to provide additional water treatment, and thereby improve water quality in the Pensacola watershed. The project would build on information contained within the Carpenter Creek Watershed Master Plan (Escambia County, 2022), which included proposed sites and activities for stream restoration and stormwater treatment activities, a suite of which would be implemented as part of this project to assist in the restoration of the Carpenter Creek watershed.

Specifically, the project would:

- **Conduct in-stream restoration and create retention ponds at Robins Ridge.** Approximately 1,540 linear feet of stream would be restored and two retention ponds totaling approximately 1 acre would be created through sediment removal and bank stabilization (**Figure 2**). A 65-foot meander belt (covering approximately 2.5 acres) with a 6-foot-wide natural headwater channel would be contoured within the existing 150-to-200-foot-wide bottomland forest by mechanically moving and/or removing sediment and vegetation. Native vegetation would be planted along the restored meander belt for stabilization.
- **Install stormwater filtering structures**. The outlets of three existing retention ponds near Coronet Drive would be retrofitted with four baffle boxes that would remove nitrogen, phosphorous, and suspended solids from water flowing out of the retention ponds (**Figure 3**).
- **Enhance existing stormwater ponds**. Bio-sorption activated media, stormwater infrastructure, or other technology to meet and exceed stormwater criteria, would be installed at the pond bottom or outfalls of three existing dry stormwater retention ponds near Cardinal Cove, south of I-10 (**Figure 4**).

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

This project would take approximately 5 years. Year 1 would include planning, engineering and design, and permitting. Years 2 and 3 activities would include land access and construction. Years 4 and 5 would include post-construction monitoring.

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☐	NO☒
Does this project include terrestrial construction?	YES☒	NO☐
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

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)?*

As described above, terrestrial-based construction would occur at three sites along Carpenter Creek. For in-stream restoration and retention pond creation at Robins Ridge, sediments and vegetation would be mechanically moved and/or removed to create a meander belt in the stream bed, slowing stream flow and preventing erosion and introduction of sediment into the watershed. Small backhoes and skid steers would be used to move sediment. Erosion control measures would be implemented during construction to prevent sedimentation into the watershed. Any sediment not used in the meander belt would be disposed of in off-site, upland landfills. All equipment would be staged in previously disturbed areas, such as parking lots. Construction would occur year-round for 12 months, with work primarily occurring outside of storm seasons. Following construction, native vegetation would be planted to stabilize the meander belt.

Existing stormwater retention ponds at Coronet Drive and Cardinal Cove would be enhanced to improve stormwater filtering capacity. Backhoes or small skid steers would be used to install the enhancements. Erosion control measures would be implemented during construction to prevent sedimentation into the watershed. All equipment would be staged from previously disturbed areas (e.g., parking lots). Construction would occur year-round for 12 months, with work primarily occurring outside of storm seasons.

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.*

Digging would occur in the terrestrial environment for stream restoration and retention pond creation at Robins Ridge and to enhance existing stormwater retention ponds at Coronet Drive and Cardinal Cove. At Robins Ridge, digging would occur along approximately 1,550 linear feet of bottomland forest streambed to create a meander belt. Engineering and design of digging depths and volume of sediment removal has not yet begun. At Coronet Drive and Cardinal Cove, digging would occur in disturbed terrestrial environments to enhance existing stormwater retention ponds. Digging would primarily occur at the outflows to install structures that contain filtering materials to remove bacteria and nutrients from stormwater leaving the retention ponds. Engineering and design of digging depths has not yet begun.

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)).*

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

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

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☐ NO☒
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.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

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: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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 H. 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 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 listed in the firs 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.

*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 G. 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 G.

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.**
Gulf Sturgeon		Riverine/Freshwater	No Effect	Species does not occur within actio area
Eastern black rail		Choose an item.	No Effect	No suitable habita in action area
Alligator snapping turtle		Choose an item.	No Effect	No suitable habita in action area
Eastern indigo snake		Choose an item.	No Effect	Species does not occur within actio area

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 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.

As noted in Section F, project activities would involve in-stream restoration at Robins Ridge and enhancements to existing stormwater retention ponds at Coronet Drive and Cardinal Cove. Erosion control measures (turbidity barriers, hay bale barriers, silt fences, etc.) would be implemented prior to construction to prevent erosion and run-off into local waterways and wetlands (per Clean Water Act requirements). Surveys for listed species would occur during the Clean Water Act Section 404 permitting process, and if listed species are found, conditions would be included in the 404 permit and will be implemented during construction.

The **Gulf sturgeon** (*Acipenser oxyrinchus desotoi*) is an anadromous fish that inhabits nearshore marine, estuarine, and riverine environments in the north-east Gulf of Mexico. The Gulf sturgeon spawns in Escambia, Yellow, and Blackwater Rivers in the broader Pensacola watershed. However, there have been no known occurrences in Bayou Texar, or further upstream into Carpenter Creek. As such, the Gulf sturgeon does not occur in the action area.

The **eastern black rail** (*Laterallus jamaicensis ssp. jamaicensis*) is a secretive marsh bird that can be found in coastal marsh habitats across the Gulf Coast. As described in the most recent species status assessment, eastern black rails typically occupy salt marsh habitats dominated by black needlerush, *Spartina*, or other grassy marsh habitats. Project activities would occur in previous disturbed stormwater retention ponds and in in-stream, woody wetlands characterized by bottomland hardwood forests. As such, there is no suitable habitat in the action area for the eastern black rail.

The **alligator snapping turtle** (*Macrochelys temminckii*) is a riverine species, typically found in deeper waters of large rivers and major tributaries. Specifically in Florida, alligator snapping turtles inhabit flooded channels within bald cypress and tupelo forests. While the alligator snapping turtle is known to occur in Escambia County, wetlands within the action area are comprised of freshwater forested/shrub wetlands, so no suitable habitat for alligator snapping turtles is present within the action area.

The **eastern indigo snake** (*Drymarchon couperi*) occupies a wide range of habitats, including mesic pine flatwoods, scrubby flatwoods, longleaf pine sandhills, dry prairie, and some human-altered habitats. The most recent species status assessment indicates that the eastern indigo snake was not observed in Escambia County between 2001 and 2017. As such, the species does not occur in the action area.

In addition to the species listed in Section I, the monarch butterfly (*Danaus plexippus*), a candidate

species, may be present in the action area. However, no conference for this species is being requested at this time.

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 reinitiate this consultation.*

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

- ☐ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)**[9]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

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.

N/A – no critical habitats are designated within the action area.

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.*

[9] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

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.

N/A

L. 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
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	*e) Aquaculture*
☐	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*g) Fresh-water river diversions*
☐	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*
☐	☐	*j) Conducting driving of sheet piles or pilings*
☐	☐	*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

Click here to enter text.

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:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[10]
☐	NMFS Protected Species Construction Conditions (2021)[11]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[12]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. Click here to enter text.

M. 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

[10] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[11] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[12] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

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 this 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 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
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**
☒	☐	**Construction of Non-Fishing Piers**

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: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

References

Escambia County. 2022. Carpenter Creek and Bayou Texar Watershed Management Plan. December. Available at: https://myescambia.com/open-government/projects/project-details/carpenter-creek-bayou-texar-watershedmanagement-plan.

Florida Department of Environmental Protection (FDEP). 2023b. Statewide Comprehensive Verified List of Impaired Waters. Updated July 11, 2023. www.floridadep.gov/dear/water-quality-restoration/content/impaired-waters-tmdls-andbasin-management-action-plans

U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). 2023. Web Soil Survey. Available at: https://webSoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

U.S. Fish and Wildlife Service (USFWS). 2021. 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: Map of the three project sites

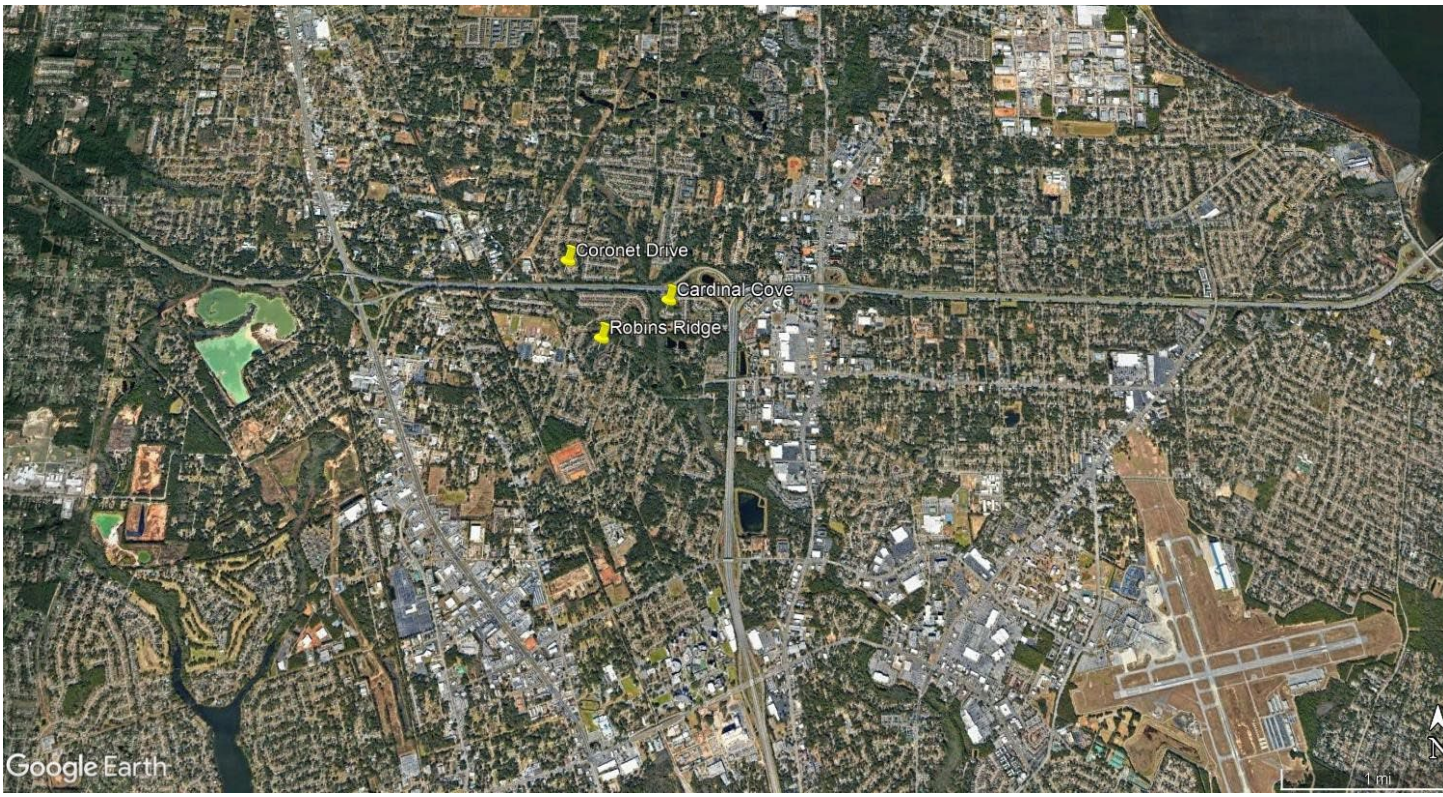


Figure 2: Conceptual drawing of stream restoration activities at Robins Ridge

Figure 3: Conceptual drawing of enhancements to stormwater collection structures at Coronet Drive

Figure 4: Conceptual drawing of stormwater pond enhancements at Cardinal Cove


I - 10
POND 1
1 2 3
POND IMPROVEMENTS
HILBURN LN
BAYGALL WETLANDS
6
HOMEOWNER REBATES & INCENTIVES
HILBURN PL
TREE SWALLOW DR
FUTURE SUBDIVISION
HILBURN RD
POND 2
1 2 3
POND IMPROVEMENTS
1 2 3
POND IMPROVEMENTS
4
POTENTIAL TRAIL THROUGH EASEMENT
INTERPRETIVE SIGNAGE
5
UPLAND HARDWOOD FOREST
ADJACENT BMP SITE - HILBURN RD HEADWATERS
TWIN LAKES LN
CLASTIC LAKE
N
0 130 260 390 FT

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: Michael Barron at michael_barron@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 Department of Environmental Protection (FDEP)

Contact Name: Sarah Ketron Phone: 850-245-2167 Email: Sarah.Ketron@FloridaDEP.gov

Project Name: Choctawhatchee Bay Unpaved Roads Initiative

DIVER ID# Click to enter text TIG: Florida TIG Restoration Plan # 3

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:

100% engineering and design plans have been produced for the 13 sites and are included as **Attachment A**.

C. Project Location

I. State and County/Parish of action area Walton and Holmes Counties, 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]

Project activities would occur at 12 unpaved road-stream crossings in Washington and Holmes Counties (**Figure 1**). The 12 sites and their coordinates are summarized in Table 1.

Table 1. The 12 project sites and their coordinates.

Road Site (County)	Site Coordinates (NAD83)
Coates Road – Site 16 (Holmes County)	30.99288°N, 85.68956°W
Line Road – Site 18 (Holmes County)	30.79306°N, 85.97172°W
Coates Road – Site 24 (Holmes County)	30.97834°N, 85.69499°W
Golden Road – Site 26 (Holmes County)	30.94318°N, 85.56475°W
Woodham/Chestnut/Spruce Road – Site 38 (Holmes County)	30.92224°N, 85.56039°W
Esker H. Martin Road – Site 52 (Holmes County)	30.96184°N, 85.77905°W
John Paul Road – Site 54 (Holmes County)	30.82629°N, 86.00798°W
Coleman Worley Lane – Site 57 (Holmes County)	30.87342°N, 85.59333°W
Love Road – Site 59 (Holmes County)	30.9848°N, 85.80116°W
Pleasant Ridge Road – Site 122 (Holmes County)	30.82179°N, 85.99837°W
Route 65 – Site 124 (Holmes County)	30.93557°N, 85.7942°W
Bell Community Road – Sites 13 and 28 (Washington County)	30.47154°N, 85.86806°W

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 may be added to the same folder location as where this BE is filed on Sharepoint . 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 **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: Multiple Clean Water Act (CWA) Section 404

Permits have been obtained for the 12 project sites, summarized in Table 2.

Table 1. The 12 project sites and their associated CWA Section 404 Permits.

Road Site (County)	CWA Section 404 Permit No. (Attachment)
Coates Road – Site 16 (Holmes County)	FDEP State 404 General Permit, File Nos. 0398487-002-SFG/30, Holmes County (**Attachment B**)
Line Road – Site 18 (Holmes County)	N/A – no wetlands are present in the action area.
Coates Road – Site 24 (Holmes County)	N/A – no wetlands are present in the action area.
Golden Road – Site 26 (Holmes County)	FDEP State 404 General Permit, File Nos. 0398487-003-SFG/30, Holmes County (**Attachment B**)
Woodham/Chestnut/Spruce Road – Site 38 (Holmes County)	U.S. Army Corps of Engineers Nationwide Permit authorization, SAJ-2021-00363 (**Attachment C**)
Esker H. Martin Road – Site 52 (Holmes County)	FDEP State 404 General Permit, File Nos. 0398487-004-SFG/30, Holmes County (**Attachment B**)
John Paul Road – Site 54 (Holmes County)	FDEP State 404 General Permit, File Nos. 0398487-005-SFG/30, Holmes County (**Attachment B**)

Coleman Worley Lane – Site 57 (Holmes County)	FDEP State 404 General Permit, File Nos. 0398487-006-SFG/30, Holmes County (**Attachment B**)
Love Road – Site 59 (Holmes County)	FDEP State 404 General Permit, File Nos. 0398487-007-SFG/30, Holmes County (**Attachment B**)
Pleasant Ridge Road – Site 122 (Holmes County)	FDEP State 404 General Permit, File Nos. 0398487-008-SFG/30, Holmes County (**Attachment B**)
Route 65 – Site 124 (Holmes County)	FDEP State 404 General Permit, File Nos. 0398487-009-SFG/30, Holmes County (**Attachment B**)
Bell Community Road – Sites 13 and 28 (Washington County)	FDEP State 404 General Permit, File No. 0398567-002-SFG/67, Washington County (**Attachment D**)

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.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan 3 and Environmental Assessment (RP3/EA).

This project has secured authorizations under the CWA Section 404 USACE and FDEP general permits (Table 2). As part of this permitting process, the U.S. Fish and Wildlife Service (USFWS) reviewed the permit applications and provided technical assistance comments that are incorporated as specific permit conditions for listed species.

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

Name of Person Completing this Form: Emily Mazur, IEc
Name of Project Lead: Sarah Ketron, FDEP
Date Form Completed: November 6, 2023
Date Form Updated: January 10, 2024

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 improvements at unpaved road-stream crossings within the Choctawhatchee Bay watershed in Washington and Holmes Counties, Florida. Project activities would occur at small creeks and streams that are tributaries to Tenmile Creek, Blue Creek, Double Spring Bay, and East Pittman Creek, which flow into the Choctawhatchee River and ultimately the Choctawhatchee Bay. These existing creek and stream sites are subject to high levels of erosion and sedimentation from unpaved road crossings and ineffective culverts. Project activities would stabilize roadbeds and stream conveyance structures, reducing sedimentation into the watershed and improving water quality. Multiple waterbodies within Washington and Holmes Counties are currently listed by FDEP as impaired (FDEP 2023). Freshwater forested/shrub and riverine wetlands are present at 10 of the 12 project sites (**Attachments B-D**).

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.

The furthest downstream site is approximately 25 river-miles upstream of Choctawhatchee 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.

While the majority of the action area is undeveloped, there are some residential areas within the Choctawhatchee Bay watershed which include houses, parking lots, roads, etc. This project would improve existing unpaved roads and stream conveyance structures. There are no sites within the actions area that are listed on the National Register of Historic Places.

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 – no marine in-water work would occur.

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 – no marine in-water work would occur.

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 – no marine in-water work would occur.

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.).

