



# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

December 12, 2013

Ms. Kelly Samek  
Coastal Program Administrator  
3900 Commonwealth Boulevard  
M.S. 235  
Tallahassee, Florida 32399  
[Kelly.Samek@dep.state.fl.us](mailto:Kelly.Samek@dep.state.fl.us)

Dear Ms. Samek:

The Natural Resource Trustees for the Deepwater Horizon oil spill are proposing implementation of numerous early restoration projects within Florida's coastal zone. These projects are proposed as Phase III early restoration actions for the Deepwater Horizon oil spill in a just released document titled "Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement." The U. S. Department of the Interior (DOI), the National Oceanic and Atmospheric Administration (NOAA), the United States Department of Agriculture, and the United States Environmental Protection Agency (the undersigned Federal Trustees), have reviewed the projects for consistency with Florida's approved Coastal Management Program (FCMP) and have found that, as best as can be determined at this level of planning, these proposed restoration actions are consistent to the maximum extent practicable with the applicable, enforceable policies of the State's program. This letter submits that determination for State review.

## Background

On or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon* experienced an explosion, leading to a fire and its subsequent sinking in the Gulf of Mexico. These events resulted in the discharge of several million barrels of oil into the Gulf over a period of approximately three months. In addition, various response actions were undertaken, including, but not limited to the application of approximately hundreds of thousands or more gallons of dispersants to the waters of the spill area in an attempt to minimize impacts from spilled oil. These events are hereafter collectively referred to as the Oil Spill.

The magnitude of the Oil Spill and the U.S. Coast Guard-directed efforts to contain and clean up the oil across the Gulf were massive and unprecedented. The Oil Spill and associated response efforts impacted coastal and oceanic ecosystems ranging from the deep ocean floor, through the oceanic water column, to the highly productive coastal habitats of the northern Gulf of Mexico, including estuaries, shorelines and coastal marsh as well as ecologically, recreationally, and commercially important species and their habitats in the Gulf of Mexico and along the coastal areas of Alabama, Florida, Louisiana, Mississippi, and Texas. These fish and wildlife species and their supporting habitats provide a number of important ecological and recreational use services.

The Federal Trustees and the designated natural resource trustee agencies for each of the five states on the Gulf coast, (collectively, the Trustees) including, for Florida, the Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection, are each authorized by the Oil Pollution Act of 1990 (OPA) and other applicable federal or state laws to assess and assert a natural resource damages claim for this Oil Spill, in order to fully restore and compensate the public for the harm the Oil Spill caused to natural resources, including lost use of these resources by the public. Consistent with their authority and their claim, the Trustees are investigating the resource injuries and losses that occurred and have initiated restoration planning to identify the actions that will be needed or appropriate to restore injured resources and to make the public whole for the injuries and losses that occurred. That process, known as a Natural Resource Damage Assessment (NRDA), was initiated in the earliest days of the Oil Spill and is on-going at this time.

On April 20, 2011, DOI, NOAA, and the State Trustees entered into an agreement with BP, a responsible party for the Oil Spill, under which BP agreed to provide \$1 billion for early restoration projects in the Gulf to address injuries to natural resources caused by the Oil Spill. That agreement, entitled “Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill” (Framework Agreement)<sup>1</sup>, established a process under which the Trustees and BP are working together “to commence implementation of early restoration projects that will provide meaningful benefits to accelerate restoration in the Gulf as quickly as practicable” prior to completion of the NRDA process or full resolution of the Trustees’ natural resource damages claims. Ten early restoration projects have already been selected for this purpose across the Gulf (See Phase I Final Early Restoration Plan, April 18, 2012; Phase II Early Restoration Plan, December 21, 2012). Implementation of these projects is underway.<sup>2</sup>

The Trustees are now proposing a third set of early restoration projects (Phase III) for implementation across the Gulf. The proposed Phase III projects include numerous projects for the State of Florida that are described in Appendix A to this letter and that would be implemented within or otherwise have the potential to affect the coastal zone of Florida. The Trustees are presently seeking public review and comment on these projects in a document entitled “Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement” (Draft Plan) released on December 6, 2013.

The Draft Plan also includes a proposed programmatic plan for the Trustees’ early restoration decisions under the Oil Pollution Act and the Framework Agreement going forward, including for the Phase III projects. The Trustees have evaluated project types suitable for early restoration and are proposing to continue to pursue early restoration based on a suite of restoration project types (i.e., through projects types that contribute to initial restoration of certain habitats, living coastal and marine resources, and recreational opportunities) and via a described process for developing and selecting specific projects of those types. The proposed programmatic plan is included as part of and supported by a draft programmatic environmental impact statement (DPEIS for Early Restoration) included in the Draft Plan. The Draft Plan was informed by and developed following a public scoping process undertaken by the Trustees in accordance with the National Environmental Policy Act. The Draft Plan, including the DPEIS for Early

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<sup>1</sup> The Framework Agreement is available at: <http://www.gulfspillrestoration.noaa.gov/wp-content/uploads/2011/05/framework-for-early-restoration-04212011.pdf>

<sup>2</sup> Additional information about these projects is available at: <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/>.

Restoration and the proposed programmatic framework, is available for public review and comment until 4 February 2014 and the Trustees welcome any comments from your office that may enhance their ability to select early restoration projects that are in keeping with State CZMA programs. An announcement of the comment period on the Draft Plan, with directions for submitting written comments on that document, may be found at: <http://www.gulfspillrestoration.noaa.gov>.

The projects previously chosen and the projects the Trustees are now proposing do not represent the full extent of restoration needed to satisfy the Trustees' natural resource damages claims against the responsible parties for the Oil Spill. They are intended only to help accelerate meaningful restoration in the Gulf prior to completion of the full NRDA.

**Proposed Phase III Early Restoration Projects in Florida:**

The Trustees propose the early restoration actions for implementation in Florida that are described in Appendix A attached to this letter. The Federal Trustees' evaluation of the principal enforceable policies of the FCMP that are potentially applicable to the Phase III early restoration projects in Florida and the basis of our determination of consistency with these policies are also summarized in Appendix A.

**Conclusion:**

Based on review of the requirements of the State's coastal zone management program, and after evaluating the applicable factors associated with activities affecting the coastal zone, a determination has been made that the proposed projects are consistent to the maximum extent practicable with the applicable, enforceable policies of the program.

For the Federal Trustees, this represents the earliest opportunity for consideration of the consistency of the proposed Phase III early restoration projects with the FCMP. Early consideration of CZMA consistency of these projects will provide support for finalizing the selection of projects and help the participating federal, state and local agencies in expeditiously implementing restoration in keeping with the goals of early restoration for the Oil Spill.

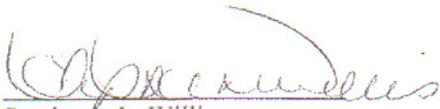
Because the projects are being proposed as part of the early restoration process, i.e., are intended to accelerate the restoration of resources and services impacted by the Oil Spill, the Federal Trustees are requesting and would deeply appreciate a response to this determination of consistency as soon as is practicable. We thank you in advance for your efforts to accommodate this request.

Sincerely,



Harriet M. Deal  
Attorney-Advisor  
United States Department of the Interior

Deepwater Spill Phase III Restoration Plan  
Letter Concerning Florida Coastal Management Program

A handwritten signature in cursive script, appearing to read "Stephanie L. Willis".

Stephanie L. Willis  
Senior Attorney  
National Oceanic & Atmospheric Administration

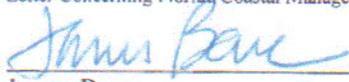
Deepwater Spill Phase III Restoration Plan  
Letter Concerning Florida Coastal Management Program



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Gary M. Fremerman  
Senior Counsel, Office of the General Counsel  
United States Department of Agriculture

Deepwater Spill Phase III Restoration Plan  
Letter Concerning Florida Coastal Management Program

A handwritten signature in blue ink, appearing to read "James Bove", is written over a horizontal line.

James Bove  
Senior Attorney  
United States Environmental Protection Agency

Enclosures: Appendix A

APPENDIX A  
LETTER CONCERNING DEEPWATER PHASE III CONSISTENCY  
FLORIDA COASTAL MANAGEMENT PROGRAM

The proposed **Florida Oyster Cultch Placement project** would aim to enhance and improve the oyster populations in Pensacola Bay, St. Andrew Bay, and Apalachicola Bay by restoring existing oyster habitat through the placement of a total of 42,000 cubic yards of suitable cultch material over 210 acres of previously constructed oyster bars for the settling of native oyster larvae and oyster colonization.

Cultch material to be placed will consist of combinations of oyster shells, either mined from existing sources or from active oyster shell collection sources, and/or limestone approved for use in these projects by Florida's Department of Agriculture and Consumer Services (DACS). The new cultch material will be placed on top of existing oyster bars created and managed by DACS because these bars are depleted of shell material or have reached the end of their productive life. A total of 16 sampling trips are planned for each restored reef that would involve the use of the Standard Oyster Resource Management Protocol.

