APPENDIX C

AGENCY CORRESPONDENCE

Florida Fish and Wildlife Conservation Commission

Commissioners
Rodney Barreto
Chair
Miami

Kathy Barco
Vice Chair
Jacksonville

Ronald M. Bergeron
Fort Lauderdale

Richard A. Corbett
Tampa

Dwight Stephenson
Delray Beach

Kenneth W. Wright
Winter Park

Brian S. Yablonski
Tallahassee

Executive Staff
Nick Wiley
Executive Director

Greg Holder
Assistant Executive Director

Karen Ventimiglia
Deputy Chief of Staff

Office of the
Executive Director
Nick Wiley
Executive Director

(850) 487-3796
(850) 921-5786 FAX

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

January 25, 2010

Ms. Shannon McMorrow
MACTEC Engineering and Consulting, Inc.
404 S. W. 140th Terrace
Gainesville, Fl 32669-3000

Dear Ms. McMorrow:

I apologize for the delay in sending the DVD/CDs; I waited for the new data from the biologist. The CD titled Selected wildlife conservation GIS data layers" is updated every 6-12 months as we receive new data on the species. Please feel free to contact me for updated data. Enclosed please find CD/DVDs containing GIS data layers maintained by the Florida Fish and Wildlife Conservation Commission. Data are in a customized Albers projection in the HPGN datum. Please see the projection text file for specific projection parameter.

Please credit the Florida Fish and Wildlife Conservation Commission for any publication of these data. If you have any questions or further requests, please contact me at (850) 488-0588 or gisrequests@myfwc.com

Sincerely,

Jan Stearns

Jan Stearns
Staff Assistant

js
2010_5445
Enclosures

From: Bourdeau, Jonathan
Sent: Tuesday, January 05, 2010 7:05 AM
To: Shortelle, Ann; Ryan, Joy; McMorrow, Shannon
Cc: Jenkins, Josh
Subject: FW: Follow-up Contact w/ FLFWC Re. State Listed Species Letter of Inquiry

-----Original Message-----
From: Rick_Clark@nps.gov [mailto:Rick_Clark@nps.gov]
Sent: Monday, January 04, 2010 4:55 PM
To: Riley_Hoggard@nps.gov; Bourdeau, Jonathan; Jenkins, Josh
Cc: Nina_Kelson@nps.gov; Mark_Nicholas@nps.gov
Subject: Follow-up Contact w/ FLFWC Re. State Listed Species Letter of Inquiry

All: F.Y.I.

I responded to below inquiry today (1/4). FLFWC to provide a GIS shape file map showing distribution of listed (State) species known to occur in the area. EA and formal request for concurrence determination re. State (FL) coastal zone consistency will then need to be routed as part of the interagency review and comment period to the FL State clearinghouse for final review and comment. By procedure/protocol the State requires up to a 90-day review period before rendering a determination.

Point of contact at the FLFWC who will be providing the information referenced above is Jan Stearns, who can be reached by calling 850-488-0588.

Rick

Rick Clark
Chief of Science & Resources Management
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32561
Voice: 850-916-3011
FAX: 850-932-9654
email: rick_clark@nps.gov

"Poole, MaryAnn" <MaryAnn.Poole@MyFWC.com>
12/23/2009 02:55 PM

To: "Rick_Clark@nps.gov" <Rick_Clark@nps.gov>, "Riley_Hoggard@nps.gov" <Riley_Hoggard@nps.gov>
cc: "Mark_Nicholas@nps.gov" <Mark_Nicholas@nps.gov>, "Nina_Kelson@nps.gov" <Nina_Kelson@nps.gov>, "Chabre, Jane" <jane.chabre@MyFWC.com>
Subject: RE: EA/Ft. Pickens Pier

Rick and Riley -

There are a couple of ways we could provide you with input; both have their strengths and weaknesses, so I wanted to get up with you to find out which option would suit your needs the best.

I look forward to hearing from you after the New Year.

-----Original Message-----
From: Nina_Kelson@nps.gov [mailto:Nina_Kelson@nps.gov]
Sent: Wednesday, December 23, 2009 11:56 AM
To: Rick_Clark@nps.gov; Riley_Hoggard@nps.gov
Cc: Poole, MaryAnn; Mark_Nicholas@nps.gov
Subject: EA/Ft. Pickens Pier

Rick/Riley: I had a call today from Ms. Mary Ann Poole with FFWCS. The 12/17 letter regarding the EA for the pier that we sent to Billie Clayton was forwarded to her. She had some questions about the approach she may use to respond and I told her that one of you would contact her when you return. Her phone number is 850-488-8783.

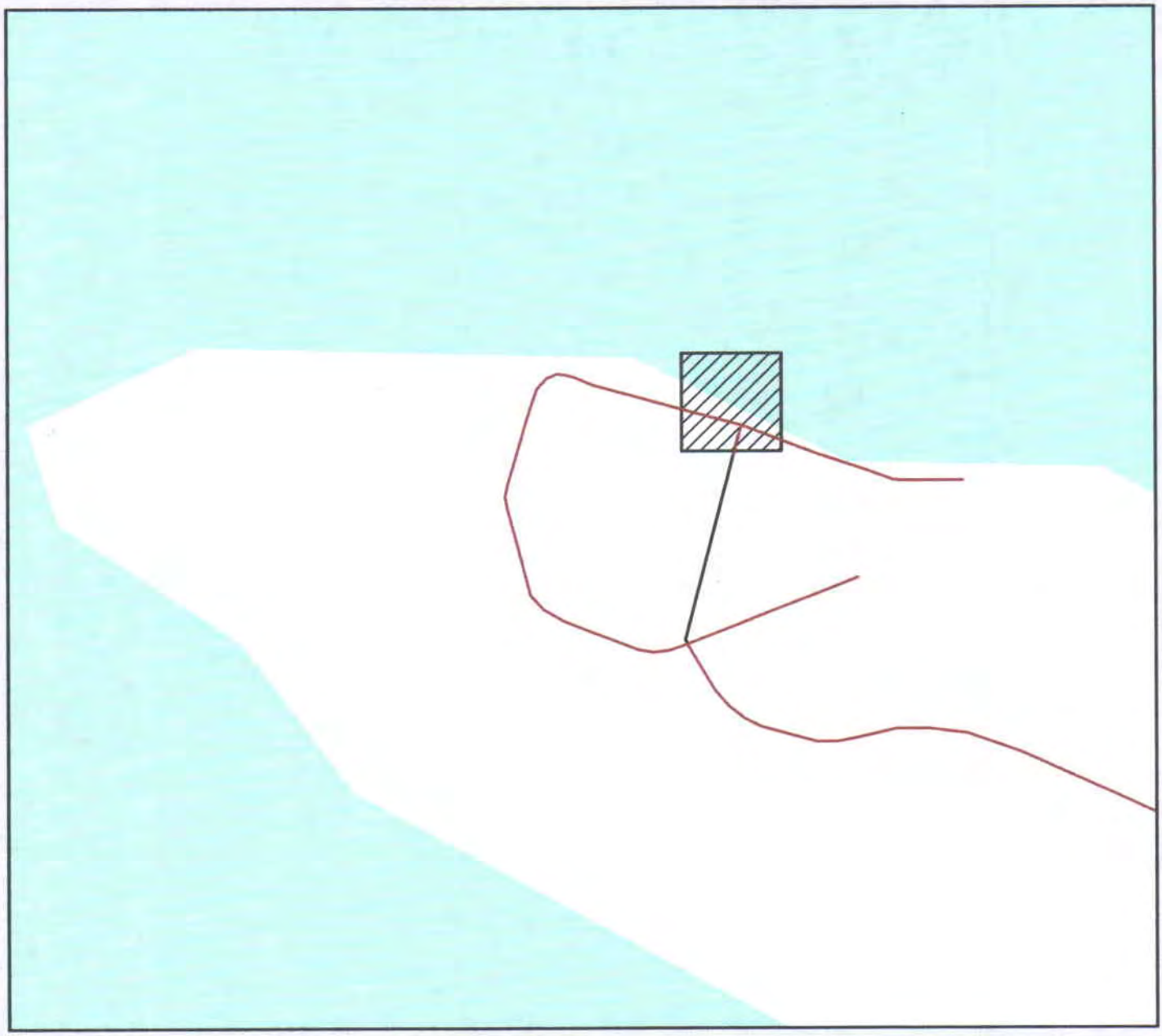
Thanks,

Nina

Nina Kelson
Deputy Superintendent
Voice: 850-934-2606
FAX: 850-916-3026

Gulf Sturgeon Critical Habitat

Fort Pickens Passenger Ferry Pier and Shelter



Gulf Sturgeon Critical Habitat
County Boundary
Project Site

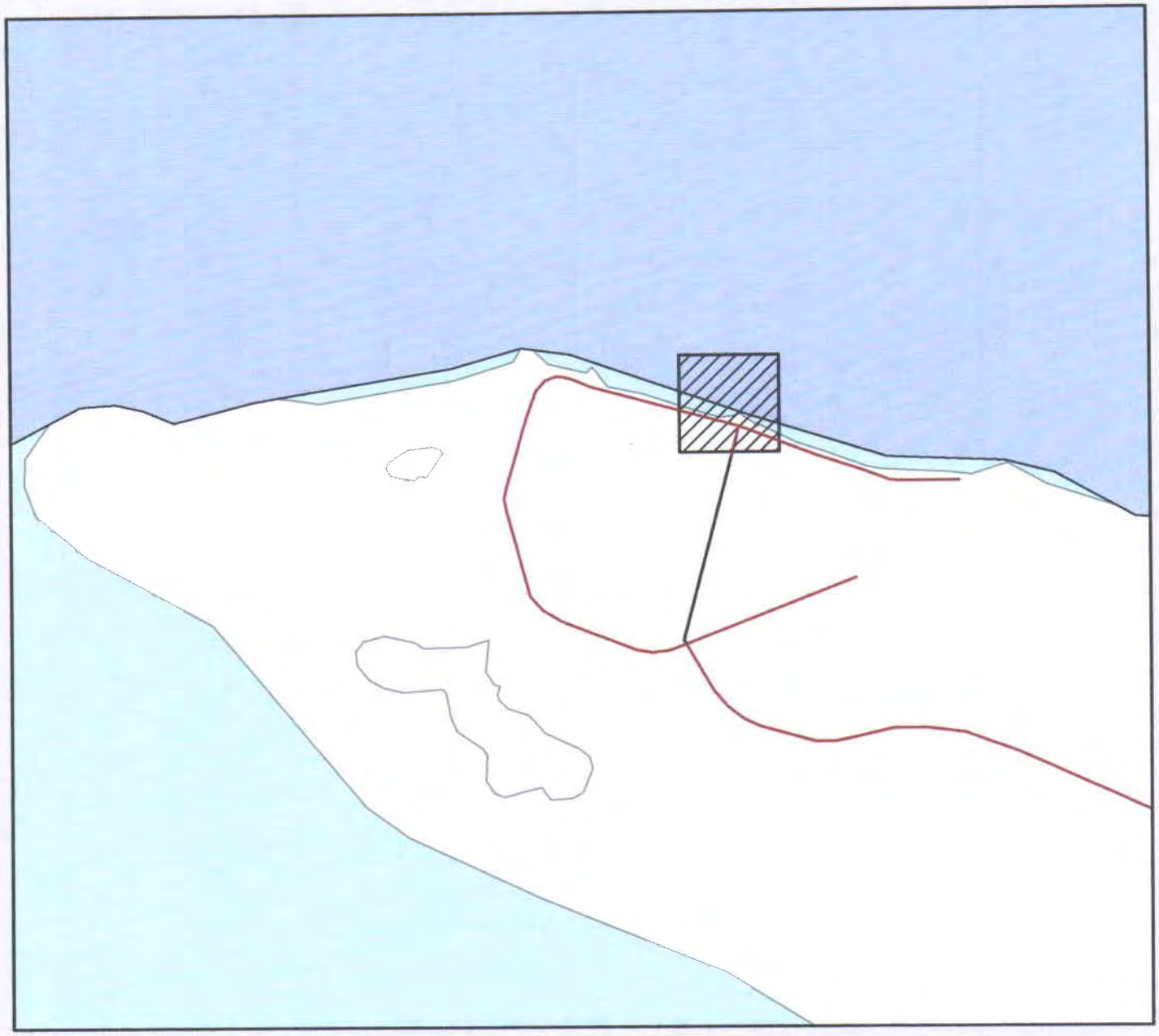
Miles
0 0.1 0.2 0.3

N

2010_5434

Imperiled Fish Habitat

Fort Pickens Passenger Ferry Pier and Shelter



Imperiled Fish Habitat
Project Site
County Boundary

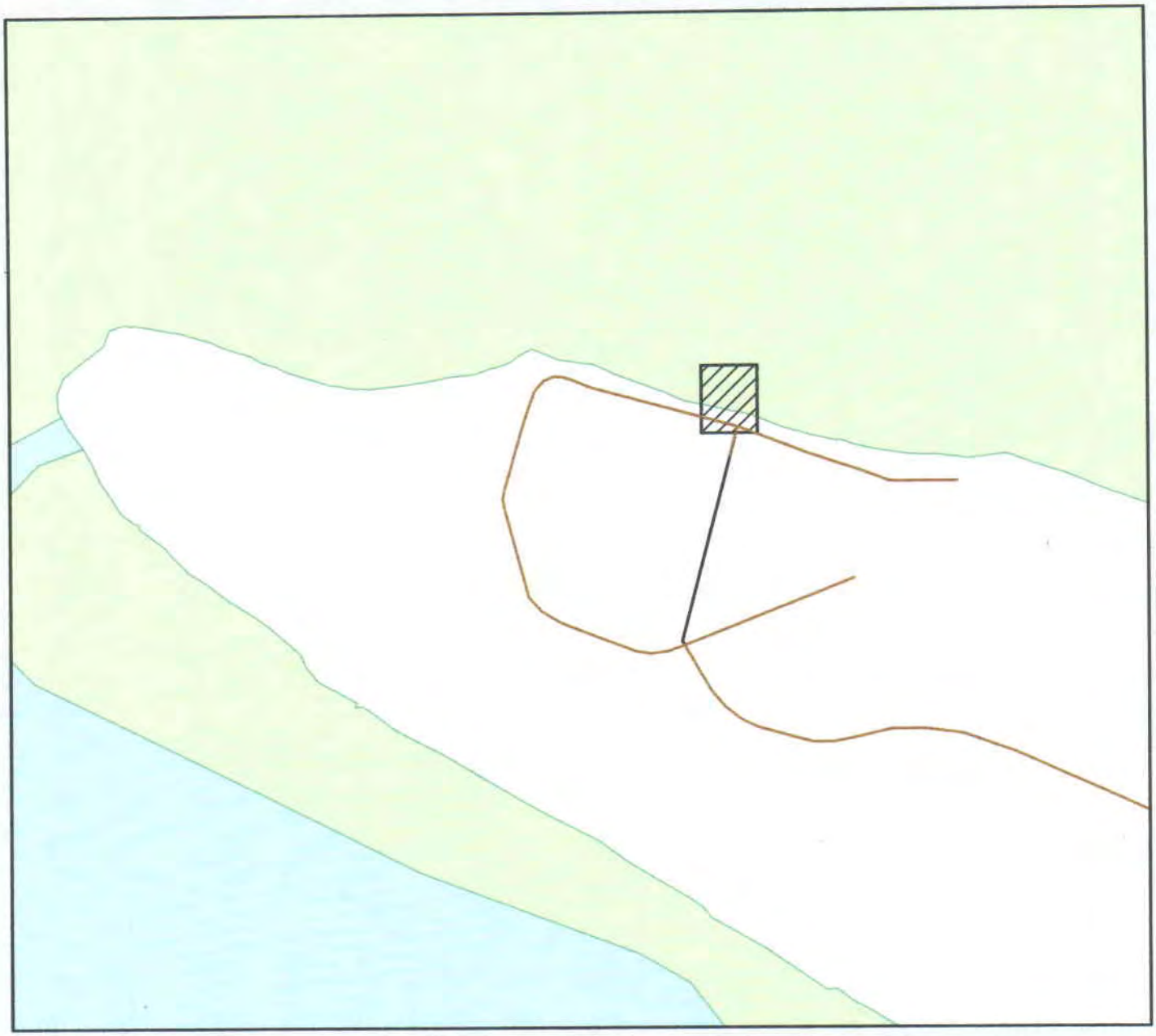
Miles
0 0.1 0.2 0.3

N

2010_5434

Ecosystem Management Areas

Fort Pickens Passenger Ferry Pier and Shelter



Ecosystem Management Areas
County Boundary
Project Site

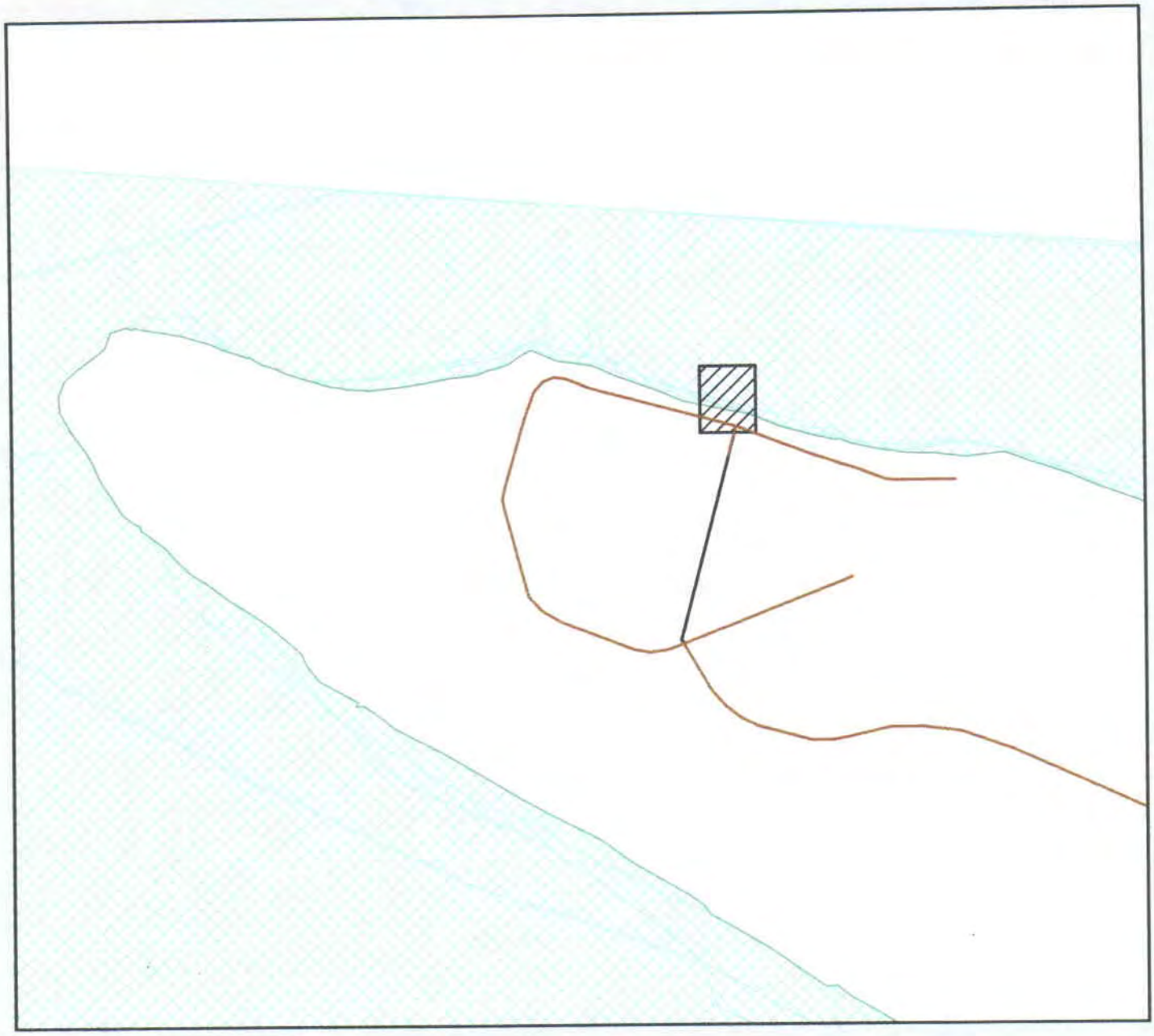
0 0.1 0.2 0.3 Miles

K

2010_5434

Marine Protected Areas

Fort Pickens Passenger Ferry Pier and Shelter



Marine Protectred Areas
County Boundary
Project Site

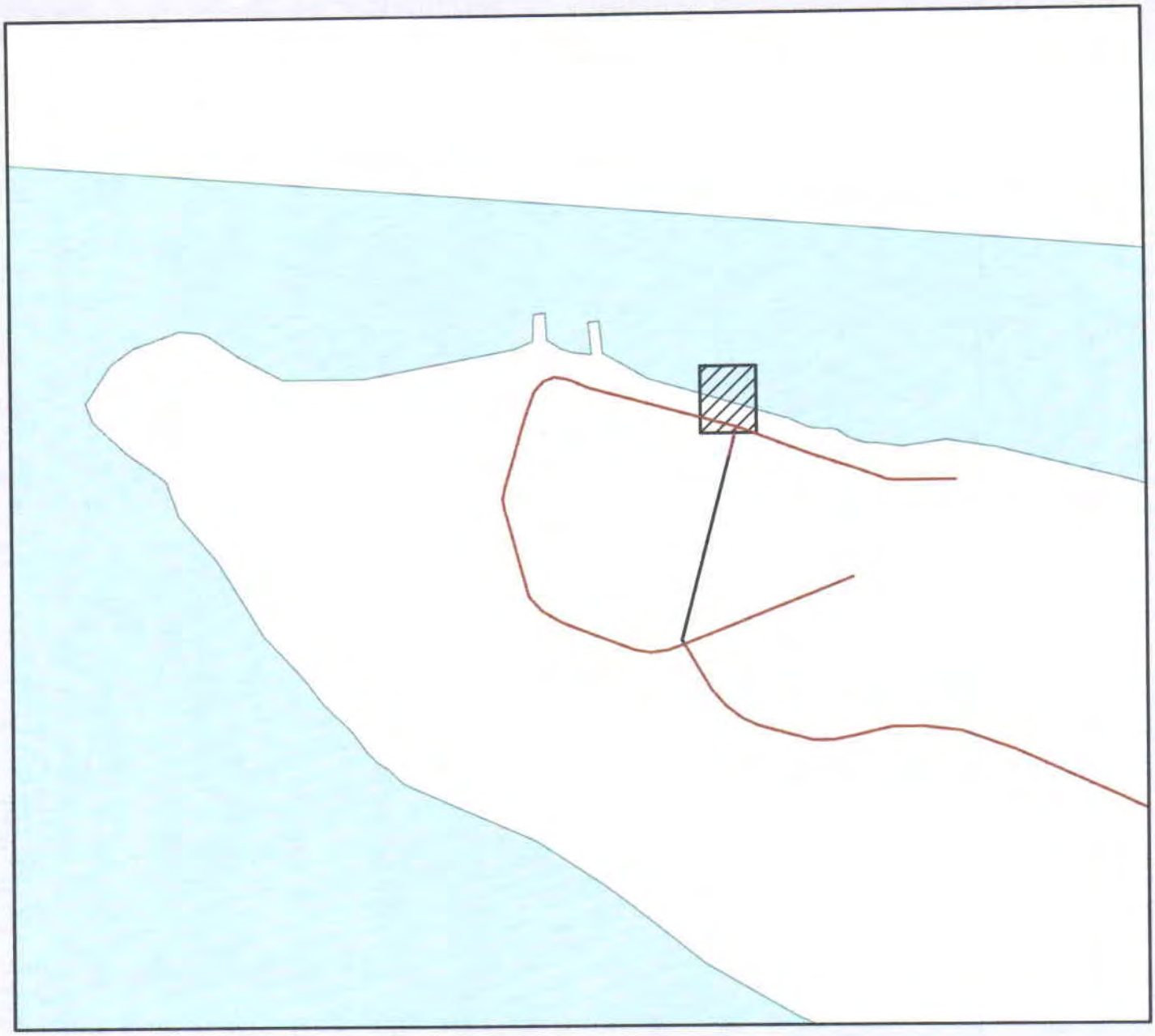
Miles
0 0.1 0.2 0.3

K

2010_5434

Aquatic Preserves

Fort Pickens Passenger Ferry Pier and Shelter



Aquatic Preserves
Project Site
County Boundary

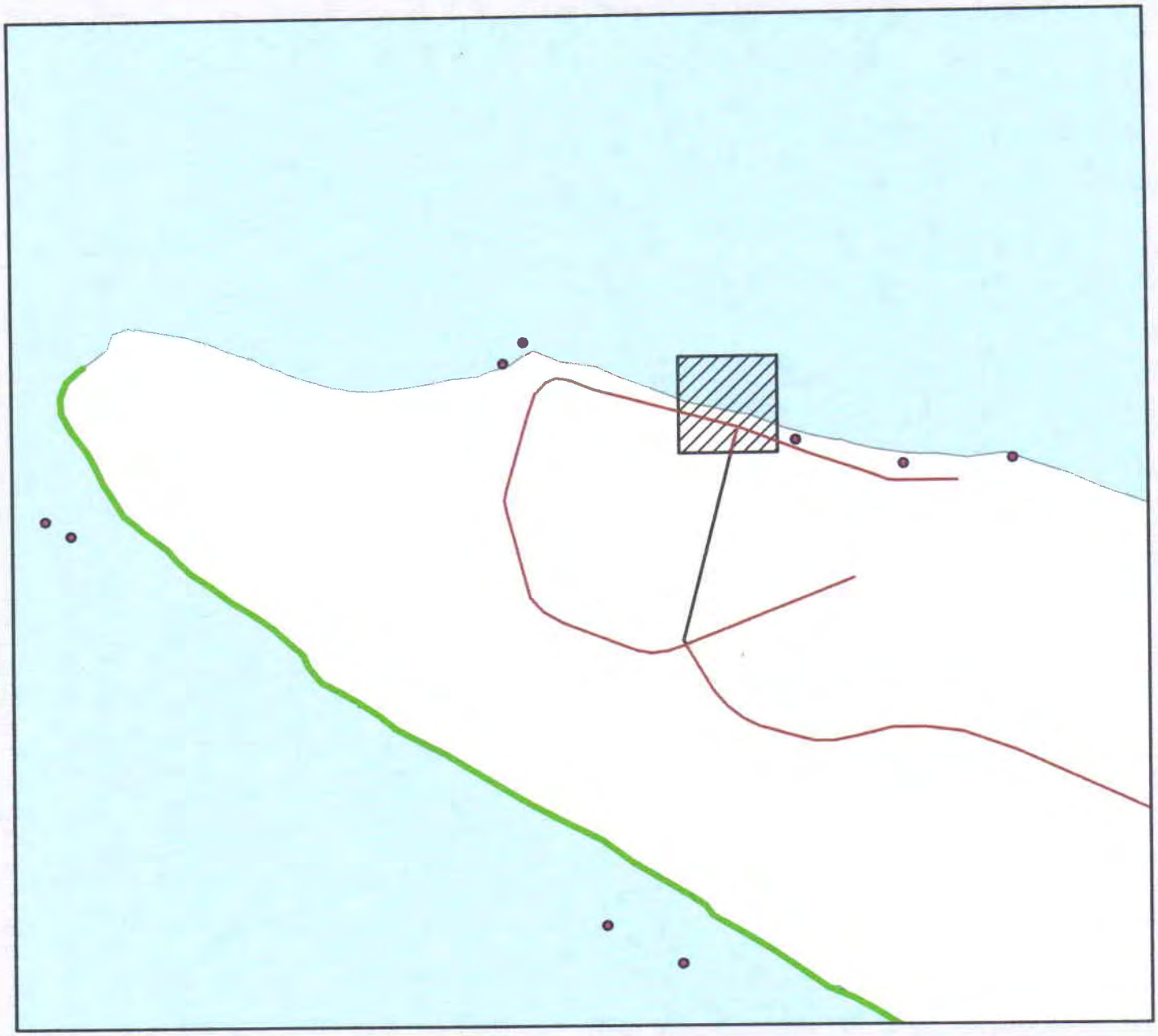
Miles
0 0.1 0.2 0.3

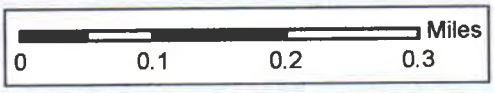
K

2010_5434

Sea Turtles Nests and Strandings

Fort Pickens Passenger Ferry Pier and Shelter

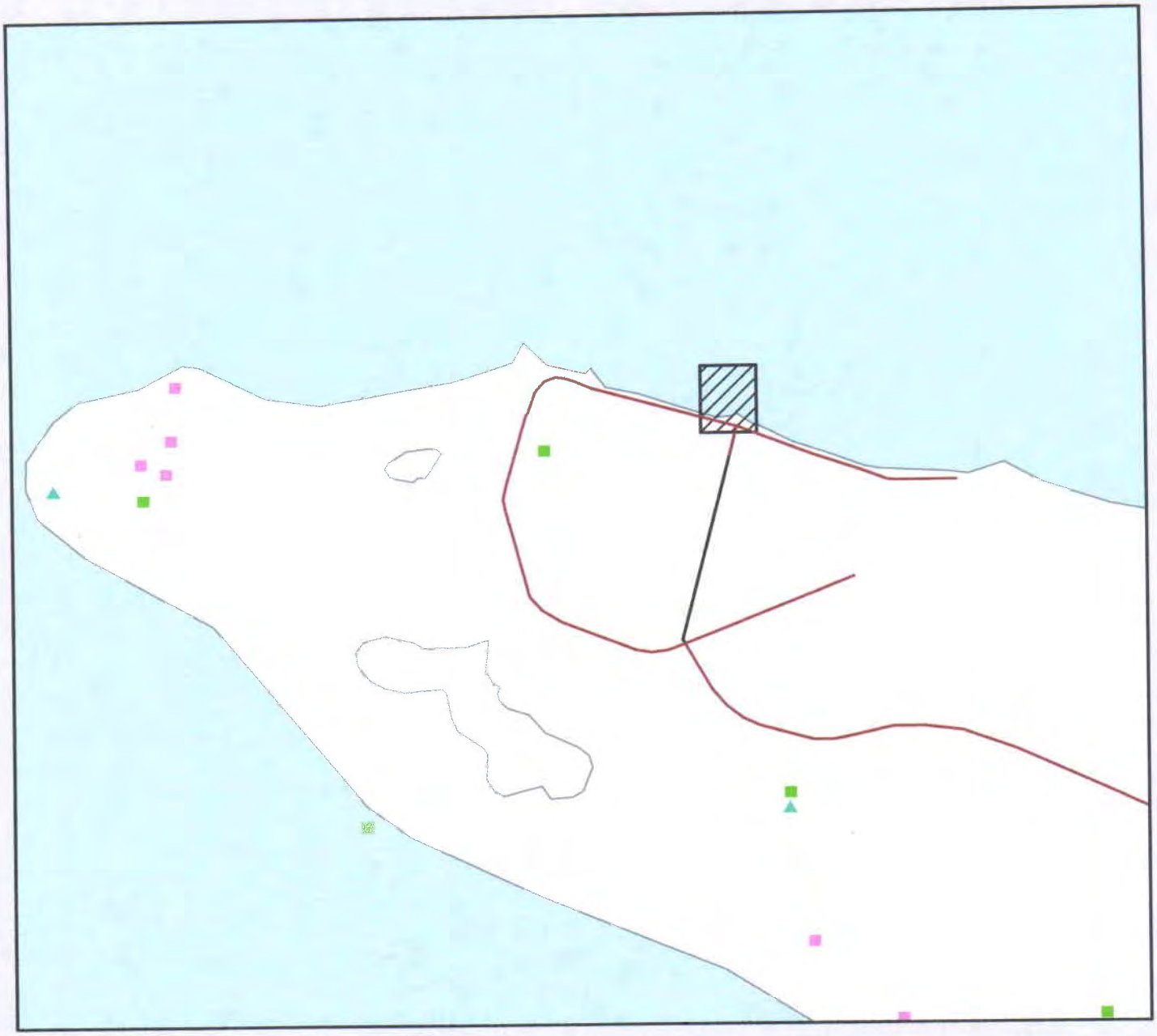




2010_5434

Species Occurrence

Fort Pickens Passenger Ferry Pier and Shelter



Shore Birds Nests 2002
Snowy Plover Nests 2002-2006
Florida Natural Inventory Areas
Project Site
County Boundary

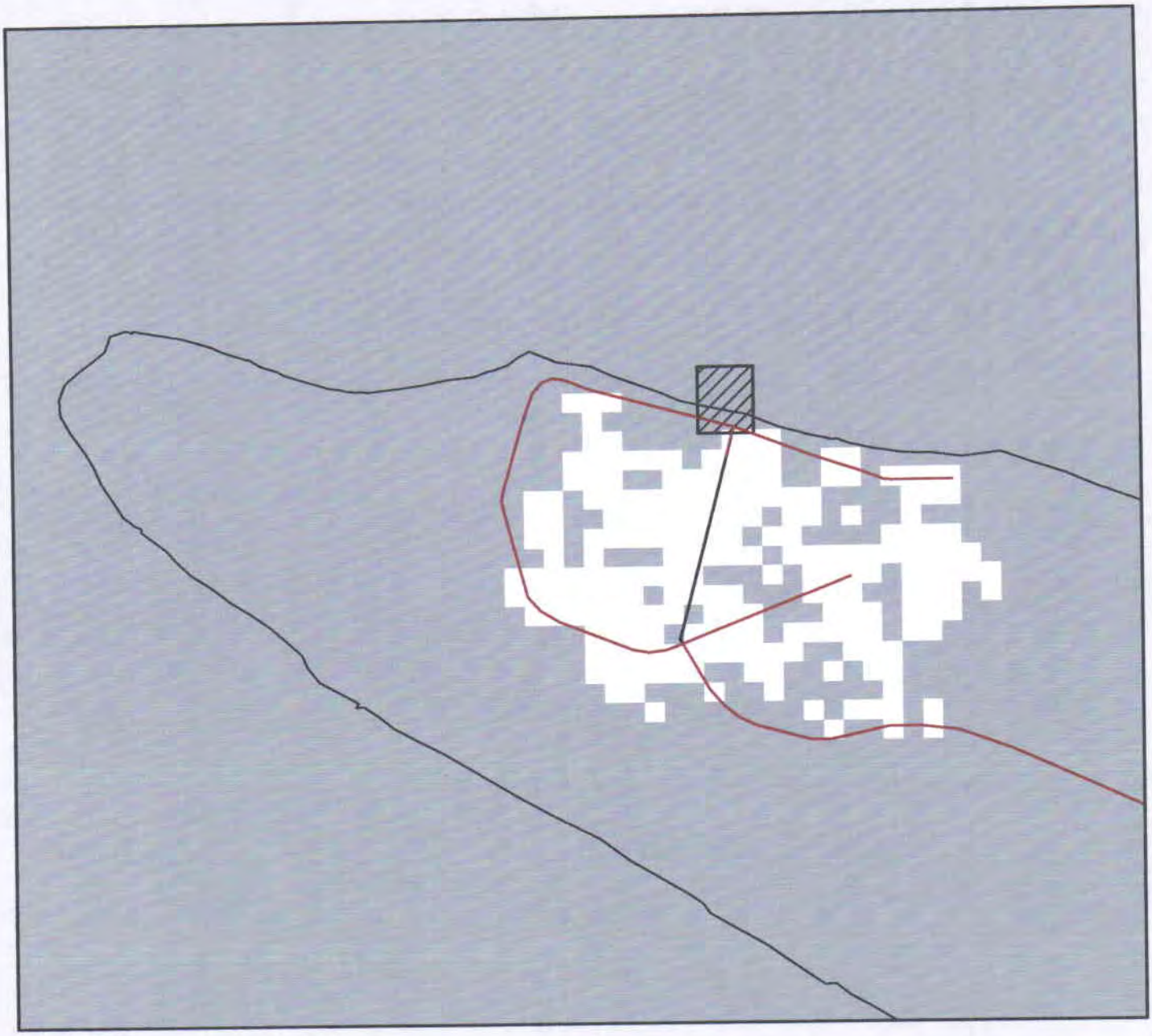
Miles
0 0.1 0.2 0.3

N

2010_5434

Species Richness

Fort Pickens Passenger Ferry Pier and Shelter



Species Richness
- 1 - 3
- 4 - 6
- 7 - 9
- 10 - 13

County Boundary
Project Site

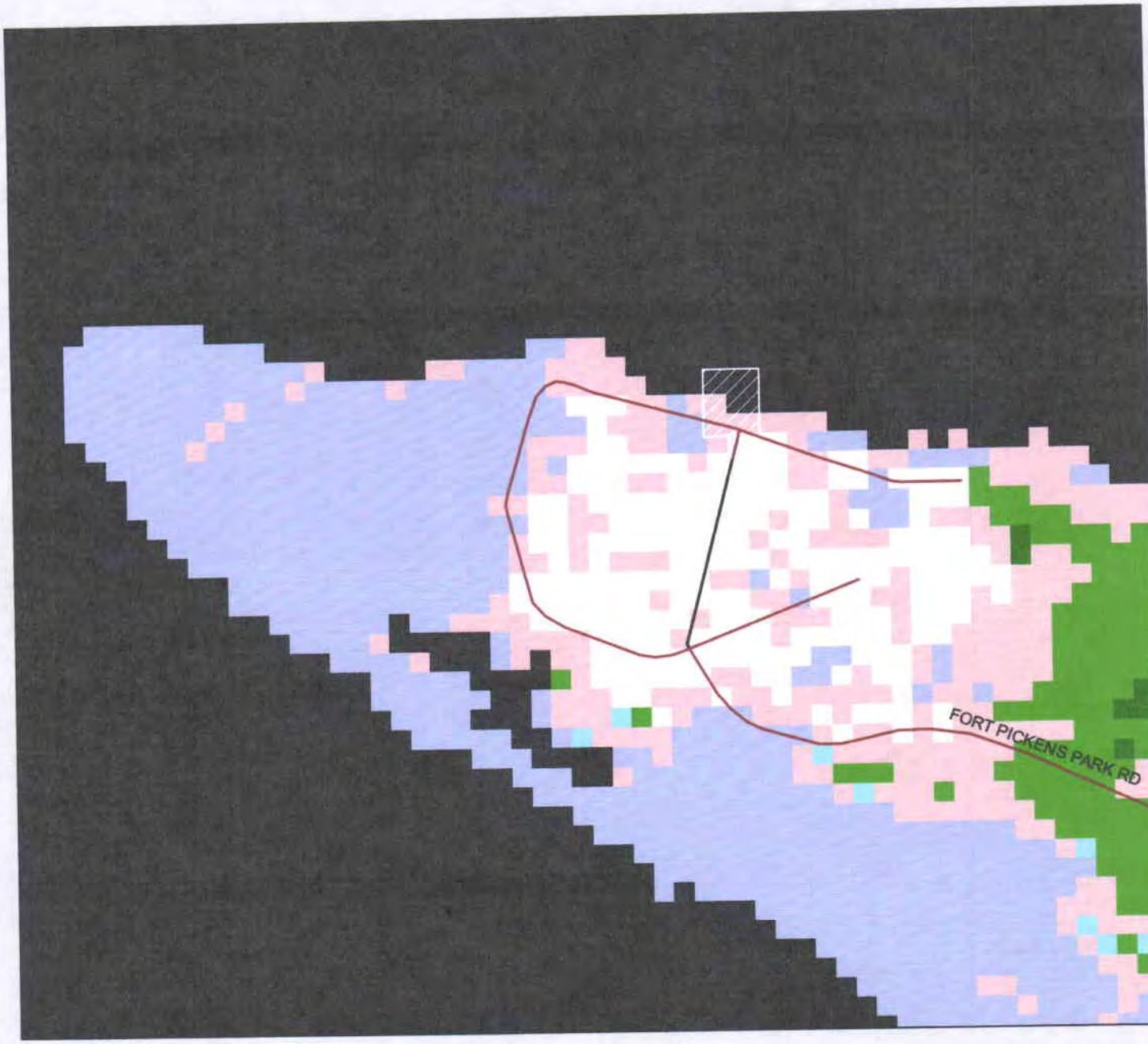
0 0.1 0.2 0.3 Miles

K

2010_5434

Florida Land Cover - 2003

Fort Pickens Passenger Ferry Pier and Shelter



Project Site

Coastal Strand
Sand/Beach
Xeric Oak Scrub
Sand Pine Scrub
Sandhill
Dry Prairie
Mixed Pine-Hardwood Forest
Hardwood Hammocks and Forest
Pinelands
Cabbage Palm-Live Oak Hammock
Tropical Hardwood Hammock
Freshwater Marsh and Wet Prairie
Sawgrass Marsh

Major Roads

Cattail Marsh
Shrub Swamp
Bay Swamp
Cypress Swamp
Cypress/Pine/Cabbage Palm
Mixed Wetland Forest
Hardwood Swamp
Hydric Hammock
Bottomland Hardwood Forest
Salt Marsh
Mangrove Swamp
Scrub Mangrove

County Boundary

Tidal Flat
Open Water
Shrub and Brushland
Grassland
Bare Soil/Clearcut
Improved Pasture
Unimproved Pasture
Other Agriculture
Citrus
Exotic Plants
High and Low Impact Urban
Extractive

Miles
0 0.08 0.16

K

2010-5434

United States Department of the Interior

NATIONAL PARK SERVICE
GULF ISLANDS NATIONAL SEASHORE
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32563
(850) 934-2600

L7617 (GUIS-S&RM)

December 17, 2009

Billie Clayton
Florida Fish and Wildlife Conservation Service
3911 Highway 2321
Panama City, FL 32409-1658

Subject: **Request for Information** for the Environmental Assessment for the Proposed Design and Construction of Fort Pickens Passenger Ferry Pier and Shelter, National Park Service, Gulf Islands National Seashore (GUIS), Florida

Dear Ms. Clayton:

The National Park Service (NPS) Gulf Islands National Seashore (GUIS) is initiating an environmental assessment (EA), in accordance with NPS regulations for compliance with the National Environmental Policy Act (NEPA) to evaluate an alternative mode of access to the Fort Pickens area. In order that potential environmental effects of the project may be fully evaluated and considered, the NPS is requesting that you respond in writing concerning any beneficial or adverse impacts relative to the interests of your agency.

This proposed action will focus on providing an alternative mode of access to the Fort Pickens area through resource protection, and improving the visitor experience and park operations. Alternatives under consideration include construction of a pier or conversion of an existing fishing pier to accommodate a pedestrian ferry in the Fort Pickens Area of the GUIS. A no-action alternative will be considered for the project.

The Fort Pickens Area covers over 1,700 acres among the westernmost area of Santa Rosa Island as shown on Figure 1. The EA will focus on the land and marine areas in the immediate vicinity of the proposed pier. The study area is depicted on Figure 2. The basic pier is envisioned as approximately 260 feet long, about 20 feet wide, with a boat hoist for NPS boats and possibly a floating, attached pier for other small vessels. The pier would be designed to withstand storm conditions and to be cost effectively repaired in the event of storm damage.

In accordance with NEPA requirements, we are eliciting your comments and invite you to review the project. We also request a current list of federally listed threatened or endangered species, species of concern, or any other special status species that might occur in the locality

mentioned above, and designated critical habitats, if any, for these species, as well as species of particular concern to Florida Fish and Wildlife Conservation Commission. Within 30 days of the date of this letter, please contact us with your initial concerns and comments so that we may ensure that important biological resources are fully considered in the preparation of the EA. An EA will be prepared and will be sent to you for comment after that date.

This letter will serve as a record that the NPS is initiating informal consultation with your agency pursuant to the requirements of the 1973 Endangered Species Act, as amended and 2001 NPS Management Policies.

If you have any questions, please do not hesitate to contact us at the letterhead address above. We would also be happy to arrange a meeting with you at your convenience to discuss this project. Thank you for your attention to this matter.

Sincerely,

Jerry A. Eubanks
Superintendent

Attachments:

Figure 1: Project Vicinity Map
Figure 2: Study Area Map

U.S. Fish and Wildlife Service
Panama City Field Office
1601 Balboa Ave.
Panama City, FL 32405
Tel: 850/769-0552
Fax: 850/763-2177

FAX NOTE FAX NOTE FAX NOTE

(850) 932-9654

Date: 2 Apr 10

To: National Park Svs - Rick Clark

From: Polly Kelly

No. Pages to Follow: 1

Subject: BO Assessment & Determination of Effect

Nature is not only more complex than we think,
it is more complex than we can think. - Frank Egler

8. DETERMINATION OF EFFECT

The implementation of the Endangered Species Act often requires an evaluation of the effects of human activity on listed species and their habitats. The potential for hindering the attainment of a properly functioning environment for protected species is an example of one of questions posed by the dichotomous key for making a determination of effect. Potential impediments to a properly functioning environment may include physical barriers, and impacts to water quality, species disturbance, and habitat, for example. The following questions were reviewed and addressed as part of the decision-making process to make the determination of effect:

Are there any proposed/listed species and/or proposed or designated critical habitat in the project area or downstream from the project area?

Answer: Yes.

Does the proposed action have the potential to hinder attainment of relevant properly functioning indicators?

Answer: No.

Does the proposed action have the potential to result in "take" of proposed/listed species or destruction/adverse modification of proposed/designated critical habitat?

Answer: Yes, but not likely with mitigation (Section 7).

The information available for the project has been analyzed, and it has been concluded that the proposed action would have a negligible probability of take of listed species, which is summarized in Table 2. The rationale for each of these determinations is discussed in detail in Section 5.

Table 2 Listed Species/Critical Habitat and Determination of Effect

Listed Species/Critical Habitat	Determination of Effect
Florida manatee	Not likely to adversely effect
Atlantic green turtle	Not likely to adversely effect
Atlantic loggerhead sea turtle	Not likely to adversely effect
Kemp's Ridley sea turtle	Not likely to adversely effect
Leatherback sea turtle	Not likely to adversely effect
Hawksbill turtle	Not likely to adversely effect
American alligator	No effect
Gulf sturgeon	Not likely to adversely effect
Gulf sturgeon critical habitat	Not likely to adversely effect
Essential Fish Habitat	Not likely to adversely effect
Santa Rosa beach mouse	Not likely to adversely effect
Shorebirds	Not likely to adversely effect
Seagrass and seagrass habitat	Not likely to adversely effect

U.S. Fish and Wildlife Service
1601 Balboa Avenue
Panama City, Florida 32405
(850) 769-0552 Fax (850) 763-2177

FWS Log No. 4/1410-2010-1-0183

This project should have minimal impacts to fish and wildlife resources (16 USC 661 et seq.) and is not likely to adversely affect any species under the Endangered Species Act.

Gail A. Carmody, Project Leader

4-1-10
Date

United States Department of the Interior

National Park Service
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563

IN REPLY REFER TO:

L7617(GUIS-SRM)

March 5, 2010

Gail Carmody
US Fish and Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405

Subject: **Biological Assessment and Determination of Effect**
Proposed Design and Construction of Fort Pickens Passenger Ferry Pier, National Park Service, Gulf Islands National Seashore, Florida

Dear Ms. Carmody:

The National Park Service (NPS) Gulf Islands National Seashore (GUIS) is pleased to provide for your review and concurrence the enclosed Biological Assessment (BA) for the proposed Fort Pickens Pier and Ferry Service located within the Florida District of GUIS. This document has been prepared in accordance with the Final ESA Section 7 Consultation Handbook (USFWS, 1998) for informal consultation with the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service in order to comply with Section 7 of the Endangered Species Act (ESA).

Prior to the completion of the BA, comments, concerns, and suggestions were received from the Florida Fish and Wildlife Conservation Commission and USFWS. Suggested changes based upon these comments were incorporated into the BA. The BA will be used in support of an environmental assessment (EA), in accordance with NPS regulations for compliance with the National Environmental Policy Act to evaluate an alternative mode of access to the Fort Pickens area. The EA will be prepared and will be made available to USFWS for comment.

If you have any questions or need additional information, please contact Chief of Science & Resources Management, Rick Clark, by calling (850) 916-3011 or by email at Rick_Clark@nps.gov. We would also be happy to arrange a meeting with you at your convenience to discuss this project. Thank you for your attention to this matter.

Sincerely,

Nina Kelson
Acting Superintendent

Attachments: Biological Assessment and Determination of Effect

cc: Eric Hawk
National Marine Fisheries Service
Southeast Regional Office
263 13th Avenue South
Saint Petersburg, Florida 33701

McMorrow, Shannon

From: Patricia_Kelly@fws.gov
Sent: Friday, December 04, 2009 3:37 PM
To: Ryan, Joy
Subject: Re: map with possible location areas
Attachments: pic12053.gif

Hi Joy
Only the Santa Rosa beach mouse needs consideration in the areas you have marked. A survey in 2007 located 25 in the Ft Pickens area. This species
is not Federally protected but is considered a federal "species at risk", so consideration to minimize impacts are encouraged. This will only be
an issue if vegetation removal is necessary and how far inland clearing in needed. If the site is mostly vegetation free, not an issue.

The only other species we think you need to consider are Manatees (guidelines sent earlier to avoid going formal) and Gulf sturgeon (critical habitat and
species impacts) that you will need to address with NOAA (contact given to you yesterday- Stephania Bolden).

Overall, we see this as a positive step forward if it lightens the road traffic especially during shorebird nesting season. Patty.

Patty Kelly
US Fish and Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405

e-mail: patricia_kelly@fws.gov
Ph: 850/769-0552 x228
fax: 850/763-2177

"Ryan, Joy" <JMRYAN@mactec.com>

"Ryan, Joy"
<JMRYAN@mactec.com>

To<Patricia_Kelly@fws.gov>

12/04/2009 01:07 PM

cc

Subjectmap with possible location areas

Patty,
Attached is a map/figure of the Ft. Pickens area.
I circled two fairly broad areas on the intracoastal side of the island under consideration for dock location.
Alternative actions are still being determined, so nothing is definite at this point.

Sometime soon, the USFWS will receive a notification of the action, but for now, I am just trying to gather information to write the Biological Assessment.

Please look at the attached map and let me know about the possible, probable, and actual T&E species in these areas (terrestrial and marine), and if any of the species are of particular concern by USFWS.

I don't want to increase your workload, but if you have any reports on the island, the state park or national park, T&E species in the area, etc. that might be helpful for writing the BA, I would appreciate an electronic copy.

Thank you so much.

Joy Ryan
MACTEC Engineering and Consulting, Inc.
Office, Direct Line 352-333-1629
Email jmryan@mactec.com

Please consider the environment before printing this e-mail.

From: Patricia_Kelly@fws.gov [mailto:Patricia_Kelly@fws.gov]
Sent: Thursday, December 03, 2009 12:19 PM
To: Ryan, Joy
Subject: BE format

Hi Joy
I have attached guidance and outline on constructing a BA/BE. Please let me know you have received this so I know I wrote the email address correctly. If you have questions, please call. Patty.
(See attached file: BA guidelines.PDF)

Patty Kelly
US Fish and Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405

e-mail: patricia_kelly@fws.gov
Ph: 850/769-0552 x228
fax: 850/763-2177[attachment "Ft. Pickens-possible dock locations-hand sketch.pdf" deleted by Patricia Kelly/R4/FWS/DOI]

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Field Office
1601 Balboa Avenue
Panama City, FL 32405-3721
Tel: (850) 769-0552
Fax: (850) 763-2177

IN REPLY REFER TO:

January 21, 2009

Nina Kelson
Acting Superintendent
National Park Service
Gulf Islands National Seashore
Gulf Breeze, FL 32563

Re: Environmental Review: Species List
FWS No. 2010-I-111; 2010-CPA-112.
Project Title: Proposed design and construction of Fort Pickens passenger ferry pier and shelter.
Location: Fort Pickens Unit, Gulf Islands National Seashore,
County: Escambia County, Florida

Dear Ms. Kelson:

We, the Fish and Wildlife Service (Service) are responding to your letter dated December 17, 2009 (received December 21, 2009) requesting endangered and threatened species information concerning the proposed project located on Fort Pickens Unit, Gulf Islands National Seashore (GUIS) in Escambia County, Florida. You have requested information concerning the presence of federally protected species under the Service's jurisdiction and/or areas of interest within the proposed project area. This response is provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), Section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), and the Migratory Bird Treaty Act of 1918 (MBTA) (16 U.S.C. 703-712).

We provide the following comments to assist you during project planning. The Fort Pickens Unit of GUIS, including surrounding waters, supports federally protected nesting sea turtles (loggerhead, green, leatherback, and Kemp's ridley), threatened piping plover during migration and winter months, threatened Gulf sturgeon (with designated critical habitat, endangered West Indian Manatee, and species of concern- Santa Rosa beach mice and snowy plover. In addition, GUIS provides nesting habitat for shorebirds and other avifauna protected under the MBTA.

To assist you with your further studies of the project, we are enclosing (Attachment A) tables of threatened, endangered, and other special status species and their habitats for Escambia County,

Florida. Regardless of the status of the species appearing in the table, we encourage their conservation during project planning. Conservation now may help avoid a need to list them in the future. The table is a combination of species occurrence and habitat information developed by the Florida Natural Areas Inventory (FNAI), and species status data compiled by the Florida Fish and Wildlife Conservation Commission (FWC). The following is species specific information to GUIS within the proposed project area.

Gulf sturgeon: Gulf sturgeon are found in the Sound waters during winter months and when migrating between fresh water and the Gulf of Mexico in early spring and late fall. In 2003, the Service and National Oceanic and Atmospheric Administration (NOAA) jointly designated critical habitat for the Gulf sturgeon, which include waters surrounding GUIS (Critical Habitat Unit 9-- Pensacola Bay and Unit 11-- Florida Nearshore Gulf of Mexico). The Service and NOAA share jurisdiction for the Gulf sturgeon and divide Section 7 consultation responsibility depending on the habitat and action agency. For the proposed project, NOAA would have consultation responsibility. Please contact Stephania Bolden, NOAA, (727) 551-5768 or Stephania.Bolden@noaa.gov.

Piping plover: Piping plovers use bayside shorelines for feeding and roosting during migration and winter months. GUIS staff have documented their presence on Fort Pickens. Birds may be present from mid-July through mid-May where appropriate habitat is available. Areas used by piping plovers are ephemeral habitats that, due to their nature, change over time. Projects along the bayside habitat may have an effect on the piping plover's food base, and result in habitat loss and direct disturbance of individual birds. A project of this nature, if within or adjacent to preferred piping plover habitat, may increase disturbance, thereby decreasing its value to the piping plover.

Sea turtles: Sea turtles nest on the Gulf front beaches of Fort Pickens and inhabit surrounding waters of the Gulf of Mexico (GOM) and Santa Rosa Sound. The Service and NOAA share jurisdiction for sea turtles and divide the Section 7 consultation responsibility depending on the habitat. The Service handles sea turtles on land when they come ashore to nest and NOAA has responsibility for sea turtle impacts when occurring in the surrounding Sound and GOM waters. For this proposed project, NOAA is the lead. Please contact Michael Barnett, NOAA, (727) 570-5312 or Michael.Barnett@noaa.gov.

West Indian Manatee: Manatees are found occasionally in the shallow coastal waters of Santa Rosa Sound and the GOM during the warmer months of the year. We have included (Attachment B) standard Manatee Conservation Construction Measures your consideration during the project planning phase.

Santa Rosa beach mice: Prior to the 2004 and 2005 hurricane seasons, the Service considered the status of the Santa Rosa beach mouse as stable because the majority of its occurrence is on GUIS and Eglin Air Force Base properties. Both agencies manage these lands for natural resource conservation and they are not at risk from coastal development, a major threat to beach mice. However, storms do and have affected habitat occupied by the Santa Rosa beach mouse, flattening dunes and reducing available food source vegetation. The current species status, impacted by storms during 2004 and 2005, has rebounded and is again considered stable. An increase in impacts to beach mouse habitat (coastal vegetation, especially scrub habitat and

dunes) that significantly threatens the population stability could result in the need for Federal protection. We encourage avoidance of any impacts to native coastal vegetation when feasible.

Migratory Birds: Snowy plovers, least terns, and other migratory birds nest throughout the appropriate habitats on the Fort Pickens Unit. The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions between the U.S., Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory bird. Under the provisions of the MBTA it is unlawful "by any means or manner to pursue, hunt, take, capture or kill any migratory bird except as permitted by regulations issued by the Fish and Wildlife Service. The term "take" is not defined in the MBTA, but the Service has defined it by regulation to mean to pursue, hunt, shoot, wound, kill, trap, capture or collect any migratory bird, or any part, nest or egg or any migratory bird covered by the conventions or to attempt those activities.

In order to comply with the MBTA and potential for this project to impact nesting shorebirds, the Corps' Applicant should follow Florida Fish and Wildlife Conservation Commission's (FWC) standard guidelines to protect against impacts to nesting shorebirds during implementation of this proposed project during the periods from February 15-August 31.

The snowy plover and least tern are state protected species. The FWC may have additional information for these and other State-listed species and important habitats. The FWC Environmental Services Division is located at 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850) 488-6661.

Wetlands: Our comments regarding possible effects of a project on wetlands will be made to the Army Corps of Engineers during their permitting process, if permits are required. In general, we recommend that wetland impacts be avoided and minimized to the extent practicable, and unavoidable impacts be compensated with appropriate mitigation measures.

We appreciate the opportunity to provide initial comments. Please contact Patty Kelly (extension 228) for additional information and coordination.

Sincerely,

Donald W. , PhD

Donald Imm, Ph.D.
Assistant Field Supervisor

Enclosures:
Escambia County Species List
West Indian Manatee Conservation Construction Measures

Location: \\Ifw4fo-flpcb\Public\STAFF\Patty\FY2010Consultations\20090121_specieslist_kelly_GUIS, Letter.docx

Appendix A

STATE AND FEDERAL THREATENED, ENDANGERED, AND OTHER SPECIES OF CONCERN
LIKELY TO OCCUR IN ESCAMBIA COUNTY FLORIDA
Compiled by U.S. Fish and Wildlife Service July 2009

Common Name	Scientific Name	Status State	Status FWS	Natural Communities
FISH:				
Gulf sturgeon	*Acipenser oxyrinchus desotoi*	SSC	T CH	ESTUARINE: various MARINE: various habitats RIVERINE: alluvial and blackwater streams
Crystal darter	*Crystallaria asprella*	T	ce	RIVERINE: alluvial stream
Harlequin darter	*Etheostoma histrio*	SSC		RIVERINE: alluvial stream
Saltmarsh topminnow	*Fundulus jenkinsi*	SSC		ESTUARINE: estuarine tidal marsh
Bluenose shiner	*Pteronotropis welaka*	SSC		RIVERINE: blackwater, alluvial, and spring-run streams
AMPHIBIANS & REPTILES:				
Loggerhead turtle	*Caretta caretta*	T	T	TERRESTRIAL: sandy beaches; nesting
Green turtle	*Chelonia mydas*	E	E	TERRESTRIAL: sandy beaches; nesting
Leatherback turtle	*Dermochelys coriacea*	E	E	TERRESTRIAL: sandy beaches; nesting
Reticulated flatwoods salamander	*Ambystoma bishopi*	SSC	E CH	PALUSTRINE: wet flatwoods, dome swamp, basin swamp, ruderal TERRESTRIAL: mesic flatwoods (reproduces in ephemeral wetlands within this community).
Eastern indigo snake	*Drymarchon corais couperi*	T	T	ESTUARINE: tidal swamp PALUSTRINE: hydric hammock, wet flatwoods TERRESTRIAL: mesic flatwoods, upland pine forest, sandhills, scrub, scrubby flatwoods, rockland hammock, ruderal
Hawksbill turtle	*Eretmochelys imbricata imbricata*	E	E	MARINE: open water; no nesting
Gopher tortoise	*Gopherus polyphemus*	SSC	ce	TERRESTRIAL: sandhills, scrub, scrubby flatwoods, xeric hammocks, coastal strand, ruderal
Pine barrens treefrog	*Hyla andersonii*	SSC		PALUSTRINE: seepage slope, baygall RIVERINE: seepage stream
Kemp's ridley turtle	*Lepidochelys kempii*	E	E	TERRESTRIAL: sandy beaches; nesting
Alligator snapping turtle	*Macroclemys temminckii*	SSC	ce	ESTUARINE: tidal marsh LACUSTRINE: river floodplain lake, swamp lake RIVERINE: alluvial stream, blackwater stream
Gulf salt marsh snake	*Nerodia clarkii clarkii*		ce	ESTUARINE: tidal marsh, tidal swamp MARINE: tidal marsh, tidal swamp
Florida pine snake	*Pituophis melanoleucus mugitus*	SSC	ce	LACUSTRINE: ruderal, sandhill upland lake TERRESTRIAL: sandhill, scrubby flatwoods, xeric hammock, ruderal
BIRDS:				
Bachman's sparrow	*Aimophila aestivalis*		ce	TERRESTRIAL: various, ruderal
Red knot	*Calidris canutus*		C	ESTUARINE: exposed unconsolidated substrate MARINE: exposed unconsolidated substrate TERRESTRIAL: dunes, sandy

E=endangered, T=threatened, P=proposed, C=candidate, s/a=similar appearance, SSC=species of special concern, ce=consideration encouraged, CH=Critical Habitat, BGEPA=Bald and Golden eagle protection act

This is not an exhaustive list of where species do occur, but a guide to indicate areas that might require surveys if appropriate habitat exists. Please contact Florida Natural Areas Inventory (850-224-8207) for additional species location information.

STATE AND FEDERAL THREATENED, ENDANGERED, AND OTHER SPECIES OF CONCERN
LIKELY TO OCCUR IN ESCAMBIA COUNTY FLORIDA
Compiled by U.S. Fish and Wildlife Service July 2009

Common Name	Scientific Name	Status State	Status FWS	Natural Communities
				beaches, and inlet areas. Mostly wintering and migrants.
Southeastern snowy plover	*Charadrius alexandrinus tenuirostris*	T	ce	ESTUARINE: exposed unconsolidated substrate MARINE: exposed unconsolidated substrate TERRESTRIAL: dunes, sandy beaches, and inlet areas
Piping plover	*Charadrius melodus*	T	T CH	ESTUARINE: exposed unconsolidated substrate MARINE: exposed unconsolidated substrate TERRESTRIAL: dunes, sandy beaches, and inlet areas. Mostly wintering and migrants.
Stoddard's yellow-throated warbler	*Dendroica dominica stoddardi*		ce	TERRESTRIAL: wooded habitats with spanish moss, various
Little blue heron	*Egretta caerulea*	SSC		ESTUARINE: marshes, shoreline PALUSTRINE: floodplains, swamps RIVERINE: shoreline
Snowy egret	*Egretta thula*	SSC		ESTUARINE: marshes, tidal swamps, shoreline LACUSTRINE: lake edges PALUSTRINE: swamp, floodplain, ruderal RIVERINE: shoreline
Tricolored heron	*Egretta tricolor*	SSC		ESTUARINE: marshes, tidal swamps, shoreline LACUSTRINE: lake edges PALUSTRINE: swamp, floodplain, ruderal RIVERINE: shoreline
Arctic peregrine falcon	*Falco peregrinus tundrius*	E	ce	ESTUARINE: winters along coasts LACUSTRINE: various PALUSTRINE: various TERRESTRIAL: various, ruderal
Southeastern kestrel	*Falco sparverius paulus*	T	ce	ESTUARINE: various habitats PALUSTRINE: various habitats TERRESTRIAL: open pine forests, clearings, ruderal, various
American oystercatcher	*Haematopus palliatus*	SSC		ESTUARINE: exposed unconsolidated substrate, exposed mollusk reef MARINE: exposed unconsolidated substrate, exposed mollusk reef TERRESTRIAL: beaches, ruderal areas
Bald eagle	*Haliaeetus leucocephalus*		BGEPA	ESTUARINE: marsh edges, tidal swamp, open water LACUSTRINE: swamp lakes, edges PALUSTRINE: swamp, floodplain RIVERINE: shoreline, open water TERRESTRIAL: pine and hardwood forests, clearings

E=endangered, T=threatened, P=proposed, C=candidate, s/a=similar appearance, SSC=species of special concern, ce=consideration encouraged, CH=Critical Habitat, BGEPA=Bald and Golden eagle protection act

This is not an exhaustive list of where species do occur, but a guide to indicate areas that might require surveys if appropriate habitat exists. Please contact Florida Natural Areas Inventory (850-224-8207) for additional species location information.

STATE AND FEDERAL THREATENED, ENDANGERED, AND OTHER SPECIES OF CONCERN
LIKELY TO OCCUR IN ESCAMBIA COUNTY FLORIDA
Compiled by U.S. Fish and Wildlife Service July 2009

Common Name	Scientific Name	Status State	Status FWS	Natural Communities
Wood stork	*Mycteria americana*	E	E	ESTUARINE: marshes LACUSTRINE: floodplain lakes, marshes (feeding), various PALUSTRINE: marshes, swamps, various
Brown pelican	*Pelecanus occidentalis*	SSC		ESTUARINE: islands for nesting, open water MARINE: open water
Red-cockaded woodpecker	*Picoides borealis*	SSC	E	TERRESTRIAL: mature pine forests
Black skimmer	*Rynchops niger*	SSC		ESTUARINE: various LACUSTRINE: various RIVERINE: various TERRESTRIAL: ocean beaches, beach dune, ruderal. Nests common on rooftops.
Least tern	*Sterna antillarum*	T		ESTUARINE: various LACUSTRINE: various RIVERINE: various TERRESTRIAL: beach dune, ruderal. Nests common on rooftops.
MAMMALS:				
Santa Rosa beach mouse	*Peromyscus polionotus leucocephalus*		ce	TERRESTRIAL: beach dune, coastal scrub
Perdido Key beach mouse	*Peromyscus polionotus trissyllepsis*	E	E CH	TERRESTRIAL: beach dune, coastal scrub. Sites: Perdido Key State Rec. Area (CH), Gulf Islands National Seashore (CH).
Southeastern big-eared bat	*Plecotus rafinesquii*		ce	PALUSTRINE: various, floodplains TERRESTRIAL: pine and hardwood forests, ruderal, various
Eastern chipmunk	*Tamias striatus*	SSC		TERRESTRIAL: slope forest, upland hardwood forest, upland pine forest
West Indian manatee	*Trichechus manatus latirostris*	E	E	ESTUARINE: submerged vegetation, open water MARINE: open water, submerged vegetation RIVERINE: alluvial stream, blackwater stream, spring-run stream
Florida black bear	*Ursus americanus floridanus*	T	ce	PALUSTRINE: titi swamps, floodplains TERRESTRIAL: pine and hardwood forests
INVERTEBRATES:				
Narrow pigtoe (mussel)	*Fusconaia escambia*		C	Riverine: small to medium-sized creeks and rivers with slow to moderate current over gravel, and gravel mixed with sand or some silt. Endemic to the Escambia and Yellow River drainages of Alabama and Florida
Round ebonyshell (mussel)	*Fusconaia rotulata*		C	Riverine: Endemic and restricted to the main channel of the Conecuh River AL, and Escambia River, FL

E=endangered, T=threatened, P=proposed, C=candidate, s/a=similar appearance, SSC=species of special concern, ce=consideration encouraged, CH=Critical Habitat, BGEPA=Bald and Golden eagle protection act

This is not an exhaustive list of where species do occur, but a guide to indicate areas that might require surveys if appropriate habitat exists. Please contact Florida Natural Areas Inventory (850-224-8207) for additional species location information.

STATE AND FEDERAL THREATENED, ENDANGERED, AND OTHER SPECIES OF CONCERN
LIKELY TO OCCUR IN ESCAMBIA COUNTY FLORIDA
Compiled by U.S. Fish and Wildlife Service July 2009

Common Name	Scientific Name	Status State	Status FWS	Natural Communities
Fuzzy pigtoe (mussel)	*Pleurobema strodeanum*		C	Riverine: small to medium-sized creeks and rivers with slow to moderate currents in sand and sand with some silt. Endemic to the Escambia, Yellow, and Choctawhatchee River drainages of Alabama and Florida.
Choctaw bean (mussel)	*Villosa choctawensis*		C	Riverine: Small to large creeks and rivers with moderate current over sand to silty-sand substrates. Endemic to the Escambia, Yellow, and Choctawhatchee River drainages of Alabama and Florida.
Downy rainbow (mussel)	*Villosa villosa*		ce	RIVERINE: small streams to large rivers in sand or muddy sand substrates (Panhandle watersheds: Apalachicola, Chipola, Escambia, Choctawhatchee, Ochlockonee, Suwannee)
PLANTS:				
Aster	*Aster hemisphericus*	E	ce	TERRESTRIAL: upland mixed forest, on sandstone outcrop
Buckthorn	*Bumelia thornei*	E	ce	PALUSTRINE: hydric hammock, floodplain swamp
Curtiss' sandgrass	*Calamovilfa curtissii*	T	ce	PALUSTRINE: mesic and wet flatwoods, wet prairie, depression marsh TERRESTRIAL: mesic flatwoods
Sweet shrub	*Calycanthus floridus*	E		TERRESTRIAL: upland hardwood forest, slope forest, bluffs PALUSTRINE: bottomland forest, stream banks, floodplains
Baltzell's sedge	*Carex baltzellii*	T	ce	TERRESTRIAL: slope forest, moist sandy loam; moist sandy loam
Cruise's golden-aster	*Chrysopsis gossypina cruiseana*	E	ce	TERRESTRIAL: coastal dunes, coastal strand, coastal grassland; openings and blowouts
Spoon-leaved sundew	*Drosera intermedia*	T		LACUSTRINE: sinkhole lake edges PALUSTRINE: seepage slope, wet flatwoods, depression marsh RIVERINE: seepage stream banks, drainage ditches
Trailing arbutus	*Epigaea repens*	E		TERRESTRIAL: bluff, slope forest, mixed hardwood forest
Heartleaf	*Hexastylis arifolia*	T		RIVERINE: seepage stream bank TERRESTRIAL: slope forest
Florida anise	*Illicium floridanum*	T		PALUSTRINE: floodplain forest, baygall RIVERINE: seepage stream bank TERRESTRIAL: slope forest, seepage slope

E=endangered, T=threatened, P=proposed, C=candidate, s/a=similar appearance, SSC=species of special concern, ce=consideration encouraged, CH=Critical Habitat, BGEPA=Bald and Golden eagle protection act

This is not an exhaustive list of where species do occur, but a guide to indicate areas that might require surveys if appropriate habitat exists. Please contact Florida Natural Areas Inventory (850-224-8207) for additional species location information.

STATE AND FEDERAL THREATENED, ENDANGERED, AND OTHER SPECIES OF CONCERN
LIKELY TO OCCUR IN ESCAMBIA COUNTY FLORIDA
Compiled by U.S. Fish and Wildlife Service July 2009

Common Name	Scientific Name	Status State	Status FWS	Natural Communities
Mountain laurel	*Kalmia latifolia*	T		RIVERINE: seepage stream bank TERRESTRIAL: slope forest, seepage stream banks
Southern red lily	*Lilium catesbaei*	T		PALUSTRINE: wet prairie, wet flatwoods, seepage slope TERRESTRIAL: mesic flatwoods, seepage slope; usually with grasses
Panhandle lily	*Lilium iridollae*	E	ce	PALUSTRINE: baygall, dome swamp edges, mucky soil, seepage slope, edges of titi bogs, RIVERINE: blackwater stream banks
Gulf coast lupine	*Lupinus westianus*	T	ce	TERRESTRIAL: beach dune, scrub, disturbed areas, roadsides, blowouts in dunes
Hummingbird flower	*Macranthera flammea*	E		PALUSTRINE: seepage slope, dome swamp edges, floodplain swamps RIVERINE: seepage stream banks TERRESTRIAL: seepage slopes
Chapman's butterwort	*Pinguicula planifolia*	T	ce	PALUSTRINE: wet flatwoods, seepage slopes, bog, dome swamp, ditches; in water
Primrose-flower butterwort	*Pinguicula primulifolia*	E		PALUSTRINE: bogs, pond margins, margins of spring runs
Yellow fringed orchid	*Platanthera ciliaris*	T		PALUSTRINE: bogs, wet flatwoods TERRESTRIAL: Bluff
Yellow fringeless orchid	*Platanthera integra*	E	ce	PALUSTRINE: wet prairie, seepage slope TERRESTRIAL: mesic flatwoods
Large-leaved jointweed	*Polygonella macrophylla*	T	ce	TERRESTRIAL: scrub, sand pine/oak scrub ridges
Florida pondweed	*Potamogeton floridanus*		ce	RIVERINE: blackwater stream
Orange azalea	*Rhododendron austrinum*	E		PALUSTRINE: bottomland forest RIVERINE: seepage stream bank TERRESTRIAL: slope forest, upland mixed forest
White-top pitcher plant	*Sarracenia leucophylla*	E	ce	PALUSTRINE: wet prairie, seepage slope, baygall edges, ditches
Parrot pitcher plant	*Sarracenia psittacina*	T		PALUSTRINE: wet flatwoods, wet prairie, seepage slope
Decumbant pitcher plant	*Sarracenia purpurea*	T		PALUSTRINE: Bogs
Red-flowered pitcher plant	*Sarracenia rubra*	T		PALUSTRINE: bog, wet prairie, seepage slope, wet flatwoods RIVERINE: seepage stream banks
Silky camellia	*Stewartia malacodendron*	E		PALUSTRINE: baygall PALUSTRINE: slope forest, upland mixed forest, TERRESTRIAL: slope forest, upland mixed forest; acid soils
Drummond's yellow-eyed grass	*Xyris drummondii*		ce	PALUSTRINE: wet flatwoods, bog, seepage slopes, ditches

E=endangered, T=threatened, P=proposed, C=candidate, s/a=similar appearance, SSC=species of special concern, ce=consideration encouraged, CH=Critical Habitat, BGEPA=Bald and Golden eagle protection act

This is not an exhaustive list of where species do occur, but a guide to indicate areas that might require surveys if appropriate habitat exists. Please contact Florida Natural Areas Inventory (850-224-8207) for additional species location information.

STATE AND FEDERAL THREATENED, ENDANGERED, AND OTHER SPECIES OF CONCERN
LIKELY TO OCCUR IN ESCAMBIA COUNTY FLORIDA
Compiled by U.S. Fish and Wildlife Service July 2009

Common Name	Scientific Name	Status State	Status FWS	Natural Communities
Harper's yellow-eyed grass	*Xyris scabrifolia*	T	ce	PALUSTRINE: seepage slope, wet prairie, bogs

E=endangered, T=threatened, P=proposed, C=candidate, s/a=similar appearance, SSC=species of special concern, ce=consideration encouraged, CH=Critical Habitat, BGEPA=Bald and Golden eagle protection act

This is not an exhaustive list of where species do occur, but a guide to indicate areas that might require surveys if appropriate habitat exists. Please contact Florida Natural Areas Inventory (850-224-8207) for additional species location information.

Appendix D

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

July 2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 81/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs
624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573

Wilderness Graphics, Inc.
P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Cape Coral Signs & Designs
1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848

Municipal Supply & Sign Co.
1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

Vital Signs
104615 Overseas Highway
Key Largo, FL 33037
Phone: (305) 451-5133
Fax: (305) 451-5163

Universal Signs & Accessories
2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

New City Signs
1829 28th Street North
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897

United Rentals Highway Technologies
309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work all in-water activities must

SHUT DOWN

Report any collision or injury to:

1-888-404-FWCC (1-888-404-3922)

Florida Fish and Wildlife Conservation Commission

From: Lorna_Patrick@fws.gov
Sent: Tuesday, January 12, 2010 1:52 PM
To: Patricia_Kelly@fws.gov
Cc: Benjamin_Frater@fws.gov; Ryan, Joy
Subject: Re: Gulf Island National Seashore

(See attached file: Loggins et al 2008_NW FL_Beach_Mouse_monitoring_FINAL_ RPT_3-31-08.pdf)

Joy, This report should provide you with the info you are looking for.

****
Lorna Patrick
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1601 Balboa Ave
Panama City, FL 32405
(850) 769-0552 x229
Fax (850) 763-2177
lorna_patrick@fws.gov
****

Patricia Kelly/R4/FWS/DOI

Patricia Kelly/R4/FWS/DOI
01/12/2010 10:43 AM

To"Ryan, Joy" <JMRYAN@mactec.com>
ccBenjamin Frater/R4/FWS/DOI@FWS, Lorna Patrick/R4/FWS/DOI@FWS
SubjectRe: Gulf Island National Seashore

Hi Joy
I cannot tell you, but have included folks from my office that should know.

Patty Kelly
US Fish and Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405

e-mail: patricia_kelly@fws.gov
Ph: 850/769-0552 x228
fax: 850/763-2177

"Ryan, Joy" <JMRYAN@mactec.com>

"Ryan, Joy" <JMRYAN@mactec.com>
01/12/2010 09:28 AM

To<Patricia_Kelly@fws.gov>
cc
SubjectGulf Island National Seashore

Hi, Patty,
Can you tell me who conducted the Santa Rosa beach mouse survey in 2007 in the Fort Pickens area (mentioned in your message below)? And do you know how the mice were "located" – direct observation, nests, ???

Thanks.
Joy

Joy Ryan
MACTEC Engineering and Consulting, Inc.
Office, Direct Line 352-333-1629
Email jmryan@mactec.com
Please consider the environment before printing this e-mail.

> **From:** Patricia_Kelly@fws.gov [mailto:Patricia_Kelly@fws.gov]
> **Sent:** Friday, December 04, 2009 3:37 PM
> **To:** Ryan, Joy
> **Subject:** Re: map with possible location areas
>
> Hi Joy
> Only the Santa Rosa beach mouse needs consideration in the areas you have marked. A survey in 2007 located 25 in the Ft Pickens area. This species
> is not Federally protected but is considered a federal "species at risk", so consideration to minimize impacts are encouraged. This will only be
> an issue if vegetation removal is necessary and how far inland clearing in needed. If the site is mostly vegetation free, not

an issue.

The only other species we think you need to consider are Manatees (guidelines sent earlier to avoid going formal) and Gulf sturgeon (critical habitat and
species impacts) that you will need to address with NOAA (contact given to you yesterday- Stephanie Bolden).

Overall, we see this as a positive step forward if it lightens the road traffic especially during shorebird nesting season.
Patty.

Patty Kelly
US Fish and Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405

e-mail: patricia_kelly@fws.gov
Ph: 850/769-0552 x228
fax: 850/763-2177

"Ryan, Joy" <JMRYAN@mactec.com>

"Ryan, Joy" <JMRYAN@mactec.com>	To <Patricia_Kelly@fws.g
	cc
12/04/2009 01:07 PM	Subject map with possible loca

Patty,
Attached is a map/figure of the Ft. Pickens area.
I circled two fairly broad areas on the intracoastal side of the island under consideration for dock location. Alternative actions are still being determined, so nothing is definite at this point.

Sometime soon, the USFWS will receive a notification of the action, but for now, I am just trying to gather information to write the Biological Assessment.

Please look at the attached map and let me know about the possible, probable, and actual T&E species in these areas (terrestrial and marine), and if any of the species are of particular concern by USFWS.

I don't want to increase your workload, but if you have any reports on the island, the state park or national park, T&E species in the area, etc. that might be helpful for writing the BA, I would appreciate an electronic copy.

Thank you so much.

Joy Ryan
MACTEC Engineering and Consulting, Inc.
Office, Direct Line 352-333-1629
Email jmryan@mactec.com
Please consider the environment before printing this e-mail.

From: Patricia_Kelly@fws.gov [mailto:Patricia_Kelly@fws.gov]
Sent: Thursday, December 03, 2009 12:19 PM
To: Ryan, Joy
Subject: BE format

Hi Joy
I have attached guidance and outline on constructing a BA/BE. Please let me know you have received this so I know I wrote the email address correctly. If you have questions, please call. Patty.
(See attached file: BA guidelines.PDF)

Patty Kelly
US Fish and Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405

e-mail: patricia_kelly@fws.gov
Ph: 850/769-0552 x228
fax: 850/763-2177[attachment "Ft. Pickens-possible dock locations-hand sketch.pdf" deleted by Patricia Kelly/R4/FWS/DOI]

TELEPHONE/VISIT RECORD

DATE 12/3/2009	TIME ?	TALKED/MET WITH Patricia Kelly	
PROJECT/FILE NUMBER 6130090349		TITLE	
PROJECT NAME Gulf Isl. Natl Seashore - Proposed Ferry		COMPANY USFWS	
MACTEC REPRESENTATIVE WHO PLACED/RECEIVED CALL Joy Ryan		STREET ADDRESS 1601 Balboa Avenue	
PHONE CALL MEETING		CITY/STATE/ZIP Panama City, FL 32405	
MEETING LOCATION N/A		PHONE (850) 769-0552 x222	FAX (850) 763-2177

SUBJECT/PURPOSE OF CALL OR VISIT:

inquire re: USFWS-prepared Biological Assessment Report format, and possible T + E issues with proposed ferry project (pier on Santa Rosa Island).

DISCUSSED/NOTES:

Patty Kelly will send me a BA preparation guidance document.

Discussed T + E species; Ms Kelly indicated she thought Gulf sturgeon, Essential Fish Habitat, and sea turtle may be affected but referred me to NOAA (St. Pete Office) for addt'l info, as these are under NOAA jurisdiction. She also mentioned using manatee protection construction guidelines. Kelly stated the proposed project sounded minor to her (so far as impacts), with the information currently available to Ms Kelly.

ACTION REQUIRED: J. Ryan to Send map/figure depicting the approximate project area, so she can better respond to potential impacts question. (Done). [Shannon McMorrow, MACTEC, contacted NOAA].

FOLLOW-UP CALL: (YES) NO

ROUTE TO

SIGNATURE Joy Ryan

United States Department of the Interior

NATIONAL PARK SERVICE
GULF ISLANDS NATIONAL SEASHORE
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32563
(850) 934-2600

L7617 (GUIS-S&RM)

December 17, 2009

Gail Carmody
US Fish and Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405

Subject: **Request for Information** for the Environmental Assessment for the Proposed Design and Construction of Fort Pickens Passenger Ferry Pier and Shelter, National Park Service, Gulf Islands National Seashore (GUIS), Florida

Dear Ms. Carmody:

The National Park Service (NPS) Gulf Islands National Seashore (GUIS) is initiating an environmental assessment (EA), in accordance with NPS regulations for compliance with the National Environmental Policy Act (NEPA) to evaluate an alternative mode of access to the Fort Pickens area. In order that potential environmental effects of the project may be fully evaluated and considered, the NPS is requesting that you respond in writing concerning any beneficial or adverse impacts relative to the interests of your agency.

This proposed action will focus on providing an alternative mode of access to the Fort Pickens area through resource protection, and improving the visitor experience and park operations. Alternatives under consideration include construction of a pier or conversion of an existing fishing pier to accommodate a pedestrian ferry in the Fort Pickens Area of the GUIS. A no-action alternative will be considered for the project.

The Fort Pickens Area covers over 1,700 acres among the westernmost area of Santa Rosa Island as shown on Figure 1. The EA will focus on the land and marine areas in the immediate vicinity of the proposed pier. The project area is depicted on Figure 2. The basic pier is envisioned as approximately 260 feet long, about 20 feet wide, with a boat hoist for NPS boats and possibly a floating, attached pier for other small vessels. The pier would be designed to withstand storm conditions and to be cost effectively repaired in the event of storm damage.

In accordance with NEPA requirements, we are eliciting your comments and invite you to review the project. We also request a current list of federally listed threatened or endangered species, species of concern, or any other special status species that might occur in the locality mentioned above, and designated critical habitats, if any, for these species, as well as species of

particular concern to USFWS. Within 30 days of the date of this letter, please contact us with your initial concerns and comments so that we may ensure that important biological resources are fully considered in the preparation of the EA. An EA will be prepared and will be sent to you for comment after that date.

This letter will serve as a record that the NPS is initiating informal consultation with your agency pursuant to the requirements of the 1973 Endangered Species Act, as amended, and 2001 NPS Management Policies.

If you have any questions, please do not hesitate to contact us at the letterhead address above. We would also be happy to arrange a meeting with you at your convenience to discuss this project. Thank you for your attention to this matter.