Uplands the Choctawhatchee Bay watershed consist of primarily woody wetland and evergreen forest habitats. The U.S. Geological Survey's (USGS) National Land Cover Database categorizes additional upland areas as grasslands and pasture (USGS 2016).

g. Soils and Sediments

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

Sediments and soils within Choctawhatchee Bay watershed have been formally characterized as Plantego and Clara soils, Lucy-Troup complex, Lynchburg loamy fine sand, and Rutlege, Pickney and Pamlico soils (U.S. Department of Agriculture Natural Resource Conservation Services 2023).

h. Land Use

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

Areas within the Choctawhatchee Bay watershed are used for a variety of conservation, residential, commercial, and industrial purposes. Unpaved roads targeted in this project are managed by Holmes or Washington Counties.

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 (SARs) 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.*

This project would be implemented by the FDEP Florida TIG Trustee in coordination with Washington and Holmes counties.
This project would build on work completed through the NFWF-GEBF *Water Quality Improvements to Enhance Fisheries Habitat in the Lower Choctawhatchee River Basin – Phase 1* project and would construct and implement road enhancements designed and permitted in Phase 1 for 12 sites located in Washington and Holmes counites.
Specifically, this project would:

- **Pave roadways.** At each of the 12 sites, unpaved roads would be graded, filled with road base, and paved. Each site would have two 10-foot paved travel lanes with 2-foot paved shoulders. Where the paved roadway is adjacent to riprap, the roads would have a 10-foot paved shoulder.
- **Construct sodded and concrete ditches**. Adjacent to the paved roadways, sodded and/or concrete ditches would be constructed to convey water parallel to the roadway. These ditches would outfall at the stream crossings.
- **Replace or place culverts**. Culverts under existing unpaved roadways would be replaced to convey stream flow under the newly paved roadway. Additional, smaller culverts would be placed along the sodded and/or concrete ditches where these ditches cross residential driveways to convey water under the driveways.

- **Install riprap**. Alabama Class II (stones ranging from 10 to 200 pounds) riprap would be installed upstream and downstream of the stream culverts and at ditch outfalls at stream crossings. Twenty-four inches of riprap would be placed over D2 filter fabric to stabilize the water conveyance structures.

Table 3 summarizes site-specific restoration activities.

Table 3 Summary of unpaved road enhancements at the 13 sites in Holmes and Washington Counties

Road Site (County)	Summary of Enhancements
Coates Road – Site 16 (Holmes County)	• Approximately 3,000 linear feet of roadway would be paved. Approximately 6,500 cubic yards of existing unpaved roadway would be excavated to grade the road. Approximately 9,000 square yards of road base would be placed. Approximately 730 tons of asphalt would be placed to create a 1.5-inch-thick road. • Approximately 1,600 square yards of concrete ditches and 7,000 square yards of sodded ditches would be constructed along the roadway. • Approximately 130 linear feet of 36-inch culverts would be replaced under the roadway. An additional 115 linear feet of 18-inch culverts and

Road Site (County)	Summary of Enhancements
	approximately 50 linear feet of 24-inch culverts would be installed along the new ditches where they intersect with driveways. • Approximately 350 square yards of Alabama Class II riprap would be installed upstream and downstream of the stream culvert.
Line Road – Site 18 (Holmes County)	• Approximately 700 linear feet of roadway would be paved. Approximately 300 cubic yards of existing unpaved roadway would be excavated to grade the road. Approximately 1,450 cubic yards of fill would be placed to contour the roadbed. Approximately 1,700 square yards of road base would be placed. Approximately 140 tons of asphalt would be placed to create a 1.5-inch-thick road. • Approximately 350 square yards of concrete ditches and 1,300 square yards of sodded ditches would be constructed along the roadway. • Approximately 25 linear feet of 18-inch culverts would be installed along the new ditches where they intersect with driveways.

	• Approximately 15 square yards of Alabama Class II riprap would be installed at the ditch outfall.
Coates Road – Site 24 (Holmes County)	• Approximately 2,700 linear feet of roadway would be paved. Approximately 1,500 cubic yards of existing unpaved roadway would be excavated to grade the road. Approximately 2,100 cubic yards of fill would be placed to contour the roadbed. Approximately 8,900 square yards of road base would be placed. Approximately 750 tons of asphalt would be placed to create a 1.5-inch-thick road. Approximately 350 linear feet of guardrail would be installed along the road edge. • Approximately 5,000 square yards of sodded ditches would be constructed along the roadway. • Approximately 25 linear feet of 18-inch culverts would be installed along the new ditches where they intersect with driveways. • Approximately 350 square yards of Alabama Class II riprap would be installed at the ditch outfall.
Golden Road – Site 26 (Holmes County)	• Approximately 2,000 linear feet of roadway would be paved. Approximately 6,800 cubic yards of existing unpaved roadway would be excavated to grade the road. Approximately 3,700 cubic yards of this excavated dirt would be used to contour the roadbed. Approximately 9,500 square yards of road base would be placed. Approximately 790 tons of asphalt would be placed to create a 1.5-inch-thick road. • Approximately 4,200 square yards of concrete ditches and 4,100 square yards of sodded ditches would be constructed along the roadway. • Approximately 70 linear feet of 48-inch culverts would be replaced under the roadway. An additional 75 linear feet of 24-inch culverts

	would be installed along the new ditches where they intersect with driveways.

Road Site (County)	Summary of Enhancements
	• Approximately 360 square yards of Alabama Class II riprap would be installed at the ditch outfall.
Woodham/Chestnut/Spruce Road – Site 38 (Holmes County)	• Approximately 2,400 linear feet of roadway would be paved. Approximately 2,700 cubic yards of existing unpaved roadway would be excavated to grade the road. Approximately 2,200 cubic yards of this excavated dirt would be used to contour the roadbed. Approximately 4,600 square yards of road base would be placed. Approximately 400 tons of asphalt would be placed to create a 1.5-inch-thick road. • Approximately 900 square yards of concrete ditches and 11,200 square yards of sodded ditches would be constructed along the roadway. • Approximately 60 linear feet of 30-inch culverts and 80 linear feet of 24inch culverts would be replaced under the roadway to convey the stream. An additional 90 linear feet of 18-inch culverts would be installed along the new ditches where they intersect with driveways. • Approximately 750 square yards of Alabama Class II riprap would be installed at either end of the culverts.

Esker H. Martin Road – Site 52 (Holmes County)	• Approximately 3,000 linear feet of roadway would be paved. Approximately 2,800 cubic yards of existing unpaved roadway would be excavated to grade the road. An additional 600 cubic yards of fill would be used to contour the roadbed. Approximately 10,300 square yards of road base would be placed. Approximately 850 tons of asphalt would be placed to create a 1.5-inch-thick road. • Approximately 2,800 square yards of concrete ditches and 4,000 square yards of sodded ditches would be constructed along the roadway. • Approximately 120 linear feet of 48-inch culverts would be replaced under the roadway to convey the stream. An additional 50 linear feet of 18-inch culverts would be installed along the new ditches where they intersect with driveways. • Approximately 750 square yards of Alabama Class II riprap would be installed at either end of the culverts.
John Paul Road – Site 54 (Holmes County)	• Approximately 2,000 linear feet of roadway would be paved. Approximately 5,100 cubic yards of existing unpaved roadway would be excavated to grade the road. Approximately 1,000 cubic yards of this excavated dirt would be used to contour the roadbed. Approximately 8,100 square yards of road base would be placed. Approximately 670 tons of asphalt would be placed to create a 1.5-inch-thick road. • Approximately 7,300 square yards of sodded ditches would be constructed along the roadway. • Approximately 180 linear feet of 48-inch culverts would be replaced under the roadway to convey the stream.

Road Site (County)	Summary of Enhancements
	• Approximately 400 square yards of Alabama Class II riprap would be installed at either end of the culverts.

Coleman Worley Lane – Site 57 (Holmes County)	• Approximately 1,300 linear feet of roadway would be paved. Approximately 2,000 cubic yards of existing unpaved roadway would be excavated to grade the road. Approximately 500 cubic yards of this excavated dirt would be used to contour the roadbed. Approximately 4,500 square yards of road base would be placed. Approximately 375 tons of asphalt would be placed to create a 1.5-inch-thick road. • Approximately 1,200 square yards of concrete ditches and 2,400 square yards of sodded ditches would be constructed along the roadway. • Approximately 56 linear feet of 36-inch culverts would be replaced under the roadway to convey the stream. An additional 25 linear feet of 18-inch culverts would be installed along the new ditches where they intersect with driveways. • Approximately 330 square yards of Alabama Class II riprap would be installed at either end of the culverts.
Love Road – Site 59 (Holmes County)	• Approximately 2,500 linear feet of roadway would be paved. Approximately 2,400 cubic yards of existing unpaved roadway would be excavated to grade the road. Approximately 2,100 cubic yards of this excavated dirt would be used to contour the roadbed. Approximately 8,300 square yards of road base would be placed. Approximately 690 tons of asphalt would be placed to create a 1.5-inch-thick road. Approximately 350 linear feet of guardrail would be installed along the road edge. • Approximately 3,000 square yards of concrete ditches and 4,300 square yards of sodded ditches would be constructed along the roadway. • Approximately 48 linear feet of 30-inch culverts would be replaced under the roadway to convey the stream. An additional 80 linear feet of 18-inch culverts would be installed along the new ditches where they intersect with driveways. • Approximately 210 square yards of Alabama Class II riprap would be installed at either end of the culverts.

Road Site (County)	Summary of Enhancements
Pleasant Ridge Road – Site 122 (Holmes County)	• Approximately 2,800 linear feet of roadway would be paved. Approximately 3,000 cubic yards of existing unpaved roadway would be excavated to grade the road. Approximately 1,000 cubic yards of this excavated dirt would be used to contour the roadbed. Approximately 7,500 square yards of road base would be placed. Approximately 650 tons of asphalt would be placed to create a 1.5-inch-thick road. • Approximately 2,000 square yards of concrete ditches and 3,600 square yards of sodded ditches would be constructed along the roadway. • Approximately 90 linear feet of 24-inch culverts would be replaced under the roadway to convey the stream. An additional 60 linear feet of 18-inch culverts would be installed along the new ditches where they intersect with driveways. • Approximately 470 square yards of Alabama Class II riprap would be installed at either end of the culverts.
Route 65 – Site 124 (Holmes County)	• Approximately 3,000 linear feet of roadway would be paved. Approximately 1,800 cubic yards of existing unpaved roadway would be excavated to grade the road. An additional 80 cubic yards of fill would be used to contour the roadbed. Approximately 8,400 square yards of road base would be placed. Approximately 690 tons of asphalt would be placed to create a 1.5-inch-thick road. Approximately 100 linear feet of guardrail would be installed along the road edge. • Approximately 2,800 square yards of concrete ditches and 2,800 square yards of sodded ditches would be constructed along the roadway. • Approximately 30 linear feet of 24-inch culverts would be replaced under the roadway to convey the stream. • Approximately 710 square yards of Alabama Class II riprap would be installed at either end of the culverts.

Bell Community Road – Sites 13 and 28 (Washington County)	• Approximately 1,200 linear feet of roadway would be paved. Approximately 4,300 cubic yards of existing unpaved roadway would be excavated to grade the road. Approximately 800 cubic yards of this excavated dirt would be used to contour the roadbed. Approximately 5,100 square yards of road base would be placed. Approximately 420 tons of asphalt would be placed to create a 1.5-inch-thick road. • Approximately 1,300 square yards of concrete ditches and 3,300 square yards of sodded ditches would be constructed along the roadway. • Approximately 110 linear feet of 48-inch culverts and 60 linear feet of 30inch culverts would be replaced under the roadway to convey the stream. • Approximately 700 square yards of Alabama Class II riprap would be installed at either end of the culverts.

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

This project would take approximately 3 years. Construction would occur in Years 1 and 2. Monitoring would occur in Year 3

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☐	NO☒
Does this project include terrestrial construction?	YES☒	NO☐
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

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)?*

Terrestrial-based construction would occur to level and grade the existing unpaved roadways, remove existing culverts, and install new culverts and riprap and pave the roadways as outlined in **Attachment A**. Various small and mediumweight digging and manual construction equipment would be used. Throughout construction, erosion control measures (silt screens, turbidity curtains, etc.) would be implemented to prevent sediment runoff into nearby waterways. All construction would occur within unpaved roadways or previously disturbed stream areas. Construction equipment would be staged from the existing roadways.

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.*

Digging would occur in the terrestrial environment to grade and contour existing unpaved roadways, to remove existing culverts, and to install new culverts. Various small and medium-weight digging and manual construction equipment would be used according to design plans (**Attachment A**). Any sediment not reused on-site would be disposed of in appropriate upland disposal areas. Throughout construction, erosion control measures (silt screens, turbidity curtains, etc.) would be implemented to prevent sediment runoff into nearby waterways. All digging would occur within the existing unpaved roadway and disturbed stream footprints.

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)).*

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

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

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☐ NO☒
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.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

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: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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 H. 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 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 listed in the firs 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.

*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 G. 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 G.

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.**
Alligator snapping turtle			May Affect, Not Likely to Adversely Affect	Choose an item.
Choctaw bean			May Affect, Not Likely to Adversely Affect	Choose an item.
Eastern indigo snake			May Affect, Not Likely to Adversely Affect	Choose an item.
Fuzzy pigtoe			May Affect, Not Likely to Adversely Affect	Choose an item.

Gentian pinkroot			No Effect	Species does not occur within action area
Gulf sturgeon		Riverine/Freshwater	May Affect, Not Likely to Adversely Affect	Choose an item.
Papery whitlow-wort			No Effect	Species does not occur within action area
Reticulated flatwoods salamander			No Effect	Species does not occur within action area
Southern kidneyshell			No Effect	Species does not occur within action area
Southern sandshell			No Effect	Species does not occur within action area
Tapered pigtoe			May Affect, Not Likely to Adversely Affect	Choose an item.
Aquatic species that occur in county in IPaC but unlikely in inland project area				
West Indian manatee			No Effect	No suitable habitat i action area

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 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.

As described in Section D, this project has secured CWA Section 404 general permit authorizations through FDEP's State permitting program and the USACE (**Attachments B-D**). As part of the permitting process, the USFWS reviewed the permit application and provided technical assistance comments that are incorporated as specific permit conditions for listed species. A summary of the permit conditions is as follows.

- Reporting of injured, sick, or dead listed animals discovered onsite.
- Coordination with USFWS if new information shows that the magnitude of impacts to federally listed species has the potential for adverse effects.
- For Site 38 (**Attachment C**):
- **Eastern indigo snake** (*Drymarchon couperi*). Compliance with the USFWS's *Standard Protection Measures for the Eastern Indigo Snake* (2013).

In addition to the above conditions, erosion control BMPs will be implemented in accordance with the CWA permit requirements to minimize construction-related erosion or sedimentation into waters of the U.S. (**Attachments B-D**). These practices include the use of silt fences, compost filter socks across the existing ditches, and/or turbidity barriers. Therefore, water quality impacts to downstream riverine species would be negligible.

The **alligator snapping turtle** (*Macrochelys temminckii*)[13] is occasionally found in small streams, swamps, and ponds, but the species' primary habitat consists of deeper water within large

[13] The population of snapping turtle that could potentially occurs in the project area may be a distinct species from *M. temminckii*, the **Apalachicola alligator snapping turtle** (*Macrochelys apalachicolae*). In the 2018 species action plan for *Macrochelys spp.,* FWC addresses the two as distinct species and lists only *M. temminckii* as a Florida Threatened and Endangered Species (FWS, 2018). The endangered species listing for *M. temminckii* does not support the designation of *M. apalachicolae* as a separate species based on prevailing sentiment in the herpetology field (The Society for the Study of Amphibians and Reptiles and The Turtle Taxonomy Working Group), and therefore includes this population in its endangered species listing (see 86 F.R. 62434). Therefore, the alligator snapping turtles found in this project area are identified by a different taxonomic name but are nonetheless protected under *M. temmickii* by the USFWS.

rivers and major tributaries, particularly in areas with complex habitat structure such as woody debris or large rocks (see 86 F.R. 62434). Alligator snapping turtles are unlikely to occur in the highly fragmented and degraded shallow stream crossings or wetlands bordering disturbed roadways that are the target for improvements under this project. If the turtle happens to be present near the greater project area, construction activities may cause temporary disruptions to foraging behaviors or avoidance of an area due to human presence and alteration of habitat. However, suitable in-stream habitat is present up- and downstream of project sites (within two miles), so any impacts would be insignificant. The project may also indirectly benefits alligator snapping turtles living in the rivers and tributaries downstream of the project areas due to the resulting improvement of water quality from reduced sedimentation. As such, this project may affect, but is not likely to adversely affect, *M. temminckii.*

The **Choctaw bean** (*Villosa choctawensis*) is unlikely to be found in the project sites as the mussel's habitat is typically larger creeks or rivers, as opposed to the smaller, degraded tributary streams and wetlands found at the project sites. None of the water bodies within the footprint of these improvements are included in the Choctaw bean's current or historic known range, with the exception of Holmes Creek in Choctawhatchee County, which is adjacent to Sites 13/28 (86 F.R. 62434; FDEP, n.d.). If the Choctaw bean mussel does happen to be present near any project sites or downstream, no impacts from sedimentation or erosion are anticipated due to the implementation of erosion control measures as outlined in the CWA Section 404 permit (**Attachment C**). The project may also indirectly benefit mussels living in the rivers and large creeks downstream of the project areas due to the resulting improvement of water quality from reduced sedimentation. Therefore, this project may affect, but is not likely to adversely affect, *V. choctawensis.*

The **eastern indigo snake** (*Drymarchon couperi*) occupies habitat comprised of upland xeric longleaf pine and scrub where gopher tortoise burrows occur (USFWS, 2019). This species is unlikely to be found in the project sites which are mostly centered around fragmented, disturbed roadways, the immediately adjacent wetlands and small stream crossings, and surrounding pasture-lands. While it is possible the species may occur nearby, the snake's conservation focus areas in the Florida Panhandle do not include Holmes or Washington Counties (USFWS, 2019). If eastern indigo snakes do happen to be present in the vicinity of project activities, construction activities may temporarily disrupt foraging behaviors or avoidance of an area due to human presence and alteration of habitat. Further, CWA Section 404 permit conditions require that project activities comply with *Standard Protection Measures for the Eastern Indigo Snake* (2013) to avoid impacts to any snakes that may be near this site (**Attachments B-D**). As such, this project may affect, but is not likely to adversely affect, *D. couperi*.