This project is consistent with relevant enforceable policies of the FCMP, including those within Chapters 253, 267, 373, 403, and 379 of the Florida Statutes.

The proposed project relies on an existing permit, Programmatic General Permit for Live Rock and Marine Bivalve Placement SAJ-99 (SAJ-2007-03138) issued to DACS, that supports the project's consistency with Chapters 253 (concerning the management, conservation, protection, disposition, and use of State-owned lands), 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State).

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. Most of the proposed project work would take place in the water and would not have an upland component. However, there are cultural resources, notably shipwrecks, present in the Gulf of Mexico. The Florida Department of State Division of Historical Resources (DHR) has been consulted in the course of developing the Draft Plan (hereinafter in this document referred to as the Draft Phase III ERP/PEIS). A complete review of this project under Section 106 of the National Historic Preservation Act (NHPA) would be undertaken as environmental review continues after the publication of the Draft Phase III ERP/PEIS). This project would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires the Florida Fish and Wildlife Conservation Commission (FWC) to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the

marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. The proposed project is consistent with Chapter 379's promotion of the enhancement of marine fisheries. FWC, a Trustee agency for the *Deepwater Horizon* NRDA and cooperating agency for the development of the Draft Phase III ERP/PEIS, cooperates with DACS in efforts to protect Florida's oyster resources and support the state's oyster industry, including initiatives similar to the proposed project.

The proposed **Florida Artificial Reef Creation and Restoration project** involves creating artificial reefs in Escambia, Santa Rosa, Okaloosa, Walton, and Bay counties. The restoration work proposed includes emplacing artificial reefs units of different approved designs at different depths across the participating counties at multiple locations currently permitted by the U.S. Army Corps of Engineers (USACE) and the Florida Department of Environmental Protection (FDEP) for artificial reefs (more specific locations described by latitude and longitude are provided within the Draft Phase III ERP/PEIS). The goal is to enhance and/or increase the public's use and/or enjoyment of the natural resources by increasing the number of artificial reefs in state waters, as artificial reefs support a range of human uses, including snorkeling, recreational fishing, kayaking, and scuba diving.

Deeper water "nearshore reefs" would have a prefabricated modular design and would be located within 9 nautical miles of shore. Shallower "snorkeling reefs" would have a piling-mounted design using disc-shaped concrete and limestone layers with spacers between the layers; these reefs would be less than 20 feet deep and within 950 feet of shore.

This project is consistent with relevant enforceable policies of the FCMP, including those within Chapters 253, 267, 373, 403, and 379 of the Florida Statutes.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The project would be implemented on and will affect the use of State-owned lands. The State's consent to use these lands in this manner has already been indicated as part of the permitting process the project areas have been subjected to by FDEP. This permitting process also supports the project's consistency with Chapters 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State).

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. No state cultural resources or known historic sites are believed to be affected by the proposed project. The permitted artificial reef sites proposed as project sites would have been subject to DHR's review during the state permitting process and will undergo additional review as part of the Federal consultation process for cultural resources that is conducted prior to implementation of selected projects. DHR has also been consulted in the course of developing the Draft Phase III ERP/PEIS.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. FWC has been a primary participant in developing this proposed project and would be the lead implementing Trustee agency should the project be selected as part of the final early restoration plan issued after public review and comment on the Draft Phase III ERP/PEIS (Final Phase III Early Restoration Plan). This project is

explicitly consistent with enforceable policies of the FCMP as it would be implemented as part of the artificial reef program described in Section 379.249, Florida Statutes.

The **Florida Gulf Coast Marine Fisheries Hatchery/Enhancement Center project** proposes to construct and operate a saltwater sportfish hatchery in Pensacola (Escambia County), Florida for the purpose of enhancing and/or increasing the public's use and/or enjoyment of the natural resources by producing and releasing highly sought-after sportfish species such as red snapper, red drum, and spotted seatrout. Hatchery production--with a potential for up to 5,000,000 fish released annually--will be based on the use of intensive recirculating aquaculture systems. A small constructed filtration marsh composed of native coastal wetland plant species would recycle nutrients from the facility. The proposed hatchery project area is located on an approximately 10-acre human-made parcel created in the early 1900s by filling in a portion of Pensacola Bay in Escambia County that now sits at the southeast corner of Main Street and Clubbs Street in Pensacola.

This project is consistent with relevant enforceable policies of the FCMP, including those within Chapters 163, 186, 267, 339, 373, 376, 379, 403, and 553 of the Florida Statutes.

Provisions of Chapter 163, Fla. Stat., included within the Florida Coastal Management Program concern the implementation of comprehensive planning by local governments to guide and manage future development. In a complementary fashion, Chapter 186, Fla. Stat., sets state and regional roles in land planning and promotes the development of guidance for the orderly social, economic, and physical growth of the state. The proposed hatchery project site is a vacant lot in an urban, industrial area zoned for commercial use in the city of Pensacola. The surrounding properties support industrial and commercial buildings. The proposed project is consistent with existing land use plans. Development of the hatchery would be consistent with surrounding activity based on the commercial zoning of the lot.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

Chapter 339, Fla. Stat., concerns transportation finance and planning and requires development of a Florida Transportation Plan to consider the needs of the entire state transportation system and examine the use of all modes of transportation to effectively and efficiently meet such needs. Development of the hatchery would not impair transportation in the area. The hatchery project site is surrounded by a developed, industrial urban environment with a heavily used roadway immediately to the north. Vehicle traffic would be mostly confined to staff and occasional visitors, consisting of passenger vehicles and infrequent deliveries by truck. Access to the hatchery site would be via Clubbs Street, which has minimal traffic and would dead-end at the facility parking lot. An on-site lot of approximately 90,000 square feet would be developed to provide parking for hatchery staff and visitors.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or

lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. FWC has been a primary participant in developing this proposed project and would be the lead implementing Trustee agency should the project be selected as part of the Final Phase III Early Restoration Plan. Provisions of Chapter 379, Fla. Stat., generally promote the development of fish hatcheries to enhance marine fisheries.

Any necessary permits for stormwater will be obtained during the engineering and design process, ensuring the project's consistency with Chapters 373, Fla. Stat., (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State).

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Construction of the proposed facility will be designed per Florida Building Code standards and duly permitted.

The proposed **Apalachicola River Wildlife and Environmental Area Fishing and Wildlife Viewing Access Improvements project** would improve public access at Cash Bayou by constructing an entrance kiosk and information station, a fishing and wildlife observation structure, and a shell-rock parking area and would improve public access at Sand Beach by constructing an elevated 6-foot-wide boardwalk over 6,000 to 11,000 square feet of existing trail. FWC and Franklin County will be responsible for long-term maintenance and monitoring of the facilities as part of their regular maintenance activities, including contracting for or control of garbage pick-up and litter control at the sites.

This project is consistent with relevant enforceable policies of the FCMP, including those within Chapters 253, 267, 373, 379, 403, and 553, Fla. Stat.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The project would be implemented on and will affect the use of State-owned lands. The construction of the fishing structure and the elevated wildlife viewing structure would be sited along the bank of Cash Bayou based upon a wildlife viewing analysis of the site. The proposed structure is expected to disturb approximately 0.2 acre. Improvements to access to and the enhancement of recreational activities at Cash Bayou would alter existing land management because the site would change from undeveloped to developed. The walkway at Sand Beach would improve an existing ¼ mile long trail. Trail enhancements at Sand Beach would not alter existing land use at the site because it already is used for recreational activities. These construction plans are consistent with management of the property by FWC and the conceptual management plan for the Wildlife and Environmental Area (WEA). Project activities are not anticipated to require construction in water. Best management practices (BMPs) along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. The need for any necessary permits will be assessed during the design process, and obtaining any such permits would continue the project's consistency with Chapters 253 as well as 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State).

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. Currently within the Apalachicola River Wildlife and Management Area there are 24 cultural sites, 13 historic and 11 prehistoric. However, none of the proposed sites occurs within the project area. No state cultural resources or known historic sites are believed to be affected by the proposed project. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. FWC has been a primary

participant in developing this proposed project and would be the lead implementing Trustee agency should the project be selected as part of the Final Phase III Early Restoration Plan. The project is generally consistent with FWC's authority to manage conservation lands. Consultation to determine potential effects to listed, proposed, and candidate species with the relevant agencies is currently ongoing but construction will be planned and executed in compliance with legal provisions intended to protect wildlife.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Proposed structures will be designed per Florida Building Code standards as applicable and permitted as necessary.

The proposed **Scallop Enhancement for Increased Recreational Fishing Opportunity in the Florida Panhandle project** would involve enhancing local scallop populations in targeted areas in bays of Florida's Panhandle with the intention of increasing scallop populations in the targeted locations to self-sustaining levels that would support recreational harvests within 3-5 years in Bay County (St. Andrew Bay system) and within 10 years in Escambia and Santa Rosa Counties (Pensacola Bay / Santa Rosa Sound) and possibly Okaloosa, Walton, Gulf, and Franklin Counties.

This project is consistent with relevant enforceable policies of the FCMP, including those within Chapters 258, 267, and 379.