Sincerely,

Jerry A. Eubanks
Superintendent

cc: Patty Kelly – USFWS

Attachments:
Figure 1: Project Vicinity Map
Figure 2: Project Area Map

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

May 17, 2011

Florida Department of Environmental Protection
Northwest District Branch Office
160 Governmental Center, Suite 308
Pensacola, Florida 32502

Re: DHR No.: 2011-01862 / Received by DHR: April 6, 2011
Applicant: Gulf Islands National Seashore - National Park Service
Project: Fort Pickens Pier and Ferry Service
County: Escambia

To Whom It May Concern:

This agency received and reviewed the referenced application in accordance with Chapters 253, 267 and 373, *Florida Statutes*, Florida's Coastal Management Program, and implementing state regulations, for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archaeological value. The State Historic Preservation Officer is to advise and assist state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

Review of the Florida Master Site File indicates that the Fort Pickens National Park Service property, 8ES93, was listed on the National Register in 1972. There are multiple buildings, structures and archaeological sites within the park property. It was suspected that unrecorded resources would be located within the project area.

This office has been working with Park Service staff and archaeologists, as well as designers and archaeologists with the US Army Corps or Engineers, Mobile District, on this new pier project for over six months. The Park Service and the University of West Florida Archaeology Institute archaeologists conducted several phases of underwater and beach investigations. Historic resources were identified in the near shore area as well as in the beach area. The Corps and the Park Service worked very closely with this office in the identification of archaeological resources and determination that construction of the pier could not avoid adversely affecting some of those resources. Therefore, all parties agreed that the proposed pier construction will adversely affect historic features in the beach area with design to minimize the impact. However, design and location of the pier will avoid the underwater near shore resources.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • http://www.flheritage.com

❒ Director's Office 850.245.6300 • FAX: 245.6436
❒ Archaeological Research 850.245.6444 • FAX: 245.6452
✓ Historic Preservation 850.245.6333 • FAX: 245.6437

The Park Service and this agency as the State Historic Preservation Office have agreed on measures to resolve and mitigate the adverse effects to the historic property and will be executing a Memorandum of Agreement for submittal to the Advisory Council on Historic Preservation in the near future.

Therefore, with the condition for completion of the Memorandum of Agreement and fulfillment of the commitments stipulated in that document to recover and describe the archaeological discoveries encountered in a technical report(s) to be provided to this agency, it is the opinion of this office that adverse effects to historic resources that are unavoidable will be properly and adequately mitigated.

If you have any questions concerning our comments, please contact Laura Kammerer, Deputy State Historic Preservation Officer for Review and Compliance and Historic Preservationist Supervisor, at 850-245-6333 or lkammerer@dos.state.fl.us.

Sincerely,

Laura A. Kammerer

Laura A. Kammerer
Deputy State Historic Preservation Officer
For Review and Compliance

Pc. Daniel R. Brown, Superintendent, Gulf Islands National Seashore - National Park Service
Jeff T. Halstead, Gulf Islands National Seashore - National Park Service
Michael F. Malsom, US Army Corps of Engineers

Jeff Halstead/GUIS/NPS
08/22/2011 08:33 AM

To "Kammerer, Laura" <LKammerer@dos.state.fl.us>
cc Jolene_Williams@nps.gov
bcc

Subject Re: Pavilion and Walkway for ferry pier

Hi Laura,

The sidewalk and the pavilion areas have been surveyed and are areas that have been previously disturbed.

Thanks,

Jeff

Jeff T. Halstead
Gulf Islands National Seashore
Exhibit Specialist
850-934-2636 Office
850-232-3629 Cell
850-916-5665 FAX

"Kammerer, Laura" <LKammerer@dos.state.fl.us>

08/19/2011 01:09 PM

To <Jolene_Williams@nps.gov>, <Jeff_Halstead@nps.gov>

cc

bcc

Subject Pavilion and Walkway for ferry pier

Jolene or Jeff,
Do you know if a NPS/SEAC archaeologist looked at this project area? The Assessment form sent July 25 references Chuck Lawson's comment on the pier in 2009 - section B. Reviews By Cultural Resource Specialists. He isn't up here any more, and wasn't aware of the resources discovered in the water this year. It doesn't describe the pavilion and walkway up in the fort boundaries (up inside the wall). Not sure he was looking at this part of the project. If so, let me know. Was this part of the project area surveyed?

Laura

Laura A. Kammerer */ Deputy State Historic Preservation Officer for Review and Compliance* / Division of Historical Resources / 500 South Bronough Street - Room 423 / Tallahassee, FL 32399-0250 / Phone: 850.245.6339 / Fax: 850.245.6437 / E-mail: Laura.Kammerer@DOS.MyFlorida.com / Web Page: www.flheritage.com

United States Department of the Interior

National Park Service
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563

IN REPLY REFER TO:

H2623 (GUIS-SRM)

July 25, 2011

Scott M. Stroh, III
State Historic Preservation Officer
Attn: Review and Compliance Section
R.A. Gray Building, 4th Floor
500 South Bronough Street
Tallahassee, FL 32399-0250

Subject: Proposed Design and Construction of Fort Pickens Passenger Ferry Pier Pavilion and Walkway

Dear Mr. Stroh:

In accordance with Section 106 of the National Historic Preservation Act of 1966 as amended and 36 CFR part 800, we request final approval concerning section 106 requirements pertaining to a passenger ferry pier within the Fort Pickens National Historic District. Subsequent to your concurrence letter dated June 28, 2011, (copy attached) some additional improvements to the area to support the operation of the ferry have been identified. The ferry pier location site will have a concrete walkway installed between the warehouse and welding shop, and a 40' x 40' pavilion to provide shelter for ferry passengers. The pavilion will be compatible with surrounding structures. Attached are the map of the walkway and a drawing of the pavilion along with photos of the area and buildings. All areas of interest have been previously disturbed. The park will closely monitor all construction activities.

Please review this additional information and indicate if you concur with our determination that the additional pavilion and walkway will have no direct or adverse affect to the historical integrity of the area. Should you have any concerns or need additional information, please contact Rick Clark, Chief of Science and Resources Management, at 850-916-3011 or by email at rick_clark@nps.gov. Thank you for your time and attention to this matter.

Sincerely,

Daniel R. Brown
Superintendent

cc: Laura Kammerer, Deputy SHPO

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

May 17, 2011

Florida Department of Environmental Protection
Northwest District Branch Office
160 Governmental Center, Suite 308
Pensacola, Florida 32502

Re: DHR No.: 2011-01862 / Received by DHR: April 6, 2011
Applicant: Gulf Islands National Seashore - National Park Service
Project: Fort Pickens Pier and Ferry Service
County: Escambia

To Whom It May Concern:

This agency received and reviewed the referenced application in accordance with Chapters 253, 267 and 373, *Florida Statutes*, Florida's Coastal Management Program, and implementing state regulations, for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archaeological value. The State Historic Preservation Officer is to advise and assist state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

Review of the Florida Master Site File indicates that the Fort Pickens National Park Service property, 8ES93, was listed on the National Register in 1972. There are multiple buildings, structures and archaeological sites within the park property. It was suspected that unrecorded resources would be located within the project area.

This office has been working with Park Service staff and archaeologists, as well as designers and archaeologists with the US Army Corps or Engineers, Mobile District, on this new pier project for over six months. The Park Service and the University of West Florida Archaeology Institute archaeologists conducted several phases of underwater and beach investigations. Historic resources were identified in the near shore area as well as in the beach area. The Corps and the Park Service worked very closely with this office in the identification of archaeological resources and determination that construction of the pier could not avoid adversely affecting some of those resources. Therefore, all parties agreed that the proposed pier construction will adversely affect historic features in the beach area with design to minimize the impact. However, design and location of the pier will avoid the underwater near shore resources.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • http://www.flheritage.com

❒ Director's Office 850.245.6300 • FAX: 245.6436
❒ Archaeological Research 850.245.6444 • FAX: 245.6452
✓ Historic Preservation 850.245.6333 • FAX: 245.6437

The Park Service and this agency as the State Historic Preservation Office have agreed on measures to resolve and mitigate the adverse effects to the historic property and will be executing a Memorandum of Agreement for submittal to the Advisory Council on Historic Preservation in the near future.

Therefore, with the condition for completion of the Memorandum of Agreement and fulfillment of the commitments stipulated in that document to recover and describe the archaeological discoveries encountered in a technical report(s) to be provided to this agency, it is the opinion of this office that adverse effects to historic resources that are unavoidable will be properly and adequately mitigated.

If you have any questions concerning our comments, please contact Laura Kammerer, Deputy State Historic Preservation Officer for Review and Compliance and Historic Preservationist Supervisor, at 850-245-6333 or lkammerer@dos.state.fl.us.

Sincerely,

Laura A. Kammerer

Laura A. Kammerer
Deputy State Historic Preservation Officer
For Review and Compliance

Pc. Daniel R. Brown, Superintendent, Gulf Islands National Seashore - National Park Service
Jeff T. Halstead, Gulf Islands National Seashore - National Park Service
Michael F. Malsom, US Army Corps of Engineers

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. Jerry A. Eubanks
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563

January 19, 2010

RE: DHR Project File Number: 2009-7652
US Department of the Interior – National Park Service
Initiation of the Environmental Assessment for the Proposed Design and Construction of Fort Pickens Passenger Ferry Pier and Shelter
Gulf Islands National Seashore
Santa Rosa County

Dear Mr. Kimball:

This office reviewed the referenced project for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places. The review was conducted in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and 36 CFR Part 800: Protection of Historic Properties.

We note that the proposed undertaking is located within the boundaries of Fort Pickens, listed in the National Register in 1972. The relationship of the proposed undertaking to the historic fabric of this resource should be addressed in the draft Environmental Assessment. Once we have this information, we will be able to comment on your determination of no adverse effect.

If you have any questions concerning our comments, please contact Samantha Earnest, Historic Preservationist, by electronic mail at *swearnest@dos.state.fl.us*, or by telephone at 850.245.6333 or 800.847.7278.

Sincerely,

Laura A. Kammerer

Laura A. Kammerer
Deputy State Historic Preservation Officer
For Review and Compliance

United States Department of the Interior

National Park Service
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563

IN REPLY REFER TO:

L7617 (GUIS-S&RM)

December 17, 2009

Frederick P. Gaske
State Historic Preservation Officer
Attn: Review and Compliance Section
R. A. Gray Building, 4th Floor
500 South Bronough Street
Tallahassee, Florida 32399-0250

Subject: **Request for Information** for the Environmental Assessment for the Proposed Design and Construction of Fort Pickens Passenger Ferry Pier and Shelter, National Park Service, Gulf Islands National Seashore (GUIS), Florida

Dear Mr. Gaske:

The National Park Service (NPS) Gulf Islands National Seashore (GUIS) is initiating an environmental assessment (EA), in accordance with NPS regulations for compliance with the National Environmental Policy Act (NEPA) to evaluate an alternative mode of access to the Fort Pickens area. In order that potential environmental effects of the project may be fully evaluated and considered, the NPS is requesting that you respond in writing concerning any beneficial or adverse impacts relative to the interests of your agency.

This proposed action will focus on providing an alternative mode of access to the Fort Pickens area through resource protection, and improving the visitor experience and park operations. Alternatives under consideration include construction of a pier or conversion of an existing fishing pier to accommodate a pedestrian ferry in the Fort Pickens area of GUIS. A no-action alternative will be considered for the project.

The Fort Pickens Area covers over 1,700 acres among the westernmost area of Santa Rosa Island as shown on Figure 1. The EA will focus on the land and marine areas in the immediate vicinity of the proposed pier. The project area is depicted on Figure 2. The basic pier is envisioned as approximately 260 feet long, about 20 feet wide, with a boat hoist for NPS boats and possibly a floating, attached pier for other small vessels. The pier would be designed to withstand storm conditions and to be cost effectively repaired in the event of storm damage.

In accordance with NEPA requirements and Section 106 of the National Historic Preservation Act, we are eliciting your comments and invite you to review the project. After your review, Gulf Islands National Seashore is seeking a concurrence determination from SHPO of no adverse effect. Within 30 days of the date of this letter, please contact us with your initial concerns and comments so that we may ensure that important cultural resources are fully considered in the preparation of the EA. An EA will be prepared and will be sent to you for comment after that date.

If you have any questions, please do not hesitate to contact us at the letterhead address above. We would also be happy to arrange a meeting with you at your convenience to discuss this project. Thank you for your attention to this matter.

Sincerely,

Jerry A. Eubanks
Superintendent

Attachments:

Figure 1: Project Vicinity Map
Figure 2: Project Area Map

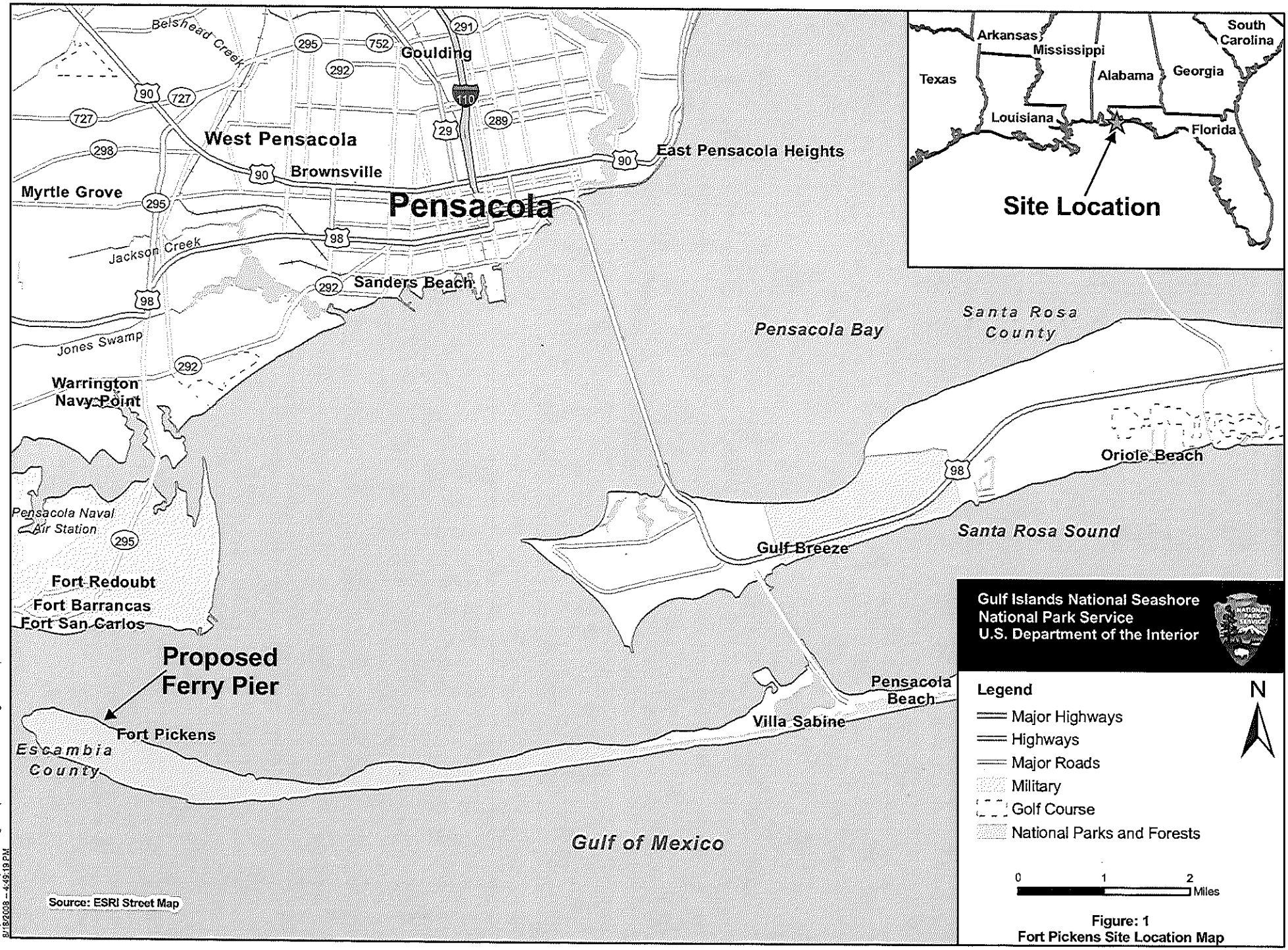


Figure: 1
Fort Pickens Site Location Map

Map Document: (G:\vicksburg EA\report mxds\mxds 082008\figure1-1.mxd)
8/18/2008 -- 4:49:19 PM

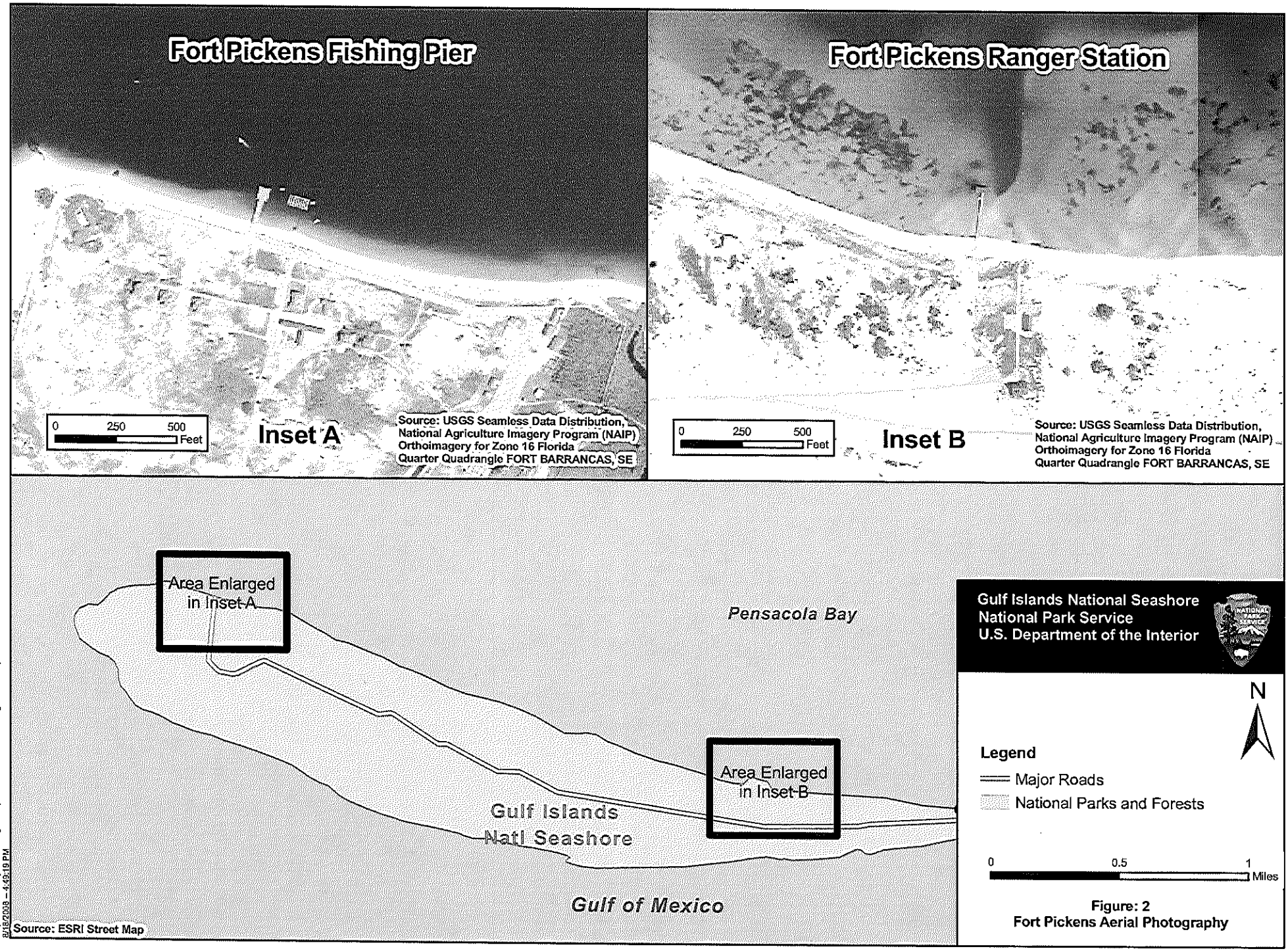


Figure: 2
Fort Pickens Aerial Photography

Map Document: (G:\vicksburg EA\report mxds\mxds 08200\Figure1-1.mxd)
8/18/2008 – 4:49:19 PM

Mark Thompson <Mark.Thompson@noaa.gov>

08/23/2011 12:48 PM

To Jolene_Williams@nps.gov

cc Michael.F.Malsom@usace.army.mil, Rick_Clark@nps.gov, Veronica Beech <Veronica.Beech@noaa.gov>, Holly.M.Millshap@usace.army.mil

bcc

Subject Re: Fort Pickens Passenger Ferry Pier - NMFS Consultation for Essential Fish Habitat----Corrected....

NOAA's National Marine Fisheries Service, Habitat Conservation Division, (NMFS-HCD) has received your request for concurrence under the essential fish habitat (EFH) provisions of the Magnuson-Stevens Act regarding the construction of a pier in Pensacola Bay at the Fort Pickens area, Escambia County, Florida. We have reviewed the information provided and the NMFS-HCD does not any EFH conservation recommendations to offer. Accordingly, we have NO objections to the project.

Thank you for your effort to comply with the EFH provisions of the Magnuson-Stevens Act. If you have any questions regarding these comment, please contact myself or Veronica Beech at 850-234-5061.

Sincerely,

Mark Thompson

--
Mark Thompson, Team Leader
Habitat Conservation Division
Florida Gulf Coast, Alabama, Mississippi
Panama City Office 850-234-5061
Fax 850-234-2492

Jolene Williams/GUIS/NPS

08/22/2011 05:17 PM

To mark.thompson@noaa.gov

cc Michael.F.Malsom@usace.army.mil, Rick Clark/GUIS/NPS@NPS

bcc JBOURDEAU@mactec.com; JLJENKINS@mactec.com

Subject Fort Pickens Passenger Ferry Pier - NMFS Consultation for Essential Fish Habitat

Hi Mark

Per NMFS Protected Resources Div letter dated 8/22/2011 (attached), it was brought to my attention that we needed a separate clearance from the NMFS Habitat Conservation Div for Essential Fish Habitat for the Fort Pickens Passenger Ferry Pier Project. We have been working with NMFS as an agency since April 2010. Per our conversation, we are working on a shortened timeline with construction scheduled for December 2011, if there is any way possible, please provide us an answer this week if not sooner. If you need any additional information, please let me know as soon as possible.

The NPS requests NMFS concurrence with our determination that the proposed action may affect but is not likely to adversely affect Essential Fish Habitat and Seagrass Beds in the project area.

Attached is the biological assessment that was prepared for this project, the engineering plans for the pier, and the seagrass maps with pier location overlayed. Two of the maps are for seagrass habitat and are using USGS legends (PSG = patchy seagrass, CSG = continouse seagrass, MOL = mollusk beds). Below are quick excerpts from the BA.

Biological Assessment Supp Info_ 09 Jul 2010..pdf Biological_Assessment_2-17-10.pdf Drawings FtPickensPier.pdf

Letter NMFS ESA concurrence 8-22-2011.pdf

Seagrass near Ferry Pier. - Detail 1_1000.pdf Seagrass near Ferry Pier.pdf seagrass map.jpg

Proposed Action: The NPS proposes to construct a permanent pier in the Fort Pickens Area of the GUIS as part of a new regional water transportation system to accommodate a pedestrian ferry service to Fort Pickens from the mainland. The Fort Pickens Area is located on the Pensacola Bay side on the westernmost end of Santa Rosa Island. The proposed pier is located in the Fort Pickens Area of Santa Rosa Island in Escambia County, Florida, at latitude 30.32983°N and longitude 87.28888°W (NAD83). The proposed ferry service will navigate a designated route in Pensacola Bay.
The proposed pier will be an "F" configuration attached to the existing seawall, crossing the beach uplands and extending approximately 240 feet into Pensacola Bay (see Image 1), where water depths range from the shallow swash zone at the base of the pier to approximately -10 feet mean low water at the pier's terminus. The portion of the access walkway located over water will be 16 feet by 240 feet, the terminal platform will be 16 feet by 60 feet, and the secondary platform will be 11.6 feet by 60 feet. Construction will be conducted from a shallow-draft barge, and piles will be driven or jetted into place. The pier will only be utilized for docking by the Fort Pickens ferries. Recreational vessels and vessels operating under commercial use permits will not be permitted to moor at the proposed pier. According to the 2010 Biological Assessment conducted by MACTEC Engineering and Consulting

Inc., there are no seagrass beds located within the project site. The applicant will use turbidity controls during the in-water portion of the work. Once construction is completed, "No Fishing" signs will be posted on the pier. The applicant will comply with NMFS' *Sea Turtle and Small tooth Sawfish Construction Conditions,* dated March 23, 2006. The construction time frame is 6 months, including 3 months of in-water work.

The ferry service will include two vessels: each vessel will travel a 3 -stop loop, in opposite directions, 3 times a day. Ferry traffic will follow a designated navigational route. Ferry vessels will traverse the designated route and stops will be made at the proposed Fort Pickens ferry pier, Pensacola Harbor (located on the mainland), and the Pensacola Beach pier (located on the eastern side of Santa Rosa Island). The proposed 3-stop loop round-trip is approximately 23.3 miles. Existing piers and access infrastructure will be used at the Pensacola Harbor and the Pensacola Beach pier. NPS anticipates that the two ferries combined will run a total of 6 round-trips per day during a 15-week peak season, depending on weather conditions and demand. Ferry service will operate 6 days a week, Tuesday through Sunday, during daylight hours only. The passenger ferry vessels will be approximately 65 feet long, hold up to 150 passengers, and cruise at a maximum 12-20 knots.

Essential Fish Habitat

All of Pensacola Bay and waters surrounding GUIS are designated as EFH. Therefore, EFH is present in the vicinity of the proposed ferry pier and the ferry operation routes. EFH in Pensacola Bay provides habitat for several species of fish and shellfish including: brown shrimp (*Penaeus aztecus),* gray snapper (*Lutjanus griseus),* Gulf stone crab (*Menippe adina),* pink shrimp (*Penaeus duorarum),* red drum *(Sciaenops ocellatus),* Spanish mackerel (*Scomberomorus maceulates),* spiny lobster (*Panulirus argus),* and white shrimp (*Penaeus setiferus).* These waters include Pensacola Bay, the Gulf of Mexico and Santa Rosa Sound. These areas are designated as EFH to minimize adverse effects on habitat caused by fishing and non-fishing activities. The proposed action does not include additional fishing activities; however, there is potential to temporarily affect fish habitat and prey abundance in the proposed action area during construction because of substrate displacement. There would be abundant alternative foraging resources during construction, and fish would still be able to forage in the area after construction ends. With mitigation measures (Section 7), it is anticipated that the proposed action **may affect, but is not likely to adversely affect**, Essential Fish Habitat.

SEAGRASS

The waters surrounding the Florida Districts of GUIS contain approximately 1,930 acres of potential seagrass habitat in the Perdido Key area and waters north of Santa Rosa Island according to FDEP's Seagrass Management Plan for Big Lagoon and Santa Rosa Island (2001). Potential seagrass habitat within GUIS consists of shallow areas less than ten feet deep with stable sediments and slow currents. Seagrass species in GUIS waters include turtle grass, *Thalassia testudinum*, manatee grass, *Syringodium filliforme,* shoal grass, *Halodule wrightii,* and widgeon grass, *Ruppia maritima*. The area north of Santa Rosa Island is one of the only water bodies within the Pensacola Bay watershed that still contain moderately diverse seagrass beds (FDEP, 2001). Figure 3 shows documented seagrass beds, depicted less than one-half mile east of the proposed new pier. There are no seagrass beds in the proposed project area.

It is anticipated that the proposed action **is not likely to adversely affect** seagrasses.

ESSENTIAL FISH HABITAT MITIGATION MEASURES

1. Work with NOAA Fisheries prior to construction activities to conserve EFH and reduce the potential impact, if any, of the proposed action.
2. Minimize runoff from construction activities

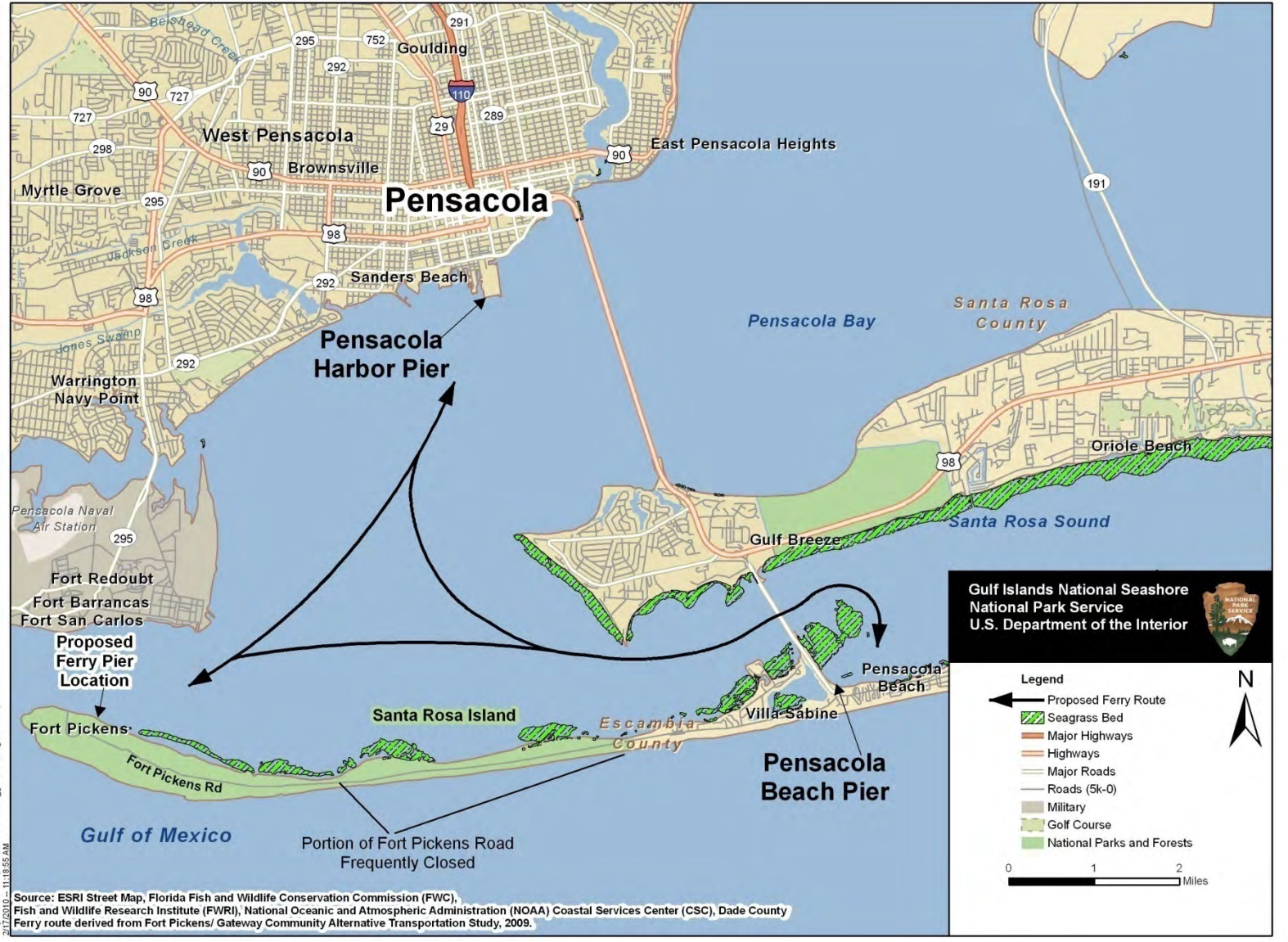
3. Avoid/minimize dredging activities; these activities can be highly disruptive, disturbing the habitat upon which fish depend.
4. Construction activities would occur during daylight hours only. No nighttime construction activities would be conducted.
5. Construct the pier from a floating barge using floating turbidity barriers.
6. Maintain spill response kits on board during construction.

SEAGRASS MITIGATION MEASURES

1. Before initiation of the proposed action (pier construction), conduct a benthic resource survey in the vicinity of the project area to confirm the absence (or presence) of seagrass and stage all construction barges and vessel traffic to avoid these resources.
2. If seagrass is found during this survey, develop a seagrass mitigation plan, which may include replanting or additional planting of seagrass in nearby known beds of seagrass.
3. Ferry operation will utilize existing, maintained channels as much as possible.
4. If ferry operation traverses in or near seagrass resources, an environmental protection plan for ferry operation will be developed, which may include establishing a no wake zone over sea grass beds and trimming the motor in water less than 10 feet deep.

thanks

Jolene Williams
Environmental Protection Specialist
NEPA, GIS, NAGPRA, Research Permitting
Gulf Islands National Seashore (GUIS)
National Park Service
email: Jolene_Williams@nps.gov
phone: 228-230-4132


Bellhead Creek
295
752
Goulding
291
292
110
289
29
West Pensacola
298
90
727
Brownsville
Myrtle Grove
295
Pensacola
East Pensacola Heights
191
98
Jackson Creek
Sanders Beach
Pensacola Bay
Santa Rosa County
Jones Swamp
Pensacola Harbor Pier
Warrington Navy Point
Oriole Beach
Pensacola Naval Air Station
Santa Rosa Sound
Gulf Breeze
Fort Redoubt
Fort Barrancas
Fort San Carlos
Proposed Ferry Pier Location
Pensacola Beach
Santa Rosa Island
Fort Pickens
Escambia County
Villa Sabine
Fort Pickens Rd
Pensacola Beach Pier
Gulf of Mexico
Portion of Fort Pickens Road Frequently Closed
Gulf Islands National Seashore
National Park Service
U.S. Department of the Interior
Legend
Proposed Ferry Route
Seagrass Bed
Major Highways
Highways
Major Roads
Roads (5k-0)
Military
Golf Course
National Parks and Forests
N
0
1
2
Miles
Source: ESRI Street Map, Florida Fish and Wildlife Conservation Commission (FWC),
Fish and Wildlife Research Institute (FWRI), National Oceanic and Atmospheric Administration (NOAA) Coastal Services Center (CSC), Dade County
Ferry route derived from Fort Pickens/ Gateway Community Alternative Transportation Study, 2009.
Map Document: (G:\Gulf Island SS\tor_gainesville\figure3.mxd)
2/17/2010 — 11:18:55 AM

Fort Pickens Passenger Ferry Pier

Produced by Science & Resources Management Division - Jolene Williams

August 2011

FILE: Master Map.mxd

Fort Pickens Passenger Ferry Pier - Detail Seagrass Habitat

Produced by Science & Resources Management Division - Jolene Williams

August 2011

FILE: Master Map.mxd

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701-5505
727.824.5312, FAX 824.5309
http://sero.nmfs.noaa.gov

AUG 22 2011

F/SER31:CH

Ms. Nina Kelson
Gulf Islands National Seashore
Department of Interior
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32563

Mr. Michael Malsom
Mobile District Corps of Engineers
P.O. Box 2288
Mobile, AL 36628

Re: SAJ-2011-01150

Dear Ms. Kelson and Mr. Malsom:

This responds to the National Park Service (NPS) March 5, 2010, letter requesting National Marine Fisheries Service (NMFS) concurrence with your project-effect determinations pursuant to Section 7 of the Endangered Species Act (ESA) for the NPS's proposal to construct the Fort Pickens Passenger Ferry Pier and operate a ferry service at the Gulf Islands National Seashore (GUIS), Florida. The NPS has requested the necessary construction permits from the U.S. Army Corps of Engineers; therefore, both federal agencies are consulting under the ESA. NMFS requested additional information via e-mail on April 21, 2010, which NPS provided, in part, on July 9, 2010. A second request for information was sent via e-mail on August 17, 2010, and a conference call was held on April 26, 2011, to discuss the proposed action and reiterate our request. Information was received on June 6, 2011. NMFS requested further information regarding proposed ferry operations via e-mail on July 7, 2011, which was received via e-mail July 19, 2011. NPS determined that the proposed activities may affect but are not likely to adversely affect five species of swimming sea turtles, Gulf sturgeon, and Gulf sturgeon designated critical habitat under NMFS' purview. NMFS' determinations regarding the effects of the proposed action are based on the description of the action in this informal consultation. You are reminded that any changes to the proposed action may negate the findings of the present consultation and may require reinitiation of consultation with NMFS.

The NPS proposes to construct a permanent pier in the Fort Pickens Area of the GUIS as part of a new regional water transportation system to accommodate a pedestrian ferry service to Fort

Additionally, per request of Ben Russell from the Florida Department of Environmental Protection, the following will be implemented:

a. Deck planks will not be any wider than 8 inches
b. Deck plank spacing will be 1/2 inch.
c. The dock height will be a minimum of 5 feet above Mean High Water.

The passenger ferry pier will be located approximately 1,250 feet east of the existing Fort Pickens fishing pier. The location of the proposed ferry pier for Alternative C is shown in enclosed Figure 2-1 and is labeled as the "Alternative Ferry Pier Location." Moorings or bumpers may be installed on the pilings to protect the dock. The proposed pier would tie into the existing seawall and would access existing and/or expanded walkways that connect to the seawall and guide visitors to an adjacent shuttle station and/or other visitor use areas within the greater Fort Pickens area. The pier would be constructed in compliance with the Florida Building Code and ADA accessible standards. The ferry pier would be designed to withstand or sustain Category 3 or 4 storm damage, and provide far more reliable access to the island for visitors should the existing access road be rendered impassable due to future storm events. Bathymetry for the area where the pier is identified to be constructed ranges from water depths of 0 to between 15 and 20 feet at the end of where the pier will be located.

2. Q: We (NOAA) will require detailed schematics and the construction methodology for the proposed project. The project site is located within the boundaries of Gulf sturgeon critical habitat and a detailed construction methodology and project schematics must be provided to determine potential affects to critical habitat features and migratory pathways.

A: As requested, enclosed are the draft/preliminary drawings (Enclosure 1) provided by the U.S. Army Corps of Engineers, Mobile District Office (USACOE) and an overlay of the CAD drawings on an aerial photo of the project area (Enclosure 2).

Construction Methodology: The pier would be constructed from a floating barge using floating turbidity barriers, emergency response spill kits, and other appropriate aquatic construction BMPs as outlined in the BA.

3. Q: Downstream sturgeon migration begins September 1 and continues through November. Construction should NOT occur during September due to potential impediment of a migratory pathway. Upstream migration begins March 1 and continues through May. NMFS recommends that construction occur between the upstream and downstream migration (i.e., June, July, and August OR December, January, and February).

A: USACOE plans to issue a contract for the entire project to be completed within 6 months, and feel confident that the in-water construction work and placement of the pylons will be completed within 3 months, but to allow for weather contingencies, inclement weather, or contractual delays, GUIS requests that in-water construction period be December 1 – March 31. Above water construction, or finishing work, will occur at the same time or after the in-water construction phase, and into late spring/early summer.

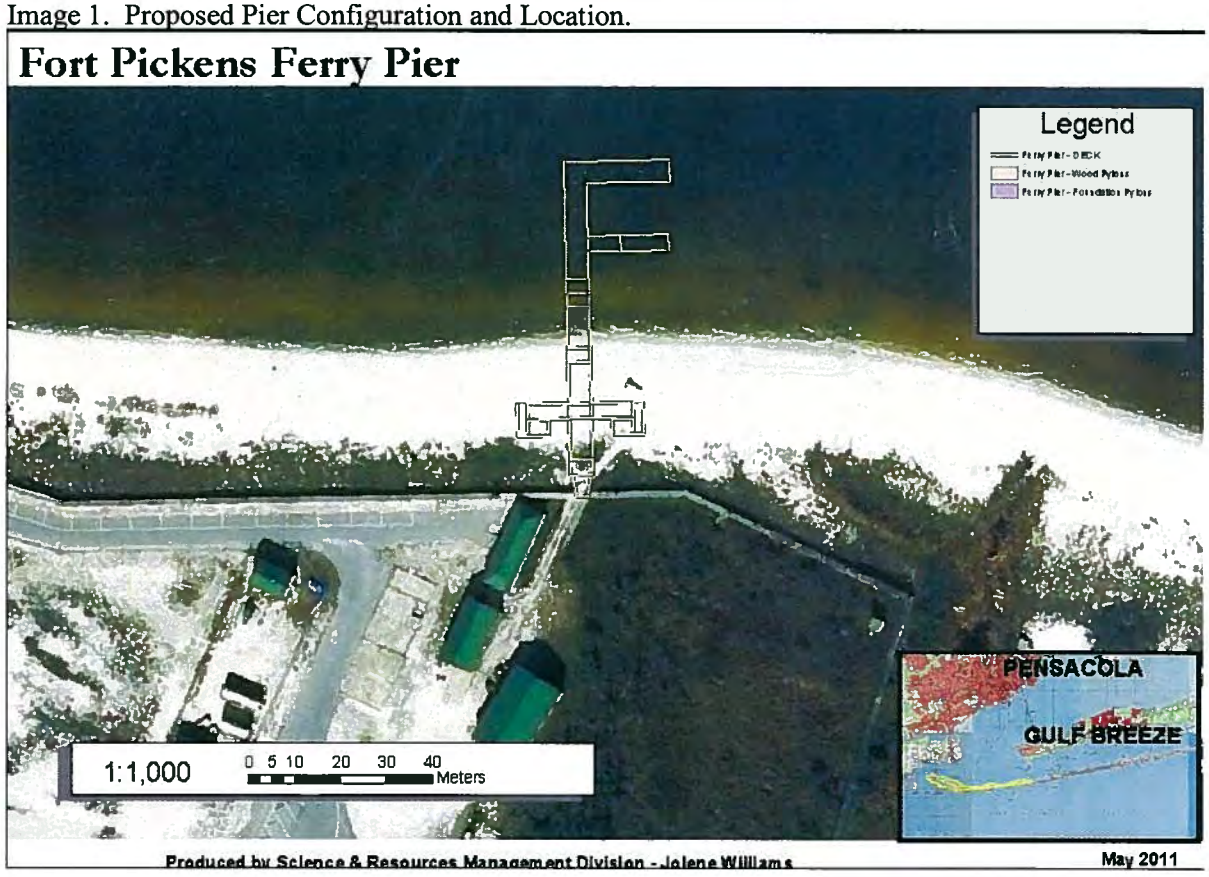
4. Q: NMFS is recommending that "No Fishing" signage be posted at the proposed pier.

A: Once construction is completed, "No Fishing" signage will be posted at the ferry pier.

Pickens from the mainland. The Fort Pickens Area is located on the Pensacola Bay side on the westernmost end of Santa Rosa Island. The proposed pier is located in the Fort Pickens Area of Santa Rosa Island in Escambia County, Florida, at latitude 30.32983°N and longitude 87.28888°W (NAD83). The proposed ferry service will navigate a designated route in Pensacola Bay.

The proposed pier will be an "F" configuration attached to the existing seawall, crossing the beach uplands and extending approximately 240 feet into Pensacola Bay (see Image 1), where water depths range from the shallow swash zone at the base of the pier to approximately -10 feet mean low water at the pier's terminus. The portion of the access walkway located over water will be 16 feet by 240 feet, the terminal platform will be 16 feet by 60 feet, and the secondary platform will be 11.6 feet by 60 feet. Construction will be conducted from a shallow-draft barge, and piles will be driven or jetted into place. The pier will only be utilized for docking by the Fort Pickens ferries. Recreational vessels and vessels operating under commercial use permits will not be permitted to moor at the proposed pier. According to the 2010 Biological Assessment conducted by MACTEC Engineering and Consulting Inc., there are no seagrass beds located within the project site. The applicant will use turbidity controls during the in-water portion of the work. Once construction is completed, "No Fishing" signs will be posted on the pier. The applicant will comply with NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions*, dated March 23, 2006. The construction time frame is 6 months, including 3 months of in-water work.

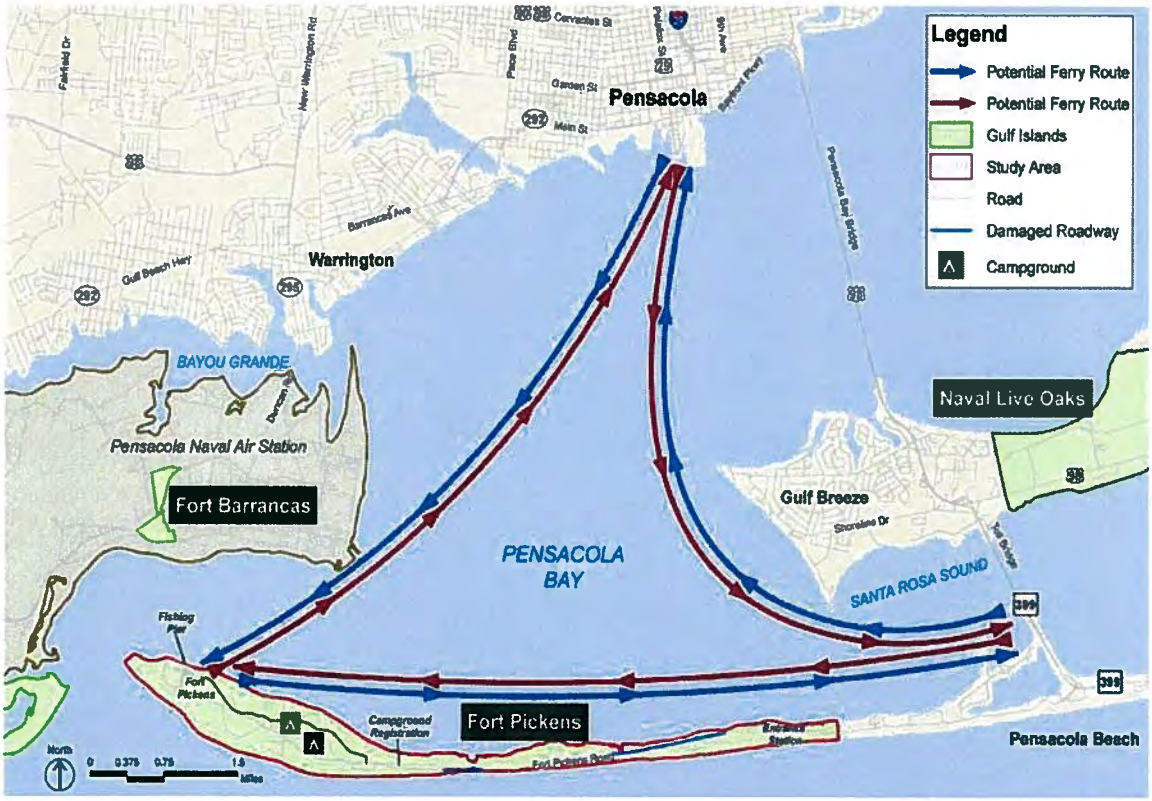
Image 1. Proposed Pier Configuration and Location.



The ferry service will include two vessels: each vessel will travel a 3-stop loop, in opposite directions, 3 times a day. Ferry traffic will follow a designated navigational route (see Image 2).

Ferry vessels will traverse the designated route and stops will be made at the proposed Fort Pickens ferry pier, Pensacola Harbor (located on the mainland), and the Pensacola Beach pier (located on the eastern side of Santa Rosa Island). The proposed 3-stop loop round-trip is approximately 23.3 miles. Existing piers and access infrastructure will be used at the Pensacola Harbor and the Pensacola Beach pier. NPS anticipates that the two ferries combined will run a total of 6 round-trips per day during a 15-week peak season, depending on weather conditions and demand. Ferry service will operate 6 days a week, Tuesday through Sunday, during daylight hours only. The passenger ferry vessels will be approximately 65 feet long, hold up to 150 passengers, and cruise at a maximum 12-20 knots.

Image 2. Ferry route and stop locations.



NPS proposes the following precautionary measures to protect sea turtles from ferry vessel strikes. The NPS will incorporate the below measures into the ferry service contract.

1. Captain and crew members will be trained to and will observe for the presence of sea turtles while operating the vessel.
2. If sea turtles are observed greater than 50 yards ahead of the vessel, the captain will reduce vessel speed and alter vessel route to maintain a minimum 50-yard distance.
3. If sea turtles are observed within 50 yards ahead of the vessel, the captain will reduce vessel speed to 5 knots and alter vessel route to maintain a minimum 50-yard distance.
4. If a sea turtle is struck by the ferry, consultation must immediately be reinitiated. No take of any species is being authorized under this consultation. All injured or dead sea turtle sighting must be reported to the Florida's Sea Turtle Stranding and Salvage Network at 1-800-404-3922. Incidents of take of sea turtles resulting from ferry traffic must also be reported immediately (and cite consultation I/SER/20100/01415) to NMFS, Southeast

Regional office via phone at (727) 824-5312 and by e-mailing: takereport.nmfsser@noaa.gov.

Five ESA-listed species of sea turtles (the endangered leatherback, Kemp's ridley, and hawksbill; the threatened/endangered[1] green; and the threatened loggerhead), smalltooth sawfish, and Gulf sturgeon may occur at the project site. The proposed project is located within designated Gulf sturgeon critical habitat Unit 9, Pensacola Bay. The habitat features that are essential for the conservation of Gulf sturgeon present in Unit 9 include prey abundance, water quality and sediment quality necessary for normal behavior, growth and viability, and safe and unobstructed migratory pathways necessary for passage within and between riverine, estuarine and marine habitats. Of these essential features, NMFS believes prey abundance, water quality, and safe and unobstructed migratory pathways may be affected.

NMFS has identified the following potential effects to sea turtles, smalltooth sawfish, and Gulf sturgeon and concluded that they are not likely to be adversely affected by the proposed action. Effects to sea turtles, smalltooth sawfish, and Gulf sturgeon include the risk of injury from construction, which will be discountable due to the species' mobility and the implementation of NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions*. Sea turtles, smalltooth sawfish, and Gulf sturgeon are likely to avoid the area during construction due to noise. The effects on these species due to avoidance of, and exclusion from, potential foraging habitat due to construction activities are insignificant because they are temporary and only a small area will be affected, relative to the foraging habitat available in Pensacola Bay. Disturbance from construction activities (pile driving) and related noise will be intermittent and only occur during the day. Turbidity curtains will only enclose the small project area, will be removed upon project completion, and will not appreciably interfere with use of the area by listed species.

Vessel traffic resulting from the creation of a ferry service to Fort Pickens will increase the amount of vessel traffic within the action area. Vessel traffic can pose a risk of collisions between a vessel and sea turtle. However, NMFS believes that the risk of vessel strike impacts to sea turtles resulting from ferry traffic is discountable due to the species' mobility and the required harm avoidance measures. Incorporation of the aforementioned precautionary measures, including training ferry crew members to observe for swimming sea turtles, and restricting ferry speeds when turtles are observed, will further reduce the likelihood of the ferry striking a swimming sea turtle during operations. Additionally, the introduction of a scheduled ferry service could potentially reduce the number of recreational vessels traversing from the mainland to Fort Pickens, as well as the number of private commercial transport services, which are currently making trips from the mainland to Fort Pickens. Based on the above, we believe that the risk of vessel strike impacts to sea turtles from ferry operations is discountable.

NMFS and the U.S. Fish and Wildlife Service jointly designated Gulf sturgeon critical habitat on April 18, 2003 (50 CFR 226.214). NMFS believes the project is not likely to adversely affect Gulf sturgeon critical habitat in Unit 9, Santa Rosa Sound. Effects on prey abundance due to the construction of the pier will be insignificant. Gulf sturgeon prey may be removed by the placement of the pier supports; however, prey under the remaining pier will not be affected and sturgeon will still be able to forage once construction is completed. Water quality impacts from the project will be insignificant because turbidity resulting from construction will be temporary

[1] Green turtles are listed as threatened, except for breeding populations in Florida and the Pacific Coast of Mexico, which are listed as endangered.

and minimized by the use of turbidity curtains. The use of turbidity curtains will prevent Gulf sturgeon from entering the project site during construction. However, the effects to safe and unobstructed migratory pathways will be insignificant as access will not be blocked by pier construction. Impacts to all essential features in designated critical habitat Unit 9 will be insignificant and will not affect the ability of Unit 9 to provide for normal behavior, growth, and viability of Gulf sturgeon life stages.

This concludes your consultation responsibilities under the ESA for species under NMFS' purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action.

We have enclosed additional information on other statutory requirements that may apply to this action, and on NMFS' Public Consultation Tracking System to allow you to track the status of ESA consultations. If you have any questions, please contact Calusa Horn (727) 824-5312 or by e-mail at calusa.horn@noaa.gov. Thank you for your continued cooperation in the conservation of listed species.

Sincerely,

Miles M Croom

for Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosure

Ref: I/SER/2011/01415
File: 1514-22.p

PCTS Access and Additional Considerations for ESA Section 7 Consultations (Revised 7-15-2009)

Public Consultation Tracking System (PCTS) Guidance: PCTS is an online query system at **https://pcts.nmfs.noaa.gov/** that allows federal agencies and U.S. Army Corps of Engineers' (COE) permit applicants and their consultants to ascertain the status of NMFS' Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultations, conducted pursuant to ESA section 7, and Magnuson-Stevens Fishery Conservation and Management Act's (MSA) sections 305(b)2 and 305(b)(4), respectively. Federal agencies are required to enter an agency-specific username and password to query the Federal Agency Site. The COE "Permit Site" (no password needed) allows COE permit applicants and consultants to check on the current status of Clean Water Act section 404 permit actions for which NMFS has conducted, or is in the process of conducting, an ESA or EFH consultation with the COE.

For COE-permitted projects, click on "Enter Corps Permit Site." From the "Choose Agency Subdivision (Required)" list, pick the appropriate COE district. At "Enter Agency Permit Number" type in the COE district identifier, hyphen, year, hyphen, number. The COE is in the processing of converting its permit application database to PCTS-compatible "ORM." An example permit number is: SAJ-2005-000001234-IPS-1. For the Jacksonville District, which has already converted to ORM, permit application numbers should be entered as SAJ (hyphen), followed by 4-digit year (hyphen), followed by permit application numeric identifier with no preceding zeros. For example: SAJ-2005-123; SAJ-2005-1234; SAJ-2005-12345.

For inquiries regarding applications processed by COE districts that have not yet made the conversion to ORM (e.g., Mobile District), enter the 9-digit numeric identifier, or convert the existing COE-assigned application number to 9 numeric digits by deleting all letters, hyphens, and commas; converting the year to 4-digit format (e.g., -04 to 2004); and adding additional zeros in front of the numeric identifier to make a total of 9 numeric digits. For example: AL05-982-F converts to 200500982; MS05-04401-A converts to 200504401. PCTS questions should be directed to Eric Hawk at Eric.Hawk@noaa.gov. Requests for username and password should be directed to PCTS.Usersupport@noaa.gov.

EFH Recommendations: In addition to its protected species/critical habitat consultation requirements with NMFS' Protected Resources Division pursuant to section 7 of the ESA, prior to proceeding with the proposed action the action agency must also consult with NMFS' Habitat Conservation Division (HCD) pursuant to the MSA requirements for EFH consultation (16 U.S.C. 1855 (b)(2) and 50 CFR 600.905-.930, subpart K). The action agency should also ensure that the applicant understands the ESA and EFH processes; that ESA and EFH consultations are separate, distinct, and guided by different statutes, goals, and time lines for responding to the action agency; and that the action agency will (and the applicant may) receive separate consultation correspondence on NMFS letterhead from HCD regarding their concerns and/or finalizing EFH consultation.

Marine Mammal Protection Act (MMPA) Recommendations: The ESA section 7 process does not authorize incidental takes of listed or non-listed marine mammals. If such takes may occur an incidental take authorization under MMPA section 101 (a)(5) is necessary. Please contact NMFS' Permits, Conservation, and Education Division at (301) 713-2322 for more information regarding MMPA permitting procedures.

Jolene Williams/GUIS/NPS
07/19/2011 02:06 PM

To calusa horn <Calusa.Horn@noaa.gov>
cc
bcc JBOURDEAU@mactec.com

Subject Re: NMFS Section 7 Consult Ft. Pickens Pier and Ferry Service

Hi Calusa,

Under separate cover, a CD containing the final Fort Pickens Gateway Community Transportation Study (ATP), will be sent to you via Fed Ex. The CD contains background information for the information provided below, and the files are too large to email. I believe I have found an electronic copy of the draft chapter 6, which contains most of the information that was relayed to me. chapter 6 - transportation alternatives 12020865.pdf

The contract for the ferry service has not been prepared even in draft yet, but as is indicated in the ATP, the following info is provided for NMFS concurrence under ESA Section 7 consultation, relative to our finding of may affect but is not likely to adversely affect the manatee, sea turtle species, gulf sturgeon, or essential fish habitat.

A. Please provide the following information related to ferry operations:

1. How many ferry/vessels will be used? 2 to 3 vessels with 3 to 4 trips per day in each direction, with possible seasonal adjustments as trends may dictate, as we expect higher demand during summer, lower during winter. ATP states operation 6 days per week Tues thru Sunday.
2. Approximate number miles to be traversed during a route/trip (i.e., how many miles will be traveled between the project site (proposed Fort Pickens Pier, Pensacola Harbor Pier, and Pensacola Beach Pier). per pg 6-3 of ATP, indicates that round trip is 23.3 miles, includes 3 stops Fort Pickens Ferry Pier, Downtown Pensacola, and Pensacola Beach.
3. Approximate size of proposed ferry/vessel? per ATP, approx size of 65 feet to accommodate up to 150 passengers. MS Ferry service has 3 boats, 65' with 150 pax, 100' with 320 pax and 110' with 350 pax.
4. Vessel/ferry speed within designated ferry route? estimated similar to MS ferry, at 12 knots to 14 knots, but MS ferry travels on open seas, so expect that travel in Pensacola Harbor will be not as fast. Two options in ATP pg 6-3, 12 knots cruising speed, or 20 knots cruising speed.
5. What is the season for the ferry service (when does season commerce and end)? all year, with potential seasonal adjustments as trends may indicate. we expect to have higher usage in the summer and less in the winter. ATP states a 15 week peak season, expected during the summer months between Memorial Day and Labor Day.

B. Please provide the following information related to recreational/private vessels utilization

the proposed pier:

1. Number of recreational vessels capable of mooring at the proposed pier? 0
2. What is the anticipated level of use for recreational vessels at the proposed pier? 0

NPS may use pier during emergency evacuations only. Privately owned recreational vessels and vessels operated under Commercial use Permits (CUA) will not be able to use the pier.

C. Will the ferry service follow the below preventative measures to protect sea turtles form being struck by ferry traffic: YES

NPS will make sure than these preventative measures are included in ferry service contract, for passenger ferry service to Fort Picjkens.

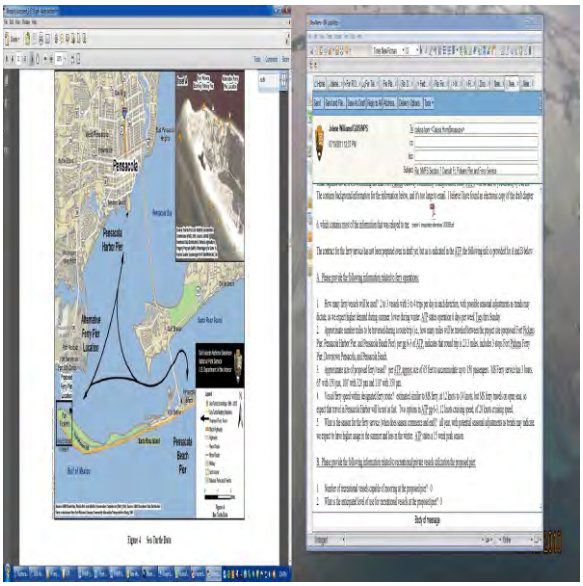
Sea Turtle Avoidance Preventative Measures:

1. Captain and crew members will observe for the presence of sea turtles while operating the vessel.
2. If sea turtles are observed greater than 50 yards from vessel, the captain will reduce vessel speed and alter vessel route to maintain a minimum 50-yard distance.
3. If sea turtles are observed within 50 yards from vessel, the captain will reduce vessel speed to 5 knots and alter vessel route to maintain a minimum 50-yard distance.
4. If despite efforts to maintain the distances and speeds described above and a sea turtle approaches the vessel, the captain will put the engine in neutral until the turtle is a minimum of 50 yard away.
5. If a sea turtle is struck by the ferry, Section 7 consultation must immediately be reinitiated. No take of any species is being authorized under this consultation. All injured or dead sea turtle sighting must be reported to the Florida Sea Turtle Stranding and Salvage Network hotline at 1-800-241-4653. Incidents of take of sea turtles resulting from ferry traffic must also be reported immediately to NMFS, Southeast Regional office via phone at (727) 824-5312 or by e-mailing: *takereport.nmfsser@noaa.gov*.

as indicated in the BA and see map below, sea turtles have been observed occasionally in Pensacola Bay near Santa Rosa island, likely foraging in seagrass beds. Please be assured NPS will stress that these conservation measures are implemented via contract conditions for ferry services, especially during May through Oct when most sea turtles have been observed.

Excerpt BA pg 5-2 "Sea turtles are known to be present in GUIS waters, but GUIS does not collect monitoring data regarding the abundance and distribution of sea turtles in GUIS waters. In the Florida District of GUIS, sea turtles are mainly observed in Gulf of Mexico waters. However, jellyfish are a common sea turtle prey item (USFWS, 2009b), which may also attract sea turtles into the Perdido Key area (west of Santa Rosa Island) and the area north of Santa Rosa Island. Additionally, Atlantic green turtles are likely attracted to feed in the seagrass beds in the Perdido Key area and the area north of Santa Rosa Island (east of the project area) (USDOI, 2006).. Sea turtles are known to nest on the beaches within GUIS during spring and summer, including Santa Rosa Island (Figure 4). According to USDOI (2006), loggerhead turtles constitute the majority of sea turtle nesting in the GUIS Florida District. Atlantic green sea turtles occasionally nest in the GUIS Florida District, and five Kemp's Ridley nests and one leatherback sea turtle nest have been documented in recent years. Park biologists along with a cadre of volunteers mark nests, track dates, and monitor nests. There is potential for sea turtle encounters with the proposed ferry, ferry pier, and other NPS boats and private vessels using the pier. Ferry

service would introduce additional vessel traffic into Pensacola Bay (up to four roundtrip ferry voyages daily), which may lead to increased degradation of water quality. The new pier would increase the number of boat trips in Pensacola Bay, would increase the boating activity in the vicinity of the proposed pier, and could increase the potential for watercraft collisions with sea turtles. Currently, recreational and commercial boating traffic is present in Pensacola Bay, and the proposed action would increase the boating traffic in Pensacola Bay. Sea turtles are generally highly mobile and generally react quickly to the presence of water vessels. Sea turtles do not appear to be overly disturbed by the physical presence of and sounds produced by vessels and vessel traffic. They simply dive when approached by a vessel and avoid areas of intensive human activity (NMFS, 2002). Additionally, it is anticipated that these highly mobile species, if present, would avoid the project site during construction activities because of construction noise, the physical presence of machinery and generally higher concentrations of people at any given time. Therefore, the proposed action is not anticipated to substantially increase the potential for watercraft collisions with sea turtles. However, if sea turtles are dozing and loafing at the sea surface, they can be vulnerable to boat strikes. Cooler winter water temperatures can also leave sea turtles more vulnerable to boat strikes. No additional commercial fishing is anticipated under the proposed action, so no additional sea turtle mortality due to entanglement with commercial fishing line or commercial fishing gear is anticipated. With mitigation (Section 7), it is anticipated that the proposed action may affect, but is not likely to adversely affect, the protected sea turtle species."



Jolene Williams
Environmental Protection Specialist
NEPA, GIS, NAGPRA, Research Permitting
Gulf Islands National Seashore (GUIS)
National Park Service
email: Jolene_Williams@nps.gov
phone: 228-230-4132

calusa horn
<Calusa.Horn@noaa.gov>

To Jolene_Williams@nps.gov

07/11/2011 10:00 AM

cc

Subject NMFS Section 7 Consult Ft. Pickens Pier and Ferry Service

Hi Jolene,

Per our conversation yesterday please provide the following information related to the ongoing section 7 consultation for the Ft. Pickens Ferry Pier and Service. Please let me know if you have any questions are concerns.

Please provide the following information related to ferry operations:

1. How many ferry/vessels will be used?
2. Approximate number miles to be traversed during a route/trip (i.e., how many miles will be traveled between the project site (proposed Fort Pickens Pier), Pensacola Harbor Pier, and Pensacola Beach Pier).
3. Approximate size of proposed ferry/vessel?
4. Vessel/ferry speed within designated ferry route?
5. What is the season for the ferry service (when does season commerce and end)?

Please provide the following information related to recreational/private vessels utilization the proposed pier:

1. Number of recreational vessels capable of mooring at the proposed pier?
2. What is the anticipated level of use for recreational vessels at the proposed pier?

Will the ferry service follow the below preventative measures to protect sea turtles form being struck by ferry traffic:

Sea Turtle Avoidance Preventative Measures:

1. Captain and crew members will observe for the presence of sea turtles while operating the vessel.
2. If sea turtles are observed greater than 50 yards from vessel, the captain will reduce vessel speed and alter vessel route to maintain a minimum 50-yard distance.
3. If sea turtles are observed within 50 yards from vessel, the captain will reduce vessel speed to 5 knots and alter vessel route to maintain a minimum 50-yard distance.
4. If despite efforts to maintain the distances and speeds described above and a sea turtle approaches the vessel, the captain will put the engine in neutral until the turtle is a minimum of 50 yard away.
5. If a sea turtle is struck by the ferry, Section 7 consultation must immediately be reinitiated. No take of any species is being authorized under this consultation. All injured or dead sea turtle sighting must be reported to the Florida Sea Turtle Stranding and Salvage Network hotline at 1-800-241-4653. Incidents of take of sea turtles resulting from ferry traffic must also be

reported immediately to NMFS, Southeast Regional office via phone at (727) 824-5312 or by e-mailing: *takereport.nmfsser@noaa.gov*.

Thank you,
Calusa

calusa_hom.vcf

calusa horn
<Calusa.Horn@noaa.gov>

07/11/2011 10:00 AM

To Jolene_Williams@nps.gov

cc

bcc

Subject NMFS Section 7 Consult Ft. Pickens Pier and Ferry Service

History:

Hi Jolene,

Per our conversation yesterday please provide the following information related to the ongoing section 7 consultation for the Ft. Pickens Ferry Pier and Service. Please let me know if you have any questions are concerns.

Please provide the following information related to ferry operations:

1. How many ferry/vessels will be used?
2. Approximate number miles to be traversed during a route/trip (i.e., how many miles will be traveled between the project site (proposed Fort Pickens Pier), Pensacola Harbor Pier, and Pensacola Beach Pier).
3. Approximate size of proposed ferry/vessel?
4. Vessel/ferry speed within designated ferry route?
5. What is the season for the ferry service (when does season commerce and end)?

Please provide the following information related to recreational/private vessels utilization the proposed pier:

1. Number of recreational vessels capable of mooring at the proposed pier?
2. What is the anticipated level of use for recreational vessels at the proposed pier?

Will the ferry service follow the below preventative measures to protect sea turtles form being struck by ferry traffic:

Sea Turtle Avoidance Preventative Measures:

1. Captain and crew members will observe for the presence of sea turtles while operating the vessel.
2. If sea turtles are observed greater than 50 yards from vessel, the captain will reduce vessel speed and alter vessel route to maintain a minimum 50-yard distance.

3. If sea turtles are observed within 50 yards from vessel, the captain will reduce vessel speed to 5 knots and alter vessel route to maintain a minimum 50-yard distance.
4. If despite efforts to maintain the distances and speeds described above and a sea turtle approaches the vessel, the captain will put the engine in neutral until the turtle is a minimum of 50 yard away.
5. If a sea turtle is struck by the ferry, Section 7 consultation must immediately be reinitiated. No take of any species is being authorized under this consultation. All injured or dead sea turtle sighting must be reported to the Florida Sea Turtle Stranding and Salvage Network hotline at 1-800-241-4653. Incidents of take of sea turtles resulting from ferry traffic must also be reported immediately to NMFS, Southeast Regional office via phone at (727) 824-5312 or by e-mailing: *takereport.nmfsser@noaa.gov*.

Thank you,
Calusa

calusa_hom.vcf

United States Department of the Interior

National Park Service
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563

IN REPLY REFER TO:

L7617 (GUIS-SRM)

June 23, 2011

Ms. Calusa Horn
National Oceanic and Atmospheric Administration
NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
Saint Petersburg, Florida 33701

Re: Biological Assessment and Determination of Effect
Proposed Design and Construction of Fort Pickens Pier and Ferry Service
Gulf Islands National Seashore, Florida

Dear Ms. Horn:

Thank you for taking the time to speak with Gulf Islands National Seashore (GUIS) staff in April regarding the Biological Assessment (BA) for the proposed Fort Pickens pier and ferry service. This letter is a follow up to that conversation as well as your earlier correspondence regarding this subject. We request that you concur with the BA's effects determination that the proposed action may affect but is not likely to adversely affect the manatee, sea turtle species, gulf sturgeon, or essential fish habitat.

Specifically, in response to your questions outlined in your August 2010 correspondence, the following information is provided.

1. Q: Please indicate which design alternative has been selected for the proposed project.
A: Alternative C is the preferred alternative as described in the draft EA. A basic description of the proposed design for the pier at Ft. Pickens is as follows:

As indicated within the attached schematic, a proposed pier in an "F" configuration will be used as the basic design. The foot of the "F" would connect to the seawall and extend approximately 240-feet out into the ocean. The legs of the "F" will extend in the eastern direction approximately 60-feet. A pier width of 16-feet is proposed with pile bents placed at 10-feet on centers and using two to three piles per bent. Pilings will be timber on shore and concrete in the ocean. Proposed pilings shall be 14" by 14" on land or 18" by 18" in water, depending on the location. See the attached drawings for more detail.

Additionally, per request of Ben Russell from the Florida Department of Environmental Protection, the following will be implemented:

a. Deck planks will not be any wider than 8 inches
b. Deck plank spacing will be 1/2 inch.
c. The dock height will be a minimum of 5 feet above Mean High Water.

The passenger ferry pier will be located approximately 1,250 feet east of the existing Fort Pickens fishing pier. The location of the proposed ferry pier for Alternative C is shown in enclosed Figure 2-1 and is labeled as the "Alternative Ferry Pier Location." Moorings or bumpers may be installed on the pilings to protect the dock. The proposed pier would tie into the existing seawall and would access existing and/or expanded walkways that connect to the seawall and guide visitors to an adjacent shuttle station and/or other visitor use areas within the greater Fort Pickens area. The pier would be constructed in compliance with the Florida Building Code and ADA accessible standards. The ferry pier would be designed to withstand or sustain Category 3 or 4 storm damage, and provide far more reliable access to the island for visitors should the existing access road be rendered impassable due to future storm events. Bathymetry for the area where the pier is identified to be constructed ranges from water depths of 0 to between 15 and 20 feet at the end of where the pier will be located.

2. Q: We (NOAA) will require detailed schematics and the construction methodology for the proposed project. The project site is located within the boundaries of Gulf sturgeon critical habitat and a detailed construction methodology and project schematics must be provided to determine potential affects to critical habitat features and migratory pathways.

A: As requested, enclosed are the draft/preliminary drawings (Enclosure 1) provided by the U.S. Army Corps of Engineers, Mobile District Office (USACOE) and an overlay of the CAD drawings on an aerial photo of the project area (Enclosure 2).

Construction Methodology: The pier would be constructed from a floating barge using floating turbidity barriers, emergency response spill kits, and other appropriate aquatic construction BMPs as outlined in the BA.

3. Q: Downstream sturgeon migration begins September 1 and continues through November. Construction should NOT occur during September due to potential impediment of a migratory pathway. Upstream migration begins March 1 and continues through May. NMFS recommends that construction occur between the upstream and downstream migration (i.e., June, July, and August OR December, January, and February).

A: USACOE plans to issue a contract for the entire project to be completed within 6 months, and feel confident that the in-water construction work and placement of the pylons will be completed within 3 months, but to allow for weather contingencies, inclement weather, or contractual delays, GUIS requests that in-water construction period be December 1 – March 31. Above water construction, or finishing work, will occur at the same time or after the in-water construction phase, and into late spring/early summer.

4. Q: NMFS is recommending that "No Fishing" signage be posted at the proposed pier.

A: Once construction is completed, "No Fishing" signage will be posted at the ferry pier.

With this additional information, we request your final review and concurrence determination relative to our finding of may affect but is not likely to adversely affect the manatee, sea turtle species, gulf sturgeon, or essential fish habitat. Subsequent to your review of the information provided, should you have any questions or need additional clarification, please contact Rick Clark, Chief of Science & Resources Management, by calling 850-916-3011 or by email at rick_clark@nps.gov, or Jolene Williams, Environmental Protection Specialist, at (228) 230-4132, jolene_williams@nps.gov. Thank you for your time and attention to this matter.

Sincerely,

Daniel R. Brown
Superintendent

Enclosures

CC: Mike Malsom
Environmental Quality & Planning
U.S. Army Corps of Engineers
109 St. Joseph Street
Mobile, Alabama 36602

RC:jrc:062711.850.916.3011

Fort Pickens Ferry Pier

Produced by Science & Resources Management Division - Jolene Williams
FOR INTERNAL USE ONLY - CONTAINS SENSITIVE MATERIAL

May 2011

FILE: Master Map.mxd

"Bourdeau, Jonathan" <JBOURDEAU@mactec.com>	To	"Rick_Clark@nps.gov" <Rick_Clark@nps.gov>
	cc	
12/09/2010 02:21 PM	Subject	GUIS Ferry Pier - followup with USACE

Rick: Below are two items that we need clarified by USACE as they begin their design. These are questions that NOAA has asked and we provided general answers, but now that USACE has started design work, we should be able to address them specifically to get NOAA signoff. We need to make sure that USACE is comfortable with these measures, especially the construction dates. Who is the appropriate USACE contact to pass these to? Feel free to forward them yourself, or if you will provide contact info, I'll get them sent off. Thanks!

--Jonathan

Jonathan Bourdeau | Senior Scientist **|** Natural Resources
MACTEC Engineering and Consulting, Inc.
3200 Town Point Drive NW, Ste. 100 **|** Kennesaw, GA 30144
Office (770) 421-3361 **| Fax** (770) 421-3486
Email jbourdeau@mactec.com **| Web** www.mactec.com

2. We will require detailed schematics and the construction methodology for the proposed project. The project site is located within the boundaries of Gulf sturgeon critical habitat and a detailed construction methodology and project schematics must be provided to determine potential affects to critical habitat features and migratory pathway. "How many pilings? Dimensions? If construction from a barge, will it be a shallow draft barge? Day or nighttime construction? What time of year?"

As noted in our July 9, 2010 response to your earlier comments, exact details regarding project design and construction methodology are not known at this time. We anticipate a similar approach as an earlier pier project at this site (existing fishing pier) will be used for the proposed project. Final schematics for the proposed pier will be available approximately DATE FROM USACE. The proposed ferry pier will be approximately 260 feet long and approximately 20 feet wide, with a floating, attached dock for other small vessels. Sediment core samples would be collected to assist engineers in determining depth of new pilings. Pilings would be made from concrete material. Approximately ____ pilings will be placed in the water, anticipated to be _____ feet apart. Concrete pilings will be _____inches in diameter. The pier would be oriented approximately perpendicular to the shoreline and existing seawall. The pier would be located approximately 1,250 feet east of the existing fishing pier (See Figure XX). Typical materials used in fixed and floating piers include galvanized steel, aluminum, concrete, and concrete with a foam core. Moorings or bumpers may be installed on the pilings to protect the dock. The proposed pier would tie into the existing seawall and would access existing walking trails that connect to the seawall and guide visitors to the activity areas within Fort Pickens. The pier would be constructed in compliance with the Florida Building Code and ADA accessible standards. Construction will occur during daytime hours. DESCRIBE CONSTRUCTION TECHNIQUE

3. Downstream sturgeon migration begins September 1 and continues through November. Construction should NOT occur during September due to potential impediment of a migratory pathway. Upstream migration begins March 1 and continues through May. NMFS recommends that construction occur between the upstream and downstream migration (i.e., June, July, and August OR December, January, and February).

NPS understands the project area is located within the critical habitat (migratory path) of the Gulf sturgeon, and understands the most critical time periods for Gulf sturgeon migration fall between September 1 through November 30 (downstream migration), and March 1 through May 30 (upstream migration). NPS proposes to conduct pier construction during the months of December, January and February; OR June, July and August. If construction of the pier is not complete within these 3 month timeframes, NPS will not proceed with construction without first consulting NOAA, or construction will be postponed until the next non-migratory 3-month period.

MACTEC's communications with Patricia Kelly (USFWS, Panama City office), indicate that USFWS had no issue with construction occurring during the May 1 through September 30 timeframe. Additionally, no permanent impacts/alterations to the substrate in the area of the new pier, with the exception of the pilings, are anticipated. Although shading from the pier decking will occur after construction, there is no seagrass in this area, so no impact is anticipated from shading.

	calusa horn <Calusa.Horn@noaa .gov>	
To		rick_clark@nps.gov
	08/17/2010 10:51	
cc		
	AM	"Noah.s >> Noah Silverman" <Noah.Silverman@noaa.gov>
Subject		NMFS Sec. 7 Ft. Pickens Passenger Ferry Pier

Hello Rick,
I have been reassigned the Fort Pickens Passenger Ferry Pier section 7 consultation. I have discussed the project background with Noah Silverman and have additional questions and concerns. In order to determine the potential effects to listed species and critical habitat under NMFS jurisdiction we will require the following information.

1. Please indicate which design alternative has been selected for the proposed project.

2. We will require detailed schematics and the construction methodology for the proposed project. The project site is located within the boundaries of Gulf sturgeon critical habitat and a detailed construction methodology and project schematics must be provided to determine potential
affects to critical habitat features and migratory pathways

3. Downstream sturgeon migration begins September 1 and continues through November. Construction should NOT occur during September due to potential impediment of a migratory pathway. Upstream migration begins March 1 and continues through May. NMFS recommends that construction occur between the
upstream and downstream migration (i.e., June, July, and August OR December, January, and February).

4. NMFS is recommending that “No Fishing” signage be posted at the proposed pier.

If the NPS does not have the aforementioned information developed, it may be necessary to delay section 7 consultation for the proposed project until construction details have been developed and a preferred alternative
selected. If you would like to discuss please feel free to contact me at 727-551-5782.
Thank you,
Calusa
(See attached file: calusa_horn.vcf)

From:	Eric G. Hawk
To:	Jolene_Williams@nps.gov
Cc:	Teletha Mincey; Calusa.Horn@noaa.gov; Rick_Clark@nps.gov
Subject:	Re: Fwd: Re: NMFS Sec 7 Ft. Pickens Passenger Ferry Pier
Date:	07/08/2011 01:13 PM
Attachments:	eric_hawk.vcf

Hi All,
That's correct. This has been ongoing for a while. We have resubmitted the draft ESA concurrence to GC and will await the outcome.
Thanks, and have a good weekend. Wet and soggy here!
Eric

Jolene_Williams@nps.gov wrote:

> Hi Teletha
>
> Thank you for the updated contact information. But we had been in prior
> communication with Calusa Horn about this project, which is why we addressed this latest letter to her directly.
>
> Background: This is the 3rd in a series of letters to finalize ESA Section
> 7 consultation with NOAA NMFS regarding the Fort Pickens Passenger Ferry
> Pier project. The first letter was sent to Eric Hawk dated December 17,
> 2009 along with the Biological Assessment(See attached file: Letter Request
> for Info - NOAA - EA Proposal for Ferry Pier.pdf)and Noah Silverman
> responded to via email April 13, 2010 requesting more information. (See
> attached file: Letter Email Response from NMFS FP Ferry Pier 4-13-2010
> .pdf) Supplemental information was provided to Noah Silverman via letter
> dated July 9, 2010. (See attached file: Letter Response to NMFS FP Ferry
> Pier 7-9-2010.pdf)
>
> Calusa Horn responded via email dated August 17, 2010, with additional
> questions, and stating that she had ben reassigned the Fort Pickens
> Passenger Ferry Pier section 7 consultation. (See attached file: Letter
> Email Response from NMFS FP Ferry Pier 8-17-2010 .pdf) We followed up and
> teleconferenced with Calusa on April 29, 2011, and the outcome is this
> latest letter dated June 23, 2011. (See attached file: Letter to NMFS FP
> Ferry Pier 6-23-2011.pdf) Attachments have not been included in this email
> due to size constraints.
>
> Please advise if anything else is needed by NOAA NMFS to complete
> consultation under the Endangered Species Act Section 7 in regards to this
> project. We request your final review and concurrence determination
> relative to our finding of may affect but is not likely to adversely affect
> the manatee, sea turtle species, gulf sturgeon, or essential fish habitat.
> Subsequent to your review of the information provided, should you have any
> questions or need additional clarification, please contact Rick

Clark,
Chief of Science & Resources Management, by calling 850-916-3011 or by
email at rick_clark@nps.gov, or me, at (228) 230-4132,
jolene_williams@nps.gov. Thank you for your time and attention to this
matter.

Jolene Williams
Environmental Protection Specialist
NEPA, GIS, NAGPRA, Research Permitting
Gulf Islands National Seashore (GUIS)
National Park Service
email: Jolene_Williams@nps.gov
phone: 228-230-4132

Teletha Mincey <Teletha.Mincey@noaa.gov>	
To	jolene williams <Jolene_Williams@nps.gov>
07/05/2011 10:26 AM	
cc	Eric Hawk <Eric.Hawk@noaa.gov>
Subject	Re: Fwd: Re: NMFS Sec 7 Ft. Pickens Passenger Ferry Pier

Hello Jolene,
Thank you for your request for ESA Sec 7 consultation. However, for
future requests, please submit directly to me via e-mail with a CC to
the gentleman identified above. You do not have to submit a hard-copy
via USPS. Thank you.

calusa horn wrote:

> Hi Teletha,
> I received this request for consultation on a project. Not sure
> whether I'm being assigned this project or someone else. I thought I
> should forward to you apparently they mailed a request
> to us already.
>
> Thanks,
> Calusa
>
> -------- Original Message --------
> Subject: Re: NMFS Sec 7 Ft. Pickens Passenger Ferry Pier
> Date: Fri, 01 Jul 2011 14:40:41 -0400
> From: Jolene_Williams@nps.gov
> To: calusa horn <Calusa.Horn@noaa.gov>

Hi Calusa

Regarding the Fort Pickens Ferry Pier Project, here's an electronic copy

of

the letter requesting NMFS ESA Section 7 concurrence, that was mailed

June

23, 2011, that hopefully you have received by now. If you have any questions, please ask. (See attached file: Letter to NMFS FP Ferry Pier.pdf)(See attached file: Map FP Ferry Pier 1_1000 no arch.pdf)(See attached file: Map General Location FP Ferry Pier.pdf)(See attached file: Figure 2-1.pdf)(See attached file: Drawings FtPickensPier.pdf)

thanks

Jolene Williams
Environmental Protection Specialist
NEPA, GIS, NAGPRA, Research Permitting
Gulf Islands National Seashore (GUIS)
National Park Service
email: Jolene_Williams@nps.gov
phone: 228-230-4132

--
Teletha Mincey
Program Analyst
NOAA Fisheries
Southeast Region
263 13th Ave S
St. Petersburg, FL 33701-5505
(727) 551-5772 - Direct Line
(727) 824-5309 - Fax

MACTEC

engineering and constructing a better tomorrow

July 9, 2010

Mr. Noah Silverman
National Oceanic and Atmospheric Administration
NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
Saint Petersburg, Florida 33701

Re: Biological Assessment, Ft. Pickens Proposed Ferry Service and Ferry Pier Supplementary Information Request

Dear Mr. Silverman:

This letter has been prepared by MACTEC Engineering and Consulting, Inc. (MACTEC) on behalf of the National Park Service (NPS), Gulf Islands National Seashore (GUIS – the Park) in response to a request (April 21, 2010) from NOAA to provide supplementary information to the Biological Assessment report (post-review by NOAA).

