



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

JENNIFER CARROLL
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

November 29, 2012

Ms. Harriet M. Deal, Attorney-Adviser
Office of the Solicitor
U.S. Department of the Interior

Ms. Stephanie L. Willis, Senior Attorney
Office of General Counsel
National Oceanic and Atmospheric Administration
263 13th Avenue South, Suite 177
St. Petersburg, FL 33701

RE: U.S. Department of the Interior and National Oceanic and Atmospheric Administration
National Resource Damage Assessment (NRDA) – Deepwater Horizon Oil Spill, Phase
II Early Restoration Plan, Avian Breeding Habitat and Restoring the Night Sky Turtle
Nesting Enhancement Projects – Florida Panhandle Beaches.
SAI # FL201210226394C (Reference Prior SAI # FL201202166139C)

Dear Ms. Deal and Ms. Willis:

The Florida State Clearinghouse has coordinated a review of the referenced NRDA Phase II Early Restoration Plan proposal under the following authorities: Presidential Executive Order 12372; § 403.061(42), *Florida Statutes*; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended.

The Florida Department of State (DOS), Division of Historical Resources' review of the Florida Master Site File indicates that there are numerous cultural resources located within the projects' area of potential effect. Staff states that, although some project related activities could adversely affect cultural resources, DOS is currently consulting with the Florida Department of Environmental Protection (DEP) and Florida Fish and Wildlife Conservation Commission on ways to avoid, minimize or mitigate any potential adverse effects. Please contact Mr. Scott Edwards at (850) 245-6333 or Scott.Edwards@DOS.MyFlorida.com for further information and assistance.

The DEP's Coastal Construction Control Line (CCCL) Program staff notes that the proposed installation of bird fencing stakes, new or retrofitted light poles or modified light fixtures would not require a CCCL permit. The requirement to obtain a CCCL permit would only be triggered by proposed significant physical alterations of the land seaward of the CCCL (*i.e.*, new or

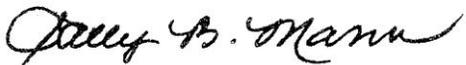
Ms. Harriet M. Deal and Ms. Stephanie L. Willis
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relocated structures, excavation or vegetation removal). Please contact Ms. Roxane Dow at (850) 922-7852 or Roxane.Dow@dep.state.fl.us if any questions arise.

Based on the information contained in the submittal, negligible project impacts and proposed environmental benefits, the state has determined that the NRDA restoration activities are consistent with the Florida Coastal Management Program (FCMP). The state's continued concurrence will be based on the activities' compliance with FCMP authorities, including federal and state monitoring of the activities to ensure their continued conformance, and the adequate resolution of any issues identified during subsequent reviews.

Thank you for the opportunity to review this proposal. Should you have any questions regarding this letter, please contact Ms. Lauren P. Milligan at (850) 245-2170 or Lauren.Milligan@dep.state.fl.us.

Yours sincerely,



Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/lm
Enclosure

cc: Elsa Haubold, FWC
Kelly Samek, DEP, FCMP
Roxane Dow, DEP, BBCS
Scott Edwards, DOS



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Ms. Lauren P. Milligan
Environmental Manager
Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, Florida 32399-3000

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DEP Office of
Intergov't Programs

November 20, 2012

RE: DHR Project File Number: 2012-5177
SAI #: 201210226394C
U.S. Department of the Interior and National Oceanic and Atmospheric Administration
National Resource Damage Assessment - *Deepwater Horizon Oil Spill - Phase I Early Restoration Plan - Avian Breeding Habitat and Restoring the Night Sky Turtle Nesting Enhancement Projects Along Florida's Panhandle Beaches*

Dear Ms. Milligan:

In accordance with the provisions of Florida's Coastal Zone Management Act and Chapter 267, *Florida Statutes*, as well as the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"); we have reviewed the referenced undertaking. The purpose of the review by this office is to assist in the determination of potential involvement of historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical or architectural value.

A review of the Florida Master Site File indicates that there are numerous cultural resources located within the projects' area of potential effect. It is the opinion of this office that some project related activities could adversely affect cultural resources. However, we are currently consulting with Florida's Department of Environmental Protection and Fish and Wildlife Conservation Commission on ways to avoid, minimize or mitigation any potential adverse effects.

We look forward to working with all parties on a successful project. If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservationist, by electronic mail scott.edwards@dos.myflorida.com, or at 850.245.6333 or 800.847.7278.

Sincerely,

Barbara E. Mattick, DSHPO
for

Robert F. Bendus, Director
Division of Historical Resources
and State Historic Preservation Officer



DIVISION OF HISTORICAL RESOURCES
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