Chapter 258, Fla. Stat., contains provisions describing Florida's aquatic preserves, areas which have exceptional biological, aesthetic, and scientific value, and that are managed for the benefit of future generations. Waterbodies where scallop enhancement activities are planned include several aquatic preserves, such as Fort Pickens Aquatic Preserve; St. Andrews Aquatic Preserve; St. Joseph Bay Aquatic Preserve; and Alligator Harbor Aquatic Preserve. Restoration of marine species such as is proposed by this project furthers the goals of Chapter 258.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. Most of the proposed project work would take place in the water and would not have an upland component. However, there are cultural resources, notably shipwrecks, present in the Gulf of Mexico. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. A complete review of this project under Section 106 of the NHPA would be undertaken as environmental review continues after publication of the Draft Phase III ERP/PEIS. This project would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. FWC has been a primary participant in developing this proposed project and would be the lead implementing Trustee agency should the project be selected as part of the Final Phase III Early Restoration Plan. Provisions of Chapter 379, Fla. Stat., generally promote the enhancement of fisheries, which this project will do.

The **Strategically Provided Boat Access Along Florida's Gulf Coast projects** are proposed to enhance and/or increase the public's use and/or enjoyment of the natural resources by improving boating facilities and builds on an ongoing effort initiated by the FWC through its Florida Boating Improvement Program which, in part, is used to fund applications from local governments in a competitive grant process for boat access improvement projects in remote areas, small towns and cities, and coastal counties. Eight individual projects are proposed, which would:

improve the existing 55-slip Mexico Beach City Marina on Canal Drive in the City of Mexico Beach by replacing the boardwalk dock with a concrete surface and increasing the width, removing and replacing eighteen existing finger piers, and replacing the existing retaining wall;

improve the existing St. Andrews Marina docking facility in Panama City by adding three boat slips, replacing the boat ramp, and replacing a fixed wooden dock with a concrete floating dock;

improve the existing Donaldson Point boat ramp in the City of Parker by adding a dock to the existing single-lane boat ramp;

improve the existing Earl Gilbert dock and boat ramp in the City of Parker by improving the existing dock and expanding the existing parking with the addition of six (6) boat trailer spaces;

improve the existing Frank Pate boat ramp in the City of Port St. Joe by renovating and extending a boat dock, repairing rails and fenders lining the ramps and boat basin, constructing additional parking spaces at an existing parking area, constructing a staging area and constructing a new fish cleaning station;

improve the existing City of St. Marks boat ramp at the confluence of the St. Marks and Wakulla Rivers, in the southern portion of the St. Marks city limits, by adding a boarding dock to the one-lane boat ramp;

improve the existing Choctaw Beach boat ramp on State Highway 20 adjacent to Choctawhatchee Bay in Walton County by replacing the boat ramp, installing two boarding docks, removing existing inadequate restrooms and constructing new ones, and constructing a new paved and marked parking lot; and,

improve the existing Lafayette Creek boat dock in the City of Freeport, Walton County, by expanding the dock by 400 feet at the boat ramp to accommodate larger and more vessels.

These projects are consistent with relevant enforceable policies of the FCMP, including those within Chapters 163, 186, 253, 267, 373, 379, 403, and 553, Fla. Stat.

Provisions of Chapter 163, Fla. Stat., included within the Florida Coastal Management Program concern the implementation of comprehensive planning by local governments to guide and manage future development. In a complementary fashion, Chapter 186, Fla. Stat., sets state and regional roles in land planning and promotes the development of guidance for the orderly social, economic, and physical growth of the state. No significant changes would occur to the current use at the proposed projects' locations or to uses on adjacent and nearby properties. Land ownership and management would remain

the same. The proposed projects would be consistent with applicable local land development codes as described in the Draft Phase III ERP/PEIS.

The proposed projects rely on compliance with existing regulation (via permitting or exemption) that support the projects' consistency with Chapters 253 (concerning the management, conservation, protection, disposition, and use of State-owned lands), 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State). Both the Florida Department of Environmental Protection (FDEP) and USACE permits require mitigation and as a result, impacts to water quality are expected to be minimal. During construction, best management practices and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. The FDEP permit conditions require erosion and turbidity mitigation measures. The FDEP permits also constitute a Certification of Compliance with State Water Quality Standards under Section 401 of the Clean Water Act, which means that the projects would comply with state water quality standards and other aquatic resource protection requirements. Best management practices for erosion control would be implemented and maintained at all times during construction to prevent siltation and turbid discharges into surface waters.

Similarly, previous and future state permitting requirements will continue to ensure the proposed projects' compliance with enforceable policies of Chapter 379, Fla. Stat., which describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. No submerged aquatic vegetation, which is habitat for species such as manatees, sea turtles, fish and invertebrates, is known to occur at the sites and fish and wildlife resources would most likely be only minimally impacted. FWC has been a primary participant in developing the proposed projects and would be the lead implementing Trustee agency should any of the projects be selected as part of the Final Phase III Early Restoration Plan.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. The projects are at presently developed sites and no cultural resources have been identified at the sites. Currently permitted sites would have been subject to the Florida Department of State Division of Historical Resources' (DHR) review during the state permitting process. DHR has also been consulted in the course of developing the Draft Phase III ERP/PEIS. As no cultural resources have been identified at the project site, no impacts to cultural resources are expected. However, USACE Permits typically note that if there is a discovery of previously unknown cultural resources encountered during construction, work must stop and the USACE must be notified immediately. Further, a complete review of this project under Section 106 of the NHPA would be completed prior to project implementation. These projects

would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Proposed structures will be designed per any applicable Florida Building Code standards and permitted as necessary.

The proposed **Developing Enhanced Recreational Opportunities on the Escribano Point Portion of the Yellow River Wildlife Management Area project** would include funding a one-time assessment and mapping activities necessary for developing the site for outdoor recreation purposes; conducting hurricane debris removal and road repair; constructing an entrance kiosk, information facilities, parking facilities, interpretive facilities, fishing facilities, picnicking facilities, primitive camping sites, wildlife viewing areas; and installing bear-proof containers for trash and food storage in order to improve public access and enjoyment of natural resources at the Yellow River Wildlife Management Area in Santa Rosa County, Florida, between Blackwater Bay and East Bay, just west of the Navy's Choctaw Outlying Field Airport.

This project is consistent with relevant enforceable policies of the FCMP, including those within Chapters 253, 267, 373, 379, 403, and 553, Fla. Stat.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The project would be implemented on and will affect the use of State-owned lands. The construction plans are consistent with management of the property by FWC and the conceptual management plan for the WEA. Project activities are not anticipated to require construction in water; however, based on construction activities on-land it is possible that some impacts via turbidity and the potential for increased sediment released into water could occur. It is anticipated that all potential impacts would be short-term in nature occurring only during construction resulting in short-term, negligible, adverse impacts to water quality. BMPs along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. The need for any necessary permits will be assessed during the design process, and obtaining any such permits would continue the project's consistency with Chapters 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State).

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. One archaeological site, named Shell Hammock, occurs within the boundary of Escribano Point. The site is a prehistoric shell midden with various components, dated as 450-1,000 AD (FWC 2006). The Florida Department of State Division of Historical Resources' (DHR) has been consulted in the course of developing the Draft Phase III ERP/PEIS. A complete review of this project under Section 106 of the NHPA would be completed prior to project implementation. The proposed work would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and

recognizes the importance of marine commercial and recreational fishing. FWC has been a primary participant in developing this proposed project and would be the lead implementing Trustee agency should the project be selected as part of the Final Phase III Early Restoration Plan. Based on existing literature and information provided by the USFWS, 127 fish species have been known to occur in the vicinity of the project site. In addition, 39 amphibian species, 46 species of reptiles, 111 bird species and 34 mammals have been known to occur in the area surrounding Escribano Point. Section 7 consultation will be initiated with the USFWS and conservation measures that are recommended during these consultations to avoid and minimize impacts to biological resources will be implemented.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Construction of the proposed facility will be designed per Florida Building Code standards and duly permitted. Construction and construction activities associated with the development of enhanced recreational activities would result in a direct footprint of the multiple construction sites totaling approximately 6 acres.

The proposed **Beach Enhancement Project at Gulf Island National Seashore** would remove fragments of asphalt and road-base material (limestone aggregate and some chunks of clay) created over the course of several storms that scattered the road debris widely over the Fort Pickens, Santa Rosa, and Perdido Key areas of the Florida District of Gulf Islands National Seashore. Although this project occurs primarily on federal land, which is not part of the state's coastal zone, the project has the potential to affect the resources and uses of Florida's coastal zone, and so a consistency determination is provided for this project.

This project is consistent with relevant enforceable policies of the FCMP, including those within Chapters 161, 253, 267, 373, 379, and 403, Fla. Stat.

