



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

1875 Century Boulevard

Atlanta, Georgia 30345

In Reply Refer To:  
FWS/R4/DH NRDAR

MAR 25 2014

### Memorandum

To: Field Supervisor, Panama City Ecological Services Office

From: Deputy Deepwater Horizon, Department of the Interior Natural Resource Damage Assessment and Restoration (NRDAR), Case Manager *Debra L. McCl.*

Subject: Informal Consultation and Conference Request for the Proposed Navarre Beach Park Gulfside Walkover Complex and Navarre Beach Park Coastal Access and Dune Restoration, Florida

As you are no doubt aware, on or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon* experienced an explosion, leading to a fire and its subsequent sinking in the Gulf of Mexico (the Gulf). These events resulted in the discharge of millions of barrels of oil into the Gulf over a period of 87 days. In addition, various response actions were undertaken in an attempt to minimize impacts from spilled oil. These events are hereafter collectively referred to as the Oil Spill.

The Department of the Interior (DOI), acting through the U.S. Fish and Wildlife Service (the Service) and other Bureaus, is a designated natural resource trustee agency authorized by the Oil Pollution Act of 1990 (OPA) and other applicable federal laws to assess and assert a natural resource damages claim for this Oil Spill. DOI is only one of several Trustees, including agencies of the State of Florida, so authorized. Consistent with their federal and state authorities, the Trustees are investigating the resource injuries and losses that occurred as a result of the Oil Spill and have initiated restoration planning to identify the actions that will be needed or appropriate to restore injured resources and to make the public whole for the injuries and losses that occurred. This process is known as a Natural Resource Damage Assessment (NRDA).

On April 20, 2011, DOI, National Oceanic and Atmospheric Administration, and the Trustees for the five Gulf states affected by the Oil Spill entered into an agreement with BP, a responsible party for the Oil Spill, under which BP agreed to provide \$1 billion for early restoration projects in the Gulf to address injuries to natural resources caused by the Oil Spill. The subject project is being evaluated by the Trustees as a potential early restoration project. The early restoration project has been proposed in a draft early restoration plan that was released for public comment and review on December 6, 2013. If the Trustees select the project after consideration of public comment and a stipulated agreement is reached with BP, the early restoration project will be implemented by the State of Florida. DOI, acting through the Service, will be a co-Trustee for the project, if it is selected and implemented.

The above facts lead us to the conclusion that consultation and conference under Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), is required for the

proposed project and we wish to engage in such consultation. Accordingly, we have reviewed the proposed Navarre Beach Park Gulfside Walkover Complex and Navarre Beach Park Coastal Access and Dune Restoration, Florida project for potential impacts to listed, candidate, and proposed species and designated and proposed critical habitats in accordance with Section 7 of the ESA. We determined the proposed project may affect, but is not likely to adversely affect, five species of sea turtles (green, hawksbill, Kemp's ridley, leatherback, and loggerhead), West Indian manatee, piping plover and red knot (if listed) and have provided our analysis in the attached Biological Evaluation. We have also reviewed the proposed project for impacts to bald eagles and migratory birds in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712), respectively. Consultation will also be initiated with National Marine Fisheries Service for species where ESA regulatory authority is shared and in regards to Marine Mammal Protection Act (MMPA) of 1972, as amended (16 U.S.C. 1461 *et seq.*).

We request your review of and concurrence with the attached intra-Service Section 7 Biological Evaluation form describing the proposed project, potential effects, conservation measures and justifications for our determinations. If you have questions or concerns regarding this request for consultation, please contact Holly Herod, Fish and Wildlife Biologist, at 404-679-7089 or [holly\\_herod@fws.gov](mailto:holly_herod@fws.gov).

Attachment

**SOUTHEAST REGION  
INTRA-SERVICE SECTION 7  
BIOLOGICAL EVALUATION FORM**

**Originating Person:** Holly Herod; prepared by David Mills (representing the State of Florida Natural Resource Trustees – The Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission)

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**E-Mail:** [holly\\_herod@fws.gov](mailto:holly_herod@fws.gov); [dmills@stratusconsulting.com](mailto:dmills@stratusconsulting.com)

**Date:** February 24, 2014

**PROJECT NAME (Grant Title/Number):** Navarre Beach Park Gulfside Walkover Complex and Navarre Beach Park Coastal Access and Dune Restoration

**I. Service Program:**

- NRDAR**
- Ecological Services**
- Federal Aid**
  - Clean Vessel Act**
  - Coastal Wetlands**
  - Endangered Species Section 6**
  - Partners for Fish and Wildlife**
  - Sport Fish Restoration**
  - Wildlife Restoration**
- Fisheries**
- Migratory Birds**
- Refuges/Wildlife**

**II. State/Agency:** Florida Department of Environmental Protection (DEP) and Florida Fish and Wildlife Conservation Commission (FWC)

**III. Station Name:** DOI Deepwater Horizon Case Management Team, USFWS Southeast Regional Office, Atlanta, Georgia 30345

**IV. Location (attach map):** See Figures A and B at the end of this document for a map indicating the proposed project areas.

**A. Ecoregion Number and Name:** Southeast Region

**B. County and State:** Santa Rosa County, Florida

**C. Section, township, and range (or latitude and longitude):** See figures A and B

**D. Distance (miles) and direction to nearest town:** see map (Figure A and B)

## V. Description of Proposed Action (attach additional pages as needed):

There are two related actions being evaluated as part of this review. The first action, the Navarre Beach Park Coastal Access and Dune Restoration project would improve infrastructure, restore dune habitat, and increase access to recreation opportunities in Navarre Beach Marine Park on the Santa Rosa Sound side of the park (north side) (see Figure A for general project location). The second action, associated with the Navarre Beach Park Gulfside Walkover Complex project, would enhance access to the Gulf shoreline at the south side of Navarre Beach Park to enhance recreational use of the natural resources (see Figure B for general project location). These actions are being evaluated together because they are adjacent to each other and will occur on opposite sides within Navarre Beach Park (Figure C provides a summary of the facilities currently available at the park on the Gulf and Santa Rosa sound sides). Each of these actions is summarized independently in the rest of this section.

### *Navarre Beach Park Coastal Access and Dune Restoration*

The Navarre Beach Park Coastal Access and Dune Restoration Project would improve infrastructure, restore dune habitat, and increase access to recreation opportunities in Navarre Beach Marine Park on the Santa Rosa Sound side of the park (north side). The project would include design, permitting, and construction of two new beach access boardwalks from existing pavilions and a new canoe and kayak launch and boardwalk on Santa Rosa Sound. This project would improve park infrastructure for visitors and increase access opportunities to the waters of the sound for recreational boaters. Lastly, the enhancement of the recreational experience would be complemented by the restoration of five patches of degraded dune habitat in the project area totaling approximately 1 acre. Figure D provides the conceptual plan for the work to be addressed as part of this action.