The **fuzzy pigtoe** (*Pleurobema stodaenum*) is unlikely to be found in the streams and wetlands within the project footprints. A single specimen of fuzzy pigtoe was previously observed approximately 250 meters away from project Site 38 in Holmes County (FDEP, n.d.). With the exception of Holmes Creek in Holmes and Washington Counties (which runs near to Sites 38

and 13/28), none of the water bodies within the footprint of these improvements are included in the fuzzy pigtoe's current or historic known occurrences (86 F.R. 62434). If the fuzzy pigtoe mussel is present near any project sites or downstream, no impacts from sedimentation or erosion are anticipated due to the use erosion control measures outlined in the CWA Section 404 permits (**Attachments B-D**). The project may indirectly benefit mussels living downstream of the project areas by improving water quality through reducing sedimentation. Therefore, this project may affect, but is not likely to adversely

affect, *P. stodaenum.*

The **Gentian pinkroot,** also known as the **purpleflower pinkroot** (*Spigelia gentianoides*), is unlikely to be found in the project area. While the plant does occur in Washington County (which coincides with Sites 13/28 only), it is unlikely to be found in the highly disturbed roadways or wetlands of this project site, as the plant occupies upland, well-drained pineland habitats (USFWS, 2012). Therefore, this project would have no effect on the Gentian pinkroot.

The **Gulf sturgeon** (*Acipenser oxyrinchus desotoi*) is unlikely to be found in the footprint of the project activities, as the project sites are typically small upstream tributary creeks or wetlands with degraded water quality due to the crossings with unpaved roads. If Gulf sturgeon do happen to be present near any project sites or downstream, human activity may cause avoidance behavior of the area during construction. The sturgeon would have higher-quality downstream habitat nearby to move to. Further, with the implementation of erosion control measures identified in the CWA Section 404 permits (**Attachments B-D**), the project would not adversely affect water quality. The project may indirectly benefit Gulf sturgeon living downstream of the project areas by improving water quality and reducing sedimentation. Therefore, this project may affect, but is not likely to adversely affect, *A. oxyrinchus desotoi.*

The **papery whitlow-wort** (*Paronychia chartacea*) is unlikely to be found in the disturbed roads and wetlands of the project sites. While the plant does occur in Washington County (its range overlapping with Sites 13/28 only), its habitat consists of sand pine scrub, where it grows in large mats (USFWS South Florida Field Office, 1999). Therefore, this project would have no effect on *P. chartacea*.

The **reticulated flatwoods salamander** (*Ambystoma bishopi*) primarily inhabits slash and longleaf pine flatwoods with wiregrass floors and scattered wetlands. Recent species five-year reviews document that the salamander has been extirpated from much of its Florida range, and the species now only occurs in Santa Rosa and Okaloosa Counties. As such, it is unlikely to be found within the action areas, which are located in Washington and Holmes Counties, and which are dominated by agricultural grasslands with small, tributary streams and associated degraded woody wetlands. Therefore, this project would have no effect on *A. bishopi.*

The **southern kidneyshell** (*Ptychobranchus jonesi*) current and historical occurrences do include

upstream areas of Holmes Creek within Alabama. However, these occurrences do not extend into Holmes County or Washington County, Florida (86 F.R. 62434). As a result, this project would have no effect on *P. jonesi*.

The **southern sandshell** (*Hamiota australis*) occupies small creeks and rivers, although none of the water bodies within the action area cooccur with the southern sandshell's current or historical known range (86 F.R. 62434). One water body within the southern sandshell's historical range, Holmes Creek, is adjacent to Site 38 and Sites 13/28; however, in surveys of the creek near Site 38 that found fuzzy pigtoe and tapered pigtoe mussels, no couthern sandshell mussels were identified (FDEP, n.d.). As such, this project would have no effect on *H. australis.*

The **tapered pigtoe** (*Fusconaia burkei*) is unlikely to be found within the degraded small creeks and wetlands in the action area, though it may occur nearby. The tapered pigtoe's current and historical known occurrences do not include any of the smaller waterbodies targeted by project activites, with the exception of Holmes Creek in both Holmes and Washington Counties (86 F.R. 62434). Within a stretch of Holmes Creek a few hundred meters from Site 38, two specimens of tapered pigtoe were previously observed (FDEP, n.d.). As such, direct impacts are not anticipated. Indirect impacts from construction-related erosion are anticipated to be insignificant with the implementation of erosion control measures outline in the CWA Section 404 permit (**Attachments B-D**). The project may indirectly benefit tapered pigtoe mussels living downstream of the project areas by improving upstream water quality. In summary, this project may affect, but is not likely to adversely affect, *F. burkei.*

In addition to the species listed in Section I, the ***monarch butterfly*** (*Danaus plexippus*) a candidate species, may be present in the action area. However, no conference for this species is being requested at this time.

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 reinitiate this consultation.*

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

- ☐ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)**[14]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

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

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.

N/A – ESA effects have been accounted for under existing consultations. See Sections D and J for more information.

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.

N/A

L. 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
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	*e) Aquaculture*
☐	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*g) Fresh-water river diversions*
☐	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*
☐	☐	*j) Conducting driving of sheet piles or pilings*
☐	☐	*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

Click here to enter text.

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:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[15]
☐	NMFS Protected Species Construction Conditions (2021)[16]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]

☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]

[15] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[16] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[17]

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

M. 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

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 this 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

[17] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

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 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
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**
☒	☐	**Construction of Non-Fishing Piers**

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: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

List of Attachments

- **Attachment A** – 100% design drawings for the 12 Choctawhatchee Bay Unpaved Road sites.
- **Attachment B** – CWA Section 404 FDEP State General Permit Authorization Nos. 0398487-002-SFG/30, 0398487003-SFG/30, 0398487-004-SFG/30, 0398487-005-SFG/30, 0398487-006-SFG/30, 0398487-007-SFG/30, 0398487008-SFG/30, and 0398487-009-SFG/30, Holmes County.
- **Attachment C** – CWA Section 404 U.S. Army Corps of Engineers Nationwide Permit authorization, SAJ-2021-00363.
- **Attachment D** – CWA Section 404 FDEP State General Permit Authorization No. 0398567-002-SFG/67, Washington County.

References

Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Alligator Snapping Turtle: Proposed Rule, 86 F.R. 62434 (to be codified at 50 CFR Part 17). https://www.federalregister.gov/documents/2021/11/09/2021-23994/endangered-and-threatened-wildlife-andplants-threatened-species-status-with-section-4d-rule-for

Endangered and Threatened Wildlife and Plants; Endangered Status for the Alabama Pearlshell, Round Ebonyshell, Southern Sandshell, Southern Kidneyshell, and Choctaw Bean, and Threatened Status for the Tapered Pigtoe, Narrow Pigtoe, and Fuzzy Pigtoe; With Critical Habitat: Proposed Rule, 76 F.R. 61482 (to be codified at 50 CFR Part 17). https://www.federalregister.gov/documents/2011/10/04/2011-24519/endangered-and-threatened-wildlife-andplants-endangered-status-for-the-alabama-pearlshell-round

Florida Department of Environmental Protection (FDEP). n.d. Shapefile. "Mussel Survey Localities within Holmes, Walton, and Washington County, Florida, from 45 Choctawhatchee drainage sites sampled October 2010 through July 2012". Accessed 1/3/2024.

Florida Department of Environmental Protection (FDEP). 2023. Statewide Comprehensive Verified List of Impaired Waters. Updated July 11, 2023. www.floridadep.gov/dear/water-quality-restoration/content/impaired-waters-tmdls-andbasin-management-action-plans

Florida Fish and Wildlife Conservation Commission (FWC). 2018. A Species Action Plan for Florida's Alligator Snapping Turtles *Macrochelys suwanniensis, Macrochelys apalachicolae, Macrochelys temminckii*. September 26, 2018. https://myfwc.com/media/20968/alligator-snapping-turtles-species-action-plan-final.pdf

National Oceanic and Atmospheric Administration (NOAA). 2023. Environmental Response Management Application. Web Application. Gulf of Mexico. https://erma.noaa.gov/gulfofmexico

National Oceanic and Atmospheric Administration (NOAA). 2016. Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (PDARP/PEIS). Available at: https://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_EnvironmentalConsequences_508.pdf

National Park Service (NPS). 2023. National Register Database and Research. Website. Accessed September 15, 2023. https://www.nps.gov/subjects/nationalregister/database-research.htm#table

U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). 2023. Web Soil Survey. Available at: https://webSoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

U.S. Fish and Wildlife Service (USFWS). 2012. Recovery Plan for *Spigelia gentianoides* (Gentian pinkroot). Approved January 24, 2012. https://ecos.fws.gov/docs/recovery_plan/Spigelia%20gentianoides%20Recovery%20Plan%20Amendment.pdf U.S. Fish and Wildlife Service (USFWS). 2013. Range-Wide Conservation Strategy for the Gopher Tortoise. June 2013. https://www.fws.gov/sites/default/files/documents/FinalGopherTortoiseStrategy_0.pdf

U.S. Fish and Wildlife Service (USFWS). 2019. Draft Eastern Indigo Snake Recovery Implementation Strategy. August 2019. https://ecos.fws.gov/docs/recovery_plan/2019_E%20indigo%20snake_RIS_DRAFT_1.pdf

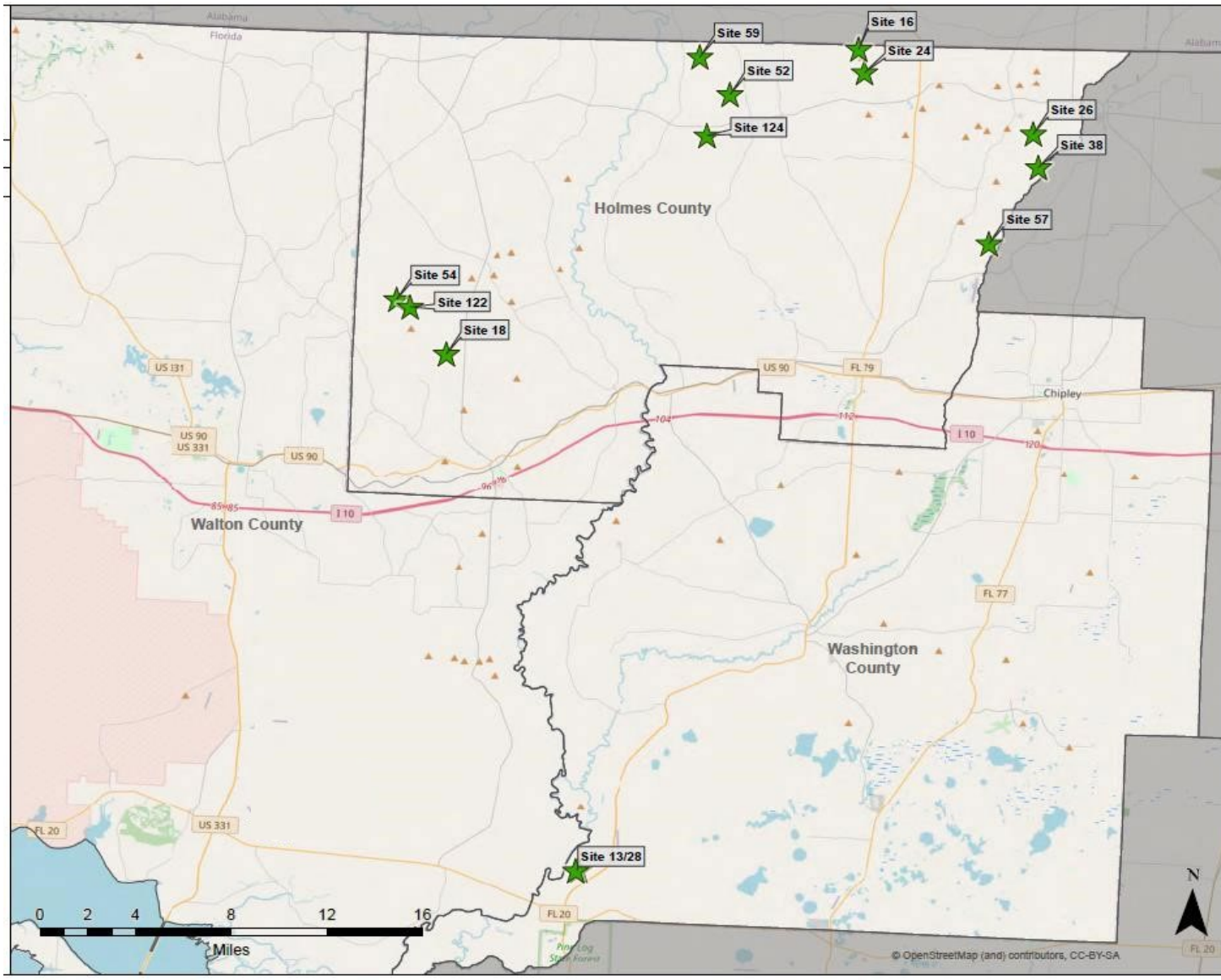
U.S. Fish and Wildlife Service (USFWS). 2021. National Wetlands Inventory Wetlands Mapper (NWI). Available at: https://www.fws.gov/wetlands/data/Mapper.html.

U.S. Fish and Wildlife Service (USFWS). 2023. Monarchs. Available at: https://www.fws.gov/initiative/pollinators/monarchs

U.S. Fish and Wildlife Service (USFWS) South Florida Field Office. 1999. Multi-Species Recovery Plan. May 18, 1999. https://ecos.fws.gov/docs/recovery_plan/140903.pdf

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: Map of the 13 project sites in Washington and Holmes Counties


Site 59
Site 16
Site 24
Site 52
Site 124
Site 26
Site 38
Site 57
Site 54
Site 122
Site 18
Site 13/28
Holmes County
Walton County
Washington County
Chipley
Alabama
Florida
US 331
US 90
FL 79
I 10
FL 77
FL 20
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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: Michael Barron at michael_barron@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 Department of Environmental Protection (FDEP)

Contact Name: Sarah Ketron Phone: 850-245-2167 Email: Sarah.Ketron@FloridaDEP.gov

Project Name: Gulf Breeze Septic to Sewer Conversion

DIVER ID# Click to enter text TIG: Florida TIG Restoration Plan # 3

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:

Eleven neighborhoods in the City of Gulf Breeze are targeted for septic-to-sewer conversions (**Figure 1**). Those sites, and engineering and design (E&D) plans for each site, are listed as follows:

- Bay Cliffs – 60% E&D plans provided as **Attachment A**
- Eufaula
- Fairpoint
- Florida Ave. – 90% design plans provided as **Attachment B.**
- Montrose – 90% design plans provided as **Attachment B.**
- Highpoint – 100% E&D plans provided as **Attachment C**.
- Gilmore
- Hoffman Bayou
- San Carlos
- Warwick
- Poinciana

C. Project Location

I. State and County/Parish of action area Gulf Breeze, Santa Rosa 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]

The septic to sewer conversions would include residences located on or near Bay Cliffs Road, Eufala Street, Fairpoint Drive,
Florida Avenue, Gilmore Drive, Highpoint Drive, Hoffman Bayou area, Montrose Boulevard, Poinciana area, San Carlos
Avenue, and Warwick Street (**Figure 1**). Central coordinates for each of these roads are (in NAD83): Bay Cliffs (30.364°N, 87.159°W), Eufala (30.352°N, -87.189°W), Fairpoint (30.361°N, -87.184°W), Florida Ave (30.358°N, -87.181°W), Montrose
Boulevard (30.361°N, -87.189°W), Highpoint Drive (30.365°N, -87.182°W), Gilmore Drive (30.356°N, -87.192°W), Hoffman Bayou (30.365°N, -87.170°W), San Carlos Avenue (30.356°N, -87.190°W), Warwick (30.357°N, -87.189°W), and Poinciana
(30.361°N, -87.175°W).

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 may be added to the same folder location as where this BE is filed on Sharepoint . 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 **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.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan 3 and Environmental Assessment (RP3/EA).

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

Name of Person Completing this Form: Emily Mazur, IEc
Name of Project Lead: Sarah Ketron, FDEP
Date Form Completed: October 30, 2023
Date Form Updated: January 11, 2024

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 abate antiquated residential septic systems and install connections to municipal sewer within the City of
Gulf Breeze, Florida. No in-water work would be conducted. Project activities would occur in multiple neighborhoods in the
City of Gulf Breeze. The City of Gulf Breeze sits on the Fairpoint Peninsula and is bounded to the north and west by Pensacola Bay and to the south by English Navy Cove and Santa Rosa Sound. Waters in Santa Rosa Sound are designed as an Outstanding Florida Waterbody (Florida Department of Environmental Protection [FDEP] 2023a). Waters running off the Fairpoint Peninsula into English Navy Cove are currently listed as Florida Impaired Waterbodies for bacteria and dissolved oxygen (FDEP 2023b). Various estuarine and marine wetlands and freshwater ponds are designated within the City of Gulf Breeze (U.S. Fish and Wildlife Service [USFWS] 2021)].

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. N/A

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.

This project would abate existing residential septic tank systems and install connections to the municipal sewer system. The City of Gulf Breeze sits within the Pensacola Metropolitan Area. Therefore, a wide variety of residential structures are found within the project area, and include housing structures, roads, parking lots, etc.

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 - no in-water work would occur.

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 - no in water work would occur.

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- No in-water work would occur.

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.).

Uplands in Gulf Breeze consists of primarily developed areas, ranging from low to high intensities. The U.S. Geological Survey's (USGS) National Land Cover Database categorizes some undeveloped upland areas as woody and estuarine wetlands (USGS 2016).

g. Soils and Sediments

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

Sediments and soils within Gulf Breeze have been formally characterized as primarily Pactolus loamy sands, Lean sands, Kureb sands, and Bohicket and Handsboro soils (U.S. Department of Agriculture Natural Resource Conservation Services 2023).

h. Land Use

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

The City of Gulf Breeze is zoned for residential, public visitation, and recreational purposes.

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 (SARs) 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.*

This project would be implemented by the FDEP Florida TIG Trustee in coordination with the City of Gulf Breeze and the
Pensacola and Perdido Bay Estuary Program. The project would improve water quality in Santa Rosa Sound and Pensacola Bay by reducing nutrient loading from antiquated septic systems by connecting homes that are served by septic systems to an advanced (i.e., higher than the typical secondary treatment level provided by most facilities) wastewater treatment plant.