The need for any necessary permits will be assessed as project details are developed further, and obtaining any such permits would continue the project's consistency with Chapters 161 (regulating construction, reconstruction, and other physical activity on sandy shorelines adjacent to the Gulf, and regulating actions for protection and preservation of those areas, particularly from erosion), 253 (concerning the management, conservation, protection, disposition, and use of State-owned lands), 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State). Although the exact method for removing the material will be left to the contractor hired if the project is approved, it would involve primarily mechanized equipment, supplemented by small crews using hand tools in areas that are vegetated, including dunes and beach mouse habitat. Up to 2041 acres are proposed for clean-up depending on how much the project budget will ultimately allow. Approximately eight of these acres occur in Gulf waters – three in the intertidal zone and five in the subtidal zone. The on-land sand-asphalt-fragment-road-base mixture would be sifted in place and the separated asphalt and road base would be disposed of at a nearby off-site landfill or recycling facility. To avoid the height of beach-nesting bird and marine turtle nesting seasons, cleanup activities would not occur between March 15 and August 15. Areas experiencing collateral damage to plants would subsequently be revegetated. Permits will be sought for work affecting surface waters. Asphalt removal work in the inter- and sub-tidal areas would be conducted from land using a backhoe; no work from boats or barges would occur. To avoid sea turtle nesting and hatching season, in-water work would not occur between March 15 and November 15. No hazardous waste would be created during removal. All hazardous materials handled during removal would be contained and appropriate barriers would be in place to ensure the protection of adjacent water resources from potential spills and leaks. BMPs would be incorporated into construction activities on site to ensure the proper handling, storage, transport and disposal of all hazardous materials.

Chapter 267, Fla. Stat., concerns the administration of state-owned or state-controlled historic resources and promotes the preservation of non-state-owned historic resources. The Florida Department of State Division of Historical Resources' (DHR) will review the project as part of the Federal consultation process for cultural resources that is conducted prior to implementation of selected projects. For this project, efforts to identify cultural resources included a review of information provided

by the park and other published and unpublished sources, including the listings of the National Register of Historic Places (NRHP). For historic structures and cultural landscapes, the principal source reviewed was the Gulf Islands National Seashore Integrated Cultural Resources Management Plan. No known prehistoric/historic structures, cultural landscapes or ethnographic resources exist within the project area. All known archaeological sites would be avoided during beach enhancement projects. Given the proximity to known resources, either a pre-project survey will be conducted over the project area, or during-project cultural resource monitoring will be conducted –or some combination of the two- to ensure archeological sites are avoided, resulting in no adverse impacts. There are eight known archeological sites located within the area of potential effect (APE) for the beach enhancement (asphalt removal) project, including several beached shipwrecks and historic sites. However, the entire APE for this project has not yet been subjected to systematic archeological survey, nor has a Traditional Cultural Property study been conducted; limited portions of the APE have been archeologically surveyed. The NPS' Southeast Archeological Center (SEAC) would conduct all archeological fieldwork for this project, with funding provided by project. A complete review of this project under Section 106 of the NHPA would be completed as environmental review continues after publication of the Draft Phase III ERP/PEIS. This project would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species. Based on consultation and a letter and Biological Evaluation form from the USFWS dated September 27, 2013, the USFWS determined that the proposed project may affect, but is not likely to adversely affect, sea turtles in their terrestrial habitats (the loggerhead turtle, leatherback turtle, hawksbill sea turtle, green sea turtle, Kemp's Ridley sea turtle), piping plover, red knot (if listed), Perdido Key beach mouse, and West Indian Manatee and that no modification of designated critical habitat to the Perdido Key beach mouse, piping plover or loggerhead turtle would occur. A Biological Assessment for the in water portion of the project prepared by DOI, but not yet reviewed by the National Marine Fisheries Service, has found that the project may affect, but is not likely to adversely affect, threatened and endangered sea turtles (in estuarine/marine habitats) or the Gulf sturgeon. Of the Gulf sturgeon critical habitat primary constituent elements (PCEs) in the project area, the only effects found were minor impacts to the abundance of food and prey items and negligible effects to water quality which would not change the function of the PCEs nor adversely modify nor destroy critical habitat. Accommodations for the protection of wildlife species are explicitly detailed within the Draft Phase III ERP/PEIS and include use of best management practices and implementation of conservation measures to avoid or minimize negative effects. The proposed project would adhere to all conditions in applicable federal, state, and local permits for the protection of fish and wildlife species.

The **Gulf Islands National Seashore Ferry Project** is proposed to purchase of up to three ferries to be used to ferry individuals between the City of Pensacola, Pensacola Beach, and the Fort Pickens area of Gulf Islands National Seashore (“Seashore”) in Florida. Connected to this effort but funded separately would be the construction of two passenger queuing areas – one with a small ticketing facility, a floating dock near Plaza de Luna with a landing and a ramp, and an additional floating dock at Quietwater Beach. Although this project partially occurs on federal land, which is not part of the state’s coastal zone, because the project has the potential to affect the coastal resources and uses of Florida’s coastal zone, a consistency determination is provided for this project.

This project is consistent with relevant enforceable policies of the FCMP, including those within Chapters 253, 267, 339, 373, 376, 379, 403, and 553 Fla. Stat.

The need for any necessary permits will be assessed as project details are developed further, and obtaining any such permits would continue the project’s consistency with Chapters 253 (concerning the management, conservation, protection, disposition, and use of State-owned lands), 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State). The principal waterbodies associated with the project area are Pensacola Bay and Santa Rosa Sound. Pensacola Bay and Santa Rosa Sound surrounding the Santa Rosa Island area have been designated as Outstanding Florida Waters (OFWs), indicating these bodies of water are worthy of special protection due to natural attributes. An OFW is designated by the Florida Environmental Regulation Commission (ERC), once it is determined that the environmental, social, and economic benefits of the Special Water status outweigh the environmental, social, and economic costs (Rule 62-302.700(5), FAC). The Florida Department of Environmental Protection is granted the authority by Section 403.061(27), Fla. Stat., to establish rules for OFWs. The purpose of the designation as an OFW is to protect existing good water quality. FDEP will not issue permits for direct pollutant discharges to OFWs, which would lower ambient (existing) water quality, or for indirect discharge, which would significantly degrade the OFW. The installation of two floating docks, ramp and landing could result in increased turbidity. These impacts on water quality should be short term and minor. Additionally, the operation of the boats at these new docks, especially with fueling operations at one or both of them, could result in impacts to water quality in these areas. Some incidental amounts of fuel would enter the water during fueling. These impacts on water quality should be long term and minor. Mitigation for this dock installation would be determined by the US Army Corps of Engineers in the form of a 404/401 permit and would include appropriate BMPs. Mitigation for fueling operations would include a Spill Prevention, Control, and Countermeasures (SPCC) Plan, which will ensure continued consistency with Chapter 376, Fla. Stat., concerning Pollutant Discharge Prevention and Removal and prohibiting the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the coast.

Chapter 267, Fla. Stat., concerns the administration of state-owned or state-controlled historic resources and promotes the preservation of non-state-owned historic resources. A survey of cultural

resources in the Plaza de Luna and Quietwater Beach project areas has not yet been conducted. However, both areas are already highly disturbed and urbanized. The purchase and operation of ferries would not likely have the potential to affect any historic or cultural resources in the area of ferry operation. A complete review of the ferry operation under Section 106 of NHPA would be completed as environmental review continues after publication of the Draft Phase III ERP/PEIS. The Florida Department of State Division of Historical Resources' (DHR) will review the project as part of the Federal consultation process. This project would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

Chapter 339, Fla. Stat., concerns transportation finance and planning and requires development of a Florida Transportation Plan to consider the needs of the entire state transportation system and examine the use of all modes of transportation to effectively and efficiently meet such needs. New transportation service and facilities would be added with this proposed project. In 2009, NPS prepared the "Fort Pickens/Gateway Community Alternative Transportation Study" to examine transportation alternatives to this part of the Seashore. Currently, NPS is preparing a Ferry and Shuttle Feasibility Study for Gulf Islands National Seashore and working closely with the local Metropolitan Planning Organization, i.e. the West Florida Regional Planning Council, on this project. This project will be included in their State Transportation Improvement Program and is therefore compliant with the State's transportation planning requirements.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species. The ferry purchase would not have any impacts to protected species and a 2009 Environmental Assessment and associated Section 7 consultations under the ESA documented that the operation of the ferry service is not likely to adversely affect listed species or critical habitats. Within and surrounding the two project areas, Gulf sturgeon, five species of sea turtles, and West Indian manatee could be present and potentially impacted by the connected actions. Conservation measures would be implemented to ensure this project avoids or minimizes impacts on protected species, if determined necessary after consultation with appropriate regulators.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. The queuing and ticketing facilities would be simple, functional structures that could be permanent, but might also be temporary. The structures would be located on already disturbed (e.g., concrete-, asphalt, wood plank-, and/or landscape-covered) areas. Preliminary indications are that the location of the floating boat dock and ramp near Plaza de Luna would likely be the north end of the existing berth area or at the angled wall on the west side of that same area, either requiring up to approximately 20 pilings be driven into the benthic substrate. The floating dock at Quietwater Beach would require approximately 16 pilings, would be attached to the existing public pier and could be up to 100 feet in length. Additionally, there would be improvements to the existing dock, including railings. Infrastructure will be designed per Florida Building Code standards as applicable and duly permitted if required.