The proposed dune restoration component of this action would involve planting native dune vegetation where there are gaps in the existing vegetation in the project area. Current estimates are that approximately 4,000 plants would be planted. Among the species to be planted are: *Uniola paniculata* (sea oats), *Panicum amarum* (panic grass), *Iva imbricata* (Dune elder), *Scoparium littorale* (blue steam), and potentially others. All plants would be grown from seeds or cuttings from the Alabama or North Florida coasts to ensure appropriate genetic stocks are used in the project.

### *Navarre Beach Gulfside Walkover Complex Coastal Access*

The Gulfside Walkover Complex Coastal Access Project would create new infrastructure and increase access to recreation areas in Navarre Beach Marine Park on the Gulf of Mexico side of the park (south side). The project would involve design, permitting, and construction of a dune walkover complex, which would include a driveway, restroom facility, lifeguard tower, and three pavilions with boardwalk connections to a dune walkover with access to the shoreline of the Gulf of Mexico. A parking area may also be necessary. The project would improve public access to the beach and allow more visitors to safely access the shoreline in a convenient location. Figure E provides a conceptual plan for this action based on a site visit conducted in mid-February 2014 to review different options for providing the desired increase in Gulfside access facilities while

minimizing impacts to wildlife.

### *Construction overview*

Table 1 provides a summary of the proposed construction footprint and lengths of boardwalks, adapted from the conceptual designs shown in Figures D and E, that would be developed within Navarre Beach Marine Park as a result of these actions.

**Table 1. Proposed Navarre Beach Marine Park construction footprint detail.**

PROJECT AREA	INFRASTRUCTURE TYPE	LENGTH (FEET)	AREA (ACRES)	AREA (SQUARE FEET)
Santa Rosa Sound Side	Boardwalk	673	0.19	8,403
Santa Rosa Sound Side	Canoe Launch		0.01	542
Santa Rosa Sound Side	Educational Area		0.02	864
Santa Rosa Sound Side	Dune Restoration		1.0	43,560
Gulf Coast Side	Roadway and Potential Parking		1.37	59,781
Gulf Coast Side	Dune Walkover and Boardwalk	848	0.16	6,949
Gulf Coast Side	Restroom		0.04	1,957
Gulf Coast Side	Pavilion		0.05	2,167
Gulf Coast Side	Pavilion		0.05	2,185
Gulf Coast Side	Pavilion		0.03	1,254
Gulf Coast Side	Lifeguard Tower		0.00	107
	Total	1,521	2.93	127,769

Construction of the dune walkover complex on the South, Gulf side, of the park, including a driveway, parking area (if necessary), restroom facility, lifeguard tower, pavilions, kayak/canoe launch, and beach access boardwalks, would require the disturbance of several feet of soil depth. Pilings would need to be placed to support the new boardwalks, dune walkover, and kayak/canoe launch. Pilings would most likely be placed by mechanically auguring holes (using a bobcat-mounted auger) to place pre-formed pilings or place forms that would be filled with pumped concrete to produce new pilings. Ground disturbance for this activity will occur for pilings and other structures placed to support the access boardwalk and kayak/canoe launch. The footprint of the disturbed area would depend on final design.

Construction materials would be staged in existing nearby developed/paved areas (e.g., existing parking lots to minimize habitat disturbance) for building the boardwalk and canoe/kayak launch. Boardwalk materials may be permanently placed on the ground or raised above the ground surface, depending on the design. Paving materials such as gravel, concrete, or asphalt would may be placed to create a parking lot.

Cement and wood would be placed to support the picnic tables, and cement pilings, wood. Cement, gravel, or other paving material would also be permanently placed for the new kayak/canoe launch. As construction work proceeds, project areas may, as necessary, be isolated by construction fencing to prevent incidental access. This fencing material would be placed by

hand-driving (e.g., with a sledge hammer or post driver) stakes as necessary. This fencing would be removed as soon as access controls are no longer required for an area.

The planting of dune vegetation over approximately one acre would require some soil/sand removal to place the plants (e.g., following use of a hand auger) but excavated material would be incorporated on site to help support the plantings. Equipment associated with planting may be placed temporarily on sand near the dunes but not within the dunes. No movement of sand is envisioned for the planting project. Sand fencing may be installed, if necessary, to protect the vegetation planted for the dune restoration. Appropriate signs to designate and indicate the purpose of the conservation area may be used, if necessary to keep visitors off of the restored areas. If dunes are impacted during the proposed project, they will be restored by planting the appropriate vegetation or installing sand fence. All dune vegetation to be used in dune restoration will be native to the specific County dunes and grown from northwest Florida plant stock. If seedlings are to be planted, they will be at least 1 inch by 1 inch with a 2.5-inch pot. Vegetation will be planted with an appropriate amount of fertilizer and anti-desiccant material, as appropriate, for the plant size. Planting will generally be on 18-inch centers throughout the dune; however, 24-inch centers may be acceptable depending on the area to be planted. No irrigation lines or pipes will be installed.

No storage of equipment or materials will occur on the beach or dunes throughout the proposed project. No activity, except as needed to plant and monitor vegetation will occur on existing healthy dunes during any time of the year.

Construction would begin 7 to 12 months after funding is received and take 4-6 months to complete. Construction would likely occur between October and March during the low visitation season which would also avoid the turtle nesting season and most of the migratory bird nesting season. Should there be delays in the project implementation, construction may be staggered to ensure the dune walkover work on the Gulf side does not occur during the turtle nesting season.

#### **VI. Description of the Project Area (attach additional pages as needed):**

The proposed project area is located in the state of Florida, on Navarre Beach Marine Park, Santa Rosa Island, Santa Rosa County (see Figures A and B for an aerial view). Navarre Beach Marine Park is a county-owned and operated park. Figure C shows existing facilities at the park and Figures D and E show conceptual designs (rather than final designs) for the proposed improvement projects at Navarre Beach Marine Park. The park/project area encompasses a mix of developed (parking lots, restrooms, etc.) and undeveloped shoreline, beach, and dune habitats that span the full width of Santa Rosa Island providing direct access to the waters of the Gulf of Mexico and Santa Rosa sound. A large dune/berm separates the beach front from the proposed Gulf side project area.

#### **VII. Species and Habitat:**

##### **A. Complete the following table:**

Table 2, provided at the end of this document, provides a summary of the different species that were identified and initially considered for the project's potential impacts. The information in

this table was adopted from the U.S. Fish and Wildlife, Panama City office website: <http://www.fws.gov/panamacity/specieslist.html> which provides a county-based list of federal threatened, endangered, and other species of concern likely to occur in the Florida Panhandle.