Thank you for your comments and your April 13, 2010, email message regarding the Biological Assessment (BA) for the proposed Fort Pickens ferry and ferry pier. Mr. Rick Clark, Chief of Science and Resources Management at GUIS, subsequently discussed with you in more detail the Environmental Assessment (EA) and associated BA related to the proposed ferry pier within the Fort Pickens area of GUIS. As a result of this discussion, the Park understands the Gulf sturgeon (GS) and the sturgeon's migration route to upriver locations are of primary concern to NOAA.

MACTEC is working under contract for NPS and is operating as the GUIS agent in completing the BA and EA. Attachment I is the supplementary information to the Ft. Pickens Proposed Ferry Service and Ferry Pier BA. The attachment represents the synopsis of your April 21, 2010 conversation with MACTEC scientist, Joy Ryan and the Park's response to the information outlined in your April 13, 2010 email message to Rick Clark at GUIS.

The provided information should address your concerns regarding the proposed project. If you have additional questions or concerns, please contact Josh Jenkins at (770) 421-3412 or Ann Shortelle, Ph.D., at (352) 333-2623.

Sincerely,

MACTEC ENGINEERING AND CONSULTING, INC.

For Ann B. Shortelle
with permission

Josh Jenkins
Project Manager

Ann B. Shortelle, PhD
Project Principal

cc: Mr. Rick Clark, GUIS

Attachment

Attachment I- Supplementary Information

Response to NOAA Comments on Biological Assessment- Ft. Pickens Proposed Ferry Service and Ferry Pier, Gulf Islands National Seashore

The responses are organized in the same order as NOAA email comments, with NOAA comments/questions in bold and NPS response in normal font.

1. **How do you intend to construct the fishing pier (i.e. will pilings be pounded or jet blasted in-place, will barges and cranes be used, where will the construction staging areas be located, etc.?**

   Complete details regarding construction are not known at this time. The Park anticipates the proposed pier will be approximately the same length as the existing fishing pier (approximately 260 feet long). It is the Park's understanding, based on your conversation with Ms. Ryan, that if the construction can take place during the timeframe May 1 through September 30, NOAA would not be concerned with construction methods. However, if construction cannot occur during that time period, construction methods must be evaluated to determine the best approach to avoid impacts to the GS. MACTEC's communications with Patricia Kelly (USFWS, Panama City office), indicate that USFWS had no issue with construction occurring during the May 1 through September 30 timeframe. Additionally, no permanent impacts/alterations to the substrate in the area of the new pier, with the exception of the pilings, are anticipated. Although shading from the pier decking would occur after construction, there is no seagrass in this area, so no impact is anticipated from shading.

2. **What is the maximum amount of time necessary to construction the in-water portion of the project?**

   A rough estimate of in-water construction is 3 to 4 months. Completion of the pier is estimated to take approximately 1 year. As stated in item 1 above, firm construction plans are not available at this time, so these time periods are only estimates.

3. **Can the in-water portions of the pier be constructed during the summer months (May 1 – September 30)?**

   Yes, based on the estimated in-water construction period (item 2 above).

4. **Will the NPS comply with the NMFS Sea turtle and Smalltooth Sawfish Construction Conditions dated March 2006?**

   Yes, this is discussed in the BA; page 7-2, *Sea Turtle Mitigation Measures*, item 1.

5. **Will the use of appropriate turbidity barriers be required?**

   Yes, this is discussed in the BA; page 7-1, *Manatee Mitigation Measures*, item 1; and page 7-2, *Sea Turtle Mitigation Measures*, item 1; page 7-3, *Gulf Sturgeon Mitigation Measures*, item 3.

6. **Provide a detailed map and any relevant data indicating sea turtle nesting locations?**

See revised Figure 3-3, at the end of this document. This figure represents recent (2008 and 2009) turtle nest locations in the vicinity of the Ft. Pickens project area. These data show that there were no turtle nests in recent history in the project area.

7. Provide a detailed discussion of sea turtle nest monitoring and restoration efforts undertaken by NPS?

Current monitoring of the sea turtle at the Park began in 1994 (daily surveys during the nesting and hatching season) and has grown over the years. The purpose of the daily survey patrols is to identify all nest events, monitor the incubation period and ensure that the hatchlings safely reach the Gulf of Mexico (GOM). The majority of turtle species that nest within GUIS are loggerheads (*Caretta caretta*), but greens (*Chelonia mydas*), Kemp's Ridleys (*Lepidochelys kempii*) and leatherbacks (*Dermochelys coriacea*) have also nested inside park boundaries. There are three separate beaches used by marine turtles for nesting: Santa Rosa, Fort Pickens and Perdido Key. The revised Figure 3-3 (attached) reflects historic (1986 – 2005) and recent (2008 – 2009) sea turtle nesting and strandings. Please note there are no nesting sites (historic or recent) on the Bay side of the Santa Rosa Island, and few turtle strandings (prior to 2005) within the project area. The closest sea turtle nest is located on the Gulf side of the island, approximately 1.5 miles southeast of the project area.

Methodology for Monitoring Sea Turtles

The information provided in the methodology section of this letter is from the Park's 2006-2007 *Sea Turtle Nesting Report*. NPS biological staff members and volunteers (under the direction of NPS staff) work together to monitor for sea turtle nests, and watch nests during hatch time to help prevent depredation and disorientation of the hatchlings. NPS biological science technicians work with complete commitment to sea turtle preservation at all hours of the day and night.

Morning turtle patrol activity is typically conducted from May 15 to mid-September between the hours 0530 to 0800. The patrol surveys are conducted by All Terrain Vehicles (ATVs) and the surveyor makes two complete circuits of the beach, one above the high tide line and one below the high tide line. This method ensures that even the shortest of false crawls will not be missed. Turtle observers document all turtle events on a turtle data sheet, including false crawls. The data sheet contains a checklist to ensure all the appropriate information is recorded. Location of the observations/incidents is recorded using beach half-mile markers or other known locations (i.e. Fort Pickens Lifesaving Station) as reference points.

Where a nest is observed, a sign is posted and two reference stakes are placed behind the nest. NPS has developed a sequential nest numbering system which includes the date observed. Each nest is monitored daily by the turtle patrol to detect any disturbance by high waters, humans, or predators. Where interference by predators such as raccoons, coyote, fox, or armadillo, is observed, the Park biologists are notified and predator screens are placed just below the surface of the sand to prevent further disturbance of the egg chamber. Nest sites are examined by Park Resource Management (RM) staff and egg cavities are located to ensure accurate marking of the nest. Eggs are then covered with sand, and nest locations are marked with a GPS unit. During morning patrols, volunteers or staff members listen to the nest for signs of hatching. Additional monitoring is conducted by park staff in the afternoon; and, when hatching is thought to be imminent, nightly checks of the nest are conducted.

In the interest of successful hatch rates, nests are sometime moved (with extreme care) by Park biologists, for example, if the nest is below the high tide line. This will generally prevent low hatch success rates or complete loss of the eggs. When hatchlings experience disorientation, the direction and severity of the disorientation is documented, and the disoriented hatchlings are aided in reaching the GOM. Disorientation events are reported to the state.

Seventy-two hours after the initial hatching event, nests are assessed by Park biologists. The assessments occur just after sundown so that any turtles found alive in the nest can be released immediately into the GOM. The nest is excavated and the hatchlings (live or dead) in the nest are noted.

NPS collects annual data regarding the sea turtle for several data points:

- Mean incubation days
- First nest dates and last nest dates
- Nest relocation data
- Number of hatchlings entering gulf
- Disorientation levels
- Number of marine turtle nests

In reference to a question about turtles hatched on the Gulf side of Santa Rosa Island that have turned away from the Gulf and walked across the island toward the Bay; yes, there have been hatchlings that go north (across the island) rather than south, due to disorientation from light pollution. There have also been instances of adult turtles becoming confused from light pollution after nesting; turtles have crossed the Fort Pickens Road and then gone into the bay, or wandered on the island until morning when NPS located them and guided or pulled them on tarp back to the Gulf. These incidents typically occur east of the Lifesaving Station, which is located four miles from the eastern boundary at the Fort Pickens unit. In the area east of the Lifesaving Station, the island is very narrow and lights from the north are readily seen. However, west of the Lifesaving Station, the island becomes wider, there are forests, and thus less light can be seen directly from the beach. Therefore, it is not anticipated that adult sea turtles or hatchlings will become disoriented on the western (project) side of Santa Rosa Island.

As stated in the BA, the Park believes potential effects on sea turtle nesting is likely insignificant, since the sea turtle species have not nested on the Bay side of the island since nesting was first documented (1986), and construction will be conducted in accordance with the NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions dated March 2006. Additionally, there will be no vessel or construction traffic on the Gulf side of Santa Rosa Island during construction.

8. **Will any construction activities take place after dusk or before dawn during summer months? If so, will there be lighting of any type associated with the construction activities?**

No construction activities will take place after dusk or before dawn. This is discussed in the BA; page 7-2, *Sea Turtle Mitigation Measures*, Items 5, 6, and 7.

The following paragraphs discuss other items of concern mentioned by you during your phone conversation with Ms Ryan on April 21, 2010, and in your April 9, 2010 email message to Rick Clark, Chief of Science and Resources Management at GUIS

Ferry and boating operations

The following statements address NOAA's concerns on ferry and boating operations. Although the Park may utilize the proposed ferry pier at times, the majority of Park boat dockings will continue to be at the Lifesaving Station dock. Park service boats generally approach the Lifesaving Station dock at idle speed with no wake, and would do the same when approaching the ferry pier. No fishing would be allowed from the proposed new ferry pier.

Prior to initiating operation of the ferry, the Park will address potential environmental issues associated with ferry operation. One of these issues is ferry speed. The ferry will be operated at an appropriate speed to minimize impacts with bay resources, and will approach the ferry pier at idle speed, no wake.

Smalltooth Sawfish

The following discussion of the smalltooth sawfish is in response to the email request regarding consideration of the smalltooth sawfish (email message from Noah Silverman (NMFS of NOAA) to Rick Clark (NPS), April 9, 2010).

The smalltooth sawfish, *Pristis pectinata*, is federally listed as an endangered species. Formerly common from Texas to North Carolina its current distribution is mainly restricted to south Florida and the Keys; adults are uncommon in the Florida panhandle (NOAA, 2009a). Female smalltooth sawfish bear live young, probably every 2 years beginning at 10 – 20 years of age. Individuals may live up to 60 years (NOAA, 2009a). Juveniles inhabit shall coastal waters, especially shallow mud banks and mangrove habitats. Very few juveniles have been documented in areas north of the current range of mangroves (i.e. north of 29° N latitude).

Adults are found with juveniles but also in deeper water habitat (NOAA, 2009a). The smalltooth sawfish feeds on fish and some crustaceans. The decline of this species is mainly attributed to mortality as bycatch in commercial and sport fisheries. Critical habitat for the smalltooth sawfish lies between Charlotte Harbor and the Florida Everglades, outside and south of this project site (NOAA, 2009b), therefore critical habitat will not be evaluated further.

Effects Analysis

The smalltooth sawfish, a highly mobile species, would very likely avoid the project site during construction activities because of construction noise and the physical presence of machinery. Water quality may be affected by pier construction through a temporary increase in turbidity. The modification of $\leq$ 5,200 square feet of non-vegetated bay bottom would be affected in this unit. The proposed action could affect water quality and prey abundance. The new pier would increase the number of boat trips in Pensacola Bay (three to four roundtrips by the proposed ferry), would increase the boating activity in the vicinity of the proposed pier, and could increase potential for watercraft collisions with the smalltooth sawfish.

Smalltooth sawfish prey items in the proposed project area are unknown; thus, there is potential to temporarily affect prey abundance in the area during construction because of substrate displacement.

Prey items may be buried or destroyed by the placement of the pier pilings; however, prey in the surrounding area would not be affected. There would be abundant alternative foraging resources during construction, and the smalltooth sawfish would still be able to forage in the area after construction ends.

With appropriate conservation measures, it is anticipated that the proposed action **may affect, but is not likely to adversely affect,** the smalltooth sawfish.

Take Analysis

No direct take is anticipated due to the results of this assessment.

Conservation Measures

Construction activities shall be conducted in accordance with Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS, 2006) (see Appendix B in the February 17, 2009 BA), which include, but are not limited to the following Best Management Practices (BMP):

- Use siltation barriers made of material that will not entrap/entangle a sea turtle or smalltooth sawfish, and do not block species access from designated critical habitat. Barriers will be properly secured and routinely monitored to ensure turtles are not entangled.
- Water vessels associated with construction will operate at "no wake/idle" speeds at all times in the construction area, and in water depths where the draft of the vessel provides less than a four-foot clearance from the sediment.

Determination of Effect

The implementation of the Endangered Species Act often requires an evaluation of the effects of human activity on listed species and their habitats. The potential for hindering the attainment of a properly functioning environment for protected species is an example of one of questions posed by the dichotomous key for making a determination of effect. Potential impediments to a properly functioning environment may include physical barriers, and impacts to water quality, species disturbance, and habitat, for example. The following questions were reviewed and addressed as part of the decision-making process to make the determination of effect:

Are there any proposed/listed species and/or proposed or designated critical habitat in the project area or downstream from the project area?
Answer: Yes.

Does the proposed action have the potential to hinder attainment of relevant properly functioning indicators?
Answer: No.

Does the proposed action have the potential to result in "take" of proposed/listed species or destruction/adverse modification of proposed/designated critical habitat?
Answer: Yes, but not likely with appropriate conservation measures.

The information available for the project has been analyzed, and it has been concluded that the proposed action would have a negligible probability of effects on the smalltooth sawfish. It is determined that the proposed action is **Not Likely to Adversely Effect** the smalltooth sawfish.

References for Smalltooth Sawfish Discussion

National Marine Fisheries Service (NMFS). 2006. Sea Turtle and Smalltooth Sawfish Construction Conditions. http://www.dep.state.fl.us/Water/wetlands/forms/spgp/SPGP_IV_Attachment_14-Sawfish_SeaTurtlesConstCond.pdf. Accessed December 29, 2009.

NOAA. 2009a. Smalltooth Sawfish Recovery Plan. Technical Report. 102 pages. http://www.nmfs.noaa.gov/pr/pdfs/recovery/smalltoothsawfish.pdf Accessed: April 12, 2009.

NOAA. 2009b. Endangered and Threatened Species; Critical Habitat for the Endangered Distinct Population Segment of Smalltooth Sawfish. Federal Register. 74: 169. Sept. 22, 2009. http://sero.nmfs.noaa.gov/pr/pdf/sawfish%20web/E9-21186.pdf Accessed: April 12, 2009.

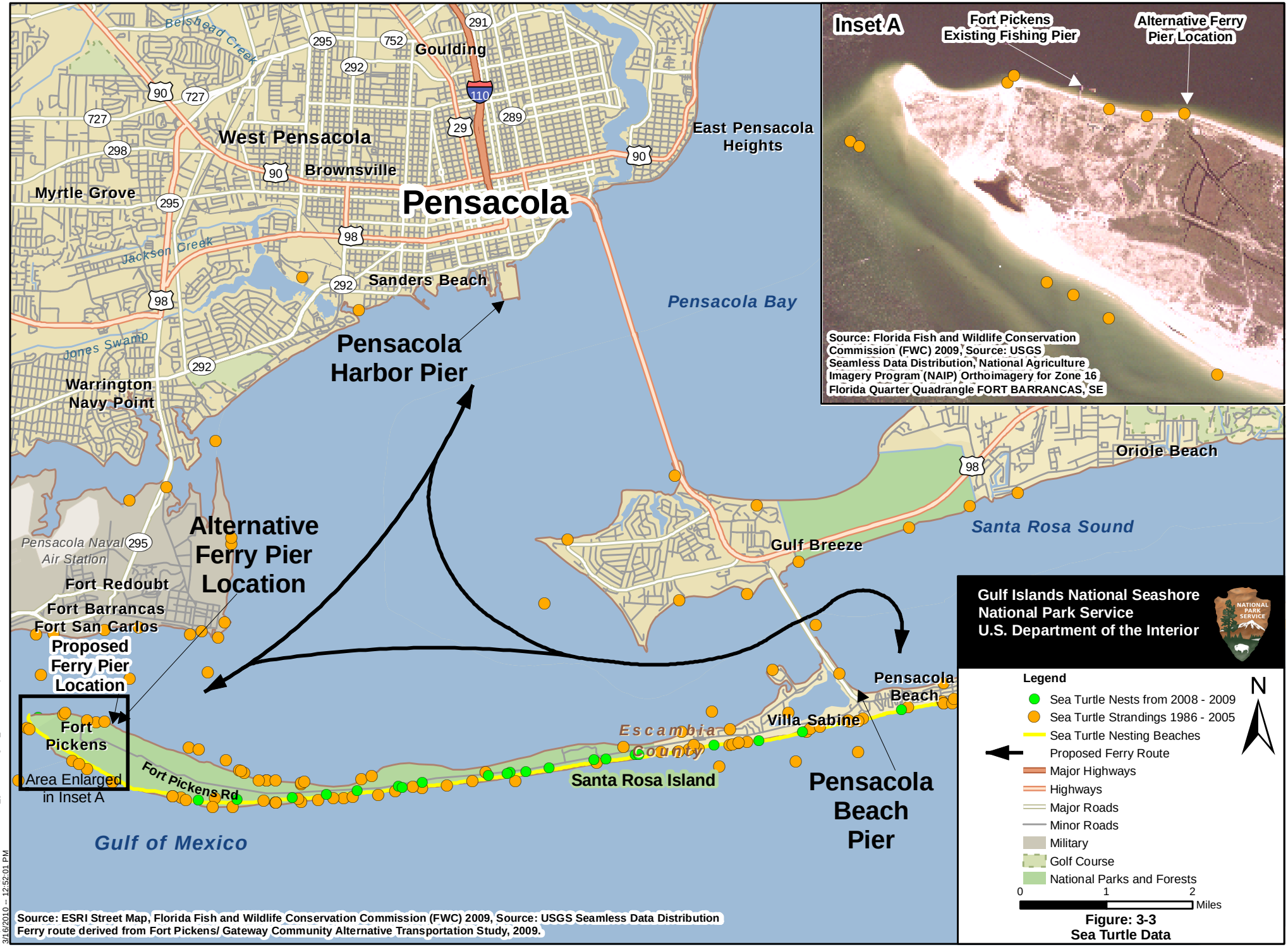


Figure: 3-3
Sea Turtle Data

Map Document: (G:\Gulf Island SS\for_gainesville\figure_seaturtle.mxd)
3/16/2010 – 12:52:01 PM

Bourdeau, Jonathan

From: Rick_Clark@nps.gov
Sent: Tuesday, April 13, 2010 4:27 PM
To: Noah Silverman
Cc: Ryan, Joy; Jenkins, Josh; Bourdeau, Jonathan; Riley_Hoggard@nps.gov; Nina_Kelson@nps.gov; Mark_Nicholas@nps.gov
Subject: Coordination - NOAA, NMFS Sec. 7 T&E Review Re. Fort Pickens Passenger Ferry Pier
Attachments: Figure 10_Craft et al.pdf

Noah,

Thank you for the opportunity to discuss in more detail the environmental assessment and associated biological assessment related to the proposed ferry pier within the Fort Pickens area of Gulf Islands National Seashore.
As I shared with you, MACTEC Engineering and Consulting is working under contract for the agency and operating as our agent in completing the above referenced documents. The Park will continue to coordinate closely with MACTEC to provide you with a comprehensive and consolidated response to the information outlined in your attached message. In the interim, biologists and other natural resources professionals from MACTEC may have reason to contact you to coordinate further for additional clarification prior to our compiling and submitting the additional information requested. As such, rest assured MACTEC has our full support in making these contacts on the Park's behalf.

We expect to soon be back in contact with you to coordinate further re.
this matter.

Thanks,

Rick

Rick Clark
Chief of Science & Resources Management
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32561
Voice: 850-916-3011
FAX: 850-932-9654
email: rick_clark@nps.gov

Noah Silverman
<Noah.Silverman@noaa.gov>

04/13/2010 02:19 PM

To: rick_clark@nps.gov
cc: "Ryan, Joy" <JMRYAN@mactec.com>
Subject: Fort Pickens Passenger Ferry Pier

Hello Rick,

Thanks for talking with me yesterday about your project. Please find attached a Figure from a 2001 study which used various bio-telemetry techniques to track and identify the movement and congregation areas for the Pensacola Bay population of Gulf Sturgeon. Figure 10 indicates that a major Gulf sturgeon overwintering/congregation area is directly adjacent to your proposed project area.

In order to better determine the potential routes of effect from the proposed project I will need to know the following information:

1. How do you intend to construct the fishing pier (i.e. will pilings be pounded or jet blasted in-place, will barges and cranes be used, where will the construction staging areas be located, etc.)?
2. What is the maximum amount of time necessary to construction the in-water portion of the project?
3. Can the in-water portions of the pier be constructed during the summer months (May 1 - September 30)?
4. Will the NPS comply with NMFS Seaturtle and Smalltooth Sawfish Construction Conditions dated March 2006?
5. Will the use of appropriate turbidity barriers be required?
6. Provide a detailed map and any relevant data indicating sea turtle nesting locations?
7. Provide a detailed discussion of sea turtle nest monitoring and restoration efforts undertaken by NPS?
8. Will any construction activities take place after dusk or before dawn during summer months? If so, will there be lighting of any type associated with the construction activities?

I realize that the NPS is in the initial stages of developing their Environmental Assessment and may not have all of the requested information.
It may be necessary to delay section 7 consultation for the proposed project until preferred alternatives have been identified and construction details have been developed. I am available to assist the NPS in evaluating different project and construction alternatives in order to help avoid and minimize any adverse effects to listed species.

Thank you,
Noah

P.S. I tried to send a copy of the entire study but the file size was to large for your e-mail.

Noah Silverman
Natural Resource Specialist
National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, FL 33701
Main: (727) 824-5312
Direct: (727) 824-5353
Fax: (727) 824-5309
e-mail: noah.silverman@noaa.gov (See attached file: Figure 10_Craft et al.pdf)

United States Department of the Interior

National Park Service
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563

IN REPLY REFER TO:

L7617(GUIS-SRM)

March 5, 2010

Gail Carmody
US Fish and Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405

Subject: **Biological Assessment and Determination of Effect**
Proposed Design and Construction of Fort Pickens Passenger Ferry Pier, National Park Service, Gulf Islands National Seashore, Florida

Dear Ms. Carmody:

The National Park Service (NPS) Gulf Islands National Seashore (GUIS) is pleased to provide for your review and concurrence the enclosed Biological Assessment (BA) for the proposed Fort Pickens Pier and Ferry Service located within the Florida District of GUIS. This document has been prepared in accordance with the Final ESA Section 7 Consultation Handbook (USFWS, 1998) for informal consultation with the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service in order to comply with Section 7 of the Endangered Species Act (ESA).

Prior to the completion of the BA, comments, concerns, and suggestions were received from the Florida Fish and Wildlife Conservation Commission and USFWS. Suggested changes based upon these comments were incorporated into the BA. The BA will be used in support of an environmental assessment (EA), in accordance with NPS regulations for compliance with the National Environmental Policy Act to evaluate an alternative mode of access to the Fort Pickens area. The EA will be prepared and will be made available to USFWS for comment.

If you have any questions or need additional information, please contact Chief of Science & Resources Management, Rick Clark, by calling (850) 916-3011 or by email at Rick_Clark@nps.gov. We would also be happy to arrange a meeting with you at your convenience to discuss this project. Thank you for your attention to this matter.

Sincerely,

Nina Kelson
Acting Superintendent

Attachments: Biological Assessment and Determination of Effect

cc: Eric Hawk
National Marine Fisheries Service
Southeast Regional Office
263 13th Avenue South
Saint Petersburg, Florida 33701

TELEPHONE/VISIT RECORD

DATE	TIME	TALKED/MET WITH	
12/17/2009	11:00	Eric Hawk	
PROJECT/FILE NUMBER 6130090349		TITLE	
PROJECT NAME Gulf Island Ferry Biological Assessment		COMPANY National Park Services	
MACTEC REPRESENTATIVE WHO PLACED/RECEIVED CALL Shannon McMorrow		STREET ADDRESS na	
PHONE CALL		CITY/STATE/ZIP na	
MEETING LOCATION na		PHONE 727-824-5301	FAX

SUBJECT/PURPOSE OF CALL OR VISIT: To notify NOAA of upcoming correspondence regarding the Gulf Islands Ferry Biological Assessment. Also to get feedback on issue NOAA may be concern with while reviewing this project

DISCUSSED/NOTES:

Eric Hawk stated MACTEC should review NOAA Biological Opinions (BO) for Pensacola Bay area located on the PCE website, but I was unable to connect, so he would email me pertinent BO.
He also stated the following items should be considered when writing the Biological Assessment (BA):

- Sea turtles
- Gulf Sturgeon Critical Habitat
- Vessel Traffic effects on Sea Turtles
- Small Toothed sawfish- even though unlikely to occur in the vicinity of project area
- Loss of critical habitat for Gulf Sturgeon
- Chance of vessel strike- how many trips a day, seasonality, etc.
- Is there alternate sturgeon habitat in the vicinity
- Impacts to sea turtles by piling driving
- Vessel traffic- what kind of boat, speeds

ACTION REQUIRED: Eric will email recent NOAA biological opinions for similar projects and the Pensacola Bay area.
FOLLOW-UP CALL: NO

ROUTE TO	SIGNATURE

United States Department of the Interior

NATIONAL PARK SERVICE
GULF ISLANDS NATIONAL SEASHORE
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32563
(850) 934-2600

L7617 (GUIS-S&RM)

December 17, 2009

Eric Hawk
National Oceanic and Atmospheric Administration
NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
Saint Petersburg, Florida 33701

Subject: **Request for Information** for the Environmental Assessment for the Proposed Design and Construction of Fort Pickens Passenger Ferry Pier and Shelter, National Park Service, Gulf Islands National Seashore (GUIS), Florida

Dear Mr. Hawk:

The National Park Service (NPS) Gulf Islands National Seashore (GUIS) is initiating an environmental assessment (EA), in accordance with NPS regulations for compliance with the National Environmental Policy Act (NEPA) to evaluate an alternative mode of access to the Fort Pickens area. In order that potential environmental effects of the project may be fully evaluated and considered, the NPS is requesting that you respond in writing concerning any beneficial or adverse impacts relative to the interests of your agency.

This proposed action will focus on providing an alternative mode of access to the Fort Pickens area through resource protection, and improving the visitor experience and park operations. Alternatives under consideration include construction of a pier or conversion of an existing fishing pier to accommodate a pedestrian ferry in the Fort Pickens Area of the GUIS. A no-action alternative will be considered for the project.

The Fort Pickens Area covers over 1,700 acres among the westernmost area of Santa Rosa Island as shown on Figure 1. The EA will focus on the land and marine areas in the immediate vicinity of the proposed pier. The project area is depicted on Figure 2. The basic pier is envisioned as approximately 260 feet long, about 20 feet wide, with a boat hoist for NPS boats and possibly a floating, attached pier for other small vessels. The pier would be designed to withstand storm conditions and to be cost effectively repaired in the event of storm damage.

In accordance with NEPA requirements, we are eliciting your comments and invite you to review the project. We also request a current list of federally listed threatened or endangered

species, species of concern, or any other special status species that might occur in the locality mentioned above, and designated critical habitats, if any, for these species, as well as marine species of particular concern to NOAA. Within 30 days of the date of this letter, please contact us with your initial concerns and comments so that we may ensure that important biological resources are fully considered in the preparation of the EA. An EA will be prepared and will be sent to you for comment after that date.

This letter will serve as a record that the NPS is initiating informal consultation with your agency pursuant to the requirements of the 1973 Endangered Species Act, as amended, the Magnuson-Stevens Act, the Marine Mammal Protection Act, and 2001 NPS Management Policies.

If you have any questions, please do not hesitate to contact us at the letterhead address above. We would also be happy to arrange a meeting with you at your convenience to discuss this project. Thank you for your attention to this matter.

Sincerely,

Jerry A. Eubanks
Superintendent

Attachments:

Figure 1: Project Vicinity Map
Figure 2: Project Area Map

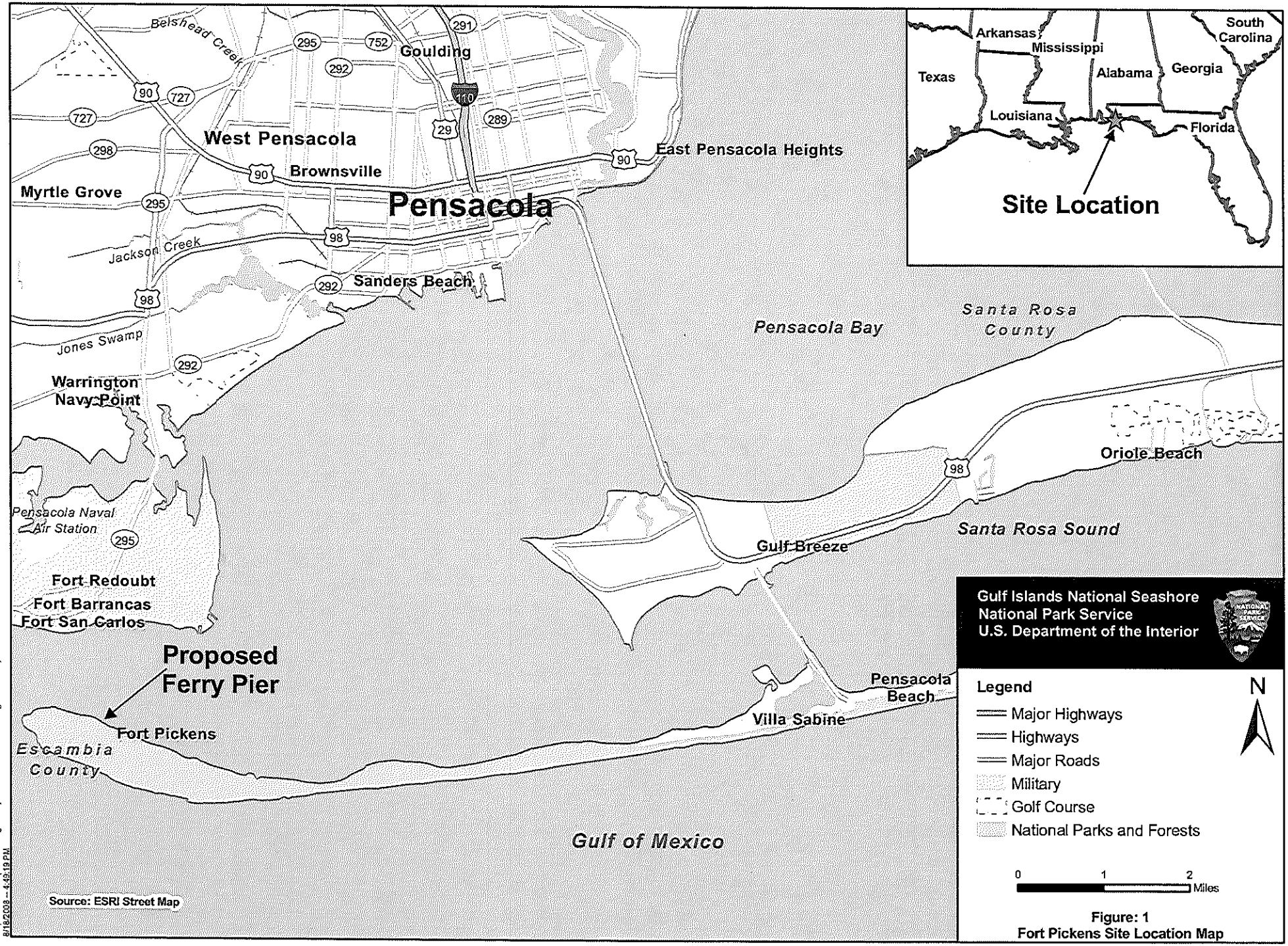
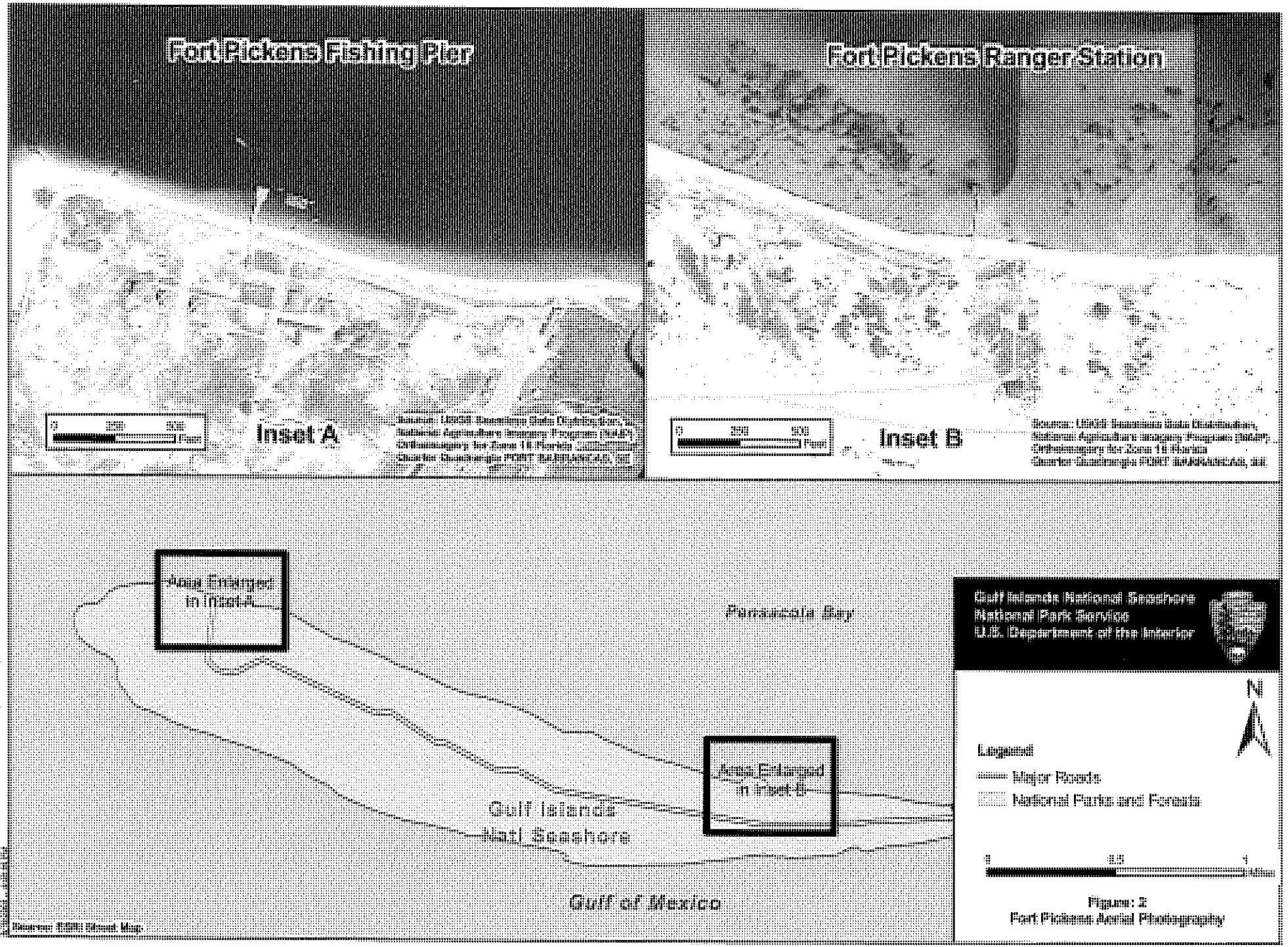


Figure: 1
Fort Pickens Site Location Map

Map Document: (G:\vicksburg EA\report mxds\mxds 082008\figure1-1.mxd)
8/19/2008 -- 4:49:19 PM


Fort Pickens Fishing Pier
Fort Pickens Ranger Station
Inset A
Inset B
Area Enlarged in Inset A
Area Enlarged in Inset B
Pensacola Bay
Gulf Islands Natl Seashore
Gulf of Mexico
Gulf Islands National Seashore
National Park Service
U.S. Department of the Interior
N
Legend
Major Roads
National Parks and Forests
Figure: 2
Fort Pickens Aerial Photography

United States Department of the Interior

NATIONAL PARK SERVICE
GULF ISLANDS NATIONAL SEASHORE
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32563
(850) 934-2600

L7617 (GUIS-S&RM)

December 17, 2009

Billie Clayton
Florida Fish and Wildlife Conservation Service
3911 Highway 2321
Panama City, FL 32409-1658

Subject: **Request for Information** for the Environmental Assessment for the Proposed Design and Construction of Fort Pickens Passenger Ferry Pier and Shelter, National Park Service, Gulf Islands National Seashore (GUIS), Florida

Dear Ms. Clayton:

The National Park Service (NPS) Gulf Islands National Seashore (GUIS) is initiating an environmental assessment (EA), in accordance with NPS regulations for compliance with the National Environmental Policy Act (NEPA) to evaluate an alternative mode of access to the Fort Pickens area. In order that potential environmental effects of the project may be fully evaluated and considered, the NPS is requesting that you respond in writing concerning any beneficial or adverse impacts relative to the interests of your agency.

This proposed action will focus on providing an alternative mode of access to the Fort Pickens area through resource protection, and improving the visitor experience and park operations. Alternatives under consideration include construction of a pier or conversion of an existing fishing pier to accommodate a pedestrian ferry in the Fort Pickens Area of the GUIS. A no-action alternative will be considered for the project.

The Fort Pickens Area covers over 1,700 acres among the westernmost area of Santa Rosa Island as shown on Figure 1. The EA will focus on the land and marine areas in the immediate vicinity of the proposed pier. The study area is depicted on Figure 2. The basic pier is envisioned as approximately 260 feet long, about 20 feet wide, with a boat hoist for NPS boats and possibly a floating, attached pier for other small vessels. The pier would be designed to withstand storm conditions and to be cost effectively repaired in the event of storm damage.

In accordance with NEPA requirements, we are eliciting your comments and invite you to review the project. We also request a current list of federally listed threatened or endangered species, species of concern, or any other special status species that might occur in the locality

mentioned above, and designated critical habitats, if any, for these species, as well as species of particular concern to Florida Fish and Wildlife Conservation Commission. Within 30 days of the date of this letter, please contact us with your initial concerns and comments so that we may ensure that important biological resources are fully considered in the preparation of the EA. An EA will be prepared and will be sent to you for comment after that date.

This letter will serve as a record that the NPS is initiating informal consultation with your agency pursuant to the requirements of the 1973 Endangered Species Act, as amended and 2001 NPS Management Policies.

If you have any questions, please do not hesitate to contact us at the letterhead address above. We would also be happy to arrange a meeting with you at your convenience to discuss this project. Thank you for your attention to this matter.

Sincerely,

Jerry A. Eubanks
Superintendent

Attachments:

Figure 1: Project Vicinity Map
Figure 2: Study Area Map

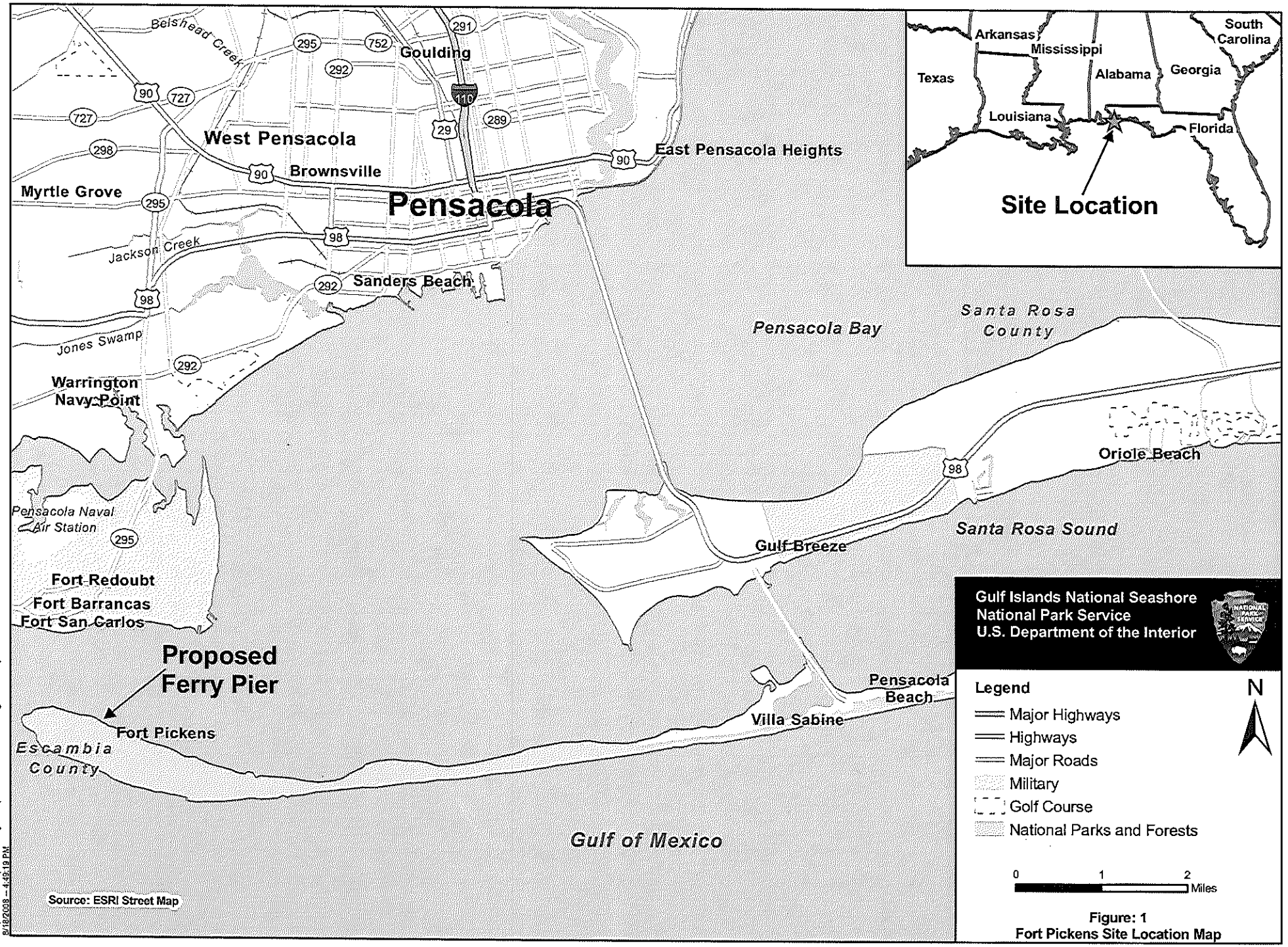


Figure: 1
Fort Pickens Site Location Map

Map Document: (G:\Vicksburg EA\report mxds\mxds 082008\figure1-1.mxd)
8/18/2008 -- 4:49:19 PM

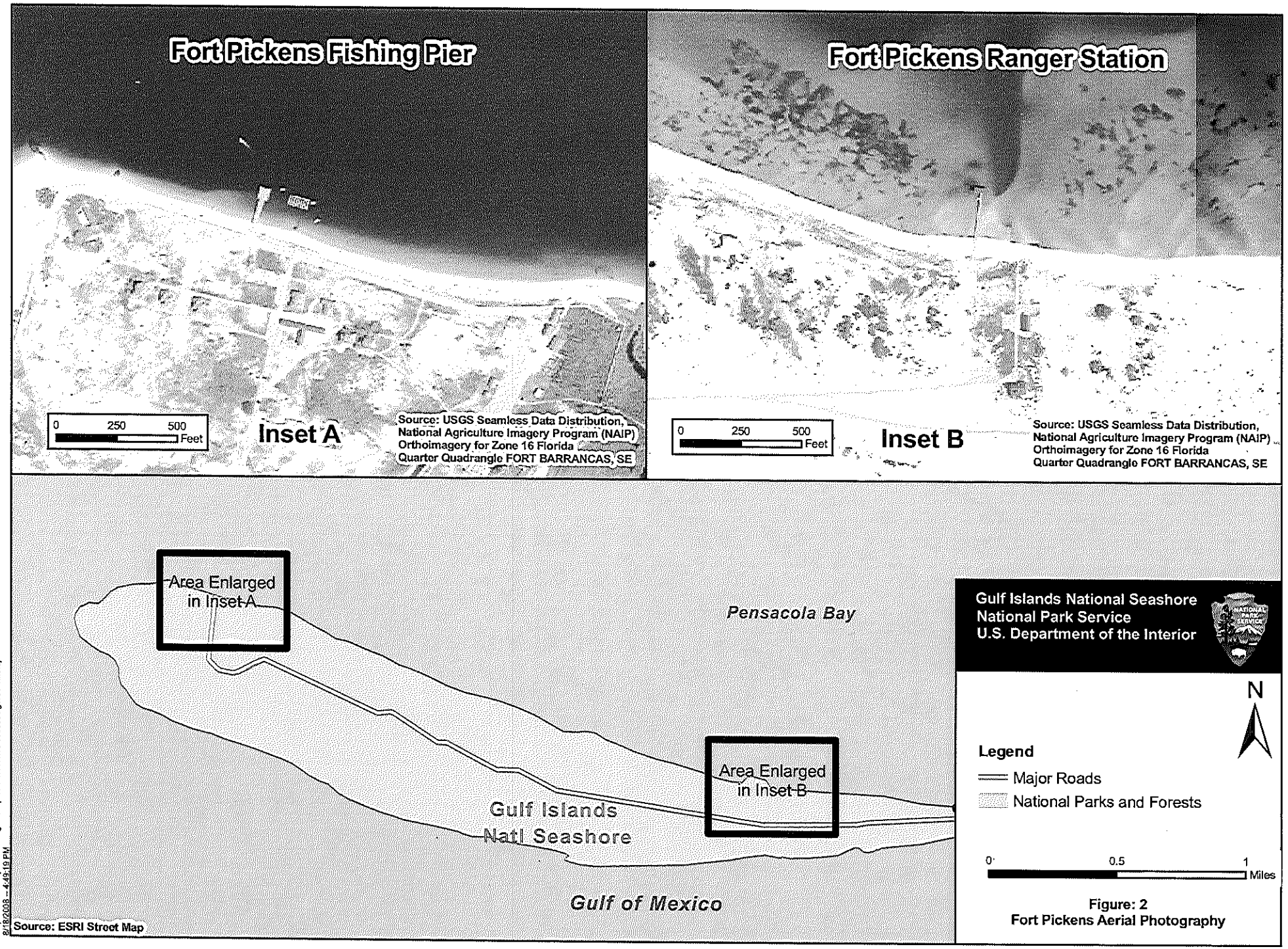


Figure: 2
Fort Pickens Aerial Photography

Map Document: (G:\vicksburg EA\report mxds\mxds 082008\figure1-1.mxd)
8/18/2008 -- 4:49:19 PM

Nina Kelson/GUIS/NPS

04/05/2011 10:12 AM

To "Malsom, Michael F SAM" <Michael.F.Malsom@usace.army.mil>
cc Rick Clark/GUIS/NPS@NPS
Subject Re: Fort Pickens Ferry Pier Application (UNCLASSIFIED)Notes Link

Mike - A scanned copy is attached. The original + one copy are being sent by snail mail to DEP. The highlighted information below says to send one electronic copy to the Dept., but I could not locate an email address. Could you forward on?

Thanks and let me know if we need to do any other follow up.

Nina

DEP Permit- Ferry Pier 04-11.pdf

Nina Kelson
Deputy Superintendent
Gulf Islands National Seashore
Voice: 850-934-2604
FAX: 850-916-3026

"Malsom, Michael F SAM" <Michael.F.Malsom@usace.army.mil>

03/31/2011 02:32 PM

To <nina_kelson@nps.gov>
cc <Rick_Clark@nps.gov>
Subject Fort Pickens Ferry Pier Application (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Nina,

I cut and pasted what FL DEP says has to be submitted in reference to the permit application.

All information requested in Sections A through F, as applicable, of this form should be completed together with location map(s) of sufficient detail to allow someone who is unfamiliar with the site to travel to and locate the specific site of the activity; construction plans, drawings, and other supporting documents that depict and describe the proposed activities; and the fee required by Rule 62-346.071, F.A.C. (see Attachment 4 for a summary

of the fee schedule). This information should be submitted as follows:
* Applications to the Department must contain one original of the application with original signatures on Section A, one paper copy of all the above; and one electronic copy of all the above. Submit the application to the Department office shown in Figure 1A.
* ALL applications to the NWFWMD can be submitted through the District's web site at: http://www.nwfwmd.state.fl.us/permits/permits-ERP.html. If the applicant does not utilize the electronic application, paper copies shall be submitted by mail or other delivery service to the appropriate office of the NWFWMD shown in Figure 1B. If a paper application is submitted, it must include all requirements for submittal of a paper copy as are used by the Department.

Mike Malsom
Project Manager / Biologist
Mobile District Planning and Environmental Division, Coastal Environmental Team
Phone: (251) 690-2023
Fax: (251) 690-2727

Classification: UNCLASSIFIED
Caveats: NONE

"Malsom, Michael F SAM" <Michael.F.Malsom@usace.army.mil>	To	<Jolene_Williams@nps.gov>
	cc	
	bcc	
03/30/2011 10:22 AM		
	Subject	FW: Fort Pickens Ferry Pier Application for FL DEP (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Jolene,

Here is the latest copy of the application for Fort Pickens ferry pier. I fixed most of the comments from Rick except Item #5. We need to wait and see what the decision is first. If there is a restriction of the construction period then they will insert that in the permit.

Mike

-----Original Message-----
From: Rick_Clark@nps.gov [mailto:Rick_Clark@nps.gov]
Sent: Tuesday, March 29, 2011 4:50 PM
To: Malsom, Michael F SAM
Cc: Jolene_Williams@nps.gov; Nina_Kelson@nps.gov
Subject: Re: Fort Pickens Ferry Pier Application for FL DEP (UNCLASSIFIED)

Mike,

I discussed this matter with GUIS Deputy Sup't. Nina Kelson earlier this week and she indicated that she had spoke with you about this matter with the intent to go over the application during the planned meeting 3/31.
Park intent is to know more about the design and configuration for the pier before signing off on the application. In the interim, attached are my comments.

Thanks for the advance coordination and opportunity to review the attached draft dredge and fill permit application pertaining to the Fort Pickens ferry pier within the boundaries of Gulf Islands National Seashore. My relatively minor comments are as follows:

1. The date on the front cover page indicates 11/1/10. Does the date need to be revised to correlate with the date the final application is submitted, or should the date coincide with the start of projected construction?

2. Part 2, Section A: Add National Park Service after citation/reference for Gulf Islands National Seashore.

3. Part 2 , Section A: Change point of contact referenced from myself to NPS, GUIS Environmental Protection Specialist Jolene Williams. Jolene's direct contact information is as follows:
Address: Gulf Islands National

Seashore, Mississippi District
Science &
Resources Management Division
3500 Park Road
Ocean Springs,
MS 39564

Jolene_Williams@nps.gov
228-230-4132
(Office)
228-872-2954
(FAX)
228-323-3176
(Work Cell)

Comment: Jolene will coordinate with Park management as may be appropriate during State review of the permit application and/or as may be requested by USACOE, Mobile District Office.

4. Application should be screened further to be sure that any reference is to Gulf Islands is plural vs. Island singular, as currently indicated in some areas of the application.

5. Part 5, Project Description & Activity Section: It may be prudent to indicate that NOAA, NMFS is likely to indicate as part of their final Section 7 concurrence determination that no in-water construction activity should occur during the Gulf Sturgeon migration through the area. This is an approximate 2-3 month period during the late Winter, early Spring period.

Again, thanks for the opportunity to collaborate further re. this matter.

Rick

(See attached file: Fort Picken Complete Application for Fuel Pier 3-18-11.pdf)

Rick Clark
Chief of Science & Resources Management
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32561
Voice: 850-916-3011
FAX: 850-932-9654
email: rick_clark@nps.gov

"Malsom, Michael F SAM" <Michael.F.Malsom@usace.army.mil>
03/29/2011 09:18 AM

To <rick_clark@nps.gov>, <Jolene_Williams@nps.gov>
cc "Jacobson, Jennifer L SAM" <Jennifer.L.Jacobson@usace.army.mil

>

Subject
Fort Pickens Ferry Pier Application
for FL DEP (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Rick and Jolene,

Last week, I sent you a copy of the application we will be sending to FL DEP for the Ferry Pier Permit. Please review it and get back with me if you have any comments. I reviewed it this morning a made a few minor corrections. Please verity the names, addresses and anything else that you think is important.

The plan is to bring the application to our meeting this Thursday and have the Superintendent sign it. Thanks

Mike Malsom
Project Manager / Biologist
Mobile District Planning and Environmental Division, Coastal Environmental Team
Phone: (251) 690-2023
Fax: (251) 690-2727

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Permit Application_62-346_900-1_mfm.pdf

Form #62-346.900(1)
Form Title: Joint Application for Environmental Resource Permit / Authorization to Use State-Owned Submerged Lands / Federal Dredge & Fill Permit in Northwest Florida.
Effective Date: November 1, 2010
Incorporated by reference in 62-346.070(2)(a), F.A.C.

JOINT APPLICATION FOR

ENVIRONMENTAL RESOURCE PERMIT /

AUTHORIZATION TO USE STATE-OWNED SUBMERGED LANDS /

FEDERAL DREDGE AND FILL PERMIT

IN NORTHWEST FLORIDA

Note: Do NOT use this form for Notice of Intent to Use a Noticed General Permit!

Applications to the Northwest Florida Water Management District may be completed online.

The Department only accepts paper applications at this time.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA

US Army Corps of Engineers

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NOTE: The information requested in Sections A through F of this application package is not intended to be all-inclusive. Additional information may be requested by the reviewing agency in order to complete your application.

FOR AGENCY USE ONLY	
DEP/WMD Application #	
Date Application Received	Fee Required
Proposed Project Lat.	Fee Received $
Proposed Project Long.	Fee Receipt #

SECTION A — GENERAL INFORMATION

PART 1: GENERAL INFORMATION

A. **Type of permit** (check one). See Attachment 3 for thresholds and descriptions.

- X Individual — Construction and Operation (see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I)
- ☐ Individual — Conceptual Approval (see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I)

NOTE: Do not use this form if you are submitting a notice to use a Notice General Permit under Chapter 62-341, F.A.C. Use Form 62-346.900(2) (see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I)

B. **Type of activity** for which you are applying (check at least one; if a prior permit #, please circle either "Department" or "NWFWMD" as the prior issuing entity for the appropriate activity type, below):

- X Construction and operation of a new system
- ☐ Operation of an existing system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Alteration of an existing system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Maintenance or repair of a system previously permitted by Department or the NWFWMD. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Abandonment of a system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Construction of additional phases of a system. Please provide the existing Department or NWFWMD permit #, if known:
- ☐ Removal of a system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Retrofit of a system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Modification of a permit. Please provide existing Department or NWFWMD permit #, if known:
  - ☐ Major — see subsection 62-346.095(5) and paragraph 62-346.100(1)(a), F.A.C.
  - ☐ Minor — see subsection 62-346.100(1)(d), F.A.C.
  - ☐ Extension of permit duration — see subsection 62-346.100(1)(d) and Rule 62-346.110, F.A.C.
  - ☐ Transfer — see subsection 62-346.100(1)(d) and Rule 62-346.130, F.A.C.
- ☐ Deadhead Logging.

C. **Does the activity involve any work in wetlands or other surface waters?** (see Chapter 62-340, F.A.C.)

X Yes ☐ No If "yes," please provide, as applicable:

Total area of dredging, filling, construction, alteration, or removal in, on, or over wetlands or other surface waters?
3,600 sq. ft.; 0.083 ac of construction over open water surface for a ferry pier.

Total volume of material to be dredged: N/A cubic yards

Number of new boat slips proposed: One wet slips; (also, if applicable: N/A new dry slips in uplands)

Number of existing boat slips to be altered: N/A wet slips

PART 2: APPLICANT AND ASSOCIATED PARTIES INFORMATION	
A. APPLICANT (ENTITY TO RECEIVE PERMIT)	
Name: Daniel R. Brown	
Title and Company: Superintendent Gulf Islands National Seashore National Park Service	
Address: 1801 Gulf Breeze Parkway	
City, State, Zip: Gulf Breeze, FL 32563	
Home Telephone:	Work Telephone: 228-230-4132
Cell Phone: 228-323-3176	Fax: 228-872-2954
E-mail Address: jolene_williams@nps.gov Note: Jolene Williams is the POC for this project.	
B. CO-APPLICANT	
Name:	
Title and Company:	
Address:	
City, State, Zip:	
Home Telephone:	Work Telephone:
Cell Phone:	Fax:
E-mail Address:	
C. OPERATION AND MAINTENANCE ENTITY	
Name:	
Title and Company:	
Address:	
City, State, Zip:	
Home Telephone:	Work Telephone:
Cell Phone:	Fax:
E-mail Address:	
D. LAND OWNER(S) ☐ **CHECK HERE IF LAND OWNER IS ALSO A CO-APPLICANT**	
Name: U.S. Federal Government	
Title and Company: National Park Service	
Address: 1801 Gulf Breeze Parkway	
City, State, Zip: Gulf Breeze, FL 32563	
Home Telephone:	Work Telephone: 850-916-3011
Cell Phone:	Fax:
E-mail Address:	
E. CONSULTANT (IF DIFFERENT FROM AGENT)	
Name:	
Title and Company:	
Address:	
City, State, Zip:	
Home Telephone:	Work Telephone:
Cell Phone:	Fax:
E-mail Address:	

F. AGENT AUTHORIZED TO SECURE PERMIT	
Name: Michael F. Malsom	
Title and Company: Project Manager U.S. Army Corps of Engineers Attn: PD-EC	
Address: P.O. Box 2288	
City, State, Zip: Mobile, AL 36628-0001	
Home Telephone:	Work Telephone: 251-690-2023
Cell Phone:	Fax: 251-690-2727
E-mail Address: michael.f.malsom@usace.army.mil	

PART 3: PROJECT SPECIFIC INFORMATION

A. Name of project, including phase if applicable: Fort Pickens Pier and Ferry Service

B. Is this application for part of a multi-phase project? ☐ Yes X No

Note: If you answered "yes" to question B, please provide permit numbers for other authorized phases below:

Agency	Date	No.\Application Type

C. Total area owned or controlled by the applicant contiguous to the project: Note: The NPS owns the entire 1,700 acre area.

D. Project area or phase: Less than 1 acre.

E. Impervious area excluding wetlands and other surface waters: N/A

F. Volume of water the system is capable of impounding: N/A

PART 4: PROJECT LOCATION

Street Address Road or other location: Santa Rosa Island near the end of Fort Pickens Road and approximately 1250 feet east of the existing fishing pier.

City, Zip Code, if applicable: _____

Tax Parcel Identification Number: _____[If project is on one parcel of land. Number may be obtained from property tax bill or from the county property appraiser's office; if on multiple parcels, provide multiple Tax Parcel Identification Numbers]

County(ies) Escambia _____ _____ Section_____Township_____Range_____

Latitude (DDD.dddd) 30.3298 Longitude (DDD.dddd) 87. 2889

Explain source for obtaining latitude and longitude: Google Earth (i.e. U.S.G.S. Quadrangle Map)

Horizontal Datum (NAD 1927 or 1983) (Taken from Central Location)

PART 5: PROJECT DESCRIPTION

*Note: In this section, please describe in **general** terms the project and activity. Use additional pages if necessary.*

General explanation of work: This proposed project involves the construction of a permanent F-shaped fixed pier/boat dock in the Gulf Island National Seashore (GUIS) Fort Pickens National Park. The new pier would be approximately 240 feet long and 16 feet wide. One finger of the pier is 60 feet long and 16 feet wide. The other finger of the pier is 60 feet long and 12 feet wide. Construction materials will consist of concrete pilings, timber substructure and Trex decking. The purpose of the pier is to accommodate a passenger ferry service to the Fort Pickens area of the park and to provide an alternative means of visitor access, in addition to the exisitng roadway. The pier will be located approximately 1,250 feet east of the existing fishing pier. It would tie into the existing seawall with a boardwalk and would access existing walking trails that connect the seawall and

guide visitior to the tourist areas within Fort Pickens. This facility will be for recreational passanger service only not for vehicles. See attached maps and figures.

Treatment type proposed: New Construction

Current site conditions and land uses: The current site is a U.S. National Park used for public recreation.

Proposed Land Use: Public Recreation

Description of sediment and erosion Best Management Practices (BMPs) to be used: The only real sediment impact will be during pile driving operations. No dredging or other excavation is scheduled for this project. The sediment in the area consists of fine to medium white beach sand. This type of material settles out of the water column relatively quick if it is disturbed. Turbidity will not be a problem at this site during construction. There are no SAVs in the local area. See Figure 9 which shows the location of SAVs. BMPs that will be used on this site are: 1) All equipment will be maintained in good proper running order to prevent leaking or spilling of potentially hazardous or toxic products. This includes hydraulic fluid, diesel, gasoline and other petroleum products. 2) Storage of fuels and petroleum products will comply with safe operating procedures, including containment facilities in case of a spill. 3) Pile cut-offs, waste or any miscellaneous unused materials will be recovered for either disposal in a designated facility or placed in storage. Under no circumstances will materials be deliberately thrown overboard. 4) Contractors will have emergency spill equipment available whenever working near or on the water. 5) Contractors, where possible, will position their water borne equipment in a manner that will minimize damage to any fish habitat. 6) Piling is normally driven using a drop hammer, a diesel/air impact hammer or a vibratory hammer. Use of any one of these pile driving devices will be up to the contractor receiving authorization to construct the project. The physical design of concrete piles dictates that: 1/ the energy required must be controlled in order to prevent the pile from breaking and 2/ the concrete construction of the pile will absorb the energy. These two factors are expected to result in low level shock wave emission and minimal or no effects to fish and their habitat should result. 7) Construction equipment will be checked every day for leaks and spills.

Names and classifications of all receiving waters (if available): Pensacola Bay located in the western portion of the Florida Panhandle.

PART 6: SITE PERMIT HISTORY

A. If there have been any pre-application meetings, including on-site meetings, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives as well a brief summary of any meetings:

Name	Agency	Date	Location	Summary
None				

B. Please identify by number any MSSW/Wetland Resource/62-25 F.A.C./USACE permits pending, issued or denied for projects at the location, and any related enforcement actions:

Agency	Date	No.\Application Type	Action Taken
None			

C. **Please attach a copy of each permit issued for this project or explain why copies are not available.**

N/A

PART 7: APPLICANT AUTHORIZATIONS

A. By signing this application form, I am applying, or I am applying on behalf of the applicant, for authorization to conduct the activity identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a different operation and maintenance entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Michael F. Malsom

Typed/Printed Name of Agent (If one is so authorized below)

Michael F. Malsom 3-31-11

Signature of Agent Date

Project Manager U.S. Army Corps of Engineers
(Corporate Title if applicable)

AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:

B. I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Daniel R. Brown — 3/31/11

Typed/Printed Name of Applicant — Signature of Applicant — Date

Superintendent Gulf Islands National Seashore National Park Service
(Corporate Title if applicable)

Please note: The applicant's original signature (not a copy) is required above.

PERSON WITH AUTHORITY TO AUTHORIZE ACCESS TO THE PROPERTY MUST ALSO COMPLETE THE FOLLOWING:

C. I certify that I [check one of the following]:

X Possess sufficient real property interest in or control over the land upon which the activities described in this application are proposed.
Note:

Interest in real property is typically evidenced by an instrument such as: a warranty deed; lease (subject to the limitations below); easement; judgment of the court; certificate of title issued by a clerk of the court; OR condominium, homeowners, or similar association documents, which demonstrate that the person or entity has sufficient interest in or control over the property to authorize the proposed activities to be permitted. An entity's contract for sale and purchase shall not be considered to have sufficient real property interest or control over the land that is subject to the application, but such entity shall be allowed to submit an application under this chapter (see next check box). Entities with the power of eminent domain and condemnation authority are considered capable of demonstrating that they will have sufficient real property interest or control prior to construction. **Note—the above documents do NOT have to be submitted at this time**, but must be made available if requested by the Department. Persons requesting activities on state-owned submerged land must also submit satisfactory evidence of sufficient upland interest in accordance with paragraph 18-21.004(3) (b), F.A.C. (April 14, 2008).

When the real property interest is a lease, the application must either:

a. Include the fee simple owner as a co-applicant;
b. Provide documentation that a governmental entity agrees to accept the transfer of the permit, including completing construction in accordance with the permit if needed, and to operate and maintain the system upon its completion;
c. Provide documentation that the lease over the land and system extends for the expected life of the system; or
d. Provide documentation that the operation and maintenance of the system is will be turned over to a new lessee or the landowner upon revocation, termination, or expiration of the lease.
e. If the lease does not specifically designate an entity to complete construction of the system in accordance with the permit in the event the construction is not so completed by the lessee, or does not specify operation and maintenance requirements for the system, including designation of a specific operation and maintenance entity, a separate binding document also will be required establishing that the landowner is liable for completing construction or alteration of the system and for operating and maintaining the system in accordance with the permit.

☐ Do NOT have sufficient real property interest, as described above (including such things as a contract for sale and purchase or an option agreement) in the land upon which the activities described in this application are proposed. Attached is:

1. A certification from the owner, lessee, or easement holder of such lands, acknowledging that they have knowledge of this application and voluntarily grant the permission, below, for staff of the Department of Environmental Protection, the Northwest Florida Water Management District, and the U.S. Army Corps of Engineers to access and conduct necessary site visits for the review, inspection, and sampling of the lands and waters on the property that are the subject of the application and, as a condition of any permit issued, that they agree to provide entry to such lands for staff to monitor and inspect permitted work; and

2. Documentation from the fee simple owner, easement holder, governmental entity, or other entity as provided for in section 12.3 of Applicant's Handbook Volume I, that they are liable for accepting responsibility for operation and maintenance of the system after completion of construction, and for and performing other terms and conditions as required by the permit.

Note: Neither 1. nor 2., directly above, must be submitted when the applicant is an entity with the power of eminent domain and condemnation authority, but such entity shall make appropriate arrangements to enable the above staff to access and inspect the property as needed to access and conduct necessary site visits for the review, inspection, and sampling of the lands and waters on the property that are the subject of the application. Such entity also agrees, as a condition of any permit issued, to provide entry to these lands for the above staff to monitor and inspect permitted work.

Daniel R. Brown
Typed/Printed Name of Applicant

Signature of Applicant

3/31/11
Date

Superintendent Gulf Islands National Seashore National Park Service
(Corporate Title if applicable)

AUTHORIZATION BY OWNER, LESSEE, OR EASEMENT TITLE HOLDER TO ENTER AND INSPECT PROPERTY

I, as Superintendent of the land that is the subject of the application submitted by Michael F. Malsom
Name of Agent
hereby acknowledge that I am aware of the application for an environmental resource permit/federal dredge and fill permit being submitted by the above named agent, and authorize staff from the Department, NWFWMD, and U.S. Army Corps of Engineers, to access and conduct any site visit on the property necessary for the review, inspection, and sampling of the lands and waters that are the subject of the this application. Further, I agree, as a condition of any permit issued, to provide entry to such lands for such staff to monitor and inspect permitted work.

Daniel R. Brown		3/31/11
Typed/Printed Name of Authorizing Entity	Signature of Authorizing Entity	Date

Superintendent Gulf Islands National Seashore National Park Service
(Corporate Title if applicable)

(I may be contacted at 850-934-2604 or 850-916-3011 to arrange access and inspection of the property)

US Army Corps of Engineers

SECTION B

Environmental Resource Permit Notice of Receipt of Application

Note: This form does not need to be submitted for noticed general permits.

This information is required in addition to that required in other sections of the application. Please submit five copies of this notice of receipt of application and all attachments with the other required information. Please submit all information on 8 1/2" x 11" paper.

Project Name: Fort Pickens Pier and Ferry Service
County: Escambia County
Owner: U.S. Government
Applicant: National Park Service
Applicant's Address: Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32563

1. Indicate the project boundaries on a USGS quadrangle map. Attach a location map showing the boundary of the proposed activity. The map should also contain a north arrow and a graphic scale; show Section(s), Township(s), and Range(s); and must be of sufficient detail to allow a person unfamiliar with the site to find it. See Figures 1-4.

2. Provide the names of all wetlands, or other surface waters that would be dredged, filled, impounded, diverted, drained, or would receive discharge (either directly or indirectly), or would otherwise be impacted by the proposed activity, and specify if they are in an Outstanding Florida Water or Aquatic Preserve: Fort Pickens Aquatic Preserve in Pensacola Bay.

3. Attach a depiction (plan and section views), which clearly shows the works or other facilities proposed to be constructed. Use multiple sheets, if necessary. Use a scale sufficient to show the location and type of works. See Figures 4-6.

4. Briefly describe the proposed project: Construct a 240 feet long F shaped pier/boat dock to accommodate passenger ferry service to the Fort Pickens area of the park.

5. Specify the acreage of wetlands or other surface waters, if any, that are proposed to be filled, excavated, or otherwise disturbed or impacted by the proposed activity:

   Filled _____ acres; Excavated _____ acres; Other impacts: 0.083 acres of open water

6. Provide a brief statement describing any proposed mitigation for impacts to wetlands and other surface waters (attach additional sheets if necessary): N/A

FOR AGENCY USE ONLY

Application Name:
Application Number:
Office where the application can be inspected:

7. Direction to the site: From I-10, take Exit 13 (HWY 110) and go south towards Pensacola. Continue to the end of 110 to where it merges with Hwy 98/30. Go east for a short way and then proceed south across the Pensacola Bay Bridge/Gulf Breeze Parkway. Once in Gulf Breeze, merge on to Hwy 399/Pensacola Beach Blvd. Proceed south to Pensacola Beach and bear to the right. Go west on Ft Pickens Road to the Gulf Islands National Seashore. Drive to the end of the road. The project site is approximately 1250 feet to the east of the existing fishing pier near the road that terminates on the seawall.

TABLE 4
DOCKING FACILITY SUMMARY

Type of Structure*	Type of Work**	Number of Identical Docks	Length (feet)	Width (feet)	Height (feet)	Total square feet over water	Number of slips
Ferry pier and boat dock	New	1	240	16	5 feet above MLLW	120'x16' = 1920 sf	one
Finger Pier	New		60	16	Same	960 sf	
Finger Pier	New		60	12	~~Same~~ 3'	720 sf	

	TOTALS:	Existing	Proposed
*Dock, Pier, Finger Pier, or other structure (please specify what type)	Number of Slips		~~one~~ two
**New, Replaced, Existing (unaltered), Removed, or Altered/Modified	Square Feet over the water		3600 sf

Use of Structure: This structure will be used for public recreation. It will serve as a loading and off loading site for ferry passengers visiting the National Park. It will also serve as a temporary mooring facility for the passenger ferry or other small support vessel.

Will the docking facility provide:

Live-aboard Slips? If yes, Number:_ One
Fueling Facilities: No
Sewage Pump-out Facilities? No
Other Supplies or Services Required for Boating (excluding refreshments, bait and tackle)
☐ Yes X No

Type of Materials for Decking and Pilings (i.e., CCA, pressure treated wood, plastic, or concrete)

Pilings: Concrete
Substructure: Pressure Treated Wood
Decking: Trex
Proposed Dock-Plank Spacing : ¼ inch

Proposed Size (length and draft), Type, and Number of Boats Expected to Use or Proposed to be Mooring at the facility)

The exact size of the vessel has not been determined yet. It will be large enough to carry approximately ~~15~~-300 passengers. The number of vessels expected to use the facility would be relatively few due to its small size and location.

SECTION F
Application for Authorization to Use State-owned Submerged Lands

Part 1: State-owned submerged lands title information (see Page 5 of 5 of this section for an explanation). Please read and answer the applicable questions listed below:

A. I have a state-owned submerged lands title determination from the Division of State Lands which indicates that the proposed project is NOT ON state-owned submerged lands (Please attach a copy of the title determination to the application). Yes☐ No X

- If you answered "Yes" to Question A and you have attached a copy of the Division of State Lands Title Determination to this application, you do not have to answer any other questions under Part I or II of Section G.

B. I have a state-owned submerged lands title determination from the Division of State Lands which indicates that the proposed project is ON state-owned submerged lands (Please attach a copy of the title determination to the application). Yes☐ No X

- If you answered yes to question B please provide the information requested in Part II. Your application will be deemed incomplete until the requested information is submitted.

C. I am not sure if the proposed project is on state-owned submerged lands (please check here). ☐

- If you have checked this box department staff will request that the Division of State Lands conduct a title determination. If the title determination indicates that the proposed project or portions of the project are located on state-owned submerged lands you will be required to submit the information requested in Part II of this application. The application will be deemed incomplete until the requested information is submitted.

D. I am not sure if the proposed project is on state-owned submerged lands and I DO NOT WISH to contest the Department's findings (please check here). ☐

- If you have checked this box refer to Part II of this application and provide the requested information. The application will be deemed incomplete until the requested information is submitted.

E. It is my position that the proposed project is NOT on state-owned submerged lands (please check here). ☐

- If you have evidence that indicates that the proposed project is not on state-owned submerged lands please attach the documentation to the application. If the Division of State Lands title determination indicates that your proposed project or portion of your proposed project are on state-owned submerged lands you will be required to provide the information requested in Part II of this application.

F. If you wish to contest the findings of the title determination conducted by the Division of State Lands please contact the Department of Environmental Protection's Office of General Counsel. Your proposed project will be deemed incomplete until either the information requested in Part II is submitted or a legal ruling indicates that the proposed project is not on state-owned submerged lands.

PROPRIETARY PROJECT DESCRIPTIONS

Please check the most applicable activity which applies to your project(s):

Leases

- ☐ Commercial marinas (renting wet slips) including condos, etc., if 50% or more of their wet slips are available to the general public
- X Public/Local governments
- ☐ Yacht Clubs/Country Clubs (when a membership is required)
- ☐ Condominiums (requires upland ownership)
- ☐ Commercial Uplands Activity (temporary docking and/or fishing pier associated with upland revenue generating activities, i.e., restaurants, hotels, motels) for use of the customer at no charge
- ☐ Miscellaneous Commercial Upland Enterprises where there is a charge associated with the use of overwater structure (Charter Boats, Tour Boats, Fishing Piers)
- ☐ Ship Building/Boat Repair Service Facilities
- ☐ Commercial Fishing Related (Offloading, Seafood Processing)
- ☐ Private Single-family Residential Docking Facilities; Townhome Docking Facilities; Subdivision Docking Facilities (upland lots privately owned)

Public Easements and Use Agreements

- ☐ Miscellaneous Public Easements and Use Agreements
- ☐ Bridge Right-of-way (DOT, local government)
- ☐ Breakwater of groin
- ☐ Subaqueous Utility Cable (TV, telephone, electrical)
- ☐ Subaqueous Outfall or Intake
- ☐ Subaqueous Utility Water/Sewer
- ☐ Overhead Utility w/Support Structure on State-owned Submerged Lands
- ☐ Disposal Site for Dredged Material
- ☐ Pipeline (gas)
- ☐ Borrow Site

Private Easements

- ☐ Miscellaneous Private Easements
- ☐ Bridge Right-of-way
- ☐ Breakwater Groin
- ☐ Subaqueous Utility Cable (TV, telephone, electrical)
- ☐ Subaqueous Outfall or Intake
- ☐ Subaqueous Utility Water/Sewer
- ☐ Overhead Utility Crossing
- ☐ Disposal Site for Dredged Material
- ☐ Pipeline (gas)

Letters of Consent/Consent by Rule

- ☐ Aerial Utility Crossing w/no support structures on state-owned submerged lands
- ☐ Private Dock
- X Public Dock
- ☐ Multi-family Dock
- ☐ Fishing Pier (private or Multi-family)
- ☐ Private Boat Ramp
- ☐ Sea Wall
- ☐ Dredge
- ☐ Maintenance Dredge
- ☐ Navigation Aids/Markers
- ☐ Artificial Reef
- ☐ Riprap
- ☐ Public Boat Ramp
- ☐ Public Fishing Pier
- ☐ Repair/Replace Existing Public Fishing Pier
- ☐ Repair/Replace Existing Private Dock
- ☐ Repair/Replace Existing Public Dock
- ☐ Repair/Replace Existing Multi-family Dock
- ☐ Repair/Replace Existing Fishing Pier (Private or Multi-family)
- ☐ Repair/Replace Existing Private Boat Ramp
- ☐ Repair/Replace Existing Sea Wall, Revetments, or Bulkheads
- ☐ Repair/Replace/Modify structures/activities within an existing lease, easement, management agreement or use agreement area or repair/replace existing grandfathered structures
- ☐ Repair/Replace Existing Public Boat Ramp

Miscellaneous

- ☐ Biscayne Bay Letters of Consistency/Inconsistency w/258.397, F.S.
- ☐ Management Agreements - Submerged Lands
- ☐ Reclamation
- ☐ Purchase of Filled, Formerly Submerged Lands
- ☐ Purchase of Reclaimed Lake Bottom
- ☐ Treasure Salvage
- ☐ Insect Control Structures/Swales
- ☐ Miscellaneous projects which do not fall within the activity codes listed above

Figure 1 **Site Location Map**

Figure 1: Vicinity Map of Fort Pickens and Project Site

Figure 2: Aerial View of Fishing Pier and Proposed Project Site

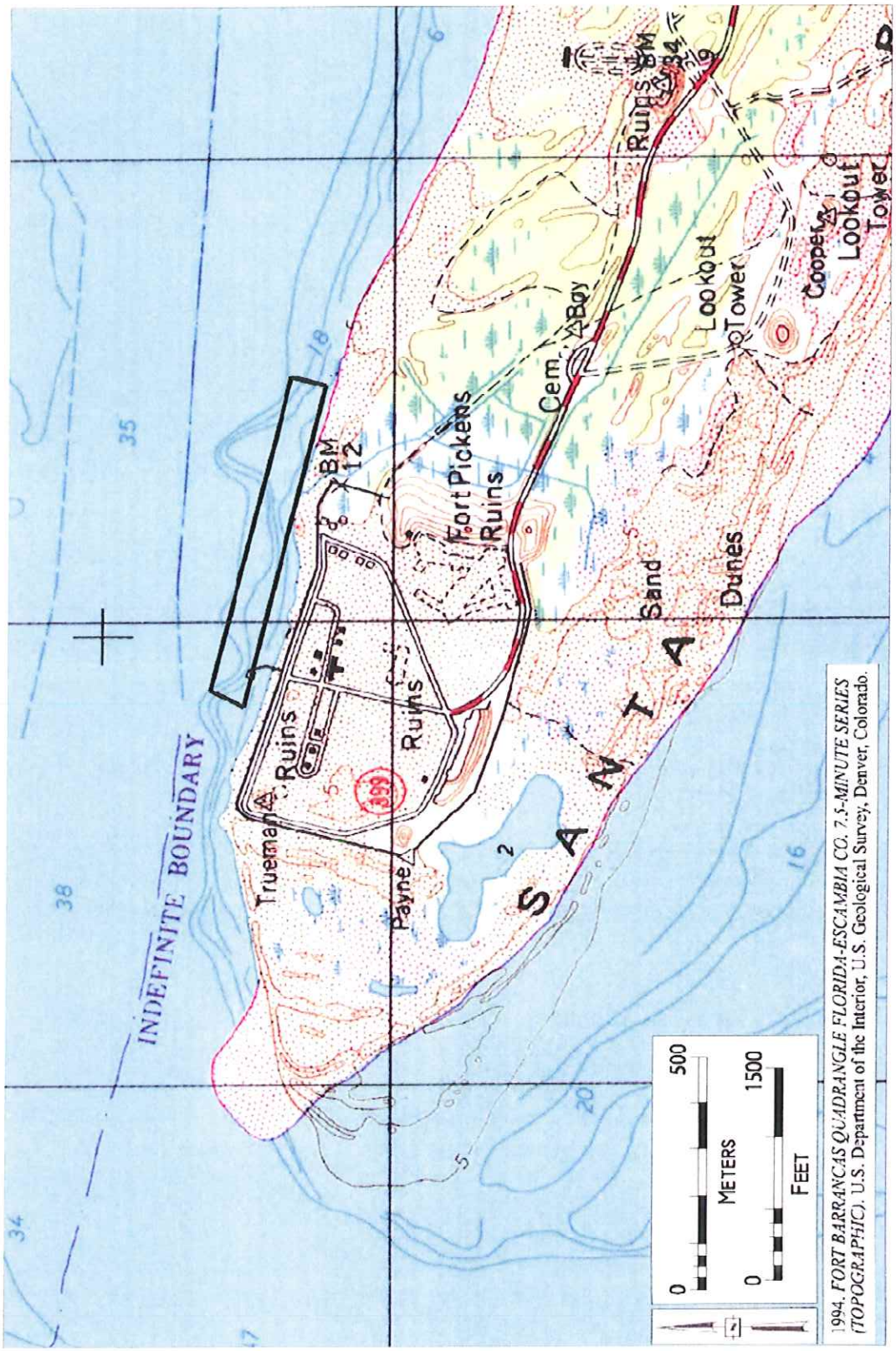


Figure 3: Topography Map of Proposed Project Site.

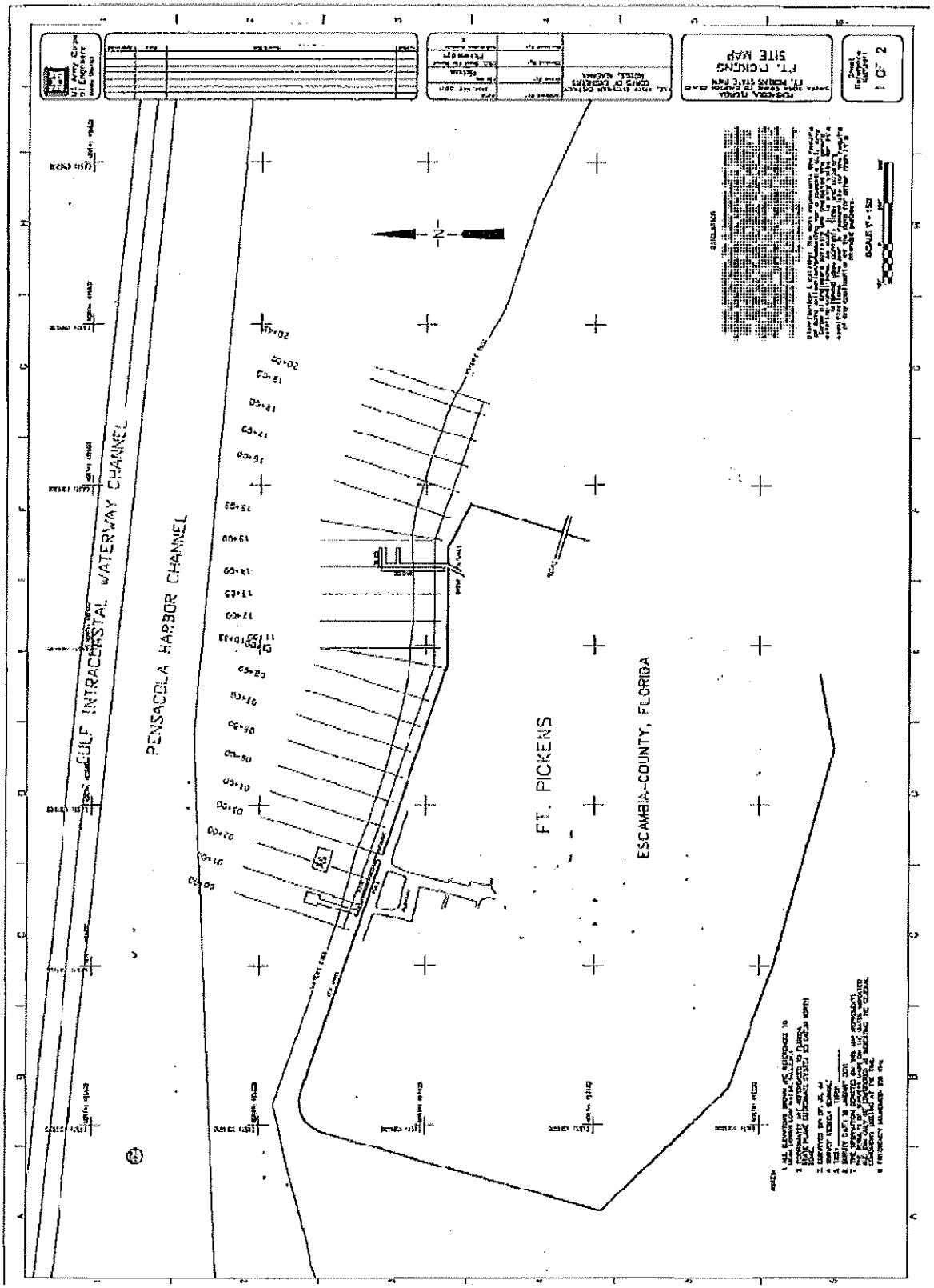


Figure 4: Vicinity Map of the Proposed Fort Pickens Ferry Pier.