The proposed **Panama City Marina Fishing Pier, Boat Ramp, and Staging Docks project** and the proposed **City of Parker – Oak Shore Drive Pier project** seek to enhance and/or increase the public's use and/or enjoyment of the natural resources in Bay County by improving an existing marina and constructing a fishing pier.

The proposed **Panama City Marina Fishing Pier, Boat Ramp, and Staging Docks project** would provide additional recreational fishing opportunities for the public in Panama City in Bay County. The proposed improvements include constructing a 400-foot long pier, replacing a poorly functioning boat ramp, and constructing new docks at the Panama City Marina.

The proposed **City of Parker – Oak Shore Drive Pier project** would construct a 500 foot long fishing pier at Oak Shore Drive in the City of Parker, Bay County Florida.

These projects are consistent with the relevant enforceable policies of the FCMP, including those within Chapters 163, 186, 253, 267, 373, 376, 379, 403, and 553 Fla. Stat.

Provisions of Chapter 163, Fla. Stat., included within the Florida Coastal Management Program concern the implementation of comprehensive planning by local governments to guide and manage future development. In a complementary fashion, Chapter 186, Fla. Stat., sets state and regional roles in land planning and promotes the development of guidance for the orderly social, economic, and physical growth of the state. No significant changes would occur to the current use at the proposed projects' locations or to uses on adjacent and nearby properties. Land ownership and management would remain the same. The proposed projects would be consistent with applicable local land development codes as described in the Draft Phase III ERP/PEIS.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The projects would be implemented on or will affect the use of State-owned lands. The State's consent to use these lands in this manner will be obtained through the permitting process.

The proposed projects rely on compliance with existing regulation (via permitting or exemption) that support the projects' consistency with Chapters 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State). Construction of the fishing pier, staging docks, and boat ramp would require in-water work. Installing the pilings for the fishing pier and the staging docks would likely be by mechanical auger from a barge. Installing the piers would disturb and resuspend sediments, increasing turbidity levels in the vicinity of the project. Using a backhoe and other equipment to remove the existing boat ramp and construct a new boat ramp would disturb sediment in the water and at the water's edge, resuspending sediments and potentially resulting in sedimentation from runoff at the shoreline. Both the Florida Department of Environmental Protection (FDEP) and USACE permits require mitigation and as a result, impacts to water quality are expected to be minimal. During construction, best management practices and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. The FDEP permit conditions

require erosion and turbidity mitigation measures. The FDEP permits also constitute a Certification of Compliance with State Water Quality Standards under Section 401 of the Clean Water Act, which means that the project would comply with state water quality standards and other aquatic resource protection requirements. Best management practices for erosion control would be implemented and maintained at all times during construction to prevent siltation and turbid discharges into surface waters.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through each project's respective state permitting processes.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Proposed structures will be designed per any applicable Florida Building Code standards and permitted as necessary.

The proposed **Shell Point Beach Nourishment project** would involve the renourishment of Shell Point Beach in Wakulla County. The proposed improvements include the placement of approximately 15,000 cubic yards of sand on the beach from an approved upland borrow area to restore the width and historic slope/profile of this beach. The length of beach is approximately 1 mile, with an approximate project area of 4.5 acres. The objective of the proposed project is to enhance and/or increase the public's use and/or enjoyment of the natural resources by improving the beach, as beaches support a range of recreational uses.

This project is consistent with the relevant enforceable policies of the FCMP, including those within Chapters 161, 163, 186, 253, 267, 373, 376, 379, and 403 Fla. Stat.

Provisions of Chapter 163, Fla. Stat., included within the Florida Coastal Management Program concern the implementation of comprehensive planning by local governments to guide and manage future development. In a complementary fashion, Chapter 186, Fla. Stat., sets state and regional roles in land planning and promotes the development of guidance for the orderly social, economic, and physical growth of the state. No significant changes would occur to the current use at the proposed projects' locations or to uses on adjacent and nearby properties. Land ownership and management would remain the same. The proposed project would be consistent with applicable local land development codes as described in the Draft Phase III ERP/PEIS.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The project would be implemented on or will affect the use of State-owned lands. The State's consent to use these lands in this manner will be obtained through the permitting process.

The proposed project relies on compliance with existing regulation (via permitting or exemption) that support the projects' consistency with Chapters 161 (regulating construction, reconstruction, and other physical activity on sandy shorelines adjacent to the Gulf, and regulating actions for protection and preservation of those areas, particularly from erosion), 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State), and 403 (regulating discharges of pollution into the air and waters of the State). The project would be designed to restore natural beach habitat, reversing the effects of erosion. All appropriate permits would be obtained and work would adhere to conditions, permit requirements, and BMPs to ensure that any potential adverse effects to water quality are minimized.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design

and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through the project's state permitting processes.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.

The proposed **Walton County Boardwalks and Dune Crossovers projects**, the proposed **Perdido Key State Park Boardwalk Improvements projects**, and the proposed **Navarre Beach Park Gulfside Walkover Complex project** seek to enhance and/or increase the public's use and/or enjoyment of the natural resources in by improving beach access.

The proposed **Walton County Boardwalks and Dune Crossovers projects** have six individual projects proposed, which would:

1. enhance the Bayside Ranchettes park by constructing a parking area, a picnic table, a dock and steps into the water;
2. enhance the Dothan Beach access by replacing the dune walkover;
3. enhance the Ed Walline Beach access by replacing pavilions and restroom fixtures and upgrading all interior plumbing;
4. enhance the Grayton Dunes Beach access by replacing the dune walkover;
5. enhance the Gulfview Heights Beach access by replacing restroom fixtures, updating all interior plumbing, and repairing all soffits on pavilions;
6. enhance the Palms of Dune Allen West Beach access by constructing a dune walkover.

The proposed **Perdido Key State Park Boardwalk Improvements projects** would improve a number of existing boardwalks along Perdido Key in Escambia County. The proposed improvements include removing and replacing six existing boardwalks leading to the beach from two public access areas.

The proposed **Navarre Beach Gulfside Walkover Complex project** would enhance access to the shoreline at Navarre Beach Park to enhance recreational use of the natural resources. The proposed improvements include constructing an entrance, driveway, and parking area; constructing a restroom facility; constructing pavilions with boardwalk connections; and constructing a dune walkover that will provide access to the beach.

These projects are consistent with the relevant enforceable policies of the FCMP, including those within Chapters 161, 163, 186, 253, 258, 267, 373, 376, 379, 403, and 553 Fla. Stat.

Provisions of Chapter 163, Fla. Stat., included within the Florida Coastal Management Program concern the implementation of comprehensive planning by local governments to guide and manage future development. In a complementary fashion, Chapter 186, Fla. Stat., sets state and regional roles in land planning and promotes the development of guidance for the orderly social, economic, and physical growth of the state. No significant changes would occur to the current use at the proposed projects' locations or to uses on adjacent and nearby properties. Land ownership and management would remain the same. The proposed projects would be consistent with applicable local land development codes as described in the Draft Phase III ERP/PEIS.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The projects may be implemented on or may affect the use of State-owned lands. If necessary, the State's consent to use these lands in this manner will be obtained through the permitting process.

The proposed projects rely on compliance with existing regulation (via permitting or exemption) that support the projects' consistency with Chapters 161 (regulating construction, reconstruction, and other physical activity on sandy shorelines adjacent to the Gulf, and regulating actions for protection and preservation of those areas, particularly from erosion), 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State). With required mitigation in place, anticipated impacts to water quality, such as erosion caused by construction, would be minimal and short in duration at all proposed project sites. Most impacts would be limited to the duration of construction and may include minor re-routing of water courses during construction and increased sedimentation. All appropriate permits would be obtained prior to beginning of construction and all conditions set forth would be followed. During construction, best management practices and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. Furthermore, best management practices for erosion control would be implemented and maintained at all times during construction to prevent siltation and turbid discharges into surface waters.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through each project's respective state permitting processes.

Chapter 258, Fla. Stat., contains provisions concerning the supervision, administration, regulation and control of the operation of all state parks. The proposed boardwalks for Perdido Key State Park are consistent with this chapter. All activities will be done in coordination with the property managers and/or owners.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Proposed structures will be designed per any applicable Florida Building Code standards and permitted as necessary.

The proposed **Florida Perdido Key Dune Restoration project** would restore appropriate dune vegetation to approximately 20 acres of degraded beach dune habitat in Perdido Key, Florida, including habitat used by the federally endangered Perdido Key Beach Mouse. The project would consist of planting appropriate dune vegetation (e.g., sea oats, panic grasses, cord grasses, sea purslane, beach elder) approximately 20 – 60' seaward of the existing primary dune to provide a buffer to the primary dune and enhance dune habitats. In addition, gaps in existing dunes within the project area would be re-vegetated to provide a continuous dune structure. The objective of the proposed project is to restore and enhance dune habitat by planting dune vegetation.