### VIII. Determination of Effects:

Table 3 presents a summary of the potential species/critical habitat that could be impacted from the proposed project. The species/critical habitat in Table 3 were identified after considering where there was potential overlap from information on identified natural communities in Table 2 with the project locations.

**Table 3. Potential Impacts to Species/Critical Habitats**

SPECIES/CRITICAL HABITAT	SPECIES/CRITICAL HABITAT IMPACTS
Green turtle, Hawksbill turtle, Kemp's ridley turtle; Leatherback turtle, Loggerhead turtle	<p>NMFS will consult on effects to sea turtles from in-water activities.</p> <p>Sea turtles are not known to nest on the sounds side of Navarre beach but can nest on the Gulf side. However, as the beach is currently formed (eroded state), it is very narrow and the wet beach extends almost to the constructed berm, leaving little to no space for successful turtle nesting to occur. A large berm that cannot be navigated by sea turtles separates the majority of the action area from sea turtle habitat. Walkovers are the only proposed construction that could occur in sea turtle habitat. Increased visitor use is not expected to change sea turtle nesting behaviors at this project location because nesting at the project site is currently very limited, if it occurs at all. As stated previously the beach is very narrow and currently there is little habitat between the high water mark and the berm which is where turtles need to nest to be successful (nests below high water are inundated frequently and not expected to survive). Should the beach accrete, the State's volunteer sea turtle monitoring program, would be able to mark nests for avoidance. No lighting is proposed.</p> <p>Due to the lack of sea turtle nesting at the site and the proposed conservation measures below, we expect any potential effects to be minimized such that they are insignificant and discountable.</p> <p>No designated or proposed critical habitat for sea turtles occurs within the action area; therefore, none will be adversely affected or modified.</p>
West Indian manatee	<p>The county in the project area is not part of the 36 Florida counties that are identified as being counties where manatees regularly occur in coastal and inland waters (U.S. Department of the Interior, 2011). However, manatees could be present in the project waters (i.e., during kayak/canoe launch construction).</p> <p>The main risk to manatees during implementation of this project would come from debris and noise during construction of the canoe/kayak launch on the sound side of the action area. Based upon the implementation of conservation measures below, we expect any effects to be minimized to an insignificant or discountable level.</p>
Piping plover	<p>The main risk to Piping plovers is from human disturbance while resting or foraging in habitats adjacent to work areas. The proposed project could result in</p>

SPECIES/CRITICAL	SPECIES/CRITICAL HABITAT IMPACTS
Piping plover critical habitat	<p>short term increases in noise which could startle individuals, though we would expect normal activity to resume within minutes or cause the plovers to move to a nearby area. Increased visitor use in the project area could cause disturbance to piping plovers through increased noise or via increased predators attracted to trash. Because other foraging/resting habitats are nearby (less than two miles, critical habitat within 400 meters) we would expect this temporary displacement to be within normal movement patterns. Conservation measures below will further minimize effects to this species such that they are insignificant and discountable.</p> <p>Piping plover critical habitat is within 400 meters of the action area though it is not directly adjacent to or within the action area. PCEs for critical habitat include: 1) Intertidal flats with sand or mud flats (or both) with no or sparse emergent vegetation. 2) Adjacent unvegetated or sparsely vegetated sand, mud, or algal flats above high tide are also important, especially for roosting piping plovers. Such sites may have debris, detritus, or microtopographic relief (less than 50 cm above substrate surface) offering refuge from high winds and cold weather. 3) Important components of the beach/dune ecosystem include surf-cast algae, sparsely vegetated back beach and salterns, spits, and washover areas. 4) Washover areas are broad, unvegetated zones, with little or no topographic relief, that are formed and maintained by the action of hurricanes, storm surge, or other extreme wave action. The proposed project will not alter any PCEs within the critical habitat as activities will not extend into critical habitat or influence the way PCEs are formed or maintained. Signage will be posted to advise visitors to avoid the critical habitat area (see conservation measures below). Therefore no destruction or adverse modification of piping plover critical habitat is anticipated.</p>
Red knot	<p>The main risk to Red knots is from human disturbance while resting and foraging in habitats adjacent to work areas. The proposed project could result in short term increases in noise which could startle individuals, though we would expect normal activity to resume within minutes or cause the Red knots to move to a nearby area. Increased visitor use in the project area could cause disturbance to Red knots through increased noise or increased predators attracted to trash. Because other foraging/resting habitats are nearby (less than two miles) we would expect this temporary displacement to be within normal movement patterns. Conservation measures below will further minimize effects to this species such that they are insignificant and discountable.</p>
Gulf sturgeon	<p>NMFS is providing consultation for Gulf sturgeon and its Critical Habitat in the estuarine environment. As a result, Gulf Sturgeon will not be considered in the consultation with the USFWS.</p>
Santa Rosa beach mouse	<p>The Santa Rosa beach mouse is not a federally listed species but its consideration is encouraged by the Panama City Field Office and the State of Florida when relevant as is the case for this project.</p> <p>The main risk to the Santa Rosa beach mouse would be the collapsing of existing burrows during construction of dune walkovers and increase in predators due to increased visitor use, see conservation measures below.</p>

**B. Explanation of actions (Conservation Measures) to be implemented to reduce adverse effects:**

**Table 4. Conservation Measures to Minimize Impacts to Species**

SPECIES	CONSERVATION MEASURES TO MINIMIZE IMPACTS
All Species	<p>No lighting is proposed for the project. If lighting should become necessary, it will be wildlife friendly lighting.</p> <p>Predator-proof, waste receptacles will be placed around the project site and maintained to avoid attracting predators to the area.</p>
Green turtle, Hawksbill turtle, Kemp's ridley turtle, Leatherback turtle, Loggerhead turtle	<p>All construction conditions identified in the <i>Sea Turtle and Smalltooth Construction Conditions</i> (NOAA, 2006) would be implemented and adhered to during in-water project construction (i.e., kayak/canoe launch).</p> <p>Should work be undertaken on the Gulf side between the berm and the high tide line between May 1 and October 31, the following conservation measures will be followed:</p> <ol style="list-style-type: none"> <li>1. The local sea turtle nesting surveyor will conduct daily sea turtle nesting surveys (between May 1 and August 31<sup>1</sup>) and will assess the need for the relocation of sea turtle nests that could be affected by the project construction prior to project implementation each day.</li> <li>2. If a sea turtle (either adult or hatchling) is observed, maintain at least 200 feet between the turtle and personnel.</li> <li>3. All actions shall observe a 10-foot buffer from marked sea turtle nests. Between May 1 and August 31, actions with mechanized equipment or vehicles shall not begin prior to 9:00 am to ensure sea turtle monitoring surveys are completed for the day.</li> <li>4. If altered, beach topography shall be restored in all areas to the natural beach profile by 20:00 hours each day. Restoring beach topography includes raking of tire ruts, filling pits or holes. Work completed outside of this time period does not require these measures</li> </ol>
West Indian manatee	<p>All construction conditions identified in the <i>Standard Manatee Conditions for In-water Work</i> (USFWS, 2011) would be implemented and adhered to during in-water project construction.</p>
Piping plover and Red knot	<p>The Panama City Field Office will be contacted regarding dune plantings to balance habitat for listed and migratory birds and beach mouse.</p> <p>Signage will be posted at the Sound side kiosk, at the canoe/kayak launch, and the adjacent piping plover critical habitat. This signage will describe how park visitors should avoid impacts to piping plovers and their critical habitat. Signage will be developed in coordination with the Panama City Field Office (in an effort to reduce total signage). Signage will be maintained in readable condition by the project sponsor or the local authority. If either the Panama City Field Office or Florida Fish and Wildlife Conservation Commission determines that signage is not minimizing impacts from visitors to piping plover or red knot, areas of high use will need to be roped and posted so that access is prohibited.</p>