Specifically, the project would:

- **Decommission septic tank systems.** Septic tanks from up to 1,030 residences on or near Bay Cliffs Road, Eufala Street, Fairpoint Drive, Florida Avenue, Gilmore Drive, Highpoint Drive, Hoffman Bayou area, Montrose Boulevard, Poinciana area, San Carlos Avenue, and Warwick Street within the City of Gulf Breeze (**Figure 1**) would be decommissioned. The tanks would be pumped, the bottom would be ruptured to prevent water retention, and the emptied tanks would be filled with clean, compacted fill to grade.
- **Install municipal sewer connections.** Following septic tank decommissioning, gravity sewer systems or low-pressure grinder pumps would be installed and linked to the City of Gulf Breeze's municipal sewage system, ultimately connecting to the Tiger Point Reclamation Facility. Installation would require excavation at a minimum of 30 inches to an average of 5 feet for low-pressure system mains, or up to 12 feet for gravity systems. Where low-pressure systems are used, a low-pressure pump would be installed at 5 foot-depth. A buried wire or wire in conduit from the existing electrical service panel would be installed to connect to the pump control panel. Off-site construction work would include infrastructure adjustments within the rights of way, including gravity and force mains, services to the property, manholes, and lift stations. Native plants would be planted along disturbed areas for stabilization.

Natural Resource Damage Assessment funds would be used for a portion of the overall project.

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

This project would take approximately 6 years. Implementation would occur in stages across the 11 proposed septic-tosewer areas:

- Year 1: residences near Bay Cliffs Rd., Eufaula St., Fairpoint Dr., Florida Ave., and Montrose Blvd.
- Year 2: residences near Highpoint Dr.
- Year 3: residences near Gilmore Dr., Hoffman Bayou, and San Carlos Ave.
- Year 4: residences near Warwick St. • Year 5: residences near Poinciana Dr.

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☐	NO☒
Does this project include terrestrial construction?	YES☒	NO☐
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

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)?*

Terrestrial-based construction would occur to decommission residential septic tanks and install connections to municipal sewer lines. Dewatering equipment may be used to empty full septic tanks, then the tank bottoms would be ruptured/removed to avoid water retention and the tanks would be filled with sediment to grade. Grass landscaping would be planted over the decommissioned septic tanks to return the site to original conditions.

Various small/lightweight digging and boring equipment would be used to install low-pressure pumps and/or gravity sewer system connections. Installation would require excavation at a minimum of 30 inches to an average of 5 feet for lowpressure system mains, or up to 12 feet for gravity systems. Where low-pressure systems are used, a low-pressure pump would be installed at 5 foot-depth. A buried wire or wire in conduit from the existing electrical service panel would be installed to connect to the pump control panel. All excavated dirt would be replaced once the septic tanks are decommissioned and sewer lines are in place. Asphalt, driveways, and landscaping would then be repaired to original conditions. Throughout construction, erosion control structures (silt screens, turbidity curtains, etc.) would be installed to prevent sediment runoff into nearby waterways and wetlands. Protective fencing would be installed around trees to prevent damage. All construction would occur within private residences and public roadway rights-of-way. **Attachments AC** provide additional construction details.

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.*

Terrestrial-based digging and boring would occur to uncover and decommission septic tanks and install low-pressure or gravity sewer system connections. Various small/lightweight construction equipment would be used, such as backhoes, excavators, hand equipment, and boring equipment. The maximum depth would be 12 feet. All excavated dirt would be replaced once the septic tanks are decommissioned and sewer lines are in place. Asphalt, driveways, and landscaping would then be repaired to original conditions. **Attachments A-C** provide additional details on construction depths and sewer line locations.

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)).*

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

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

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☐ NO☒
If no, please proceed to section X. (For example, your project is wholly ɔland *or includes only desktop analysis tasks) u If yes, please proceed to additional boxes below.*	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒

If yes, please describe how your project will have beneficial effects the text box below:

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

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: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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 H. 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 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 listed in the firs 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.

*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 G. 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 G.

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.
Eastern black rail		Choose an item.	No Effect	No suitable habitat in action area
Alligator snapping turtle		Choose an item.	No Effect	No suitable habitat in action area
Eastern indigo snake		Choose an item.	No Effect	Species does not occur within action area
Reticulated flatwoods salamander		Choose an item.	No Effect	No suitable habitat in action area
Aquatic species that occur in the county in IPaC, but unlikely in the terrestrial project area				
West Indian manatee			No Effect	No suitable habitat in action area
Gulf Sturgeon and CH		Riverine/freshwater	No Effect	No suitable habitat in action area

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 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.

As noted in Section F, project activities would involve the decommissioning of residential septic tanks and installation of municipal sewer connections. Terrestrial construction would occur on privately-owned, developed properties and within roadway rights-of-way. Erosion control measures (turbidity barriers, hay bale barriers, silt fences, etc.) would be implemented prior to construction to prevent erosion and run-off into local waterways and wetlands, as outlined in the E&D plans (**Attachments A-C**).

The **eastern black rail** (*Laterallus jamaicensis ssp. jamaicensis*), **alligator snapping turtle** (*Macrochelys temminckii*), and **reticulated flatwoods salamander** (*Ambystoma bishopi*) are wetland-dependent species. All work would occur at least 200 feet away from wetlands, and erosion control measures would be implemented to prevent erosion into wetlands during construction. As such, the project would have no effect on wetland-dependent species.

The **eastern indigo snake** (*Drymarchon couperi*) occupies a wide range of habitats, including mesic pine flatwoods, scrubby flatwoods, longleaf pine sandhills, dry prairie, and some human-altered habitats. The most recent species status assessment indicates that the eastern indigo snake has not been observed in southern Santa Rosa County between 2001 and 2017. As such, the species is unlikely to occur in the action area.

In addition to the species listed in Section I, the monarch butterfly (*Danaus plexippus*), a candidate species, may be present in the action area. However, no conference is being requested for this species at this time.

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 reinitiate this consultation.

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

- ☐ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)**[18]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

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.

N/A – designated critical habitats do not occur within the action area.

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.

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[18] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

N/A

L. 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
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	*e) Aquaculture*
☐	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*g) Fresh-water river diversions*
☐	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*
☐	☐	*j) Conducting driving of sheet piles or pilings*
☐	☐	*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

Click here to enter text.

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:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[19]
☐	NMFS Protected Species Construction Conditions (2021)[20]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[21]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. Click here to enter text.

M. 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

[19] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[20] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[21] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

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 this 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 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
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**
☒	☐	**Construction of Non-Fishing Piers**

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: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

List of Attachments

- **Attachment A -** 60% design plans for Bay Cliffs
- **Attachment B –** 90% design plans for Florida Ave. and Montrose
- **Attachment C –** 100% design plans for Highpoint

References

Florida Department of Environmental Protection (FDEP). 2023a. Outstanding Florida Waters. Web application. Updated September 11, 2023. Accessed September 15, 2023. https://geodata.dep.state.fl.us/datasets/FDEP::outstandingflorida-waters

Florida Department of Environmental Protection (FDEP). 2023b. Statewide Comprehensive Verified List of Impaired Waters. Updated July 11, 2023. www.floridadep.gov/dear/water-quality-restoration/content/impaired-waters-tmdls-andbasin-management-action-plans

National Oceanic and Atmospheric Administration (NOAA). 2023. Environmental Response Management Application. Web Application. Gulf of Mexico. https://erma.noaa.gov/gulfofmexico

National Park Service (NPS). 2023. National Register Database and Research. Website. Accessed September 15, 2023. https://www.nps.gov/subjects/nationalregister/database-research.htm#table

U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). 2023. Web Soil Survey. Available at: https://webSoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

U.S. Fish and Wildlife Service (USFWS). 2021. 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: Proposed project locations for Gulf Breeze Sewer to Septic conversion.

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: Michael Barron at michael_barron@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 Department of Environmental Protection (FDEP)

Contact Name: Sarah Ketron Phone: 850-245-2167 Email: Sarah.Ketron@FloridaDEP.gov

Project Name: Hollice T. Williams Stormwater Park

DIVER ID# Click to enter text TIG: Florida TIG Restoration Plan # 3

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:

100% design plans have been developed and are provided in **Attachment A**. Since the development of the design plans, the City of Pensacola has received additional funding for the Hollice T. Williams Stormwater Park and some design elements may be updated.

C. Project Location

I. State and County/Parish of action area

Hollice T. Williams 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]

Project activities would occur at Hollice T. Williams Park in Pensacola, Florida. Specifically, Natural Resource Damage Assessment funds would be used for infrastructure and stormwater features between Maxwell and Avery Streets (**Figure 1**). The coordinates for the project are 30.433382°N, 87.215559°W NAD83.

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 may be added to the same folder location as where this BE is filed on Sharepoint . 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

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:

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.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan 3 and Environmental Assessment (RP3/EA).

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

Name of Person Completing this Form: Emily Mazur, IEc
Name of Project Lead: Sarah Ketron, FDEP
Date Form Completed: November 6, 2023
Date Form Updated: January 11, 2024

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 enhance the existing Hollice T. Williams Park in Pensacola, Florida to create a stormwater park that stores excess water during storm events and provides recreational space during dry times. No in-water work would be conducted for the project. Hollice T. Williams Park sits within the heart of Pensacola, under the I-110 overpass. Stormwater runs off the overpass and from surrounding residential neighborhoods to Hollice T. Williams, where it flows into Pensacola Bay. The middle of Pensacola Bay, which is

directly in the flow path of stormwater from downtown Pensacola, is listed as a Florida Department of Environmental Protection (FDEP) impaired waterbody for nutrients (FDEP 2021). There are no wetlands designated within the footprint of Hollice T. Williams Park.

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. N/A

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.

Hollice T. Williams Park currently exists as greenspace under the I-110 overpass. The park footprint between Maxwell and Avery Streets currently contains limited infrastructure, such as trash cans, lights, and concrete pads. Surrounding areas are primarily residential and commercial. The Florida SP Crystal Ice Company Building is adjacent to the Hollice T. Williams Park and is listed on the National Register of Historic Places (National Park Service 2022).

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- No in-water work would occur.

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- No in-water work would occur.

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- No in-water work would occur.

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.).

Uplands the City of Pensacola consist of primarily developed land, ranging from low to high intensity. The project footprint contains no undeveloped habitats.

g. Soils and Sediments

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

Sediments and soils within the project area have been formally characterized as primarily pits, Foxworth Sand, and Lakeland Sand (U.S. Department of Agriculture Natural Resource Conservation Service 2023).

h. Land Use

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

Hollice T. Williams Park is currently used for recreational purposes.

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 (SARs) 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.*

This project would be implemented by the FDEP Florida TIG Trustee in coordination with the City of Pensacola and Escambia County. This project would build on the RESTORE Act Direct Component *Planning Assistance for the Hollice T.*
Williams Stormwater Park project, which completed planning work for revitalization of the existing Hollice T. Williams Park. The park would be redesigned as a stormwater park that captures runoff and pollutants, metals, and sediments from the runoff within the basin and reduce nutrient loading to improve water quality within Pensacola Bay. The park would treat runoff from portions of a 145-acre drainage basin to the east and portions of the 1700-acre Long Hollow basin to the north.

Specifically, this project would convert a 10-acre portion of the existing Hollice T. Williams Park into a stormwater park. Hollice T. Williams Park, a greenway under the I-110 freeway (**Figure 1**), would be converted to a stormwater park that captures and treats runoff during storm events (**Figure 2**). DWH NRDA funds would specifically be used to enhance the northern-most 10 acres between Maxwell and Avery Streets by removing existing park infrastructure (clearing the existing 10 acres of grass and trees, removing existing trash cans and lighting, demolishing existing concrete pads); constructing the stormwater park layout; and, constructing green stormwater infrastructure (wet detention ponds with littoral wetland vegetation; baffle boxes or other pre-treatment systems to remove sediments and trash; and pervious pedestrian surfaces) (**Attachment A**). Non-NRDA funds would be leveraged for park landscaping, lighting, recreational elements (educational signage, bike racks, paved paths, picnic tables and benches, and playgrounds), parking areas, and trash cans within the 10acre footprint.

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

This project would take approximately 3 years. Years 1 and 2 would include planning, acquiring permits, and construction. Year 3 would include post-construction monitoring.

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☐	NO☒
Does this project include terrestrial construction?	YES☒	NO☐
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

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)?*

Terrestrial-based construction would occur to demolish the existing park footprint (e.g., remove landscaping, lighting, trash cans, and concrete pads) and construct park infrastructure (footprint layout) and the stormwater features, outlined in **Attachment A**. Various small/lightweight digging and manual equipment would be used for construction. Throughout construction, erosion control structures (silt screens, turbidity curtains, etc.) would be installed to prevent sediment runoff into nearby waterways. All construction would occur within the existing park footprint or adjacent paved areas.

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.*

Digging would occur in the terrestrial environment to remove existing concrete pads and construct park infrastructure. Various small/lightweight digging and manual equipment would be used to remove existing concrete and grade the site according to design plans (**Attachment A**). Specifically for stormwater features, digging would occur to create retention ponds/depression fields and to install an exfiltration trench that would filter and move stormwater offsite. Any sediment not reused on-site would be disposed of in appropriate upland disposal areas. Throughout construction, erosion control measures (silt screens, turbidity curtains, etc.) would be implemented to prevent sediment runoff into nearby waterways. All digging would occur within the existing park footprint.

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)).*

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

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

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☐ NO☒
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.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

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: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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 H. 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 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 listed in the firs 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.

*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 G. 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 G.

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.**
Eastern black rail		Choose an item.	No Effect	No suitable habitat in action area
Alligator snapping turtle		Choose an item.	No Effect	No suitable habitat in action area
Eastern indigo snake		Choose an item.	No Effect	Species does not occur within action area
Species that may occur in county but not in project area				
West Indian manatee		Choose an item.	No Effect	No suitable habitat in action area
Gulf sturgeon		Riverine/Freshwater	No Effect	No suitable habitat in action area

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 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.

As noted in Section F, project activities would involve creating a stormwater park from the existing Hollice T. Williams Park.
DWH NRDA funds would specifically be used to construct stormwater control elements between Maxwell and Avery Streets. Hollice T. Williams Park is an existing greenspace under the I-110 overpass. The site currently contains grass landscaping, some tree landscaping, and passive recreational elements (trashcans, lighting, walkways). No natural habitats exist within the site. Erosion control measures (turbidity barriers, hay bale barriers, silt fences, etc.) would be implemented prior to construction to prevent erosion and run-off into local waterways.

The **eastern black rail** (*Laterallus jamaicensis ssp. jamaicensis*) is a secretive marsh bird that can be found in coastal marsh habitats across the Gulf Coast. As described in the most recent species status assessment, eastern black rails typically occupy salt marsh habitats dominated by black needlerush, *Spartina*, or other grassy marsh habitats. Project activities would occur in previously disturbed greenspace areas. As such, there is no suitable habitat in the action area for the eastern black rail.

The **alligator snapping turtle** (*Macrochelys temminckii*) is a riverine species, typically found in deeper waters of large rivers and major tributaries. Specifically in Florida, alligator snapping turtles inhabit flooded channels within bald cypress and tupelo forests. While the alligator snapping turtle is known to occur in Escambia County, the action area does not contain any wetlands or riverine habitats. As such, no suitable habitat for alligator snapping turtles is present within the action area.

The **eastern indigo snake** (*Drymarchon couperi*) occupies a wide range of habitats, including mesic pine flatwoods, scrubby flatwoods, longleaf pine sandhills, dry prairie, and some human-altered habitats. The most recent species status assessment indicates that the eastern indigo snake was not observed in Escambia County between 2001 and 2017. As such, the species does not occur in the action area.

In addition to the species listed in Section I, the monarch butterfly (*Danaus plexippus*), a candidate species, may be present in the action area. However, no conference is being requested for this species at this time.

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 reinitiate this consultation.*

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

- ☐ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)**[22]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

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,*

[22] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

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.

N/A – no critical habitats are designated within the action area.

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.

N/A

L. 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
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	*e) Aquaculture*
☐	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*g) Fresh-water river diversions*
☐	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*

☐	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*
☐	☐	*j) Conducting driving of sheet piles or pilings*
☐	☐	*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

Click here to enter text.

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:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[23]
☐	NMFS Protected Species Construction Conditions (2021)[24]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[25]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. Click here to enter text.