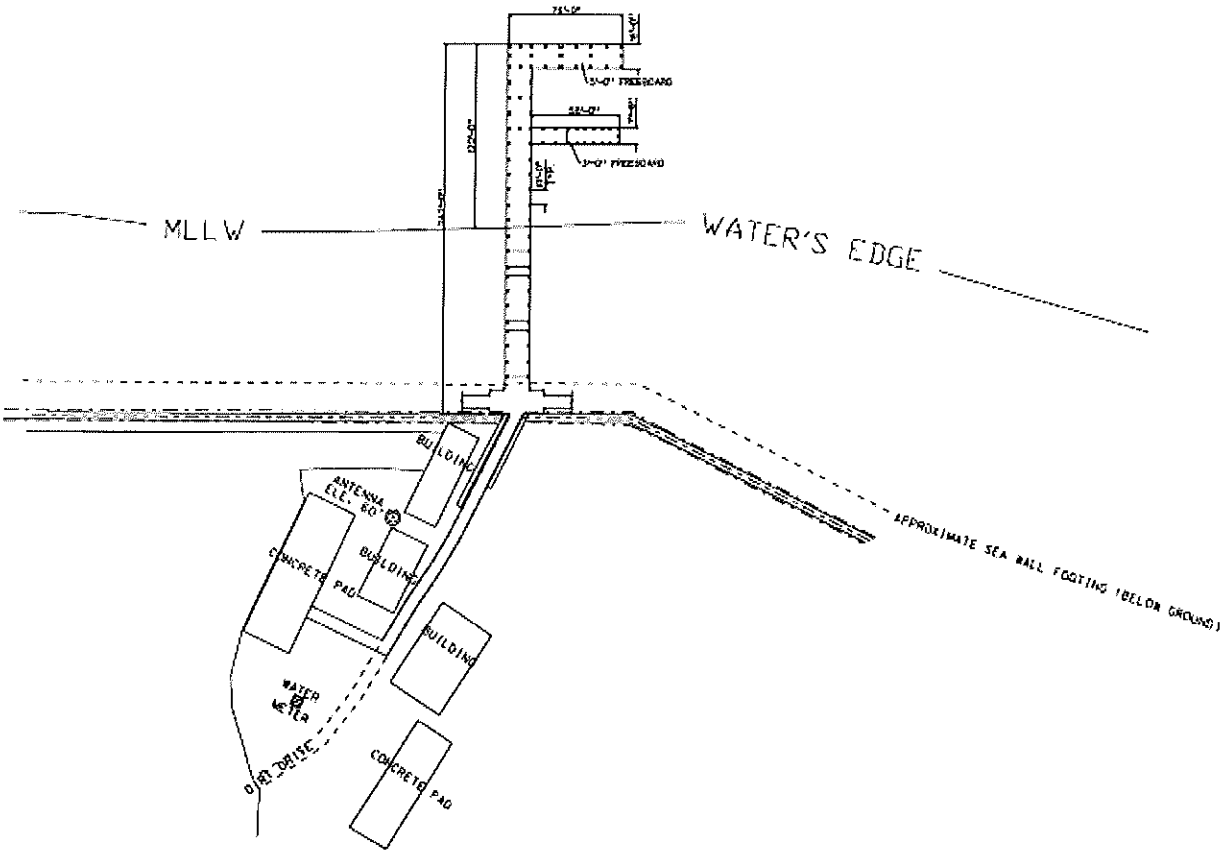


Figure 5: Plan View of Fort Pickens Ferry Pier.

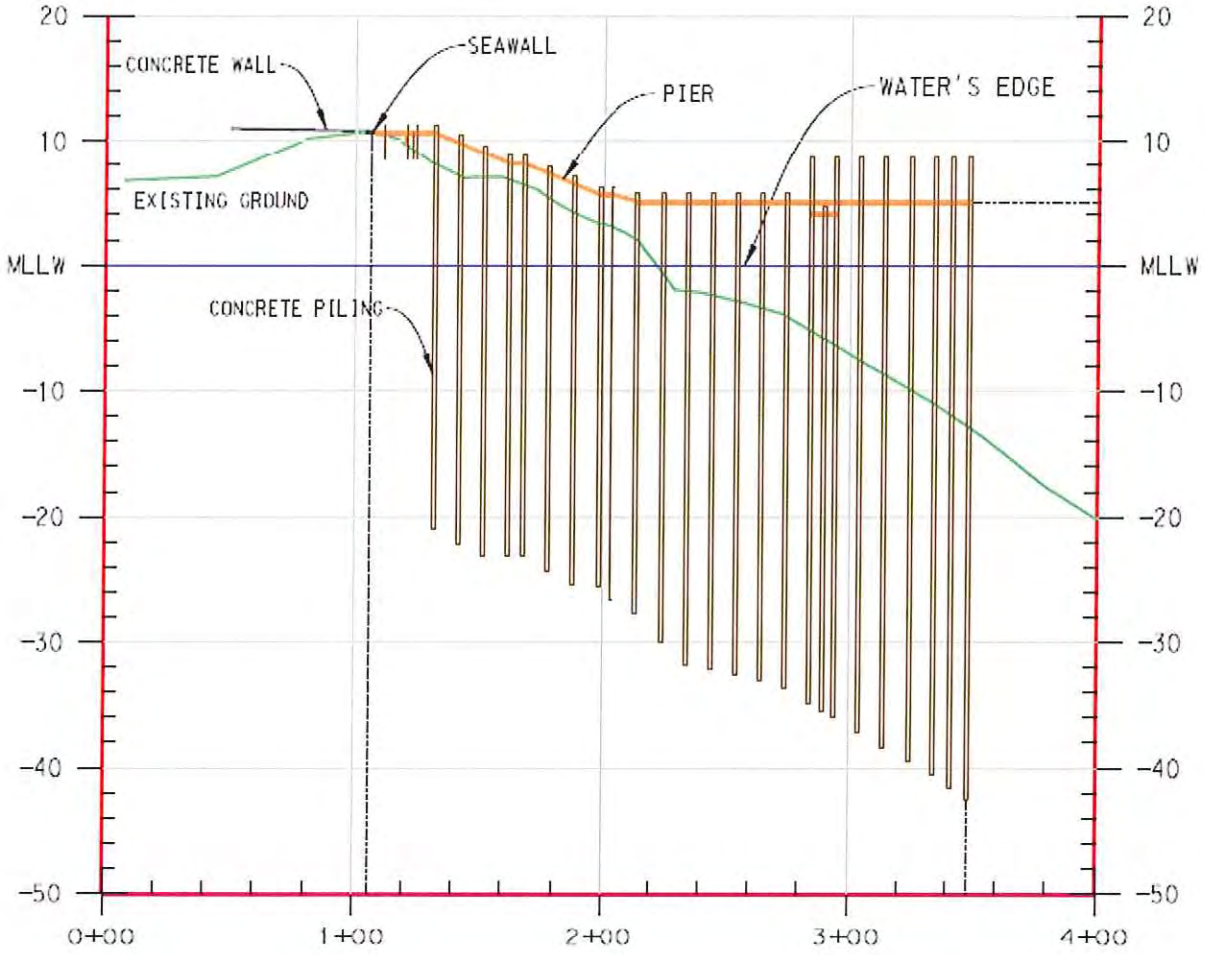


Figure 6: Profile View of Fort Pickens Ferry Pier Location.

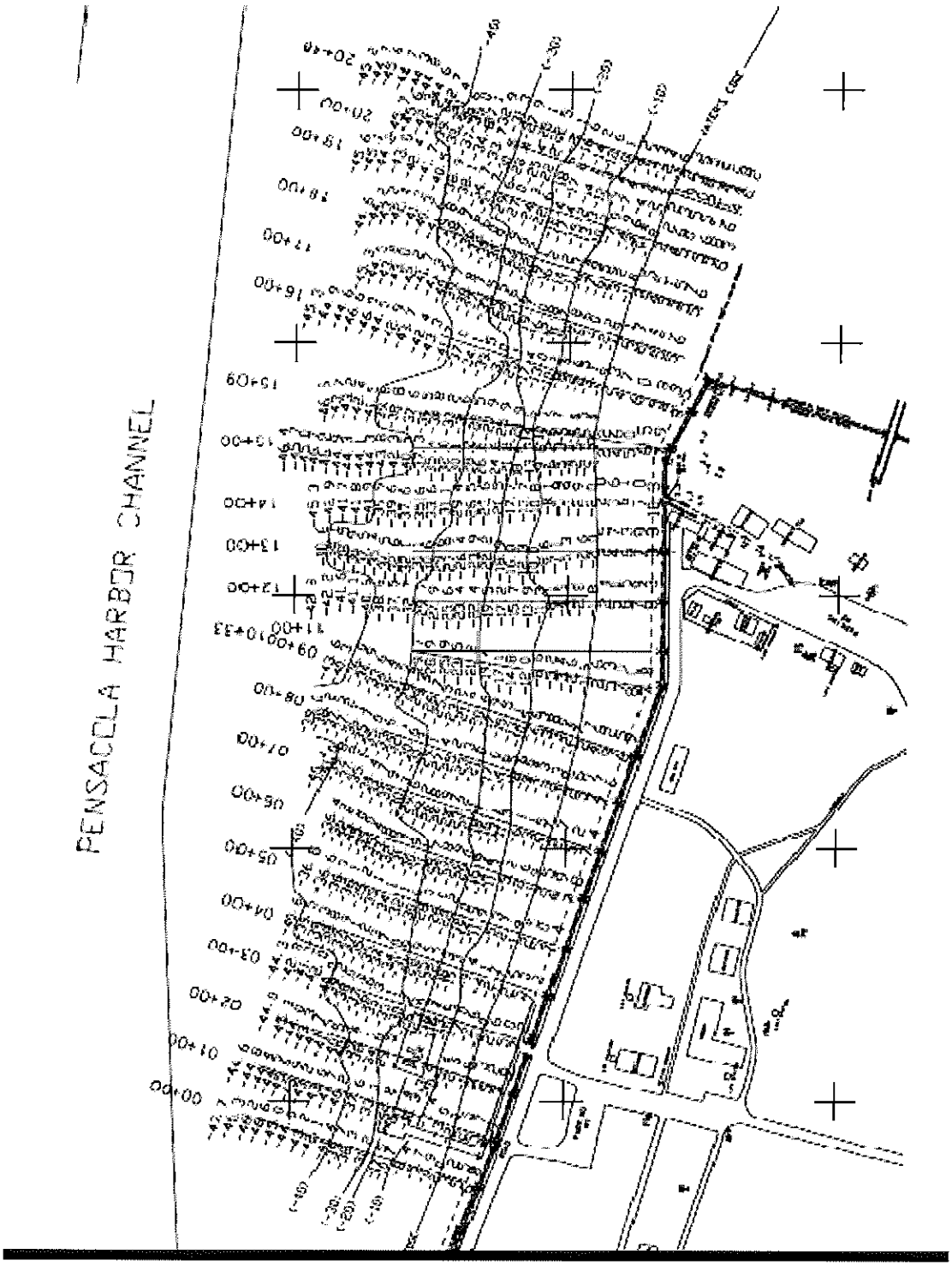


Figure 7: Shoreline Survey Map of Fort Pickens Pier Area.

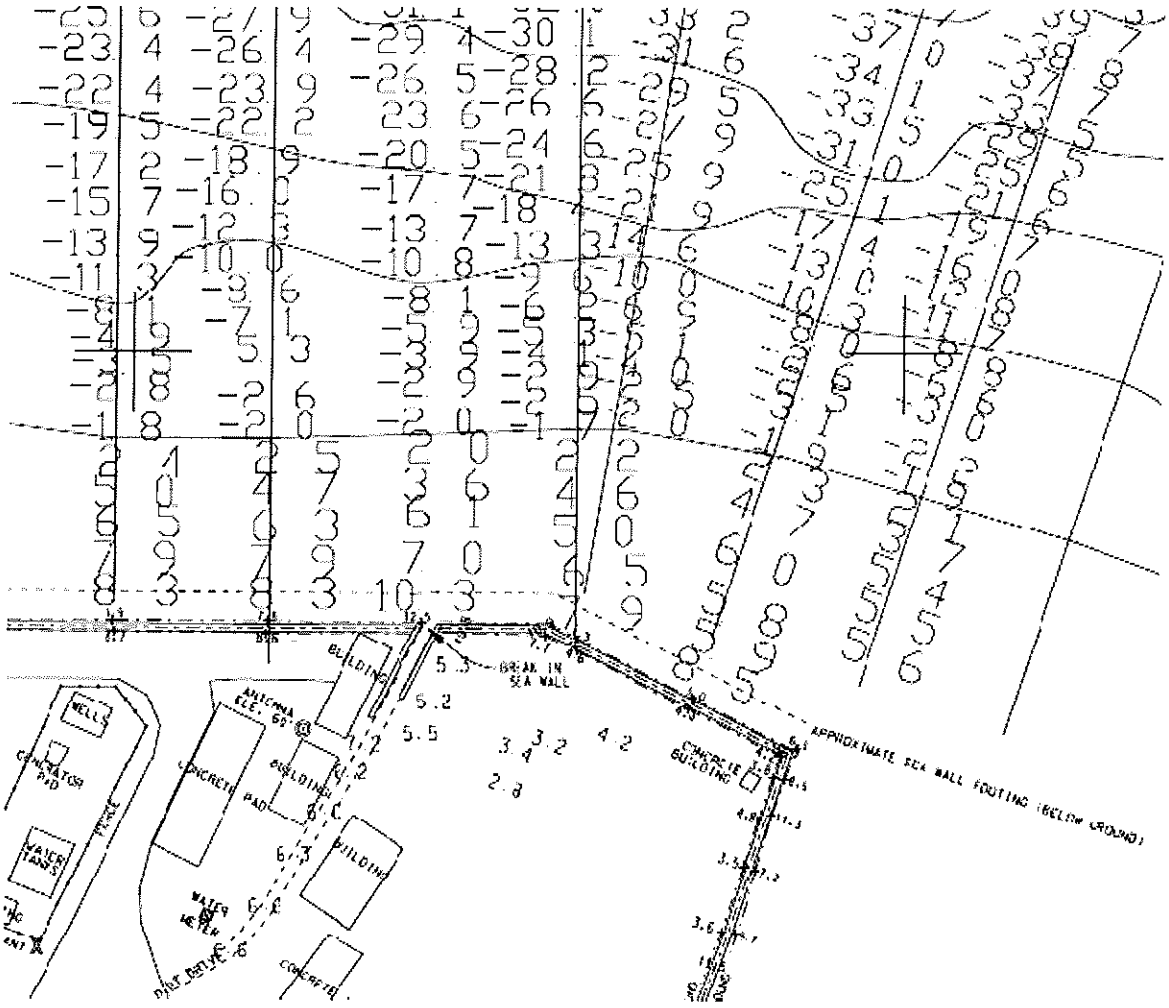


Figure 8: Enlarged Shoreline Survey Map of Proposed Fort Pickens Pier Location

Photo 1: Location where the proposed Fort Pickens Pier connects to the seawall.

Photo 2: Proposed location of the Fort Pickens Pier construction site.

Figure 9: Seagrass Bed Location Map.

Florida Department of
Environmental Protection
Northwest District
160 West Government Street
Pensacola, Florida 32502-5794

May 5, 2011

Daniel R. Brown
Gulf Islands National Seashore
National Parks Service
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32563

Application No: 17-0305621-001-EI
Applicant: National Parks Service

Dear Mr. Brown,

This is to acknowledge receipt of your application on April 6, 2011 for a permit, pursuant to Part IV, Chapter 373, Florida Statutes, and authorization to use state-owned submerged lands, pursuant to Chapters 253, Florida Statutes, to construct a dock.

In order to review your application, we need the items listed in the enclosed request for additional information (RAI) by August 3, 2011. If necessary, you may request an extension up to 90 additional days. If neither the information nor a request for an extension is received by August 3, 2011, your application may be denied without prejudice. If you revise your project after submitting the initial joint application, please contact us as soon as possible.

The Department has developed on-line help tools (http://www.dep.state.fl.us/water/wetlands/erphelp/index.htm) to assist applicants in submitting more complete applications and notices. Use of the help is voluntary. The help information is not intended to represent minimum requirements for acceptance of an application or notice by the Department, and cannot represent the full scope of information that may be needed to evaluate an application or notice, because each project, and each project location, is unique. However, the help may contain answers to questions you may have, and contains tips, guidelines, and checklists that should reduce the need for the Department to request additional information once the application or notice is submitted.

We appreciate your cooperation. If you have any questions, please contact me at 850-595-0630.

Sincerely,

Elizabeth Orr
Environmental Specialist
Submerged Lands & Environmental
Resources Program

Enclosure: Request for Additional Information
Notice of Application
SLER 0950
SLER 0910

cc: Jolene Williams, NPS
Michael Malsom, USACE
Ben Russell, CAMA

MARINAS AND MULTI-SLIP DOCKS
PART I
(Chapter 62-346 Florida Administrative Code)

[ ] 1. Please submit a $500 processing fee. (62-346.071(1)(a).6.e)

[ ] 2. Please publish the enclosed Notice of Application. (62-346.090(2)(j)) The notice should be published once within 14 days of the date of this letter, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Please provide proof of publication to the Department within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

[ ] 3. Provide scaled and/or fully dimensioned engineered drawings showing:

___ all proposed and existing structures/activities.
___ plan views of all proposed structures.
___ cross-sectional views of all proposed structures.
___ the water depths referencing mean low water (MLW) and mean high water levels (MHWL) for the mooring area around the structures and from the most waterward point of the structures out to the navigation channel.
___ the width of the waterbody at the project site.
___ the location of any navigational obstructions (e.g., islands, sandbars, or shoals) in the immediate area.
___ riparian lines and distance of structures to riparian lines.
___ height of structures above MHW.
___ location of MHWL.
___ provide the distance to and location of navigation channels in the immediate vicinity of the project site, shown relative to the most waterward end of the proposed structures.

All engineering drawings and related materials provided with the application shall be signed and sealed by a professional engineer in accordance with Chapter 471, F.S. and subsection 62-4.050(3), F.A.C.

MARINAS AND MULTI-SLIP DOCKS
PART II
SOVEREIGNTY SUBMERGED LANDS
(Chapter 18-21, Florida Administrative Code)

[ ] 1. The Department believes this project may qualify for a letter of consent per 18-21.005(1)(c).10: Public docks or piers that are exempt from permit requirements under Section 403.813(1), F.S., or that qualify as minimum-size docks or piers or are less than or equal to the 10:1 preempted area to shoreline ratio; boat ramps; channels; or swimming areas, provided that all such structures or activities are owned and operated by governmental entities and any revenues collected are used solely for operation and maintenance of the structure or adjacent public recreational facilities.

Please provide an affidavit certifying that the facility will be owned and operated by governmental entities and any revenues collected will be used solely for operation and maintenance of the structure or adjacent public recreational facilities.

[ ] 2. If the above-referenced affidavit cannot be provided, the proposed dock will require a lease, pursuant to 18-21.005(1)(d).5. Please see Part III below for lease requirements.

MARINAS AND MULTI-SLIP DOCKS
PART III
SOVEREIGNTY SUBMERGED LANDS CONT.
LEASE
(Chapter 18-21, Florida Administrative Code)

Note: The following questions are only applicable if your activity requires authorization in the form of a Sovereignty Submerged Lands Lease

[ ] 1. Provide a $581 processing fee payable to the Department of Environmental Protection. (18-21.008(1)(a).8)

[ ] 2. If your project will preempt less than 3,000 square feet of sovereign submerged land, a sketch and description of the lease area will be required. Refer to the enclosed package (SLER 09560) for specific requirements and information. (18-21.008(1)(a).4)

[ ] 3. Requests for submerged lands leases must be advertised. Provide a list of names and addresses of all property owners within a 500 foot radius of the proposed lease area. This list must be verified by the County Property Appraiser's Office as coming from the latest tax assessment rolls. Specific written instructions and a notice to proceed with advertising will be provided to you at the appropriate time during the application process. **Do not proceed with advertising until you are specifically notified by staff to do so.** (18-21.008(1)(a).5)

[ ] 4. Complete and return the enclosed data sheet (SLER 0910) which provides billing information, sales tax information, and other data required pursuant to Section 24.115(4), Florida Statutes. (18-21.008(1)(a).7)

[ ] 5. Provide a statement from local government indicating the status of the local government approval or provide a consistency statement. (18-21.008(1)(a).6)

MARINAS AND MULTI-SLIP DOCKS

PART IV

AQUATIC PRESERVE REQUIREMENTS

(Chapters 18-20, Florida Administrative Code)

[ ] 1. The proposed public dock is within Fort Pickens Aquatic Preserve and will be located within a PR1 Management Area (public recreation/primary protection area). A primary resource protection area is essentially a combination of Resource Protection Areas 1 and 2, as defined in 18-20.003(31) and 18-21.003(32). Public docks located in a PR1 must meet all the requirements of 18-21.004(5)(a), F.A.C:

1. No dock shall extend waterward of the mean or ordinary high water line more than 500 feet or 20 percent of the width of the waterbody at that particular location, whichever is less.

2. Certain docks fall within areas of significant biological, scientific, historic or aesthetic value and require special management considerations. The Board shall require design modifications based on site specific conditions to minimize adverse impacts to these resources, such as relocating docks to avoid vegetation or altering configurations to minimize shading.

3. Docking facilities shall be designed to ensure that vessel use will not cause harm to site specific resources. The design shall consider the number, lengths, drafts and types of vessels allowed to use the facility.

4. In a Resource Protection Area 1 or 2, any wood planking used to construct the walkway surface of a facility shall be no more than eight inches wide and spaced no less than one-half inch apart after shrinkage. Walkway surfaces constructed of material other than wood shall be designed to provide light penetration which meets or exceeds the light penetration provided by wood construction.
5. In a Resource Protection Area 1 or 2, the main access dock shall be elevated a minimum of five (5) feet above mean or ordinary high water.
Please revise your proposal to meet these requirements.

For Your Information

THIS IS NOT A COMPLETENESS ITEM: Please contact the Department to arrange an onsite meeting.

Your project is in Class III Waters. **According to 373.414(1), F.S., you must provide reasonable assurance that state water quality standards applicable to waters, as defined in 403.031(13), F.S., will not be violated.** The specific state water quality standards for Class III Waters are contained in F.A.C. Rules 62-302.500, 510, and 530. The specific state water quality standards for Outstanding Florida Waters are contained in F.A.C. Rule 62-4.242.

Please be aware that coordination with the County or other local government may be necessary to ensure compliance with requirements of their Land Development Code and Comprehensive Plan. If a local government authorization is required, it must be obtained separately from the DEP authorization.

Your project may be located within or adjacent to:

___ manatee habitat
___ turtle habitat
___ a shellfish harvesting area
___ an area of critical state concern
X a national or state park
X other: Fort Pickens Aquatic Preserve

and may be affected by comments from those entities having special interest in the project site. Modifications to your project may be necessary upon receipt of the requested comments.

Your proposal may require a coastal construction permit from the Department's Bureau of Beaches and Coastal Systems. Please contact them at 3900 Commonwealth Boulevard, Mail Station 310, Tallahassee, Florida 32399-3000, phone 904-488-3181 or

487-4475, to obtain a determination. If a permit is required, a copy of the permit will be needed to complete this application.

An inspection of the project site may be conducted to determine and evaluate the resources expected to be impacted. Project modifications may be required following the inspection.

In addition, you must provide reasonable assurance that this activity is not contrary to the public interest. However, if an activity significantly degrades or is within an Outstanding Florida Water (OFW), that project must be shown to be clearly in the public interest. Your project is within an OFW (Fort Pickens Aquatic Preserve, Gulf Islands National Seashore). In determining whether a project is not contrary to or clearly in the public interest, the Department will consider and balance the following criteria:

1. Whether the project will adversely affect the public health, safety, or welfare or the property of others;
2. Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
3. Whether the project will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
4. Whether the project will adversely affect the fishing or recreational values or marine productivity in the vicinity of the project;
5. Whether the project will be of temporary or permanent nature;
6. Whether the project will adversely affect or will enhance significant historical and archaeological resources under the provisions of section 267.061; and
7. The current condition and relative value of functions being performed by areas affected by the proposed activity.

The Department, in deciding to grant or deny a permit, shall consider measures proposed by or acceptable to the applicant to mitigate adverse effects which may be caused by the project. If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the Department shall consider mitigation measures proposed or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards. Before considering mitigation, all reasonable measures must first be taken to reduce the adverse effects which otherwise render the project unpermittable.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF APPLICATION

The Department announces receipt of an application for permit from the National Parks Service, File No. 17-0305621-001-EI, to construct a 5,520 square foot docking facility to accommodate a passenger ferry. The proposed project will be located in Fort Pickens National Park, on Santa Rosa Island, near the western end of Fort Pickens Road, Latitude 30°19'47.2", Longitude -87° 17'20.4", in Escambia County.

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Northwest District office at 160 West Government Street, Pensacola, Florida 32501.

BILLING INFORMATION FORM
PAYMENTS FOR LEASE NO._____

Billing Contact Person: _____

Facility Address: _____

Mailing Address: _____

City: _____

State: _____ Zip Code:_____

Telephone Number: (_____) _____
Area Code

Fax Number: (_____) _____
Area Code

E-Mail Address: _____

SALES TAX CERTIFICATION/EXEMPTION

Six percent (6%) sales tax is due on each lease fee payment unless the Lessee can claim an ownership exemption. I/We are exempt from sales tax for the reason checked below.

[ ] Government Agency:_____(Exemption Number)

[ ] Exempt Organization:_____(Exemption Number)

[ ] Lease and collect sales tax on all available dock spaces.
_____(Sales Tax Number)

[ ] Lease and collect sales tax on some available dock spaces but fully assume the responsibility to remit six percent sales tax on that portion of space on which no sales tax is charged.
_____(Sales Tax Number)

[ ] None of the above can be claimed.

A copy of the Florida Annual Resale Certificate For Sales Tax or the Certificate of Exemption must accompany this form to claim this exemption pursuant to Section 212.07(1)(b), F.S.

If Lessee is a Business/Corporation, Federal Employer Identification Number: _____

I/We certify that the above information is correct and agree to **NOTIFY THE BUREAU OF PUBLIC LAND ADMINISTRATION'S ACCOUNTING SECTION AT (850) 245-2720 within 30 days of the date of any change in the above designated billing agent, phone number, fax number or Lessee's tax status.**

Signed:_____ _____
Lessee/Authorized Entity **Date**

For Recurring Revenue Section Use Only

Billing Form to Accountant: _____
Originator's signature

Data Entered by Accountant: _____ _____
Accountant's signature

Form 18-21.900(1), Effective 10-15-98 [Technical Change 5-21-03; Rev. 7-26-07, 5-7-09]

SURVEY REQUIREMENTS

For Leases and Private Easements
(>3,000 Square Feet Preempted Area Over Sovereignty Submerged Lands)

Instructions to Staff:

1. Distribute the Survey Requirements Package to applicants whose projects will require a lease or private easement, either of which will preempt >3,000 sq. ft. of sovereignty submerged lands. This is part of the initial application review process and completeness summary.

2. When you receive the survey and the Survey Review Checklist from the applicant, fill in the DEP/WMD review column to check the survey for completeness, accuracy, and inclusion of specific sovereignty submerged lands (SSL) information.

3. When the project is complete, keep a copy of the final survey drawing and the completed survey review checklist in the master file. Place the two original final survey drawings and a copy of the completed checklist in the folder (containing SSL instrument processing information) to be sent to the Division of State Lands, Bureau of Public Land Administration, MS 130, for instrument processing.

4. Staff may wish to make a photocopy of the survey and add notes or show locations of the items listed below. This information should be included in the package sent to BPLA to be used in understanding special conditions and to use for subsequent inspections. Staff should not expect the surveyor to include all these items on the survey drawing.

   ___ Manatee signs (location and direction to face)
   ___ Boat ramp
   ___ Fueling
   ___ Sewage pumpout (whether portable or fixed)
   ___ Fish cleaning station
   ___ Entry gates
   ___ Location where hand rails will be required
   ___ Informational signs
   ___ No mooring signs
   ___ Slip numbers and mooring locations
   ___ Other _____

5. Rules 18-21.008 and 18-21.010 require surveys for leases and easements. If changes to a project require a permit modification, then a revised survey is needed. When structures are expanded or redesigned, if the lease or easement boundary changes or new slips are added, a new survey will show all staff, inspectors, and the owners what is authorized.

   However, you may give consideration to the renewal date of the SSL instrument and the type of changes proposed. For example, if the changes are to add a few extra feet to finger piers and the lease boundary will not change, the modified survey could be required at the time of renewal to save staff processing time and save expense to the applicant/owner. In this case, condition the authorization to require a revised survey upon renewal and send a copy to DSL, BPLA, to be placed in the instrument file so that when an inspection is requested or any review of the file is done, this information will be known and the survey can be required with the renewal.

The survey package on the following pages also is available on the Bureau of Survey and Mapping's web site at http://www.dep.state.fl.us/lands/survey.htm under "Documents and Presentations", and selecting "Technical Information". The survey package has not been changed except to add this to the header: "For Leases and Private Easements (>3,000 Square Feet Preempted Area Over Sovereignty Submerged Lands)".

SURVEY REQUIREMENTS PACKAGE

For Leases and Private Easements
(>3,000 Square Feet Preempted Area Over Sovereignty Submerged Lands)

Instructions to Applicant:

This Survey Requirements Package contains the survey requirements and data required to be included in the survey to be submitted regarding your proposed project. It MUST be given to the surveyor with whom you contract.

In addition, we request that your surveyor contact the Division of State Lands, Bureau of Survey and Mapping at 850/245-2606, prior to performing work to ensure that the requirements regarding compliance with the Minimum Technical Standards pursuant to Chapter 61G17-6, Florida Administrative Code (F.A.C.), are clearly understood and that all questions are adequately answered. Technical inquiries should be made to the Bureau only by your surveyor or engineer.

SURVEY REQUIREMENTS

Provide two 8 1/2 x 11 inch prints of a field survey. If your original drawing is larger than 8 1/2 x 11 inch, then also submit two copies of the original size drawing (so that staff can refer to a clear view of the entire project). All copies must be signed, sealed, and dated by a Florida licensed Surveyor and Mapper in accordance with Chapter 61G17, F.A.C., and must meet the Minimum Technical Standards in compliance with Chapter 61G17-6, F.A.C. In addition, the survey must also include the following information.

General:

- Scale – Each sheet must include a stated and graphic scale, scaled to an engineers scale.
- Provide a location or vicinity map of at least 7.5 minute quad scale.

[a] Show the boundaries of the lease/easement parcel sought which must include the entire "preempted area." This area includes all the sovereignty or state-owned submerged lands affected by the activity, from which any traditional public uses have been or will be excluded by an activity, such as the area occupied by docks, piers, and other structures; temporary and permanent mooring areas; the area between a dock and the shoreline where access is not allowed; between docks; or areas where mooring routinely occurs that are no longer reasonably accessible to the general public; turning basins within aquatic preserves; permanent mooring areas not associated with docks; and swimming areas enclosed by nets, buoys, or similar marking systems. When the Board of Trustees requires an activity to be moved waterward to avoid adverse resource impacts (such as dredging or disturbance of nearshore habitat), the portion of the nearshore area that is avoided by the proposed activity shall not be included in the preempted area. [See "preempted area" definitions in sections 18-21.003, F.A.C., and 18-20.003, F.A.C., as applicable]

- The lease boundary shall be drawn to accommodate all vessels to be moored, including such things as bow pulpits, bow sprits, dive platforms and motors.
- Please contact the appropriate DEP or WMD district office if you have any questions regarding your specific project.
- The boundary of any designated swimming area must be shown.

[b] Show the size and dimensions of all existing and proposed overwater structures and activities, including mooring pilings, located within the riparian rights boundaries of the parcel sought; and identify the location(s) of any existing and proposed fueling and sewage pumpout facilities. **YOU DO NOT NEED TO INCLUDE** buildings, structures, streets, platted areas, parking lots, etc., that are located landward of the mean or ordinary high water line or the safe upland line.

[c] The applicant's upland property (parcel) boundaries must be clearly sketched on the submerged land lease or easement survey drawing. You are not being asked to survey the upland property; only to show the parcel boundary and where the upland property lines intersect the MHWL/OHWL/SUL..

[d] Show the primary navigation channel(s) or direction to the center of the affected waterbody.

[e] Show the applicant's riparian rights lines extending into the waterbody from both sides of the applicant's upland property (parcel).

- See attached guide, "Allocation of Riparian Rights" from the DEP Bureau of Survey and Mapping.
  NOTE: This information regarding boundaries of riparian rights represents the generally accepted methodology for determining such boundary lines, and may not identify all considerations regarding riparian lines under certain conditions. However, a binding determination of riparian boundaries can only be made by agreements of the affected parties or by a final adjudication of a court of competent jurisdiction. Acceptance of a survey and issuance of a submerged lands lease or easement shall not constitute a binding determination of riparian boundaries by the Department and shall not prevent the Department from ordering the removal or the relocation of any structure which may later be determined to encroach upon or interfere with adjacent upland owners' riparian rights.

[f] Show the distance from existing and proposed structures, moorings, and activities to the projected riparian lines.

- All structures and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks must be set back a minimum of 10 feet. [For exceptions to the setbacks, see subsection 18-21.004(3), F.A.C.]

[g] For leases in the Florida Keys: indicate the water depths referenced to mean low water within the lease area and out to the navigation channel.

[h] Label the linear footage of the applicant's shoreline which borders on sovereignty or state-owned submerged lands. [Note: this can include the linear distance across an upland cut or man-made canal for the distance that the applicant is the upland owner.]

[i] Show the location of any shoreline vegetation, if existing. Inside aquatic preserves, show the shoreline conditions within the lease area plus 1,000 feet extending from each side: % natural _____; % with seawall, bulkhead or riprap _____.

[j] Identify and sketch in on the survey drawing any structures (docks, piers, pilings, etc.) existing within 100 feet of the applicant's requested lease or easement area. [Note: all structures and activities along the applicant's shoreline are considered preempted area.]

[k] The legal description must reference the section, township, range, county, and name of the affected waterbody and must include the total square footage (and acreage) of the

lease/easement parcel sought. The legal description must be provided on a separate sheet it if is not clearly legible when reduced to 8 1/2 x 11 inch paper. It is not required that the submerged land lease or easement boundary be monumented. However, the submerged lands lease or easement boundary must be tied to two found or set accessible upland monuments, one of which must be a section corner, subsection corner, or other corner of record, and must be labeled on the survey drawing. Depending on the complexity of the survey/easement, you may show calls and bearings on a table and use numbering on the survey. If there are several lease/easement parcels, list them in a table and provide amounts for each plus the total acreage.

[l] A surveyed or scaled 1983 or 1927 NAD coordinate of the point of beginning (POB or POC) of the proposed lease or easement area must be shown on the survey drawing. The coordinates may be scaled from a USGS Quad Sheet or other suitable map. The method used to determine the coordinates must be noted on the drawing.

[m] Provide a separate legal description of any non-water dependent structure(s). Depending on the complexity of the survey, the description may be placed on a separate page with a table matching length numbers to actual calls and bearings and distances.

[n] If privately-owned submerged lands lie adjacent to the sovereignty or state-owned submerged land parcel sought, the boundary line of the privately-owned parcel must be shown and, if conveyed by Trustees' Deed, the Deed Number must be included. Trustees' deeds and disclaimers or Butler Act conveyances will be identified by DEP's Title and Land Records Section during review of the application to determine ownership of submerged lands sought.

[o] All submerged land lease or easement surveys must be <u>field surveys</u> and clearly stated as such. Each survey will be checked for compliance with Chapter 61G17-6, F.A.C., and, if applicable, Chapter 177, Part II, F.S., and must meet the requirements of the Department's SLER 0950 "Survey Requirements" procedure.

- Certify the survey to the Board of Trustees (TIIF) (and to the owner if desired). The typical phrase is "Certified to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida," This statement must be included on the survey; however, an alternate statement of "This survey is certified to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida" is also acceptable. An additional statement that the survey is certified to the owner may be included if desired.

[p] A mean high water line (MHWL), ordinary high water line (OHWL), or safe upland line (SUL) at or above MHWL/OHWL must be shown on the survey drawing.

- Information regarding a **mean high water line** may be found on the DEP website at: www.labins.org.
- For information regarding an **ordinary high water line**, contact the DEP Bureau of Survey and Mapping.
- Information regarding a **safe upland line** for *tidal* waters may be found on the DEP website at: www.labins.org. If the information needed is not available at this website, you may use the approximate elevation of MHW plus 0.5 foot, or contact the DEP Bureau of Survey and Mapping.
  - ➢ If a **safe upland line** for *non-tidal* waters is used, see attached guide, "Safe Upland Line Methodology for Submerged Land Lease or Easement Surveys in Non-tidal Waters."

- NOTE: If a **safe upland line** is used, the surveyor should preface the legal description of the lease or easement with: "Any and all sovereignty lands lying within the following described boundaries: "(and then proceed with the legal description using the safe upland line).

- Additional questions regarding acceptable procedures for establishment of a MHWL, OHWL, or SUL may be directed to the DEP Bureau of Survey and Mapping.

[q] If a proposed structure or activity occurs on a beach that was restored, the **Erosion Control Line** (ECL) follows the MHWL surveyed prior to nourishment, and the land seaward of the ECL is considered sovereignty submerged land. Subsequent filling is called "nourishment." Because the ECL is already established, no additional survey is required, even if the beach recedes landward of the original ECL. When sand from an inlet maintenance dredging project is placed on the beach as "disposal," no ECL is required.

- Questions regarding the ECL may be directed to the DEP Bureau of Survey and Mapping.
- NOTE: ECLs are normally established after the Joint Coastal Permit (JCP) is issued by the Bureau of Beaches and Coastal Systems.

[r] Survey drawing:

- If a proposed structure or activity extends landward of the MHWL, OHWL, or SUL, the landward line of the submerged land lease or easement boundary must abut the MHWL, OHWL, or SUL.
- If a proposed structure or activity is entirely waterward of the MHWL, OHWL, or SUL, the most landward line of the submerged land lease or easement boundary may not be required to abut the MHWL, OHWL, or SUL (such as for an offshore mooring area).

[s] Depending on the nature of the shoreline, the following information is required.

- Natural Shoreline – A MHWL, OHWL, or SUL may be used. The procedure used for establishing the MHWL, OHWL, or SUL must be approved by the DEP Bureau of Survey and Mapping.
- Seawall – If a seawall is in place and the surveyor has determined that it has not been constructed on the face of illegal fill, he may tie the lease or easement to the face of the seawall. However, the Department requires that the surveyor determine the NGVD 29 or NAVD 88 elevations at the top and bottom of the seawall and note the elevations on the survey drawing.
- NOTE: If the proposed project is located in an **aquatic preserve**, show the nature (condition) of the subject lease area shoreline together with the adjacent 1,000 feet of shoreline on each side of the proposed lease area on the survey drawing as either natural or as bulkheaded, seawalled, or riprapped. This information is required because two times the base lease rate is applied when 75% or greater of the sum total of the linear footage of the subject lease area shoreline together with the adjacent 1,000 feet of shoreline on each side of the lease area is in a natural condition. [See paragraph 18-21.011(1)(b), F.A.C.]

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF SURVEY AND MAPPING

SAFE UPLAND LINE METHODOLOGY FOR SUBMERGED LAND LEASE OR EASEMENT SURVEYS IN NON-TIDAL WATERS

This is to outline a procedure for determining a safe upland line on freshwater lakes and rivers for the purpose of area computations of submerged land leases and easements. The safe upland line determined by this procedure is not to be considered a sovereignty submerged land boundary and will not be recognized by the Department for use in controlling future development or for any other use or purpose unless specifically stated otherwise by the Department. The typical procedure for establishing the elevation of a safe upland line follows.

1. The safe upland elevation should be based on the elevation of mature upland vegetation.

2. Suggested upland species are:

Flowering Dogwood	Cornus florida
American Beech	Fagus grandifolia
White Ash	Fraxinus americana
American Holly	Ilex opaca
Southern Red Cedar	Juniperus silicicola
Tulip Tree	Liriodendrom tulipifera
Eastern Hop Hornbeam	Ostrya virginiana
Narrow-leaf Panicum	Panicum aciculare
Black Cherry	Prunus serotina
Live Oak	Quercus virginiana
Sassafras	Sassafras albidum
Saw Palmetto	Serenoa repens

3. The upland vegetation must be of sufficient size to indicate a pre-regulation safe upland line if there is a weir or other water level control structure on the water body.

4. A transect should be located in an unaltered area of the water body.

5. The transect on a lake does not have to be located at the project site.

6. The transect on a river does not have to be located at the project site, but the effect of the gradient of the river should be considered.

7. Elevations should be taken along the transect, at the breaks in elevation, the base of the upland vegetation, and at the present water level.

8. Changes in vegetation communities should be noted.

9. The diameter of the upland trees should be noted.

10. Any other conditions that may affect the determination of the safe upland elevation should be noted.

11. The safe upland line is considered a continuous contour approximated by bearings and distances included in a closed traverse around a submerged lease or easement area.

The Bureau must receive a cross sectional plot of the transect containing the above information before the submerged land lease or easement survey is approved. This information and notes indicating the methodology used to determine the safe upland line must be included as part of the survey drawing. Also, a copy of a USGS quad sheet or other suitable map showing the approximate location of the transect must be furnished to the Bureau.

The above is intended to be general guidelines. Every freshwater lake and river has its own individual characteristics and procedures will vary.

Comments or questions may be directed to:

Department of Environmental Protection
Bureau of Survey and Mapping
Mail Station 105
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Phone: 850/245-2606

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF SURVEY AND MAPPING

ALLOCATION OF RIPARIAN RIGHTS

The Bureau of Survey and Mapping sponsored a study of the effect of shoreline and channel geometry on the division of riparian rights. This study was prepared in December 1986 by David Gibson, Associate Professor, University of Florida.

The research was intended to analyze existing methods for making allocations of riparian rights together with a study of different shoreline configurations. The result was a set of recommended procedures to be followed so as to maintain legal validity.

The following are conclusions from the study and examples of riparian rights allocations.

CONCLUSIONS FROM LITERATURE SEARCH

(1) **Docking is a near-shore consideration and is limited by the line of deep water** (line of navigability, or line of navigation).

The **line of deep water or navigability** is located at the distance off shore where the depth of water is sufficient for navigation year round.

The great weight of research indicated that when docking is the primary issue, courts will usually apportion the space between the shore and the line of navigability.

(2) In considering docking **when the shore is relatively straight** on a large body of water (one without a nearby channel or thread) such as the ocean, a large lake, ocean bay, or wide river, the dominant construction makes **division lines perpendicular with the general direction of the shore extended to the line of navigable water.**

In a wide river, the opposite bank, channel, and thread are so far away from the property in question, there is little effect of the shape of those features on a localized problem of docking.

The **shore's general direction** requires smoothing of smaller indentations and projections.

(3) Along a **straight river without a marked channel** and the opposite bank is in proximity to the area of concern, the dominant technique is to construct **dividing lines perpendicular with the stream's thread.** The stream's thread should be found as the median line of the water surface during ordinary stages of water height.

(4) Along a river or other **waterbody with a nearby marked navigation channel** and a regular shore, most courts construct **perpendiculars with the nearest limit of the channel** as opposed to the thread.

Along a relatively straight length of shoreline, perpendiculars constructed from the shore will usually result in the same solution.

(5) The **direction of upland boundaries is largely ignored** when apportioning riparian rights, but if there is a minor deviation in direction from that recommended for riparian rights division, they may be extended.

This recognizes that extension of upland boundaries is still the most natural method for riparian rights allocation, and that in some cases, minor variations from the perfect direction will not cause inequities.

(6) When the **shore is irregular** in the form of a cove or projection into an ocean, ocean bay, lake, or river, most courts apportion the **line of deep water to divide docking rights** as opposed to any perpendicular method.

(7) Methods of **apportionment designed for the whole waterbody** such as the center point method in lakes, thread of lakes, perpendiculars to channels or threads, should be used mainly for those riparian rights that require appropriation of the entire water surface.

They may also be used to determine direction but not the terminus of near-shore division lines when they give substantially the same apportionment as a near-shore method. This would be true in round lakes with concentric water depth contour lines, along rivers with parallel banks and parallel channel, and along long lakes with consistent water depth contours.

(8) **Riparian rights may conflict with each other**, and an order of priority is implied in court decisions. The right to view has not been ranked very high in Florida case law, and usually resides in the same area of a more dominant riparian right.

This indicates that techniques should be developed for apportioning the near-shore right of ingress and egress to navigable waters as a primary riparian right. The right of view will occupy the same limits provided no obvious inequity results.

(9) The **apportionment of the line of deep water is the most universal technique** for division of docking rights that will give the same solution as more traditional techniques in many cases and will follow dominant national case law where the shore is irregular.

This technique is recommended for division of docking rights in most cases.

SUMMARY

Riparian rights allocation requires a multitude of considerations, but **for docking, courts have usually turned to apportionment of a line of navigability except where a nearby river thread or navigation channel will call for a perpendicular construction.** Even for the more regular waterbodies such as rivers, round lakes, and long lakes without shore indentations, apportioning the line of navigability will give substantially the same results as other methods that apportion the entire water surface. It is believed that this technique could be applied with geometric certainty to the wide majority of situations, and due to the near-shore characteristics of the docking process, a near-shore solution such as this is most suitable. A significant amount of national case law backs up the technique.

Care should be taken when apportioning riparian rights from any line other than the shoreline as a parallel shift of the riparian rights lines may result.

Comments or questions may be directed to:

Department of Environmental Protection
Bureau of Survey and Mapping
Mail Station 105
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Phone: 850/245-2606

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF SURVEY AND MAPPING

RECOMMENDED ALLOCATION PROCEDURES AND WATERBODY CLASSIFICATIONS

In explaining allocation procedures, reference will be made to the sketch entitled, "Allocation of Riparian Rights" which was constructed to show numerous configurations of waterbodies. It is presumed that the main considerations are docking, view, and access to navigation channels. Lots surrounding the water show a typical pattern in which a series of lots with parallel lines is created along a relatively straight portion of shore. Another group of lots farther along the shore having parallel lines will meet the first subdivision creating an odd sized lot that is a prime candidate for a riparian rights dispute.

RIVER AND OCEAN BAY EXAMPLE

Along the river from the south, upstream from point "a", the waterbody would be classified firstly as being a narrow stream where the opposite bank is of a consideration, and secondly as having parallel banks without coves and projections. There are two distinct regions identified -- a broad sweeping curve, and a relatively straight section.

The main technique to be applied here is the **"perpendicular with the stream's thread" method**. The banks being the limit of water at its ordinary stage would be determined. A median line would be constructed exactly midway between the banks. Perpendiculars would be constructed at the thread and produced back to the shore points. Private docking rights would stop at the line of deep water.

On the broad curve, the thread would be an arc, and normals with that thread would essentially be radial lines. On the straight section, and in the series of small curves approaching point "a", the thread would be a series of straight lines. Immediately before point "a" the shallow cove on the east bank would be a consideration. Assuming that the deep portion of river is all suitable for navigation, then the thread would still be determined and perpendiculars constructed.

Downstream (north) of point "a", a maintained and marked channel exists that would take over from the thread for the apportionment base line. The channel probably has an east and west edge, and perpendiculars would be constructed at the nearest edge and run back to shore.

Note that perpendiculars constructed from the banks may result in the same solution in some of the above examples.

The deep cove on the east bank could be termed a pocket and would require special treatment. Inequities are obvious if lot lines were extended – person "A" would be entirely cut off from navigable water and the channel. If the previous technique of perpendiculars from the channel were applied, then person "B" would receive nothing. Therefore, the line of navigability should be apportioned.

Finding the cove limits would be the critical decision. The headlands of the cove would be identified as points "b" and "c", the places where the east river bank departs its generally parallel course and enters the cove. Points b' and c' would be established directly opposite shore points using perpendiculars with the line of navigability. Between b' and c', the line of navigability would be divided in proportion to frontage. Straight lines would run back to shore points. The deep water portion of the cove would not be apportioned.

Now, on the east side of the Ocean Bay, it is recognized that the shore and channel are diverging from each other. Since docking is a near-shore consideration, then a near-shore solution is called for. The choices here would be: (1) projection of lot lines; (2) projection of lines perpendicular with the shore; or (3) proportional division of the line of navigability. The dip in the shoreline at lot line "e" would cause some problems with the perpendicular method because it is to be used only when the shore is relatively straight. Once that problem area is identified, go each direction to places where the basic methods of perpendicular with shore or lot line projection cause no problems, and between those points proportion the line of deep water. The deep water area out to the channel would not be apportioned.

At the inlet, the proximity of the channel is an important consideration, and perpendiculars would be dropped from it such as at point "d".

The large cove on the north side of the bay calls for apportioning the line of navigability. Again, the main question would be determining the apportionment limits. There is a well defined headland on the cove's west end at "h", but on the east side, the cove's beginning is not so well defined. As a guideline for thought, there is no use apportioning lots on which a more basic method works; therefore, start at the point of greatest inequity, point "i" in this case, and go in each direction until straight line projections will intersect the line of navigability at nearly right angles, well clear of the problem area such as at "j" in this case. Apportionment between "h" and "j" will give each owner a portion of the line of deep water for constructing a dock.

A problem is found for the lot at point "i". Due to small frontage, that lot will receive a very small portion of deep water frontage, perhaps not enough to build a dock on without conflict with the adjoiners. Research has not found cases that have spoken to this situation in particular. Recorded agreements with adjoining lot owners may provide a solution.

The west side of the bay duplicated situations already discussed until the small shallow cove is reached at "k". Apportionment of the line of navigability would give the lot at "k" practically no deep water frontage. At this point some severe questions arise. Perhaps the owners around that marshy cove do not have the right of ingress and egress to navigable waters. Apportionment of the shallow non-navigable waters would be an easy matter of using the center-of-a-lake in conjunction with the thread-of-a-lake as done for long lakes. However, to solve the problem of access to deep water, several legal questions would need addressing outside of the scope of this report.

At point "l", the channel becomes proximate, and perpendiculars with the channel would be used along the west river bank until that line was replaced with the thread upstream of "a".

LAKE EXAMPLE

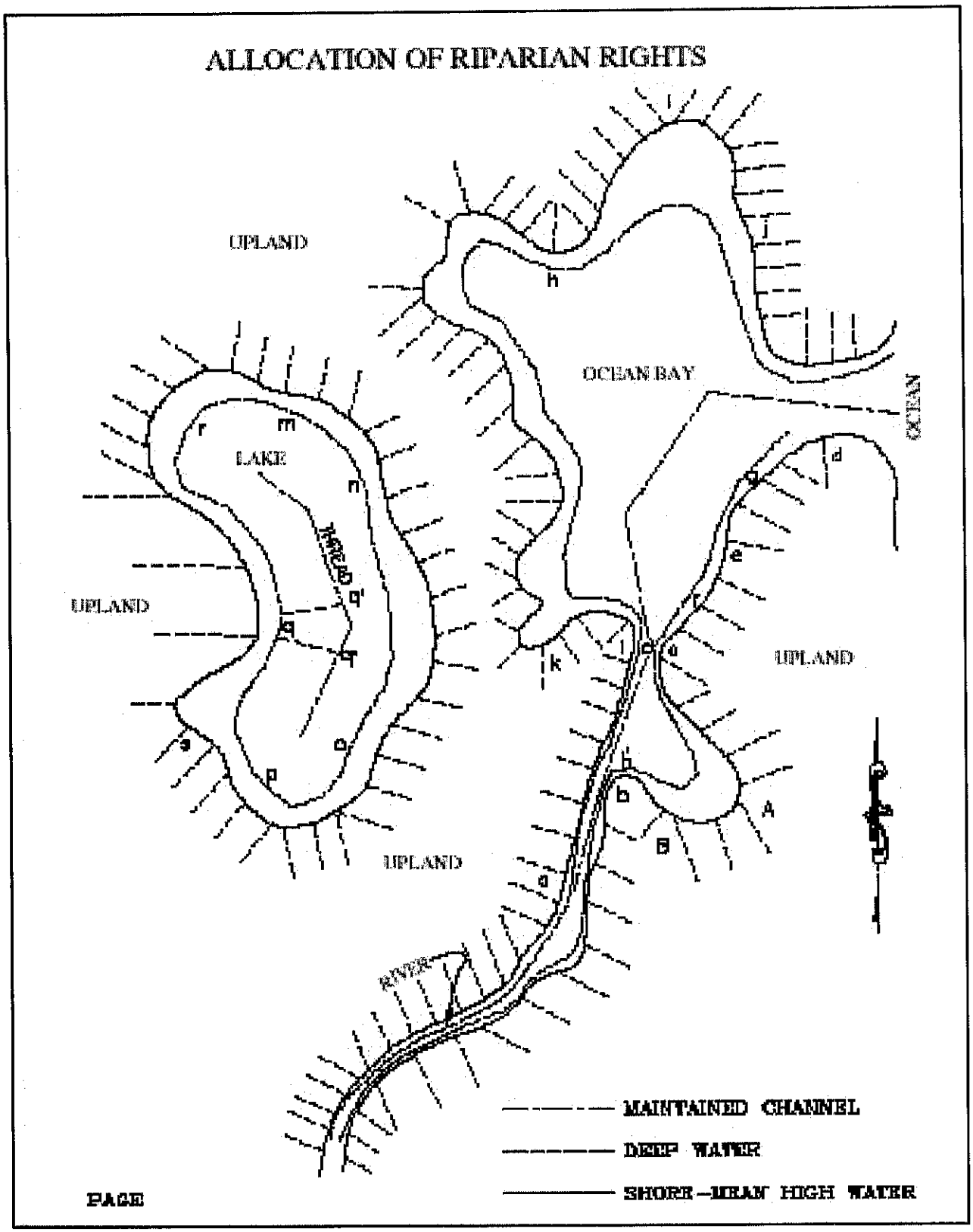
The freshwater lake has numerous docking problems due to upland boundary configurations. Two approaches are possible. The more traditional one would establish center points in the semi-circular lake ends together with a thread midway between the banks as shown. Around the lake ends, lines would radiate from center points to shore points, and along the thread perpendiculars would be constructed and run back to shore points.

However, such a division will produce an inequity at the cove on the west side for the lot at "s". Joining the lot corners with the center point will yield a slim region of access to deep water. Therefore, on irregular lakes such as this one, apportioning the line of navigability would solve the cove problems. Places are identified where mere extension of lot lines intersect the deep water line at right angles, such as at "m", "n", "o", "p", "q", and "r". Between those limits, the

line of navigability would be proportioned to shore frontage. Such a technique localizes a solution to the precise area of inequity.

It must be mentioned that the size of the lake determines whether a "whole lake apportionment" is used or a near-shore method applies. In this case, the lake would be termed a smaller style lake in which the threads and center points are not completely remote to the near-shore situation. On larger lakes, apportioning the line of navigability should become dominant to solve the near-shore problems of docking. On the other hand, if the lake is small with regular shoreline, the two techniques give the same result.

ALLOCATION OF RIPARIAN RIGHTS
WATERBODY DRAWING



SURVEY REVIEW CHECKLIST

Word Version

Applicant:_____ **File No.** _____

DEP/WMD Reviewer: _____ **Date:**_____

For: Lease_____ **or Private Easement** _____ **(> 3,000 sq. ft.) Approved: Yes**_____ **No**_____

PLEASE ENSURE THIS CHECKLIST IS COMPLETED PRIOR TO THE SUBMITTAL OF ANY SURVEY

Surveyor Review	Agent or Applicant Review	Survey Requirements	Comments: Please fill in highlighted boxes	DEP/ WMD Review
		Surveyor's original signature		
		Surveyor's original seal		
		Surveyors certification number	No. _____	
		Name and address of surveyor		
		Date of survey	Date:_____	
		Each submitted sheet is scaled to an engineers scale. Every sheet of the drawing includes a stated and graphic scale.	Graphic Scale = _____	
		North arrow		
		Location or vicinity map of at least 7.5 minute quad scale		
		Two 8 ½ by 11 originals		
	[a]	Boundaries of Lease/Easement (preempted area) shown, labeled (structures, mooring, activities)		
	[b]	Size and dimensions shown for all existing and proposed overwater structures and activities		
		All structures, moorings and activities are within the Lease/Easement area		
	[c]	Upland Property (parcel) boundaries shown and labeled. This is not a requirement to survey the upland property; however, the survey must show where the upland property lines intersect the MHWL/OHWL/SUL.		
	[d]	Primary navigation channel(s) or direction to center of affected waterbody shown		
	[e]	Riparian rights line shown and labeled from both sides of property		
	[f]	Distance from structures/moorings/activities to riparian lines shown		
		Distance from docks and waterward pilings to Lease limits		
		Identify each slip and mooring area; provide slip length and width (cross reference slips to dimensions in a table if needed)		
	[g]	Florida Keys Leases: Show water depths referenced to MLW in Lease area & out to navigation channel		
	[h]	Linear footage of applicant's shoreline shown and noted		
	[i]	Location of any existing shoreline vegetation shown and noted		
	[j]	Location of and distance to any structures within 100 feet of Lease/Easement area shown		
	[k]	Legal Description: Section(s)_____ Township_____ Range _____ County _____ Water body_____		
	[k]	Legal description on separate page (if not legible on 8 ½" paper)		
	[k]	Total square footage and acreage in Legal Description and noted	Sq. ft._____ Acres_____	
	[k]	Legal description tied to two found or set upland monuments (one must be a section corner, subsection corner, or other corner of record; both are shown on survey)		
		Legal description has been cross-checked to ensure it matches drawing and the boundary closes.		

Surveyor Review	Agent or Applicant Review	Survey Requirements	Comments: Please fill in highlighted boxes	DEP/ WMD Review
	[l]	**Point of Beginning (POB) shown (from legal description) surveyed or scaled 1983 or 1927 NAD coordinate**		
	[m]	**Separate Legal Description for preempted area of non-water dependent structures including roof line on separate page or pages**		
	[n]	**Privately owned submerged land? Is deed from a private entity ____ or Trustee's Deed ____?**	**Trustees' Deed No.**	
	[o]	**Survey includes "This is a Field Survey"**		
	[o]	**Survey is "Certified to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida" or, "This survey is certified to . . ." It may also be certified to the owner if desired.**		
	[p,q,r]	**Lease/Easement boundary abuts MHWL/OHWL/SUL (circle which) or is located entirely waterward. Show ECL if applicable.**		
	[s]	**MHW/OHW/SUL procedure approved by BSM and noted on survey and including date**		
	[s]	**Lease/Easement boundary abuts seawall: top & bottom seawall elevations and datum (NGVD 29 or NAVD 88) shown and noted**	**Elevations: Top:_____ Bottom:_____**	
	[s]	**Aquatic Preserve: Show and note shoreline condition along Lease shoreline plus 1,000 feet on each side. Total linear feet =_____**	**Natural = _____% Seawall/bulkhead/ riprap = _____%**	

The letters in brackets above correspond to the requirements in the survey instruction package.

Surveyor's Signature_____ Review Date_____
Applicant's/Agent's Signature_____ Review Date_____
Comments:_____
_____

(DEP 62-071) [Revised 9/21/2006]

Form #62-346.900(1)
Form Title: Joint Application for Environmental Resource Permit / Authorization to Use State-Owned Submerged Lands / Federal Dredge & Fill Permit in Northwest Florida.
Effective Date: November 1, 2010
Incorporated by reference in 62-346.070(2)(a), F.A.C.

JOINT APPLICATION FOR

ENVIRONMENTAL RESOURCE PERMIT /

AUTHORIZATION TO USE STATE-OWNED SUBMERGED LANDS /

FEDERAL DREDGE AND FILL PERMIT

IN NORTHWEST FLORIDA

Note: Do NOT use this form for Notice of Intent to Use a Noticed General Permit!

Applications to the Northwest Florida Water Management District may be completed online.

The Department only accepts paper applications at this time.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA

US Army Corps of Engineers

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NOTE: The information requested in Sections A through F of this application package is not intended to be all-inclusive. Additional information may be requested by the reviewing agency in order to complete your application.

FOR AGENCY USE ONLY	
DEP/WMD Application #	
Date Application Received	Fee Required
Proposed Project Lat.	Fee Received $
Proposed Project Long.	Fee Receipt #

SECTION A — GENERAL INFORMATION

PART 1: GENERAL INFORMATION

A. **Type of permit** (check one). See Attachment 3 for thresholds and descriptions.

- X Individual — Construction and Operation (see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I)
- ☐ Individual — Conceptual Approval (see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I)

NOTE: Do not use this form if you are submitting a notice to use a Notice General Permit under Chapter 62-341, F.A.C. Use Form 62-346.900(2) (see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I)

B. **Type of activity** for which you are applying (check at least one; if a prior permit #, please circle either "Department" or "NWFWMD" as the prior issuing entity for the appropriate activity type, below):

- X Construction and operation of a new system
- ☐ Operation of an existing system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Alteration of an existing system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Maintenance or repair of a system previously permitted by Department or the NWFWMD. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Abandonment of a system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Construction of additional phases of a system. Please provide the existing Department or NWFWMD permit #, if known:
- ☐ Removal of a system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Retrofit of a system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Modification of a permit. Please provide existing Department or NWFWMD permit #, if known:
  - ☐ Major — see subsection 62-346.095(5) and paragraph 62-346.100(1)(a), F.A.C.
  - ☐ Minor — see subsection 62-346.100(1)(d), F.A.C.
  - ☐ Extension of permit duration — see subsection 62-346.100(1)(d) and Rule 62-346.110, F.A.C.
  - ☐ Transfer — see subsection 62-346.100(1)(d) and Rule 62-346.130, F.A.C.
- ☐ Deadhead Logging.

C. **Does the activity involve any work in wetlands or other surface waters?** (see Chapter 62-340, F.A.C.)

X Yes ☐ No If "yes," please provide, as applicable:

Total area of dredging, filling, construction, alteration, or removal in, on, or over wetlands or other surface waters?
3,600 sq. ft.; 0.083 ac of construction over open water surface for a ferry pier.

Total volume of material to be dredged: N/A cubic yards

Number of new boat slips proposed: One wet slips; (also, if applicable: N/A new dry slips in uplands)

Number of existing boat slips to be altered: N/A wet slips

PART 2: APPLICANT AND ASSOCIATED PARTIES INFORMATION	
A. APPLICANT (ENTITY TO RECEIVE PERMIT)	
Name: Daniel R. Brown	
Title and Company: Superintendent Gulf Islands National Seashore National Park Service	
Address: 1801 Gulf Breeze Parkway	
City, State, Zip: Gulf Breeze, FL 32563	
Home Telephone:	Work Telephone: 228-230-4132
Cell Phone: 228-323-3176	Fax: 228-872-2954
E-mail Address: jolene_williams@nps.gov Note: Jolene Williams is the POC for this project.	
B. CO-APPLICANT	
Name:	
Title and Company:	
Address:	
City, State, Zip:	
Home Telephone:	Work Telephone:
Cell Phone:	Fax:
E-mail Address:	
C. OPERATION AND MAINTENANCE ENTITY	
Name:	
Title and Company:	
Address:	
City, State, Zip:	
Home Telephone:	Work Telephone:
Cell Phone:	Fax:
E-mail Address:	
D. LAND OWNER(S) ☐ **CHECK HERE IF LAND OWNER IS ALSO A CO-APPLICANT**	
Name: U.S. Federal Government	
Title and Company: National Park Service	
Address: 1801 Gulf Breeze Parkway	
City, State, Zip: Gulf Breeze, FL 32563	
Home Telephone:	Work Telephone: 850-916-3011
Cell Phone:	Fax:
E-mail Address:	
E. CONSULTANT (IF DIFFERENT FROM AGENT)	
Name:	
Title and Company:	
Address:	
City, State, Zip:	
Home Telephone:	Work Telephone:
Cell Phone:	Fax:
E-mail Address:	

F. AGENT AUTHORIZED TO SECURE PERMIT	
Name: Michael F. Malsom	
Title and Company: Project Manager U.S. Army Corps of Engineers Attn: PD-EC	
Address: P.O. Box 2288	
City, State, Zip: Mobile, AL 36628-0001	
Home Telephone:	Work Telephone: 251-690-2023
Cell Phone:	Fax: 251-690-2727
E-mail Address: michael.f.malsom@usace.army.mil	

PART 3: PROJECT SPECIFIC INFORMATION

A. Name of project, including phase if applicable: Fort Pickens Pier and Ferry Service

B. Is this application for part of a multi-phase project? ☐ Yes X No

Note: If you answered "yes" to question B, please provide permit numbers for other authorized phases below:

Agency	Date	No.\Application Type

C. Total area owned or controlled by the applicant contiguous to the project: Note: The NPS owns the entire 1,700 acre area.

D. Project area or phase: Less than 1 acre.

E. Impervious area excluding wetlands and other surface waters: N/A

F. Volume of water the system is capable of impounding: N/A

PART 4: PROJECT LOCATION

Street Address Road or other location: Santa Rosa Island near the end of Fort Pickens Road and approximately 1250 feet east of the existing fishing pier.

City, Zip Code, if applicable: _____

Tax Parcel Identification Number: _____[If project is on one parcel of land. Number may be obtained from property tax bill or from the county property appraiser's office; if on multiple parcels, provide multiple Tax Parcel Identification Numbers]

County(ies) Escambia _____ _____ Section_____Township_____Range_____

Latitude (DDD.dddd) 30.3298 Longitude (DDD.dddd) 87. 2889

Explain source for obtaining latitude and longitude: Google Earth (i.e. U.S.G.S. Quadrangle Map)

Horizontal Datum (NAD 1927 or 1983) (Taken from Central Location)

PART 5: PROJECT DESCRIPTION

*Note: In this section, please describe in **general** terms the project and activity. Use additional pages if necessary.*

General explanation of work: This proposed project involves the construction of a permanent F-shaped fixed pier/boat dock in the Gulf Island National Seashore (GUIS) Fort Pickens National Park. The new pier would be approximately 240 feet long and 16 feet wide. One finger of the pier is 60 feet long and 16 feet wide. The other finger of the pier is 60 feet long and 12 feet wide. Construction materials will consist of concrete pilings, timber substructure and Trex decking. The purpose of the pier is to accommodate a passenger ferry service to the Fort Pickens area of the park and to provide an alternative means of visitor access, in addition to the exisitng roadway. The pier will be located approximately 1,250 feet east of the existing fishing pier. It would tie into the existing seawall with a boardwalk and would access existing walking trails that connect the seawall and

guide visitior to the tourist areas within Fort Pickens. This facility will be for recreational passanger service only not for vehicles. See attached maps and figures.

Treatment type proposed: New Construction

Current site conditions and land uses: The current site is a U.S. National Park used for public recreation.

Proposed Land Use: Public Recreation

Description of sediment and erosion Best Management Practices (BMPs) to be used: The only real sediment impact will be during pile driving operations. No dredging or other excavation is scheduled for this project. The sediment in the area consists of fine to medium white beach sand. This type of material settles out of the water column relatively quick if it is disturbed. Turbidity will not be a problem at this site during construction. There are no SAVs in the local area. See Figure 9 which shows the location of SAVs. BMPs that will be used on this site are: 1) All equipment will be maintained in good proper running order to prevent leaking or spilling of potentially hazardous or toxic products. This includes hydraulic fluid, diesel, gasoline and other petroleum products. 2) Storage of fuels and petroleum products will comply with safe operating procedures, including containment facilities in case of a spill. 3) Pile cut-offs, waste or any miscellaneous unused materials will be recovered for either disposal in a designated facility or placed in storage. Under no circumstances will materials be deliberately thrown overboard. 4) Contractors will have emergency spill equipment available whenever working near or on the water. 5) Contractors, where possible, will position their water borne equipment in a manner that will minimize damage to any fish habitat. 6) Piling is normally driven using a drop hammer, a diesel/air impact hammer or a vibratory hammer. Use of any one of these pile driving devices will be up to the contractor receiving authorization to construct the project. The physical design of concrete piles dictates that: 1/ the energy required must be controlled in order to prevent the pile from breaking and 2/ the concrete construction of the pile will absorb the energy. These two factors are expected to result in low level shock wave emission and minimal or no effects to fish and their habitat should result. 7) Construction equipment will be checked every day for leaks and spills.

Names and classifications of all receiving waters (if available): Pensacola Bay located in the western portion of the Florida Panhandle.

PART 6: SITE PERMIT HISTORY

A. If there have been any pre-application meetings, including on-site meetings, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives as well a brief summary of any meetings:

Name	Agency	Date	Location	Summary
None				

B. Please identify by number any MSSW/Wetland Resource/62-25 F.A.C./USACE permits pending, issued or denied for projects at the location, and any related enforcement actions:

Agency	Date	No.\Application Type	Action Taken
None			

C. **Please attach a copy of each permit issued for this project or explain why copies are not available.**

N/A

PART 7: APPLICANT AUTHORIZATIONS

A. By signing this application form, I am applying, or I am applying on behalf of the applicant, for authorization to conduct the activity identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a different operation and maintenance entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Michael F. Malsom

Typed/Printed Name of Agent (If one is so authorized below)

Michael F. Malsom 3-31-11

Signature of Agent Date

Project Manager U.S. Army Corps of Engineers
(Corporate Title if applicable)

AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:

B. I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Daniel R. Brown — 3/31/11

Typed/Printed Name of Applicant — Signature of Applicant — Date

Superintendent Gulf Islands National Seashore National Park Service
(Corporate Title if applicable)

Please note: The applicant's original signature (not a copy) is required above.

PERSON WITH AUTHORITY TO AUTHORIZE ACCESS TO THE PROPERTY MUST ALSO COMPLETE THE FOLLOWING:

C. I certify that I [check one of the following]:

X Possess sufficient real property interest in or control over the land upon which the activities described in this application are proposed.
Note:

Interest in real property is typically evidenced by an instrument such as: a warranty deed; lease (subject to the limitations below); easement; judgment of the court; certificate of title issued by a clerk of the court; OR condominium, homeowners, or similar association documents, which demonstrate that the person or entity has sufficient interest in or control over the property to authorize the proposed activities to be permitted. An entity's contract for sale and purchase shall not be considered to have sufficient real property interest or control over the land that is subject to the application, but such entity shall be allowed to submit an application under this chapter (see next check box). Entities with the power of eminent domain and condemnation authority are considered capable of demonstrating that they will have sufficient real property interest or control prior to construction. **Note—the above documents do NOT have to be submitted at this time**, but must be made available if requested by the Department. Persons requesting activities on state-owned submerged land must also submit satisfactory evidence of sufficient upland interest in accordance with paragraph 18-21.004(3) (b), F.A.C. (April 14, 2008).

When the real property interest is a lease, the application must either:

a. Include the fee simple owner as a co-applicant;
b. Provide documentation that a governmental entity agrees to accept the transfer of the permit, including completing construction in accordance with the permit if needed, and to operate and maintain the system upon its completion;
c. Provide documentation that the lease over the land and system extends for the expected life of the system; or
d. Provide documentation that the operation and maintenance of the system is will be turned over to a new lessee or the landowner upon revocation, termination, or expiration of the lease.
e. If the lease does not specifically designate an entity to complete construction of the system in accordance with the permit in the event the construction is not so completed by the lessee, or does not specify operation and maintenance requirements for the system, including designation of a specific operation and maintenance entity, a separate binding document also will be required establishing that the landowner is liable for completing construction or alteration of the system and for operating and maintaining the system in accordance with the permit.

☐ Do NOT have sufficient real property interest, as described above (including such things as a contract for sale and purchase or an option agreement) in the land upon which the activities described in this application are proposed. Attached is:

1. A certification from the owner, lessee, or easement holder of such lands, acknowledging that they have knowledge of this application and voluntarily grant the permission, below, for staff of the Department of Environmental Protection, the Northwest Florida Water Management District, and the U.S. Army Corps of Engineers to access and conduct necessary site visits for the review, inspection, and sampling of the lands and waters on the property that are the subject of the application and, as a condition of any permit issued, that they agree to provide entry to such lands for staff to monitor and inspect permitted work; and

2. Documentation from the fee simple owner, easement holder, governmental entity, or other entity as provided for in section 12.3 of Applicant's Handbook Volume I, that they are liable for accepting responsibility for operation and maintenance of the system after completion of construction, and for and performing other terms and conditions as required by the permit.

Note: Neither 1. nor 2., directly above, must be submitted when the applicant is an entity with the power of eminent domain and condemnation authority, but such entity shall make appropriate arrangements to enable the above staff to access and inspect the property as needed to access and conduct necessary site visits for the review, inspection, and sampling of the lands and waters on the property that are the subject of the application. Such entity also agrees, as a condition of any permit issued, to provide entry to these lands for the above staff to monitor and inspect permitted work.

Daniel R. Brown
Typed/Printed Name of Applicant

Signature of Applicant

3/31/11
Date

Superintendent Gulf Islands National Seashore National Park Service
(Corporate Title if applicable)

AUTHORIZATION BY OWNER, LESSEE, OR EASEMENT TITLE HOLDER TO ENTER AND INSPECT PROPERTY

I, as Superintendent of the land that is the subject of the application submitted by Michael F. Malsom
Name of Agent
hereby acknowledge that I am aware of the application for an environmental resource permit/federal dredge and fill permit being submitted by the above named agent, and authorize staff from the Department, NWFWMD, and U.S. Army Corps of Engineers, to access and conduct any site visit on the property necessary for the review, inspection, and sampling of the lands and waters that are the subject of the this application. Further, I agree, as a condition of any permit issued, to provide entry to such lands for such staff to monitor and inspect permitted work.

Daniel R. Brown		3/31/11
Typed/Printed Name of Authorizing Entity	Signature of Authorizing Entity	Date

Superintendent Gulf Islands National Seashore National Park Service
(Corporate Title if applicable)

(I may be contacted at 850-934-2604 or 850-916-3011 to arrange access and inspection of the property)

US Army Corps of Engineers

SECTION B

Environmental Resource Permit Notice of Receipt of Application

Note: This form does not need to be submitted for noticed general permits.

This information is required in addition to that required in other sections of the application. Please submit five copies of this notice of receipt of application and all attachments with the other required information. Please submit all information on 8 1/2" x 11" paper.

Project Name: Fort Pickens Pier and Ferry Service
County: Escambia County
Owner: U.S. Government
Applicant: National Park Service
Applicant's Address: Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32563

1. Indicate the project boundaries on a USGS quadrangle map. Attach a location map showing the boundary of the proposed activity. The map should also contain a north arrow and a graphic scale; show Section(s), Township(s), and Range(s); and must be of sufficient detail to allow a person unfamiliar with the site to find it. See Figures 1-4.

2. Provide the names of all wetlands, or other surface waters that would be dredged, filled, impounded, diverted, drained, or would receive discharge (either directly or indirectly), or would otherwise be impacted by the proposed activity, and specify if they are in an Outstanding Florida Water or Aquatic Preserve: Fort Pickens Aquatic Preserve in Pensacola Bay.

3. Attach a depiction (plan and section views), which clearly shows the works or other facilities proposed to be constructed. Use multiple sheets, if necessary. Use a scale sufficient to show the location and type of works. See Figures 4-6.

4. Briefly describe the proposed project: Construct a 240 feet long F shaped pier/boat dock to accommodate passenger ferry service to the Fort Pickens area of the park.

5. Specify the acreage of wetlands or other surface waters, if any, that are proposed to be filled, excavated, or otherwise disturbed or impacted by the proposed activity:

   Filled _____ acres; Excavated _____ acres; Other impacts: 0.083 acres of open water

6. Provide a brief statement describing any proposed mitigation for impacts to wetlands and other surface waters (attach additional sheets if necessary): N/A

FOR AGENCY USE ONLY

Application Name:
Application Number:
Office where the application can be inspected:

7. Direction to the site: From I-10, take Exit 13 (HWY 110) and go south towards Pensacola. Continue to the end of 110 to where it merges with Hwy 98/30. Go east for a short way and then proceed south across the Pensacola Bay Bridge/Gulf Breeze Parkway. Once in Gulf Breeze, merge on to Hwy 399/Pensacola Beach Blvd. Proceed south to Pensacola Beach and bear to the right. Go west on Ft Pickens Road to the Gulf Islands National Seashore. Drive to the end of the road. The project site is approximately 1250 feet to the east of the existing fishing pier near the road that terminates on the seawall.

TABLE 4
DOCKING FACILITY SUMMARY

Type of Structure*	Type of Work**	Number of Identical Docks	Length (feet)	Width (feet)	Height (feet)	Total square feet over water	Number of slips
Ferry pier and boat dock	New	1	240	16	5 feet above MLLW	120'x16' = 1920 sf	one
Finger Pier	New		60	16	Same	960 sf	
Finger Pier	New		60	12	~~Same~~ 3'	720 sf	

	TOTALS:	Existing	Proposed
*Dock, Pier, Finger Pier, or other structure (please specify what type)	Number of Slips		~~one~~ two
**New, Replaced, Existing (unaltered), Removed, or Altered/Modified	Square Feet over the water		3600 sf

Use of Structure: This structure will be used for public recreation. It will serve as a loading and off loading site for ferry passengers visiting the National Park. It will also serve as a temporary mooring facility for the passenger ferry or other small support vessel.

Will the docking facility provide:

Live-aboard Slips? If yes, Number:_ One
Fueling Facilities: No
Sewage Pump-out Facilities? No
Other Supplies or Services Required for Boating (excluding refreshments, bait and tackle)
☐ Yes X No

Type of Materials for Decking and Pilings (i.e., CCA, pressure treated wood, plastic, or concrete)

Pilings: Concrete
Substructure: Pressure Treated Wood
Decking: Trex
Proposed Dock-Plank Spacing : ¼ inch

Proposed Size (length and draft), Type, and Number of Boats Expected to Use or Proposed to be Mooring at the facility)

The exact size of the vessel has not been determined yet. It will be large enough to carry approximately ~~15~~-300 passengers. The number of vessels expected to use the facility would be relatively few due to its small size and location.

SECTION F
Application for Authorization to Use State-owned Submerged Lands

Part 1: State-owned submerged lands title information (see Page 5 of 5 of this section for an explanation). Please read and answer the applicable questions listed below:

A. I have a state-owned submerged lands title determination from the Division of State Lands which indicates that the proposed project is NOT ON state-owned submerged lands (Please attach a copy of the title determination to the application). Yes☐ No X

- If you answered "Yes" to Question A and you have attached a copy of the Division of State Lands Title Determination to this application, you do not have to answer any other questions under Part I or II of Section G.

B. I have a state-owned submerged lands title determination from the Division of State Lands which indicates that the proposed project is ON state-owned submerged lands (Please attach a copy of the title determination to the application). Yes☐ No X

- If you answered yes to question B please provide the information requested in Part II. Your application will be deemed incomplete until the requested information is submitted.

C. I am not sure if the proposed project is on state-owned submerged lands (please check here). ☐

- If you have checked this box department staff will request that the Division of State Lands conduct a title determination. If the title determination indicates that the proposed project or portions of the project are located on state-owned submerged lands you will be required to submit the information requested in Part II of this application. The application will be deemed incomplete until the requested information is submitted.

D. I am not sure if the proposed project is on state-owned submerged lands and I DO NOT WISH to contest the Department's findings (please check here). ☐

- If you have checked this box refer to Part II of this application and provide the requested information. The application will be deemed incomplete until the requested information is submitted.

E. It is my position that the proposed project is NOT on state-owned submerged lands (please check here). ☐

- If you have evidence that indicates that the proposed project is not on state-owned submerged lands please attach the documentation to the application. If the Division of State Lands title determination indicates that your proposed project or portion of your proposed project are on state-owned submerged lands you will be required to provide the information requested in Part II of this application.

F. If you wish to contest the findings of the title determination conducted by the Division of State Lands please contact the Department of Environmental Protection's Office of General Counsel. Your proposed project will be deemed incomplete until either the information requested in Part II is submitted or a legal ruling indicates that the proposed project is not on state-owned submerged lands.