<sup>1</sup> Turtle *nesting* season is May 1 to August 31, while turtle *hatching* continues until October 31. Crawl protection is necessary during nesting season only. The remaining turtle BMPs should be implemented May 1 through October 31.

SPECIES	CONSERVATION MEASURES TO MINIMIZE IMPACTS
	Piping plovers and red knots are likely to be present between August and May. Surveys for these species will be conducted on a regular basis. Where either species congregates, an exclusion zone will be placed around the birds and no work will occur within 150 feet of the exclusion zone until the birds move on their own volition.
Gulf sturgeon	See note in table 3 about the review of potential Gulf sturgeon impacts being coordinated through NMFS instead of through the USFWS.
Santa Rosa beach mouse	<p>All <i>Conservation Measures for dune Walkover Construction</i> (USFWS 2013) would be implemented and adhered to during project construction to reduce potential impacts from construction. These measures also include guidance avoiding attracting additional predators to the area.</p> <p>The Panama City Field Office will be contacted regarding dune plantings to balance habitat for listed and migratory birds and beach mouse.</p> <p>The proposed project would also restore disturbed dune habitat, reducing the habitat fragmentation that threatens the Santa Rosa Beach mouse.</p>

#### VIII. Table 5. Effect Determination

Species	Species Impacts					Response Requested*
	NE	NLAA	MAA	JP	JC	
Green turtle		X				Concurrence (terrestrial); Consultation with NMFS (in-water)
Hawksbill turtle		X				Concurrence (terrestrial); Consultation with NMFS (in-water)
Kemp's ridley turtle		X				Concurrence (terrestrial); Consultation with NMFS (in-water)
Leatherback turtle		X				Concurrence (terrestrial); Consultation with NMFS (in-water)
Loggerhead turtle		X				Concurrence (terrestrial); Consultation with NMFS (in-water)
West Indian manatee		X				Concurrence

Species	Species Impacts					Response Requested*
	NE	NLAA	MAA	JP	JC	
Piping plover		X				Concurrence
Red knot		X				Conference
Gulf sturgeon	---	---	---	---	---	n/a -- see table note a

\*Concurrence, Formal Consultation, Formal Conference

<sup>a</sup> NMFS is providing consultation for Gulf sturgeon and its CH in the estuarine environment so this species will not be considered in the consultation with the USFWS.

## X. Bald Eagles

Are bald eagles present in the action area?  No  Yes

If "Yes," can you implement the conservation measures below?  Yes  No

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (walking, camping, cleanup, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (like driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances activities conducted within 660 feet of a nest may result in disturbance, particularly for the eagles occupying the Mississippi barrier islands. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

If not, contact the Service's Migratory Bird Permit Office to determine how to avoid impacts or if a permit may be needed.

## XI. Migratory Birds

- A. Identify the species anticipated in the project area and behaviors (breeding, roosting, foraging) anticipated during project implementation.

**Table 6. Potential Impacts to Migratory Bird Species/Critical Habitats**

SPECIES	BEHAVIOR	SPECIES/HABITAT IMPACTS
Least tern	Foraging, feeding, resting, nesting	This species forages, feeds, rests, and nests in the proposed action area. As such, they may be impacted by the project.
Shorebirds	Foraging, feeding, resting, nesting	Shorebirds nest, forage, feed, and rest in the types of habitats consistent with some of the shoreline areas near the proposed project. As such, they may be impacted locally and temporarily by the project.
Seabirds	Resting, roosting, forage	Seabirds forage in water and rest/roost in terrestrial habitats including dunes. As such, they may be impacted locally and temporarily by the project.

**B. If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized.**

**Table 7. Conservation Measures to Minimize Impacts to Migratory Bird Species**

SPECIES/SPECIES GROUP	CONSERVATION MEASURES TO MINIMIZE IMPACTS
Least tern	<p>We expect foraging and resting adult birds would be able to move to another nearby location to continue foraging and resting, though other habitats may not be as optimal and could result in inter-specific competition. To protect nesting birds, eggs, chicks, fledglings and their habitats the following measures will be implemented:</p> <ul style="list-style-type: none"> <li>• There are two acceptable options to minimize impacts to least tern nesting areas for new boardwalks: the western option (orange on map in Figure E) can be elevated so that visitors do not have to walk through traffic or bird nesting areas and birds can move freely underneath; or the eastern option (blue on map in Figure E) which would be built on the ground (to prevent fledglings from entering the adjacent parking area).</li> <li>• Install speed bumps at locations along the road accessing the park facilities (see examples and generally recommended locations on map in Figure E) to prevent mortality of chicks and fledglings.</li> <li>• All vehicles (e.g., sea turtle surveyors, life guards) will be required to use western park boundary access in non-emergency cases (exceptions can be made for emergencies).</li> <li>• No use of fireworks from February 15 - September 1 within the Park boundaries.</li> <li>• Annually mow the southern 3/4 of the Causeway adjacent to the park to discourage bird nesting along the highway.</li> </ul>