M. 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).

[23] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[24] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[25] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

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

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 this 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 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
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**

☒	☐	**Construction of Non-Fishing Piers**

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: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

List of Attachments

- **Attachment A** – 100% Design Drawings for Hollice T. Williams Stormwater Park

References

Florida Department of Environmental Protection (FDEP). 2023b. Statewide Comprehensive Verified List of Impaired Waters. Updated July 11, 2023. www.floridadep.gov/dear/water-quality-restoration/content/impaired-waters-tmdls-andbasin-management-action-plans

U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). 2023. Web Soil Survey. Available at: https://webSoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

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: Map of the project footprint

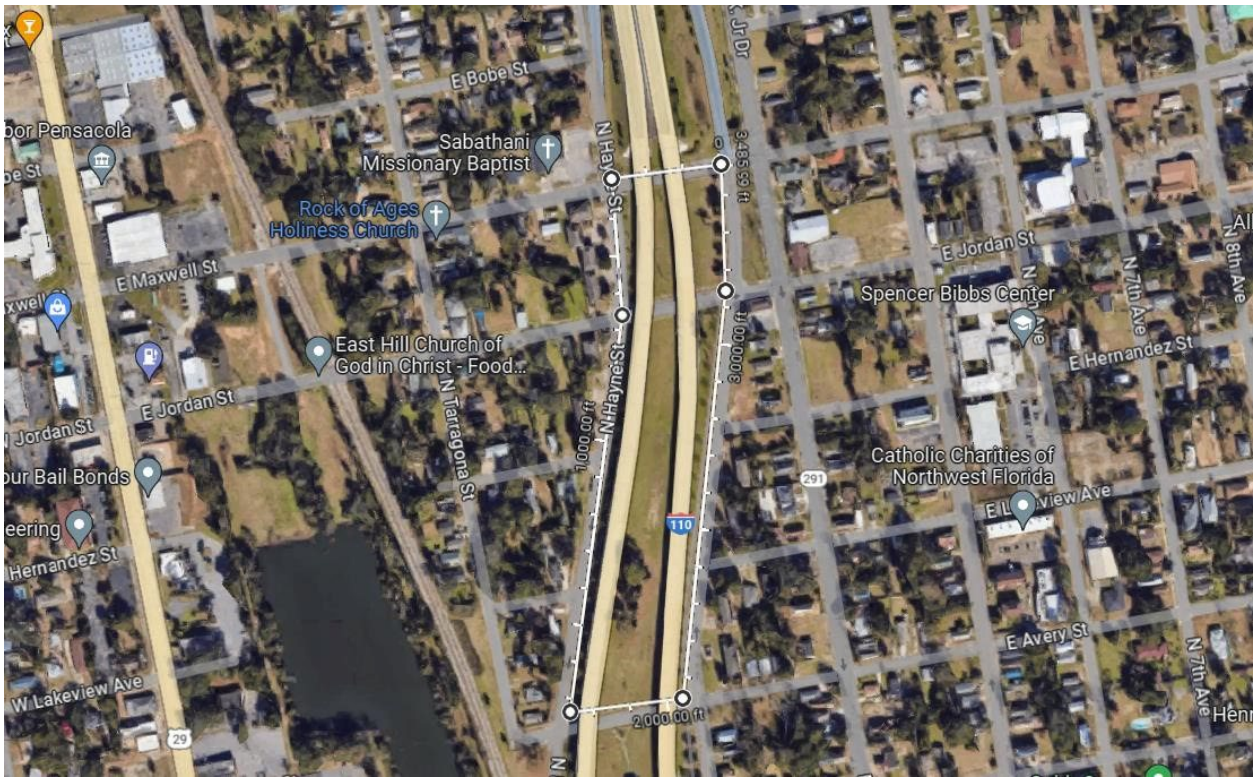
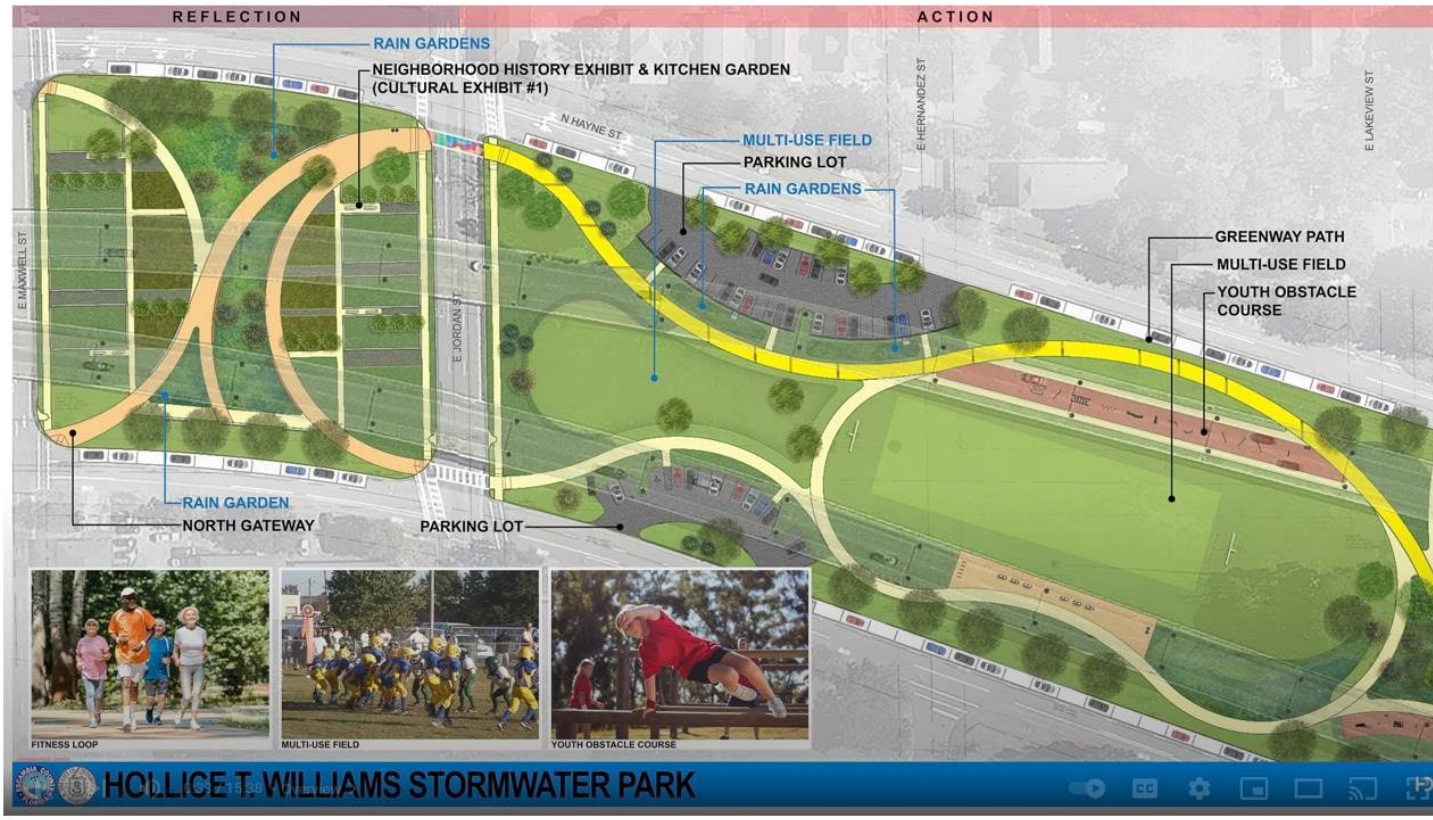


Figure 2: Conceptual drawing of the proposed stormwater features to enhance Hollice T. Williams Park


REFLECTION
ACTION
RAIN GARDENS
NEIGHBORHOOD HISTORY EXHIBIT & KITCHEN GARDEN
(CULTURAL EXHIBIT #1)
N HAYNE ST
MULTI-USE FIELD
PARKING LOT
RAIN GARDENS
E HERNANDEZ ST
E LAKEVIEW ST
E MAXWELL ST
E JORDAN ST
GREENWAY PATH
MULTI-USE FIELD
YOUTH OBSTACLE
COURSE
RAIN GARDEN
NORTH GATEWAY
PARKING LOT
FITNESS LOOP
MULTI-USE FIELD
YOUTH OBSTACLE COURSE
HOLLICE T. WILLIAMS STORMWATER PARK

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: Michael Barron at michael_barron@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): Department of the Interior (DOI)

Contact Name: Ashley Warren Phone: 470-877-8197 Email: ashley_warren@fws.gov

Project Name: Lower Suwannee National Wildlife Refuge Hydrologic Restoration Phase 2 (Planning)

DIVER ID# Click TIG: Florida TIG Restoration Plan # 3

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:

This project would continue planning work conducted under the Florida Trustee Implementation Group's (TIG) Lower Suwannee National Wildlife Refuge Hydrologic Restoration (Planning and Design) project (DIVER ID 179), which modeled hydrology for the Lower Suwannee National Wildlife Refuge (LSNWR) and identified appropriate locations for road improvements that would help to restore hydrology. This project would complete planning and engineering and design (E&D) and secure environmental permit (e.g., Clean Water Act Section 404 permit) for the proposed improvements. **Attachment A** contains the final Phase 1 planning report, which would inform the restoration alternatives that would complete E&D in this Phase 2 project.

C. Project Location

I. State and County/Parish of action area LSNWR, Dixie and Levy Counties, 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]

Project activities would primarily be desk-based, from existing offices. Some in-field surveys would occur for E&D work; these would primarily be located along Dixie County Mainline (DML) and Levy County Nature Drive within the LSNWR (**Figure 1**). Approximate coordinates for these roads are:

Dixie County Mainline: 29.402379°N, 83.166594°W NAD83

Levy County Nature Drive: 29.334868°N, 83.054099°W NAD83

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 may be added to the same folder location as where this BE is filed on Sharepoint . 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

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: N/A

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: N/A

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.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan 3 and Environmental Assessment (RP3/EA).

Since this project is solely for E&D work, no further permits would be required. As part of the project, applicable environmental permits (e.g., a Clean Water Act Section 404 permit) would be secured.

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

Name of Person Completing this Form: Emily Mazur, IEc
Name of Project Lead: Ashley Warren
Date Form Completed: January 4, 2024
Date Form Updated: Click here to enter text.

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.

The Suwannee River flows through the NWR and discharges to Suwannee Sound and the Gulf of Mexico. Roads across the LSNWR, such as the DML and Levy County Nature Drive, impede the natural overland sheet flow to the Suwannee River and the estuarine waters of Suwannee Sound. The roads currently act as dikes and levees that impound natural freshwater flow, cause flooding, and increase inland evapotranspiration. This impediment to natural flow has contributed to reduced sediment and water transport to the coast, trapping salt water during storm surge events which promotes forest die-off, and altering marsh, coastal, and estuarine ecologies.

This project would build on the data gathering and planning work done in Phase 1 to complete planning, E&D, and permitting for roadway and drainage improvements (e.g., elevating the road surface height, replacing undersized culverts, and adding new culverts and short bridges over constrained creeks). These design plans would ensure the project is ready to proceed for future funding opportunities. Eventual implementation actions would improve water quantity (i.e., move more water to Suwannee River and Sound) by allowing more water to flow beneath roads, and improve water quality by increasing freshwater input and restoring the natural estuarine environment near the coast, benefitting estuarine-dependent water column resources, oysters, and submerged aquatic vegetation.

Most work would be conducted from office buildings (desktop-based analyses, E&D) with limited field surveys (wetland delineation, visual site observations, protected species surveys, soil testing). Some minor in-water work related to field surveys and site observations may occur in the freshwater tributary creek road crossings, which are typically no more than 2 feet deep.

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.

The road segments to be improved are approximately 3 miles or more upstream of the confluence of the tributaries with Suwannee Sound.

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.

The LSNWR has about 200 miles of legacy roads which were originally developed for the commercial timber industry.
The LSNWR contains the Shellmound Observation Pier, which is currently in the process of being rebuilt. In addition, LSNWR has trails, boardwalks, fishing piers, overlooks, and kiosks designed for recreational activities. This project would develop E&D plans, compose cost estimates, and acquire permits for improvements to stream crossings with two primary unpaved roads.

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- no marine in-water work would occur.

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.

Mangroves are present within the LSNWR. Available information indicates that mangroves are not present in the habitats immediately adjacent to the DML but may be present along portions of Nature Drive (National Oceanic and Atmospheric Administration [NOAA] 2023). This project would only include minor in-field surveys to complete E&D work, and as such, would not disrupt mangroves that may be present along Nature Drive. Any potential impacts to wetlands as part of future construction phases of this project would be evaluated as part of the environmental permits that would be secured through this project.

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- no marine water work would occur.

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.).

Uplands in the LSNWR consist of woody and emergent herbaceous wetlands with some developed areas ranging from medium to high intensity. Much of the upland habitats were historically altered for commercial timber production. Additionally, ecological community shifts have occurred due to sea level rise and hydrologic alterations that have reduced

freshwater flows across the DML (**Attachment A**).

g. Soils and Sediments

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

Sediments and soils within LSNWR have been characterized as primarily Ridgewood sand, Leon mucky fine sand, Orsino fine sand, Immokalee fine sand, and Gator and Terra Ceia soils (U.S. Department of Agriculture, 2023). The majority of the action area is categorized as poorly drained soils that are either permanently or temporarily saturated (**Attachment A**).

h. Land Use

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

The LSNWR is zoned for environmental protection and public visitation purposes. LSNWR was established to protect water quality of the Suwanee River and to support recovery of the Gulf sturgeon (*Acipenser oxyrhynchus desotoi).* LSNWR allows for public access to support various recreational 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 (SARs) for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

While minimal in-field surveys could occur as part of E&D, the focal tributaries are characterized as freshwater, with an average depth of 2 feet. Flooding depths reach a maximum of approximately 7 feet. As such, marine mammals, including manatees, are unlikely to be present near the project sites. The LSNWR has not documented marine mammals present in the focal tributary streams.

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.*

This project would be implemented by the U.S. Department of the Interior Florida TIG Trustee in coordination with LSNWR and the Suwannee River Water Management District (SRWMD). This project is a Phase 2 planning initiative that builds upon the Florida TIG RP1/EA *Lower Suwannee National Wildlife Refuge Hydrologic Restoration – Planning and Design* project ("Phase 1 project"). The Phase 1 project modeled the NWR's hydrologic system and identified road sections that, when improved, would help restore hydrologic connections (**Attachment A**). The Phase 1 report detailed three restoration scenarios for Dixie County and two restoration scenarios for Levy County. Under this proposed Phase 2 project, specific restoration alternatives would be identified, 100% E&D plans would be developed, and environmental permits would be secured. This would allow these Phase 2 selected improvements to be "shovel ready" for future funding opportunities.

Specifically, this project would:

- **Produce project design plans** for the priority restoration scenarios in Dixie and Levy Countires.
- **Secure environmental and local permits** for the priority restoration scenarios.
- **Develop construction cost estimates** for the priority restoration scenarios.

Most of the project work would be desktop-based from existing offices. Some in-field survey work may occur, including:

- Delineation of wetland areas.
- Limited topographical surveys of existing conditions.
- Environmental surveys to determine location of probability of protected flora and fauna in the proposed construction areas.
- Geotechnical testing to determine underlying soil characteristics and groundwater levels.
- Clearance on cultural resources.

These in-field surveys would primarily occur from the existing roads.

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

This project would take approximately 3 years. Year 1 would include initial planning and E&D. Years 2 and 3 would include pre-construction monitoring and securing environmental permits (as indicated in Sections B and D). 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☒	NO☐
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

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)?*

N/A

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)).*

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

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

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

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☐ NO☒
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 adverse effects on EFH?	YES☐ NO☒

If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:

N/A

Will this project have beneficial effects to EFH?	YES☐ NO☐
If yes, please describe how your project will have beneficial effects the text box below:	

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: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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 H. 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 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.**
Smalltooth Sawfish (E)		Choose an item.	No Effect	No suitable habitat in action area
Loggerhead Sea Turtle (T)		Marine	No Effect	No suitable habitat in action area
Green Sea Turtle (T)		Marine	No Effect	No suitable habitat in action area
Hawksbill Sea Turtle (E)		Marine	No Effect	No suitable habitat in action area

Leatherback Sea Turtle (E)		Marine	No Effect	No suitable habitat in action area
Kemp's Ridley Sea Turtle (E)		Marine	No Effect	No suitable habitat in action area

Determination Definitions

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

*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 G. 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 G.

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.**
Whooping Crane		Choose an item.	No Effect	No suitable habitat in action area
Eastern Black Rail		Choose an item.	May Affect, Not Likely to Adversely Affect	
Eastern Indigo Snake		Choose an item.	May Affect, Not Likely to Adversely Affect	
Suwannee Alligator Snapping Turtle		Choose an item.	No Effect	Species does not occur within action area
Florida Salt Marsh Vole		Choose an item.	May Affect, Not Likely to Adversely Affect	
Florida Scrub-Jay		Choose an item.	May Affect, Not Likely to Adversely Affect	
Aquatic species present in the county on IPaC, but unlikely to occur in the inland/terrestrial project area				
West Indian Manatee		Choose an item.	No Effect	No suitable habitat in action area
Gulf Sturgeon		Riverine/Freshwater	No Effect	No suitable habitat in action area

Loggerhead sea turtle		Riverine/Freshwater	No Effect	No suitable habitat in action area

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 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.

Project activities would primarily include desk-based analyses, with some in-field surveys (wetland delineation, protected species surveys) and visual site observations by foot. These in-field surveys would be conducted along the DML and Levy County Nature Drive. As such, the

presence of wetland- and riverine-dependent and marine species listed in Sections H and I is unlikely.

Human disturbance during in-field could startle individual eastern black rail and eastern indigo snake animals. Because other foraging/resting habitats are nearby (less than 2 miles) this temporary displacement would be within normal movement patterns, and, as such, this effect is considered wholly insignificant. The proposed project would not result in habitat changes. Endangered species would be monitored for during in-field work (for the purposes of securing environmental permits) and avoidance buffers would be established. For these reasons, this project may affect, but is not likely to adversely affect, terrestrial species listed in Section I.

In addition to the species listed in Section I, the monarch butterfly (*Danaus plexippus*), a candidate species, may be present in the action area. However, no conference is being requested for this species at this time.

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 reinitiate this consultation.*

N/A

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

- ☐ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)**[26]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

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

[26] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

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.

N/A

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.

N/A

L. 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
☒	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☒	☐	*b) In-water construction or demolition*
☒	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☒	☐	*d) In-water Explosive detonation*
☒	☐	*e) Aquaculture*
☒	☐	*f) Restoration of barrier islands, levee construction or similar projects*

☒	☐	*g) Fresh-water river diversions*
☒	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☒	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*
☒	☐	*j) Conducting driving of sheet piles or pilings*
☒	☐	*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:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[27]
☐	NMFS Protected Species Construction Conditions (2021)[28]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[29]

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

M. 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).

[27] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[28] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[29] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

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

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 this 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 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
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**

☒ ☐ **Construction of Non-Fishing Piers**

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: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

Attachments

- **Attachment A**: Phase 1 Lower Suwannee National Wildlife Refuge Hydrologic Restoration Conceptual Design Report.