PROPRIETARY PROJECT DESCRIPTIONS

Please check the most applicable activity which applies to your project(s):

Leases

- ☐ Commercial marinas (renting wet slips) including condos, etc., if 50% or more of their wet slips are available to the general public
- X Public/Local governments
- ☐ Yacht Clubs/Country Clubs (when a membership is required)
- ☐ Condominiums (requires upland ownership)
- ☐ Commercial Uplands Activity (temporary docking and/or fishing pier associated with upland revenue generating activities, i.e., restaurants, hotels, motels) for use of the customer at no charge
- ☐ Miscellaneous Commercial Upland Enterprises where there is a charge associated with the use of overwater structure (Charter Boats, Tour Boats, Fishing Piers)
- ☐ Ship Building/Boat Repair Service Facilities
- ☐ Commercial Fishing Related (Offloading, Seafood Processing)
- ☐ Private Single-family Residential Docking Facilities; Townhome Docking Facilities; Subdivision Docking Facilities (upland lots privately owned)

Public Easements and Use Agreements

- ☐ Miscellaneous Public Easements and Use Agreements
- ☐ Bridge Right-of-way (DOT, local government)
- ☐ Breakwater of groin
- ☐ Subaqueous Utility Cable (TV, telephone, electrical)
- ☐ Subaqueous Outfall or Intake
- ☐ Subaqueous Utility Water/Sewer
- ☐ Overhead Utility w/Support Structure on State-owned Submerged Lands
- ☐ Disposal Site for Dredged Material
- ☐ Pipeline (gas)
- ☐ Borrow Site

Private Easements

- ☐ Miscellaneous Private Easements
- ☐ Bridge Right-of-way
- ☐ Breakwater Groin
- ☐ Subaqueous Utility Cable (TV, telephone, electrical)
- ☐ Subaqueous Outfall or Intake
- ☐ Subaqueous Utility Water/Sewer
- ☐ Overhead Utility Crossing
- ☐ Disposal Site for Dredged Material
- ☐ Pipeline (gas)

Letters of Consent/Consent by Rule

- ☐ Aerial Utility Crossing w/no support structures on state-owned submerged lands
- ☐ Private Dock
- X Public Dock
- ☐ Multi-family Dock
- ☐ Fishing Pier (private or Multi-family)
- ☐ Private Boat Ramp
- ☐ Sea Wall
- ☐ Dredge
- ☐ Maintenance Dredge
- ☐ Navigation Aids/Markers
- ☐ Artificial Reef
- ☐ Riprap
- ☐ Public Boat Ramp
- ☐ Public Fishing Pier
- ☐ Repair/Replace Existing Public Fishing Pier
- ☐ Repair/Replace Existing Private Dock
- ☐ Repair/Replace Existing Public Dock
- ☐ Repair/Replace Existing Multi-family Dock
- ☐ Repair/Replace Existing Fishing Pier (Private or Multi-family)
- ☐ Repair/Replace Existing Private Boat Ramp
- ☐ Repair/Replace Existing Sea Wall, Revetments, or Bulkheads
- ☐ Repair/Replace/Modify structures/activities within an existing lease, easement, management agreement or use agreement area or repair/replace existing grandfathered structures
- ☐ Repair/Replace Existing Public Boat Ramp

Miscellaneous

- ☐ Biscayne Bay Letters of Consistency/Inconsistency w/258.397, F.S.
- ☐ Management Agreements - Submerged Lands
- ☐ Reclamation
- ☐ Purchase of Filled, Formerly Submerged Lands
- ☐ Purchase of Reclaimed Lake Bottom
- ☐ Treasure Salvage
- ☐ Insect Control Structures/Swales
- ☐ Miscellaneous projects which do not fall within the activity codes listed above

Figure 1 **Site Location Map**

Figure 1: Vicinity Map of Fort Pickens and Project Site

Figure 2: Aerial View of Fishing Pier and Proposed Project Site

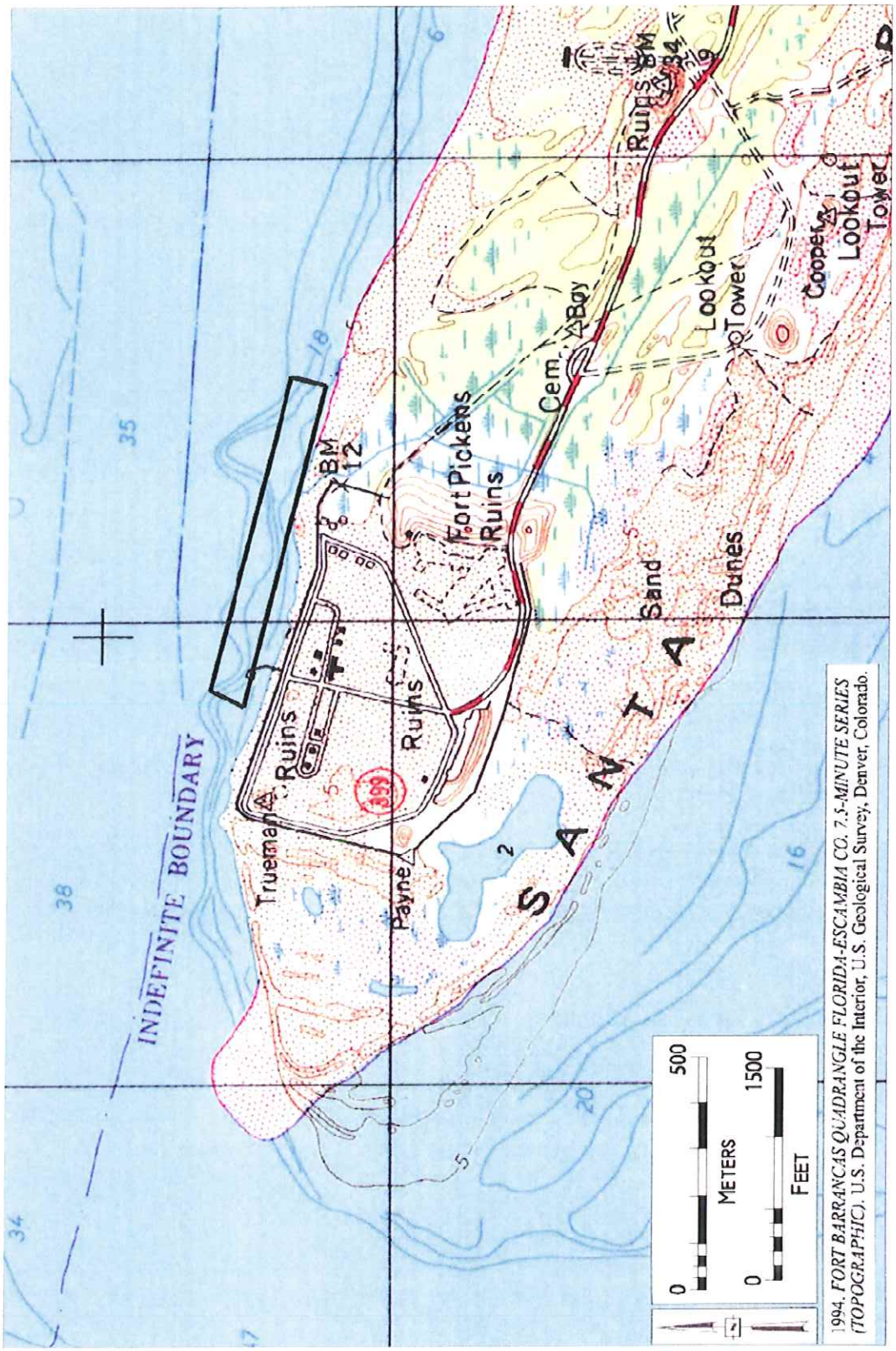


Figure 3: Topography Map of Proposed Project Site.

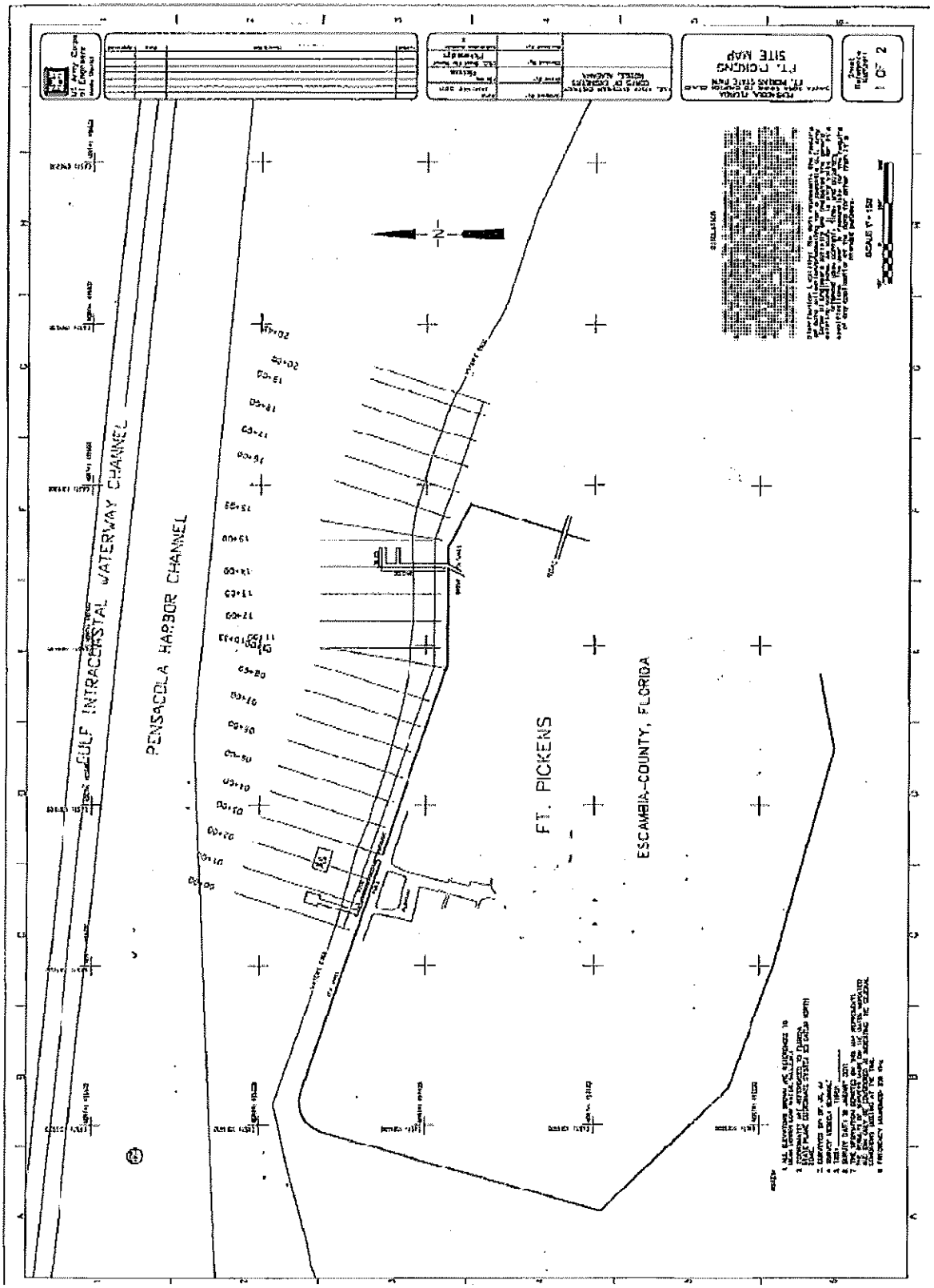


Figure 4: Vicinity Map of the Proposed Fort Pickens Ferry Pier.

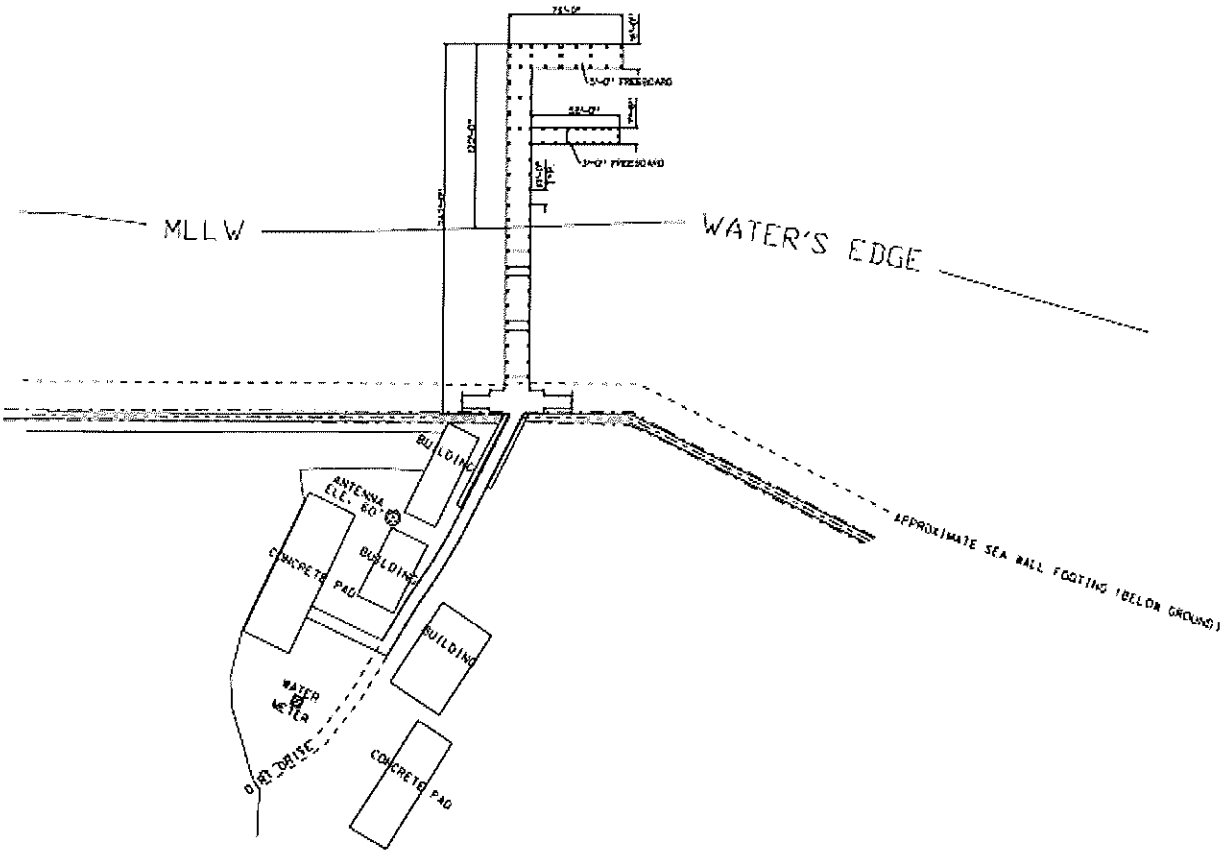


Figure 5: Plan View of Fort Pickens Ferry Pier.

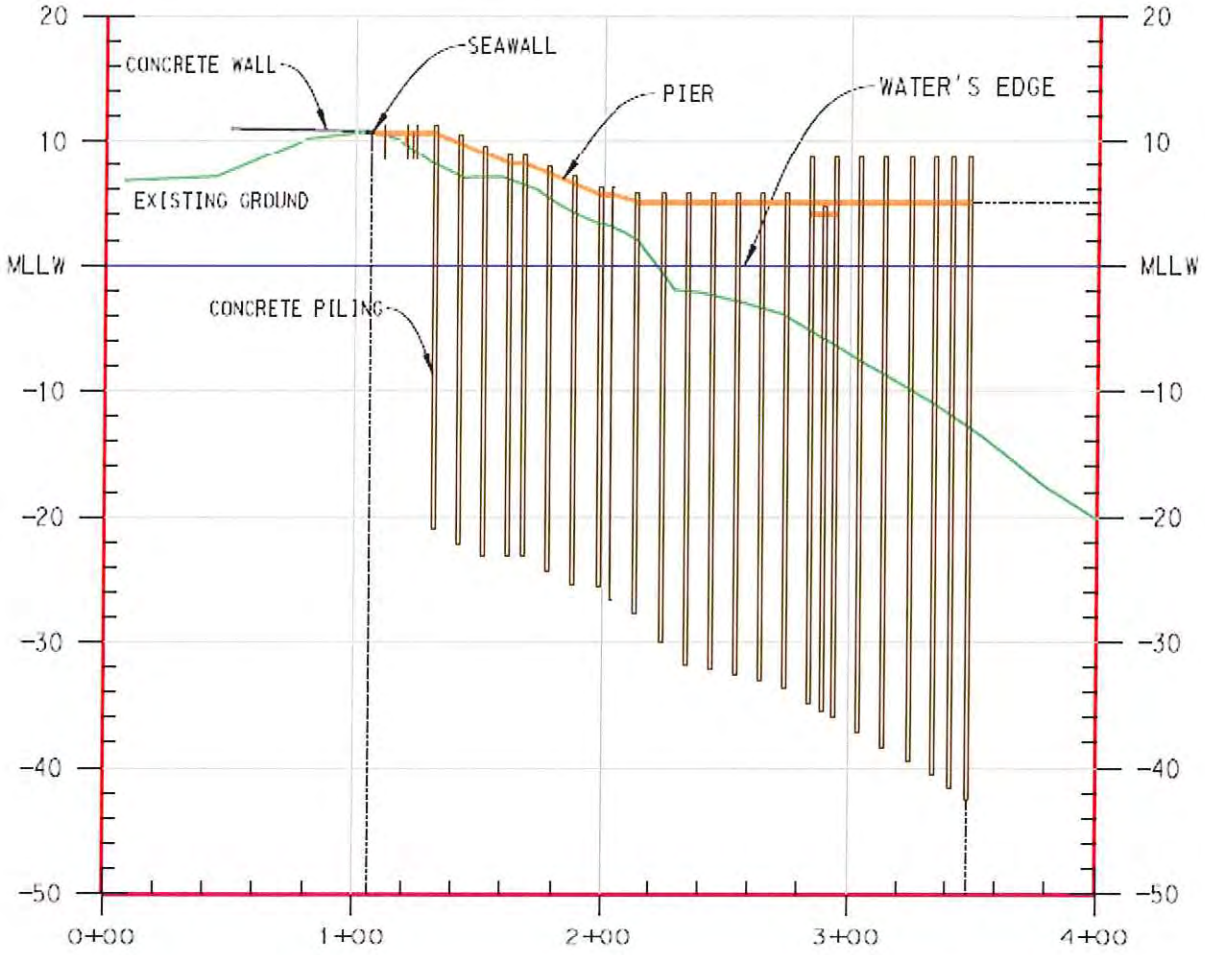


Figure 6: Profile View of Fort Pickens Ferry Pier Location.

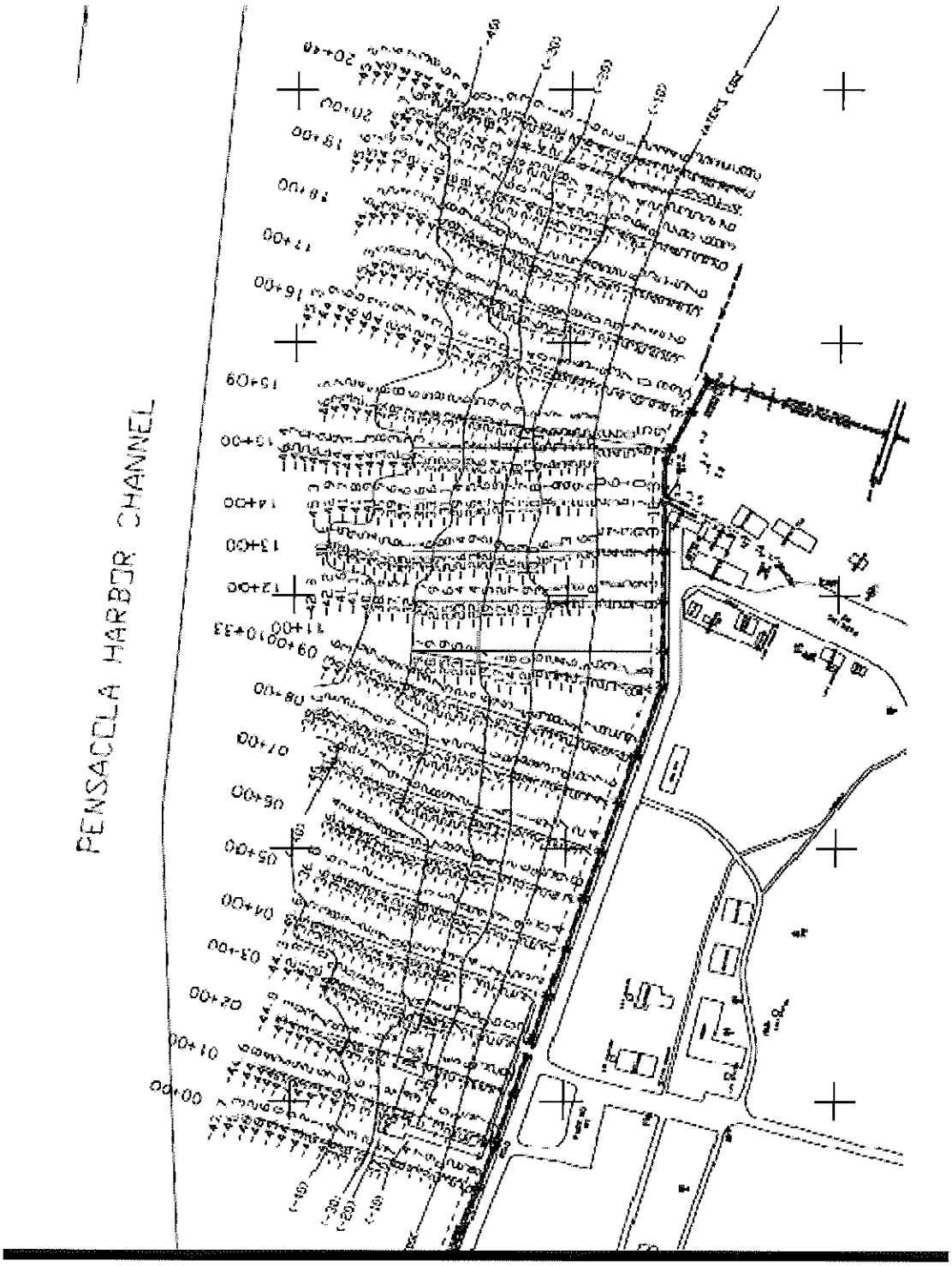


Figure 7: Shoreline Survey Map of Fort Pickens Pier Area.

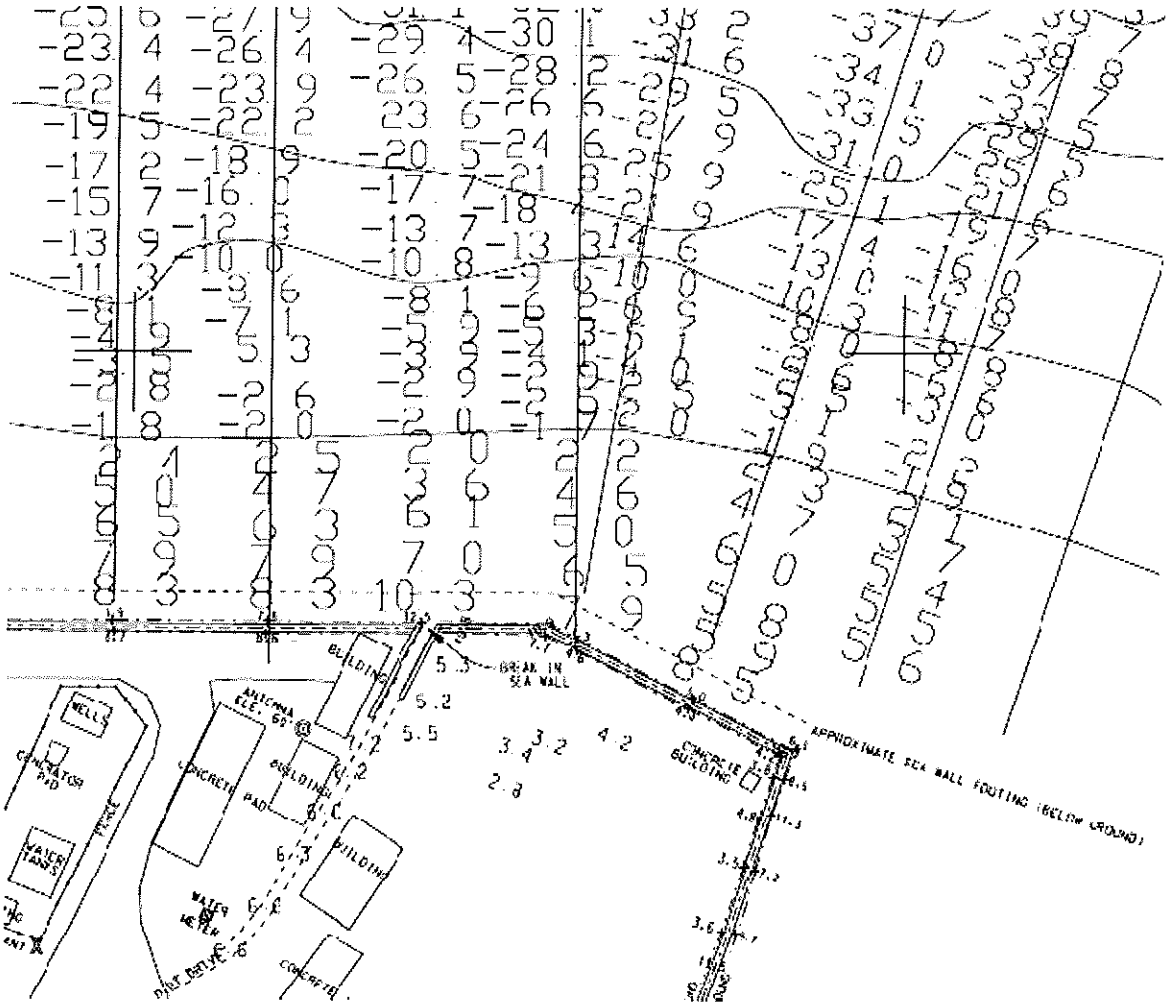


Figure 8: Enlarged Shoreline Survey Map of Proposed Fort Pickens Pier Location

Photo 1: Location where the proposed Fort Pickens Pier connects to the seawall.

Photo 2: Proposed location of the Fort Pickens Pier construction site.

Figure 9: Seagrass Bed Location Map.

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

September 23, 2011

Ms. Jolene Williams
Gulf Islands National Seashore
Mississippi District
National Park Service
3500 Park Road
Ocean Springs, MS 39564-9709

Re: SHPO/DHR Project File No.: 2011-4123 (2011-2444)
Fort Pickens Ferry - Sidewalk, asphalt pavement and pavilion
Finding of No Adverse Effect by the National Park Service
Trip Report on Archaeological Investigations
Gulf Islands National Seashore
Santa Rosa County

Dear Ms. Williams:

Our office reviewed the referenced findings of the field investigations conducted by the Southeastern Archaeological District for possible adverse impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological significance. The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties* and the implementing state regulations.

Based on the information provided, this office concurs that the proposed referenced undertakings will have no adverse effect on historic properties associated with Fort Pickens, with implementation of the recommended measures to avoid impacts to historic features – Buildings 15, 16 and 17, the portions of the narrow-gauge rail (8ES91) and the Spanish American War period seawall (8ES94), and archaeological monitoring during the removal of concrete slab and covered areas.

If you have any questions concerning our comments, please contact me at 850-245-6333 or lkammerer@dos.state.fl.us. Thank you for your interest in protecting Florida's historic properties.

Sincerely,

Laura A. Kammerer

Laura A. Kammerer
Deputy State Historic Preservation Officer
For Review and Compliance

500 S. Bronough Street • Tallahassee, FL 32399-0250 • http://www.flheritage.com

❒ **Director's Office** (850) 245-6300 • FAX: 245-6436
❒ **Archaeological Research** (850) 245-6444 • FAX: 245-6452
✓ **Historic Preservation** (850) 245-6333 • FAX: 245-6437

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

October 7, 2011

Mr. Daniel R. Brown
Park Superintendent
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32563

Re: **Memorandum of Agreement #5325-11-0031**
Between the Florida State Historic Preservation Officer, and the United States Department of the Interior National Park Service Gulf Islands National Seashore Regarding Fort Pickens Passenger Ferry Pier and Associated Improvements
SHPO/DHR Project File No.: 2011-4316

Dear Mr. Brown:

In accordance with the procedures contained in 36 CFR Part 800, this office reviewed the referenced Memorandum of Agreement and as requested signed two originals. We are returning with this letter one signed original. As directed, this office is retaining one hardcopy of the Agreement for our records and returning the other original to your office via the US Postal Service, Certified Mail tracking system. In addition, as requested a pdf of the agreement will be emailed to your attention today.

I will coordinate with Mr. Rick Clark to be certain we have all correct Agreement exhibits with the correct labels. This office looks forward to our continued cooperation with your office. This Agreement will ensure that historic properties of Florida are protected. Thank you.

Sincerely,

Laura A. Kammerer

Laura A. Kammerer
Deputy State Historic Preservation Officer
For Review and Compliance

Enclosure

Memorandum of Agreement
#5325-11-0031

Between

The Florida State Historic Preservation Officer,

And the

United States Department of the Interior
National Park Service
Gulf Islands National Seashore

Regarding

Fort Pickens Passenger Ferry Pier and Associated Improvements

WHEREAS, the Gulf Islands National Seashore (Park) proposes to construct a new passenger ferry pier, walkway, and pavilion for visitor access and use at the western end of Santa Rosa Island in accordance with the documents entitled "Supplementary & Supporting Documentation" dated September 2011 and attached hereto as Exhibit 1 (the Undertaking); and

WHEREAS, the Park has established the Undertaking's area of potential effects (APE), as defined at 36 CFR 800.16(d) as a portion of the Fort Pickens Historic District (designated Fort Pickens Complex, State ID 08ES0070, ASMIS ID GUIS00029); and

WHEREAS, archeological surveys, including recent surveys by the University of West Florida (UWF) and the Southeast Archeological Center (SEAC), have identified a broad scatter of historic artifacts in both the terrestrial and the submerged portions of the APE; and

WHEREAS, the Park in consultation with the Florida State Historic Preservation Officer (SHPO) has determined that the Undertaking may have adverse effects on archeological properties in the APE; and

WHEREAS the U.S. Army Corps of Engineers, USACE, Mobile District, on the Park's request and operating as an agent for the Park, is conducting design and managing the construction of the Undertaking; and

WHEREAS the Park has consulted with the SHPO regarding minimization and mitigation of adverse effects on historic properties;

WHEREAS, in accordance with 36 CFR 800.6(a)1, the Park has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination

providing the specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii);

NOW, THEREFORE, the Parkand the SHPO agree that upon the decision to proceed with the Undertaking, NPS shall ensure that the following stipulations are implemented in order to take into account the effects of the Undertaking on historic properties within the APE and that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated.

I. STIPULATIONS

The Park shall ensure that the following measures are carried out:

1. Design and Construction of the Project

NPS will ensure that USACE will construct the Project within the constraints delineated in this document and as shown in Exhibit 2. Any deviations from these plans will be made in consultation with the NPS, SHPO, and U.S. Army Corps of Engineers, Jacksonville District-Regulatory Division, and any disagreement in the assessment of effects of such deviations on historic properties within the APE will be resolved in accordance with 36 CFR 800.

Wherever possible, the design will avoid adverse effects on historic properties in the Fort Pickens Complex, State ID 08ES0070, ASMIS ID GUIS00029, as visible in GPR; including the major archeological feature identified as Feature 1 exposed by backhoe and described in Exhibit 12. The design and construction of the pylons for the pier will be constructed to avoid as much of Feature 1 as possible. Granite blocks in Feature 1 will be avoided. Rubble and wharf debris cannot be avoided. Design and location of the pier will avoid the underwater near-shore resources (Exhibits 6-12). See Exhibits 2, and 6-12 for additional details regarding the configuration of the sub-surface resources, including the granite blocks and other features.

NPS will ensure recovery and description in a technical report of any archaeological resources encountered. A copy of said reports are provided to the SHPO and the U.S. Army Corps of Engineers, Jacksonville District-Regulatory Division (see Exhibits 3-5). Only the unavoidable artifacts in Feature 1 will be recovered or collected, within a 5 meter buffer around two pylons (see Exhibit 12). The granite blocks will remain in-situ, are not expected to be impacted, so consequently will not be recovered or collected. Rubble and wharf debris, as described and further elaborated upon in Exhibits 3-12, will not be recovered or collected.

NPS will ensure that a fully accredited Archeologist sanctioned by both NPS and SHPO will be present to monitor the construction activities, to ensure that any inadvertent discoveries are properly accounted for and appropriately treated.

2. Administrative Requirements

NPS will ensure that any documentation concerning historic properties that is generated during the course of this Undertaking is provided to the SHPO in a form acceptable to the SHPO for inclusion in the SHPO's files, Florida Master Site File, and archives.

NPS will ensure that all documentation of historic properties carried out pursuant to this MOA is conducted by or under the direct supervision of a person or person meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology and Historic Preservation (36 CFR Part 61); and that all archaeological work is carried out by or under the direct supervision of a person or persons meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology and Historic Preservation (36 CFR Part 61). The Secretary of the Interior's Professional Qualifications Standards for Archaeology and Historic Preservation define minimum education and experience required to perform identification, evaluation, registration, and treatment activities.

3. Duration

This MOA will be null and void if its terms are not carried out within five (5) years from the date of its execution. At such time, and prior to work commencing on the undertaking, the Park shall execute a new MOA pursuant to 36 CFR 800.6.

4. Post-Review Discoveries

If during construction previously unknown archeological resources are discovered, all work in the immediate vicinity of the discovery will be halted, signatories to the MOA will be notified, and the procedures of 36 CFR 800.13(c) followed. In the event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered during construction, the regulations implementing the Native American Graves Protection and Repatriation Act and Florida Statute §872.05 will be followed.

NPS, in consultation with the SHPO, shall ensure that any adverse effects to historic properties within the APE are avoided, minimized or mitigated in accordance with 36 C.F.R. Part 800.13(b). All records resulting from archaeological discoveries shall be in accordance with 36 C.F.R. Part 79; and shall be submitted to the SHPO.

5. Review and Monitoring

NPS will provide to the SHPO a summary report at the end of the Undertaking detailing work undertaken pursuant to the terms of this MOA. Such report will include any problems encountered and any disputes and objections received in NPS's efforts to carry out the terms of this MOA.

6. Dispute Resolution

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the objecting party will consult with the other party to resolve the objection. If the Park determines that such objections cannot be resolved, the Park will:

A. Forward all documentation relevant to the dispute, including the Park's proposed resolution, to the ACHP. The ACHP shall provide the Park with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Park shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the signatories, and provide them with a copy of this written response. The Park will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the Park may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision on the dispute, the Park shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the signatories, and provide them with a copy of such written response.

C. The Park's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of dispute will remain unchanged

7. Amendments

Any party to this agreement may propose to the other party that it be amended, whereupon the parties will consult and consider the amendment pursuant to 36 CFR 800.6(c)(7). The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

8. Termination

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation 7, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to continuing work on the undertaking, the Park shall execute a new MOA pursuant to 36 CFR 800.7. The Park shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the Park, and SHPO and implementation of its terms evidence that the Park has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

Signatories

National Park Service, Gulf Islands National Seashore

Daniel R. Brown, Superintendent

Date: 10/6/11

Florida State Historic Preservation Office

Laura A. Kammerer

Laura Kammerer, Deputy State Historic Preservation Officer

Date October 7, 2011

-N-

SEE STRUCTURAL DRAWINGS FOR CONTINUATION OF BOARDWALK NORTH OF SEA WALL

T/LANDING 13.0

BREAK IN SEA WALL

APPROXIMATE SEA WALL FOOTING (BELOW GROUND)

REMOVE EXISTING CONCRETE PAD

PAVILION

T/LANDING 10.5

BUILDING

ANTENNA ELE. 60'

T/LANDING 8.0

40'

40'

CONCRETE PAD

30'

6'

RAMP, TYP. (MAX. 1V:12H SLOPE)

RAMP

22'

T/LANDING 7.0

CONCRETE SIDWALK

R 35'

R 35'

WELLS

GENERATOR PAD

FENCE

WATER TANKS

BUILDING

FIRE HYDRANT

WATER METER

BUILDING

BUILDING

ASPHALT PAVING FOR BUS PICKUP

DIRT DRIVE

CONCRETE PAD

CONCRETE BUILDING

INSIDE SLOPE TO GROUND

TOP OF SEAWALL

OUTSIDE SLOPE TO GROUND

P6

P3

P3

SP

20' 0 20 40'

SCALE: 1"=20'

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved
	Description		

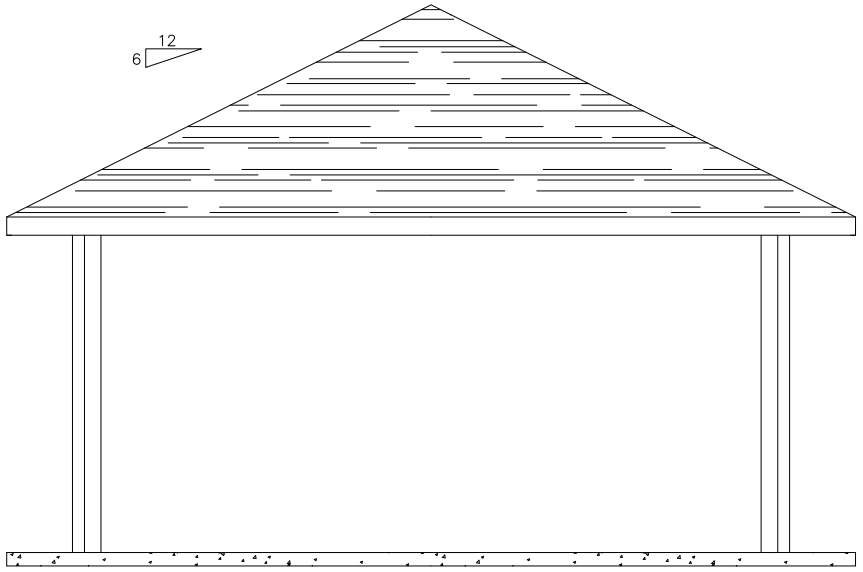
Designed By: J.M.BAKER		Date: -	
Drawn By: J.M.BAKER		CADD Code: CHICAGO7	
Checked By: -		13.0_Sheet File Name: 22x34o_ip_out.dgn	
Reviewed By: -		Solicitation Number: -	

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

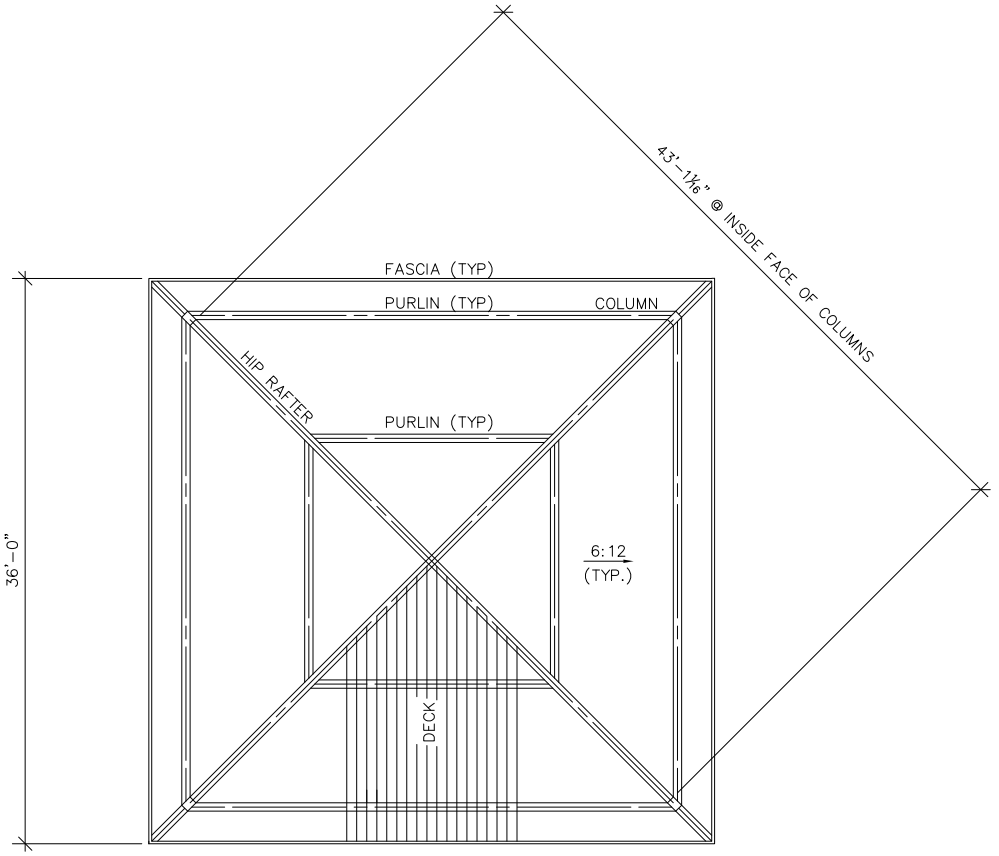
SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

PRELIMINARY LAYOUT
BOARDWALK
FORT PICKENS, FL

Sheet Reference Number:
C-101

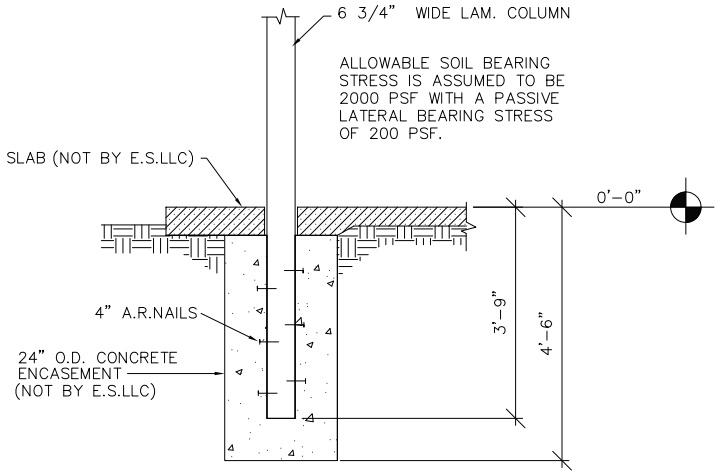


ELEVATION



ROOF FRAMING PLAN

NO SCALE



SUGGESTED COLUMN EMBEDMENT DETAIL

(NOT BY E.S.LLC)

36' TIMBERLAND MODEL

CHARTER MEMBER AMERICAN INSTITUTE OF TIMBER CONSTRUCTION ENGINEERED AITC TIMBER

ENWOOD STRUCTURES

MANUFACTURER OF ENGINEERED WOOD PRODUCTS

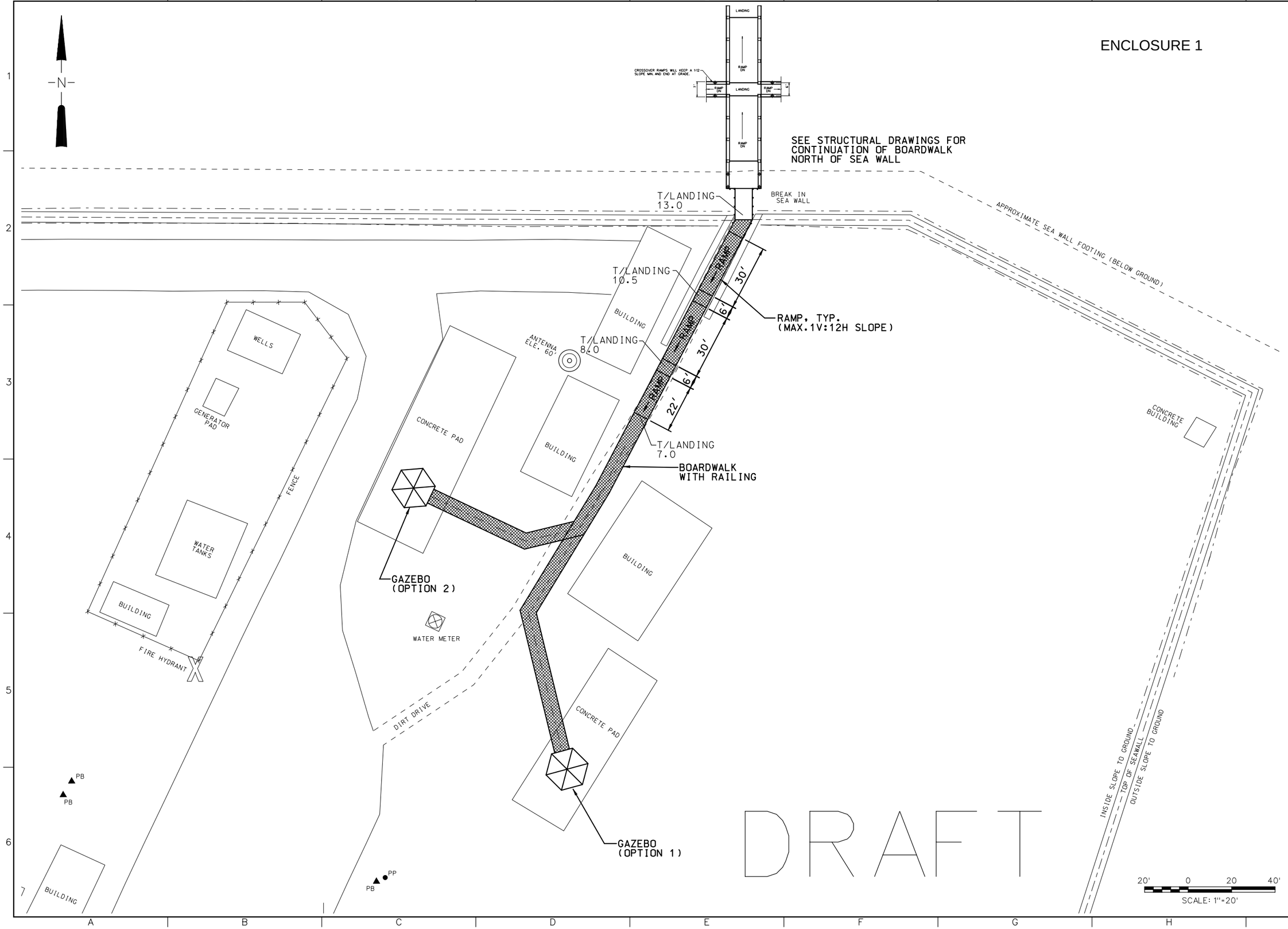
5724 McCrimmon Parkway
P.O. Box 2002
Morrisville, NC 27560

(800)-777-8648
(919)- 469-2536 Fax

SHEET 1 OF 1

–NOT FOR CONSTRUCTION–

ENCLOSURE 1



DRAFT

20' 0 20 40'

SCALE: 1"=20'

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved
	Description		

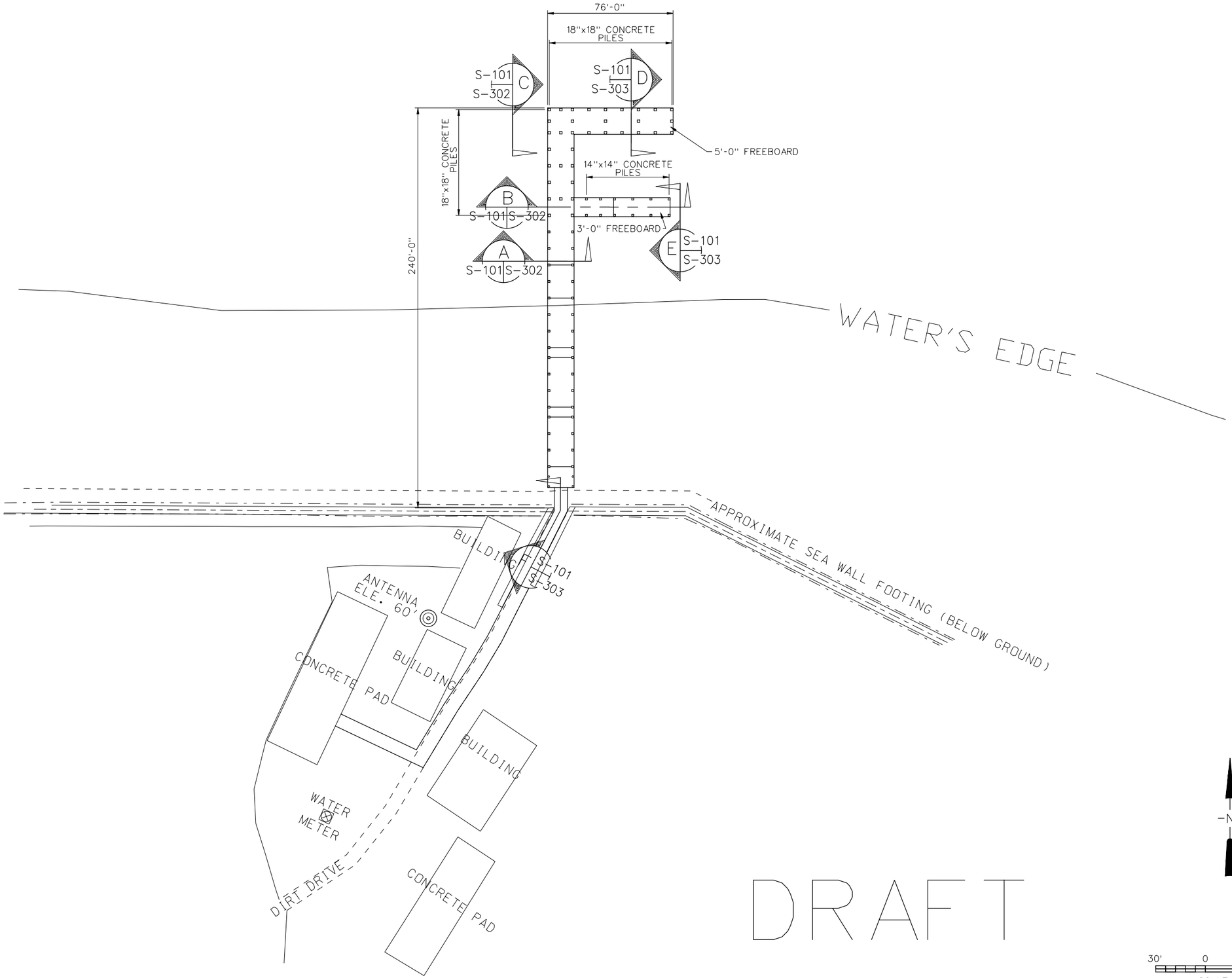
Designed By: J.M.BAKER	Date: -
Drawn By: J.M.BAKER	CADD Code: CH11CA07
Checked By: -	I.S.O. Sheet File Name: 22Jx34D_ip_out.dgn
Reviewed By: -	Solicitation Number: -

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

PRELIMINARY LAYOUT
BOARDWALK
FORT PICKENS, FL

Sheet Reference Number:
C-101



US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved
	Description		

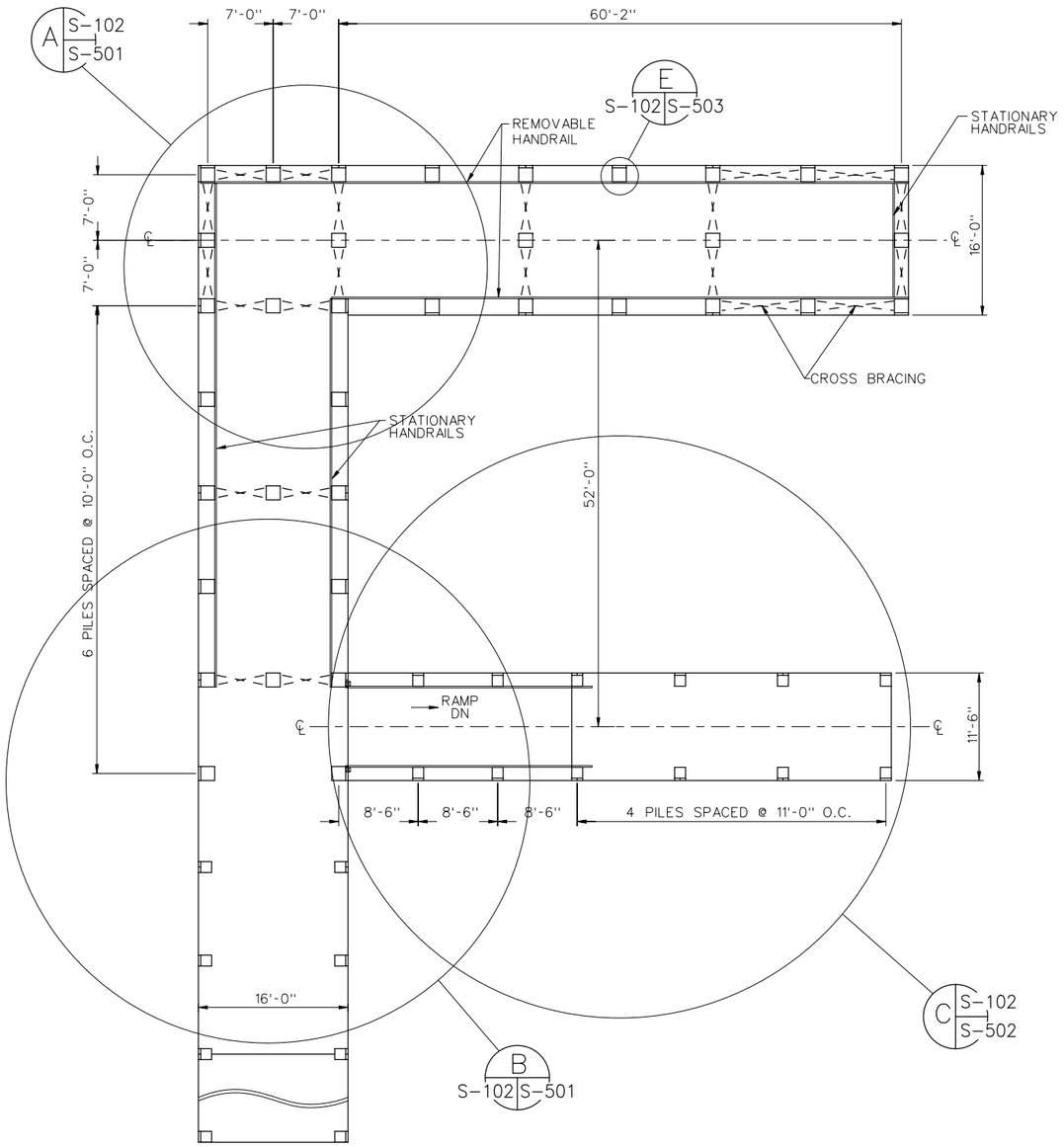
Designed By:		Date:	-
Drawn By:		CADD Code:	CH11CA07
Checked By:		I.S.O. Sheet File Name:	S101CA07.dgn
Reviewed By:		Solicitation Number:	-

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

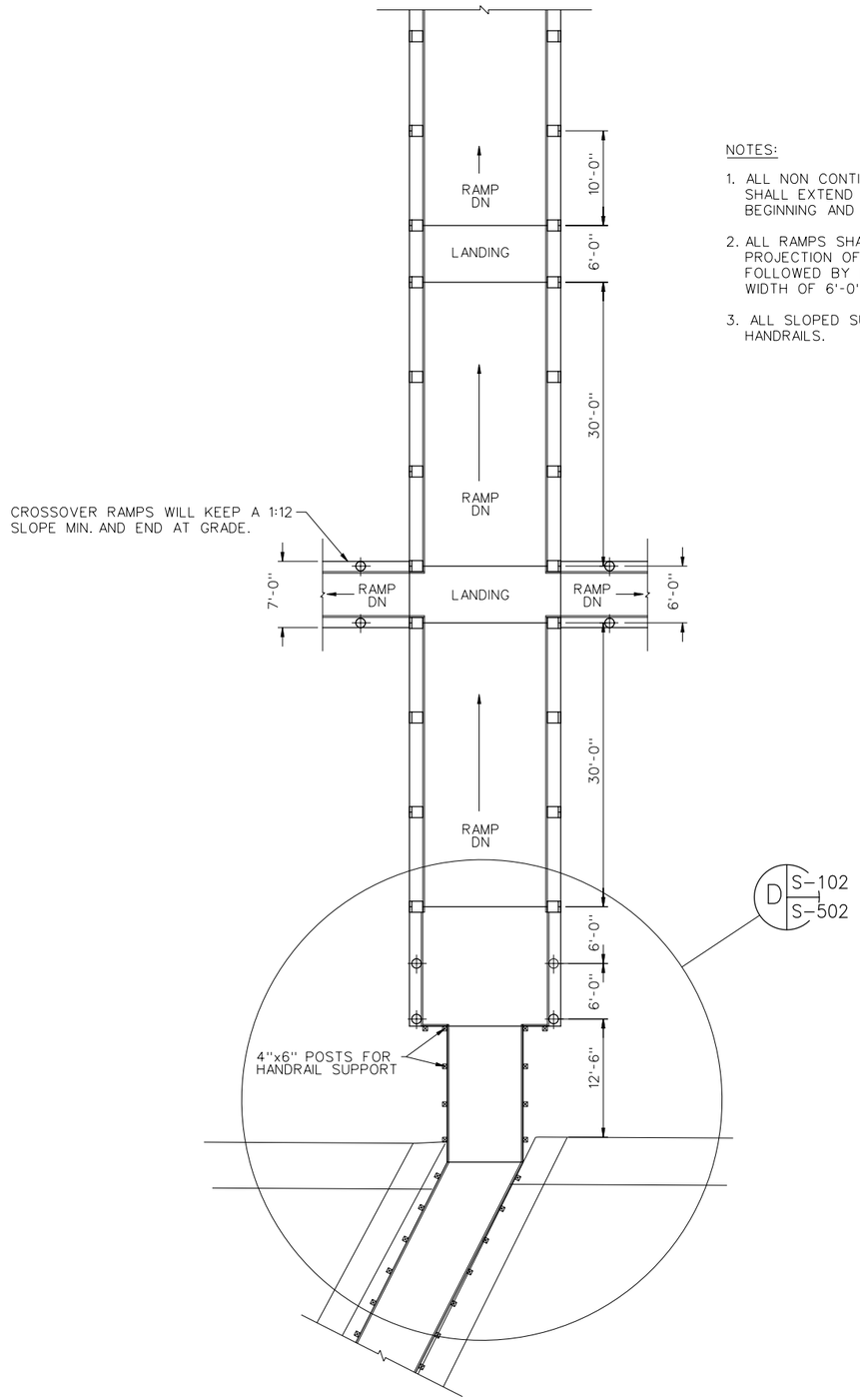
LAYOUT PLAN

Sheet Reference Number:
S-101



DETAILED PLAN VIEW - DOCKING AREAS

1/8"=1'-0"



DETAILED PLAN VIEW - SEAWALL CONNECTION

1/8"=1'-0"

NOTES:

1. ALL NON CONTINUOUS HANDRAILS SHALL EXTEND 12" BEYOND FACE OF BEGINNING AND ENDING POINT.
2. ALL RAMPS SHALL HAVE A MAXIMUM PROJECTION OF 30'-0" WHICH WILL BE FOLLOWED BY LANDING WITH A MINIMUM WIDTH OF 6'-0".
3. ALL SLOPED SURFACES SHALL HAVE HANDRAILS.

DRAFT

8' 0 8 16'

SCALE: 1/8" = 1'-0"

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved
	Description		

Date:	-
CADD Code:	CH1CA07
I.S.O. Sheet File Name:	S102CA07.dgn
Solicitation Number:	-
Designed By:	
Drawn By:	
Checked By:	
Reviewed By:	

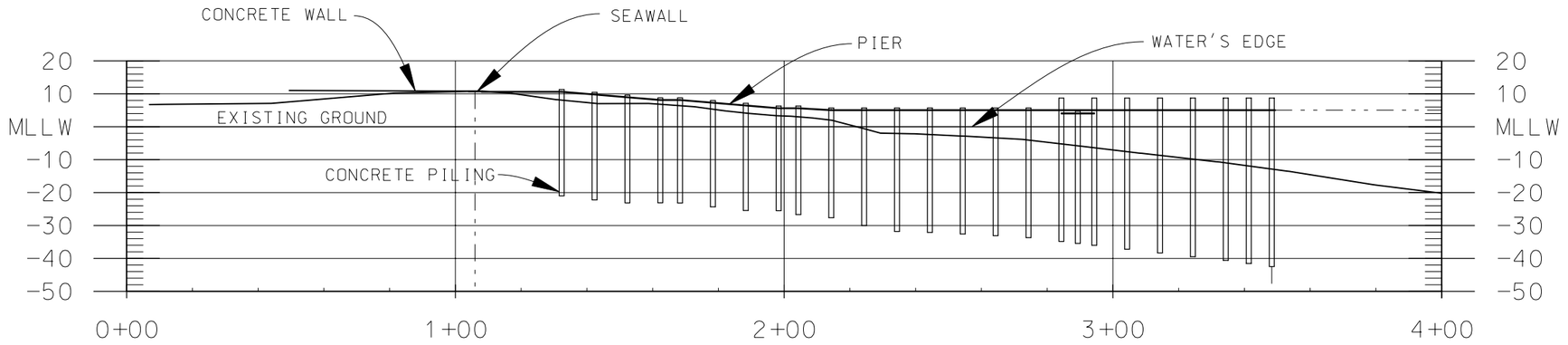
U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

DETAILED PLAN VIEWS

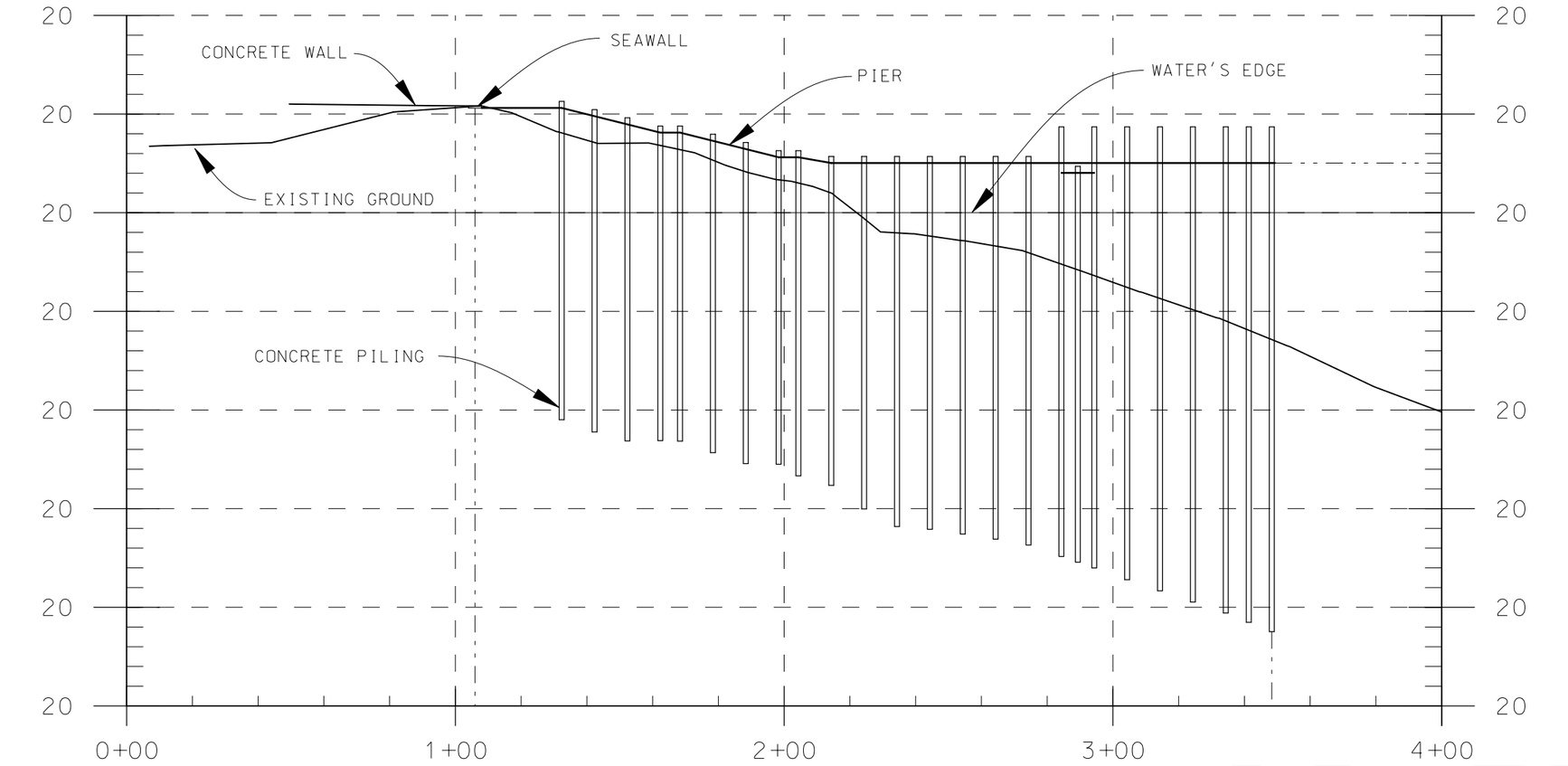
Sheet Reference Number:

S-102



PIER PROFILE - 1V:1H

1/8"=1'-0"



PIER PROFILE - 3V:1H

1/8"=1'-0"

DRAFT

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved
	Description		

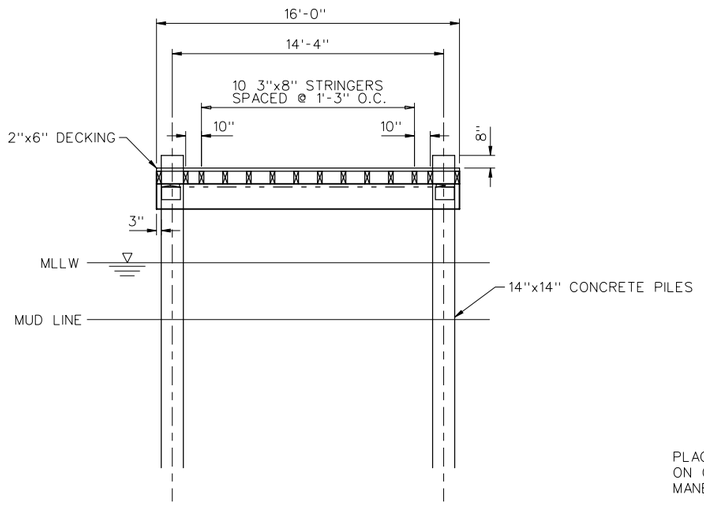
Designed By:		Date: -	
Drawn By:		CADD Code: CH11CA07	
Checked By:		I.S.O. Sheet File Name: S201CA07.dgn	
Reviewed By:		Solicitation Number: -	

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

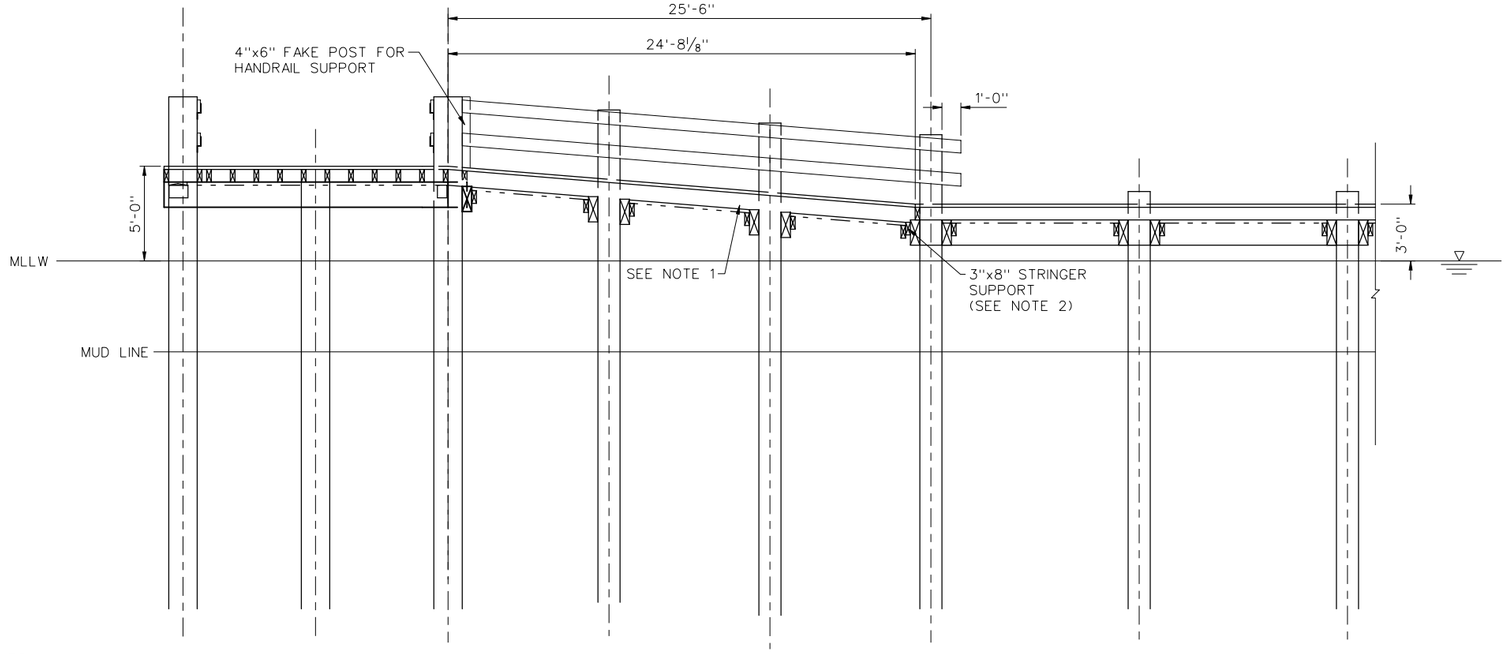
SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

PROFILE

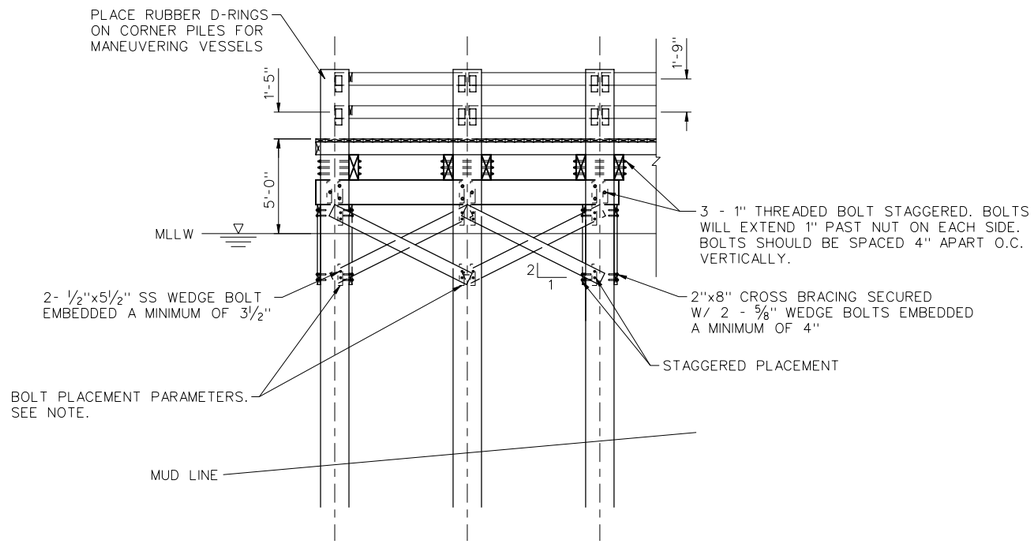
Sheet Reference Number:
S-201



MAIN DOCK W/ 14" PILES (A)
1/4"=1'-0" S-101 S-301



LOWER DOCK (B)
1/4"=1'-0" S-101 S-301



MAIN DOCK END (C)
1/4"=1'-0" S-101 S-301

NOTES:

1. 6"x16" STRINGER PILECAPS SHOULD BE SO THAT DECK MAINTAINS A 1:12 SLOPE FROM UPPER TO LOWER LEVEL.
2. STRINGERS SHOULD BE NOTCHED TO FIT FLUSH TO PILECAPS.
3. FASTNERS MUST BE PLACED A MINIMUM OF 4" FROM THE OUTSIDE EDGE AND 2" FROM CENTER OF PILE.
4. ALL STRUCTURAL TIMBERS WILL BE MARINE GRADE TREATED.
5. DECKING WILL BE TREX ESCAPES OR SIMILAR PRODUCT.
6. 6"x16" AND 3"x8" STRUCTURAL TIMBERS WILL BE ROUGH SAWN TO FULL DIMENSIONS.

DRAFT

4' 0 4 8'
SCALE: 1/4" = 1'-0"

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved
	Description		

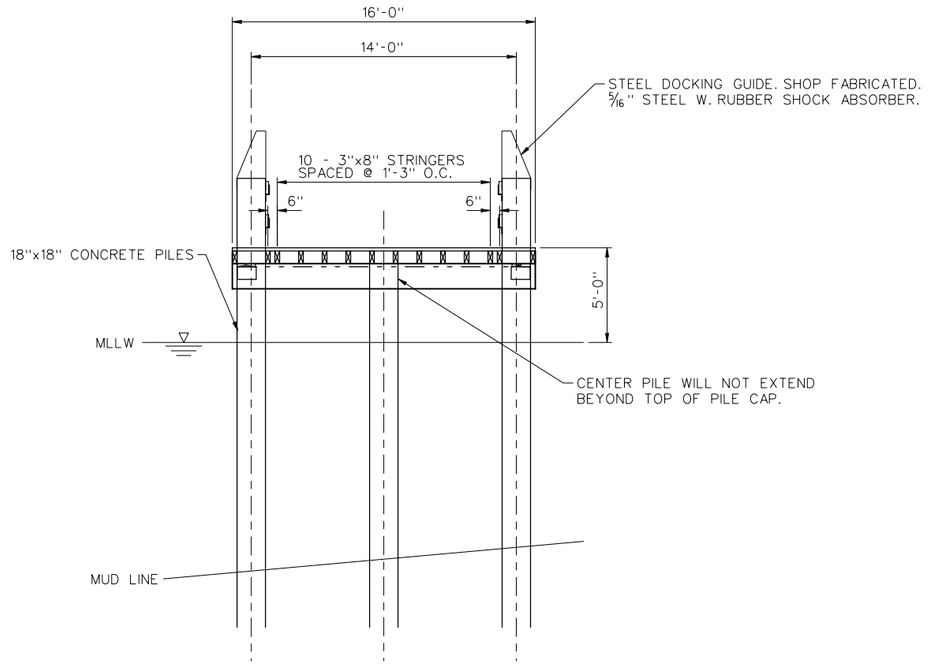
Designed By:	Date: -
Drawn By:	CADD Code: CH1CA07
Checked By:	I.S.O. Sheet File Name: S301CA07.dgn
Reviewed By:	Solicitation Number: -

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

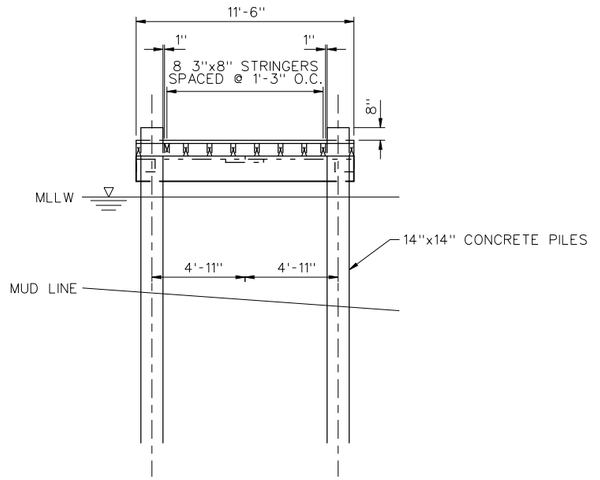
SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

PIER SECTIONS

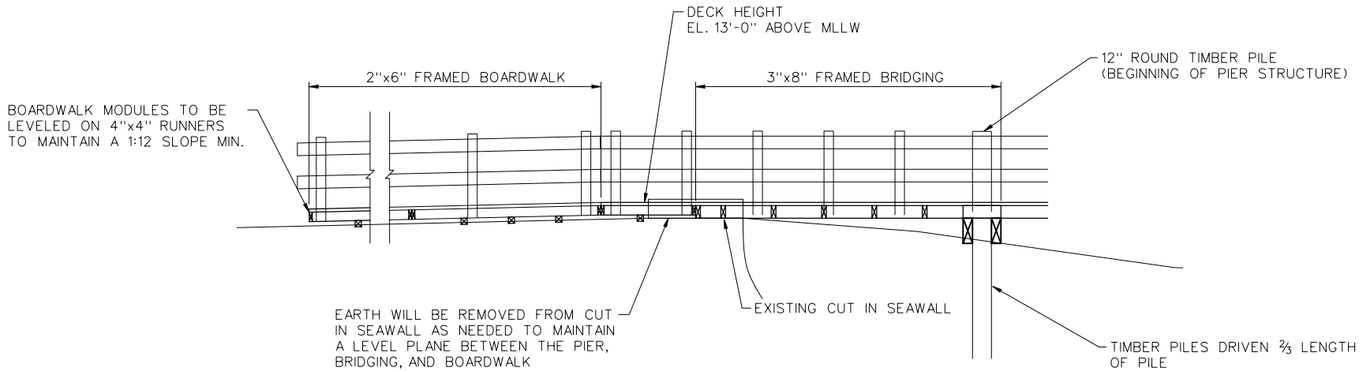
Sheet Reference Number:
S-301



MAIN DOCK END D
1/4"=1'-0" S-101 S-302



LOWER DOCK E
1/4"=1'-0" S-101 S-302



BOARDWALK & BRIDGING D
1/4"=1'-0" S-101 S-302

DRAFT

4' 0 4 8'
SCALE: 1/4" = 1'-0"

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved
	Description		

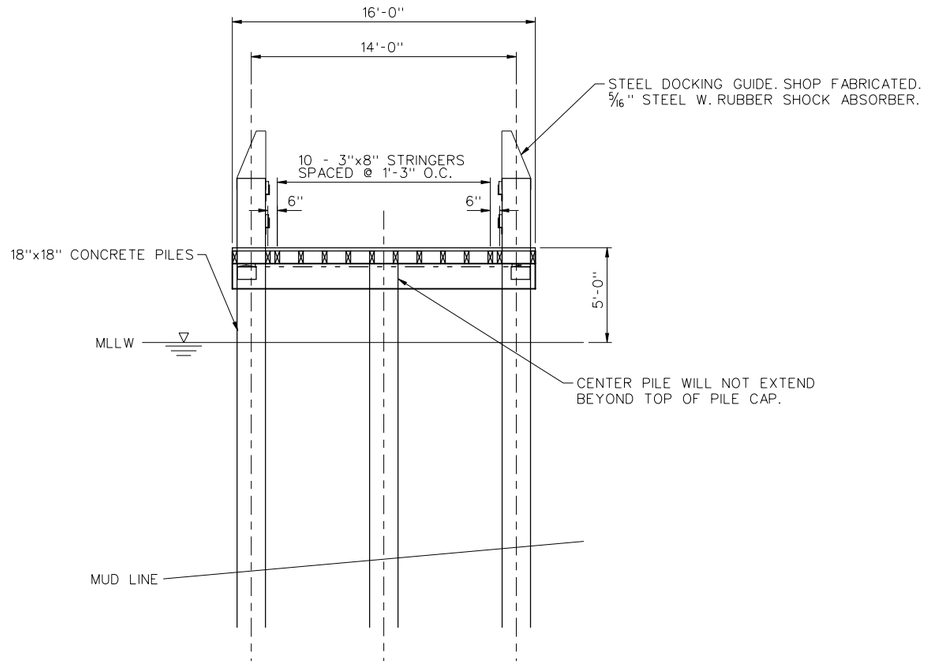
Designed By:		Date:	-
Drawn By:		CADD Code:	CH1CA07
Checked By:		I.S.O. Sheet File Name:	S302CA07.dgn
Reviewed By:		Solicitation Number:	-

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

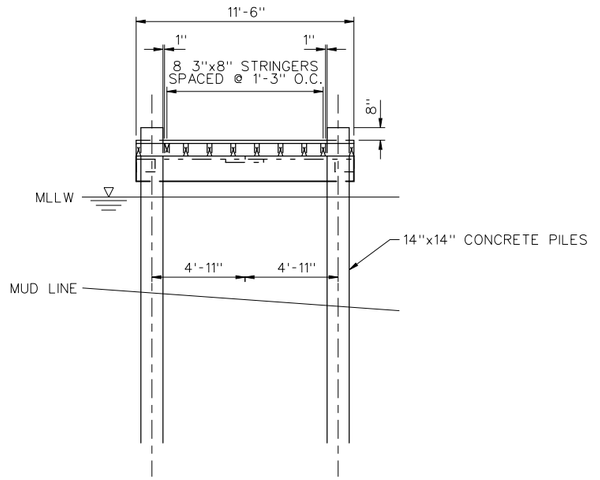
SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

PIER SECTIONS

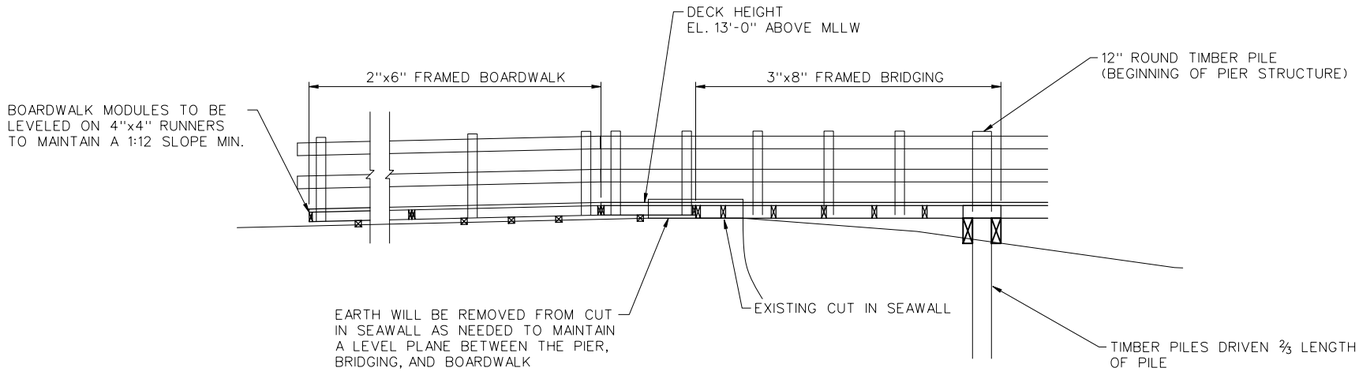
Sheet Reference Number:
S-302



MAIN DOCK END D
1/4"=1'-0" S-101 S-302



LOWER DOCK E
1/4"=1'-0" S-101 S-302



BOARDWALK & BRIDGING D
1/4"=1'-0" S-101 S-302

DRAFT

4' 0 4 8'
SCALE: 1/4" = 1'-0"

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved
	Description		

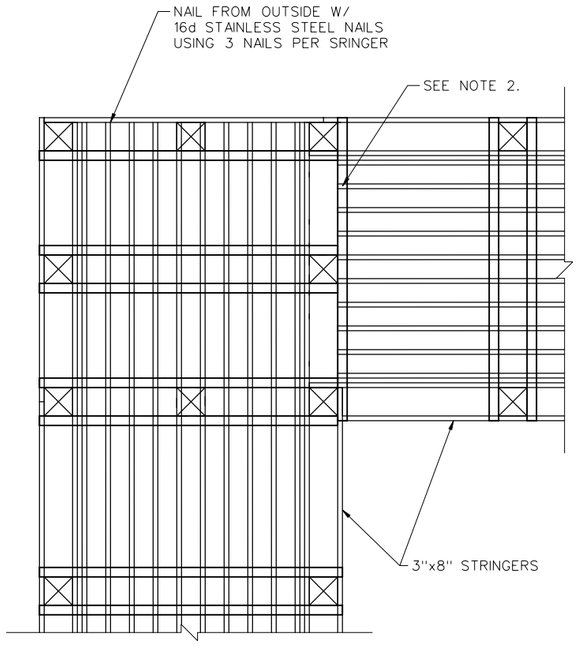
Designed By:		Date:	-
Drawn By:		CADD Code:	CH1CA07
Checked By:		I.S.O. Sheet File Name:	S302CA07.dgn
Reviewed By:		Solicitation Number:	-

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

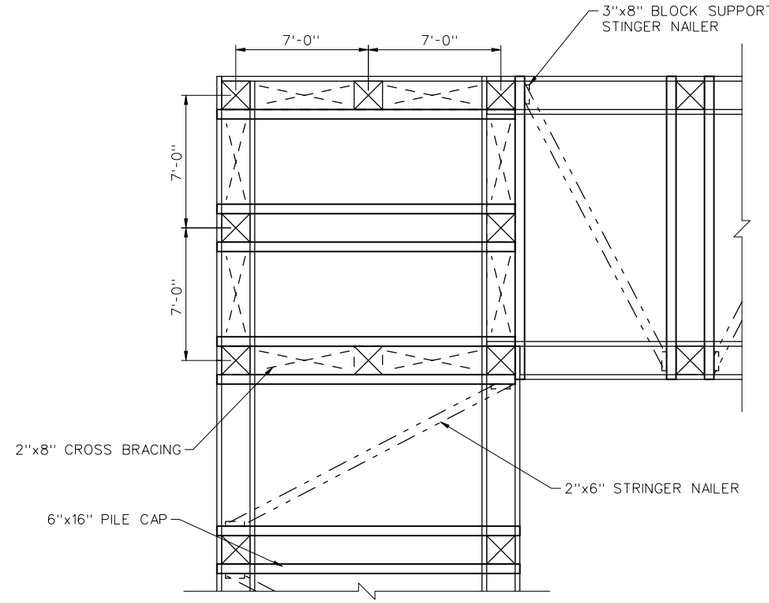
SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

PIER SECTIONS

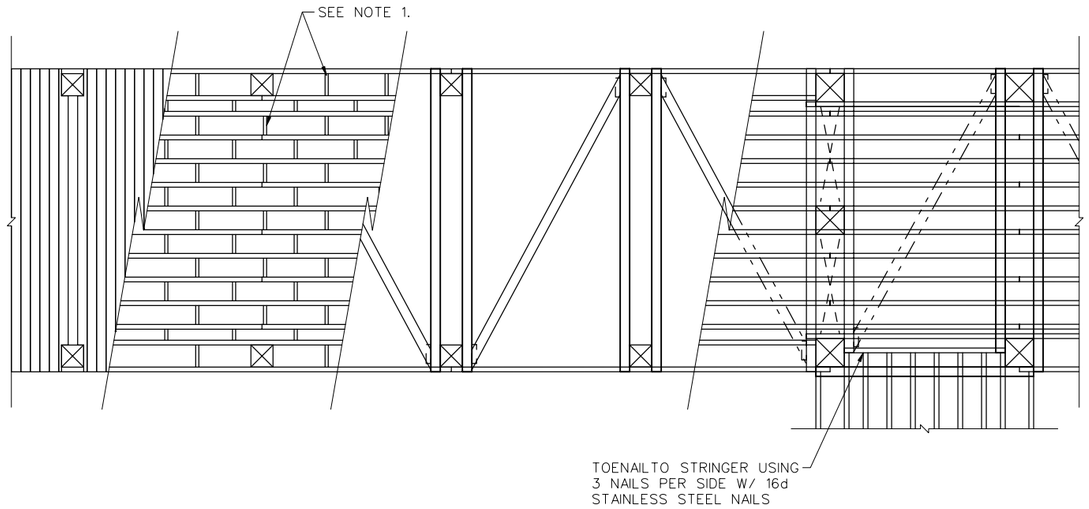
Sheet Reference Number:
S-302



DETAIL A-1
1/4"=1'-0"



DETAIL A-2
1/4"=1'-0"



DETAIL B
1/4"=1'-0"

NOTES:

1. STRINGER BRACING SHALL BE PLACED EVERY 1'-3" O.C. STAGGERED.
2. ALL STRINGERS WILL BE CONNECTED TO PILECAPS W/ COUNTERSUNK 5/8"x12" LAG SCREWS AT EACH END.