SPECIES/SPECIES GROUP	CONSERVATION MEASURES TO MINIMIZE IMPACTS
	<ul style="list-style-type: none"> <li>• Place reader boards and signs as needed along Causeway to warn motorists to drive with caution as chicks and fledglings may be on the road. Information for boards will be determined in coordination with Panama City Ecological Services Field Office and Florida Fish and Wildlife Conservation Commission.</li> <li>• If parking areas are necessary, place parking in the brown or purple areas (Figure E., preferably the brown area as is the least habitat impacting).</li> <li>• Use remaining contingency funds or consider requesting additional funds to purchase wood decoys and place decoys east of the bathhouses to encourage birds to move from the areas of high visitor use to low visitor use.</li> </ul>
Shorebirds	We expect foraging and resting birds would be able to move to another nearby location to continue foraging and resting, though habitat may be less optimal and inter-specific competition could occur. Therefore, care will be taken to minimize noise and physical disruptions near areas where foraging or resting birds are encountered. If project activities occur during shorebird nesting season (February 15 to August 31), the FWC will be contacted to obtain the most recent guidance to protect nesting shorebirds or rookeries and their recommendations will be implemented. The Panama City Field Office will be contacted regarding dune plantings to balance habitat for listed and migratory birds and beach mouse.
Seabirds	Care will be taken to minimize noise and physical disruptions near areas where foraging or resting birds are encountered. All disturbances will be localized and temporary. The general behavior of these birds is to mediate their own exposure to human activity when given the opportunity, which they will have. Roosting should not be impacted because the project will occur during daylight hours only. Nesting should not be impacted because the project will not occur near general nesting habitats.

## XII. Signatures from the station preparing the Intra-Service Biological Evaluation:

/s/ Holly N. Blalock-Herod

Signature (originating station - preparer)

March 24, 2014

date

\_\_\_\_\_  
Title

Debra L. McCl

Signature

Deputy Case Manager

3/25/14

date

**This analysis resulted in a determination that no “take” of a federally listed species would occur. If any of the following occur, then there must be reinitiation on this action:**

- (1) any unforeseen circumstances arise or incidental take occurs**
- (2) new information reveals effects of the Service’s action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion;**
- (3) the Service’s action is later modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or**
- (4) a new species is listed or critical habitat designated that may be affected by the action.**

**In instances where any incidental take occurs, the operations causing such take must cease until reinitiation.**

**If reinitiation is required, contact the Panama City Ecological Services Field Office about the action.**

US Fish and Wildlife Service  
1601 Balboa Avenue  
Panama City, FL 32405  
Tel: 850-769-0552

**XIII. Reviewing Ecological Services Office Evaluation:**

**A. Concurrence \_\_\_\_\_ Nonconcurrence \_\_\_\_\_**

**B. Formal consultation required \_\_\_\_\_**

**C. Conference required \_\_\_\_\_**

**D. Informal conference required \_\_\_\_\_**

**E. Remarks (attach additional pages as needed):**

<b>Signature</b>	<b>date</b>

<b>Field Supervisor</b>	<b>office</b>

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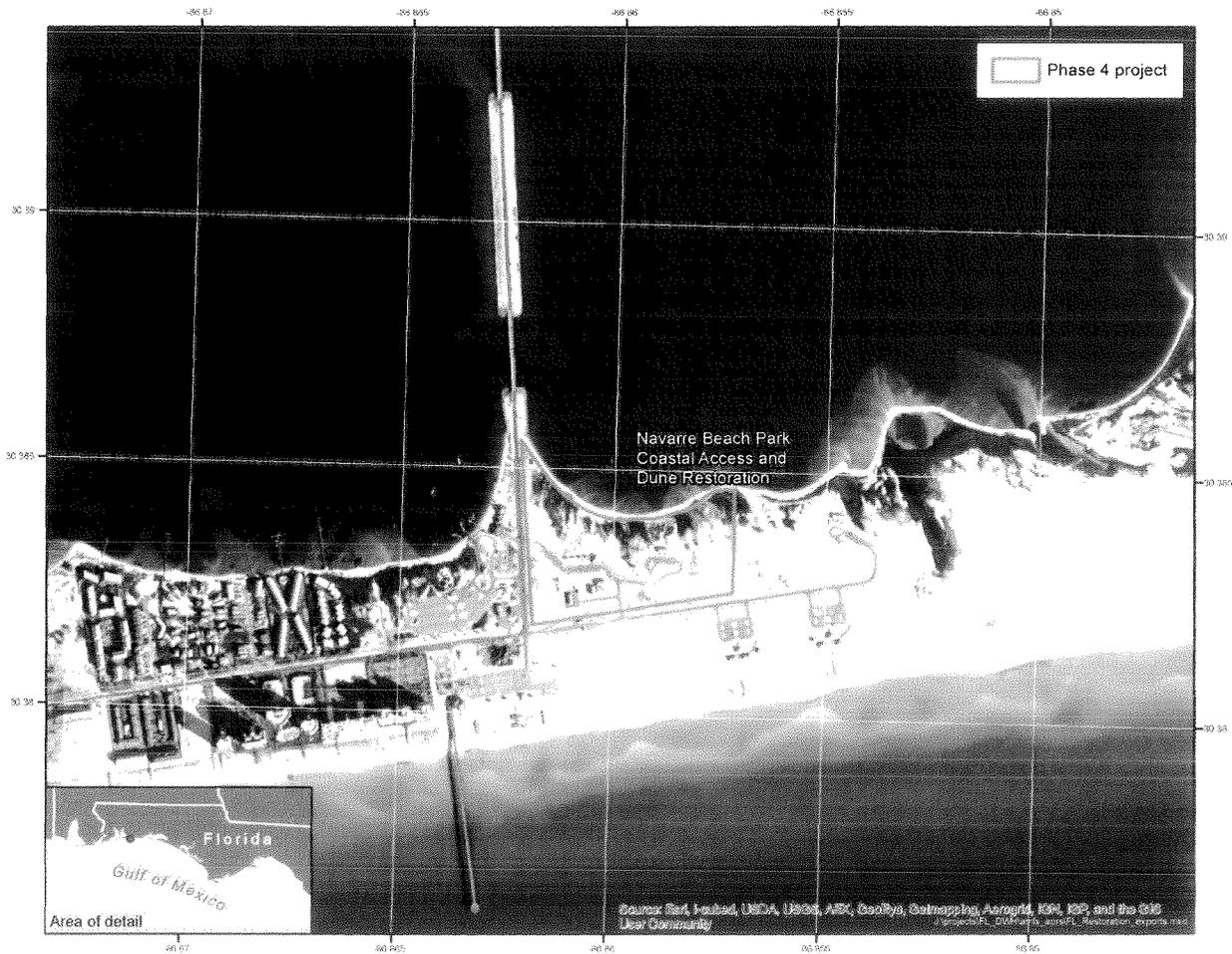
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**Figure A. Location of Florida Navarre Beach Park Coastal Access and Dune Restoration Project.**