References

Florida Department of Environmental Protection (FDEP). 2022. Outstanding Florida Waters. Web application. Updated September 11, 2023. Accessed September 15, 2023. https://geodata.dep.state.fl.us/datasets/FDEP::outstandingflorida-waters

National Oceanic and Atmospheric Administration (NOAA). 2023. Environmental Response Management Application. Web Application. Gulf of Mexico. https://erma.noaa.gov/gulfofmexico

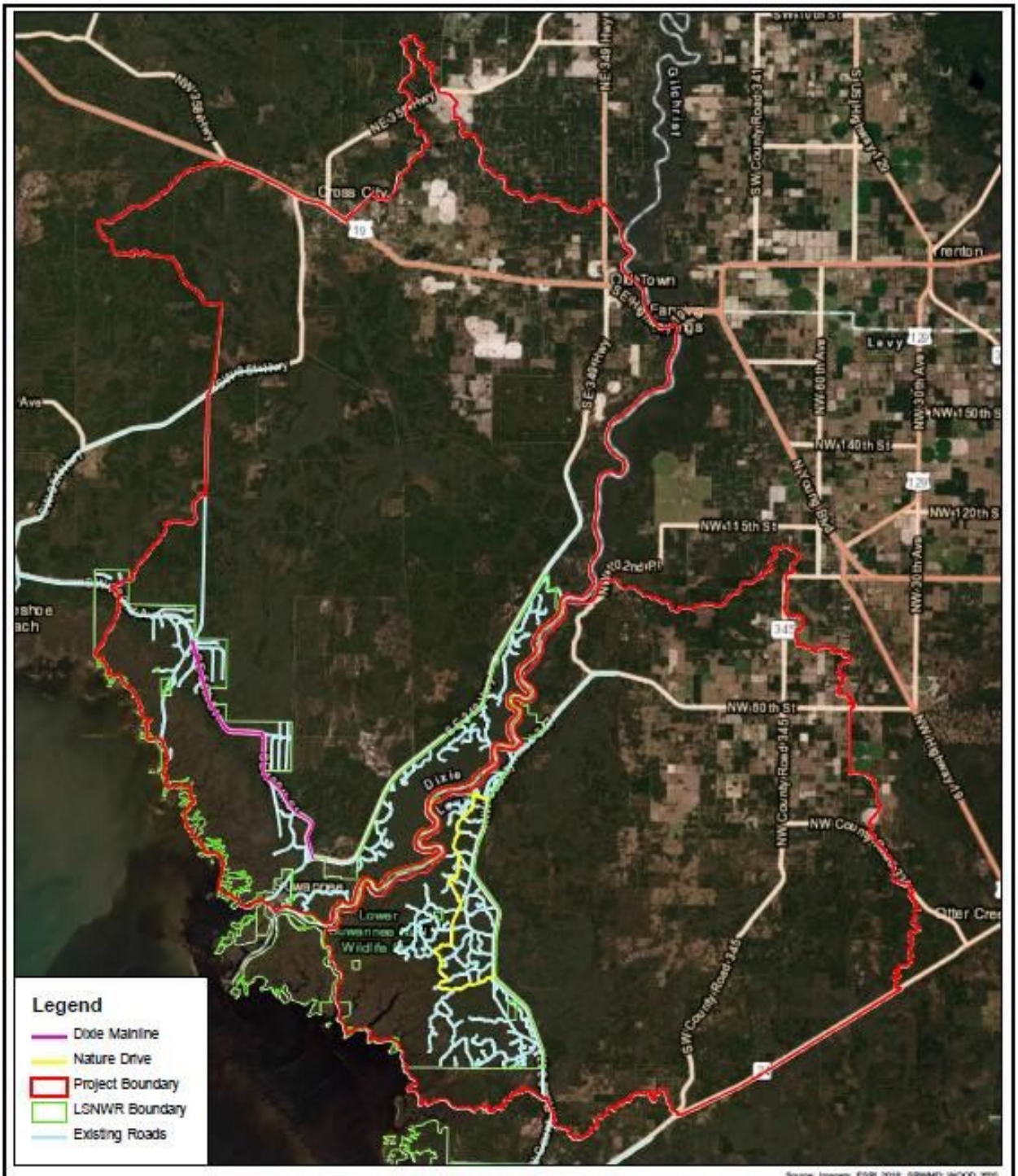
National Park Service (NPS). 2023. National Register Database and Research. Website. Accessed September 15, 2023. https://www.nps.gov/subjects/nationalregister/database-research.htm#table

U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). 2023. Web Soil Survey. Available at: https://webSoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

U.S. Fish and Wildlife Service (USFWS). 2021. 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: Map of the Lower Suwanee National Wildlife Refuge, depicting the project boundaries, as well as the roads for improvement (Dixie Mainline in pink and Nature Drive in yellow).



SRWMD - Hydrologic Restoration on the LSNWR

Existing Roads Map

Drawn	Date			
DLA	2/11/2022	Gainesville Florida Project No. 6572200372	wood.	Figure 3
Checked	Date			
GRG	2/11/2022			

Path: C:\Users\grant.gatson\Wood PLC\Atwater, Dustin L - LSNWRM\XD\Final Figures\Figure 3 Existing Roads Map.mxd grant.gatson Date Saved: 2/11/2022 9:08:17 AM

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: Michael Barron at michael_barron@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 Department of Environmental Protection (FDEP)

Contact Name: Sarah Ketron Phone: 850-245-2167 Email: Sarah.Ketron@FloridaDEP.gov

Project Name: Pensacola Bay Unpaved Roads Initiative Phase 2 (Planning)

DIVER ID# Click to enter text TIG: Florida TIG Restoration Plan # 3

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:

This project would build off of planning work conducted under the Florida Trustee Implementation Group's (TIG) *Pensacola Bay Unpaved Road Initiative (Planning & Design)* project (DIVER ID 197). That

project is currently evaluating and prioritizing unpaved road stream crossings in the Pensacola Bay watershed, with the goal of completing 30% design plans for 15 priority sites by June 2024. **This project would complete engineering and design (E&D) and permitting for the 15 priority sites (i.e., no construction activities would occur).**

C. Project Location

I. State and County/Parish of action area

Escambia, Okaloosa, and Santa Rosa Counties, 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]

Project activities would primarily be desk-based, from existing offices. Some in-field surveys would occur for E&D work; however, the 15 priority sites have not yet been identified. **Figure 1** depicts the watersheds of focus for water quality benefits.

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 may be added to the same folder location as where this BE is filed on Sharepoint . 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

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.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan 3 and Environmental Assessment (RP3/EA).

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

Name of Person Completing this Form: Emily Mazur, IEc
Name of Project Lead: Sarah Ketron, FDEP
Date Form Completed: October 30, 2023
Date Form Updated: January 16, 2024

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 develop design plans, secure permits, and estimate construction cost estimates for Phase 2 of the
Pensacola Bay Unpaved Roads Initiative within Escambia, Santa Rosa, and Okaloosa Counties, Florida. The Florida TIG's *Pensacola Bay Unpaved Road Initiative (Planning & Design)* project (DIVER ID 197) is currently evaluating and identifying priority unpaved road-stream crossings in the Pensacola Bay Watershed that would be of focus for this project. These sites include, but are not limited to, small tributary creeks and streams of Pensacola Bay. Most work would be conducted from office buildings (desktop-based analyses, E&D) with limited field surveys (wetland delineation,

visual site observations, protected species surveys, soil testing). No in-water work would be conducted.

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. N/A

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.

Numerous existing structures exist within the Pensacola Bay Watershed. This project would develop E&D plans for unpaved road-stream crossings. As part of these E&D activities, field studies would include cultural resource surveys.

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 – no in-water work would occur.

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 – no in-water
work would occur.

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 – no in-water work would occur.

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 U.S. Geological Survey's (USGS) National Land Cover Database categorizes upland areas in the Pensacola Bay Watershed as developed land, agricultural land, woody wetlands, evergreen forests, scrub habitats, and grasslands (USGS 2016).

g. Soils and Sediments

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

Sediments and soils within the Pensacola Bay Watershed are typically sandy substrates. As part of E&D, in-field surveys would be conducted at each of the 15 sites to visually determine topographical conditions and evaluate soil characteristics.

h. Land Use

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

Areas within Escambia, Santa Rosa, and Okaloosa Counties are zoned for a variety of purposes, including residential, commercial, agriculture, and conservation uses. This project would focus on unpaved county roads that are contributing to erosion and sedimentation within the Pensacola Bay Watershed.

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 (SARs) 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.*

This project would be implemented by the FDEP Florida TIG Trustee in coordination with U.S. Fish and Wildlife Service, the Northwest Florida Water Management District, and Escambia, Santa Rosa, and

Okaloosa Counties. This project is Phase 2 of a planning initiative that builds upon the Florida TIG's RP1/EA *Pensacola Bay Unpaved Roads Initiative (Planning and Design)* project ("Phase 1 project"). The Phase 1 project assessed and identified unpaved stream crossings that contributed the largest sediment loads to the Pensacola Bay watershed. The Phase 1 project is also developing 30 percent design plans with site-specific solutions at priority locations to eliminate or reduce sediment loading to associated habitat and resources.

Under this proposed Phase 2 project, 100 percent E&D plans would be developed, and environmental permits would be secured, for the priority sites identified in the Phase 1 project. This would allow these Phase 2 priority sites to be ready to proceed for future funding opportunities.

Specifically, this project would:

- **Conduct public meetings** to receive public input on the proposed restoration activities.
- **Produce project design plans** for the priority sites.
- **Secure environmental and local permits** for the priority sites.
- **Develop construction cost estimates** for the priority sites**.**

Most of the project work would be desktop-based, from existing offices. Some in-field survey work would occur at the priority sites, including:

- Delineation of wetland areas.
- Limited topographical surveys of existing conditions.
- Environmental surveys to determine location or probability of protected flora and fauna in the proposed construction areas.
- Geotechnical testing to determine underlaying soil characteristics and groundwater levels.
- Clearance on cultural resources.

No construction work would occur as part of this planning project.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)* The project would take approximately 2 years to complete.

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☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

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)?*

N/A

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)).*

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

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

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☐ NO☒
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☐ NO☒
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☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow 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: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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 H. 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 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 listed in the firs 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.

*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 G. 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 G.

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.**
Terrestrial and/or Wetland Species				
Red-cockaded woodpecker			No Effect	Species does not occur within actio area
Eastern black rail			May Affect, Not Likely to Adversely Affect	
Eastern indigo snake			May Affect, Not Likely to Adversely Affect	
Reticulated flatwoods salamander			May Affect, Not Likely to Adversely Affect	
Reticulated flatwoods salamander CH			No Effect.	See Section K.

Perdido Key beach mouse			No Effect	Species does not occur within actio area
Perdido Key beach mouse CH			No Effect.	Species does not occur within actio area See Section K
Tricolored bat			May Affect, Not Likely to Adversely Affect	
Piping plover			No Effect	Species does not occur within actio area
Piping plover CH			No Effect.	Species does not occur within actio area See Section K
Florida perforate cladonia			No Effect	Species does not occur within actio area
Riverine Species				
Alligator snapping turtle			May Affect, Not Likely to Adversely Affect	
Gulf Sturgeon		Riverine/Freshwater	May Affect, Not Likely to Adversely Affect	
Gulf Sturgeon CH		Riverine/Freshwater	No effect.	See Section K.
Choctaw bean			May Affect, Not Likely to Adversely Affect	
Fuzzy pigtoe			May Affect, Not Likely to Adversely Affect	
Narrow pigtoe			May Affect, Not Likely to Adversely Affect	
Round ebonyshell			May Affect, Not Likely to Adversely Affect	
Southern kidneyshell			May Affect, Not Likely to Adversely Affect	
Southern sandshell and CH			May Affect, Not Likely to Adversely Affect	
Choctaw bean, fuzzy pigtoe, narrow pigtoe, round ebonyshell, southern kidneyshell, and tapered pigtoe (Freshwater mussel) CH			No Effect	See Section K.

Aquatic species that may occur in the county in IPaC, but not at the inland/terrestrial project area				
West Indian manatee			No Effect	No suitable habit in action area
Green sea turtle		Riverine/Freshwater	No Effect	No suitable habit in action area
Kemp's Ridley sea turtle		Terrestrial	No Effect	No suitable habit in action area
Leatherback sea turtle		Terrestrial	No Effect	No suitable habit in action area
Loggerhead sea turtle		Terrestrial	No Effect	No suitable habit in action area

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 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.

Project activities would primarily include desk-based analyses, with some in-field surveys (wetland delineation, protected species surveys) and visual site observations by foot. These in-field surveys would be conducted at unpaved road-stream crossings where conditions have resulted in deterioration of habitat quality and sedimentation into the watershed. Human disturbance during in-field could startle individual animals. Because other foraging/resting habitats are nearby (less than 2 miles) this temporary displacement would be within normal movement patterns, and, as such, this effect is considered insignificant. The proposed project would not result in habitat changes. Endangered species would be monitored for during in-field work (for the purposes of securing environmental permits) and avoidance buffers would be established. For these reasons, this project may affect, but is not likely to adversely affect, species listed in Section I.

In addition to the species listed in Section I, the monarch butterfly (*Danaus plexippus*), a candidate species, may be present in the action area. No conference is being requested for this species at this time.

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 reinitiate this consultation.*

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

- ☐ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)**[30]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

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

[30] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

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.

This project would have no effect on critical habitat listed in Section I. Project activities would primarily include desk-based analyses, with some in-field surveys (wetland delineation, protected species surveys) and visual site observations by foot. No physical habitat alterations would occur that would change the primary constituent elements of the designated critical habitats.

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.

N/A

L. 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
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	*e) Aquaculture*
☐	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*g) Fresh-water river diversions*
☐	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*
☐	☐	*j) Conducting driving of sheet piles or pilings*
☐	☐	*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:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[31]
☐	NMFS Protected Species Construction Conditions (2021)[32]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[33]

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

M. Bald Eagles

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

[31] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[32] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[33] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

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

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 this 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 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
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**
☒	☐	**Construction of Non-Fishing Piers**

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: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

References

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: Map of targeted Escambia, Blackwater, and Pensacola Bay watersheds where unpaved road-stream crossings are being evaluated.

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: Michael Barron at michael_barron@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 Department of Environmental Protection (FDEP)

Contact Name: Sarah Ketron Phone: 850-245-2167 Email: Sarah.Ketron@FloridaDEP.gov

Project Name: Pensacola and Perdido Bay Watersheds Microbial Source Tracking (Planning)

DIVER ID# Click to enter text TIG: Florida TIG Restoration Plan # 3

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: N/A

C. Project Location

I. State and County/Parish of action area

Pensacola and Perdido Watersheds in Escambia and Santa Rosa Counties, 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]

Project activities would occur in sub-watersheds of the Perdido and Pensacola Bay Watersheds. Central coordinates for each watersheds are as follows (all in NAD83): Elevenmile Creek (30.474°N, -87.362°W), Bayou Marcus (30.434°N, 87.318°W), Carpenter Creek (30.469°N, -87.213°W), Bayou Texar (30.431°N, -87.185°W), Bruce Beach (30.416°N, 87.219°W), Bayou Chico (30.407°N, -87.266°W), Blackwater River (30.708°N, -86.884°W), Blackwater Bay (30.542°N, 87.015°W), and Garcon Point (30.476°N, -87.086°W). **Figure 1** includes the target watershed boundaries.

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 may be added to the same folder location as where this BE is filed on Sharepoint . 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

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.Click here to enter text.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan 3 and Environmental Assessment (RP3/EA).

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

Name of Person Completing this Form: Emily Mazur, IEc
Name of Project Lead: Sarah Ketron, FDEP
Date Form Completed: October 30, 2023
Date Form Updated: January 16, 2024

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 conduct water quality data gathering and monitoring activities within nine sub-watersheds in Pensacola Bay and Perdido Bay in Santa Rosa and Escambia Counties, Florida (**Figure 1**). Project activities would be conducted for sub-watersheds that have been verified as impaired by the Florida Department of Environmental
Protection (FDEP) or have recurring bacterial issues and that have restricted shellfish harvesting. These include
Blackwater River, Blackwater Bay, and Garcon Point in the Perdido watershed and Elevenmile Creek, Carpenter Creek, Bayou Texar, Bayou Marcus, Bruce Beach, and Bayou Chico in the Pensacola watershed. Additionally, sources of nutrient hotspots would be assessed for Bayou Marcus, Elevenmile Creek, Carpenter Creek, and Bayou Chico in the Pensacola watershed. No marine in-water work would occur as part of this project. In-stream work would include field reconnaissance

and water quality sampling via foot, vehicle, or boat. Most field investigations would occur in highly developed sub-watershed areas to identify sources of anthropogenic water quality impairment.

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. N/A. Discrete monitoring sites have not yet been identified.

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.

This project would occur in highly developed areas that are sources of water quality impairment. Existing infrastructure could include, but is not limited to, roads and parking areas, residential and commercial buildings, and sewer and stormwater infrastructure.

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 – no marine in-water work would occur.

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 – no marine in-water work would occur.

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 – no marine in-water work would occur.

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.).

A majority of uplands within the Pensacola and Perdido Watersheds consist of low- to high-intensity developed areas. Non-developed habitat types identified by the U.S. Geological Survey's (USGS) National Land Cover Database include woody wetlands, emergent herbaceous wetlands, and

evergreen forests (USGS 2016).

g. Soils and Sediments

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

Sediments and soils within the Pensacola and Perdido Bay Watersheds have been formally characterized as primarily Lakeland sand, Troup sand, and Poarch sandy loam (U.S. Department of Agriculture Natural Resource Conservation Services 2023).

h. Land Use

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

Areas within the Pensacola and Perdido Bay Watersheds are primarily zoned for residential and public visitation purposes. Pasture and agriculture lands are present upstream of Perdido Bay.

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 (SARs) for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

This project would conduct data gathering activities (e.g., water quality sampling) from primarily tributary streams, creeks, and drainages within the Pensacola Bay Watershed. Some sampling may occur along the edges of the broader Pensacola Bay, where marine mammals may occur.

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.*

This project would be implemented by the FDEP Florida TIG Trustee in coordination with Pensacola and Perdido Bays Estuary Program, Emerald Coast Utilities Authority, Escambia and Santa Rosa Counties, and

the City of Pensacola. This project would collect information needed to identify sources of bacterial pollution and prioritize restoration strategies and activities in the Pensacola and Perdido watersheds. The project would utilize FDEP's Fecal Indicator Toolkit (FDEP, 2018) and the microbial source tracking framework to structure sampling design and prioritization of sampling locations.