DRAFT

4' 0 4 8'
SCALE: 1/4" = 1'-0"

US Army Corps of Engineers
Mobile District

Description	Date	Approved

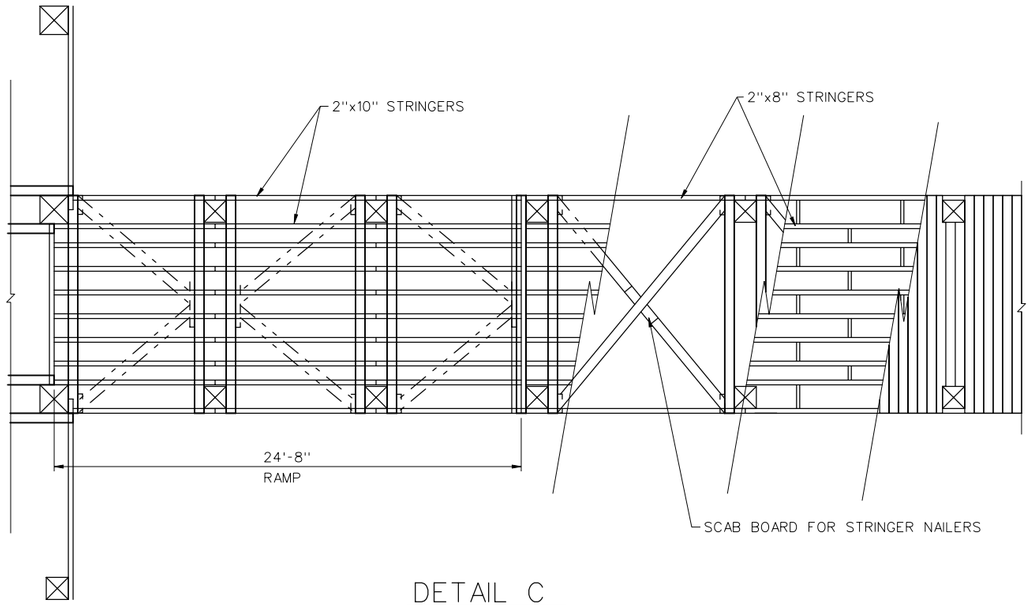
Designed By: -
Drawn By:
Checked By:
Reviewed By:
Date: -
CADD Code: CH1CA07
I.S.O. Sheet File Name: S501CA07.dgn
Solicitation Number: -

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

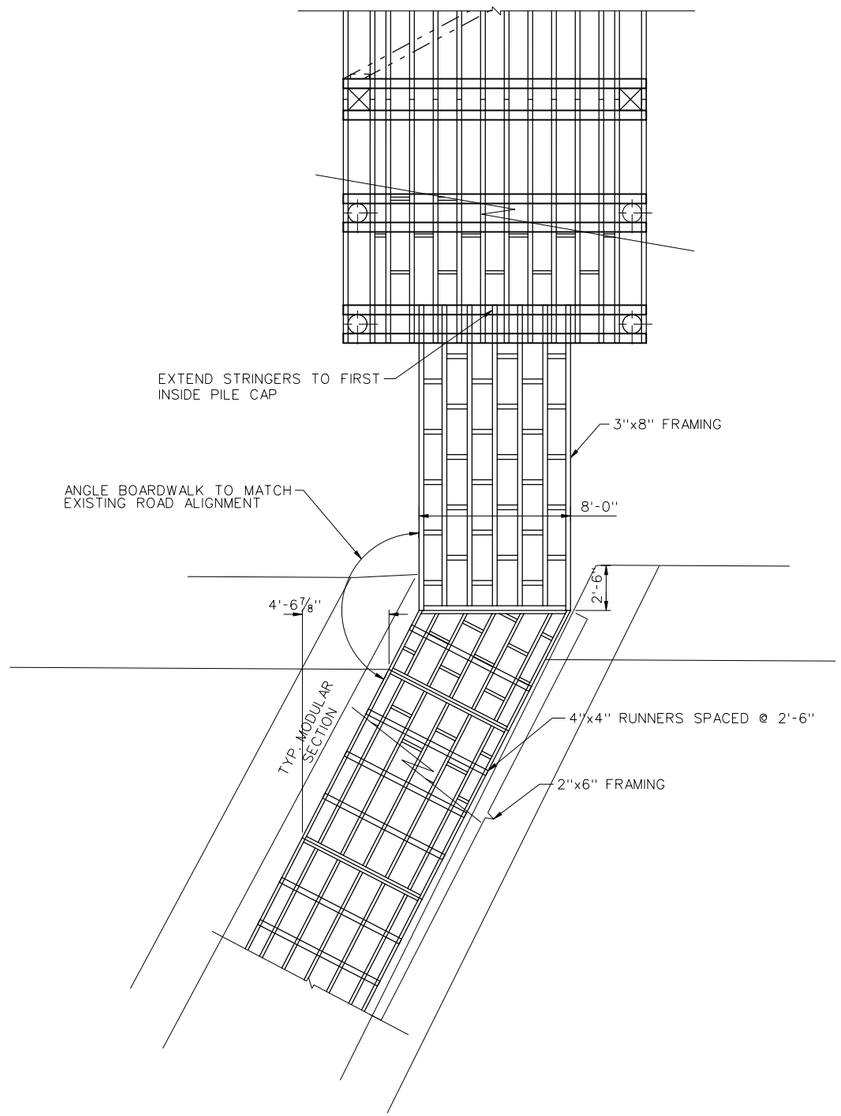
SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

PIER DETAILS

Sheet Reference Number:
S-501



DETAIL C
1/4"=1'-0"



DETAIL D
1/4"=1'-0"

DRAFT

4' 0 4 8'
SCALE: 1/4" = 1'-0"

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved
	Description		

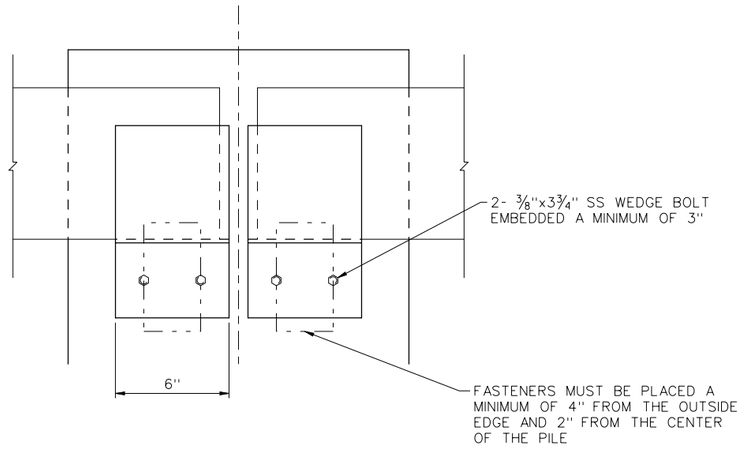
Designed By:		Date:	-
Drawn By:		CADD Code:	CH1CA07
Checked By:		I.S.O. Sheet File Name:	S502CA07.dgn
Reviewed By:		Solicitation Number:	-

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

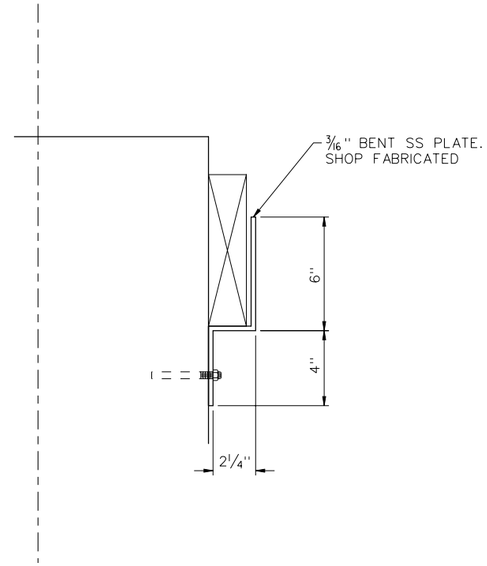
SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

PIER DETAILS

Sheet Reference Number:
S-502



DETAIL D-1
3"=1'-0"



DETAIL D-2
3"=1'-0"

DRAFT

6" 3" 0 6"
SCALE: 3" = 1'-0"

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved

Description

Designed By:	Date: -		
Drawn By:	CADD Code: CH1CA07	I.S.D. Sheet File Name: S503CA07.dgn	
Checked By:			
Reviewed By:		Solicitation Number: -	

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

HANDRAIL DETAILS

Sheet Reference Number:
S-503

Underwater Cultural Resources Reconnaissance Survey at the Proposed Pier Construction Near Fort Pickens, Santa Rosa Island, FL For The National Park Service, Gulf Islands National Seashore

By
Gregory D. Cook, Elizabeth Murphy

Report of Investigations #169
Archaeology Institute
The University of West Florida
Pensacola, Florida

April, 2010

ACKNOWLEDGMENTS

This project was performed under contract with the National Park Service, Gulf Islands National Seashore. The authors extend thanks to the National Park Service for the opportunity to participate in this research.

The research could not have been conducted without support from the University of West Florida, specifically for the facilities, equipment and administrative support crucial to the completion of the research. The authors would like to recognize the cooperation and assistance of the Office of Sponsored Research: Carol Rafalski, Theresa Byrd, and Brenda Brown.

Thanks are extended to the staff members of the Archaeology Institute, particularly Dr. Elizabeth Benchley, Director, for her advice and support throughout the project, and Mrs. Karen Mims, Office Manager, for project administration. Finally, the assistance of the following UWF staff, students and volunteers was crucial to the completion of the research: Matthew Gifford, Sarah Linden, Elizabeth Murphy, Wes Perrine, Jacob Shidner, Erica Smith, Eric Swanson, and Baird Ullrey.

Special thanks for all the assistance given by the University of West Florida's Marine Services Department for technical and logistical support encompassing dive and boat safety and operation. We are particularly indebted to Steve McLin (Director of Marine Services), and Dwight Gievers (Dive Safety Officer). Without their assistance, the project could not have taken place.

ABSTRACT

During the fall of 2009 and spring of 2010, the University of West Florida's Archaeology Institute (UWF-AI) conducted an underwater reconnaissance-level cultural resources survey for the proposed pier construction area near Fort Pickens, on Santa Rosa Island, Gulf Islands National Seashore (GUIS). The proposed impact area for the underwater portion of the pier extends approximately 2000 feet (610 meters) along the bayside shore of Santa Rosa Island, and projects into the bay a maximum of 250 feet (76 meters). Considering the long period of maritime activity in Pensacola Bay and off of Santa Rosa Island specifically, a potential exists for significant archaeological sites in the area. These could include wrecked or abandoned vessels, docks, piers and other structures associated with Pensacola's maritime heritage. Our investigations involved background research, Florida Master Site File reviews, remote sensing (using magnetometer, sidescan sonar and sub-bottom sonar), and diver investigation of magnetic and sonar anomalies.

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

General Project Description

This report describes a Phase I cultural resources assessment survey for proposed pier construction within an offshore area extending 2000 feet (610 meters) by 250 feet (76 meters) along the bayside shore of Santa Rosa Island, Florida (see Figures 1 and 2). This project was designed to locate, identify, record, and evaluate all cultural resources within the project area. The archaeological survey was conducted under a fixed price agreement between the University of West Florida and the Gulf Islands National Seashore, National Park Service. The UWF-AI principal investigator, Gregory Cook, obtained the required Florida Bureau of Archaeological Research permits for underwater archaeological investigations. No Archaeological Resources Protection Act (ARPA) permit was obtained because the archaeological survey was performed to assist GUIS with its archaeological management responsibilities.

This professional archaeological and historical reconnaissance survey project had two objectives: 1) determine whether archaeological sites or historic resources are located within the impact area, and; 2) provide cultural resource management recommendations for any archaeological or historical resources encountered during the field work. The proposed work includes background research, magnetometer, sidescan sonar and sub-bottom sonar remote sensing survey, and diver investigation of targets, but no Phase II (archaeological site evaluations) or Phase III (mitigation) investigations. UWF Maritime Archaeologist Gregory D. Cook served as principal investigator and contact person for this research.

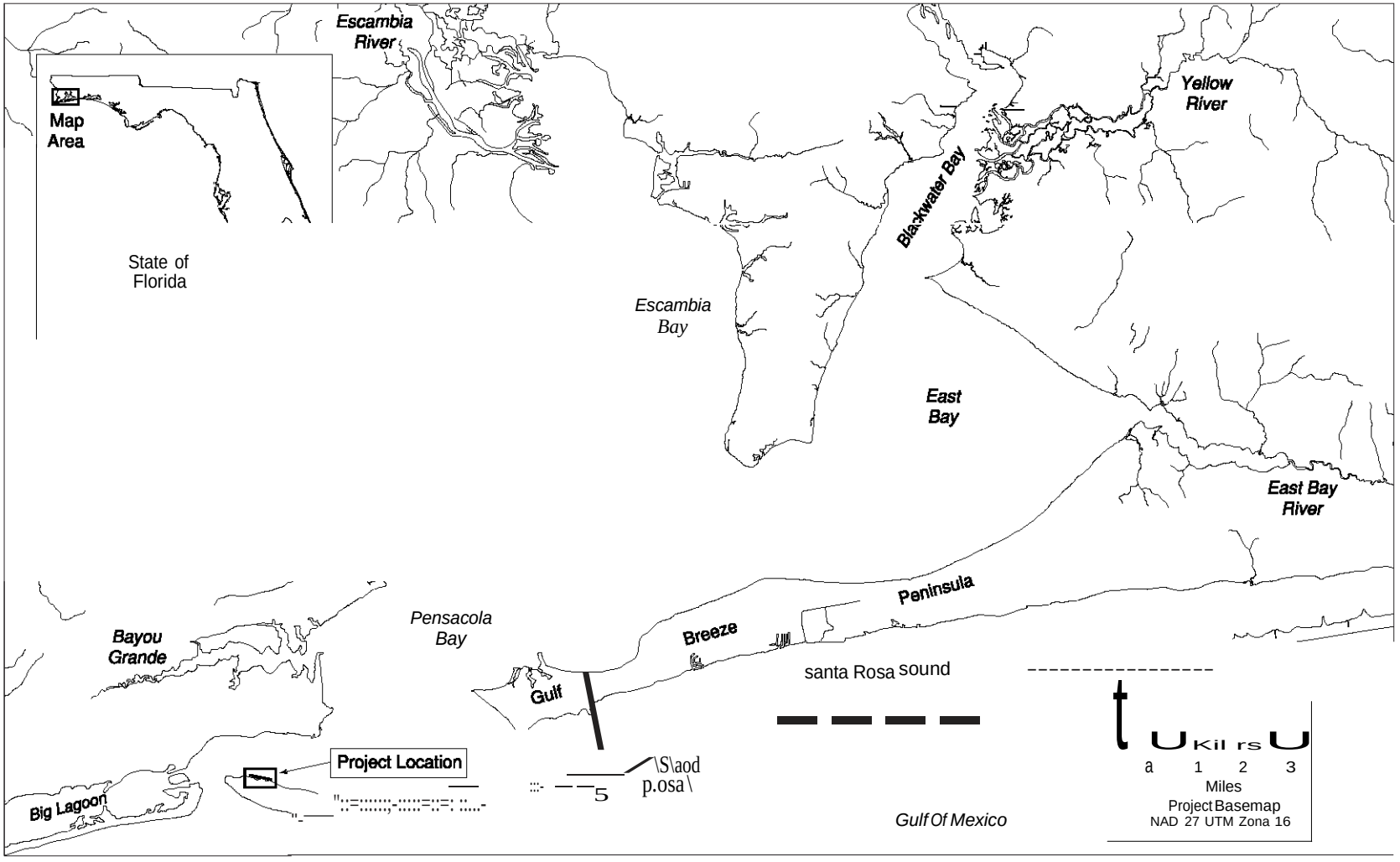
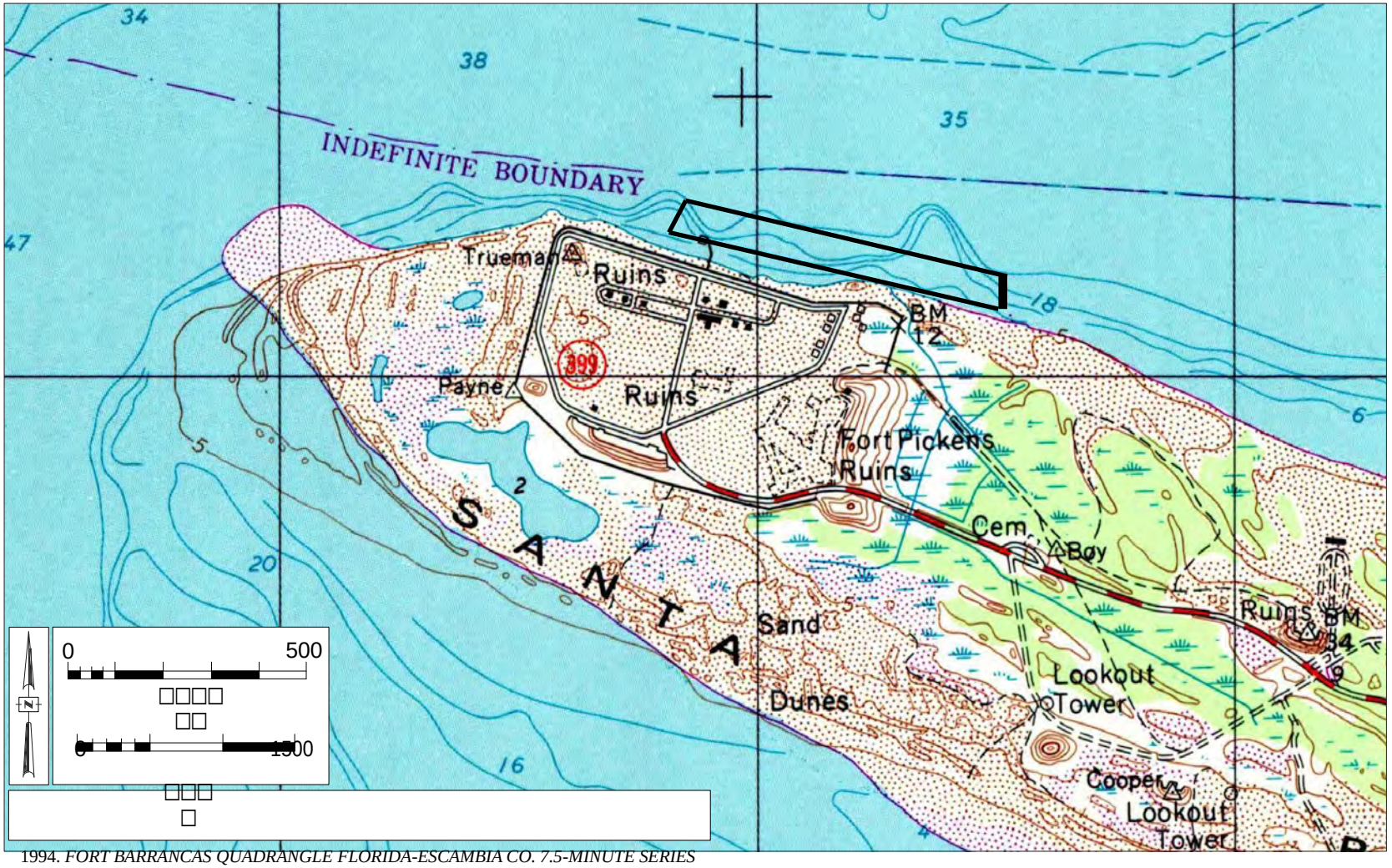


Figure 1. Project Location in the Pensacola Bay System.



1994. *FORT BARRANCAS QUADRANGLE FLORIDA-ESCAMBIA CO. 7.5-MINUTE SERIES (TOPOGRAPHIC)*. U.S. Department of the Interior, U.S. Geological Survey, Denver, Colorado.

Figure 2. Project Location on U.S.G.S. 1994 Fort Barrancas 7.5’ quadrangle.

Overview of Archaeological and Historical Settings

The Southeastern United States and Northwest Florida, in particular, has a long, rich, cultural history that includes sites originating in Prehistoric (i.e. Paleoindian, Archaic, Woodland, and Mississippian), Contact, and Historic Periods. This survey was focused on the study and protection of cultural resources located in a small area north of Fort Pickens on the western tip of Santa Rosa Island. The following summary provides background information on the prehistoric and historic components of northwest Florida habitation, with a more specific focus on the project area vicinity on Santa Rosa Island.

Prehistoric Background

In combination, the archaeological investigations undertaken over the last 100 years in northwest Florida have produced much data on the prehistory and history of the region, and a picture of human adaptation to the northwest Florida area has emerged. Presented below is a brief overview of the few known or reported prehistoric sites with a particular focus on the project area. For a more complete delineation of northwest Florida cultural chronology, the reader is referred to Bense (1989, 1994), Milanich and Fairbanks (1980), Milanich (1994), and Thomas and Campbell (1993).

There is only one known site with prehistoric components located in the Fort Pickens area of Santa Rosa Island. The Ft. Pickens No. 1 Site (8Es20) was reported by Simons and Lazarus (1961) to be located “about 200 yards East of Ft Pickens State Park Picnic Area on Pensacola” (Simons and Lazarus 1961; Tesar 1973). No extensive midden associated with this site was ever recorded although shell tempered and Wakulla Check Stamped sherds were collected from the site prior to the 1973 survey (Tesar 1973: 107). Tesar designated the prehistoric components of the site as Weeden Island and Fort Walton Periods (600 A.D.-1750 A.D.) The site was reevaluated by Louis D. Tesar during archaeological survey and testing of Gulf Islands National Seashore in 1973 and again by Dr. Judith Bense in 1985; in both of these cases, no cultural material of historic or prehistoric origin was recovered (Tesar 1973:107; Bense

1985:39). It was concluded by Tesar and Bense, alike, that landfill activity carried out by the state in the late 1950s likely buried or destroyed the site.

According to Tesar's (1973) report, there were also twelve other sites containing prehistoric components recorded on Santa Rosa Island in Management Area No. 1. Management Area No.1 was defined as "an 8.3 mile stretch of land which began 5.3 miles east of Pensacola Beach water tower (near where the Pensacola Beach Casino used to be located) and ends at the Escambia/Santa Rosa County Line" (Tesar 1973: 128). These consisted of two sites originating during the Deptford Period, five during the Santa Rosa-Swift Creek Period, five during Weeden Island I, and two during Weeden Island II (Tesar 1973:185).

Historical Background

Pensacola, Florida has a long colonial history that begins with Spanish explorations along the Gulf Coast in the early 1500s and ends with a second Spanish occupation of the region in 1821. The cultural activities that took place during the historic period in Pensacola and on Santa Rosa Island were often closely connected to military fortifications as this was the main incentive for settlement in the area until the early 20th century (see Table 1). As such, the history of the Fort Pickens area and Santa Rosa Island is inextricably linked to surrounding fortifications not necessarily on Santa Rosa Island, proper. The Pensacola and Santa Rosa Island areas include archaeological resources related to First Spanish, British, Second Spanish, and early American settlements, fortifications, industrial sites, cemeteries, and shipwrecks.

The Colonial Period in Florida extends from 1500 to 1821. There are three colonial periods that are archaeologically recognized in the Pensacola area: First Spanish (1528-1763), British (1763-1781), and Second Spanish (1781-1821). The First Spanish period officially began in Florida in 1513 when Juan Ponce de Leon landed on the Atlantic and Gulf Coasts and took possession of Florida for Spain. The need for slave labor was caused by the collapse of the local indigenous populations in the Caribbean and the growing demand for labor in Spanish settlements, mines, and plantations in La Española and Cuba. In 1527, Juan Ponce returned as

an *adelantado* (self-financed governor) and representative of the king, intending to establish a permanent town, fort, and mission. He brought a group of 200 people to southwest Florida, but the group was attacked and repelled by hostile Indians. Juan Ponce died from the wound he received in these battles (Gannon 1996:16-37).

Table 1. Historic chronology of northwest Florida.

Period	**Date Range**
Colonial	
First Spanish	1528 - 1763
British	1763 - 1781
Second Spanish	1781 - 1821
American	
Antebellum	1821 - 1860
Late 19th/early 20th century	1860 - 1917
World War I/World War II	1917 - 1940

A second colonization attempt was carried out by Pañfilo de Narváez who landed in Tampa Bay in 1528 with 300 men and 40 horses to explore and colonize *La Florida*. They marched north to Tallahassee where hostile Apalachee Indians drove the expedition to the Gulf near present-day St. Marks, Florida. Narváez decided to abandon the mission and return to La Nueva España by drifting west along the coast in handmade rafts. A storm separated and shipwrecked the party near Galveston, embarking Núñez Cabeza de Vaca and three others,

including an African, Estebanico, on an eight-year odyssey through the southwest and Mexico (Clune 2004; Hoffman 2002; Howard 1997; Weddle 1985).

The third colonization attempt in Florida was 11 years later in 1539 by Hernando De Soto who landed a large force at Tampa Bay and trekked up the peninsula. Soto sent Francisco Maldonado to explore the Gulf coast to find a bay at which the expedition could rendezvous with supply ships the following year. Historians are confident that Maldonado selected Pensacola Bay (called *Ochuse* or *Achuse*), and captured a local chief or cacique to lead Soto there. Maldonado arrived in Pensacola Bay with the supply fleet in the summer of 1540, but Soto and his expeditionary force never appeared. Maldonado searched for Soto along the coast, returning to Pensacola Bay in 1541 with more supplies, and he continued to search to no avail (Clune 2004; Hoffman 2002; Milanich and Hudson 1993:222).

Twenty years later in 1559, the fourth and largest Spanish effort to colonize Florida was led by Tristan De Luna. Luna was to establish permanent towns in Pensacola and on the Atlantic coast near Paris Island, South Carolina. He left from Veracruz with 1,500 people and supplies arriving in Pensacola Bay in August, naming the settlement Ochuse. Unfortunately, a hurricane struck Pensacola Bay in September, destroying most of the supplies and sinking several ships. This loss, combined with the absence of the local Indian population, forced Luna to seek refuge in the interior, leaving only a small contingent at Pensacola. For more than a year, Ochuse languished. The Spanish Crown ordered Luna to move on to Santa Elena on the Atlantic coast, but he could not rally his officers to attempt another settlement. With Luna's authority undermined, the Viceroy of New Spain, Luis de Velasco (the elder) (1550-64), sent out a replacement, Angel de Villafañe, in January 1561. Villafañe found little worth salvaging at Pensacola and, leaving a detachment of about 50 men, sailed for Santa Elena via Havana. Another hurricane managed to frustrate Villafane's settlement efforts, and the first successful settlement in Florida was established four years later in 1565 at St. Augustine (Clune 2004; Priestly 1928, 1936; Hoffman 2002).

Colonization and settlement in Pensacola and West Florida was not attempted by the Spanish for the next 125 years, as their attentions were focused on St. Augustine and the productive mission system on the Atlantic coast and north Florida. However, intrusion into the Gulf by the French via the Mississippi River spurred the Spanish to try again to establish a settlement on the northern Gulf. In 1686 Juan Enriques Barroto and Antonio Romero surveyed the Pensacola Bay area in search of a location for the settlement, and a journal written by an ensign aboard, Juan de Reina, has survived. He called the area "Panzacola" after the name of the small Indian group living here, and he described Pensacola Bay as "the best bay I have ever seen in my life." Encouraged by this report, the viceroy of New Spain sent Admiral Andres de Pez and Carlos de Siguenza y Gongora to determine whether Pensacola Bay would be a suitable area for a settlement. Siguenza endorsed Pensacola Bay for settlement, referring to it as the "finest jewel possessed by his Majesty." The viceroy endorsed the establishment of a settlement on Pensacola Bay in 1694, and Andres de Arriola founded Santa María de Galve in November 1698.

Presidio Santa María de Galve was a success for 21 years, and it was intensively studied between 1995 and 2000 by a team of historians and archaeologists from Archaeology Institute of the University of West Florida, led by Judith A. Bense (Bense 2004; Bense and Wilson 1999). Santa María consisted of a wooden stockade fort, Fort San Carlos de Austria, and a small settlement located on top of a bluff, named Barranca de Santo Tomé, overlooking Pensacola Pass. The study of Santa María de Galve included a document analysis coupled with archaeological investigation of the fort wall, six internal buildings and adjacent areas, and the village. The population of this frontier community ranged from 200 to 800 people, and it was dominated by a very small but powerful upper class of Spanish officers, officials, and wealthy civilians who resided in very restricted areas and had the best food and possessions in the settlement. The bulk of the population was made up of convicts and conscripts from Veracruz and Mexico City. The embattled settlement was under siege for more than half of its existence, forcing the population to live inside the fort, which literally became a "walled town." The interior of the crowded fort took on the organization of a Spanish town with a public plaza at the

center surrounded by concentric rings of public and residential buildings. Residential areas were mostly segregated and reflected the rigid social hierarchy of the community in the distinct differences in structures, personal possessions, and ethnicities. In the village, the spatial organization was different, but social distinctions were present. The lifelines of this community were the *situado* from New Spain and a reciprocal trade relationship with the French at Mobile. The War of the Quadruple Alliance sealed the fate for Santa María de Galve. France declared war on Spain in 1719 and that same year French troops from Mobile captured the presidio. The information recovered from the investigation of Santa María de Galve has been the topic of nine M.A. theses (Breetzke 1996; Chapman 1998; Harris 1999; Parker 2001; Pokrant 2001; Renacker 2001; Simms 2001; Swann 2000; Wilson 2000), an interim report (Bense and Wilson 1999), and a research book (Bense 2004).

When Pensacola was returned to Spain in 1722, little was left at Santa María de Galve, and the Viceroy of Mexico commanded Lieutenant Colonel Alejandro Wauchope to rebuild the settlement on Santa Rosa Island. Presidio Isla de Santa Rosa (8ES22) was constructed near Punta de Siguenza at the western tip of the island. Very little historical information about the Santa Rosa settlement has been found, but a first hand account by Wauchope in 1723 described the settlement as having a warehouse made from cedar boards, a paymaster office, a house for the governor, a powder magazine also constructed from cedar wood, 24 houses for the populace, eight large houses for officers, a bake oven, and a lookout tower (Griffen 1959:255-256). The cedar used in construction was both imported from Veracruz and salvaged from Presidio San Joseph on St. Joseph's Bay, used during the three-year French occupation of Pensacola. The only image of the site found to date is a drawing, entitled "A Perspective View of Pensacola" by Dom Serres in 1743, which shows the community as seen from the water. A fort is shown on the east edge of the community with many structures to the west including a large church and governor's house. A main street is depicted with houses lining either side; some of the homes appear to be surrounded by wooden enclosures. The drawing seems to agree with the description by Wauchope, although he did not mention the church. The settlement of Santa Rosa Pensacola was in use from 1722 until 1752 when on November 3rd 1752 a hurricane decimated the area.

The storm raged for three days and afterwards the only buildings left standing were a storehouse and hospital (Faye 1941:162).

After the Presidio Isla de Santa Rosa Pensacola was destroyed, some people took refuge on the mainland at a small post named San Miguel in the present-historic area of downtown Pensacola. Other members of the garrison, aided by supplies from Mobile, built a blockhouse for eight guns a quarter of a mile east of the former Presidio Santa Rosa on the island. However, the new viceroy of New Spain, Marques de las Amarillas, decided to abandon Santa Rosa Island and rebuild on the mainland near the blockhouse named San Miguel, eight miles from Pensacola Pass. They built a wooden stockade fort, named Fort San Miguel, and some outside structures, but the Spanish lost Florida to the British in 1763 as part of the Treaty of Paris at the end of the Seven Years War. In return, Spain regained their important settlements of Havana and Manila. The British greatly expanded the community of Pensacola and the fortifications. The current street grid was laid out and the fort in the center of the community was expanded three times. Three forts or redoubts were constructed to protect the northern flank of the community in present-day North Hill. A new fort was constructed to protect Pensacola Pass on top of the Barranca de Santo Tomé bluff, about 1500 feet west of the site of the former Presidio Santa María de Galve. British Pensacola was the capital of the 14th North American colony of Great Britain and, as such, it was much larger in size and population than Spanish Pensacola as they were better supplied and encouraged people to develop the area for commercial and personal gain. The revolt of 13 British colonies along the Atlantic seaboard swelled the population of Pensacola with refugees and military troops, and spurred the construction of defensive fortifications.

Spain was encouraged by the revolutionary forces of the United States of America to seize West and East Florida from the British, and in 1781, a fleet led by Bernardo Galvez sailed into Pensacola Bay and successfully captured Pensacola and the colony of West Florida. Very little damage was done to the town as the fighting took place at the fortifications north of the town. West Florida and remained under Spanish control until 1821 when Florida became an

American Territory after a series of successful invasions of Pensacola by Andrew Jackson in pursuit of American Indians. These Creek Indians were hostile to American expansion and had sought refuge in Pensacola. The Spanish finally sold Florida to the United States and withdrew, ceding Florida, through the Adams-Onis Treaty, to the United States in 1819. King Ferdinand of Spain signed the treaty in 1820, and it became an American territory in 1821 (McGovern 1974). Pensacola was the temporary capital of this new territory and Jackson became interim governor.

In 1825, the United States decided to use Pensacola as a naval yard and built a three-fort system to defend their new Navy base. This defensive system consisted of Fort Pickens on the western tip of Santa Rosa Island (1834), Fort McRee on Perdido Key directly opposite to the west (1840), and Fort Barancas (1844) directly to the south on the mainland (Bense 1985).

When the Civil War began in 1861, Floridians who lived in the western panhandle area had mixed loyalties. Some citizens from Pensacola, Marianna, and Milton hoped to delay secession or postpone it indefinitely, whereas most northwest Floridians were anxious to sever ties with the North (Adams et al.1992). The federal garrison at Fort Pickens, located at the entrance to Pensacola Bay, refused to surrender and was one of the few southern fortifications held by the Union for the duration of the war. The Confederates unsuccessfully attacked Fort Pickens in October 1861, and artillery bombardments took place in 1861-62 between Pickens and nearby Confederate-held forts. But by early 1862, with more strategic regions of the South in peril from Union advances, Pensacola was abandoned by the Confederacy. After implementing a scorched earth policy on the region's industrial complexes, the Confederate forces retreated from Pensacola in the spring of 1862. Pensacola was practically abandoned for the remainder of the war, and various skirmishes between Union and Confederate forces occurred throughout northwest Florida until 1865 and the war's end (Parks, Rick and Simons 1978; Parks 1986: 67-74; Rucker 1990: 625-750). The remoteness of the western panhandle provided a haven for people coming to avoid conscription into the Confederate Army. Those people, some of whom were Union collaborators, supplied Union ground forces and blockade ships with valuable information and guided Union forces on raids throughout the region.

Most citizens of the state welcomed the cessation of hostilities and the opportunity to return to a normal life. The economy, however, was in shambles and property values plummeted (Adams et al. 1992). The lack of adequate transportation to inland areas impeded economic development and population growth. The end of the war also brought anarchy to northwest Florida. Bands of former soldiers, deserters, and criminals terrorized the population. Local governments collapsed and in 1866 several northwest Florida counties were placed under martial law.

During the period after the Civil War, Fort Pickens fell into a period of disuse until 1898 when several large guns were mounted on a platform in the middle of the fort, called the battery of Pensacola. During World War I, Fort Pickens served as a training camp for artillery crews, and during World War II the western tip of Santa Rosa Island was fortified with additional batteries to defend the Navy Yard from Axis powers (Coleman 1982; Bense 1985).

Previous Research

Formal archaeological investigations in northwest Florida began in the 1880s with a survey of shell midden sites along Florida's Gulf Coast (Walker 1885). Walker identified and excavated portions of shell middens and burial mounds in Escambia, Okaloosa, and Santa Rosa counties . Among these are Escribano Point (8SR2) and East Pensacola Heights (8ESl). The Escribano Point site, located at the head of East Bay, contained extensive midden deposits and produced several human burials. The East Pensacola Heights Site, located on Emanuel Point, contained burials within two sand mounds, and a shell midden. At the turn of the Twentieth century, C. B. Moore visited the northern Gulf Coast and investigated numerous sites within the region: the Santa Rosa Sound Site (8SR1), the Maester Creek Mound (8SR870) and Graveyard Point (8SR3) in Santa Rosa County, and the Fort Walton Temple Mound (8OK6) in Okaloosa County, Florida (Moore 1901).

The next substantive archaeological research within the northwest Florida region was conducted by Columbia University under sponsorship of the National Park Service (Willey 1949). This extensive investigation of a 500 mile stretch of the Gulf Coast of Florida included surveys as well as test excavations at scores of sites. Many were tested in Escambia, Okaloosa and Santa Rosa counties. In his monumental *Archeology of the Florida Gulf Coast*, Willey (1949) developed a prehistoric chronological framework which has formed the basis of all prehistoric chronologies for the region. This synthesis defined eight cultural periods and produced the first ceramic typologies for the Gulf Coast. Although the typologies have been refined over the years, the basic structure remains.

Following Willey's ground breaking work, archaeological investigations were undertaken in northwest Florida by Sears (1954), Fairbanks (1959; 1964) and Lazarus (1958; 1961). During the 1960s, Florida State University performed several limited investigations at sites in Santa Rosa and Escambia Counties. These investigations located the site of the presidio Santa Rosa Punta de Siquenza (8ES22), the "Second Pensacola", on Santa Rosa Island (occupied between 1719 and 1752) and documented structural remains and refuse pits from this settlement (Smith 1965). Other significant archaeological research undertaken in the region during this period includes Phelps' (1966) work in the central Florida Panhandle, and the survey of the Naval Live Oaks Reservation in Santa Rosa County by Tesar (1973). In addition, Percy (1974), Brose (1984) and Sears (1977) generated refined chronologies for this area, especially for the Woodland and Mississippian stages.

A number of cultural resource preservation planning studies have been performed by UWF faculty and staff in the last few years for state, regional and local government agencies. These studies include an analysis of historic surveys in the northwest Florida region (Bense and Adams 1991) as well as historic preservation plans for several counties and municipalities: the City of Pensacola (Bense 1989); Fort Walton Beach (Phillips 1992b); and Okaloosa (Phillips 1992c), Santa Rosa (Phillips and Bense 1990a), and Escambia (Phillips 1992d) counties.

Archaeological investigations have also been undertaken at numerous historic sites in northwest Florida (cf. Carruth 1989; Lee and Joy 1989; Little, Curren, and McKenzie 1989). Phillips (1993b) conducted extensive excavations at Arcadia (8SR384), a water-powered mill complex near Milton. This work documented three Antebellum mill structures, described an industrial artifact assemblage, and modeled the systems that powered the complex. Phillips (1993b) conducted a reconnaissance survey of water and steam powered mill sites that identified and described approximately 50 mill or mill related sites in Escambia, Santa Rosa and Okaloosa counties. A second mill survey conducted by the UWF Archaeology Institute documented approximately 30 additional water-powered mills (Phillips 1996). A synthesis of this mill research described a model of Colonial and antebellum settlement in the northwest Florida interior (Phillips 1998). Much historic archaeological research has been conducted in Pensacola (cf. Bense 1985; 1989; Joy 1989a; 1989b; Joy and Lloyd 1988; Fabbro 1992; Stringfield 1992). Recent excavations in the Colonial community and inside the fortifications of Pensacola have documented First Spanish Colonial structures and features (ca. 1752-1763), British Colonial structures, fortifications, and features (ca. 1763-1781), and produced significant subsistence data. Ten years of archaeological research in Pensacola has produced the first detailed description of the historical archaeological assemblages in Pensacola (Bense 1999).

Several cultural resource management compliance archaeological projects have been conducted in the area in recent years. These CRM projects include surveys along a portion of the shore of Choctawhatchee Bay (Huston and Thomas 1984; Phillips 1985) and Santa Rosa Sound (Phillips 1984), the University of West Florida main campus (Phillips and Bense 1990b, Harris and Phillips 1995), the mouth of the Perdido River (Phillips 1991), and interior areas of Okaloosa and Santa Rosa counties (Phillips 1989c, 1990; Phillips and McKenzie 1992b). Large scale surveys and limited test excavations have been undertaken on Eglin Air Force Base (Thomas and Campbell 1993), at Sandestin (New World Research 1985), and along a proposed pipeline corridor extending for about 62 miles through interior areas of Escambia, Santa Rosa

and Okaloosa counties (Phillips 1994) . Test excavations in southern Okaloosa County have also been conducted in Fort Walton Beach at Pirate's Bay (8OK183) by Thomas and Campbell (1984). The Eglin investigations (Thomas and Campbell 1993) identified over 880 cultural occurrences, produced a predictive model of archaeological site locations, and provided a comprehensive synthesis of the archaeological research undertaken in northwest Florida.

Previous Underwater Research

Pensacola's maritime history is documented back to 1559, with the arrival of Don Tristán de Luna y Arellano's fleet. Since that time, Pensacola has had five different nations fly their flags in ownership of this historic port and all have one thing in common: maritime activity. The following is a summary of the previous work accomplished on submerged cultural resources in Pensacola's waterways, with specific focus on Santa Rosa Island and the vicinity of the project area. Previous works that are summarized before 1992 were compiled from the "Submerged Historical Resources of Pensacola Bay" report by Franklin et al. (1992). Prior to the 1970s, underwater sites were periodically visited by the Army Corps of Engineers to remove obstructions to navigation and by private salvors to salvage ships' equipment.

In 1973, the first two major surveys of Pensacola waterways were conducted to record submerged cultural resources in the vicinity of the newly established Gulf Islands National Seashore (GINS). These surveys concentrated on the areas of Gulf Breeze, Santa Rosa Island, and Perdido Key and sought to locate and minimize the threat to submerged cultural resources due to increased public use (Franklin et al. 1992). The preliminary reconnaissance survey conducted by Lenihan (1974) found "18 potential submerged cultural resources." Later that same year, Louis Tesar found seven potential shipwreck sites located on land and in the water (1973). Concurrently, G. Norman Simons, at that time director of the Pensacola Historical Museum, prepared a listing of known Pensacola shipwrecks from a variety of historical and archival sources.

The U.S. Army COE conducted a survey of Pensacola's harbor channel and basin near the Navy Yard in 1986. During the two-week period, 173 anomalies were located and 56 were confirmed with side scan sonar (U.S. Army COE 1986). From these targets, 12 were selected for further investigation. In 1987, Tidewater Atlantic Research (TAR) was subcontracted to assess the 12 targets located in 1986 (Franklin et al. 1992). The U.S. Army COE rediscovered seven targets and local sport divers identified two others. Of the nine targets located, all but one was either modern debris or lacked cultural material. The one target to produce any cultural material was a shipwreck thought to be the *Convoy.* This site was documented with a preliminary site plan, video, and photographs (Tidewater Atlantic Research 1987).

In 1990, representatives of the Navy Homeport Project deepened the entrance channel of Pensacola Bay. While dredging, a bronze howitzer became lodged in the dredge pump. This discovery led to a survey of the area by the U.S. Army COE to determine if an unrecorded shipwreck was located in the project area. After a four-day visual and magnetic inspection, only modern debris was found and the U.S. Army COE concluded that the howitzer was an isolated occurrence (U.S. Army COE 1990a; U.S. Army COE 1990b).

During dredging operations of the slip at the Pensacola Naval Air Station in December of 1990, a submerged wooden structure was encountered. Panamerican Consultants, Inc. was contracted to determine the identity of the structure and assess its significance. The investigation determined that the structure represented the remains of a wharf foundation caisson intentionally sunk in the early 1830s (Mistovich et al. 1991).

In the early 1990s the State of Florida recognized the lack of a comprehensive research and management plan for the large number of submerged cultural resources located within state waters. The Florida BAR developed a pilot study for such a management plan by gathering an

inventory and assessing sites in an area known to contain significant cultural resources. The Pensacola area was chosen for this pilot study due to the abundance of shipwreck sites of various ages located in broad environmental conditions. The study used archived and published materials, interviews, and remote sensing with both magnetometer and sonar. This study, called the Pensacola Shipwreck Survey, found 162 possible targets. Of these, 33 were identified as significant sites and were recorded. These sites ranged in length from 16 feet to 350 feet and in age from the 18th century to the first half of the 20th century. More than 20 of the significant sites were located near historic maritime activity centers such as shipyards, mills, and wharves (Franklin et al. 1992).

The second phase of the Pensacola Shipwreck Survey began in 1992. This portion of the survey addressed recommendations for constructing a regional model, established the USS *Massachusetts* as a State Underwater Archaeological Preserve, and intensified the remote sensing survey to locate additional submerged sites (Spirek et al. 1993). From the additional remote sensing, 52 targets were chosen for ground-truthing. After visual inspection of targets by divers, two shipwrecks dating to the First Spanish Period (1513-1763) and three ballast piles were discovered.

After the discovery of the two ships in 1992, the Florida BAR focused their attention on the vessel located near Emanuel Point. It became clear after the first field season that it is the earliest shipwreck located in Florida waters to date and may have been associated with the fleet of Tristan de Luna, one of the first European attempts to colonize the United States (Smith et al. 1995). Positive identification that this wreck was from the Luna fleet of 1559 was determined from a preponderance of artifactual evidence found at the site. As excavations continued, the vessel was found to be larger than previously thought and work continued until 1998 (Smith et al. 1998). During the later stages of excavation, the horde of artifacts led to master theses in colonization and lifeway patterns of 16th-century Spanish settlers (Scott-Ireton 1998, Pugh 2001; Rogers 2003).

Discovered by a local diver in the 1980s, the Florida BAR designated the Santa Rosa Island Wreck as an archaeological site in 1992 (Spirek et al. 1993). UWF archaeologists relocated the vessel in May of 1998 and began excavations to establish the wreck's identity. At the close of the 1998 investigations, a date range of 1680 to 1720 was determined by artifact analysis. The vessel exhibited characteristics similar to 18th-century ships and was constructed exclusively of New World hardwoods, which were the preferred building materials of Spanish shipwrights during the eighteenth century (Bratten et al. 1999a).

Work continued on the Santa Rosa Island Wreck through 2000, and evidence was gathered to aid in the further identification of the vessel (Bratten et al. 1999b; Hunter et al. 2000; Cozzi et al. 2001; Bratten et al. 2003). Historical research into the vessel's identity suggests that the remains are the *Nuestra Señora del Rosario y Santiago Apostol*, a large frigate and former member of the Spanish Windward Fleet that had patrolled Gulf and Caribbean waters. The *Rosario* was lost in a 1705 hurricane shortly after arriving at Presidio Santa María de Galve (1698-1719), located near the modern city of Pensacola, Florida (Hunter 2001).

While excavating the Santa Rosa Island Wreck in 1998, recording of the *Catharine* also took place. The *Catharine* was a Norwegian ship lost in 1894 off the south coast of Santa Rosa Island near Fort Pickens, and is a popular sport diving wreck. Two objectives were accomplished on this wreck: the visible hull timbers were mapped and exposed artifacts were collected and conserved (Bratten et al. 1999a). Following hurricane Georges the wreck was evaluated for damage and the site plan updated (Burns 2000).

Another investigation at this time involved UWF archaeologists, graduate students, and field school students investigating a late 19th-century fishing schooner known as Hamilton's Wreck (Hunter et al. 2000). This vessel's identity remains unknown, but Robin Moore (2002)

analyzed the uses of different schooner types within Pensacola's Maritime economy to place this vessel in a historical context.

When the UWF field season started in 2000, a reconnaissance survey was undertaken to locate and record submerged contact period and colonial archaeological resources in selected areas of Pensacola Bay. Investigations were conducted on 40 remote sensing targets that included nine previously recorded shipwrecks. The targets ranged from cultural remains to shipwrecks, and 11 potentially significant sites were identified (Cozzi et al. 2001).

In 2001, a small grant from UWF was divided between two graduate students to record two shipwrecks for master theses (Raupp et al. 2003). One vessel, located in the Blackwater River and known as the Snapper Wreck, is a fishing schooner. Investigation of this vessel revealed construction features associated with Pensacola's fishing industry and an infiltration of New England boat building techniques to the region (Raupp et al. 2003; Raupp 2004). The other vessel investigated was the English bark *Rhoda*, located in Pensacola Bay off Santa Rosa Island. Archaeological documentation by Rawls indicated that the remains were consistent with a 19th-century Canadian built sailing vessel. Archival research established the *Rhoda's* role in Pensacola's lumber trade (Rawls 2004).

In 2003, the NPS's Southeast Archeological Center (SEAC) requested the UWFAI to assess current conditions of 12 submerged sites located in the GINS waters (Cozzi and Bratten 2003). These sites were observed and minimal recording was done. Recommendations for each of the sites were provided to the NPS for future management of the cultural resources.

Due to concerns regarding increasing construction along Pensacola's downtown waterfront, activities in 2005 centered on the identification of submerged cultural resources in this area (specifically from the mouth of Bayou Chico to Bayou Texar). Specifically, staff and

students of UWFAI conducted remote sensing (magnetometer and side scan sonar survey) and ground truthing to re-examine previously explored sites as well as search for new historic or archaeological structures. Several hundred magnetic anomalies were detected. Analysis of the survey data produced 44 magnetometer and 21 side scan sonar targets designated for further investigation. One of these targets was identified as the previously known B-Street Schooner (8ES1903), which lie in a more exposed condition than originally reported in the 1992 Pensacola Shipwreck Survey (Franklin et al. 1992). This site was documented by students in the University of West Florida's Maritime Archaeological Field Methods course in summer of 2005.

Most recently, UWF archaeologists and students have been involved with investigations of the second shipwreck discovered from the Luna fleet of 1559. Dubbed "Emanuel Point II", as its specific identity remains unknown, this site was discovered during the 2006 field methods course in underwater archaeology. Test excavations on the vessel's bow, midships and stern have been conducted in the 2007-2009 seasons (Cook et al. 2009; Bratten 2009; Cook 2009; Worth 2009).

Research Design

Project Objectives

This cultural resources assessment survey had three objectives: 1) to identify archaeologically sensitive areas within the proposed work reach; 2) to conduct a Phase I level cultural resource assessment to locate and assess the significance of any archaeological properties of this area; and 3) to provide management recommendations for any archaeological or historical resources encountered during the field work. The work conducted did not include Phase II (archaeological testing) or Phase III (mitigation) investigations.

Remote Sensing Methods

The reconnaissance survey was conducted by personnel with extensive remote-sensing experience. All work was performed in compliance with the requirements set forth in the

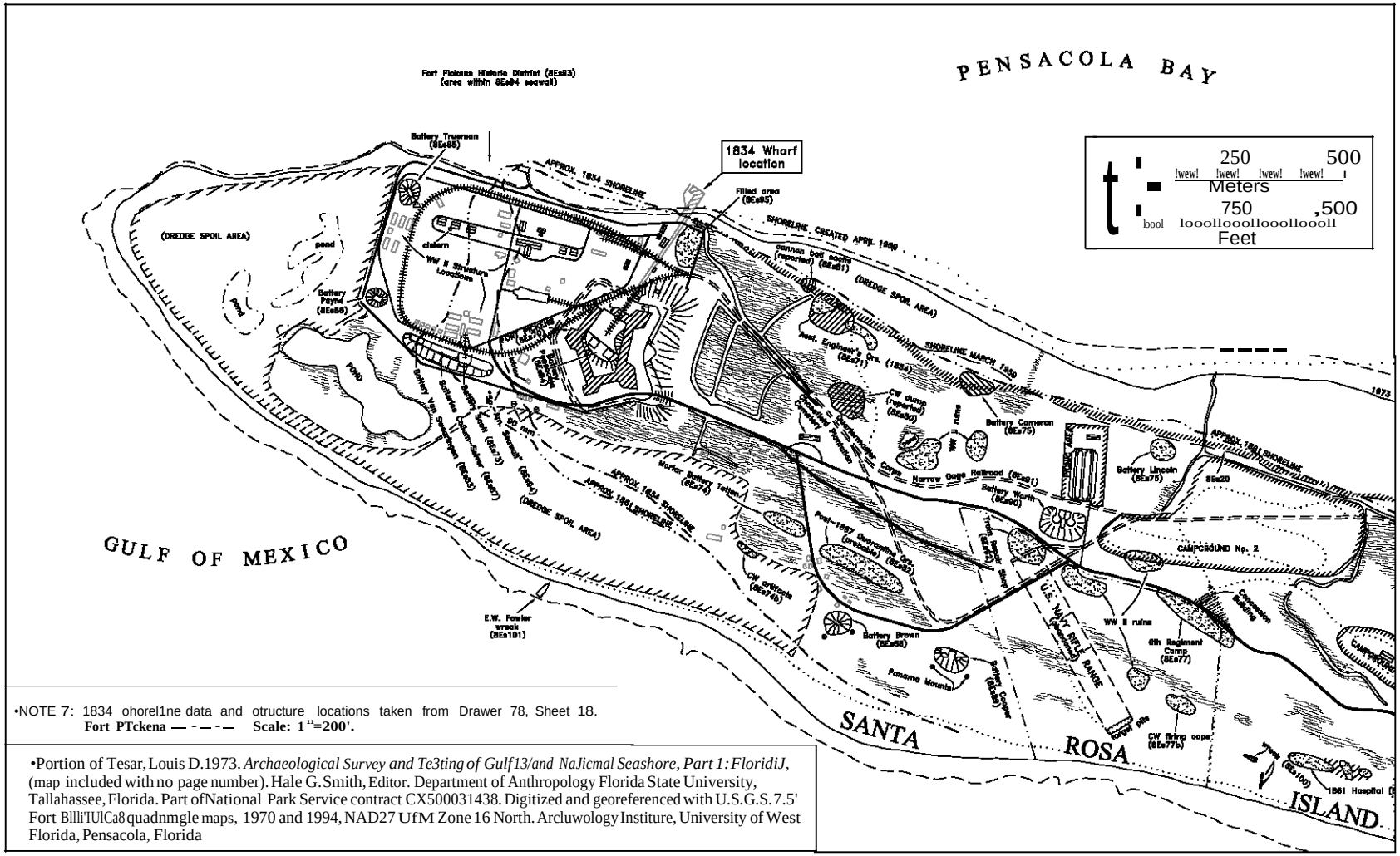
Performance Standards for Submerged Remote Sensing Surveys published by the Florida Division of Historical Resources at: (http://www.flheritage.com/preservation/compliance/review/Remote_Surveys.pdf).

Due to the fact that the project area saw significant maritime activity for much of the historic period, and was the site of multiple piers and wharfs throughout the 19th and 20th centuries, there was considered a high potential for submerged sites and structure remnants associated with Pensacola's maritime heritage (see Figure 3). The area's long history of cultural activity in combination with an even longer history of natural disasters has led to a considerable amount of cultural debris scattered along the shores and shallows of the survey area, some of which are visible from the shore. It was, however, unclear prior to documentary research and archaeological investigations how much of this debris was affiliated with the significant historical activities associated with the island and how intact such sights might be.

The waterfront area extending approximately 2000 feet (610 meters) along the bayside shore of Santa Rosa Island and projecting into the bay 250 feet (76 meters) was surveyed with magnetometer, sidescan sonar, and sub-bottom sonar during the period from 10/19/2009 through 3/30/2010. Basic bathymetric data in the project area includes a water depth of 0-10 meters (0-32 feet) and a tidal range of 1.15 feet. A particularly shallow area on the eastern edge of the survey area was investigated by archaeologists using SCUBA and snorkel gear because remote sensing was not an option as the water was too shallow for travel by boat and there was not enough depth in the water column for the remote sensing equipment to work appropriately.

Survey Equipment

The survey utilized a Standard Horizon DS-150 depth finder, a Sea Spy Overhauser magnetometer, a Marine Sonics 600 kHz. sidescan sonar, and a Stratabox 10kHz. sub-bottom profiler sonar (see Figures 4 and 5). Locational control was maintained using a Garmin GPSMAP 76 global positioning unit. Survey data was input to Hypack 2009a survey software



•NOTE 7: 1834 ohorel1ne data and otructure locations taken from Drawer 78, Sheet 18. **Fort PTckena — - — - — Scale: 1 [11]=200'.**

•Portion of Tesar, Louis D.1973. *Archaeological Survey and Te3ting of Gulf13/and NaJicmal Seashore, Part 1: FloridiJ,* (map included with no page number). Hale G. Smith, Editor. Department of Anthropology Florida State University, Tallahassee, Florida. Part ofNational Park Service contract CX500031438. Digitized and georeferenced with U.S.G.S. 7.5' Fort Bllli'IUlCa8 quadnmgle maps, 1970 and 1994, NAD27 UfM Zone 16 North. Arcluwology Institure, University of West Florida, Pensacola, Florida

Figure 3. Map of project area with reconstructed shorelines and location of an 1834 wharf.

Figure 4. Graduate archaeology student Sarah Linden monitors the side scan sonar computer.

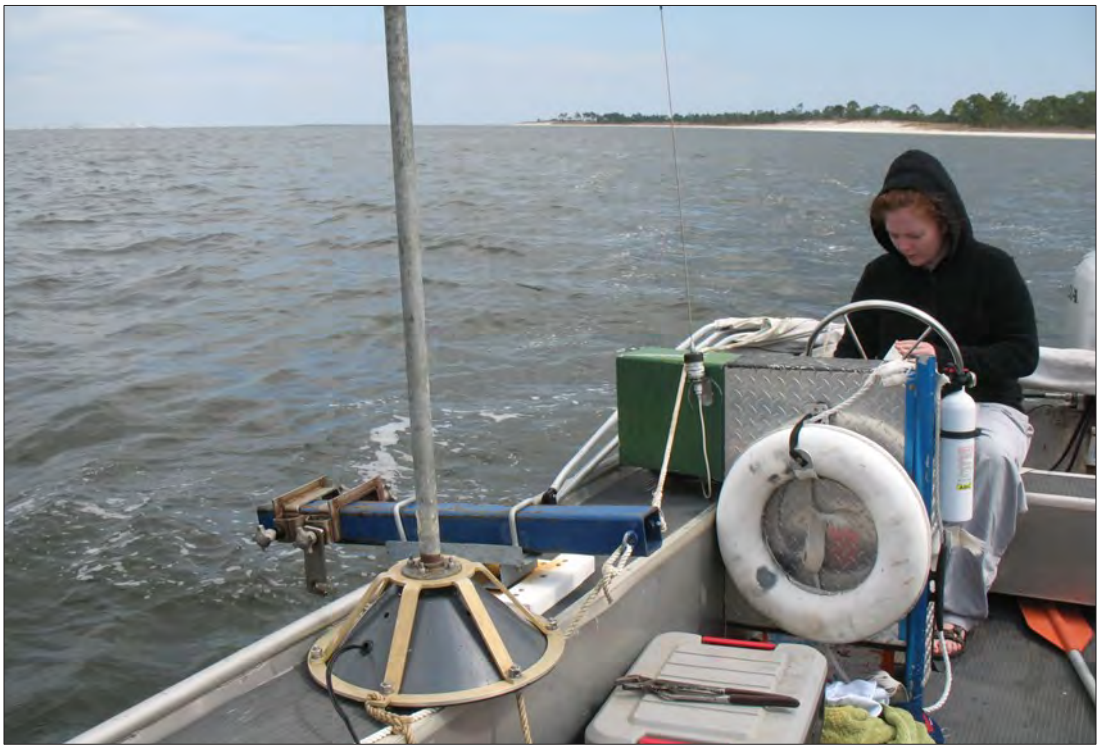


Figure 5. Graduate archaeology student Elizabeth Murphy during setup for the sub-bottom sonar survey.

running the Windows XP Pro operating system on a Dell Inspiron 8200 laptop. UWF personnel utilized a Rhino 21 ft. johnboat for survey operations.

UWF archaeologists conducted the magnetometer survey with a Marine Magnetics SeaSpy magnetometer, which measures the intensity of magnetic forces, both natural or "ambient" magnetics found everywhere on earth, as well as deviations from the ambient background which could indicate the presence of magnetic (ferrous) anomalies caused by historic or archaeological sites. The unit of measurement with the SeaSpy system is the nano-Tesla (nTesla); the nTesla value in northwest Florida averages approximately 48,600 nTesla, and any derivation detected from this average is considered a potential anomaly. As the sensor passes through the magnetic field surrounding a ferrous mass, the strength, or intensity, of that anomaly is recorded digitally in relation to locational data provided by the GPS unit. The SeaSpy towed magnetometer is a highly accurate overhauser omnidirectional instrument capable of registering changes in the earth's magnetic field to one tenth of a nano-Tesla. UWF archaeologists recorded magnetometer readings every quarter of a second (approximately every foot at typical survey speeds). Iron elements common on historic sites such as chain, anchors, cannon, fasteners and even ballast stone affect the signature received by magnetometers, indicating a magnetic anomaly which may suggest the presence of significant archaeological remains (Murphy and Saltus 1998). The magnetometer data is then extrapolated on a map showing the line traveled by the survey vessel, with concentrations of magnetic anomalies plotted for diver investigation.

The ability of the magnetometer to detect magnetic anomalies, which may be caused by submerged cultural resources such as archaeological sites, has led to the widespread use of this technology in underwater archaeology remote sensing surveys. Magnetometers were first used in locating archaeological shipwreck sites in the 1960s (Hall 1966), and have since become a reliable tool in the location of submerged historic sites (for case studies, see Arnold 1976, 1996; Clausen and Arnold 1976; Green 1987; Nelson 1979). The interpretation of magnetic data is not

an exact science, however. Many variables can contribute to a magnetic signature, including: the size, mass and area of the object; the object's orientation to the Earth's magnetic field; the distance of the object from the magnetometer sensor; and the orientation of the sensor to the object. The size of the magnetic anomaly is one factor in the analysis of potential dive "targets", along with the anomaly's duration, whether it appears on more than one survey line, and whether it represents a single point source or a more complex series of dipoles (the latter tend to be more closely associated with significant cultural material). It should be noted that other sources can create magnetic anomalies, such as dock facilities, navigation buoys, metal structures such as bridges, etc., which is why diver investigation of targets is required to verify the magnetic source (Green 2004: 62-69).

For the side scan sonar component of the survey, archaeologists used the Marine Magnetics Centurion splash-proof system, which incorporates a 600 kHz. sonar "fish", splash-proof computer, 30 meter cable and miscellaneous computer cables and hardware for computer/fish connectivity. The first use of side scan sonar for archaeological applications occurred in 1963, when Dr. Harold Egerton successfully located the lightship *Vineyard* with a prototype sonar that he developed (Fish and Carr 1990: 1-2). Side scan sonar detects anomalies by sending out acoustic energy on either side of the sensor or tow-fish. Any objects lying on the seafloor will reflect some of this energy. This typically shows up in the sonar readings as a bright area signifying the physical object that reflected the sonar energy (also called a "hard return") beyond which is an area of shadow where the acoustic energy was reflected (Green 2004: 76; Mazel 1985: 2-6). Under ideal circumstances side scan sonar is capable of providing near-photographic images of the bottom on either side of the trackline of a survey vessel. With the Marine Sonic software, sonar anomalies can be measured in dimensions of length, width, area and height, providing a significant amount of information about potential archaeological sites even without physically seeing the anomaly. Generally side scan sonar works best in flat areas without reef or rock structure which can block the acoustic energy and mask the presence of ballast stone, exposed hull structure or other indications of a shipwreck site. The primary drawback with side scan sonar is its inability to detect buried sites.

Sub-bottom survey was conducted using a Stratabox 10kHz. Geophysical Instrument, which allows sonar penetration of the seafloor for profiling purposes. The Stratabox unit is a portable, high-resolution marine sediment imaging instrument capable of delivering 6 cm. of marine sediment strata resolution with a maximum bottom penetration of up to 40 meters. It is designed for inshore and coastal geophysical marine survey up to 150 meters of water depth.

Survey lines were established within the area running generally east to west, parallel to the shoreline (see Figure 6). These transects were spaced 10 meters (32.8 feet) apart to obtain overlapping coverage of the survey area. Eleven pre-planned survey lines, measuring a total of 8,800 meters (5.5 miles) were plotted to adequately cover the area. A few areas close to the shore were too shallow to safely navigate in the research vessel, and were inspected visually by snorkelers/divers. HYPACK navigational software was used to delineate the survey area and to plan survey lanes. The survey function of HYPACK allows the integration of GPS locational data, magnetometer data, and depth-sounding data for analysis. During the survey, information was displayed in real time and readings were recorded on the hard drive for later analysis. An electronic navigation chart US5FL72M.000 obtained from NOAA was used as the background map for the HYPACK software. This vector chart in S-57 format is an approved navigation chart in the WGS84 ellipsoid with Universal Transverse Mercator (UTM) display. A laptop computer running Hypack navigational software integrated several data streams including the remote sensing devices, GPS, magnetometer readings, and speed. This entire system is powered by a 12-volt battery, and can be operated by as few as two crewmembers. After completion of the magnetometer remote-sensing survey, the data was collected and analyzed at UWF Archaeology Institute. Magnetometer data was post-processed using the TIN modeling feature in HYPACK 2009a to create a surface model of the magnetic signatures, on which potential magnetic and sonar targets were plotted for diver investigation (see Figures 7 and 8).

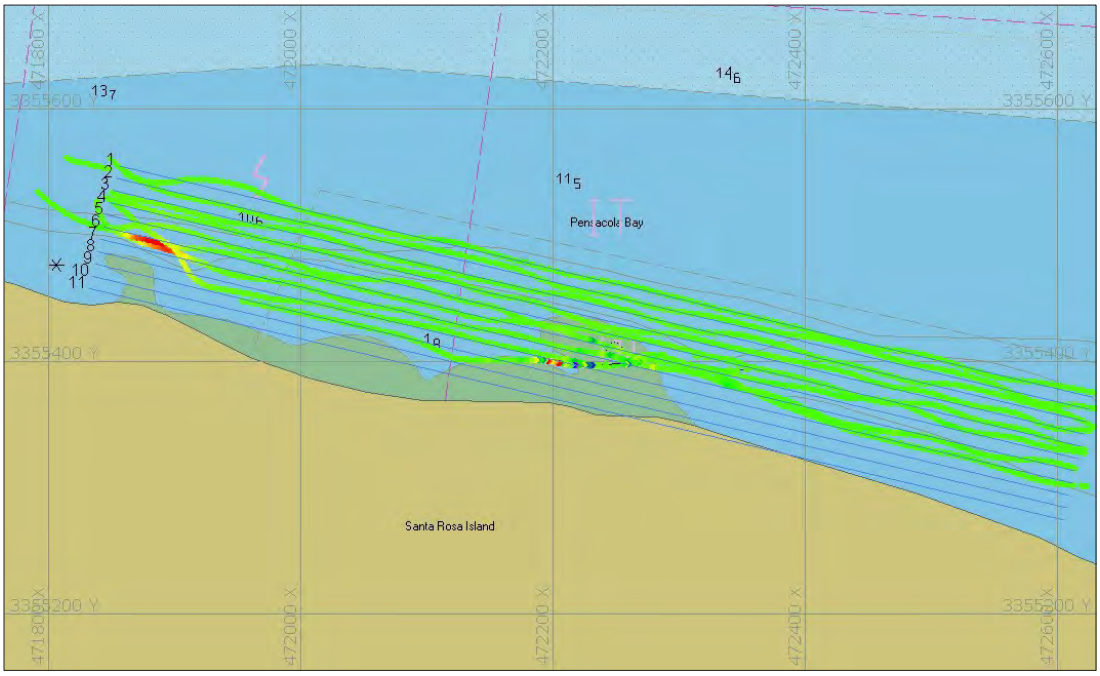


Figure 6. Pre-plotted survey lines for the remote sensing survey, and real-time results from the magnetometer survey.

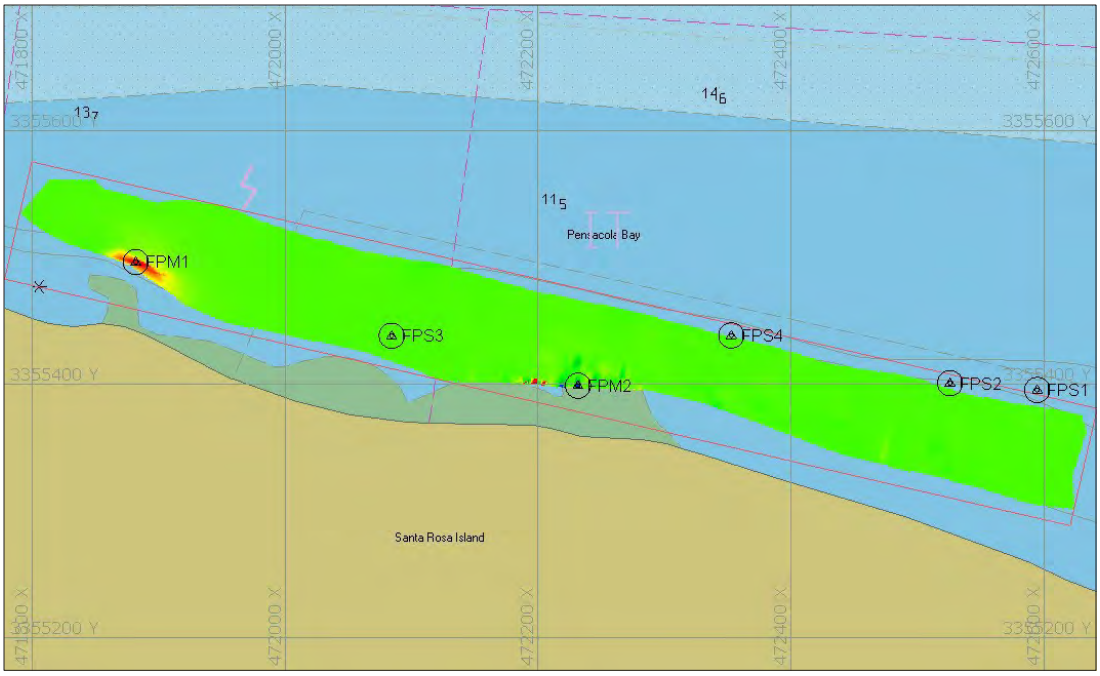


Figure 7. HYPACK surface area model of magnetometer data, with both magnetic and sonar targets identified.

Figure 8. HYPACK magnetometer data surface area map overlaid on satellite imagery, with both magnetic and sonar targets identified.

Diver Investigation Methods

Diving investigation, or "ground-truthing" requires a four-person dive crew as stipulated by the UWF Guide to Scientific Diving; a two diver buddy team, a standby/safety diver suited up and ready to enter the water should the primary divers require assistance, and a dive leader who remains on the surface and directs diving operations. Dives were conducted using a UWF pontoon boat as a diving platform. UWF nautical archaeologists are required to abide by the diving regulations as stipulated in the UWF Guide to Scientific Diving (copy on file, UWF Marine Services), and all divers who participated in this research are certified scientific divers through UWF's diving program.

The standard procedure for investigating targets involves relocating the magnetic or sonar anomaly using differential GPS, dropping a weighted buoy on the target location, and anchoring the diving platform near the buoy marker. The dive leader then conducts a dive briefing while the primary divers and standby diver suit up and prepare to enter the water. The underwater search procedure involves the divers descending on the buoy location and conducting circle-searches. Typically one diver stays at the center of the circle by the buoy weight with the measuring tape, extending out 3 meters (9.8 feet) of tape to the second diver who swims the circle while visually scanning the seafloor. The searching diver typically carries a probe and metal detector to aid in determining if any buried anomalies exist. Upon finishing a circle, the central diver feeds out another 3 meters of tape, and the second diver commences another circle search. This process continues until the divers either locate the source of the anomaly, or complete a 15 meter (49 feet) radius circle search, at which point the target would be considered unlocatable.

Upon locating the anomaly, the second diver typically signals the central diver, who attaches the tape to the buoy weight and then joins the second diver to investigate the anomaly. Divers record the anomaly using tapes, folding rules and mylar slates, as well as underwater cameras when visibility allows. Alternatively the object is recovered for surface photographs and measurements. This methodology is continued until all anomalies have been accounted for, or the locations of anomalies have been thoroughly searched.

Expected Results

Due to the prehistoric and historic habitation of Santa Rosa Island, and particularly the maritime activities in the project area through the historic period, a significant potential existed for the discovery of previously unknown archaeological sites. The remote sensing methods utilized, along with UWF's established procedures for diver investigations, made it likely that any potential significant sites would be detected and investigated during the course of the project.

Unexpected Discoveries

The procedures for dealing with unexpected discoveries, including the discovery of human remains are detailed below. In the unlikely event that after construction has commenced, archaeological or historical deposits in excess of 50 years of age are encountered, all work should cease and a professional archaeologist should be consulted to evaluate the cultural deposits and make management recommendations to the SHPO. The University of West Florida Archaeology Institute will provide this assessment on request. As an alternative approach, the developer may contact the Florida Department of Historic Preservation, Compliance and Review Section for guidance.

In the event of the unexpected discovery of human remains, all work should cease immediately. This is in accordance with Chapter 1A-44 Procedures for Reporting and Determining Jurisdiction Over Unmarked Human Burials and Florida Statute 872.05. The individual in charge of the activity should notify the appropriate District Medical Examiner (DME) within seven days of the discovery and the Senior Archaeologist at UWFAI. The DME shall determine if the remains are over 75 years of age, and if so shall notify the State Archaeologist. Any activity that will disturb the remains should cease until authorization from the appropriate authority is given to resume work.

Archaeological Fieldwork Activities

Magnetometer Survey

UWF conducted the magnetometer survey on 30 October 2010, towing the magnetometer 'fish' 15 meters (50 feet) behind the research vessel to minimize any magnetic interference from the boat. Eleven pre-planned survey lines adequately covered the area, though some off-line navigation near shore was required to avoid grounding the boat or damaging the fish (Figure 6). Post-survey analysis suggested the presence of two principle anomalies, designated FPM-1 and FPM-2 (Fort Pickens Magnetic 1 and 2). FPM-1 is clearly associated with the modern and adjacent abandoned pier features, as can be seen when the magnetometer data is geo-referenced

with satellite images of the area (see Figure 8). FPM-2 is a high nTesla target that extends over four survey lines (40 meters or 130 feet) offshore and is associated with visible rubble onshore and in the shallows in the satellite image shown in Figure 8. Detailed information on both magnetometer targets can be seen in Table 2**.** Besides these two anomalies, the remainder of the magnetometer data is very stable, reading around 48,260 nTeslas which reflects the ambient magnetic signature of the area. This "quiet" magnetometer data suggests a low likelihood of magnetic anomalies other than the FPM1 and FPM2 targets.

Table 2: Summary of Data Relating to Magnetic Anomalies

Target No.	nTESLA	Description	Duration	Northing/Easting*
FPM-1	1,200	Modern Pier	38 meters	3355497/471882
FPM-2	613	Concrete/Rubble	76 meters	3355398/ 472231

*UTM coordinates, WGS-84 datum, Zone 16.

Side Scan Sonar Survey

UWF staff and students conducted the side scan sonar survey on 30 October 2010. The sonar "fish" was initially mounted off of the bow while concurrently conducting the magnetometer survey, but wave action led to excessive vertical movement of the fish, creating unsatisfactory results. Upon completion of the magnetometer survey, the sonar fish was towed from the stern with greatly improved survey data (Figure 9**)**. Analysis of the sonar data led to the identification of four anomalies, broadly defined as any bump, shape, or object that does not appear to be part of the natural seafloor (Table 3 and Figure 10). Despite advances in sonar technologies and increasing experience of sonar operators, interpretation of side scan sonar records remains a qualitative, rather than quantitative, process (Fish and Carr 1990: 81). Numerous factors affect the sonar image; "false images" can be generated due to schools of fish, acoustic noise from dolphins or whales, the wakes of passing boats, surface conditions, thermoclines or density changes in the water, etc. While none of the sonar images generated during the survey appeared particularly likely to represent archaeologically significant

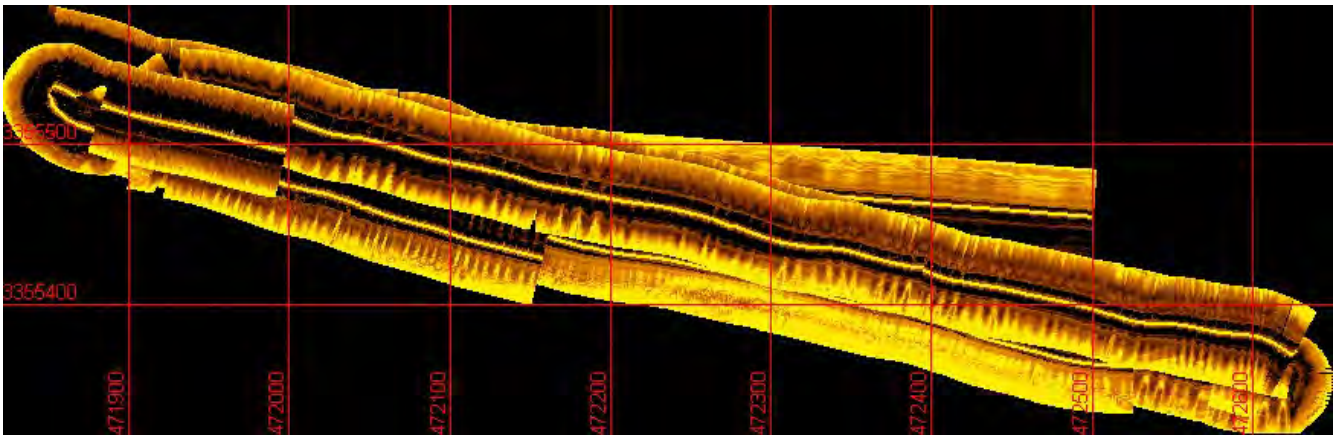
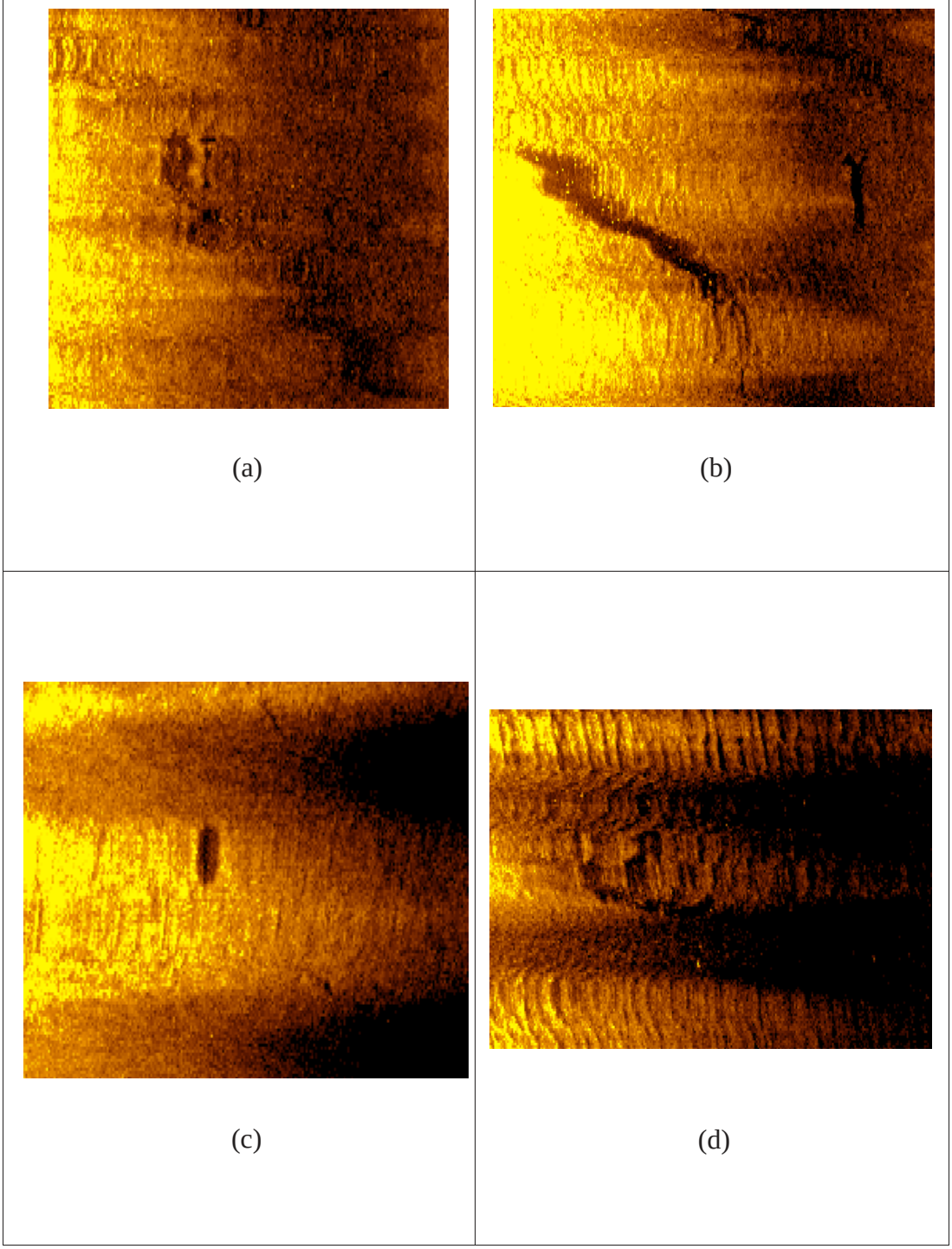


Figure 9. Mosaic of side scan sonar data collected in the project area.

Table 3: Summary of Data Relating to Side Scan Sonar Anomalies

Target Number	Dimensions	Investigation Result	Northing/Easting*
FPS-1	4 m.	Natural depression	3355395 / 472594
FPS-2	9.49 m.	Natural sand ridge	355401 / 472525
FPS-3	1.26 m.	No anomaly located	3355440 / 472083
FPS-4	3.52m.	Natural depression	3355438 / 472353

*UTM coordinates, WGS-84 datum, Zone 16.



(a) (b)

(c) (d)

Figure 10. Sonar Target Images of (a) Target FPS-1; (b) Target FPS-2; (c) Target FPS-3; (d) Target FPS-4.

submerged features, the four anomalies selected seemed different enough from the natural bottom to warrant diver investigation.