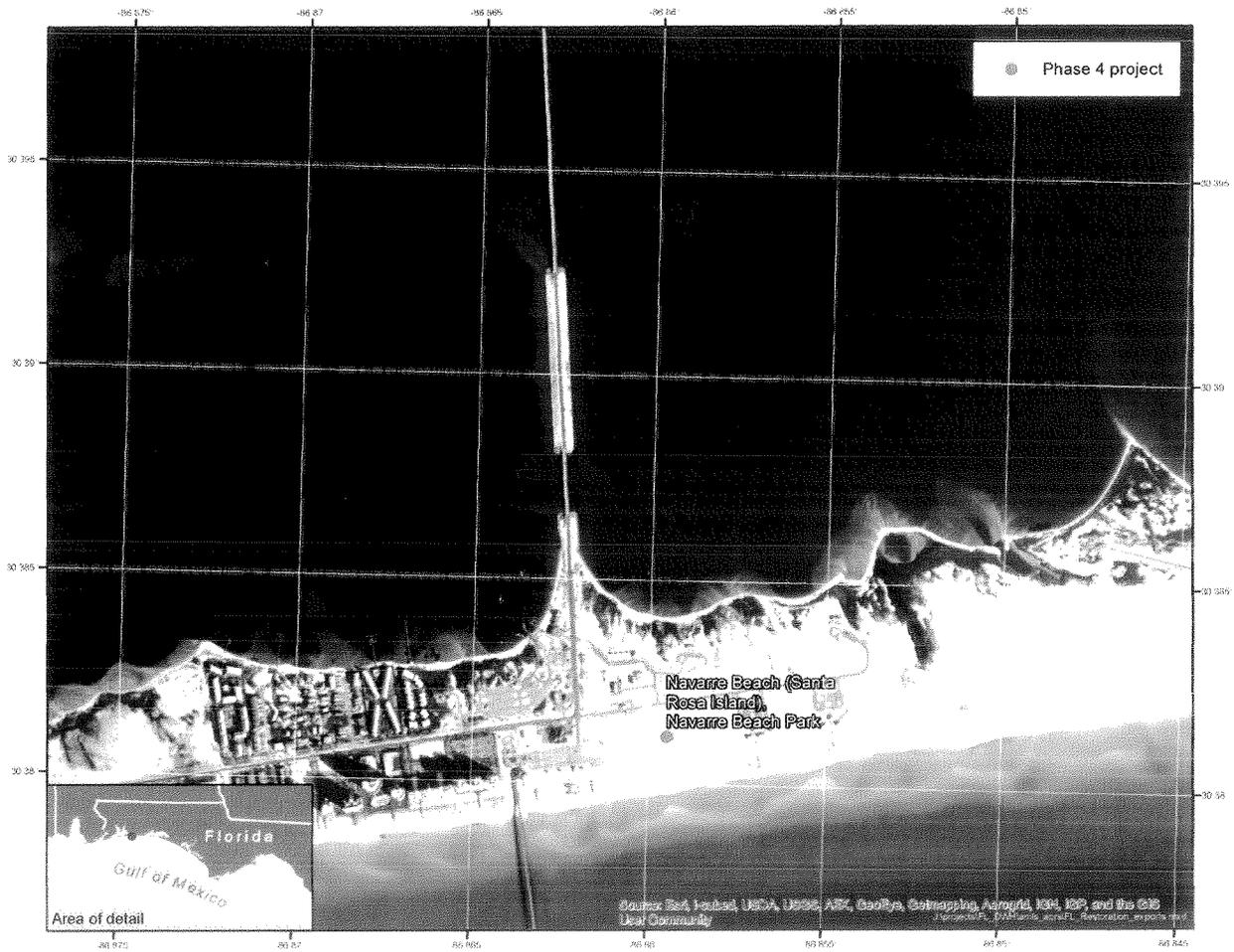
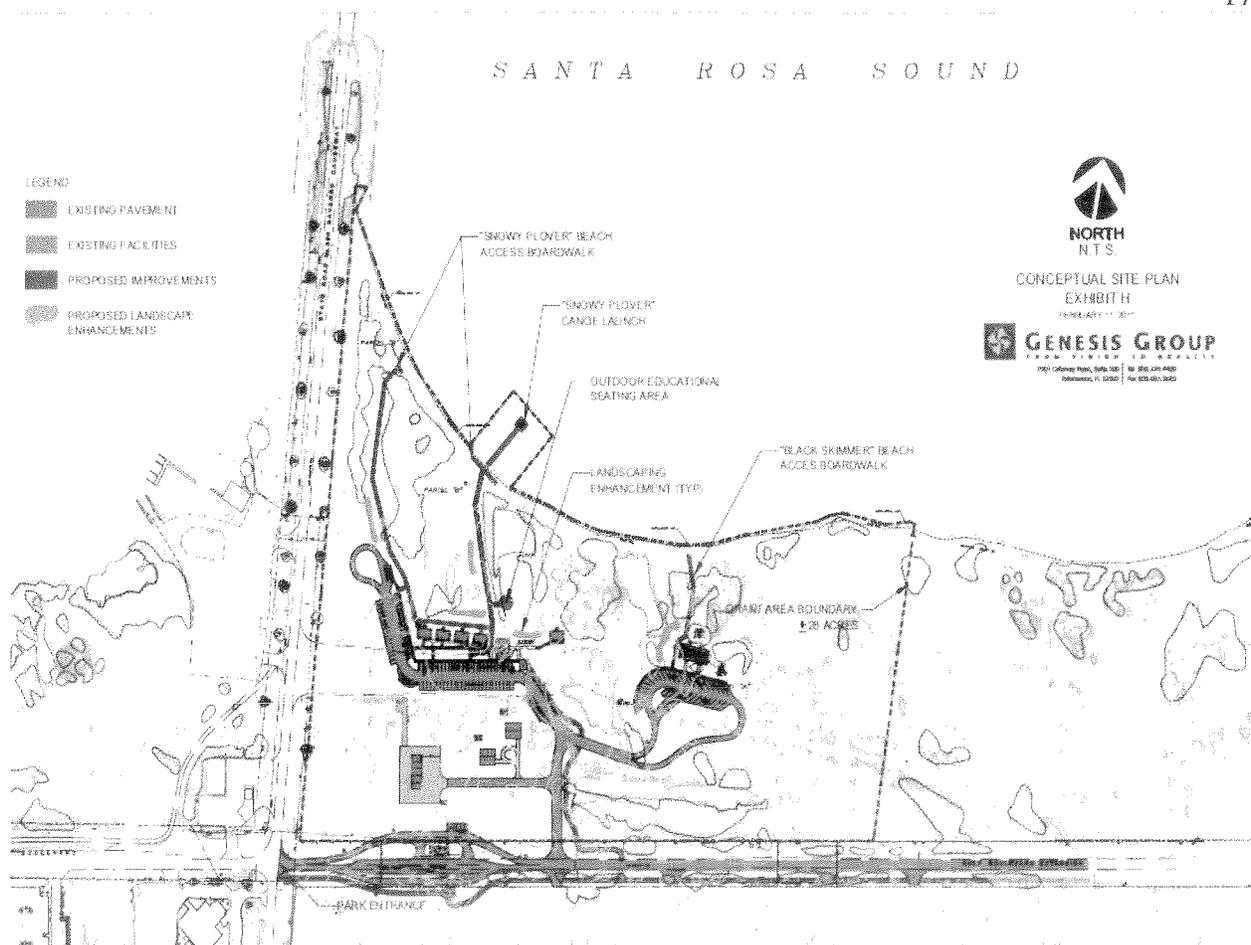


Figure B. Location of envisioned Navarre Beach Park Gulfside Walkover Complex Project.





