



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Deepwater Horizon Gulf Restoration Office
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Fairhope, Alabama 36532

In Reply Refer To:
FWS/R4/DH NRDAR

Memorandum

February 29, 2024

To: Patricia Kelly, Panama City Ecological Services Field Office, Panama City, FL

From: Compliance Supervisor, Deepwater Horizon Gulf Restoration Office

Subject: Coastal Barrier Resources Act Consistency Determination Request for Implementation of the Pensacola Bay Unpaved Roads Initiative Phase 2 (Planning) Project

The Department of the Interior Deepwater Horizon Gulf Restoration Office is working through various environmental compliance consultations on post-settlement proposed restoration projects. We are currently working on the Coastal Barrier Resources Act (CBRA) consistency determination for the Florida Trustee Implementation Group Restoration Plan 3 project: Pensacola Bay Unpaved Roads Initiative Phase 2 (Planning).

We used the Coastal Barrier Resources System (CBRS) mapper and the Information for Planning and Consultation (IPaC) system [accessed February 29, 2024] to determine if the proposed project is located within a CBRS Unit. The proposed project does occur within CBRS Units.

This project has the IPaC tracking number 2024-0055445.

Project Location

The proposed project is located in coastal Florida. Please see project map below (Figure 1).

Description of the Proposed Action or Project

The proposed project is designed to restore natural resources injured by the Deepwater Horizon oil spill. Please see below for project description and consistency analysis.

Justification for Exception

Please see below for Justification for Exception.

Contact Information

Please provide response via email to the following:

Michael Barron
Environmental Compliance Coordinator
Deepwater Horizon Gulf Restoration Office
Tel: 251-421-7030
michael_barron@fws.gov

Pensacola Bay Unpaved Roads Initiative Phase 2 (Planning)

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 underlying soil characteristics and groundwater levels.
- Clearance on cultural resources.

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

Consistency Analysis

The proposed action is within the following CBRS Units: FL-97, FL-98, FL-98P, FL-99, FL-100, FL-101, FL-102, and FL-103P. Therefore, this project is subject to a Consistency Analysis under CBRA. Within the CBRS Unit, the proposed action involves no construction and consists primarily of the study of fish and wildlife resources and habitats. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts..." 16 U.S.C. §3501(b). This project is designed to enhance natural resources injured by the Deepwater Horizon oil spill. Accordingly, this project is consistent with the purposes of CBRA and the exemption discussed above.

Applicable Exception(s) under 16 U.S.C. 3505(a)

- 16 U.S.C. 3505(a)(6)(A): **Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats**, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

Consistency Determination

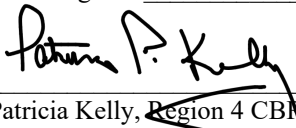
- Located within OPA and not subject to a consistency determination.
- Meets the selected CBRA exception(s) and requires no further case-by-case consultation
- Meets different CBRA exception(s) than the one(s) selected above (see additional information/comments below) and requires no further case-by-case consultation
- Does not meet the selected CBRA exception or requires separate case-by-case consultation (see additional information/comments below)

Additional Information/Comments:

U.S. Fish and Wildlife Service
1875 Century Blvd NE,
Atlanta, GA 30345
(850) 769-0552 Fax (850) 763-2177

Stationed at field office, Panama City, FL
1601 Balboa Avenue, Florida 32405
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FWS Log No. 2024-0055445


Patricia Kelly, ~~Region 4~~ CBRA Coordinator

May 2, 2024
Date

- Planning, permitting, support for the project meets CBRA exemption but as discussed on phone with Ben Frater, and Michael Barron, actual construction of the paved roads within CBRA Units are NOT consistent with the purposes of CBRA and therefore private or local or state funds are needed, not federal.

Figure 1. Map showing the Pensacola Bay Unpaved Roads Initiative Phase 2 (Planning) project area.