This project is consistent with the relevant enforceable policies of the FCMP, including those within Chapters 161, 253, 267, 373, 376, 379, and 403 Fla. Stat.

The proposed project relies on compliance with existing regulation (via permitting or exemption) that support the projects' consistency with Chapters 161 (regulating construction, reconstruction, and other physical activity on sandy shorelines adjacent to the Gulf, and regulating actions for protection and preservation of those areas, particularly from erosion), 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State). The project would be designed to restore natural beach habitat, reversing the effects of erosion. All appropriate permits would be obtained and work would adhere to conditions, permit requirements, and BMPs to ensure that any potential adverse effects to water quality are minimized.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The project may be implemented on or may affect the use of State-owned lands. If necessary, the State's consent to use these lands in this manner will be obtained through the permitting process.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through the project's state permitting processes.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIA was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.

The proposed **Gulf Breeze Wayside Park Boat Ramp Improvements project** and **Bob Sikes Pier, Parking, and Trail Restoration project** look to enhance and/or increase the public's use and/or enjoyment of the natural resources in the Pensacola Bay and Santa Rosa Sound area by improving an existing boat ramp and fishing pier, respectively.

The proposed **Gulf Breeze Wayside Park Boat Ramp Improvements project** would improve the existing boat ramp at Wayside Park in the City of Gulf Breeze, Santa Rosa County, FL. The proposed improvements include repairing the existing boat ramp and seawall cap, constructing a public restroom facility, and repairing and enhancing the parking area to improve access.

The proposed **Bob Sikes Pier, Parking, and Trail Restoration project** would improve access to a fishing pier in the Pensacola area in Escambia County as well as enhancing the quality of the experience for its recreational users. The proposed restoration work proposed includes: 1) adding solar-powered lighting to illuminate dark areas along the pier; 2) completing a series of minor pier and rail modifications to generally improve the pier's safety; 3) renovating and rehabilitating designated parking areas to improve parking efficiency of visitors and to improve traffic flow leading into and within the pier parking lot; 4) adding a *Bob Sikes Pier* entrance sign and informational/educational signage for pier users (e.g., proper actions to take if a sea turtle should be hooked while fishing); 5) widening and enhancing a half mile section of multipurpose (bicycle/pedestrian) access trail that connects the Bob Sikes Fishing Pier to other recreational and commercial areas on the beach; 6) eliminating a directional north bound right turn lane into the parking area from Pensacola Beach Boulevard in order to address a major vehicle/pedestrian/bicycle safety conflict point while creating additional parking area for visitors; and 7) aesthetic improvements to the parking area, parking access road and multipurpose trail leading to Bob Sikes Pier.

These projects are consistent with the relevant enforceable policies of the FCMP, including those within Chapters 163, 186, 253, 267, 373, 376, 379, 403, and 553 Fla. Stat.

Provisions of Chapter 163, Fla. Stat., included within the Florida Coastal Management Program concern the implementation of comprehensive planning by local governments to guide and manage future development. In a complementary fashion, Chapter 186, Fla. Stat., sets state and regional roles in land planning and promotes the development of guidance for the orderly social, economic, and physical growth of the state. No significant changes would occur to the current use at the proposed projects' locations or to uses on adjacent and nearby properties. Land ownership and management would remain the same. The proposed projects would be consistent with applicable local land development codes as described in the Draft Phase III ERP/PEIS.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The projects may be implemented on or may affect the use of State-owned lands. If necessary, the State's consent to use these lands in this manner will be obtained through the permitting process.

The proposed projects rely on compliance with existing regulation (via permitting or exemption) that support the projects' consistency with Chapters 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State), and 403 (regulating discharges of pollution into the air and waters of the State). Best management practices along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts associated with construction activities. BMPs for erosion control would be implemented and maintained at all times during construction to prevent siltation and turbid discharges into waters of the state. Silt and sedimentation control measures would be installed and properly maintained to protect water quality resources.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through each project's respective state permitting processes.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Proposed structures will be designed per any applicable Florida Building Code standards and permitted as necessary.

The proposed **Enhancement of Franklin County Parks and Boat Ramps projects** seek to enhance and/or increase the public's use and/or enjoyment of the natural resources in Franklin County by improving existing boat ramps, fishing piers, and parks. Five individual projects are proposed, which would:

1. improve the Abercrombie boat ramp by constructing additional docks at the existing boat ramp;
2. improve the Eastpoint fishing pier by constructing new restrooms and a holding tank;
3. improve the Indian Creek Park boat launch facility by constructing new restroom facilities, connecting them to a nearby existing central wastewater facility, and renovating the existing boat ramp, bulkhead, and parking area;
4. improve the St. George Island fishing pier by constructing new restrooms and a holding tank and renovating the existing bulkhead that leads up to the pier and protects the road to the pier; and
5. improve the Waterfront Park in Apalachicola by enhancing the parking, adjacent tie-up docks, and an existing onsite building, which will serve as an information center and dockmaster office.

These projects are consistent with the relevant enforceable policies of the FCMP, including those within Chapters 163, 186, 253, 267, 373, 376, 379, 403, and 553 Fla. Stat.

Provisions of Chapter 163, Fla. Stat., included within the Florida Coastal Management Program concern the implementation of comprehensive planning by local governments to guide and manage future development. In a complementary fashion, Chapter 186, Fla. Stat., sets state and regional roles in land planning and promotes the development of guidance for the orderly social, economic, and physical growth of the state. No significant changes would occur to the current use at the proposed projects' locations or to uses on adjacent and nearby properties. Land ownership and management would remain the same. The proposed projects would be consistent with applicable local land development codes as described in the Draft Phase III ERP/PEIS.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. Some of the projects would be implemented on or will affect the use of State-owned lands. Where necessary, the State's consent to use these lands in this manner will be obtained through the permitting process.

The proposed projects rely on compliance with existing regulation (via permitting or exemption) that support the projects' consistency with Chapters 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State), and 403 (regulating discharges of pollution into the air and waters of the State). Best management practices along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts associated with construction activities. BMPs for erosion control would be implemented and maintained at all times during construction to prevent siltation and turbid discharges into waters of the state. Silt and sedimentation control measures would be installed and properly maintained to protect water quality resources.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through each project's respective state permitting processes.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed projects would be disposed of in an appropriate manner.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Proposed structures will be designed per any applicable Florida Building Code standards and permitted as necessary.

The proposed **Gulf County Recreation projects** seek to enhance and/or increase the public's use and/or enjoyment of the natural resources in Gulf County by improving two existing boat ramps and a park, and building a new fishing pier. Four individual projects are proposed, which would:

1. improve the Beacon Hill Veteran's Memorial Park by constructing pavilions, restrooms, a nature trail, a parking area, and a small amphitheater;
2. improve the Highland View boat ramp by repairing and enhancing the existing boat ramp, replacing existing access and termination piers, and improving the parking;
3. improve the Indian Pass boat ramp by repairing and enhancing the existing boat ramp and replacing existing access and termination piers; and
4. construct a new fishing pier and associated infrastructure at Windmark Beach.

These projects are consistent with the relevant enforceable policies of the FCMP, including those within Chapters 161, 163, 186, 253, 267, 373, 376, 379, 403, and 553 Fla. Stat.

Provisions of Chapter 163, Fla. Stat., included within the Florida Coastal Management Program concern the implementation of comprehensive planning by local governments to guide and manage future development. In a complementary fashion, Chapter 186, Fla. Stat., sets state and regional roles in land planning and promotes the development of guidance for the orderly social, economic, and physical growth of the state. No significant changes would occur to the current use at the proposed projects' locations or to uses on adjacent and nearby properties. Land ownership and management would remain the same. The proposed projects would be consistent with applicable local land development codes as described in the Draft Phase III ERP/PEIS.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. A majority of the projects would be implemented on or will affect the use of State-owned lands. Where necessary, the State's consent to use these lands in this manner will be obtained through the permitting process.

The proposed projects rely on compliance with existing regulation (via permitting or exemption) that support the projects' consistency with Chapters 161 (regulating construction, reconstruction, and other physical activity on sandy shorelines adjacent to the Gulf, and regulating actions for protection and preservation of those areas, particularly from erosion), 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and

waters of the State). Both the Florida Department of Environmental Protection (FDEP) and USACE permits require mitigation and as a result, impacts to water quality are expected to be minimal. During construction, best management practices and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. The FDEP permit conditions require erosion and turbidity mitigation measures. The FDEP permits also constitute a Certification of Compliance with State Water Quality Standards under Section 401 of the Clean Water Act, which means that the project would comply with state water quality standards and other aquatic resource protection requirements. Best management practices for erosion control would be implemented and maintained at all times during construction to prevent siltation and turbid discharges into surface waters.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through each project's respective state permitting processes.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Proposed structures will be designed per any applicable Florida Building Code standards and permitted as necessary.

