



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Deepwater Horizon Gulf Restoration Office
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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 and Perdido Bay Watersheds Microbial Source Tracking (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 and Perdido Bay Watersheds Microbial Source Tracking (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 project number 2024-0055454.

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:

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Deepwater Horizon Gulf Restoration Office
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Pensacola and Perdido Bay Watersheds Microbial Source Tracking (Planning)

This project would be implemented by the Florida Department of Environmental Protection 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 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).

Consistency Analysis

The proposed action is within the following CBRS Units: FL-101 and FL-102. 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:



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FWS Log No. 2024-0055454


Patricia Kelly, Region 4 CBRA Coordinator

5/2/2024
Date

Figure 1. Map showing the Pensacola and Perdido Bay Watersheds Microbial Source Tracking (Planning) project area.