Specifically, this project would:

- Analyze existing data to identify areas with persistent bacterial issues and areas of suspected impairment and hotspots.
- Establish an advisory panel of experts to guide project development and implementation.
- Conduct field reconnaissance ("Walk the Watershed") to better understand the watershed's hydrology, sewer and stormwater infrastructure locations, and potential bacterial sources.
- Conduct field sample and laboratory analyses to monitor and investigate areas with fecal indicator bacteria. A tiered approach would be implemented where initial, broad-scale exploratory sampling would be conducted to identify targeted sampling of source locations. Laboratory analyses would detect and quantify specific microorganisms from field samples.
- Develop a report of microbial sources in the area, including a hotspot map and list of identified sources of microbial pollutants, a prioritized list of microbial source reduction projects, and a hotspot map and list of identified sources of nutrients in the sub-watersheds. This report would be used to inform future restoration projects.

Project activities would be conducted for sub-watersheds that have been verified as impaired by FDEP or have recurring bacterial issues and that have restricted shellfish harvesting. These include Blackwater River, Blackwater Bay, and Garcon Point in the Perdido watershed and Elevenmile Creek, Carpenter Creek, Bayou Texar, Bayou Marcus, Bruce Beach, and Bayou Chico in the Pensacola watershed. Additionally, sources of nutrient hotspots would be assessed for Bayou Marcus, Elevenmile Creek, Carpenter Creek, and Bayou Chico in the Pensacola watershed.

Most project activities would be desktop-based, from existing office buildings. In-field work would include field
reconnaissance (i.e., visual onsite assessments) and water sample collection (i.e., by hand using sterilized bottles to collect water). Up to 500 samples could be collected per each sub-watershed over the life of the project. Field samples would be collected as discrete sampling events by foot, vehicle, or vessel (kayak or small jon motorized boat).

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

This project would be completed in approximately 5 years. Years 1 and 2 would include analysis of existing data, hotspot identification, establishment of a community advisory panel, and planning for field reconnaissance and sampling. Field reconnaissance, sampling, and laboratory analysis would commence in Year 2 and continue through Year 4. Year 5 would include final report writing.

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☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

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)?*

N/A

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)).*

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
While most field sampling would occur in riparian, freshwater areas, essential fish habitat (EFH) could co-occur with downstream extents of some of the target sub-watersheds or could co-occur with areas traversed by vessels for field sampling (e.g., the edges of Pensacola Bay). Since no in-water construction would occur and all water sampling would occur in the water column, benthic habitats and substrates would not be affected.

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

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐
Eco-Region 2: North Florida (*Tarpon Springs, Florida, north and west to Pensacola Bay, Florida*)	☒	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama (*Pensacola Bay, Florida, west to the Mississippi River Delta)*	☒	☐	☐
Eco-Region 4: East Texas and West Louisiana (*Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas (*Freeport, Texas south to the U.S./Mexico border)*	☐	☐	☐

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☐ NO☒
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.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

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: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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 H. 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 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.**
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.
Loggerhead Sea Turtle (T)		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.

Giant Manta Ray (T)		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Gulf Sturgeon (T)		Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Gulf Sturgeon CH		Marine	No Effect	See Section K.

Determination Definitions

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

*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 G. 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 G.

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	
Eastern black rail		Choose an item.	May Affect, Not Likely to Adversely Affect	See Section J.
Alligator snapping turtle			May Affect, Not Likely to Adversely Affect	See Section J.
Eastern indigo snake			May Affect, Not Likely to Adversely Affect	See Section J.
Reticulated flatwoods salamander and CH			No Effect	No suitable habit in action area.
Gulf Sturgeon		Riverine/Freshwater	May Affect, Not Likely to Adversely Affect	See Section J.
Gulf Sturgeon CH		Riverine/Freshwater	No Effect	See Section K.
Choctaw bean			May Affect, Not Likely to Adversely Affect	See Section J.
Fuzzy pigtoe			May Affect, Not Likely to Adversely Affect	See Section J.
Narrow pigtoe			May Affect, Not Likely to Adversely Affect	See Section J.
Round ebonyshell			May Affect, Not Likely to Adversely Affect	See Section J.
Southern kidneyshell			May Affect, Not Likely to Adversely Affect	See Section J.
Southern sandshell			May Affect, Not Likely to Adversely Affect	See Section J.

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 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.

Project activities would primarily include desk-based analyses, with some water sampling and visual site observations by foot, vehicle, and/or small vessel (kayak, small jon motorized boat). In-field investigations would primarily be conducted in developed areas where anthropogenic sources of water quality impairment occur; these sites would be evaluated for future restoration actions.
Species listed in Sections H and I may rest, forage, or traverse the action area where in-field work is occurring. Human or vessel disturbance could startle individual animals. Because other foraging/resting habitats are nearby (less than 2 miles) this temporary displacement would be within normal movement patterns, and, as such, this effect is considered insignificant. Standard conservation measures for the operations of in-water vessels (USFWS Standard Manatee In-Water Conditions; NMFS Vessel Strike Avoidance Measures) would be implemented. Additionally, ESA-listed species would be monitored for

and avoidance buffers established during in-field work. The proposed project would not result in habitat changes. Due to the nature of the project activities, and with the implementation of the listed conservation measures, this project may affect, but is not likely to adversely affect, species listed in Sections H and I.

In addition to the species listed in Section I, the monarch butterfly (*Danaus plexippus*), a candidate species, may be present in the action area. However, no conference is being requested for this species at this time.

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 reinitiate this consultation.*

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

- ☒ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)**[34]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☒ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

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.

[34] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

This project would have no effect on critical habitats listed in Sections H and I. Project activities would primarily include desk-based analyses, with some water sampling and visual site observations by foot, vehicle, and/or small vessel (kayak, small jon motorized boat). No physical habitat alterations would occur that would change the primary constituent elements of the designated critical habitats.

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.

N/A

L. 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
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	*e) Aquaculture*
☐	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*g) Fresh-water river diversions*
☐	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*

☐	☐	*j) Conducting driving of sheet piles or pilings*
☐	☐	*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:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[35]
☐	NMFS Protected Species Construction Conditions (2021)[36]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☒	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[37]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. Click here to enter text.

M. 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.

[35] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[36] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[37] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

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 this 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 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
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**
☒	☐	**Construction of Non-Fishing Piers**

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: 727-551-5714

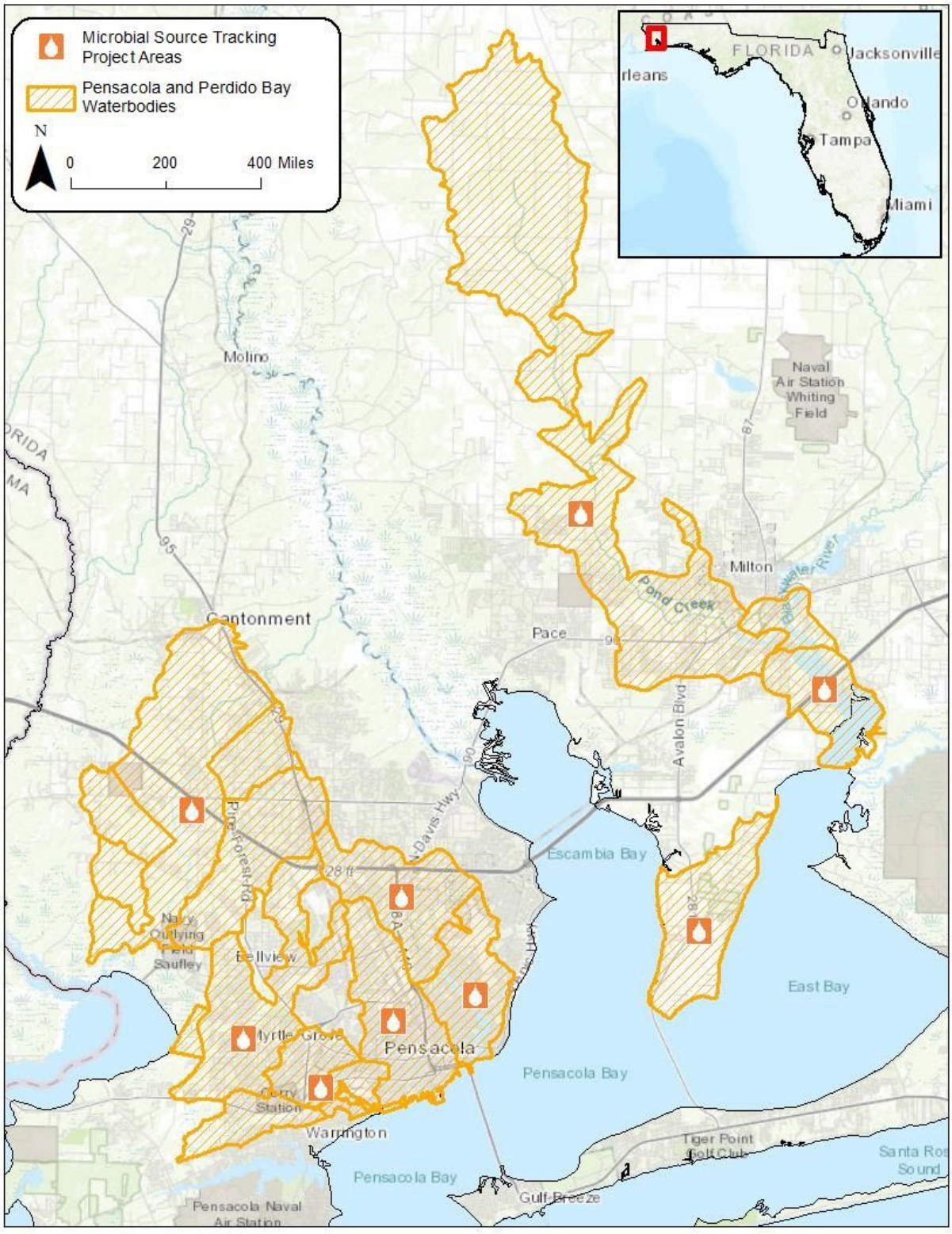
USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

References

U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). 2023. Web Soil Survey. Available at: https://webSoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

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: Map of the nine sub-watersheds in which monitoring would occur



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: Michael Barron at michael_barron@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 Department of Environmental Protection (FDEP)

Contact Name: Sarah Ketron Phone: 850-245-2167 Email: Sarah.Ketron@FloridaDEP.gov

Project Name: Santa Rosa County Septic to Sewer Conversion

DIVER ID# Click to enter text TIG: Florida TIG Restoration Plan # 3

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:
N/A – engineering and design has not yet begun.

C. Project Location

I. State and County/Parish of action area

Santa Rosa 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 would involve the conversion of residential septic tank systems to municipal sewer services in five municipalities in Santa Rosa County: Gulf Breeze, Holley Navarre, City of Pace, the Town of Jay, and the City of Milton (**Figure 1**). Approximate central coordinates for each area are (all in NAD83): Gulf Breeze (30.395°N, -87.067°W), Holley Navarre (30.450°N, -86.838°W), Pace (30.598°N, -87.178°W), and the Town of Jay (30.954°N, -87.158°W).

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 may be added to the same folder location as where this BE is filed on Sharepoint . 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

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.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan 3 and Environmental Assessment (RP3/EA)

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

Name of Person Completing this Form: Emily Mazur, IEc
Name of Project Lead: Sarah Ketron, FDEP
Date Form Completed: October 30, 2023
Date Form Updated: January 11, 2024

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 abate antiquated residential septic systems and install connections to municipal sewer within Santa Rosa County, Florida. No in-water work would be conducted. Project activities would occur across multiple municipalities across Santa Rosa County, including the City of Gulf Breeze, Holly Navarre, the Town of Jay, and the City of Pace. Santa Rosa County sits within the Pensacola Bay Watershed and the Blackwater Bay sub-watershed. Multiple waterbodies within these watersheds are listed by the State of Florida as impaired waterbodies for nutrients and bacteria (Florida Department of Environmental Protection [FDEP] 2023). Estuarine and marine, freshwater emergent, and freshwater forested/shrub wetlands are present in Santa Rosa Count, and are within water flow ways from residential areas of focus in this project (U.S. Fish and Wildlife Service [USFWS] 2021).

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. N/A

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.

This project would abate existing residential septic tank systems and install connections to municipal sewer systems. Some of the municipalities fall within the greater Pensacola Metropolitan Area. Therefore, a wide variety of residential structures are found within the project area, and include housing structures, roads, parking lots, etc. Up to 900 residences across 13 sites would be converted to sewer.

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 – no in-water work would occur.

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 – no in-water work would occur.

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 – no in-water work would occur.

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.).

Uplands in Santa Rosa County consists of primarily developed areas, ranging from low to high intensities. The U.S. Geological Survey's (USGS) National Land Cover Database categorizes other upland areas as evergreen forests, woody wetlands, and emergent herbaceous wetlands (USGS 2016).

g. Soils and Sediments

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

Sediments and soils within Santa Rosa County have been formally characterized as primarily Lakeland Sand, Troup Sand, and Albany Sand (U.S. Department of Agriculture Natural Resource Conservation Services 2023).

h. Land Use

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

Areas within Santa Rosa are zoned for a variety of residential, agricultural, conservation, and public visitation purposes.

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 (SARs) 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.*

This project would be implemented by the FDEP Florida TIG Trustee in coordination with Santa Rosa County. The project would improve water quality in the Pensacola Bay watershed by connecting homes currently served by septic systems to a central wastewater treatment system.

Specifically, the project would:

- **Decommission septic tank systems.** Septic tanks from up to 900 residences across the Town of Jay, the City of Pace, the City of Gulf Breeze, and Holley-Navarre (**Figure 1**) would decommissioned in-place. The tanks would be pumped, the bottom would be ruptured to

prevent water retention, and the emptied tanks would be filled with clean, compacted fill to grade.

- **Install municipal sewer connections.** Following septic tank decommissioning, gravity sewer systems or lowpressure grinder pumps would be installed and linked to local municipal sewage systems, ultimately connecting to local reclamation facilities. Installation would require excavation at a minimum of 30 inches to an average of 5 feet for low-pressure system mains, or up to 12 feet for gravity systems. Where low-pressure systems are used, a lowpressure pump would be installed at 5 foot-depth. A buried wire or wire in conduit from the existing electrical service panel would be installed to connect to the pump control panel. Off-site construction work would include infrastructure adjustments within the rights of way, including gravity and force mains, services to the property, manholes, and lift stations. Vegetation would be planted along disturbed areas for stabilization.

This project is a multi-jurisdictional collaborative septic to sewer conversion program that involves four water utility partners serving Santa Rosa County: the Pace Water System, the Gulf Breeze Water System, the Holley Navarre Water System, and the Town of Jay. Up to 352 residences would be converted to sewer within the Pace Water System (within the Bayou Ridge, Twin Hills, Old Arcadia, Floridatown, and Crystal Creek residential areas). Up to 219 residences would be converted to sewer in the City of Gulf Breeze Water System (within the West Bayshore area). Up to 194 residences would be converted within the Holley Navarre Water System (near Tom King Bayou). Up to 130 residences would be converted to sewer within the Town of Jay (rural residences near the Pensacola Bay watershed headwaters).

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

This project would take approximately 5 years. Project timelines would vary across the utility partners. Generally, site selection, planning, and engineering and design would occur in Years 1 and 2; construction would occur in Years 2 and 3; and post-construction maintenance and monitoring would occur in Years 4 and 5.

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☐	NO☒
Does this project include terrestrial construction?	YES☒	NO☐
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

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)?*

Terrestrial-based construction would occur to decommission residential septic tanks and install connections to municipal sewer lines. Dewatering equipment may be used to empty full septic tanks, then the tank bottoms would be ruptured/removed to avoid water retention and the tanks would be filled with sediment to grade. Grass landscaping would be planted over the decommissioned septic tanks to return the site to original conditions.

Various small/lightweight digging and boring equipment would be used to install low-pressure pumps and/or gravity sewer system connections. Installation would require excavation at a minimum of 30 inches to an average of 5 feet for lowpressure system mains, or up to 12 feet for gravity systems. Where low-pressure systems are used, a low-pressure pump would be installed at 5 foot-depth. A buried wire or wire in conduit from the existing electrical service panel would be installed to connect to the pump control panel. All excavated dirt would be replaced once the septic tanks are decommissioned and sewer lines are in place. Asphalt, driveways, and landscaping would then be repaired to original conditions. Throughout construction, erosion control structures (silt screens, turbidity curtains, etc.) would be installed to prevent sediment runoff into nearby waterways and wetlands. Protective fencing would be installed around trees to prevent damage. All construction would occur within private residences and public roadway rights-of-way.

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.*

Terrestrial-based digging and boring would occur to uncover and decommission septic tanks and install low-pressure or gravity sewer system connections. Various small/lightweight construction equipment would be used, such as backhoes, excavators, hand equipment, and boring equipment. The maximum depth would be 12 feet. All excavated dirt would be replaced once the septic tanks are decommissioned and sewer lines are in place. Asphalt, driveways, and landscaping would then be repaired to original conditions.

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)).*

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

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

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☐ NO☒
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.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

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: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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 H. 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 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 listed in the firs 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.

*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 G. 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 G.

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.**
Eastern black rail		Choose an item.	No Effect	No suitable habit in action area
Red-cockaded woodpecker		Choose an item.	No Effect	See Section J.
Alligator snapping turtle		Choose an item.	No Effect	No suitable habit in action area
Eastern indigo snake		Choose an item.	No Effect	Species does not occur within actio area
Reticulated flatwoods salamander and CH		Choose an item.	No Effect	No suitable habit in action area
Narrow pigtoe		Choose an item.	No Effect	No suitable habit in action area
Round ebonyshell		Choose an item.	No Effect	No suitable habit in action area
Southern kidneyshell		Choose an item.	No Effect	No suitable habit in action area
Southern sandshell		Choose an item.	No Effect	No suitable habit in action area
Choctaw bean		Choose an item.	No Effect	No suitable habit in action area
Fuzzy pigtoe		Choose an item.	No Effect	No suitable habit in action area
Aquatic species that occur in the county in IPaC, but unlikely at the terrestrial project area.				
West Indian manatee			No Effect	No suitable habit in action area
Gulf Sturgeon and CH		Riverine/Freshwater	No Effect	No suitable habit in action area

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 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.

As noted in Section F, project activities would involve the decommissioning of residential septic tanks and installation of municipal sewer connections. Terrestrial construction would occur on privately-owned, developed properties and within roadway rights-of-way. Erosion control measures (turbidity barriers, hay bale barriers, silt fences, etc.) would be implemented prior to construction to prevent erosion and run-off into local waterways and wetlands.