The proposed **Florida Pensacola Bay Living Shoreline project** is intended to employ living shoreline techniques that utilize natural and/or artificial breakwater material to reduce shoreline erosion and provide habitat at two sites within a portion of Pensacola Bay. Proposed activities include completing and expanding an existing breakwater at the Project GreenShores Site II (PGS II), constructing approximately 2,400 feet of breakwater at the Sanders Beach site, and creating salt marsh habitat at both sites. In total, approximately 18.8 acres of salt marsh habitat and 4 acres of reefs would be constructed. Additional information on the PGS II and Sanders Beach components of this project includes:

*PGS II Site Reefs:* expand and complete an existing breakwater with a crest width anticipated to be 100 ft and total height anticipated to be 3.5 ft. Average water depth is estimated to be -4 ft (below) Mean Lower Low Water (MLLW), therefore the final crest elevation is anticipated to be -0.5 ft (below) MLLW. The calculated volume of needed material is approximately 15,000 tons of riprap/fossilized oyster shell. It is anticipated that a crane mounted on the barge would be used to distribute material according to the design cross-section. A footprint of approximately 1.9 acres of fine-grained sediment would be covered with riprap/fossilized oyster shell. Additionally, up to 6 warning signs placed on 12-inch diameter posts would be driven adjacent to the breakwater with appropriate signage for marine traffic. No materials are anticipated for removal from the site.

*Sanders Beach Site Reefs:* construct a breakwater anticipated to be 2,400 feet long with a crest width of 30 ft and total height of 3.5 ft. Average water depth is estimated to be -2.5 ft below MLLW, therefore the final crest elevation is anticipated to be +0.63 ft above MLLW. The calculated volume of needed material is approximately 14,000 tons of riprap/fossilized oyster shell. It is anticipated that a crane mounted on the barge would be used to distribute material to the design cross-section. A footprint of approximately 3.15 acres of fine-grained sediment would be covered with a riprap. Additionally, 8 warning signs placed on 12-inch diameter posts would be driven adjacent to the breakwater with appropriate signage for marine traffic. No materials are anticipated for removal from the site.

*PGS II and Sanders Beach Created Salt Marsh Habitats:* similar approaches would be used create a total of approximately 18.8 acres of salt marsh habitat landward of the living reefs for both sites. Conceptual project plans currently estimate the creation of approximately 0.8 acres at PGS II and approximately 18 acres at the Sanders Beach site. Suitable sand/fill materials would be dredged from offshore borrow sites near each project area or obtained from a suitable land-based source. Additional site evaluation and sediment testing would be conducted to identify the most suitable offshore borrow sites. The salt marsh creation areas and elevation requirements would be based on further site evaluations and engineering studies to maximize successful establishment of a marsh platform that would be planted with local, native vegetation such as *Spartina alterniflora* and *Juncus roemerianus*. Based on similar efforts, it is estimated that approximately 6,650 to 8,170 cubic yards of fill would be required to create 0.8 acres at PGS II and 126,350 to 155,230 cubic yards of fill would be required to create 18 acres at the Sanders Beach Area site. Selection of the type(s) of dredge and other equipment for marsh creation would be based on the final design and environmental considerations.

The proposed Florida Cat Point Living Shoreline project is intended to employ living shoreline techniques that utilize natural and/or artificial breakwater material to reduce shoreline erosion and provide habitat off EastPoint, Florida. Combining these objectives, this project would create reefs to reduce wave energy, increase benthic secondary productivity, and create salt marsh habitat. Proposed activities include expanding an existing breakwater creating up to 0.3 miles of new breakwater and create salt marsh habitat. The restoration work proposed includes placing the breakwater structures approximately 30 feet from the shoreline, which will likely have an approximate 5 feet crest width with a height that falls within the mean high and low water lines of the site. The specific breakwater elevation and technique design will be selected to maximize shoreline protection and meet state regulatory requirements. The living shoreline techniques will be employed along approximately 0.3 mile of shoreline. Additionally, plugs of Saltmarsh Cordgrass (*Spartina alterniflora*) will be planted on 1-foot centers in the area located landward of the breakwater. Plants will be installed within 30-days of the first growing period subsequent to construction of the breakwater.

Combining the objectives of reducing shoreline erosion and providing habitat, these projects would create reefs to reduce wave energy, increase benthic secondary productivity, and create salt marsh habitat.

These projects are consistent with the relevant enforceable policies of the FCMP, including those within Chapters 253, 267, 373, 376, 379, and 403 Fla. Stat.

The proposed projects rely on compliance with existing regulation (via permitting or exemption) that support the projects' consistency with Chapters 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State). Both the Florida Department of Environmental Protection (FDEP) and USACE permits require mitigation and as a result, impacts to water quality are expected to be minimal. During construction, best management practices and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. The FDEP permit conditions require erosion and turbidity mitigation measures. The FDEP permits also constitute a Certification of Compliance with State Water Quality Standards under Section 401 of the Clean Water Act, which means that the project would comply with state water quality standards and other aquatic resource protection requirements. Best management practices for erosion control would be implemented and maintained at all times during construction to prevent siltation and turbid discharges into surface waters.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The projects may be implemented on or may affect the use of State-owned lands. If necessary, the State's consent to use these lands in this manner will be obtained through the permitting process.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through each project's respective state permitting processes.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.

The proposed **Northwest Florida Fort Walton Beach Educational Boardwalk project** and the **Florida Navarre Beach Park Coastal Access project** seek to enhance and/or increase the public's use and/or enjoyment of the natural resources by improving recreational areas as well as conducting small natural resource and habitat enhancements.

The proposed **Northwest Florida Fort Walton Beach Educational Boardwalk project** would expand existing boardwalks as well as implement several small natural resource and habitat enhancement projects in Fort Walton Beach. The proposed improvements include constructing a new educational and interactive boardwalk, expansion of an existing intertidal oyster reef, and restoration of a degraded salt marsh.

The proposed **Navarre Beach Park Coastal Access project** would improve access for the public seeking to access the beach and water of Santa Rosa Sound from the existing pavilion/parking lot areas. In addition, construction of a new canoe/kayak launch would increase access opportunities to the waters of the sound for recreational boaters. The enhancement of the recreational experience from these infrastructure improvements would also be complemented by the restoration of a roughly 1 acre parcel of degraded dune habitat in the project area.

These projects are consistent with the relevant enforceable policies of the FCMP, including those within Chapters 163, 186, 253, 267, 373, 376, 379, 403, and 553 Fla. Stat.

Provisions of Chapter 163, Fla. Stat., included within the Florida Coastal Management Program concern the implementation of comprehensive planning by local governments to guide and manage future development. In a complementary fashion, Chapter 186, Fla. Stat., sets state and regional roles in land planning and promotes the development of guidance for the orderly social, economic, and physical growth of the state. No significant changes would occur to the current use at the proposed projects' locations or to uses on adjacent and nearby properties. Land ownership and management would remain the same. The proposed projects would be consistent with applicable local land development codes as described in the Draft Phase III ERP/PEIS.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The projects may be implemented on or may affect the use of State-owned lands. If necessary, the State's consent to use these lands in this manner will be obtained through the permitting process.

The proposed projects rely on compliance with existing regulation (via permitting or exemption) that support the projects' consistency with Chapters 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State). Both the Florida Department of Environmental Protection (FDEP) and USACE permits require mitigation and as a result, impacts to water quality are expected to be minimal. During construction, best management practices and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation

impacts. The FDEP permit conditions require erosion and turbidity mitigation measures. The FDEP permits also constitute a Certification of Compliance with State Water Quality Standards under Section 401 of the Clean Water Act, which means that the project would comply with state water quality standards and other aquatic resource protection requirements. Best management practices for erosion control would be implemented and maintained at all times during construction to prevent siltation and turbid discharges into surface waters.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through each project's respective state permitting processes.

Provisions of Chapter 267 concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Proposed structures will be designed per any applicable Florida Building Code standards and permitted as necessary.

The proposed **Norriego Point Restoration and Recreation project** would involve stabilizing and re-establishing recreational activities available at Norriego Point. The restoration work proposed involves the construction of several erosion control structures to dissipate wave energy and protect the dredged fill placed landward of the revetment. Two new embayments will provide additional swimming areas as well as more space for boat and kayak to pull-ins. Additionally, facilities will include a picnic pavilion with restrooms, showers, and drinking fountains; educational signage to encourage appreciation of this natural environment; a multi-use trail, bike racks, and vehicle parking along the access road adjacent to the park land. This road is to be built by a private property owner as part of the owner's development order. This proposed project seeks to enhance and/or increase the public's use and/or enjoyment of the natural resources by improving the recreational opportunities at Norriego Point.

This project is consistent with the relevant enforceable policies of the FCMP, including those within Chapters 163, 186, 253, 267, 373, 376, 379, 403, and 553 Fla. Stat.

Provisions of Chapter 163, Fla. Stat., included within the Florida Coastal Management Program concern the implementation of comprehensive planning by local governments to guide and manage future development. In a complementary fashion, Chapter 186, Fla. Stat., sets state and regional roles in land planning and promotes the development of guidance for the orderly social, economic, and physical growth of the state. No significant changes would occur to the current use at the proposed project's location or to uses on adjacent and nearby properties. Land ownership and management would remain the same. The proposed project would be consistent with applicable local land development codes as described in the Draft Phase III ERP/PEIS.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The project would be implemented on or will affect the use of State-owned lands. The State's consent to use these lands in this manner will be obtained through the permitting process.