**Figure D. Conceptual plan for the proposed Navarre Beach Park Coastal Access and Dune Restoration Project**

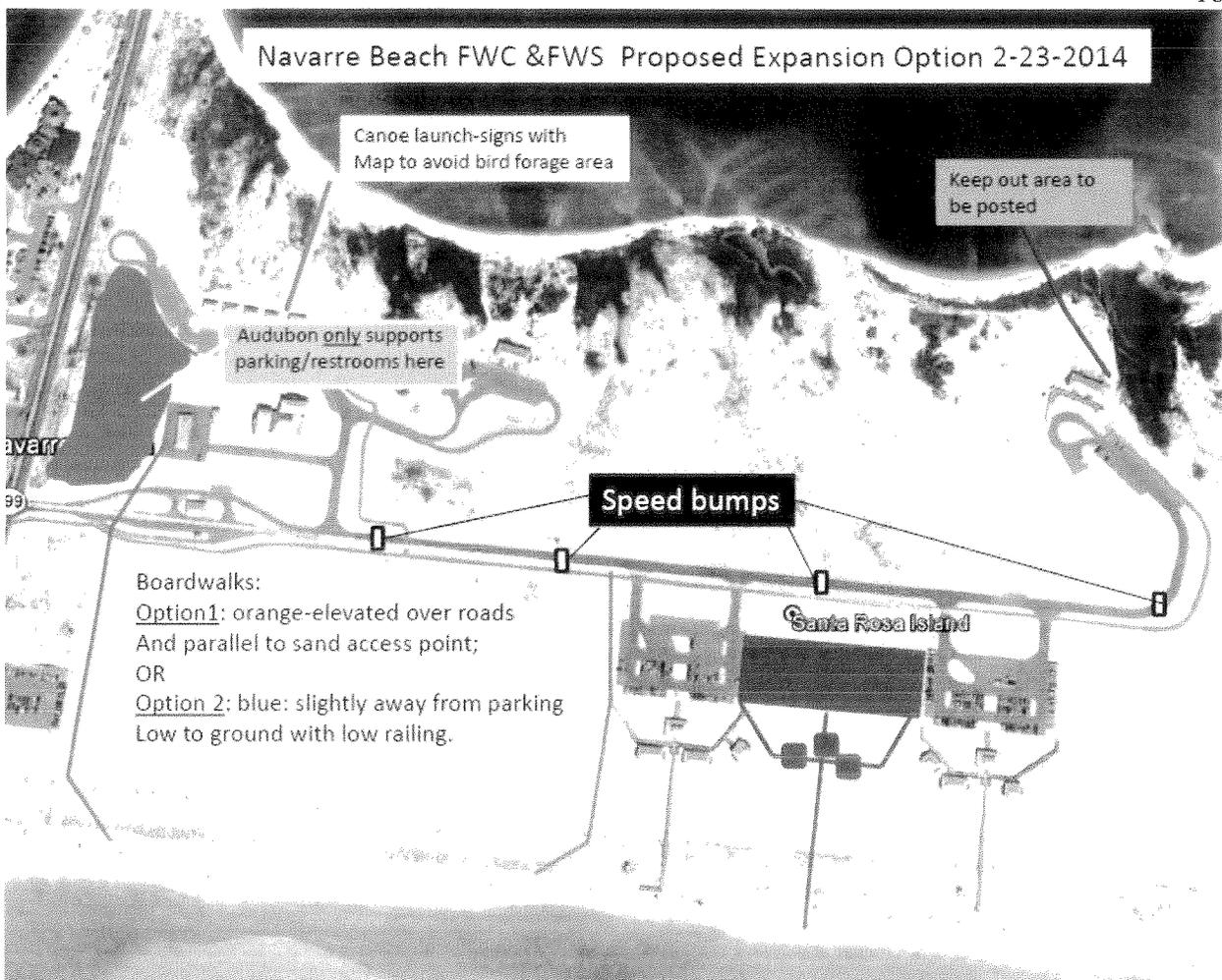


Figure E. Conceptual plan for the proposed gulfside walkover complex structures at Navarre Beach Marine Park on the Gulf of Mexico side.

Table 1. Species of Concern in Santa Rosa County, Florida.

Resource category	Common name	FWS status	State status	Natural communities	Species impacts (NE, NLAA, MAA)	Justification
Amphibians	Florida bog frog	SSC	ce	Palustrine: seepage slope, baygall Riverine: seepage slope, seepage stream.	NE	Listed natural community is inconsistent with the project habitat
Amphibians	Gopher frog	SSC	ce	Terrestrial: sandhill, scrub, scrubby flatwoods, xeric hammock (reproduces in ephemeral wetlands within these communities).	NE	Listed natural community is inconsistent with the project habitat
Amphibians	Reticulated flatwoods salamander	E (CH)		Palustrine: wet Flatwoods, dome swamp, basin swamp, Terrestrial: mesic flatwoods (reproduces in ephemeral wetlands within this community).	NE	Listed natural community is inconsistent with the project habitat
Birds	Arctic peregrine falcon	ce	E	Terrestrial: various, ruderal: winters along coasts	NE	Listed natural community is inconsistent with the project habitat
Birds	Bald eagle	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.	NE	Listed natural community is inconsistent with the project habitat
Birds	Least tern		T	Terrestrial: beach dune, ruderal. Nests common on rooftops.	NT	See Table 7 - shorebirds
Birds	Piping plover	T (CH)	T	Estuarine: exposed unconsolidated substrate Marine: exposed unconsolidated substrate Terrestrial: dunes, sandy beaches, and inlet areas. Mostly wintering and migrants.	NLAA	See Table 3, 4, and 5
Birds	Red knot	P		Estuarine: exposed unconsolidated substrate Marine: exposed unconsolidated substrate Terrestrial: dunes, sandy beaches, and inlet areas. Mostly wintering and migrants.	NLAA	See Table 3, 4, and 5
Birds	Red-cockaded woodpecker	E		Terrestrial: mature pine forests.	NE	Listed natural community is inconsistent with the project habitat