The **eastern black rail** (*Laterallus jamaicensis ssp. jamaicensis*), **alligator snapping turtle** (*Macrochelys temminckii*), and **reticulated flatwoods salamander** (*Ambystoma bishopi*) are wetland-dependent species. Additionally, the **Choctaw bean** (*Obovaria choctawensis*), **fuzzy pigtoe** (*Pleurobema strodeanum*), **narrow pigtoe** (*Fusconaia escambia*), **round ebonyshell** (*Reginaia rotulata*), **southern kidneyshell** (*Ptychobranchus jonesi*), and **southern sandshell** (*Hamiota australis*) are all riverine-dependent mollusks. All work would occur at least 200 feet away from wetlands, no work would occur in riverine systems. As such, the project would have no effect on wetland-and riverine-dependent species.

The **eastern indigo snake** (*Drymarchon couperi*) occupies a wide range of habitats, including mesic pine flatwoods, scrubby flatwoods, longleaf pine sandhills, dry prairie, and some human-altered habitats. The most recent species status assessment indicates that the eastern indigo snake has only been observed a

couple of times in Santa Rosa County between 2001 and 2017, west of the action area. As such, the species is unlikely to occur in the action area.

The **red-cockaded woodpecker** (*Picoides borealis*) occupies open pine woodlands and savannahs. Their roosting, nesting, and foraging habitat relies on mature pine trees in which they create cavities. Pine trees may be present in residential neighborhoods. However, the project could occur in developed areas and the most recent species status assessment indicates that known red-cockaded woodpecker clusters are located west of the project's focal towns. For these reasons, this project would have no effect on the red-cockaded woodpecker.

In addition to the species listed in Section I, the monarch butterfly (*Danaus plexippus*), a candidate species, may be present in the action area. However, no conference is being requested for this species at this time.

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 reinitiate this consultation.*

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

- ☐ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)**[38]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

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.

[38] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

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.

Project areas overlap with critical habitat designated for the reticulated flatwoods salamander. This critical habitat is located in wetland areas, which, as described in Section J, would be avoided during construction. Additionally, erosion control measures would be implemented during construction to limit sedimentation into wetlands and watersheds. Converting antiquated septic tanks to municipal sewer would improve wetlands by reducing bacteria and nutrient loading into coastal waterways. As such, the project would have no effect on reticulated flatwoods salamander critical habitat.

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.

N/A

L. 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

☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	*e) Aquaculture*
☐	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*g) Fresh-water river diversions*
☐	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*
☐	☐	*j) Conducting driving of sheet piles or pilings*
☐	☐	*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

Click here to enter text.

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:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[39]
☐	NMFS Protected Species Construction Conditions (2021)[40]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[41]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. Click here to enter text.

M. Bald Eagles

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

[39] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[40] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[41] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

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

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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 this 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 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
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**
☒	☐	**Construction of Non-Fishing Piers**

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: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

References

Florida Department of Environmental Protection (FDEP). 2023. Statewide Comprehensive Verified List of Impaired Waters. Updated July 11, 2023. www.floridadep.gov/dear/water-quality-restoration/content/impaired-waters-tmdls-andbasin-management-action-plans

National Oceanic and Atmospheric Administration (NOAA). 2023. Environmental Response Management Application. Web Application. Gulf of Mexico. https://erma.noaa.gov/gulfofmexico

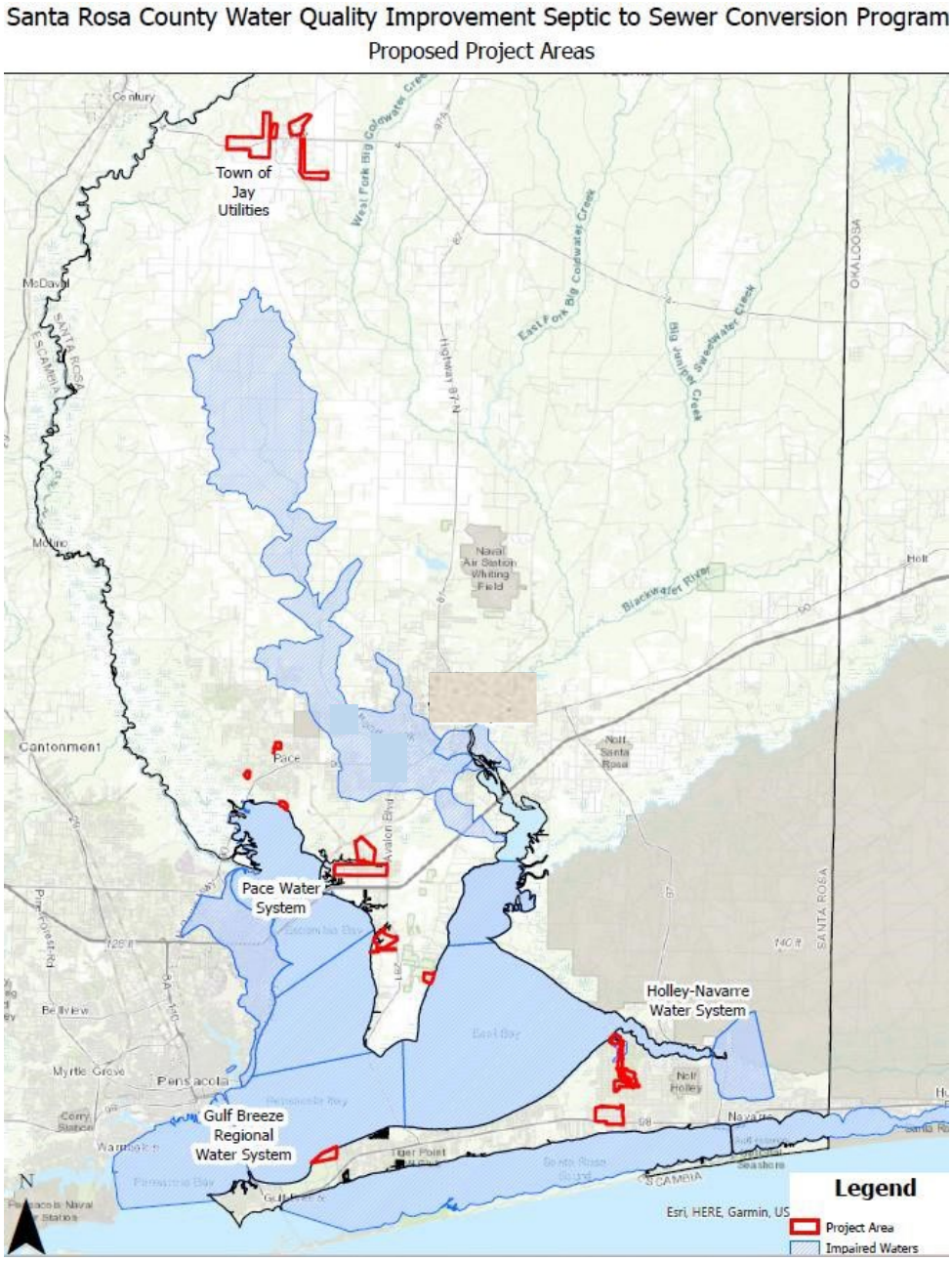
National Park Service (NPS). 2023. National Register Database and Research. Website. Accessed September 15, 2023. https://www.nps.gov/subjects/nationalregister/database-research.htm#table

U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). 2023. Web Soil Survey. Available at: https://webSoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

U.S. Fish and Wildlife Service (USFWS). 2021. 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: Map of septic to sewer conversion areas



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: Michael Barron at michael_barron@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): U.S. Department of the Interior (DOI)

Contact Name: Erin Chandler Phone: 470-361-31537 Email: erin_chandler@fws.gov

Project Name: Telogia Creek Watershed Water Quality Improvements

DIVER ID# Click to enter text TIG: Florida TIG Restoration Plan # 3

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: N/A

C. Project Location

I. State and County/Parish of action area

Telogia Creek subbasin, Lower Ochlocknee River, Gadsden and Liberty Counties (**Figure 1**)

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 would be conducted in phases, with the initial phase including data gathering, field reconnaissance, and data evaluation along Telogia Creek (**Figure 1**)to identify site-specific restoration actions for future project phases. As such, specific latitudes and longitudes for implementation/construction activities in future phases have not yet been identified.

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 may be added to the same folder location as where this BE is filed on Sharepoint . 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

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.

A National Environmental Policy Act (NEPA) analysis for this project would be included in the Florida Trustee Implementation Group's (TIG) Restoration Plan 3 and Environmental Assessment (RP3/EA).

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

Name of Person Completing this Form: Emily Mazur, IEc
Name of Project Lead: Erin Chandler, USFWS
Date Form Completed: October 30, 2023
Date Form Updated: January 16, 2024

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 reduce water quality degradation within the Telogia Creek subbasin of the Ochlockonee River through a combination of data analysis and implementation of site-specific restoration activities. Telogia Creek is a large tributary that empties to the lower Ochlockonee River downstream of Talquin Reservoir and approximately 50 river miles upstream of Ochlockonee Bay. According to the Ochlockonee Basin Surface Water Improvement (SWIM) Plan, the upper watershed is characterized by high concentrations of agricultural and rural residential land uses and these have contributed to water quality issues within the watershed (Northwest Florida Water Management District [NWFWMD] 2017). State of Florida water quality assessment results indicated that nitrogen concentrations are increasing in Telogia Creek, and fecal coliform bacteria is an impairment concern throughout the system (Florida Department of Environmental Protection [FDEP] 2020, NWFWMD 2017).

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. Approximately 50 river-miles.

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.

Various developed areas and natural habitats exist along the Telogia Creek subbasin. This project would target existing sources of water quality impairment, including but not limited to, unpaved road-stream crossings, impairments to water flows (ineffective culverts), residential septic systems, and agricultural farms.

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 – no marine in-water work would occur.

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- no marine in-water work would occur.

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 – no marine in-water work would occur.

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.).

Uplands along Telogia Creek range from riverine wetlands and upland forests to developed towns and agriculture/pasture lands (NWFWMD 2017).

g. Soils and Sediments

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

Telogia Creek sits within the Gulf Coastal Plain physiographic region, characterized by gently

rolling hills, sharp ridges, wet prairies, and alluvial floodplains underlain by sand, gravel, porous limestone, chalk, marl, and clay (NWFWMD 2017). Upland soils have been characterized as highly erodible by the U.S. Department of Agriculture's Natural Resource Conservation Service.

h. Land Use

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

Land uses within the Telogia Creek sub-basin and larger Ochlockonee Watershed are primarily comprised of silviculture, agriculture, and residential areas. Agriculture land use is particularly prominent in the Telogia Creek sub-basin (NWFWMD 2017).

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 (SARs) 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.*

This project would be implemented by the DOI Florida TIG Trustee in coordination with the USFWS Panama City Ecological Services Office, U.S. Department of Agriculture, U.S. Forest Service, and academic institutions. This project would improve surface water and aquatic habitat quality by implementing a variety of on-the-ground activities such as restoring eroding stream channels, establishing riparian buffers, improving unpaved road crossings, and restoring hydrologic connectivity throughout the Telogia Creek watershed. This project would be conducted in phases to first gather data, then plan and implement restoration activities on a site-specific basis.

Specifically, the project would:

- **Gather and synthesize existing data** to identify areas of potential water quality impairment along Telogia Creek.
- **Conduct field reconnaissance** to gather site-specific observations of these impaired areas.
- **Identify hotspot areas** where water quality is impacted that could be targeted in future phases of the project.

This project would take a quantitative and qualitative approach to assess site-specific water quality impairment at locations along the entire length of Telogia Creek (**Figure 1**) using a scoring system based on the USFWS "riverine threats assessment" protocol. A combination of GIS land use-land cover analyses and aerial photography examinations would be used to identify areas of potential impairment which would then be visually inspected in the field. GIS data, combined with spatial ecology datasets, would be evaluated to identify hot spot areas where water quality is impacted and could be targeted for site-specific improvements in future phases of the project (i.e., no construction/implementation activities would occur in this phase).

Phase I activities would be primarily desktop-based, occurring from existing office spaces. Limited field reconnaissance (visual site observations) and water quality sampling could be conducted by foot, vehicle, or small boat (kayak or motorized jon boat). **Environmental compliance would be revisited for future implementation project phases following identification of sites and site-specific activities.**

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

This project would take approximately 6 years. Years 1 and 2 would include data collection evaluation, site selection, and engineering and design. Years 3 through 6 would include construction/implementation and monitoring.

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☐	NO☒
Does this project include terrestrial construction?	YES☐	NO☒
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒

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)?*

N/A

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)).*

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

Gulf of Mexico EFH Eco-Region	Estuarine	Nearshore	Offshore
Eco-Region 1: South Florida (*Florida Keys north to Tarpon Springs, Florida*)	☐	☐	☐

Eco-Region 2: North Florida *(Tarpon Springs, Florida, north and west to Pensacola Bay, Florida)*	☐	☐	☐
Eco-Region 3: East Louisiana, Mississippi, and Alabama *(Pensacola Bay, Florida, west to the Mississippi River Delta)*	☐	☐	☐
Eco-Region 4: East Texas and West Louisiana *(Mississippi River Delta west and south to Freeport, Texas)*	☐	☐	☐
Eco-Region 5: West Texas	☐	☐	☐
(Freeport, Texas south to the U.S./Mexico border)			

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☐ NO☒
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.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES☐ NO☒
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES☐ NO☒
If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:	

Click here to enter text.

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: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

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 H. 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 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 listed in the firs 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.

*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 G. 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 G.

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.**
Red-cockaded woodpecker		Choose an item.	May Affect, Not Likely to Adversely Affect	
Alligator snapping turtle		Choose an item.	May Affect, Not Likely to Adversely Affect	
Eastern indigo snake		Choose an item.	May Affect, Not Likely to Adversely Affect	
Gulf sturgeon		Riverine/Freshwater	May Affect, Not Likely to Adversely Affect	
Ochlockonee moccasinshell		Choose an item.	May Affect, Not Likely to Adversely Affect	

Purple bankclimber		Choose an item.	May Affect, Not Likely to Adversely Affect	
Fringed campion		Choose an item.	May Affect, Not Likely to Adversely Affect	
Godfrey's butterwort		Choose an item.	No Effect	Species does not occur within actio area
White birds-in-a-nest		Choose an item.	No Effect	Species does not occur within actio area
Whooping crane		Choose an item.	May Affect, Not Likely to Adversely Affect	
Frosted flatwoods salamander		Choose an item.	May Affect, Not Likely to Adversely Affect	
Chipola slabshell		Choose an item.	No Effect	Species does not occur within actio area
Fat threeridge		Choose an item.	No Effect	Species does not occur within actio area
Southern elktoe		Choose an item.	No Effect	Species does not occur within actio area
American chaffseed		Choose an item.	No Effect	Species does not occur within actio area
Apalachicola rosemary		Choose an item.	No Effect	Species does not occur within actio area
Chapman rhododendron		Choose an item.	No Effect	Species does not occur within actio area
Florida torreya		Choose an item.	No Effect	Species does no occur within actio area

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 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.

Project activities would primarily include desk-based analyses, with some water sampling and visual site observations by foot, vehicle, and/or small vessel (kayak, small jon motorized boat). In-field investigations would primarily be conducted in developed or agricultural areas where anthropogenic sources of water quality impairment occur; these sites would be evaluated for future implementation phases of the project. Faunal species listed in Section I may rest, forage, or traverse the action area. Human disturbance from these in-field surveys could startle individual animals. Because other foraging/resting habitats are nearby (less than 2 miles) this temporary displacement would be within normal movement patterns, and, as such, this effect is considered insignificant. The proposed project would not result in habitat changes. Project staff (i.e., USFWS field staff) would monitor for ESA-listed species while in the field and would implement avoidance buffers. As such and due to the nature of project activities, this project may affect, but is not likely to adversely effect, animals listed in Section I.

In addition to the species listed in Section I, the monarch butterfly (*Danaus plexippus*), a candidate species, may be present in the action area. However, no conference is being requested for this species

at this time.

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 reinitiate this consultation.*

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

- ☐ **USFWS Standard Manatee In Water Conditions**
- ☐ **NMFS Protected Species Construction Conditions (2021)**[42]
- ☐ **NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
- ☐ **NMFS Vessel Strike Avoidance Measures (2021)**[1]

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.

N/A – no critical habitat is present within the project area.

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*

[42] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance

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.

N/A

L. 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
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	*e) Aquaculture*
☐	☐	*f) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*g) Fresh-water river diversions*
☐	☐	*h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters an living shorelines, etc.*
☐	☐	*j) Conducting driving of sheet piles or pilings*
☐	☐	*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

Click here to enter text.

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:*

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[43]
☐	NMFS Protected Species Construction Conditions (2021)[44]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012)[3]
☐	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021)[3]
☐	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[45]

If not listed above, please describe any additional BMPs or conservation measures that may be be implemented for marine mammals. Click here to enter text.

M. 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

[43] https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines
[44] https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance
[45] https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs

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 this 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 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
☒	☐	**Oyster Reef Creation and Enhancement**
☒	☐	**Marine Debris Removal**
☒	☐	**Construction of Living Shorelines**
☒	☐	**Marsh Creation and Enhancement**
☒	☐	**Construction of Non-Fishing Piers**

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: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

References

Florida Department of Environmental Protection [FDEP]. 2020. Integrated Water Quality Assessment for Florida: Sections 303(d), 305(b), and 314 Report and Listing Update. Division of Environmental Assessment and Restoration, Florida Department of Environmental Protection. Tallahassee, FL, June 2020. 160 pp. 2020 Integrated Water Quality Assessment for Florida 303(d) / 305(b) Report | Florida Department of Environmental Protection

Northwest Florida Water Management District [NWFWMD]. 2017. Ochlockonee River and Bay surface water improvement and management plan. Program Development Series 17–02, Havana, FL, September 2017. Ochlockonee River & Bay SWIM Plan (nwfwater.com)

Figure 1: Map of the Telogia Creek subbasin (yellow highlight) within the greater Ochlockonee River and Bay Watershed.