Sub-Bottom Sonar Survey

The P.I.'s strategy for utilization of sub-bottom sonar surveys is to aid in the delineation of suspected sites or anomalies, rather than as a prospecting tool for locating unknown sites or for surveying large areas. While sub-bottom sonar can provide insights into deposits lying below the surface of the seafloor, the narrow width of the sonar beam requires extremely narrow lane spacing if the goal is the location of potential historic or prehistoric sites. In addition, the limited resolution of sub-bottom imagery generally makes it impossible to determine if buried sonar anomalies represent cultural or natural deposits without sub-surface testing through probing, coring or excavation (Faught 2002: 287; Budz personal communication, 2010). Due to these concerns, sub-bottom sonar was not used for the general survey area covered by the magnetometer and side scan sonar. Upon analyzing the magnetometer data, however, anomaly FPM-2 appeared to line up closely with a historic wharf structure plotted in the project area dating to the 1830s (see Figure 3). As a means of testing whether sub-surface structure relating to this feature still exists, an attempt was made to use sub-bottom sonar to identify and/or delineate any such features. Survey lanes specifically for the sub-bottom sonar survey were established at 5 meter (16.4 feet) intervals in the area of the magnetic anomaly and historic pier location to maximize chances of detecting any sub-surface structure (see Figure 11). The Stratabox sub-bottom sonar averaged 2 to 3 meters (6.5 to 9.8 feet) of bottom penetration, but no anomalies were visible in the sonar data (Figure 12).

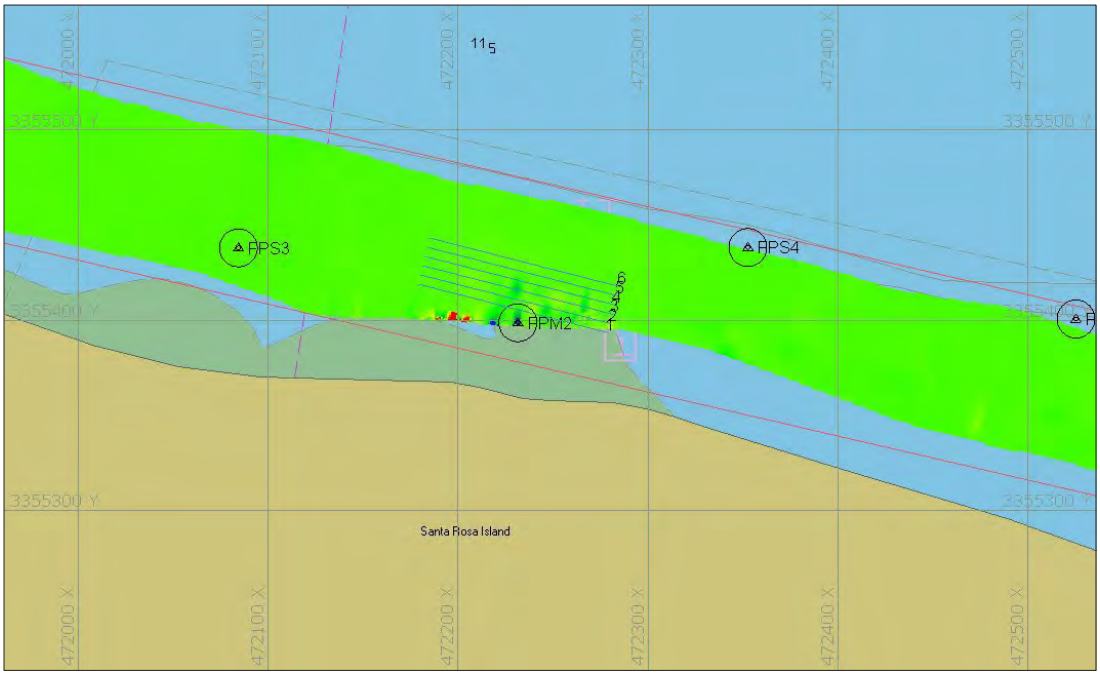


Figure 11. Pre-planned survey lines for the sub-bottom survey of the pier area.

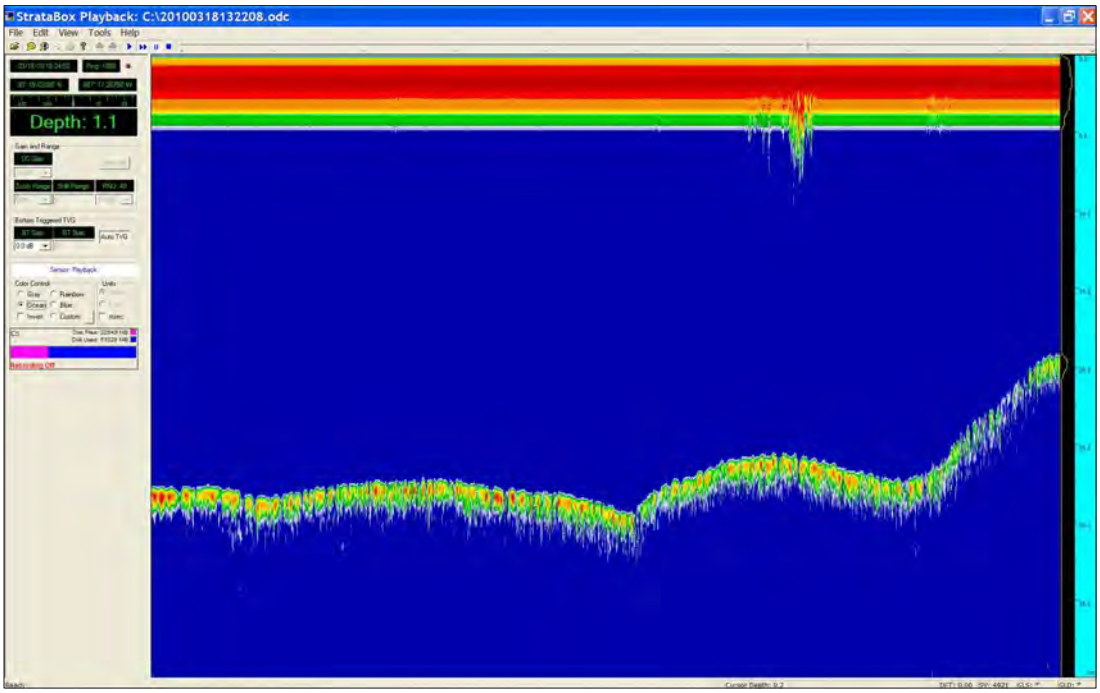


Figure 12. Example of sub-bottom data collected in the potential pier area.

Diver Investigation

UWF nautical archaeology students and staff conducted diver investigations of magnetic anomaly FPM-2 and the four side scan targets. Each of the side scan anomalies were investigated from a UWF research vessel as a diving platform, and target FPM-2 was examined by deploying divers from shore.

The side scan anomalies FPS-1 through FPS-4 turned out to be natural features on the bay bottom, with the exception of FPS-3, in which divers could not locate any anomaly. This may have been caused by a false image generated by the sonar, or due to the fact that the anomaly was caused by subtle natural features on the seafloor that were not distinguishable enough to be noticed by the divers. The targets FPS-1, FPS-2 and FPS-4 were readily discernible as pronounced grooves, ridges, or depressions, all of which are likely caused by the considerable tidal activity that occurs in the vicinity of Pensacola Pass.

Diver investigation of FPM-2 resulted in the discovery of two distinct scatters of rubble, primarily composed of concrete or a similar type of poured cement, as well as the remains of pilings extending a short distance out of the bay floor (Figure 13). The eastern rubble scatter extends offshore from visible fragments on the beach and in shallow water approximately 20 meters (65 feet), and is composed of concrete, brick and other artifacts measuring 10 meters (33 feet) across in 3 meters (10 feet) of depth (Figures 14 and 15). The western rubble pile is more compact, lying approximately 7 meters (23 feet) offshore, measuring 10 meters (32 feet) in diameter (Figures 16 and 17). In both features, individual concrete pieces range from over a meter (3.3 feet) in length to just 10 centimeters (3.9 inches) in size. While some concrete pieces remain articulated to each other, none appears to be in its original location, and may in fact represent a dumping or disposal activity, though more research would be required to determine this for sure. The two rubble features are separated by 7 meters (23 feet) of sandy bay floor with no visible cultural remains. Two pilings extend north from the shore toward the western rubble

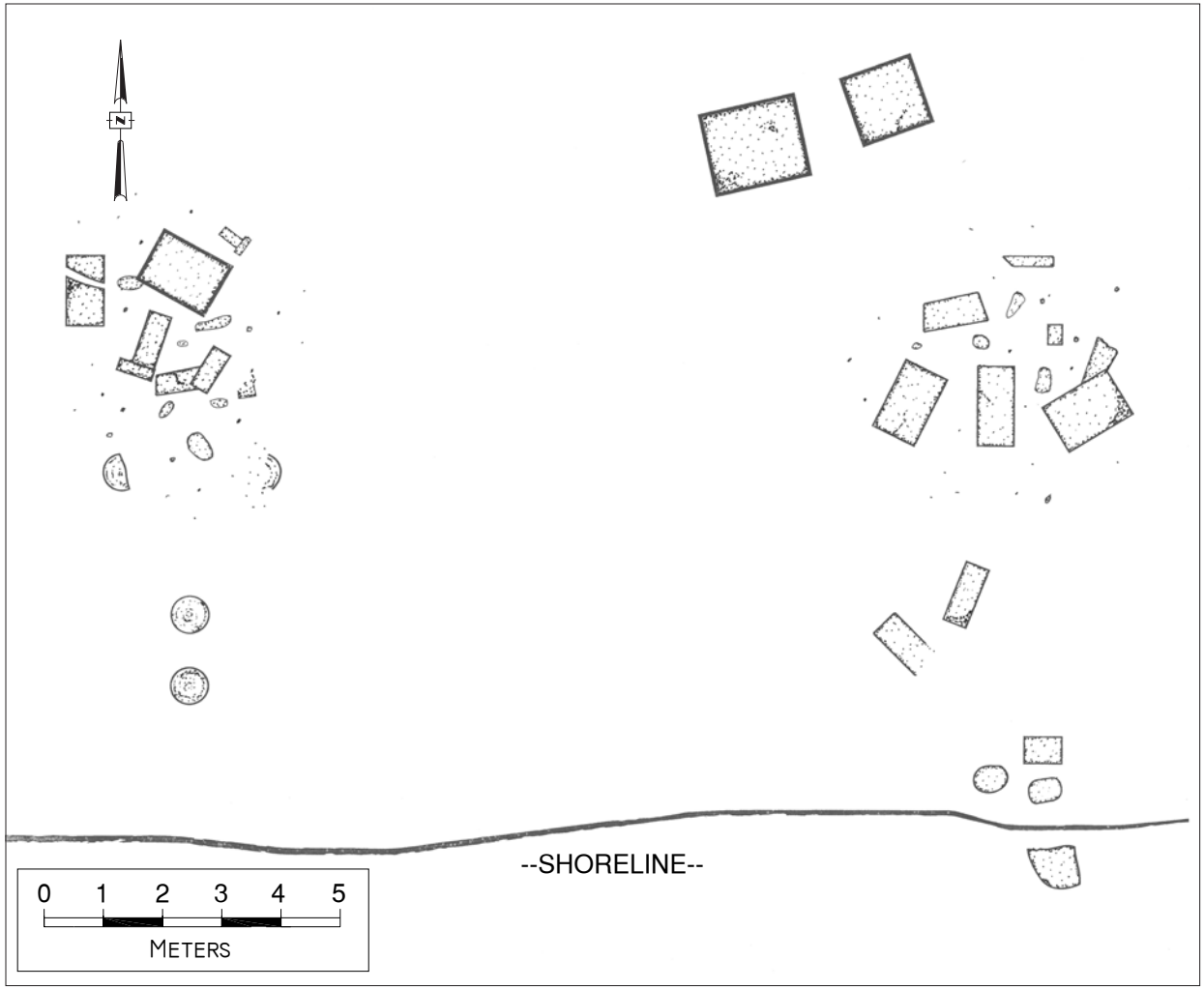


Figure 13. Map of recorded features in the pier area. Note the western and eastern rubble scatters, and intact pilings leading offshore toward the western rubble feature.

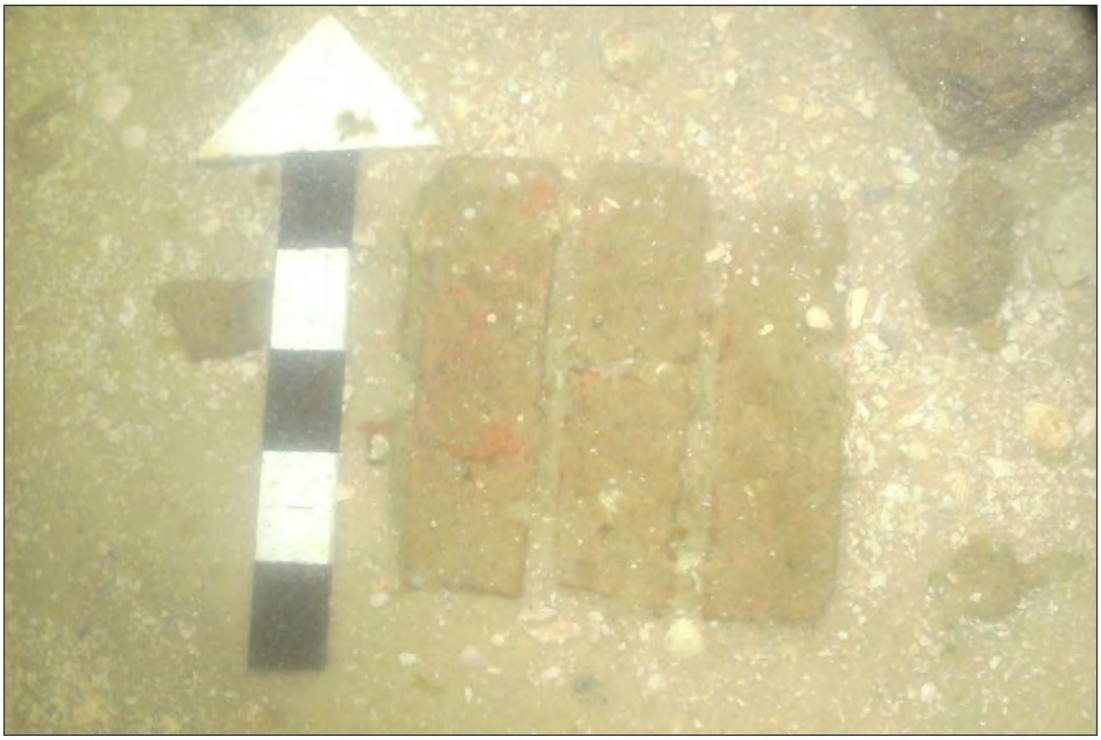


Figure 14. Underwater photograph of mortared brick in the eastern rubble scatter.

Figure 15. Underwater photograph of concrete feature in eastern rubble scatter.

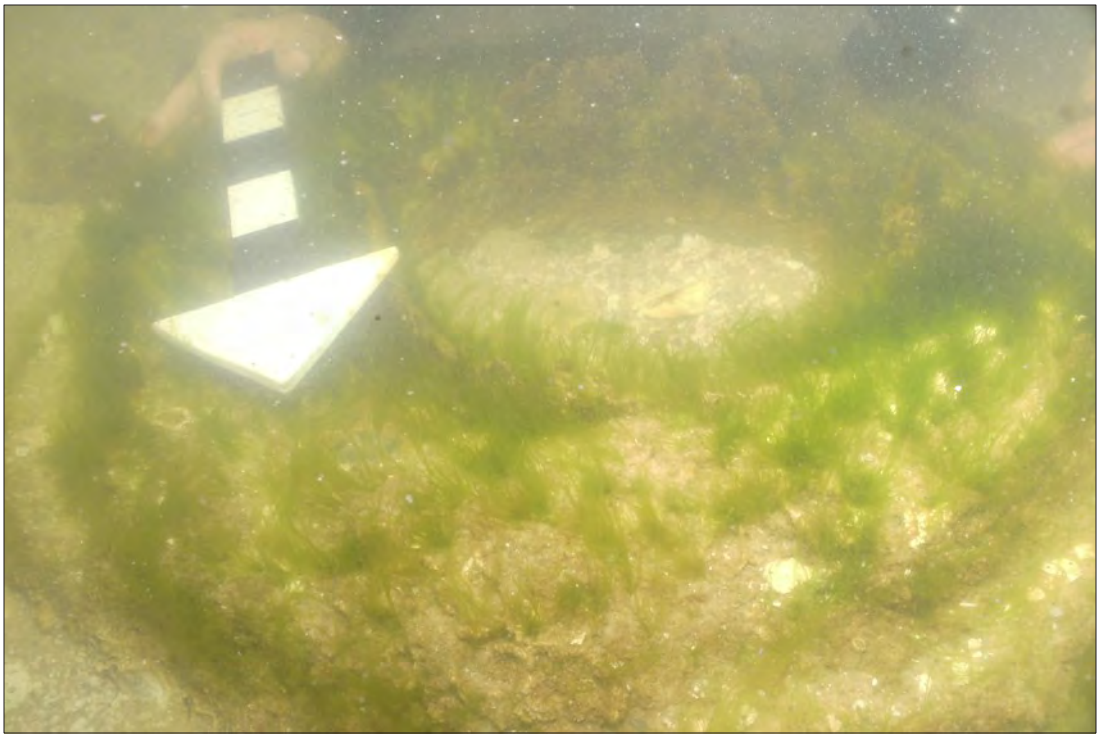


Figure 16. Underwater photograph of wooden piling associated with western rubble scatter.

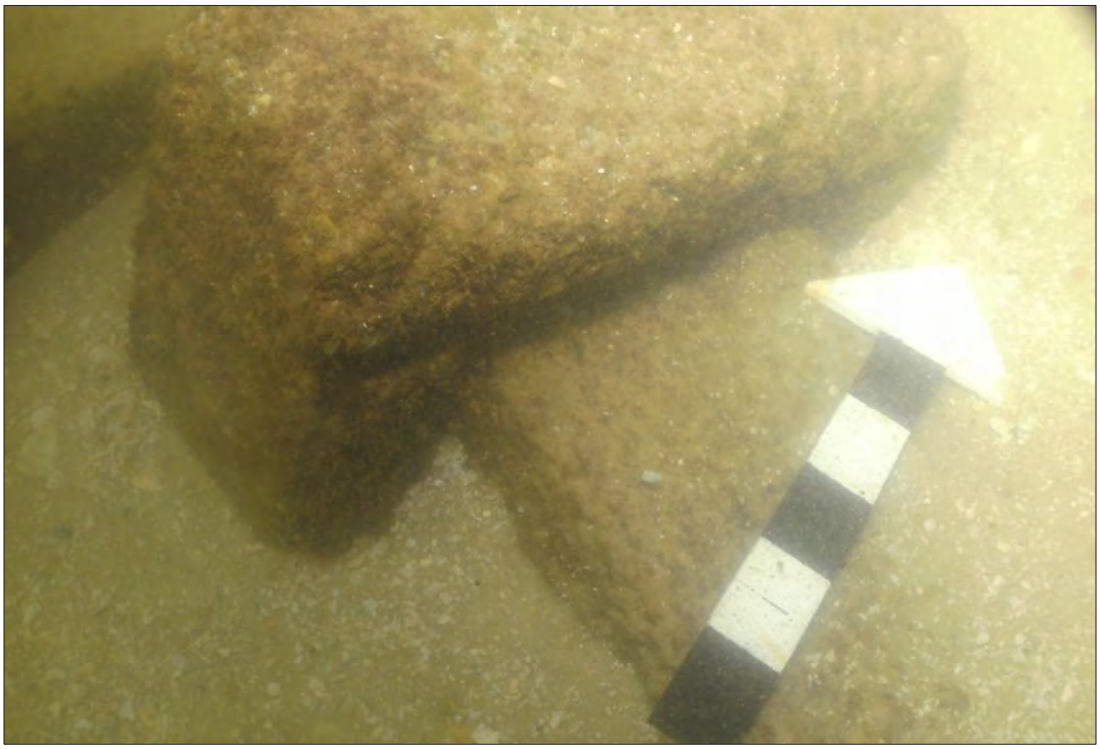


Figure 17. Underwater photograph of articulated concrete structure in western rubble scatter.

scatter approximately 1 meter (3.3 feet) apart, and portions of two others are offset from these slightly and extend 2 meters (6.6 feet) further offshore from the other pilings (Figures 13 and 16). All pilings appear to be composed of wood with iron straps on their outside surfaces, and average 60 cm (24 in.) in diameter. Use of the underwater metal detector suggests that others may lie buried as they progress offshore, but no hand fanning or bottom disturbance was conducted to verify this.

Divers covered the area of the magnetic anomaly conducting a visual search using compasses for navigation and recording distance and depth as they progressed, visually searching an area 135 meters (443 feet) offshore to the north, and 100 meters (328 feet) east/west, with a maximum depth of 10 meters (32 feet). Within this area, divers noted the two rubble features shown in Figure 13 as the principle visible cultural elements, with occasional debris or other material randomly scattered on the bay floor.

Changes to Research Design

No significant changes to the research design were warranted as the archaeological fieldwork progressed. Not all of the eleven pre-planned survey lines could be completed in their entirety due to shallow waters near shore, but these areas were visually inspected either by diving, snorkeling or wading.

Results and Conclusions

Laboratory Methods

During the fieldwork, no cultural material was recovered for analysis, negating the need for laboratory methods or curation concerns. Selected field maps, drawings and photographs were digitized at UWF's Archaeology Institute as needed to facilitate the site evaluations, project synthesis and production of this report. All remote sensing data was analyzed at the Archaeology Institute as well.

Findings in Relation to Project Objectives

The objectives of this cultural resource assessment survey were to locate, identify and evaluate all archaeological resources within the project area. The methods employed were designed to recover sufficient data to assess the potential significance of any cultural properties according to the criteria established for inclusion in the *National Register of Historic Places (NRHP).* These objectives were accomplished during the course of this project.

UWF staff and students conducted intensive magnetometer, side scan sonar and sub-bottom sonar surveys of the project area, followed by diver investigations of magnetic and sonar anomalies identified through analysis of the survey data. None of the offshore sonar anomalies appear to be cultural in origin, and instead are natural features on the seafloor. Analysis of magnetic anomaly FPM-2 suggested that it represented a large (613 nTesla in magnitude), complex anomaly with a significant duration (76 meters), and that it closely matched the documented location of an 1830s era wharf or pier structure (see Figure 18). Diver investigation of this anomaly revealed the presence of intact pilings, as well as two rubble piles in the vicinity, composed primarily of concrete or poured cement features. Various types of concrete were developed and used since classical times; the great dome of the Pantheon, built in 27 B.C., is made of concrete. In the modern era, engineers and bricklayers experimented with various mixes of concrete beginning as early as the sixteenth century. Aspdin's patent for Portland Cement, which revolutionized construction with cement or concrete-like material, dates to October 21st, 1824 (Potter 1908: 2-4, 35). While it is yet unknown if the concrete rubble is associated with the historical pier known to be in the area, the location of the concrete, magnetic anomaly and documented location of the pier may warrant further investigation if this specific area were to be impacted by construction. A recommended avoidance area, that extends beyond the magnetic signature of FPM-2 and outside of the reconstructed location of the 1830s-era wharf, is shown in Figure 18. GPS coordinates for each corner of the avoidance area are included in Table 4.

Table 4: GPS Coordinates for Avoidance Area Plotted in Figure 18.

Corner	Northing*	Easting*
Southwest	3355386	472163
Northwest	3355461	472193
Northeast	3355437	472304
Southeast	3355393	472296

*UTM coordinates, WGS-84 datum, Zone 16.

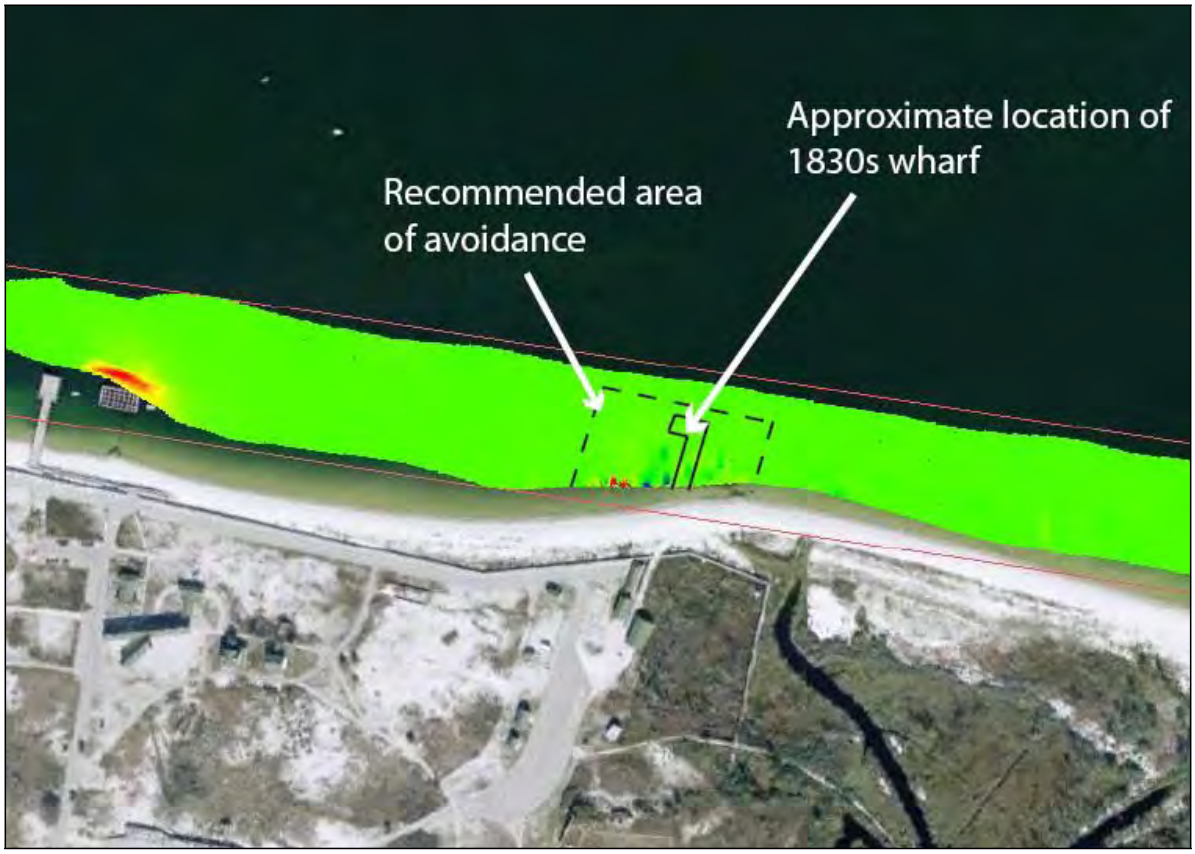


Figure 18. Approximate location of 1830s-era wharf overlying magnetic surface area map, with recommended avoidance area.

Management Recommendations

In fall of 2009 and spring of 2010, the University of West Florida, Archaeology Institute conducted a Phase I underwater cultural resource assessment survey for proposed pier construction within an offshore area extending 2000 feet (610 meters) by 250 feet (76 meters) along the bayside shore of Santa Rosa Island, Florida. The results of these investigations indicate that a significant magnetic anomaly, designated as FPM-2, is located in the same area as an 1830s-era wharf structure. Diver investigations of the anomaly led to the identification of two rubble scatters, composed of concrete features, bricks and other artifacts, and the remains of four wooden pilings as shown in Figure 13. For this phase I investigation, no phase II (archaeological testing) or phase III (mitigation) was performed. At this point in the investigation, it is unknown if the rubble features noted by divers are associated with the 1830s wharf structure, with later activity in the project area, or are the result of dumping or disposal behavior The principal investigator recommends avoidance of the area in case any remains of the wharf exist beneath the bay floor sediments (see Figure 18).

In assessing all remote sensing and diver groudtruthing data regarding potential criteria for application to the National Register as contained in 36 C.F.R. 60, the principal investigator concludes that the site has the potential to meet criterion D, or sites that "have yielded or may be likely to yield, information important in history or prehistory." While a direct association between observed cultural material and documented historic wharf structure remains to be determined, enough circumstantial evidence warrants avoidance of the area if at all possible during construction of the proposed pier.

REFERENCES

Adams, William R., Robert Bennett, S. Olausen
1992 Historic Building Survey of Okaloosa County, Florida. Manuscript on file. The University of West Florida, Archaeology Institute.

Armstrong, H. Clay
1930 *History of Escambia County, Florida*. The Record Company, St. Augustine, Florida.

Arnold, Barto
1976 An Underwater Archaeological Magnetometer Survey and Site Test Excavations Project off Padre Island, Texas. Texas Antiquities Committee Publication, No. 3.

1996 The Texas Historical Commission's Underwater Archaeological Survey of 1995 and the Preliminary Report on the *Belle*, LaSalle's Shipwreck of 1686. *Historical Archaeology* 30(4):66-87.

Bense, Judith A.
1983 Settlement Pattern, Climate and Marine Ecosystem: Correlations in the Escambia Bay Drainage System in Northwest Florida. Paper presented at the 40th Southeastern Archaeological Conference, Columbia, South Carolina.

1985 Hawkshaw: Prehistory and History in an Urban Neighborhood in Pensacola, Florida. University of West Florida, Office of Cultural and Archaeological Research, *Report of Investigations 7.*

1988 Deadman's Shipwreck: Preliminary Investigation and Evaluation. University of West Florida, Institute of West Florida Archaeology, *Report of Investigations 18.*

1989 Pensacola Archaeological Survey and Summary of Archaeology in the Pensacola Area of West Florida to 1988. *The Pensacola Archaeological Society, Publication 2.*

1994 *Archaeology of the Southeastern United States: Paleoindian to World War I.* Academic Press, New York.

2002 Field Report 2002, Archaeological Evaluation Presidio Isla de Santa Rosa (8Es22). Prepared for National Parks Service, Gulf Islands National Seashore. Report of Investigations Number 105. University of West Florida Archaeology Institute, Pensacola Florida.

2004 *Santa María de Galve: A Struggle for Survival in Spanish Colonial Pensacola*, editor University Press of Florida. Gainesville, Florida.

Bense, Judith A. and William Adams
1991 Assessment of Historic Resource Surveys in Florida. *The University of West Florida, Archaeology Institute, Report of Investigations Number 43.*

Bense, Judith A., and H. J. Wilson
1999 Archaeology and History of the First Spanish Presidio: Santa Maria de Galve in Pensacola, Florida (1698-1719). *The University of West Florida, Archaeology Institute, Report of Investigations* 67.

Bratten, John
2009 Mesoamerican Component of the Emanuel Point Ships: Obsidian, Ceramics, and Projectile Points. *The Florida Anthropologist* 62, no. 3-4: 109-114.

Bratten, John, J. Cozzi, and James Hunter
1999a "Underwater Field Investigations 1998." *Report of Investigations,* No. 70. University of West Florida, Pensacola Florida.

1999b "Colonial Ship Archaeology Progress Report." *Report of Investigations,* No. 78. University of West Florida, Pensacola, Florida.

Bratten, John, J. Clune, W. Childers, Cindy Bercot, and J. Cozzi
2003 *The Santa Rosa Island Shipwreck.* University of West Florida, Pensacola, Florida.

Breetzke, David E.
1996 Spatial Analysis of Cultural Components on the Barrancas Site: 8Es1354. Master's thesis, University of West Florida, Pensacola.

Brose, David S.
1984 Mississippian Period Cultures in Northwest Florida. In *Perspectives on Gulf Coast Prehistory*, edited by Dave D. Davis, University of Florida Press, Florida State Museum, Gainesville.

Budz, Frank, Senior Technical Manager, Syquest Inc.
2010 Personal Communication.

Burns, Jason
2000 "The Life and Times of a Merchant Sailor: History and Archaeology of the Norwegian Ship *Catharine.*" Master's thesis, University of West Florida, Pensacola, Florida.

Carruth, Amy S.
1989 Archaeological assessment if the Devilliers Gardens Affordable Housing Project in Pensacola, Florida. The University of West Florida, Archaeology Institute, Report Number 30.

Chapman, Ashley A.
1998 Predictive Model of the Archaeological Remains of the Presidio Santa María de Galvé (1698-1722): Results of the First Year of Field Research (1995). Master's thesis, University of West Florida, Pensacola.

Clausen, Carl and J. Barto Arnold
1976 The Magnetometer and Underwater Archaeology: Magnetic Delineation of Individual Shipwreck Sites, a New Control Technique. *The International Journal of Nautical Archaeology and Underwater Exploration* 5(2): 159-169.

Clune, John Jay
2004 Historical context and Overview. In *Presidio Santa Maria de Galve: A Struggle for Survival in Colonial Spanish Pensacola*. Judith A. Bense, Editor, University Press of Florida.

Cook, Gregory
2009 Luna's Ships: Current Excavation on Emanuel Point II and Preliminary Comparison with the First Emanuel Point Shipwreck. *The Florida Anthropologist* 62, no. 3-4:93-100.

Cook, Gregory, John Bratten, John Worth, Kendra Kennedy, Dean Nones and Scott Sorset
2009 *Emanuel Point II Underwater Archaeology Grant No. SC716.* The University of West Florida, Archaeology Institute, Report of Investigations No. 164.

Cooper, Max W.
1969 A History of Holt, Florida. Typed student paper, UWF. Special Collections, John C. Pace Library, The University of West Florida.

Cozzi, J., John Bratten, Robin Moore, and John Rawls
2001 "Pensacola Underwater Archaeological Survey for 2000." *Report of Investigations,* No. 99 University of West Florida Archaeology Institute, Pensacola, Florida.

Cozzi, J., and John Bratten
2003 "A Survey to Relocate and Assess Underwater Archaeological Sites within Gulf Islands National Seashore, Florida." *Report of Investigations*, No. 108. University of West Florida, Pensacola, Florida.

Fabbro, Mary Ann

1992 Archaeological monitoring of Lightguide construction in Pensacola, Florida. *The University of West Florida, Archaeology Institute, Report of Investigations 48.*

Fairbanks, Charles
1959 Additional Elliott's Point Complex Sites. *Florida Anthropologist* 12:95-100.

1964 The Early Occupation of Northwestern Florida. *Southeastern Archaeological Conference Bulletin* 1:27-30.

Faught, Michael
2002 Submerged Paleoindian and Archaic Sites of the Big Bend, Florida. *Journal of Field Archaeology* 29: 273-290.

Faye, Stanley
1941 Spanish Fortifications of Pensacola (1698-1763). *Florida Historical Quarterly 20(2).*

Fish, John and H. Arnold Carr
1990 *Sound Underwater Images: A Guide to the Generation and Interpretation of Side Scan Sonar Data* (Orleans, MA: Lower Cape Publishing).

Franklin, Marianne, J. W. Morris, and R. Smith
1992 Submerged Historical Resources of Pensacola Bay, Florida. *Division of Historical Resources, Bureau of Archaeological Research, Florida Archaeology Reports* 25.

Gannon, Michael
1996 First European Contacts. In *The New History of Florida*. In Michael Gannon, Editor. University Press of Florida. pp.16-39.

Green, J.
1987 Remote Sensing in Shipwreck Archaeology: Locating the Mahogany Ship, in B. Potter (ed.) *The Mahogany Ship Relic or Legend? Proceeding of the 2nd Australian Symposium on the Mahogany Ship* (Victoria: The Mahogany Ship Committee and Warrambool Press).

2004 *Maritime Archaeology: a Technical Handbook* (New York: Elsevier Academic Press).

Griffen, William B.
1959 Spanish Pensacola, 1700-1763. *Florida Historical Quarterly* 37:242-62.

Hall, E.
1966 The Use of the Proton Magnetometer in Underwater Archaeology. *Archaeometry* 9: 32-44.

Harris, Norma J.
1999 *Native Americans of Santa María de Galve, 1698-1712*. Master's thesis, University of West Florida, Pensacola.

Hoffman, Paul
2002 *Florida Frontiers*. Indiana University Press, Bloomington.

Howard, David A.
1997 *Conquistador in Chains: Cabeza de Vaca and the Indians of the Americas*. University of Alabama Press, Tuscaloosa.

Hunter, James, John Bratten, and J. Cozzi
2000 "Underwater Field Investigations 1999: The Santa Rosa Island and Hamilton Shipwrecks." *Report of Investigations*, No. 81 University of West Florida, Pensacola, Florida.

Hunter, James
2001 "A Broken Lifeline of Commerce, Trade and Defense on the Colonial Frontier: Historical Archaeology of the Santa Rosa Island Wreck, an Early Eighteenth-Century Spanish Shipwreck in Pensacola Bay, Florida." Master's thesis, University of West Florida, Pensacola, Florida.

1989a Excavations Under Old Christ Church in Pensacola, Florida. University of West Florida, Institute of West Florida Archaeology, *Report of Investigations 25*.

1989b The Colonial Archaeology Trail in Pensacola, Florida: Phase I. The University of West Florida, Institute of West Florida Archaeology, *Report of Investigations 27*.

Joy, Deborah and Janet Lloyd
1988 Archaeological Investigations for Phase Two and Phase Three of the Palafox Street Project, Pensacola, Florida. University of West Florida, Office of Cultural and Archaeological Research, *Report of Investigations 12*.

Lazarus, William
1958 A Poverty Point Complex in Florida. *Florida Anthropologist* 11:23-32.

1961 Ten Middens on the Navy Live Oaks Reservation. *Florida Anthropologist* 14:49-64.

Lee, Chung Ho and Deborah Joy
1989 Archaeological Investigations at Bayside Property, Santa Rosa County Florida. *University of West Florida, Institute of West Florida Archaeology, Report of Investigations* 24.

Lenihan, Daniel
1974 "Preliminary Archaeological Survey of the Offshore Lands of Gulf Islands National Seashore," in *Underwater Archaeology in the National Park Service.* Pp. 34-40. Santa Fe.

Little, Keith J., Caleb Currn and Lee McKenzie
1989 Arcadia: An Archaeological Evaluation of a Nineteenth-Century Industrial Complex, Santa Rosa County, Florida. *The University of West Florida, Archaeology Institute, Report of Investigations* 21.

Lloyd, Janet
2001 Laboratory Procedures and Artifact Classification Manual. Manuscript on file at the University of West Florida Archaeology Institute.

Mazel, Charles
1986 *Side Scan Sonar Training Manual* (Salem: Klein and Associates, Inc.).

McGovern, James R., ed.
1974 Colonial Pensacola. *The Pensacola Series Commemorating the American Revolution Bicentennial*, Vol. 1., Pensacola, Florida.

Milanich, Jerald T.
1994 *Archaeology of PreColumbian Florida.* University Press of Florida, Gainesville.

Milanich, Jerald T. and Charles H. Fairbanks
1980 *Florida Archaeology*. Academic Press, New York.

Milanich, Jerald T., and Charles Hudson
1993 *Hernando de Soto and the Indians of Florida*. University Press of Florida, Gainesville.

Mistovich, Tim, Briana Agranat, and Stephen James, Jr.
1991 "Brodie's Wharf: Maritime Archaeological Investigation of an Early Nineteenth-Century Sunken Caisson at the Pensacola Naval Air Station, Florida." Submitted by Pan-American Consultants, Inc. Report prepared for PCL Civil Constructors, Inc., Pensacola, Florida.

Moore, C. B.

1901 Certain Aboriginal Remains of the Northwest Florida Coast, Part I. *Journal of the Academy of Natural Science of Philadelphia* Vol. XI.

Moore, Robin
2002 "Hamilton's Wreck: An Archeological and Historical Inquiry into the Regional Maritime Culture of Pensacola, Florida, 1900-1920." Master's thesis, University of West Florida, Pensacola, Florida.

Murphy, Larry and Allen Saltus
1998 Considerations of Remote Sensing Limitations to Submerged Historical Site Survey, in L. Babits and H. Van Tilburg (eds.) *Maritime Archaeology: A Reader of Substantive and Theoretical Contributions* (New York: Plenum Press): 357-362.

Nelson, D.
1979 The Hamilton-Scourge Project. *The International Journal of Nautical Archaeology* 8(3): 245-249.

Parker, Catherine B.
2001 Foodways and Faunal Remains at Presidio Santa María de Galve, 1698-1719: Between the Devil and the Deep Blue Sea. Master's thesis, University of West Florida, Pensacola.

Parks, Virginia
1986 *Pensacola: Spaniards to Space Age*. Pensacola Historical Society, Pensacola, Florida.

Parks, Virginia, Alan Rick and Norman Simons
1978 *Pensacola in the Civil War*. Pensacola Historical Society, Pensacola, Florida.

Penton, Daniel T.
1991 Phase III Archaeological Survey of the Blackwater River Drainage. *The University of West Florida, Archaeology Institute, Report of Investigations* 42.

Percy, George W.
1974 A Review of Evidence for Prehistoric Indian Use of Animals in Northwest Florida. Florida Department of State, *Bureau of Historic Sites and Properties Bulletin* 4:65-93.

Phelps, David S.
1966 Report of Archaeological Investigations in the St. Marks Wildlife Refuge. Ms. on file, University of West Florida, Archaeology Institute, Pensacola, Florida.

Phillips, John C.
1989 Archaeology on the Blackwater: Phase Two. *The University of West Florida, Archaeology Institute, Report of Investigations* 28.

1992b Archaeological Resource Preservation Plan, Fort Walton Beach, Florida. *The University of West Florida, Archaeology Institute.*

1992c Archaeological Assessment of Unincorporated Areas of Okaloosa County and the City of Destin. *The University of West Florida, Archaeology Institute, Report of Investigations* 49.

1992d Archaeological Assessment of Unincorporated Areas of Escambia County Florida. *The University of West Florida, Archaeology Institute, Report of Investigations* 50.

1993b Mill Site Reconnaissance in Northwest Florida. *The University of West Florida, Archaeology Institute, Report of Investigations* 53.

1994 *Cultural Resource Investigations of the Florida Segment of the Proposed Sunshine Interstate Transmission Company Pipeline Project: Escambia, Santa Rosa, and Okaloosa Counties, Florida*. University of West Florida, Archaeology Institute. Report Submitted to Ecology and Environment, Inc., Tallahassee, Florida.

1996 The Water-Powered Industries of Northwest Florida: An Archaeological Reconnaissance. The University of West Florida, *Archaeology Institute, Report of Investigations* 58.

1998 Flood Thy Neighbor: Colonial and American Water-Powered Mills in West Florida. *Gulf South Historical Review* 14:143-162.

Phillips, John C. and Judith A Bense.

1990 Archaeological Assessment of Santa Rosa County. *The University of West Florida, Archaeology Institute, Report of Investigations* 34.

Phillips, John C. and C. Lee McKenzie

1992 Archaeology and the Geographic Resource Analysis Support System: An Evaluation of a Soil Conservation Service Model of Archaeological Site Locations in Santa Rosa County, Florida. *The University of West Florida, Archaeology Institute, Report of Investigations* 47.

1997 Geographic Information Systems and Cultural Resource Management in Pensacola, Florida. *University of West Florida Archaeology Institute, Report of Investigations* 60.

Pokrant, M. E.

2000 The Santa María Village: Archaeology and History at First Pensacola, 1698-1719. Master's thesis, University of West Florida, Pensacola.

Potter, Thomas
1908 *Concrete: Its Uses in Buildings from Foundation to Finish* (London: B. T. Batsford).

Priestly, H. I.
1928 *The Luna Papers*, vol I and II. Books for Libraries Press, Freeport, New York.
1936 *Tristán de Luna, Conquistador of the Old South: A Study of Spanish Imperial Strategy.* Arthur H. Clark Company, Glendale, Calif.

Pugh, David
2001 "A Study of Iron Fasteners from the Emanuel Point Ship." Master's thesis, University of West Florida, Pensacola, Florida.

Raupp, Jason, John Rawls, and John Bratten
2003 "Old Ships of Pensacola: Historical and Archaeological Investigations of the *Rhoda* and the Snapper Wreck." *Report of Investigations* No. 110. University of West Florida, Pensacola, Florida.

Raupp, Jason
2004 "Hook, Line, and Sinker: Historical and Archaeological Investigations of the Snapper Wreck." Master's thesis, University of West Florida, Pensacola, Florida.

Rawls, John
2004 "Time and Tide Wait for No One: The History and Archaeology of the British Bark, *Rhoda*." Master's thesis, University of West Florida, Pensacola, Florida.

Renacker, G. M.
2001 A Study of Military Architecture for Fort San Carlos de Austria at Santa Mariá de Galve. Master's thesis, University of West Florida, Pensacola.

Rodgers, Ree
2003 "Stale Bread and Moldy Cheese: A Historical and Archaeological Study of Sixteenth Century Foodways at Sea Using Evidence Collected from the Emanuel Point Shipwreck." Master's thesis, University of West Florida, Pensacola, Florida.

Rucker, Brian R.
1990 *Blackwater and Yellow Pine: The Development of Santa Rosa County, 1821-1865*. Ph.D. dissertation, Florida State University.

Scott-Ireton, Della
1998 "An Analysis of Spanish Colonization Fleets in the Age of Exploration Based on the Historical and Archaeological Investigation of the Emanuel Point Shipwreck in Pensacola Bay." Master's thesis, University of West Florida, Pensacola, Florida.

Sears, William H.
1954 The Sociopolitical Organization of Pre-Columbian Cultures on the Gulf Coastal Plain. *American Anthropologist* 56:339-346.

1977 Prehistoric Culture Areas and Culture Change on the Gulf Coastal Plain. In For The Director: Research Essays in Honor of James B. Griffin, edited by Charles E. Cleland, pp. 168-185. University of Michigan, *Museum of Anthropology, Anthropological Paper* 61. Ann Arbor, Michigan.

Simons, Gordon N., Jr. and Lazarus, William C.
1961 Ft. Pickens No. 1 (8 Es 20) Site Report on file with the Florida Division of Archives, History and Records Management. Tallahassee, Florida.

Sims, Cynthia
2001 The Women of Santa María de Galve: An Examination of the Material Culture and Historical Documentation for Gender. Master's thesis, University of West Florida, Pensacola.

Smith, Roger, James Spirek, John Bratten, and Della Scott-Ireton
1995 "The Emanuel Point Ship Archaeological Investigation 1992-1995." Florida Bureau of Archaeological Research, Tallahassee, Florida.

Smith, Roger, James Spirek, John Bratten, and Keith Plaskett
1998 "The Emanuel Point Ship Archaeological Investigation 1997-1998." *Report of Investigations,* No. 68. University of West Florida, Pensacola, Florida.

Spirek, James, Della Scott, Charles Hughson, Mike Williamson, and Roger C. Smith
1993 Submerged Historical Resources of Pensacola Bay, Florida, Phase Two. Report prepared by Florida Bureau of Archaeological Research, Tallahassee, Florida. Submitted to Coastal Management Program, Florida Department of Community Affairs.

Stringfield, Margo
1992 Colonial Barrel Wells in Pensacola, Florida. Paper presented at 49th annual meeting of the Southeastern Archaeological Conference, Little Rock, Arkansas.

Swann, Brenda N.
2000 Supplies at Presidio Santa María de Galve (1698-1719): A Study of the Historical and Archaeological Records. Master's thesis, University of West Florida, Pensacola.

Tesar, Louis O.
1973 *Archaeological Survey and Testing of the Gulf Islands National Seashore, Part I.* Department of Anthropology, Florida State University. Tallahassee, Florida.

Thomas Jr., Prentice M. and L. Janice Campbell
1984 The Deptford to Santa Rosa/Swift Creek Transition in the Florida Panhandle. Paper presented at the 41st Southeastern Archaeological Conference, Pensacola.

1993 Eglin Air Force Base Historic Preservation Plan, Volumes 1 and 2. *New World Research, Inc., Report of Investigations* 192.

Tidewater Atlantic Research
1987 "Underwater Archaeological Investigations: Gulf of Mexico and Pensacola Bay, Florida." Prepared for Southern Division Naval Facilities, Engineering Command, Charleston, South Carolina.

U. S. Army Corps of Engineers
1986 *Underwater Remote Sensing Survey, U.S. Navy Homeport Site, Pensacola, Florida.* Prepared for U.S. Navy, Southern Division, Navy Facilities Engineering Command, Charleston, South Carolina.

1990a Trip reports, Magnetometer Survey and Divers Investigation of Pensacola Entrance Channel in Vicinity of Cannon Recovery 12-15 March and 19-20 March, Memoranda submitted by Dottie Gibbens, 22 March 1990, Mobile District.

1990b "Underwater Archaeological Investigation, Pensacola Harbor Entrance Channel, Pensacola, Florida." Report by Mobile District, U.S. Army Corps of Engineers, April 1990.

Walker, S. T.
1885 Mounds and Shell Heaps on the West Coast of Florida. *Annual Report, Smithsonian Institution for 1883:* 854-868.

Weddle, Robert S.
1985 *Spanish Sea: The Gulf of Mexico in North American Discovery, 1500-1685*. Texas A&M University Press, College Station.

Wiley, Gordon R.
1949 Archeology of the Florida Gulf Coast. *Smithsonian Miscellaneous Collections* 113. Washington, D.C.

Wilson, Harry J.
2000 Archaeological Site Transformation processes and the Spanish Presidio Santa María (1698-1719). Master's thesis, University of West Florida, Pensacola.

Worth, John
2009 Documenting Tristan de Luna's Fleet, and the Storm that Destroyed It. *The Florida Anthropologist* 62, no. 3-4: 83-92.

Second Interim Report
Phase II Archaeological Investigations
of the Fort Pickens Ferry Pier Project
Gulf Islands National Seashore

by

Elizabeth D. Benchley, Sarah Mitchell, Brian Mabelitini, and Colin Bean
Archaeology Institute
University of West Florida

Introduction

The University of West Florida's Archaeology Institute (UWF) conducted follow-up Phase II archaeological investigations of the proposed ramp from the seawall to the proposed Ferry Pier at Fort Pickens, on Santa Rosa Island, Gulf Islands National Seashore (GUIS). At a meeting and conference call on March 25, 2011, participants agreed that Option B was the preferred corridor through the underwater remnants of the original wharves associated with Fort Pickens construction and maintenance. It was unclear, however, if a ramp from the Option B pier to the seawall would impact cultural materials. GPR remote sensing data for the beach portion in Grid 3 showed four amorphous anomalies east and west of a broad void area. Shovel testing in the western-most anomaly revealed that recently deposited sands were present to a depth of at least 110cm below surface.

The meeting participants requested that the GPR survey be extended south across the beach grass to the base of the seawall and that the ramp corridor for Option B be examined for remnants of pilings or other cultural features using a backhoe to remove recently deposited sands. UWF archaeologists conducted the additional fieldwork from March 29 through April 6, 2011. A second meeting/conference call was scheduled for Thursday, April 14, 2011 to discuss the results.

Methods

Follow-up activities by UWF archaeologists included conducting GPR survey of two additional 15x20 m grids (Grid 6 and 7) abutting the south edge of original Grids 3 and 4. UWF archaeologists also flagged the proposed wharf centerline at the water's edge, as well as the limits of the possible building in Grid 2. UWF underwater archaeologists placed buoys on the east edge of the iron piling wharf and on the west edge of the scatter west of the terracotta pipe wharf in order to mark the limits of Option B. The eastern edge of the concrete pile was also marked with a buoy. Corps archaeologists staked the proposed ramp centerline across the beach. The ramp is planned to be 16 ft wide.

After the additional remote sensing, GUIS provided a John Deere end loader/backhoe and operator to work with the UWF archaeologists. The end loader removed the recent sand overburden and exposed cultural features along the ramp corridor. Machine access to the corridor was maintained by gradually sloping the west edge of the excavated area. Sand was removed from approximately 10 ft on both sides of the centerline. The southeast edge of the ramp corridor intersected the current sand ramp and road over the seawall. This sloping area was not excavated so the road would not be destabilized. Once archaeological features were encountered at 80 to 100 cm below surface, the backhoe bucket (which had a steel bar placed across its teeth) was used to remove overburden above the features (Figure 1). UWF archaeologists exposed the features using hand tools. The features were photographed, mapped in plan view, and the excavation block location was recorded with a total station. The excavation was not backfilled, and the feature was left exposed for further inspection by the NPS and the Corps.

Results

The additional GPR survey revealed the buried edge of the seawall (Figure 2). This edge could be either the actual toe of the wall, or more likely, the end of the riprap.

A linear structure perpendicular to and east of the original wharf ramp was noted in Grid 7. No other notable features were revealed in Grid 6 or 7. The perpendicular linear feature will not be intersected by the proposed ramp.

The machine excavations revealed a structure composed of a series of granite blocks, cement in the shape of barrels, and brick and concrete rubble (Figure 3). This structure corresponds with the location of the western-most anomaly in Grid 3 (Figure 4). Three feature numbers were assigned in the field (Figure 5). Feature 1 consists of a series of rectangular granite blocks and concrete barrels generally arranged in a U-shape. Feature 1 measures approximately 5.5 m east-west and 3 m north-south. The longer, north side of the feature consists of 9 granite blocks laid side-by-side north to south with the outside ends facing the water. The east side of the U consists of 5 rectangular granite blocks and block fragments arranged side-by-side east and west with the outside ends facing east. Two levels of granite blocks were exposed at the south end of the east arm. The west side of the U is irregular and includes one rectangular granite block aligned east-west, two square granite block fragments, and approximately 8 complete and fragmented cement barrels. Feature 2 is a low-lying concentration of brick and concrete rubble in the center of Feature 1. The rubble includes abundant glass, iron fragments and sea shells. Feature 3 is an unmodified cypress log lying along the north edge of the granite blocks. It had not been squared or trimmed, and had no fasteners in it. It was buried in sand with abundant shell hash.

The rectangular concrete blocks of Feature 1 appear to be recycled elements of the original gun platforms at Fort Pickens. Two of the blocks have pairs of either iron fasteners (16) or lead-lined holes that would have seated fasteners (1). The fasteners would have secured the iron traverse circle that the wheels of the gun carriage turned on to the granite platform (Figure 6). On Block 16 the stain of the iron traverse circle is still visible (Figure 7). Several of the blocks are curved (6, 8) or have angled ends (1, 2, 6, 7, 16) that can be seen on extant Fort Pickens gun platforms. Several rectangular blocks have mortar still adhering to their ends (11, 12, 13). The complete blocks measure 1–1.5 m in length, and are 30–40 cm square.

The barrels may be the hardened remains of Rosendale cement containers. No barrel staves were present, but stains on the cement revealed where they had been at one time (Figure 8). Rosendale or natural cement was used along with Portland cement in the construction of the original Fort Pickens as well as in several re-buildings. It is mentioned frequently in the archival records. Similar cement barrels were reportedly used in construction along the beach and appear to be associated with the ramp from the wharf to the fort (Bob Bradley, personal communication 2011) (Figure 9).

The brick rubble, iron, glass and concrete concentration (Feature 2) appears to be fill deposited purposefully inside the U-shaped structure. Scattered brick, iron, glass and concrete fragments extend to the south of Feature 1 as well. Judging from the GPR results, it is likely that brick, concrete, glass, and iron rubble is abundant across the area of the former wharf ramp.

The cypress log (Feature 3) does not appear to be a part of the granite structure (Figure 10). Rather, it appears to be a tree that was washed ashore in a storm, was stopped by the granite block structure, and was buried with sand and shell hash. Because the log was not an *in situ* feature, no dendrochronology sample was taken. The storm that deposited the Feature 3 log along side Feature 1 could have dated as recently as 2004 (Hurricane Ivan).

Discussion and Recommendations

The gun platform debris in Feature 1 could be associated with one or two events that occurred at Fort Pickens. In 1899, the Northwest Bastion exploded. According to Bearss (1982:197) the rubble from the bastion and north curtain casemates was used for riprap to protect Battery No. 3 (Alexander Trueman) in 1904-05. In 1916, the breastwork, gun platforms, and parapet of the south wall of Fort Pickens were removed. According to Bearss (1982:115), the rubble was used to riprap the seawall. It may be

possible to correlate the Feature 1 granite blocks with one of these two events by comparing the size and morphology of the blocks to still extant features of the fort.

The organization of Feature 1 suggests that both the gun platform debris and the cement barrels were carefully placed in a U-shape. The closed end of the U produced a barrier fronting the bay. The open, back side of the U was filled with additional rubble from the fort. The GPR results suggest there may be a series of these structures aligned along the beach with at least two structures east and west of the original wharf ramp. In addition to these relatively formal structures, there is abundant brick, concrete, and iron debris scattered across the area associated with the former wharf.

The structure marked by Feature 1 could be considered significant under Criterion C, in that it is an element of a significant site. It might also qualify under Criterion D for its potential to reveal information about re-use of dismantled elements of the fort. The barrels of cement will be of particular interest to masons and other craftsmen participating in restoration of 19th century forts along the Gulf Coast.

It should be possible for the pilings for the proposed Ferry Pier Ramp in the Option B Corridor to be placed so they avoid the granite blocks of Feature 1. Feature 1 covers an area measuring 3.0 (N-S) by 5.5 (E-W) m. If the pilings cannot avoid the granite blocks and cement barrels, the NPS may want to recover a sample for interpretive purposes. The new pilings will undoubtedly impact riprap and wharf rubble throughout the Option B corridor. These rubble features should not be considered significant elements of the National Register District.

Figure 1: Backhoe exposing Feature 1 granite blocks

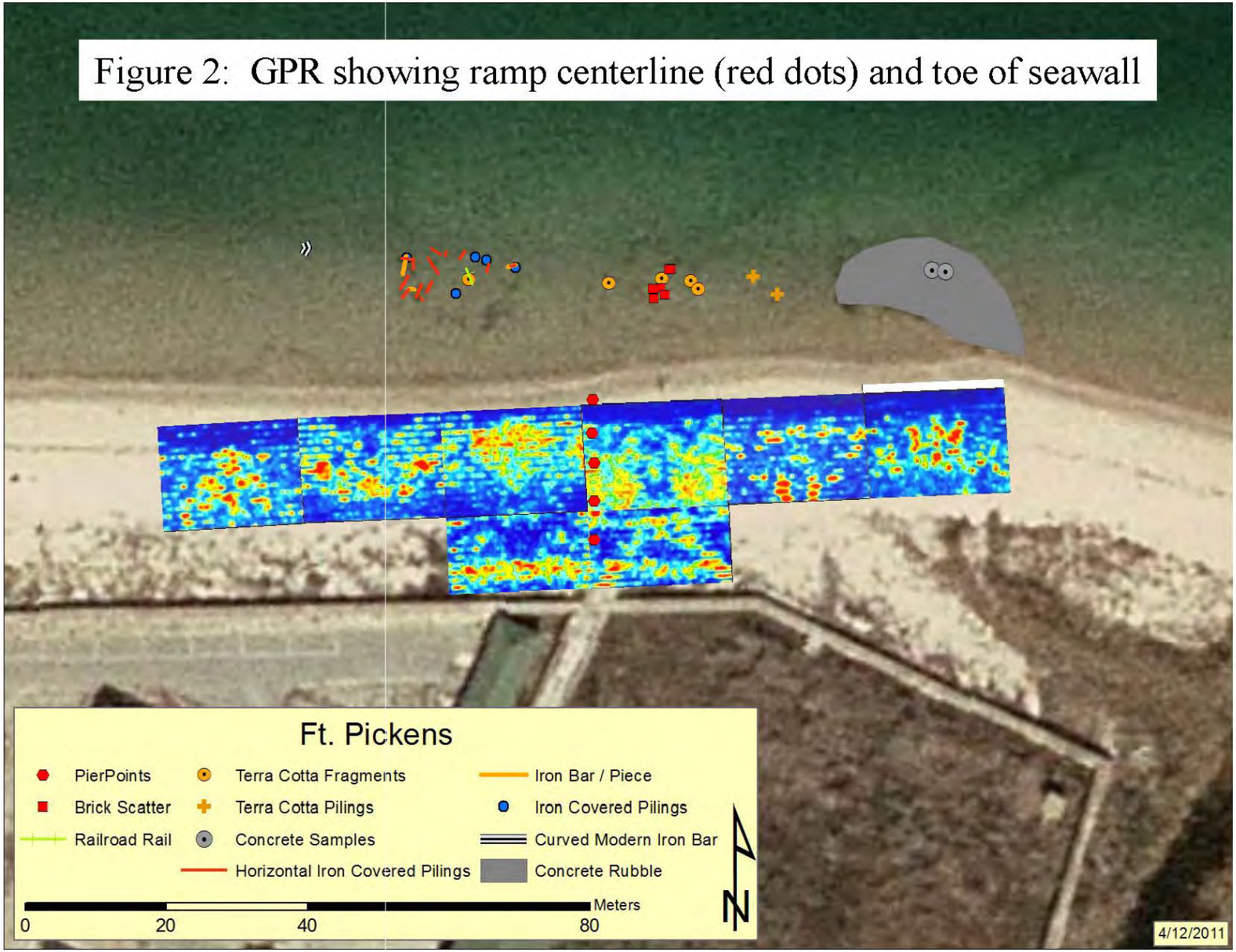


Figure 2: GPR showing ramp centerline (red dots) and toe of seawall
Ft. Pickens
PierPoints
Brick Scatter
Railroad Rail
Terra Cotta Fragments
Terra Cotta Pilings
Concrete Samples
Horizontal Iron Covered Pilings
Iron Bar / Piece
Iron Covered Pilings
Curved Modern Iron Bar
Concrete Rubble
Meters
0
20
40
80
N
4/12/2011

Figure 3: Granite blocks, cement barrels, and brick rubble

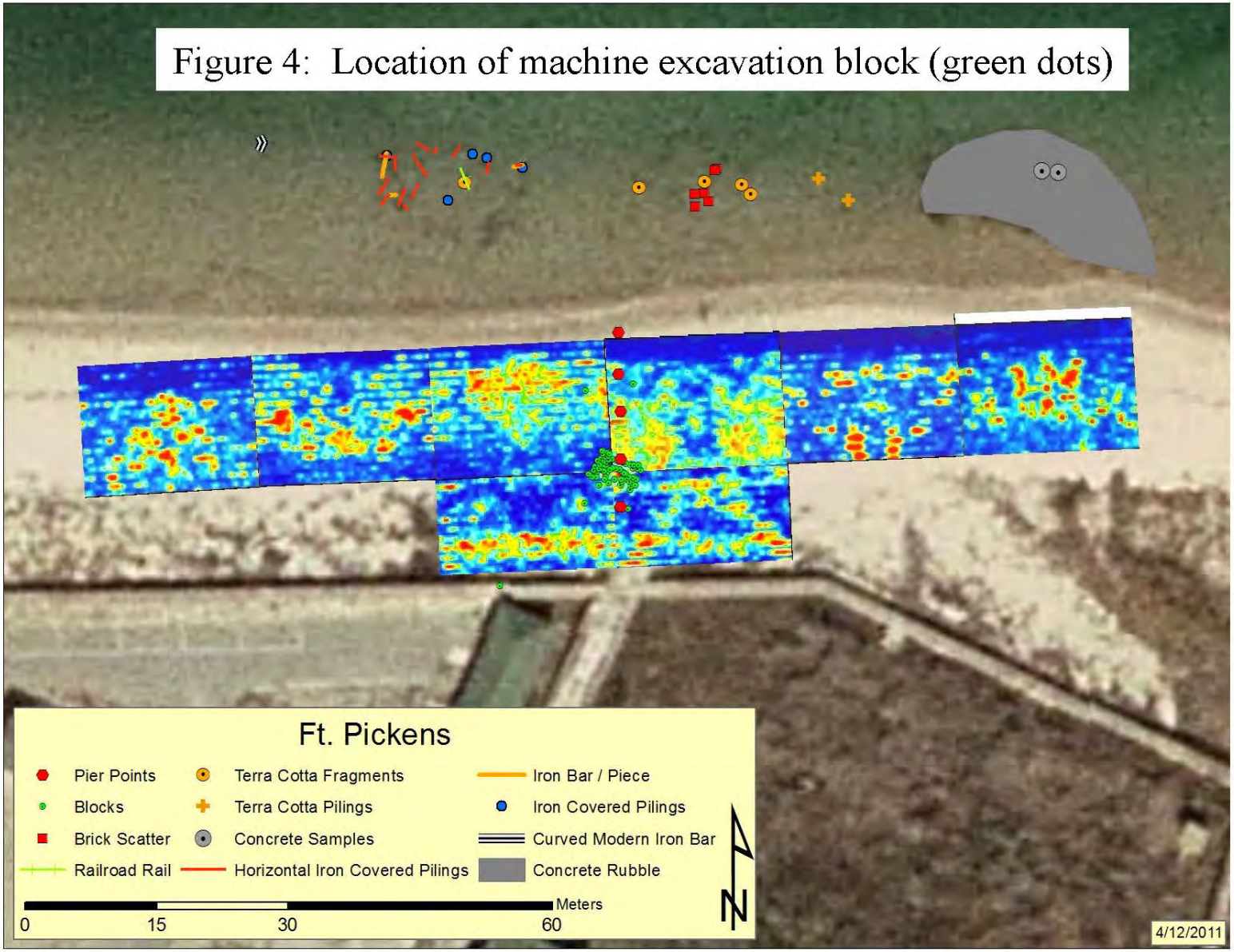


Figure 4: Location of machine excavation block (green dots)
Ft. Pickens
Pier Points
Blocks
Brick Scatter
Railroad Rail
Terra Cotta Fragments
Terra Cotta Pilings
Concrete Samples
Horizontal Iron Covered Pilings
Iron Bar / Piece
Iron Covered Pilings
Curved Modern Iron Bar
Concrete Rubble
Meters
0
15
30
60
N
4/12/2011

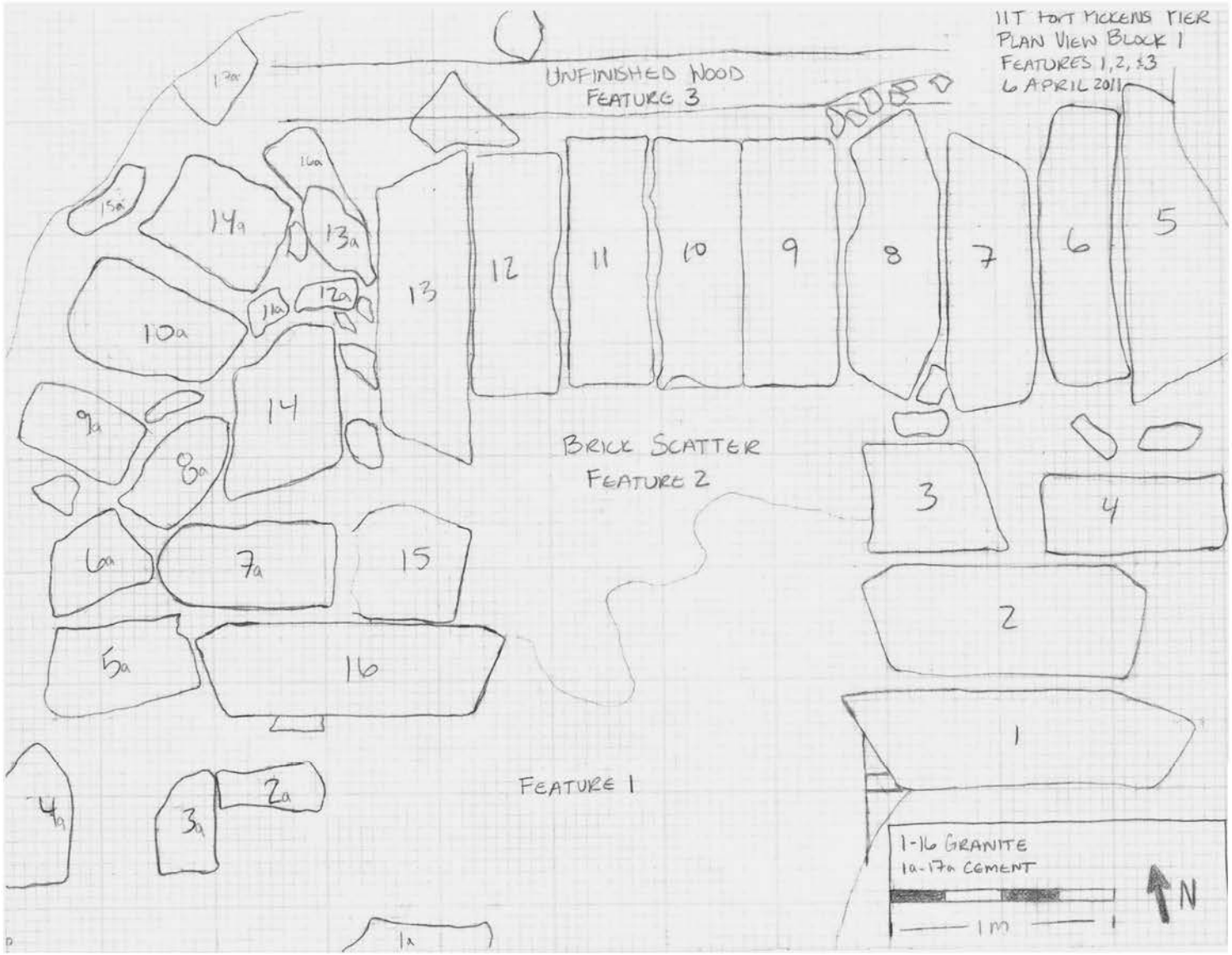


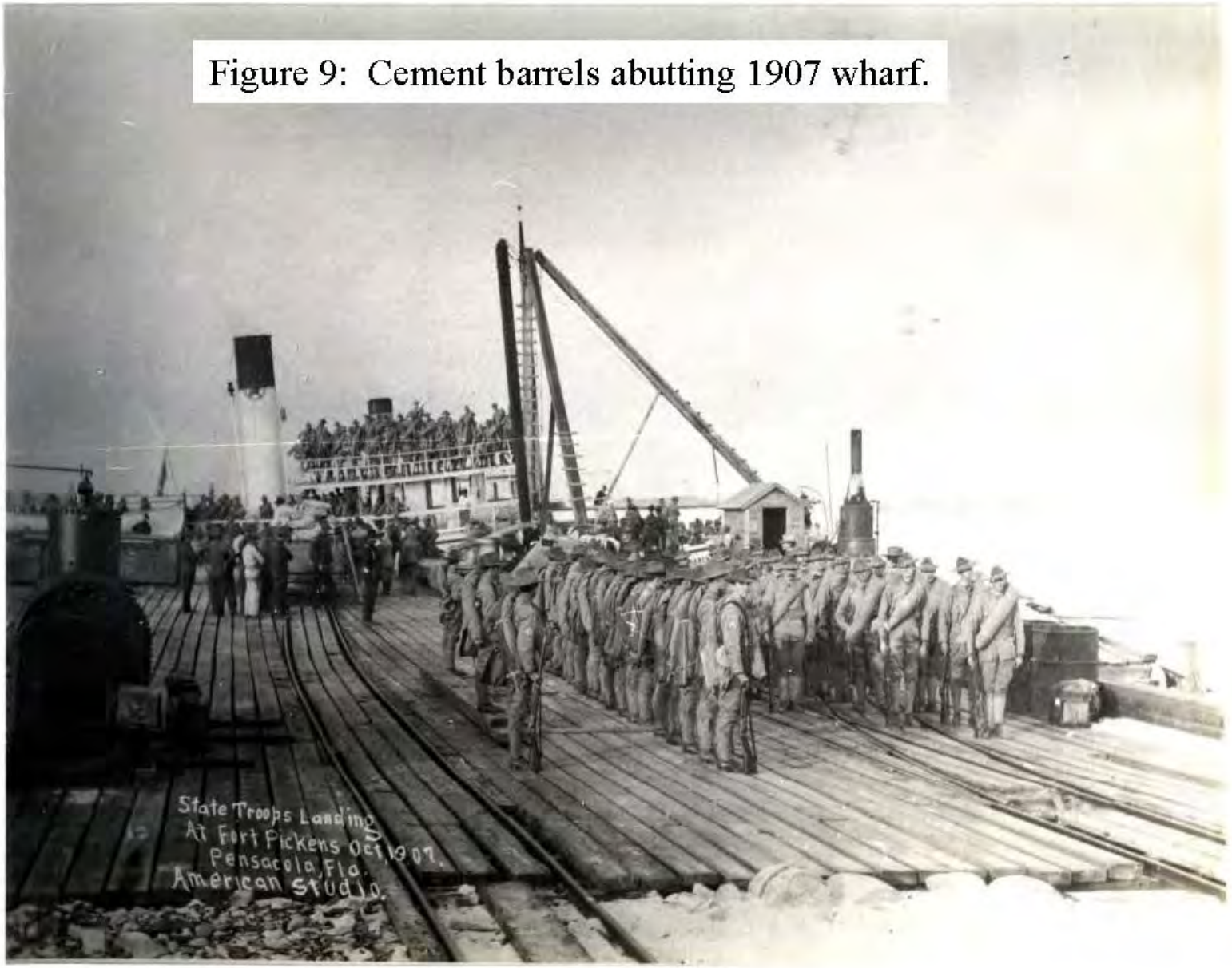
Figure 5: Field map of Features 1, 2, and 3

Figure 6: Fort Pickens guns traverse circle.

Figure 7: Detail of Granite Block 16, Feature 1.

Figure 8: Detail of Cement Barrels, Feature 1

Figure 9: Cement barrels abutting 1907 wharf.



United States Department of the Interior

National Park Service
Southeast Archeological Center
2035 East Paul Dirac Drive
Johnson Building, Suite 120
Tallahassee, Florida 32310

IN REPLY REFER TO:

MEMORANDUM

September 20, 2011

To: David W. Morgan, Director, Southeast Archeological Center

From: Daniel M. Seinfeld, Archeological Technician

Subject: Trip Report on Archeological Investigations Prior to the Construction of the Fort Pickens Ferry Pier Sidewalk and Pavilion, Gulf Islands National Seashore, Santa Rosa Island, Florida, September 19, 2011. SEAC Acc. 2543

In September of 2011 Jeff Halstead, Exhibit Specialist of Gulf Islands National Seashore (GUIS), contacted the Southeast Archeological Center (SEAC) regarding section 106 evaluation of an area of potential impact prior to construction of a proposed pathway and pedestrian area for a ferry pier in the Fort Pickens Historic District (9ES93). The proposed construction is in an archeologically sensitive area (Cook and Murphy 2010; Lawson and Lydick 2006; Seibert 2010; Tesar 1973). Archeological Technician Eric Bezemek and I conducted subsurface testing to determine the presence of significant resources in the area.

Previous Investigations

Archeologists from SEAC and the University of West Florida have conducted previous investigations in the proposed construction area (Cook and Murphy 2010; Seibert 2010; Tesar 1973). Tesar (1973) discussed historic structures in this location as part of a wider program of archeological survey and testing at GUIS. SEAC archeologists conducted site assessments in the area in 2006 following Hurricane Ivan (Lawson and Lydick 2006). In 2010, a team of SEAC archaeologists excavated five shovel test pits between Buildings 15 and 17 to fulfill compliance for a communications tower. Shovel test units uncovered construction fill and trash dating to the early 20th century. The archeologists uncovered no cultural features and the tower was constructed as planned (Seibert 2010).

A team of University of West Florida archeologists conducted underwater survey for the proposed ferry pier (Cook and Murphy 2010). The team used magnetometer and side scan sonar, sub-bottom sonar, and diver investigation to identify archeologically significant underwater resources. They discovered the remains of constructions including rubble, mortared brick, wooden pilings, and concrete. These remains may be related to an 1830s era pier (Cook and Murphy 2010). The principle investigators recommended avoiding impacting the area around the approximate location of the 1830s wharf (Cook and Murphy 2010).

Structures in the Proposed Construction Area

The proposed construction area is located within Fort Pickens Historic District (8Es93), a collection of Spanish American War era structures dating to the late 19th and early 20th centuries (Tesar 1973:123). This area is located to the south of the Spanish American War period seawall (8Es94) that was used as early as 1896 and completed in 1910 (Tesar 1973:123–124, 174). This area contains three standing structures, Building 15 (ASMIS number GUIS-29.010), Building 16 (ASMIS number GUIS-29.011), and Building 17 (ASMIS number GUIS-29.009) (Figures 1 and 2). Building 15 is a brick structure constructed in 1907 that was used for loading mines for coastal defense (Lawson and Lydick 2006:70). This structure was incorrectly designated a train repair shop (9Es92) in Tesar's (1973:122) survey (Lawson and Lydick 2006:70). Building 15 was constructed on the footprint of another mine-loading station that was destroyed in the 1899 Bastion D explosion (Lawson and Lydick 2006:70). The narrow-gauge railway that runs to this building are the remnants of a rail used to bring mines to the building for servicing (Figure 2 and 3). The Quartermaster Corps took control of the building in the 1930s and used it as a vehicle repair shop. It continued to be used for vehicle maintenance and welding through the present day. Building 15 was mistakenly labeled as Building 16 in previous reporting on this area (Seibert 2010).

Building 16 is a brick structure located opposite from Buildings 15 and 17. This building was a mine storage facility constructed in 1900 (Lawson and Lydick 2006:71). Building 16 used the foundation of an identical mine storage facility constructed in 1898 and destroyed in the 1899 explosion at Fort Pickens. The Quartermaster Corps took over the structure in the 1930s (Lawson and Lydick 2006:71). The building continues to be used to be used for maintenance work.

Building 17 is a concrete structure dating to the early 1900s that occupies the location of an engineering warehouse destroyed in the 1899 explosion (Lawson and Lydick 2006:73). The structure has been used as both a storage area and a carpentry shop. The concrete slab foundation to the west of Buildings 15 and 17 lacks historical documentation. Given the other structures in the area, it was likely built in the early 20th century and was used for military storage. The area to the south of these buildings is covered in concrete and gravel and is used for parking by park staff.

Subsurface Testing

On September 19th, 2011 we departed from SEAC to conduct subsurface testing at GUIS. We arrived at approximately 9:30 AM central time and consulted with Jeff Halstead regarding the location of the proposed construction. We placed nine shovel tests at 10 meter intervals on the proposed construction area and adjacent areas (Figure 1). The shovel test units had a 30 centimeter (cm) diameter and were dug to a depth of 100cm. The soil from the shovel tests was screened through a ¼ inch mesh, and the recovered artifacts were placed them in sealable plastic bags. We noted and discarded modern artifacts such as wire nails as well as abundant construction material such as bricks and concrete. Other items, such as coal and roofing shale were too abundant to collect in whole. We discarded a majority of these items, but noted their presence and collected representative samples. After completing each shovel test, we took a global positioning system (GPS) position using a Trimble GeoXH capable of sub-meter accuracy.

Shovel tests units 1–4 were located on or near the footprint of the proposed sidewalk. We dug these test units to a depth of 100cm. Shovel test 1 was located on the base of a ramp for a path leading over the sea wall. This test unit contained a 10cm deep level of humic soil overlaying a 10cm thick level of shell fill. Under this shell we encountered a 30cm thick level of mottled sand fill. The shell in shovel test 1 is likely from fill for the ramp construction near the sea wall (Figures 2 and 3). Under this fill we encountered a buried A horizon of light gray (10YR 7/2) sand overlaying a stratum of dark grayish brown (10YR 4/2) sand. We encountered 19th and 20thcentury trash and structural remains throughout this unit including coal, nails, glass, brick, cement, and metal fragments. Shovel tests 2 and 3 were located off of the ramp and lacked the layer of shell fill. Both units contained 45–65cm of sand fill followed by a 10cm deep deposit of coal overlaying a buried A horizon. The artifacts and mottled sand in the upper strata of these units are consistent with this area being filled-in during the Spanish American War era for construction. Some of the construction material and fill we encountered may be from buildings destroyed during the 1899 explosion at Fort Pickens. Seibert (2010) encountered similar stratigraphy and artifacts in shovel test units between Buildings 16 and 17.

Shovel test unit 4 was located on the proposed pathway to the south of Building 15. This unit was highly disturbed, containing ceramic sewer pipe and heavy metal cable at a depth of approximately 40cm. These artifacts likely date to the use of heavy metal cables in Building 15 during the Spanish American War era (Lawson and Lydick 2006:70). We recovered other historic artifacts including nails and slag from the bottom of the unit. The depths of these artifacts suggest that this unit is in a layer of fill. The area directly to the north and east of shovel test unit 4 is covered in broken concrete and has the remains of the narrow-gauge rail running into Building 15.

Shovel test units 5–7 were located between the concrete slab building footprint and Buildings 16 and 17. These units covered the area of the proposed pavilion. Shovel test 5 had a level of shell fill followed by alternating levels of dark grayish brown (10YR 4/2) and light gray (10YR 7/2) sands. We encountered modern trash throughout this unit, including copper mesh, a spark plug, and wire nails. Tests units 6 and 7 contained dark grayish brown (10YR 4/2) sand over a stratum of light gray (10YR 7/2) sand. These two units contained a mix of historic artifacts, such as wrought nails and spikes, and modern trash, such as wire cut nails and machine-blown glass. There was no clear stratigraphic difference between the modern and historic materials, suggesting that these test units are in recently disturbed soil, perhaps related to destruction from Hurricane Ivan in 2004 (Lawson and Lydick 2006). We were forced to terminate shovel test 7 at only 55cm because of extensive concrete rubble. This rubble may have originated from the concrete slab foundation directly to the south of unit 7 (Figure 1).

We attempted to excavate shovel test 8 in proposed asphalt zone to the south of the concrete slab. We encountered a level of eroded concrete underneath 5cm of sand and grass. We were unable to dig through the concrete. Testing with the shovel revealed that the remainder of this proposed asphalt area is covered in concrete as well, even in areas containing some topsoil.

Shovel test unit 9 was in the grassy area to the east of the proposed sidewalk. We encountered late 19th and early 20th century artifacts as well as modern glass throughout this unit. We found a high concentration of bricks that forced us to terminate this unit at 60cm. These artifacts suggest that this area

is mostly fill soil containing construction material. Some of the construction debris may be related to the destruction of original buildings in the area during the 1899 explosion.

After completing shovel testing we photographed the project area and took GPS points on the concrete slab building footprint and the three structures. We departed at approximately 5:00 PM central time, returning to Tallahassee at 9:30 PM eastern time.

Conclusions and Recommendations

SEAC recommends that construction of the ferry pier pathway, asphalt area, and pavilion may continue as planned. All of the artifacts we encountered were likely associated with the Spanish American War era buildings that remain standing in the survey area. Some artifacts may represent debris from military buildings associated with coastal defense that were destroyed in the 1899 explosion at the fort. Shovel test units demonstrated that much of the area was covered with approximately 50cm of fill associated with the construction of buildings during the Spanish American War era. Subsurface evidence for this filling includes debris filled soils beneath the ground level of the buildings and the buried A horizon at 50cm below the surface in shovel test units. We found no evidence to support or refute Cook and Murphy's (2010) suggestion that the rubble found in the underwater survey could have dated to the 1830s. All records and collected artifacts will be curated under SEAC Accession number 2543.

We recommend that care be taken to avoid damaging historic features, including Buildings 15, 16 and 17; the remaining portions of the narrow gage rail (8Es91); and the Spanish American War period seawall (8Es94). SEAC recommends that a monitor be present during construction because we were unable to conduct subsurface testing beneath the concrete slab foundation and other concrete-covered areas. Personnel from the National Park Service Historic Architecture program should be contacted before the concrete slab foundations or any additional structures are added or removed.

We also suggest adding signage describing the history of the buildings and narrow-gauge rails because of the historic significance of these structures and the increased pedestrian traffic that this area will see due to the ferry pier. The signs could explain the role of the structures in the Spanish American War era coastal defense program at Fort Pickens.

References

Cook, Gregory D., and Elizabeth Murphy
2010 *Underwater Cultural Resource Reconnaissance Survey at the Proposed Pier Construction Near Fort Pickens, Santa Rosa Island, FL for the National Park Service, Gulf Islands National Seashore*. Archaeology Institute, The University of West Florida, Pensacola, Florida.

Lawson, Charles F. and Christopher M. Lydick
2006 Hurricane *Ivan Archeological Resources Damage Assessment, Gulf Islands National Seashore*. National Park Service, Southeast Archeological Center, Tallahassee, Florida.