The proposed project relies on compliance with existing regulation (via permitting or exemption) that support the project's consistency with Chapters 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State). Both the Florida Department of Environmental Protection (FDEP) and USACE permits require mitigation and as a result, impacts to water quality are expected to be minimal. During construction, best management practices and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. The FDEP permit conditions require erosion and turbidity mitigation measures. The FDEP permits also constitute a Certification of Compliance with State Water Quality Standards under Section 401 of the Clean Water Act, which means that the project would comply with state water quality standards and other aquatic resource protection requirements. Best management practices for erosion control would be implemented and maintained at all times during construction to prevent siltation and turbid discharges into surface waters.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through the project's state permitting processes.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Proposed structures will be designed per any applicable Florida Building Code standards and permitted as necessary.

The proposed **Bald Point State Park Recreation Areas project**, the proposed **Deer Lake State Park Development project**, and the proposed **Wakulla County Mashas Sands Park Improvements project**, and the proposed **Big Lagoon State Park project** seek to enhance and/or increase the public's use and/or enjoyment of the natural resources by improving recreational areas of state and county parks.

The proposed **Bald Point State Park Recreation Areas project** would improve the existing visitor areas at Bald Point State Park in Franklin County. The proposed improvements would include construction of picnic pavilions, boardwalks, restroom and aerobic treatment system and drainfield, and a boardwalk and floating dock for use as a canoe/kayak launch.

The proposed **Deer Lake State Park Recreation Areas project** would improve the existing visitor areas at Deer Lake State Park in Walton County. The proposed improvements would include adding a paved access road, parking, picnic shelters, and a restroom.

The proposed **Wakulla County Mashas Sands Park Improvements project** would improve recreation areas at the Wakulla County Mashas Sands Park. The proposed improvements include constructing observation platforms, boardwalks, and walking paths, improving the boat ramp area, and picnic areas, renovating the parking area, and the restroom facility, and constructing a canoe/kayak launch site.

The proposed **Big Lagoon State Park project** would involve enhancing an existing boat ramp and surrounding facilities in the Big Lagoon State Park in Escambia County. These improvements would include adding an additional lane to the boat ramp, expanding boat trailer parking, improving traffic circulation at the boat ramp, and providing a new restroom facility to connect the park to the Emerald Coast Utility Authority (ECUA) regional sanitary sewer collection system.

These projects are consistent with the relevant enforceable policies of the FCMP, including those within Chapters 163, 186, 253, 258, 267, 373, 376, 379, 403, and 553 Fla. Stat.

Provisions of Chapter 163, Fla. Stat., included within the Florida Coastal Management Program concern the implementation of comprehensive planning by local governments to guide and manage future development. In a complementary fashion, Chapter 186, Fla. Stat., sets state and regional roles in land planning and promotes the development of guidance for the orderly social, economic, and physical growth of the state. No significant changes would occur to the current use at the proposed projects' locations or to uses on adjacent and nearby properties. Land ownership and management would remain

the same. The proposed projects would be consistent with applicable local land development codes as described in the Draft Phase III ERP/PEIS.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. Some, if not all, the projects would be implemented on or will affect the use of State-owned lands. Where necessary, the State's consent to use these lands in this manner will be obtained through the permitting process.

The proposed projects rely on compliance with existing regulation (via permitting or exemption) that support the projects' consistency with Chapters 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State). All permit conditions, including mitigation measures for erosion and release of chemicals, would be strictly adhered to. During construction, best management practices and boom placement along with other avoidance and mitigation measures required by state and federal regulatory agencies would be employed to minimize any water quality and sedimentation impacts. The FDEP permit conditions require erosion and turbidity mitigation measures. The FDEP permit also constitutes a Certification of Compliance with State Water Quality Standards under Section 401 of the Clean Water Act, which indicates that the project would comply with state water quality standards and other aquatic resource protection requirements. Best management practices for erosion control would be implemented and maintained at all times during construction to prevent siltation and turbid discharges into surface waters.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through each project's respective state permitting processes.

Chapter 258, Fla. Stat., contains provisions provide for the supervision, administration, regulation and controlling the operation of all state parks. The projects in the state parks are consistent with the provisions of this chapter. All activities will be done in coordination with the property managers and/or owners.

Provisions of Chapter 267 concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.

The provisions of Chapter 553, Fla. Stat., included within the Florida Coastal Management Program demand a state building code governs the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules and requires permits for regulated construction activities. Proposed structures will be designed per any applicable Florida Building Code standards and permitted as necessary.

The proposed **Florida Seagrass Recovery Project** would address boat damage to shallow seagrass beds in the Florida panhandle by restoring scars located primarily in turtle grass (*Thalassia testudinum*) habitats located in St. Joseph Bay Aquatic Preserve in Gulf County, with additional potential sites in Alligator Harbor Aquatic Preserve in Franklin County, and St. Andrews Aquatic Preserve, in Bay County. A boater outreach and education component of the project will install non-regulatory Shallow Seagrass Area signage, update existing signage and buoys where applicable, and install educational signage and provide educational brochures about best practices for protecting seagrass habitats at popular boat ramps in St. Joseph Bay, Alligator Harbor, and St. Andrews Bay. The objective of the proposed project is to restore submerged aquatic vegetation by addressing boat scars in aquatic preserves.

This project is consistent with the relevant enforceable policies of the FCMP, including those within Chapters 253, 258, 267, 373, 376, 379, and 403 Fla. Stat.

The proposed project relies on compliance with existing regulation (via permitting or exemption) that support the project's consistency with Chapters 373 (concerning the regulation of management and storage of surface waters, including permitting associated with wetlands and navigable waters within the State) and 403 (regulating discharges of pollution into the air and waters of the State). In-water work would require authorization from the USACE. The NOAA Restoration Center applied for and secured USACE Permit No. SAJ-2012-01546 (SP-SWA) on January 9, 2013, to construct the project in St. Andrews Bay, as well as other authorized waterbodies. However, USACE Permit No. SAJ-2012-01546 (SP-SWA) does not specifically include St. Joseph Bay and Alligator Harbor as authorized waterbodies for which construction is proposed. Therefore, a permit modification to Permit No. SAJ-2012-01546 or procurement of a separate USACE permit may be necessary prior to construction to allow the proposed activity in St. Joseph Bay and Alligator Harbor. The existing USACE will expire December 20, 2017. No in-water work would be conducted until all permits, authorizations, or amendments were issued by USACE for the work. Project installation activities would use best management practices including impact avoidance of existing seagrass habitat through the use of small vessels. Short-term turbidity levels above background could result from sediment tube placement. However, tidal current is expected to dilute suspended sediments. Once planting units are installed and seagrass colonization occurs in the restoration areas, ambient water-quality parameters would be expected to improve by providing enhanced water column filtration and nutrient uptake.

Chapter 253, Fla. Stat., concerns the management, conservation, protection, disposition, and use of State-owned lands. The projects would be implemented on or will affect the use of State-owned lands. The State's consent to use these lands in this manner will be obtained through the permitting process.

Chapter 379, Fla. Stat., describes the State policy of conservation and wise use of freshwater fish and wildlife species, with particular emphasis on endangered and threatened species; requires FWC to administer, develop and conserve marine fishery resources of the State, including through the protection and enhancement of the marine and estuarine environments and water quality; and recognizes the importance of marine commercial and recreational fishing. Development of the

Florida projects has been coordinated with FWC. Potential concerns will be addressed in project design and permitting, and continued consistency with Chapter 379, Fla. Stat., and its enforcement mechanism will be assured through the project's state permitting processes.

Chapter 258, Fla. Stat., contains provisions describing Florida's aquatic preserves, areas which have exceptional biological, aesthetic, and scientific value, and that are managed for the benefit of future generations. Waterbodies where the seagrass recovery activities are planned include several aquatic preserves, such as St. Andrews Aquatic Preserve; St. Joseph Bay Aquatic Preserve; and Alligator Harbor Aquatic Preserve. Restoration of the seagrass such as is proposed by this project furthers the goals of Chapter 258.

Provisions of Chapter 267, Fla. Stat., concern the administration of state-owned or state-controlled historic resources and promote the preservation of non-state-owned historic resources. DHR has been consulted in the course of developing the Draft Phase III ERP/PEIS. Further assessment for cultural resources will be conducted during site preparation and governmental guidelines for avoidance or protection of those resources followed during subsequent construction.

The policies and goals of Chapter 376, Fla. Stat., are highly similar to those of the Federal Oil Pollution Act under which the Draft Phase III ERP/PEIS was developed. These provisions prohibit the discharge of pollutants, including oil, into or upon any coastal water, estuary, tidal flat, beach or lands adjoining the seacoast. Any wastes encountered or generated during the course of the proposed project would be disposed of in an appropriate manner.