Seibert, Michael
2010 Trip Report on Section 106 Compliance Prior to the Construction of Non-Guyed Communication Towers at the Fort Pickens Coast Guard Station and Fort Pickens National Historic District, Gulf Islands National Seashore, Pensacola, Florida, March 15 – March 16, 2010, SEAC Acc. 2289. Trip report on file, National Park Service, Southeast Archeological Center, Tallahassee, Florida.

Tesar, Louis D.
1973 Archeological Survey and Testing of Gulf Islands National Seashore, Part I: Florida. Manuscript on file, National Park Service, Southeast Archeological Center, Tallahassee, Florida.

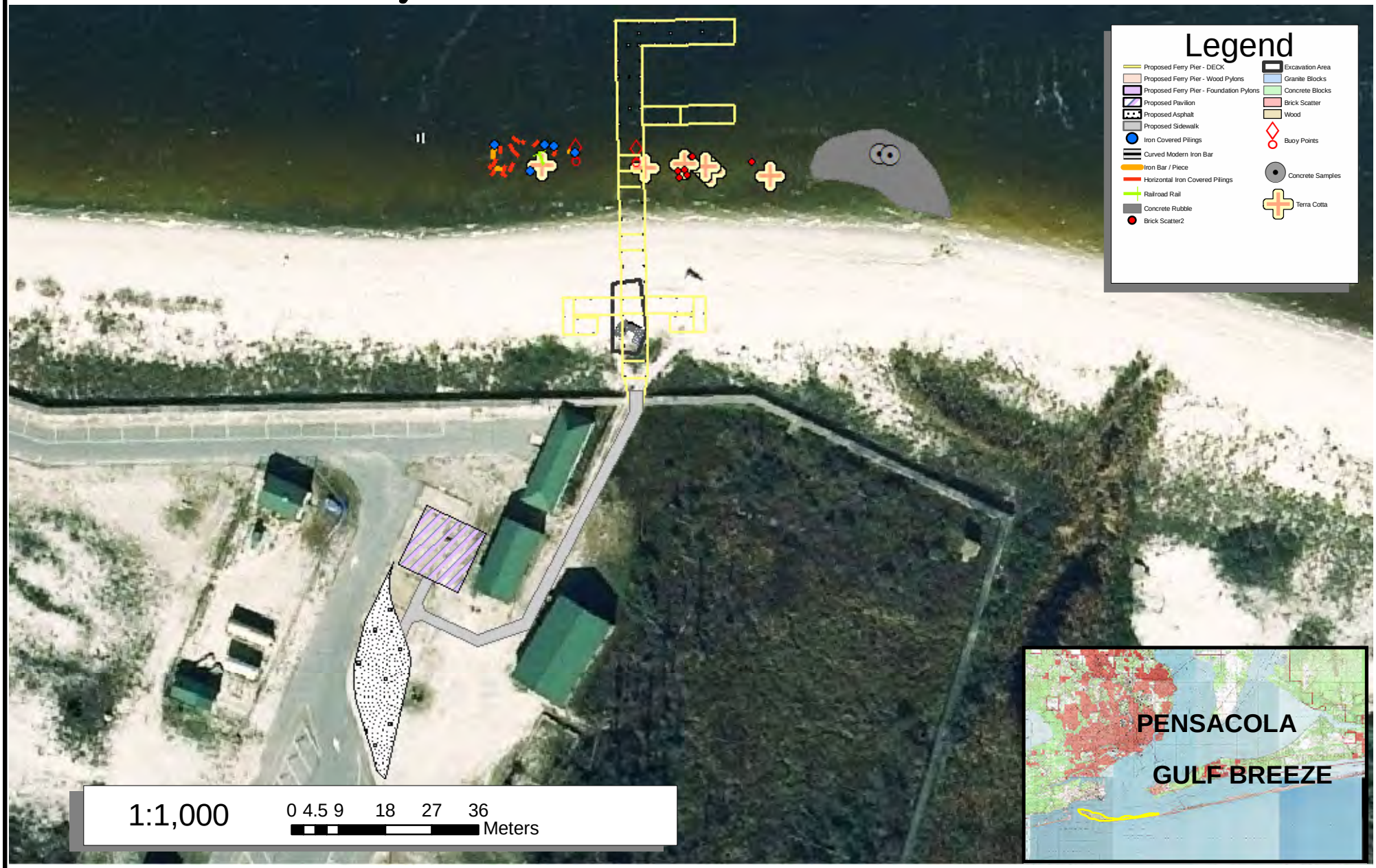
Figures

Figure 1. Map of survey area including the locations of shovel test units, structures, and proposed construction areas.

Figure 2. Photograph showing the survey area including views of Buildings 15, 16, and 17, the Spanish American War era seawall (8 ES 94), the narrow-gauge rail tracks (8 Es 91) and the concrete slab foundation. The parking area and ramp up the seawall are also visible.

Figure 3. Photograph showing Building 15 (ASMIS number GUIS-29.010) and the narrow-gauge rail (8 Es 91). The pathway for the proposed sidewalk is to the right of Building 15 and in front of the narrow-gauge rail.

Fort Pickens Ferry Pier



Produced by Science & Resources Management Division - Jolene Williams

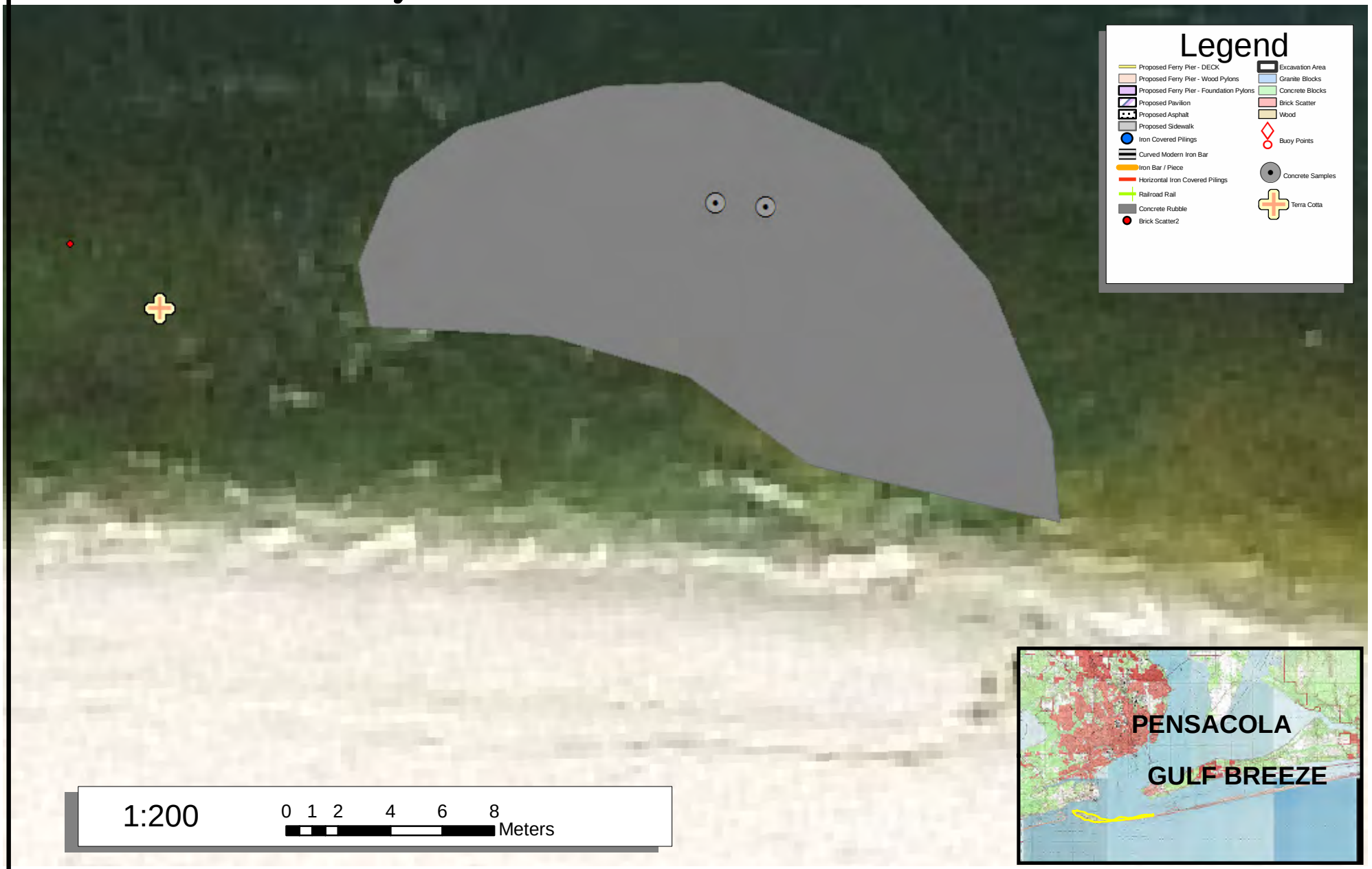
May 2011

FILE: Master Map.mxd

FOR INTERNAL USE ONLY - CONTAINS SENSITIVE MATERIAL

Fort Pickens Ferry Pier - Detail - Buoy

Fort Pickens Ferry Pier - Detail - Concrete Rubble



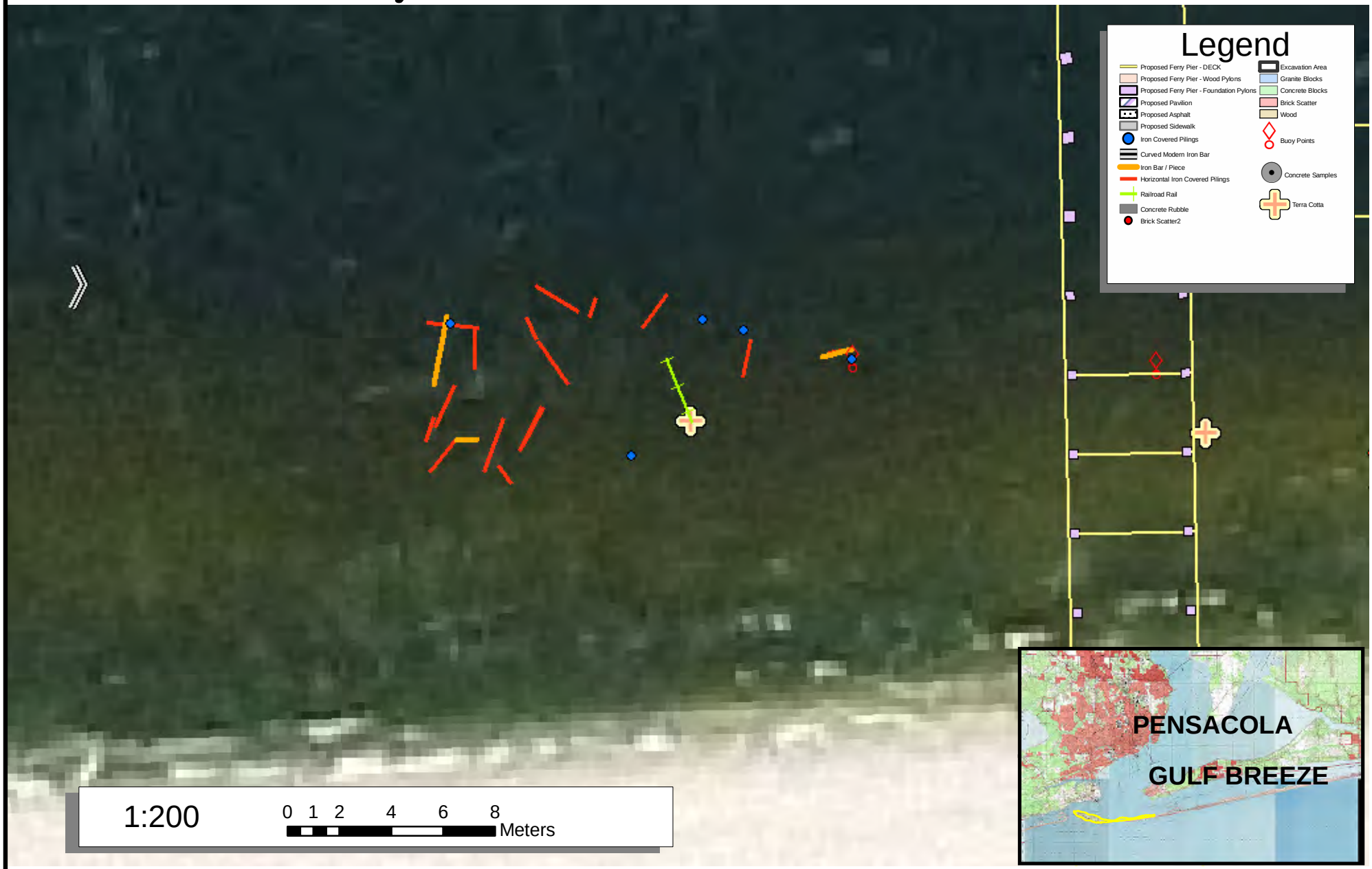
Produced by Science & Resources Management Division - Jolene Williams

May 2011

FILE: Master Map.mxd

FOR INTERNAL USE ONLY - CONTAINS SENSITIVE MATERIAL

Fort Pickens Ferry Pier - Detail - Iron



Produced by Science & Resources Management Division - Jolene Williams

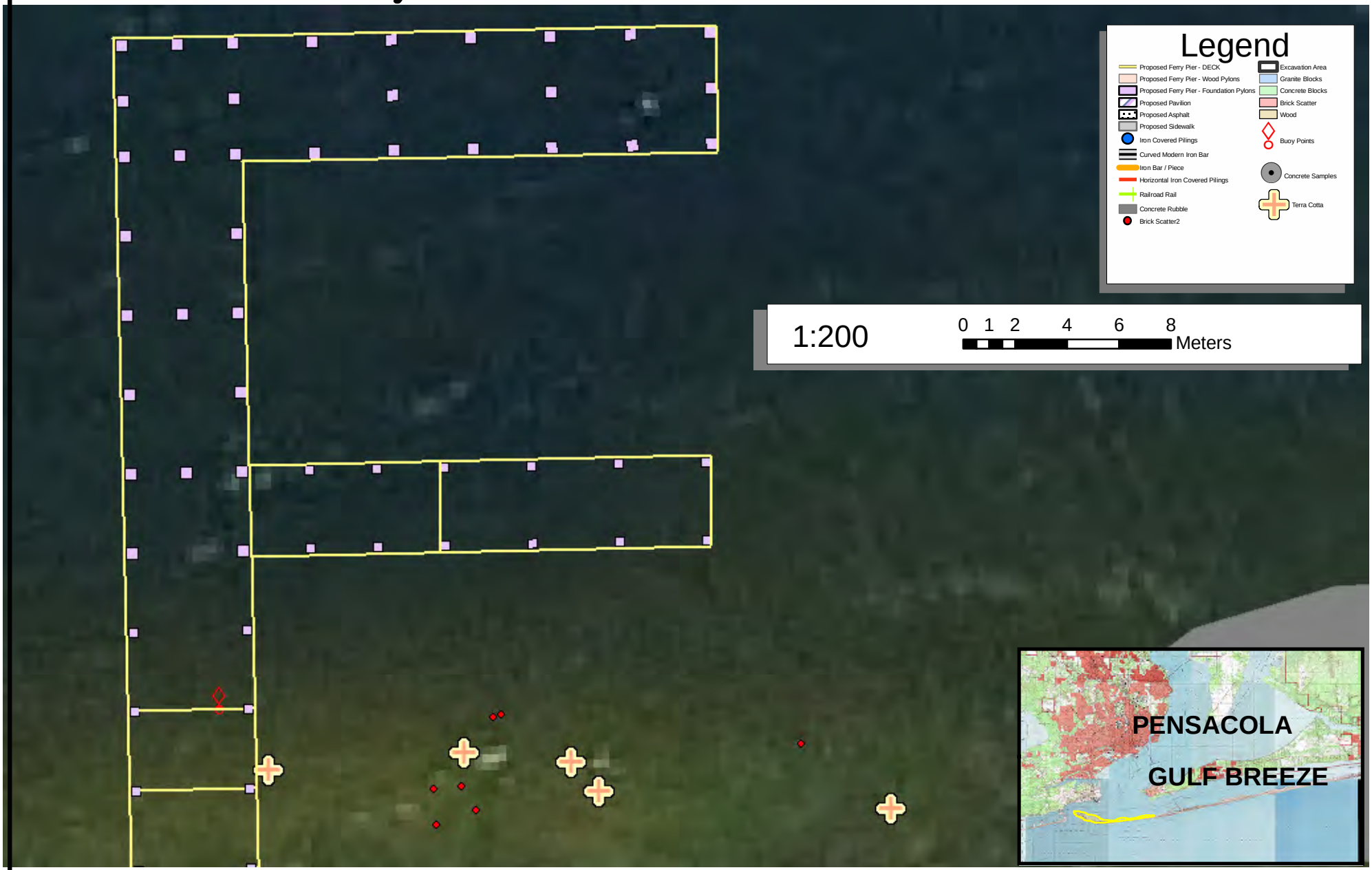
May 2011

FILE: Master Map.mxd

FOR INTERNAL USE ONLY - CONTAINS SENSITIVE MATERIAL

Fort Pickens Ferry Pier - Detail - Mechanical Block

Fort Pickens Ferry Pier - Detail - Terra Cotta



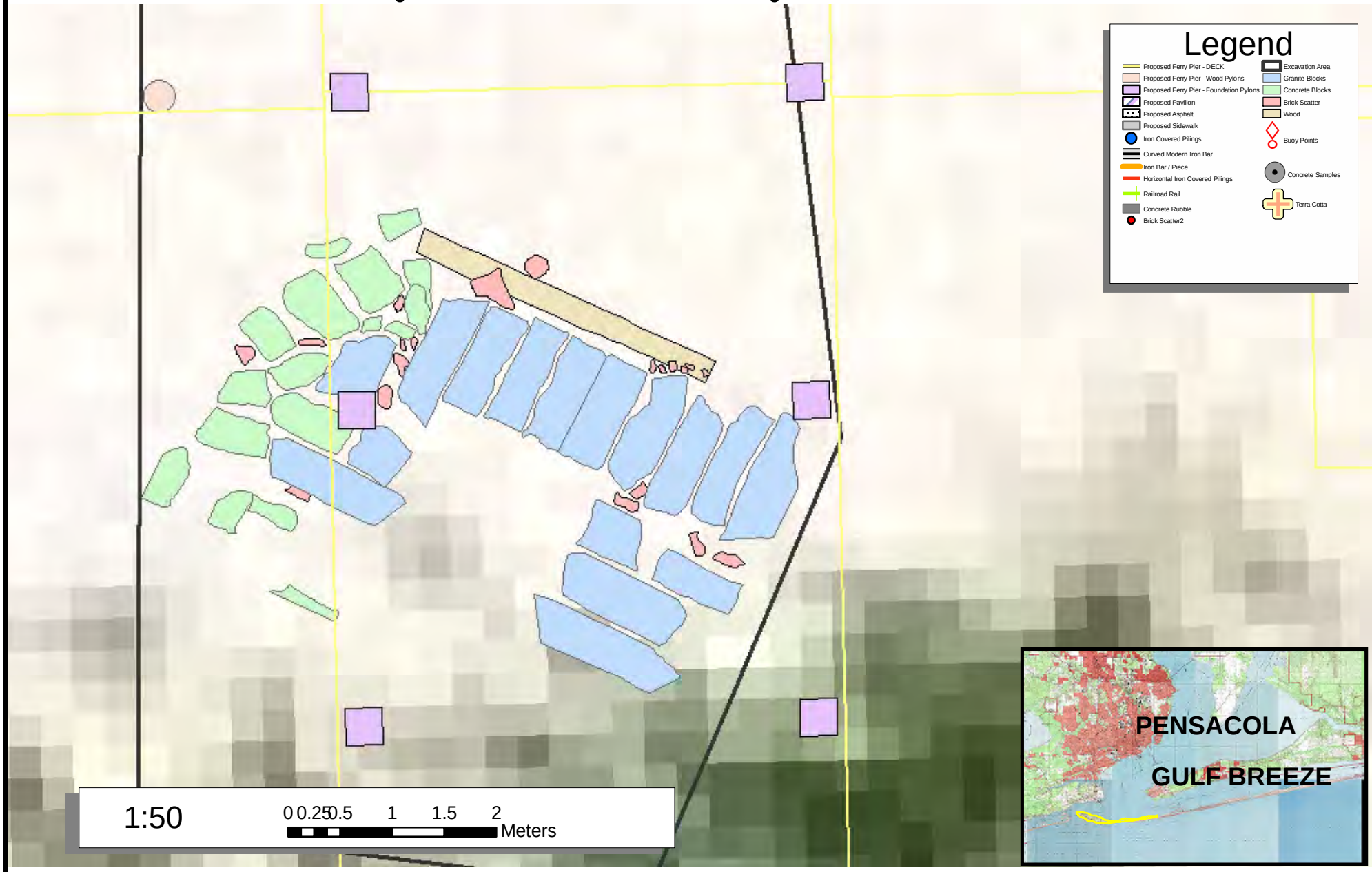
Produced by Science & Resources Management Division - Jolene Williams

May 2011

FILE: Master Map.mxd

FOR INTERNAL USE ONLY - CONTAINS SENSITIVE MATERIAL

Fort Pickens Ferry Pier - Detail - Pylon Location



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

May 17, 2011

Florida Department of Environmental Protection
Northwest District Branch Office
160 Governmental Center, Suite 308
Pensacola, Florida 32502

Re: DHR No.: 2011-01862 / Received by DHR: April 6, 2011
Applicant: Gulf Islands National Seashore - National Park Service
Project: Fort Pickens Pier and Ferry Service
County: Escambia

To Whom It May Concern:

This agency received and reviewed the referenced application in accordance with Chapters 253, 267 and 373, *Florida Statutes*, Florida's Coastal Management Program, and implementing state regulations, for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archaeological value. The State Historic Preservation Officer is to advise and assist state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

Review of the Florida Master Site File indicates that the Fort Pickens National Park Service property, 8ES93, was listed on the National Register in 1972. There are multiple buildings, structures and archaeological sites within the park property. It was suspected that unrecorded resources would be located within the project area.

This office has been working with Park Service staff and archaeologists, as well as designers and archaeologists with the US Army Corps or Engineers, Mobile District, on this new pier project for over six months. The Park Service and the University of West Florida Archaeology Institute archaeologists conducted several phases of underwater and beach investigations. Historic resources were identified in the near shore area as well as in the beach area. The Corps and the Park Service worked very closely with this office in the identification of archaeological resources and determination that construction of the pier could not avoid adversely affecting some of those resources. Therefore, all parties agreed that the proposed pier construction will adversely affect historic features in the beach area with design to minimize the impact. However, design and location of the pier will avoid the underwater near shore resources.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • http://www.flheritage.com

❒ Director's Office 850.245.6300 • FAX: 245.6436
❒ Archaeological Research 850.245.6444 • FAX: 245.6452
✓ Historic Preservation 850.245.6333 • FAX: 245.6437

The Park Service and this agency as the State Historic Preservation Office have agreed on measures to resolve and mitigate the adverse effects to the historic property and will be executing a Memorandum of Agreement for submittal to the Advisory Council on Historic Preservation in the near future.

Therefore, with the condition for completion of the Memorandum of Agreement and fulfillment of the commitments stipulated in that document to recover and describe the archaeological discoveries encountered in a technical report(s) to be provided to this agency, it is the opinion of this office that adverse effects to historic resources that are unavoidable will be properly and adequately mitigated.

If you have any questions concerning our comments, please contact Laura Kammerer, Deputy State Historic Preservation Officer for Review and Compliance and Historic Preservationist Supervisor, at 850-245-6333 or lkammerer@dos.state.fl.us.

Sincerely,

Laura A. Kammerer

Laura A. Kammerer
Deputy State Historic Preservation Officer
For Review and Compliance

Pc. Daniel R. Brown, Superintendent, Gulf Islands National Seashore - National Park Service
Jeff T. Halstead, Gulf Islands National Seashore - National Park Service
Michael F. Malsom, US Army Corps of Engineers

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

September 23, 2011

Ms. Jolene Williams
Gulf Islands National Seashore
Mississippi District
National Park Service
3500 Park Road
Ocean Springs, MS 39564-9709

Re: SHPO/DHR Project File No.: 2011-4123 (2011-2444)
Fort Pickens Ferry - Sidewalk, asphalt pavement and pavilion
Finding of No Adverse Effect by the National Park Service
Trip Report on Archaeological Investigations
Gulf Islands National Seashore
Santa Rosa County

Dear Ms. Williams:

Our office reviewed the referenced findings of the field investigations conducted by the Southeastern Archaeological District for possible adverse impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological significance. The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties* and the implementing state regulations.

Based on the information provided, this office concurs that the proposed referenced undertakings will have no adverse effect on historic properties associated with Fort Pickens, with implementation of the recommended measures to avoid impacts to historic features – Buildings 15, 16 and 17, the portions of the narrow-gauge rail (8ES91) and the Spanish American War period seawall (8ES94), and archaeological monitoring during the removal of concrete slab and covered areas.

If you have any questions concerning our comments, please contact me at 850-245-6333 or lkammerer@dos.state.fl.us. Thank you for your interest in protecting Florida's historic properties.

Sincerely,

Laura A. Kammerer

Laura A. Kammerer
Deputy State Historic Preservation Officer
For Review and Compliance

500 S. Bronough Street • Tallahassee, FL 32399-0250 • http://www.flheritage.com

❒ **Director's Office** (850) 245-6300 • FAX: 245-6436
❒ **Archaeological Research** (850) 245-6444 • FAX: 245-6452
✓ **Historic Preservation** (850) 245-6333 • FAX: 245-6437

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
SAJ-2011-01150 (IP-HMM)

October 17, 2011

Gulf Islands National Seashore
National Park Service
Daniel R. Brown, Superintendent
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563

Dear Sir or Madam:

The U.S. Army Corps of Engineers (Corps) has completed the review and evaluation of your permit application number SAJ-2011-01150. Our regulations require you have an opportunity to review the terms and conditions prior to final signature by the Department of the Army. Enclosed is an unsigned Department of the Army permit instrument (permit).

Please read carefully the Special Conditions beginning on page 3 of the permit. These were developed to apply specifically to your project. Water Quality Certification is also required prior to issuance of a permit. A copy of the State certification for your project has been received. In accordance with General Condition 5 of the permit, the Water Quality Certification has been attached to the Department of the Army permit.

This letter contains a proffered permit for your proposed project. If you object to this decision, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this decision, you must submit a completed RFA form to the South Atlantic Division Office at the following address:

Mr. Jason Steele
South Atlantic Division
U.S. Army Corps of Engineers
CESAD-CM-CO-R, Room 9M15
60 Forsyth St., SW.
Atlanta, Georgia 30303-8801.

Mr. Steele can be reached by telephone number at 404-562-5137, or by facsimile at 404-562-5138.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by December 16, 2011.

It is not necessary to submit an RFA form to the Division office, if you do not object to the decision in this letter. In this case, the permit must be signed by the applicant in the space provided on the signature page of the permit. In the case of corporations, acceptance must be by an officer of that corporation authorized to sign on behalf of the corporation. The party responsible for assuring the work is done in accordance with the permit terms and conditions must sign the permit. Please type or print the name and title of the person signing below the signature and the date signed.

SIGN AND RETURN THE PERMIT, IN ITS ENTIRETY, TO THE LETTERHEAD ADDRESS.

The permit will be signed by the District Engineer and returned to you. It is important to note that the permit is not valid until the District Engineer signs it.

The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit http://per2.nwp.usace.army.mil/survey.html and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

Should you have any questions, please contact Holly Millsap in writing at the letterhead address, by electronic mail at Holly.M.Millsap@usace.army.mil, or by telephone at 850-470-9823.

Sincerely,

Donald W. Richard
Chief, Regulatory Division

Enclosures
Proferred Permit (w/ attachments)

Copy Furnished:
CESAM-PD-EC (w/o encls)

DEPARTMENT OF THE ARMY PERMIT

Permittee: Gulf Islands National Seashore
National Park Service
Daniel R. Brown, Superintendent
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563

Permit No: SAJ-2011-01150 (IP-HMM)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The project consists of the construction of an F-shaped pier consisting of a 240' x 16' access pier with two associated 23' x 37' U-shaped ramps, a 60' x 16' finger pier, and a 60' x 11.5' finger pier. Concrete pilings (14" x 14" and 18" x 18") will be used, spaced 10' on center. The work described above is to be completed in accordance with the nine (9) pages of drawings **(Attachment 1)** and the general and special conditions which are incorporated in, and made a part of this permit.

Project Location: The project is located in Pensacola Bay on Santa Rosa Island, within Gulf Islands National Seashore, Fort Pickens, near the west end of Fort Pickens Road, Section 00, Township 03 South, Range 30 West, Escambia County, Florida.

Directions to site: From Pensacola, go east on US-98 across the Pensacola Bay Bridge to Gulf Breeze. Merge onto Highway 399/Pensacola Beach Boulevard and proceed south to Fort Pickens Road. Turn west on Fort Pickens Road and proceed to the Gulf Islands National Seashore and continue to the end of the road. The project site is located approximately 1250 feet east of the existing fishing pier.

Latitude & Longitude:

Latitude:	30.3298° North
Longitude:	87.2889° West

PERMIT CONDITIONS

General Conditions:

1. The time limit for completing the work authorized ends on _____, **2016**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner (in the space provided on page 7) and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the specific conditions of the certification is provided in **Attachment 2**.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Enforcement Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida, 32502. The Permittee shall reference the permit number, SAJ-2011-01150 (IP-HMM), on all submittals.

2. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

4. The Permittee shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006 and provided in **Attachment 3** of this permit. The Permittee shall also apply these conditions to the threatened Gulf sturgeon (*Acipenser oxyrinchus desotoi*).

5. The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" and provided in **Attachment 4** of this permit

6. The Permittee shall comply with the terms and conditions of the Memorandum of Agreement (MOA) #5325-11-0031, dated October 2011, between the Florida State Historic Preservation Office and the U.S. Department of the Interior/National Park Service/Gulf Islands National Seashore and provided in **Attachment 5** of this permit.

7. The Permittee shall notify the Corps, in accordance with special condition #1, of any deviations from the project location or design or any modifications to the MOA referenced in special condition #7.

8. The Permittee shall provide a copy of the technical report of any archaeological resources encountered during the authorized work to the Corps, in accordance with special condition #1, as outlined on page 2, section I(1), paragraph 3, of the MOA referenced in special condition #7.

9. Within 30 days the completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (**Attachment 6**) to the Corps, in accordance with special condition #1. The drawings shall be signed and sealed by a Florida registered professional engineer or a professional land surveyor registered in the state of Florida and include the following:

a) A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawings shall include the X & Y State Plane coordination points of the most waterward point of the structure and a point at the mean high water line (MHWL) or the face of the bulkhead/seawall, if present. The drawings shall include: (1) The dimensions of the structure, (2) depth of water (at mean low water) at the waterward end of the structure, and (3) the distance from the waterward end of the structure to the near bottom edge of the channel.

b) List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c) The Department of the Army Permit number.

d) Include pre- and post-construction aerial photographs of the project site, if available.

10. Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Pensacola Regulatory Office.

11. If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

12. No building or fill materials, tools or other equipment shall be stockpiled in waters of the United States.

13. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during construction.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(**X**) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Daniel R. Brown 10/17/11
(PERMITTEE) (DATE)

Daniel R. Brown
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

170ct 2011
(DISTRICT ENGINEER) (DATE)

Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ _____

(TRANSFEREE-SIGNATURE) (DATE)

_____

(NAME-PRINTED)

_____

(ADDRESS)

_____

(CITY, STATE, AND ZIP CODE)

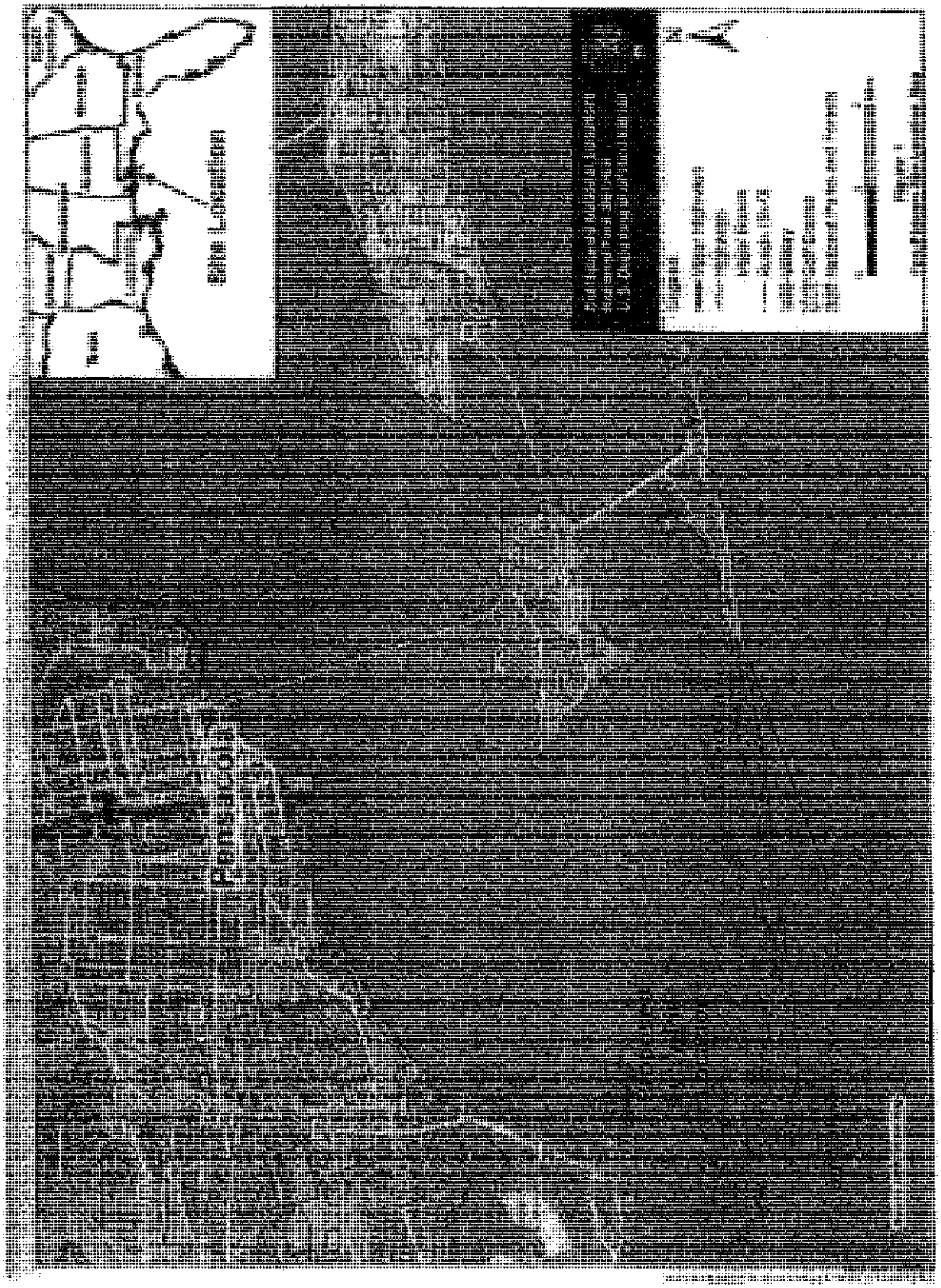


Figure 1 Site Location Map

Figure 1: Vicinity Map of Fort Pickens and Project Site

ATTACHMENT 1
PERMIT DRAWINGS
Nine (9) pages

Applicant: NPS/GINS/FtPickens-ferry
File: 2011-01150 (IP-HMM)
Date: 3 June 2011
Page: 1 of 9

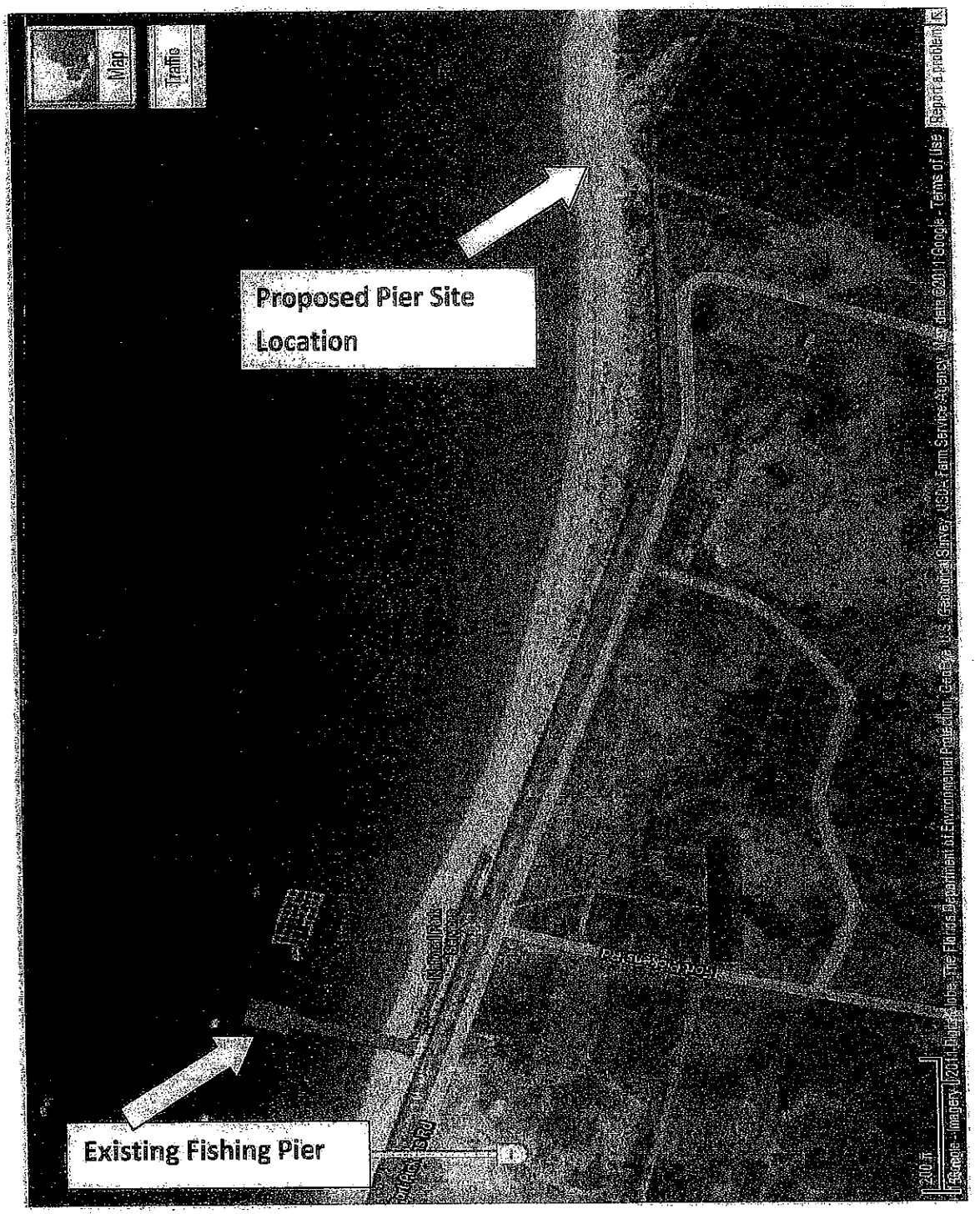
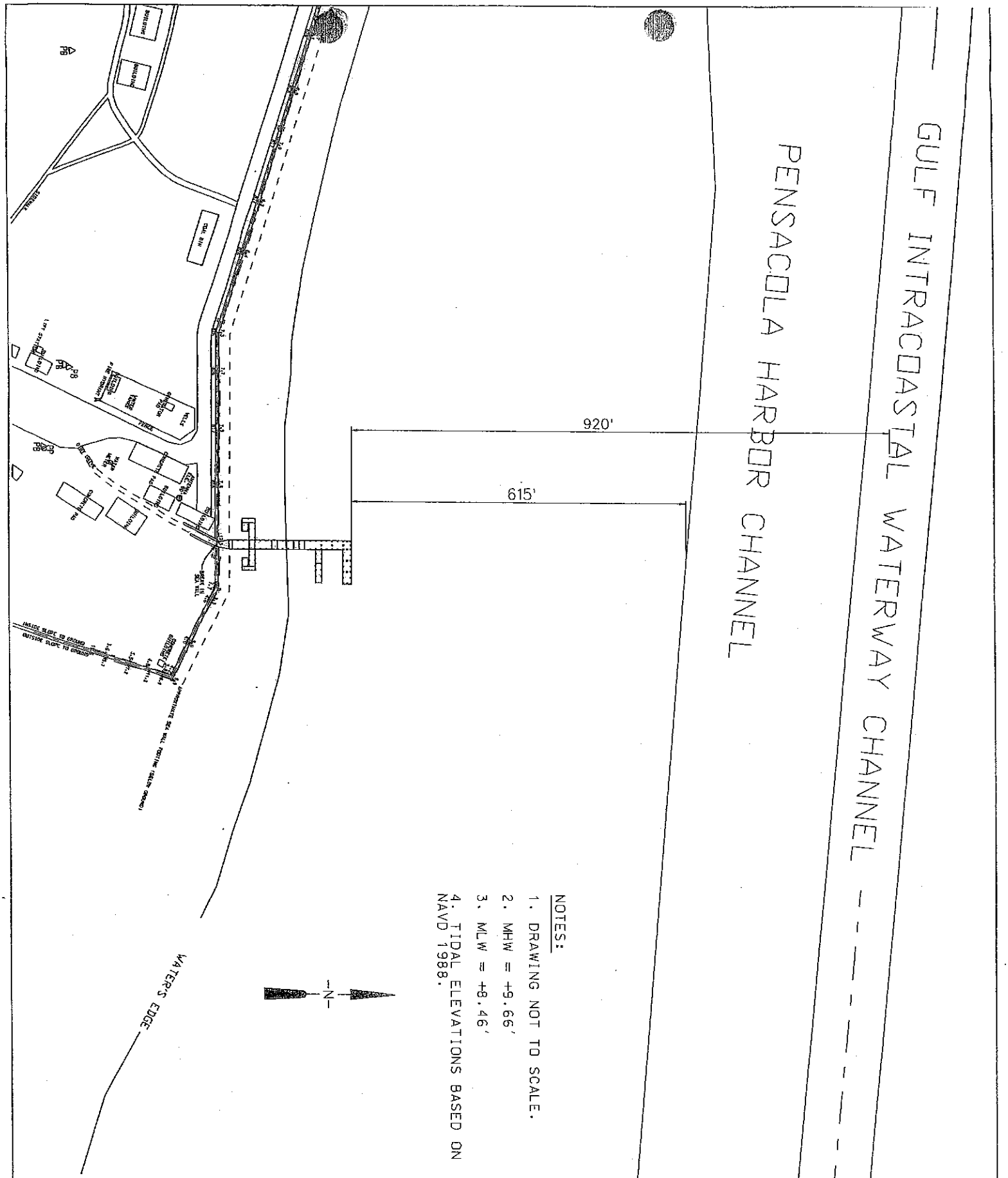


Figure 2: Aerial View of Fishing Pier and Proposed Project Site



PROJECT LOCATION
PROJECT TITLE

PENSACOLA FLORIDA
FORT PICKENS PEDESTRIAN PIER

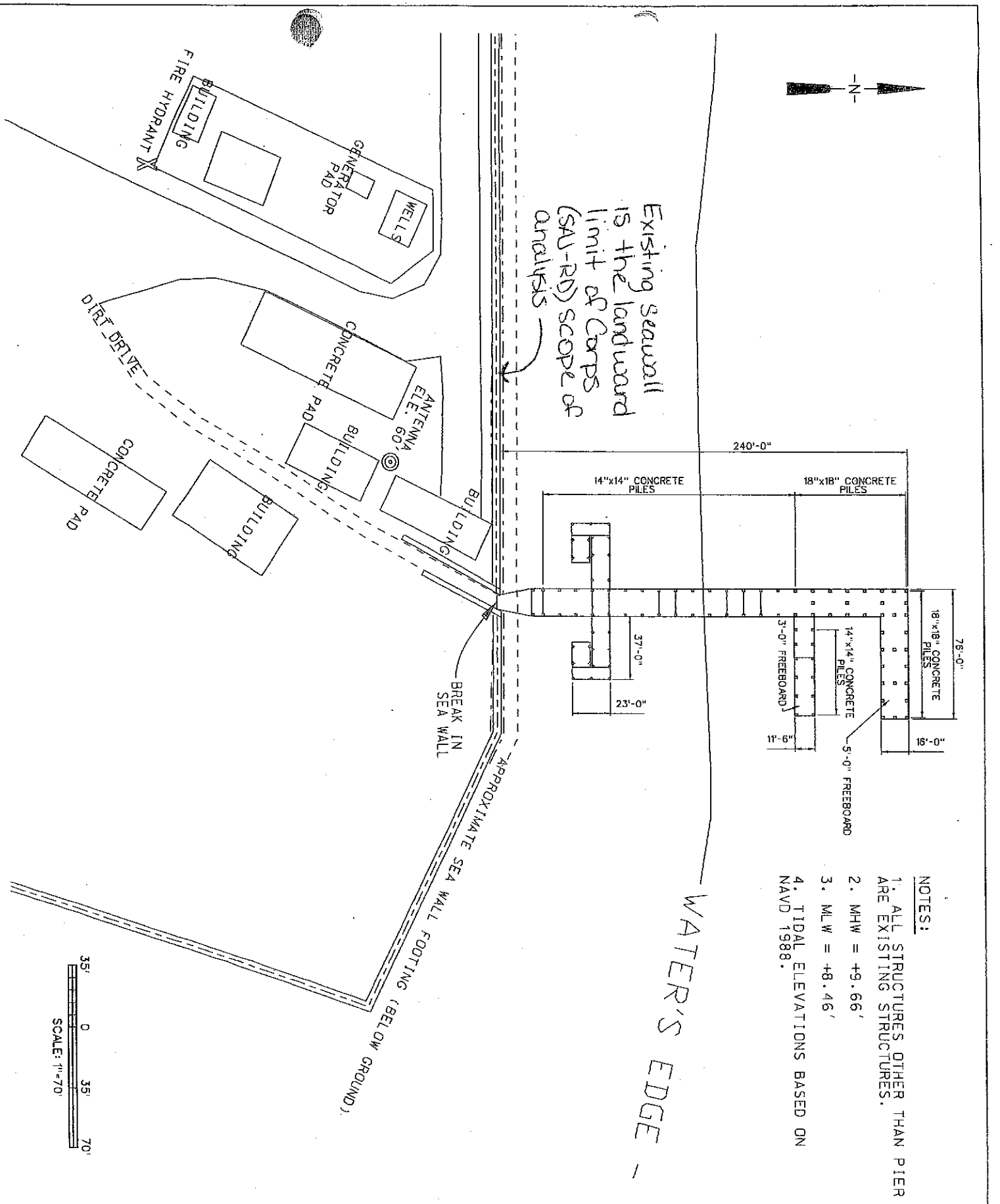
U.S. ARMY ENGINEER DISTRICT

Designed By:

Date:
17 MAY 2011

US Army Corps of Engineers
Mobile

Applicant: NPS/GINS/FtPickens-ferry
File: 2011-01150 (IP-HMM)
Date: 3 June 2011
Page: 4 of 9



NOTES:

1. ALL STRUCTURES OTHER THAN PIER ARE EXISTING STRUCTURES.
2. MHW = +9.66'
3. MLW = +8.46'
4. TIDAL ELEVATIONS BASED ON NAVD 1988.

PROJECT LOCATION
PROJECT TITLE

PENSACOLA FLORIDA
FORT PICKENS PEDESTRIAN PIE

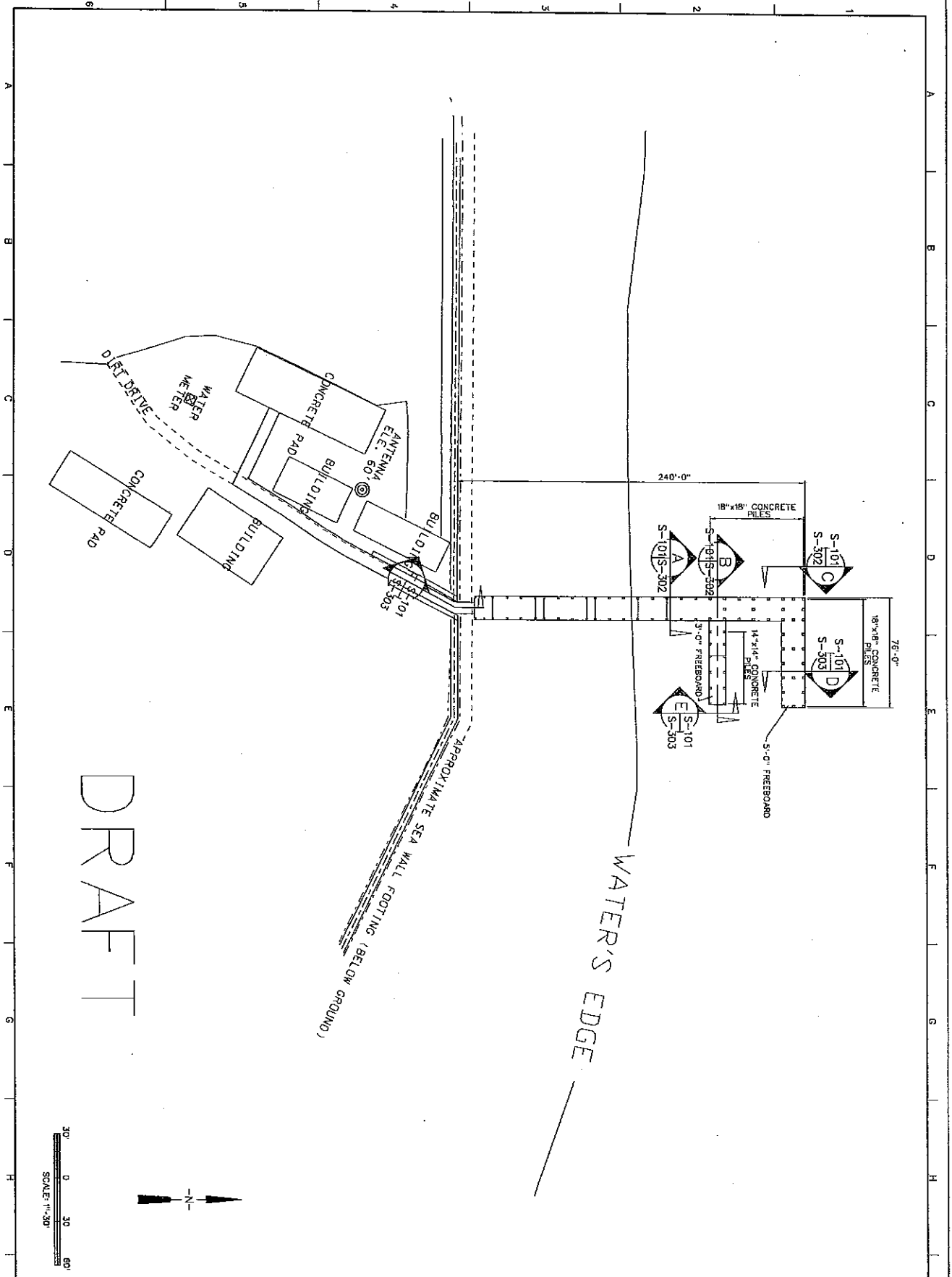
U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS

Designed By:

Date:
17 MAY 2011

US Army Corps of Engineers
Mobile District

Applicant: NPS/GINS/FtPickens-ferry
File: 2011-01150 (IP-HMM)
Date: 3 June 2011
Page: 5 of 9



Sheet Reference Number: S-101

SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

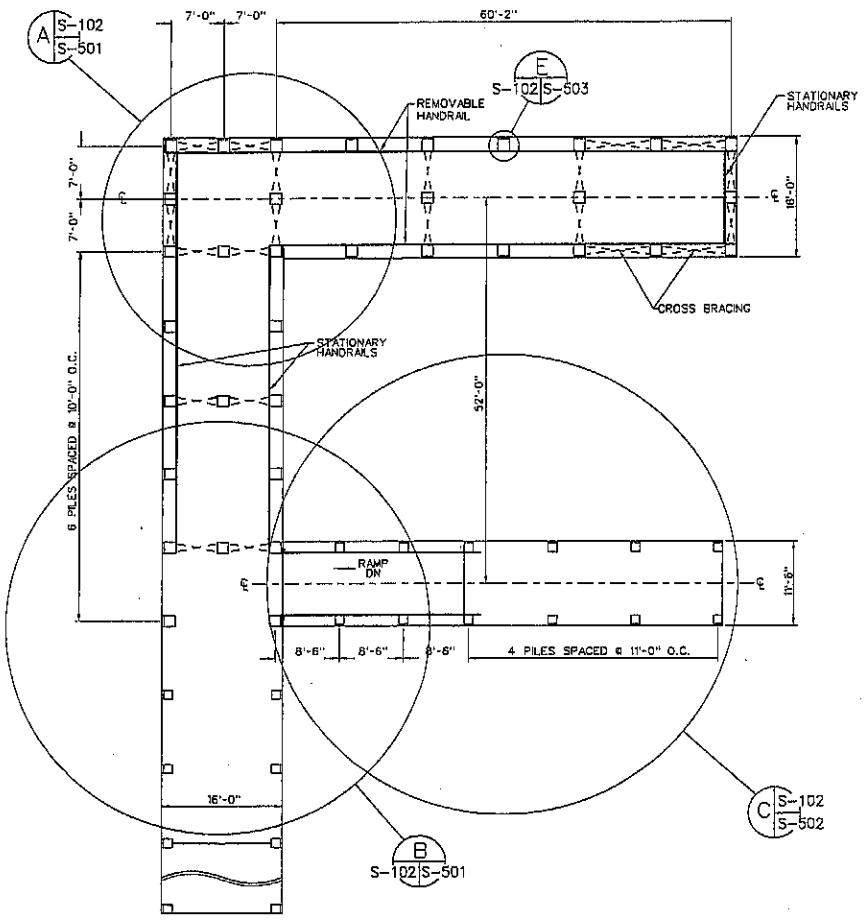
LAYOUT PLAN

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

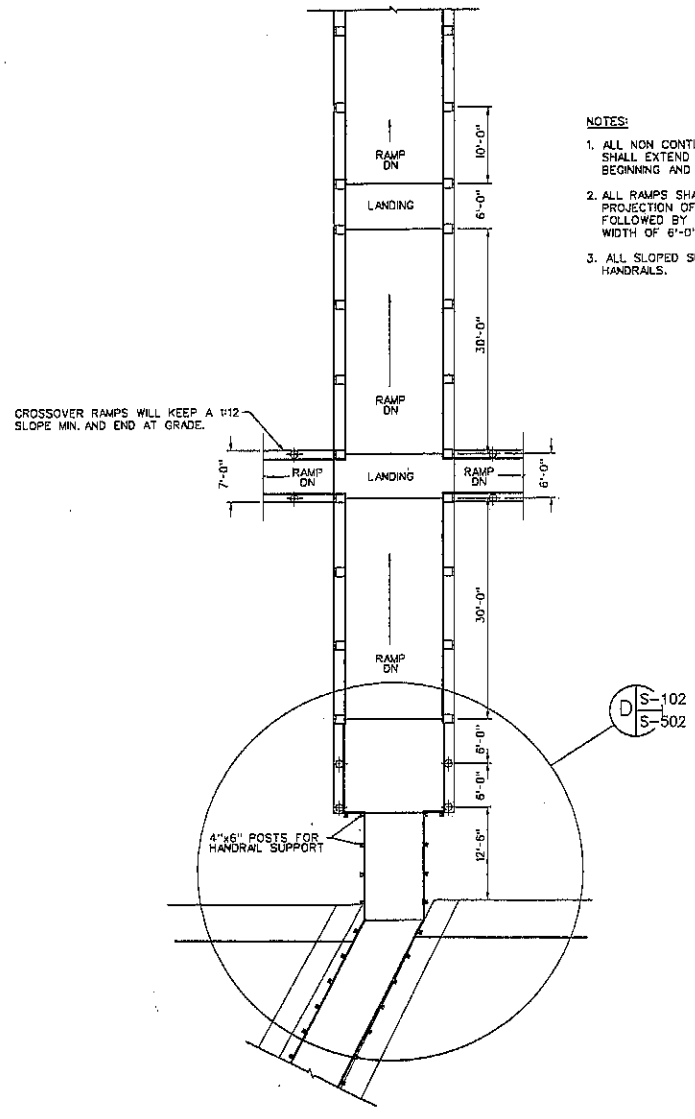
Designed By:	Date:
Drawn By:	CADD Code: CH1CA07
Checked By:	I.S.C. Sheet File Name: S101CA07.dgn
Reviewed By:	Solicitation Number: -

Symbol	Description	Date	Approved
	Description		

US Army Corps of Engineers Mobile District



DETAILED PLAN VIEW - DOCKING AREAS
1/8"-1'-0"



NOTES:

1. ALL NON CONTINUOUS HANDRAILS SHALL EXTEND 12" BEYOND FACE OF BEGINNING AND ENDING POINT.
2. ALL RAMPS SHALL HAVE A MAXIMUM PROJECTION OF 30'-0" WHICH WILL BE FOLLOWED BY LANDING WITH A MINIMUM WIDTH OF 6'-0".
3. ALL SLOPED SURFACES SHALL HAVE HANDRAILS.

DETAILED PLAN VIEW - SEAWALL CONNECTION
1/8"-1'-0"

DRAFT

8' 0 8 16'
SCALE: 1/8" - 1'-0"

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved

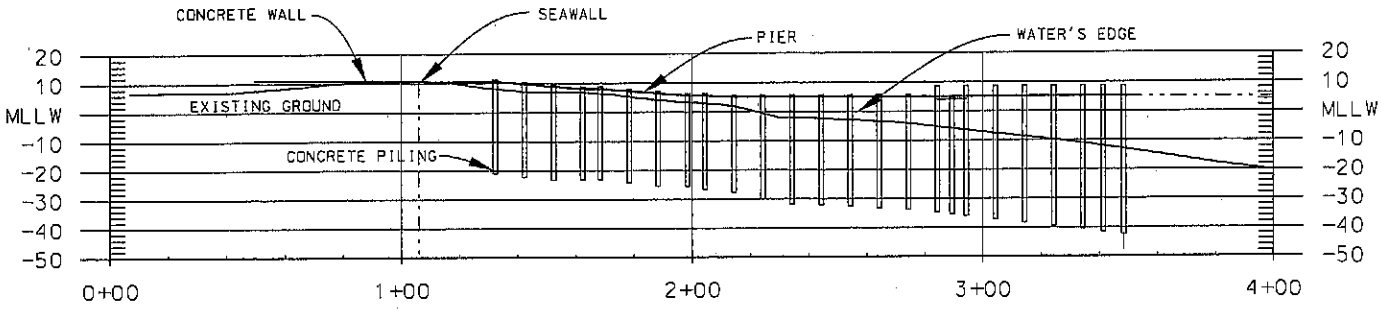
U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

Designed By | Drawn By | Checked By | Reviewed By
Date
CADD Scale: CM1CAD7
ESG Sheet File Name: SM2ECAD7.dgn
Solicitation Number

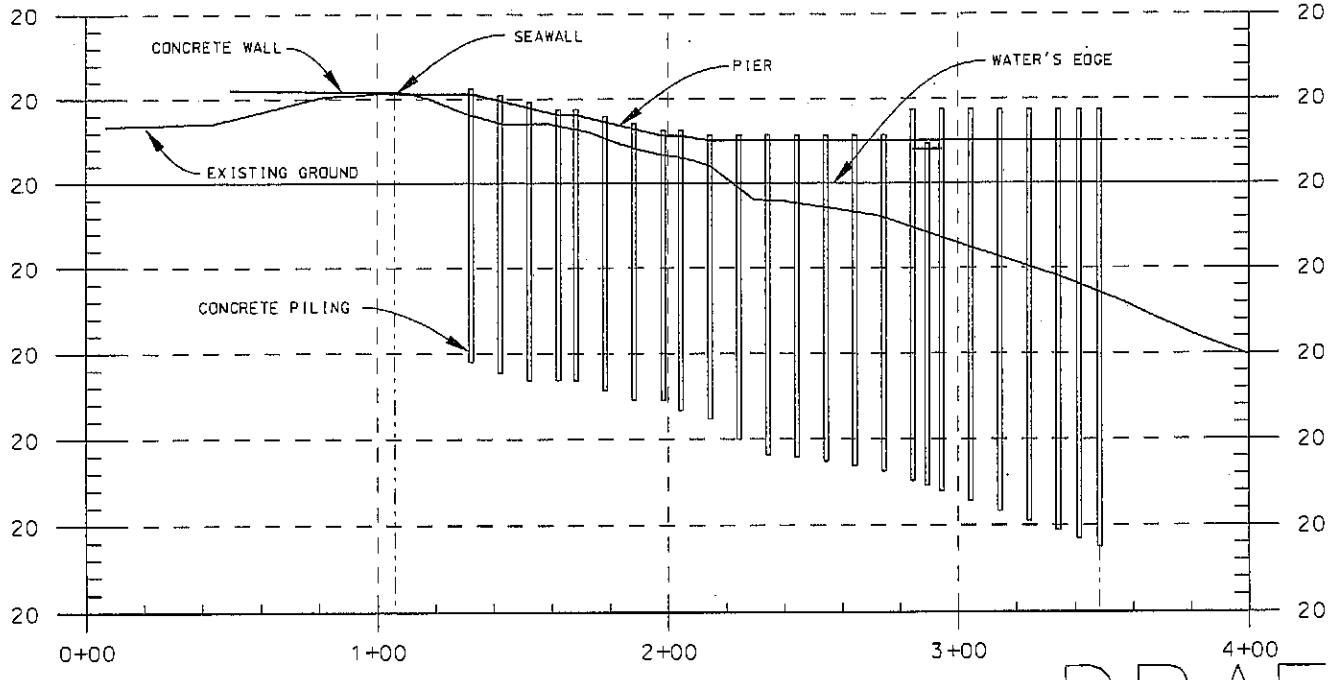
SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

DETAILED PLAN VIEWS

Sheet Reference Number:
S-102



PIER PROFILE - 1V:1H
1/8"=1'-0"



PIER PROFILE - 3V:1H
1/8"=1'-0"

DRAFT

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved

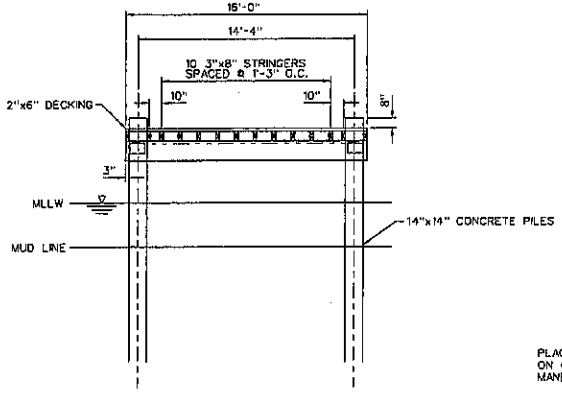
U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA

Designed By:
Drawn By:
Checked By:
Reviewed By:
Date:
CADD Staff:
CHRCAD7
U.S. State Plane Zone
5201CAD7.dgn
Solicitation Number:

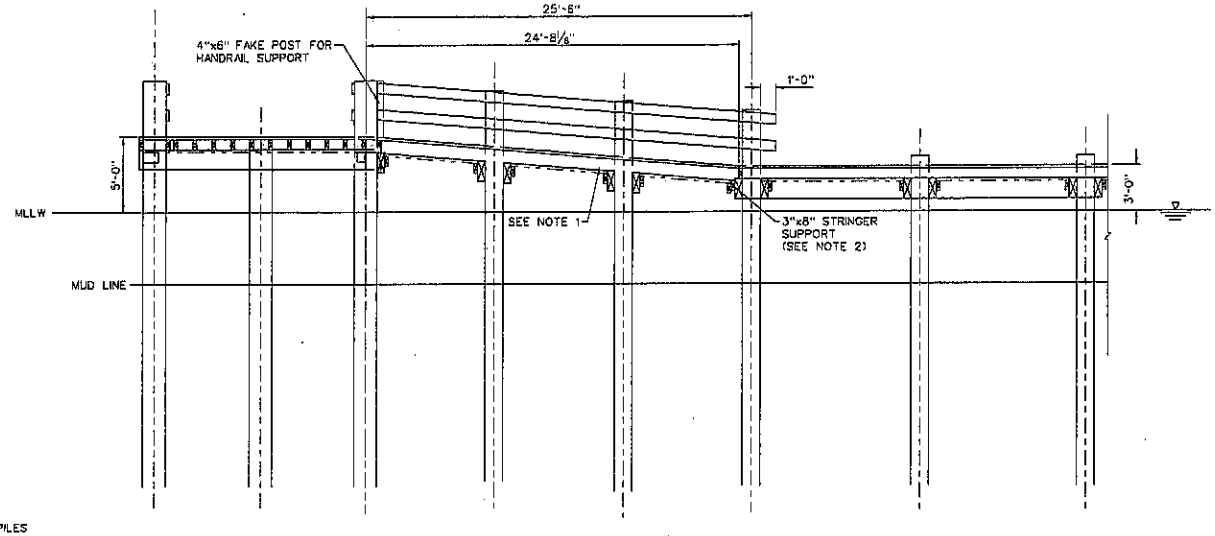
SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

PROFILE

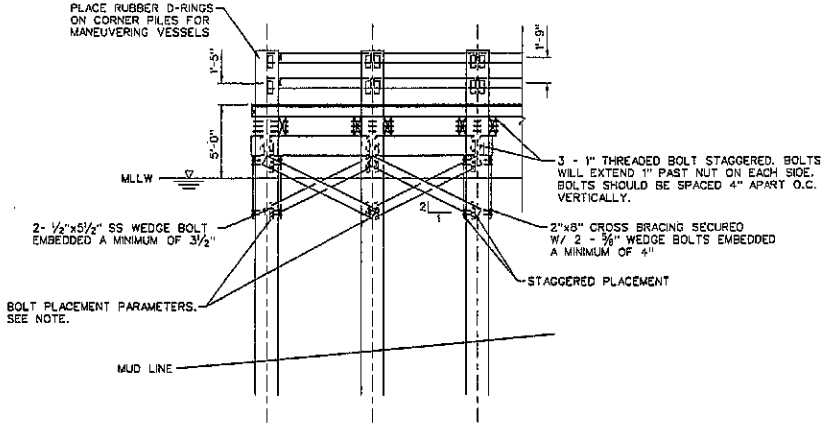
Sheet Reference Number
S-201



MAIN DOCK W/ 14" PILES (A)
1/4"-1'-0" S-101 S-301



LOWER DOCK (B)
1/4"-1'-0" S-101 S-301



MAIN DOCK END (C)
1/4"-1'-0" S-101 S-301

NOTES:

1. 6"x16" STRINGER PILECAPS SHOULD BE SO THAT DECK MAINTAINS A 1:12 SLOPE FROM UPPER TO LOWER LEVEL.
2. STRINGERS SHOULD BE NOTCHED TO FIT FLUSH TO PILECAPS.
3. FASTNERS MUST BE PLACED A MINIMUM OF 4" FROM THE OUTSIDE EDGE AND 2" FROM CENTER OF PILE.
4. ALL STRUCTURAL TIMBERS WILL BE MARINE GRADE TREATED.
5. DECKING WILL BE TREX ESCAPES OR SIMILAR PRODUCT.
6. 6"x16" AND 3"x8" STRUCTURAL TIMBERS WILL BE ROUGH SAWN TO FULL DIMENSIONS.

DRAFT

4' 0 4 8'
SCALE: 1/4" = 1'-0"

US Army Corps of Engineers
Mobile District

Symbol	Description	Date	Approved

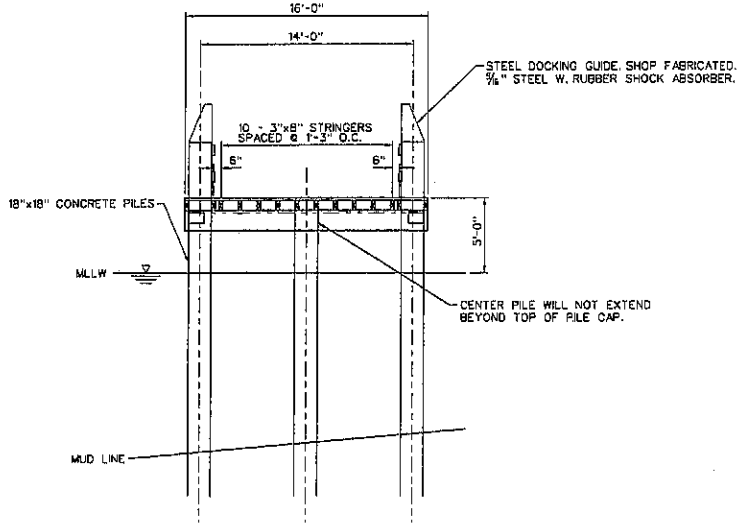
Designed By: | Date:
Drawn By: | CADD File: CHICAGO7
Checked By: | USACE Proj. Name: SANTA07.dgn
Reviewed By: | Submission Number:

U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS MOBILE, ALABAMA

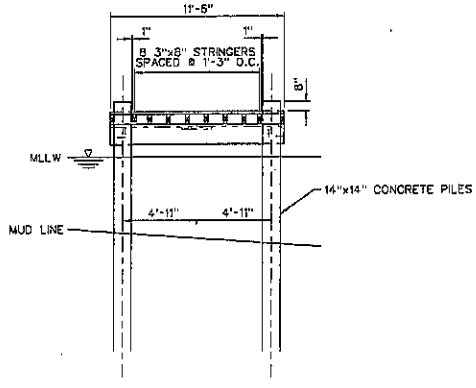
SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

PIER SECTIONS

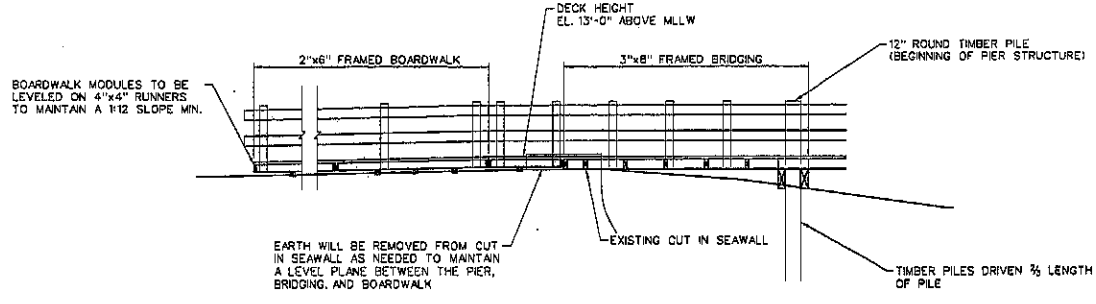
Sheet Reference Number:
S-301



MAIN DOCK END (D)
1/4"=1'-0" S-101 S-302



LOWER DOCK (E)
1/4"=1'-0" S-101 S-302



BOARDWALK & BRIDGING (D)
1/4"=1'-0" S-101 S-302

DRAFT

4' 0 4 8'
SCALE: 1/4" = 1'-0"

US Army Corps of Engineers
Mobile District

Symbol	Date	Description	Approved

U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS MOBILE, ALABAMA

Designed By
Drawn By
Checked By
Reviewed By
Date
CAD Data
CH1E/407
I:\SO\CAD\407.dgn
Solicitation Number

SANTA ROSA ISLAND, FLORIDA
FORT PICKENS PEDESTRIAN PIER

PIER SECTIONS

Sheet Reference Number
S-302

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit/certification/authorization and sovereignty submerged lands authorization, as specifically described above.

SPECIFIC CONDITIONS

PRIOR TO CONSTRUCTION

1. If the approved permit drawings and/or narrative conflict with the specific conditions, then the specific conditions shall prevail.

2. At least 48 hours prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Suite 202, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501-5794, in writing. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 595-8300 during normal working hours.

TURBIDITY CONDITIONS

3. All water bodies outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring and/or dewatering. At no time shall there be any discharge in violation of the water quality standards in Chapter 62-302, Florida Administrative Code. Turbidity barriers and erosion controls shall be installed prior to any clearing, excavation or placement of fill material and shall be maintained in an effective condition at all locations until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than 29 NTU's above background. The permittee shall be responsible for ensuring that erosion control devices are inspected and maintained daily during all phases of construction authorized by this permit. Once these conditions are met, the turbidity and erosion control devices shall be removed within 14 days.

4. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the active construction areas of the site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed 29 NTU's above background levels.

5. The following measures shall be taken by the permittee whenever turbidity levels within waters of the State surrounding the project site, exceed 29 NTU's above background:
   a. Immediately cease all work contributing to the water quality violation.

ATTACHMENT 2

WATER QUALITY CERTIFICATION

Four (4) pages

b. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and repair any non-functioning turbidity containment devices.

c. Notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Suite 202, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501-5794, in writing or by telephone at (850) 595-8300, within 24 hours of the time the violation is first detected.

CONSTRUCTION ACTIVITIES

6. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.

7. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is **800-320-0519** (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-8300, day or night.

8. This permit shall be readily available at the project site to any duly authorized representative of the Department, the U.S. Army Corps of Engineers, or any empowered law enforcement officer. A copy of this permit and associated drawings shall be clearly posted and remain on site at all times during the activities. In addition to having the permit on site, the permittee is required to have a weather resistant sign, no smaller than 8 ½ inches by 11 inches, which states DEP Permit No. 17-0305621-001-EI. This sign must be posted in such a location that it can be clearly seen from the road. This sign shall be posted on site for the duration of the construction authorized by this permit.

9. If during the progress of this project prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

10. All structural support pilings and mooring pilings shall be non-CCA leaching (such as but not limited to recycled plastic, concrete, greenheart, or wrapped with impermeable plastic or PVC sleeves in such a manner as to eliminate the leaching of deleterious substances from the pilings into the water column and sediments). Pile wrapping, if used, shall extend to one-foot below the substrate and one-foot above the mean high water line.

11. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings.

12. Substances in concentrations that injure, are chronically toxic to, or produce adverse physiological or behavioral response in humans, animals, or plants shall not be present.

13. The work authorized by this permit shall not be conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.

14. Prior to construction, the limits of the proposed impact area shall be clearly flagged and staked by the agent and/or the contractor in the beginning phase of construction. All construction personnel shall be shown the location(s) of all wetland areas outside of the construction area to prevent encroachment into these areas.

15. Construction activity shall be confined to the permitted areas only. Any damage to areas outside of the permitted footprint, shall be reported immediately to the DEP Northwest District, 160 Governmental Center, Suite 202, Pensacola, Florida 32502-5794, and Phone No. (850) 595-8300. These damaged areas outside of permitted areas shall be restored through planting of similar, native vegetation that exists in adjacent areas.

16. There shall be no storage or stockpiling of tools or materials (i.e., lumber, pilings, equipment) along the shoreline within the littoral zone or elsewhere within waters of the state.

17. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring and prop dredging.

18. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.

19. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of construction debris shall be removed from waters of the state within 14 days of completion of the work authorized in this permit.

AQUATIC PRESERVE CONDITIONS

20. If wood planking is used to construct the walkway surface of the dock, it shall be no more than eight inches wide and spaced no less than one-half inch apart after shrinkage. Walkway surfaces constructed of material other than wood shall be designed to provide light penetration which meets or exceeds the light penetration provided by wood construction.

21. The main access dock shall be elevated a minimum of five (5) feet above mean high water.

POST CONSTRUCTION CONDITIONS

22. Watercraft using the docking facility for temporary or permanent mooring shall operate within waters of sufficient depth to preclude bottom scouring/prop dredging.

23. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of submerged resources at **mean low water** so as to preclude bottom scouring or prop dredging.

24. Boat repair facilities and fueling facilities on structures over the water are prohibited.

25. The slips shall not be occupied by liveaboards. A liveaboard is defined as a vessel docked at a facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within any thirty (30) day period.

26. Overboard discharges of trash, human or animal waste, or fuel shall not occur at the dock.

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved in accordance with Rule 62-346.100, F.A.C.

2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity during the construction phase. The complete permit shall be available for review at the work site

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.

c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.

d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.

e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.

f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.

g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006
O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc

THESE CONDITIONS APPLY TO GULF AND SHORTNOSE STURGEON

ATTACHMENT 3
SEA TURTLE/SAWFISH CONDITIONS
One (1) page

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.

ATTACHMENT 4
MANATEE CONDITIONS
One (1) page

Memorandum of Agreement
#5325-11-0031

Between

The Florida State Historic Preservation Officer,

And the

United States Department of the Interior
National Park Service
Gulf Islands National Seashore

Regarding

Fort Pickens Passenger Ferry Pier and Associated Improvements

WHEREAS, the Gulf Islands National Seashore (Park) proposes to construct a new passenger ferry pier, walkway, and pavilion for visitor access and use at the western end of Santa Rosa Island in accordance with the documents entitled "Supplementary & Supporting Documentation" dated September 2011 and attached hereto as Exhibit 1 (the Undertaking); and

WHEREAS, the Park has established the Undertaking's area of potential effects (APE), as defined at 36 CFR 800.16(d) as a portion of the Fort Pickens Historic District (designated Fort Pickens Complex, State ID 08ES0070, ASMIS ID GUIS00029); and

WHEREAS, archeological surveys, including recent surveys by the University of West Florida (UWF) and the Southeast Archeological Center (SEAC), have identified a broad scatter of historic artifacts in both the terrestrial and the submerged portions of the APE; and

WHEREAS, the Park in consultation with the Florida State Historic Preservation Officer (SHPO) has determined that the Undertaking may have adverse effects on archeological properties in the APE; and

WHEREAS the U.S. Army Corps of Engineers, USACE, Mobile District, on the Park's request and operating as an agent for the Park, is conducting design and managing the construction of the Undertaking; and

WHEREAS the Park has consulted with the SHPO regarding minimization and mitigation of adverse effects on historic properties;

WHEREAS, in accordance with 36 CFR 800.6(a)1, the Park has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination

ATTACHMENT 5
MEMORANDUM OF AGREEMENT
Six (6) pages

providing the specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii);

NOW, THEREFORE, the Parkand the SHPO agree that upon the decision to proceed with the Undertaking, NPS shall ensure that the following stipulations are implemented in order to take into account the effects of the Undertaking on historic properties within the APE and that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated.

I. STIPULATIONS

The Park shall ensure that the following measures are carried out:

1. Design and Construction of the Project

NPS will ensure that USACE will construct the Project within the constraints delineated in this document and as shown in Exhibit 2. Any deviations from these plans will be made in consultation with the NPS, SHPO, and U.S. Army Corps of Engineers, Jacksonville District-Regulatory Division, and any disagreement in the assessment of effects of such deviations on historic properties within the APE will be resolved in accordance with 36 CFR 800.

Wherever possible, the design will avoid adverse effects on historic properties in the Fort Pickens Complex, State ID 08ES0070, ASMIS ID GUIS00029, as visible in GPR; including the major archeological feature identified as Feature 1 exposed by backhoe and described in Exhibit 12. The design and construction of the pylons for the pier will be constructed to avoid as much of Feature 1 as possible. Granite blocks in Feature 1 will be avoided. Rubble and wharf debris cannot be avoided. Design and location of the pier will avoid the underwater near-shore resources (Exhibits 6-12). See Exhibits 2, and 6-12 for additional details regarding the configuration of the sub-surface resources, including the granite blocks and other features.

NPS will ensure recovery and description in a technical report of any archaeological resources encountered. A copy of said reports are provided to the SHPO and the U.S. Army Corps of Engineers, Jacksonville District-Regulatory Division (see Exhibits 3-5). Only the unavoidable artifacts in Feature 1 will be recovered or collected, within a 5 meter buffer around two pylons (see Exhibit 12). The granite blocks will remain in-situ, are not expected to be impacted, so consequently will not be recovered or collected. Rubble and wharf debris, as described and further elaborated upon in Exhibits 3-12, will not be recovered or collected.

NPS will ensure that a fully accredited Archeologist sanctioned by both NPS and SHPO will be present to monitor the construction activities, to ensure that any inadvertent discoveries are properly accounted for and appropriately treated.

2. Administrative Requirements

NPS will ensure that any documentation concerning historic properties that is generated during the course of this Undertaking is provided to the SHPO in a form acceptable to the SHPO for inclusion in the SHPO's files, Florida Master Site File, and archives.

NPS will ensure that all documentation of historic properties carried out pursuant to this MOA is conducted by or under the direct supervision of a person or person meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology and Historic Preservation (36 CFR Part 61); and that all archaeological work is carried out by or under the direct supervision of a person or persons meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology and Historic Preservation (36 CFR Part 61). The Secretary of the Interior's Professional Qualifications Standards for Archaeology and Historic Preservation define minimum education and experience required to perform identification, evaluation, registration, and treatment activities.

3. Duration

This MOA will be null and void if its terms are not carried out within five (5) years from the date of its execution. At such time, and prior to work commencing on the undertaking, the Park shall execute a new MOA pursuant to 36 CFR 800.6.

4. Post-Review Discoveries

If during construction previously unknown archeological resources are discovered, all work in the immediate vicinity of the discovery will be halted, signatories to the MOA will be notified, and the procedures of 36 CFR 800.13(c) followed. In the event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered during construction, the regulations implementing the Native American Graves Protection and Repatriation Act and Florida Statute §872.05 will be followed.

NPS, in consultation with the SHPO, shall ensure that any adverse effects to historic properties within the APE are avoided, minimized or mitigated in accordance with 36 C.F.R. Part 800.13(b). All records resulting from archaeological discoveries shall be in accordance with 36 C.F.R. Part 79; and shall be submitted to the SHPO.

5. Review and Monitoring

NPS will provide to the SHPO a summary report at the end of the Undertaking detailing work undertaken pursuant to the terms of this MOA. Such report will include any problems encountered and any disputes and objections received in NPS's efforts to carry out the terms of this MOA.

6. Dispute Resolution

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the objecting party will consult with the other party to resolve the objection. If the Park determines that such objections cannot be resolved, the Park will:

A. Forward all documentation relevant to the dispute, including the Park's proposed resolution, to the ACHP. The ACHP shall provide the Park with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Park shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the signatories, and provide them with a copy of this written response. The Park will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the Park may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision on the dispute, the Park shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the signatories, and provide them with a copy of such written response.

C. The Park's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of dispute will remain unchanged

7. Amendments

Any party to this agreement may propose to the other party that it be amended, whereupon the parties will consult and consider the amendment pursuant to 36 CFR 800.6(c)(7). The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

8. Termination

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation 7, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to continuing work on the undertaking, the Park shall execute a new MOA pursuant to 36 CFR 800.7. The Park shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the Park, and SHPO and implementation of its terms evidence that the Park has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

Signatories

National Park Service, Gulf Islands National Seashore

Daniel R. Brown, Superintendent Date: 10/6/11

Florida State Historic Preservation Office

Laura A. Kammerer Date October 7, 2011

Laura Kammerer, Deputy State Historic Preservation Officer

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Section, 41 North Jefferson Street, Suite 301, Pensacola, FL 32502. If you have questions regarding this requirement, please contact the Special Projects and Enforcement Branch at 904-232-3131.

1. **Department of the Army Permit Number:** SAJ-2011-01150 (IP-HMM)

2. **Permittee Information:**

   Name _____

   Address _____

   _____

3. **Project Site Identification:**

   Physical location/address _____

   _____

4. **As-Built Certification:**

I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

_____ _____

Signature of Engineer **Name (Please type)**

_____ _____

(FL, PR or VI) Reg. Number **Company Name**

_____

Address

_____

City **State** **ZIP**

_____ _____

Date **Telephone Number**

(Affix Seal)

ATTACHMENT 6
AS-BUILT CERTIFICATION
Two (2) pages

Deviations from the approved permit drawings and special conditions: (attach additional pages if necessary)