Resource category	Common name	FWS status	State status	Natural communities	Species impacts (NE, NLAA, MAA)	Justification
Birds	Southeastern kestrel	ce	T	Terrestrial: open pine forests, clearings, ruderal, various.	NE	Listed natural community is inconsistent with the project habitat
Birds	Southeastern snowy plover	ce	T	Estuarine: exposed unconsolidated substrate Marine: exposed unconsolidated substrate Terrestrial: dunes, sandy beaches, and inlet areas.	NT	See table 7 – shorebirds
Birds	Stoddard's yellow-throated warbler	ce		Terrestrial: wooded habitats with Spanish moss, various.	NE	Listed natural community is inconsistent with the project habitat
Birds	Wood stork	E	E	Estuarine: marshes Lacustrine: floodplain lakes, marshes (feeding), various Palustrine: marshes, swamps, various.	NE	Listed natural community is inconsistent with the project habitat
Fish	Crystal darter	ce	T	Riverine: alluvial stream.	NE	Listed natural community is inconsistent with the project habitat
Fish	Gulf sturgeon	T (CH)	SSC	Estuarine and Marine: sandy sediments for foraging and resting; Riverine: alluvial and blackwater streams.	---	See Table 3, 4, and 5
Mammals	Florida black bear	ce	T	Palustrine: titi swamps, floodplains Terrestrial: pine and hardwood forests.	NE	Listed natural community is inconsistent with the project habitat
Mammals	Santa Rosa beach mouse	ce		Terrestrial: beach dune, coastal scrub.	---	See Table 3, 4, and 5
Mammals	West Indian manatee	E	E	Estuarine: submerged vegetation, open water Marine: open water, submerged vegetation Riverine: alluvial stream, blackwater stream, spring-run stream.	NLAA	See Table 3, 4, and 5
Mussels	Choctaw bean	E (CH)		Riverine: Small to large creeks and rivers in sand to silty-sand substrates with moderate current. Panhandle drainages: Escambia, Yellow, and Choctawhatchee Rivers.	NE	Listed natural community is inconsistent with the project habitat
Mussels	Fuzzy pigtoe	T (CH)		Riverine: small to medium-sized creeks and rivers with slow to moderate currents in sand and sand with some silt. Panhandle drainages: Escambia, Yellow, and Choctawhatchee Rivers.	NE	Listed natural community is inconsistent with the project habitat

Resource category	Common name	FWS status	State status	Natural communities	Species impacts (NE, NLAA, MAA)	Justification
Mussels	Narrow pigtoe	T (CH)		Riverine: small to medium-sized creeks and rivers in stable substrates of sand, sand and gravel, or silty sand, with slow to moderate current. Panhandle drainages: Escambia and Yellow Rivers.	NE	Listed natural community is inconsistent with the project habitat
Mussels	Round ebonyshell	E (CH)		Riverine: medium-size drivers in stable substrates of sand, small gravel, or sandy mud in slow to moderate current. Panhandle drainages: restricted to the main channel of the Escambia River.	NE	Listed natural community is inconsistent with the project habitat
Mussels	Southern sandshell	T (CH)		Riverine: found in small to medium-sized creeks and rivers in sandy substrates sometimes with some silt in slow to moderate current. Panhandle drainages: Escambia, Yellow, and Choctawhatchee Rivers.	NE	Listed natural community is inconsistent with the project habitat
Plants	Ashe's magnolia		E	Terrestrial: slope and upland hardwood forest, ravines.	NE	Listed natural community is inconsistent with the project habitat
Plants	Baltzell's sedge	ce	T	Terrestrial: slope forest, moist sandy loam; moist sandy loam.	NE	Listed natural community is inconsistent with the project habitat
Plants	Chapman's butterwort	ce	T	Palustrine: wet flatwoods, seepage slopes, bog, dome swamp, ditches; in water.	NE	Listed natural community is inconsistent with the project habitat
Plants	Cruise's golden-aster	ce	E	Terrestrial: coastal dunes, coastal strand, coastal grassland; openings and blowouts.	NE	Listed natural community is inconsistent with the project habitat
Plants	Curtiss' sandgrass	ce	T	Palustrine: mesic and wet flatwoods, wet prairie, depression marsh Terrestrial: mesic flatwoods.	NE	Listed natural community is inconsistent with the project habitat
Plants	Decumbant pitcher plant		T	Palustrine: Bogs.	NE	Listed natural community is inconsistent with the project habitat
Plants	Florida anise		T	Palustrine: floodplain forest, baygall Riverine: seepage stream bank Terrestrial: slope forest, seepage slope.	NE	Listed natural community is inconsistent with the project habitat

Resource category	Common name	FWS status	State status	Natural communities	Species impacts (NE, NLAA, MAA)	Justification
Plants	Florida pondweed	ce		Riverine: blackwater stream.	NE	Listed natural community is inconsistent with the project habitat
Plants	Gulf coast lupine	ce	T	Terrestrial: beach dune, scrub, disturbed areas, roadsides, blowouts in dunes.	NE	Listed natural community is inconsistent with the project habitat
Plants	Heartleaf		T	Riverine: seepage stream bank Terrestrial: slope forest.	NE	Listed natural community is inconsistent with the project habitat
Plants	Hummingbird flower		E	Palustrine: seepage slope, dome swamp edges, floodplain swamps Riverine: seepage stream banks Terrestrial: seepage slopes.	NE	Listed natural community is inconsistent with the project habitat
Plants	Indian cucumber-root		E	Palustrine: bottomland forest Terrestrial: bottomland forest.	NE	Listed natural community is inconsistent with the project habitat
Plants	Large-leaved jointweed	ce	T	Terrestrial: scrub, sandpine/oak scrub ridges.	NE	Listed natural community is inconsistent with the project habitat
Plants	Mountain laurel		T	Riverine: seepage stream bank Terrestrial: slope forest, seepage stream banks.	NE	Listed natural community is inconsistent with the project habitat
Plants	Orange azalea		E	Palustrine: bottomland forest Riverine: seepage stream bank Terrestrial: slope forest, upland mixed forest.	NE	Listed natural community is inconsistent with the project habitat
Plants	Panhandle lily	ce	E	Palustrine: baygall, dome swamp edges, mucky soil, seepage slope, edges of titi bogs. Riverine: banks.	NE	Listed natural community is inconsistent with the project habitat
Plants	Parrot pitcher plant		T	Palustrine: wet flatwoods, wet prairie, seepage slope.	NE	Listed natural community is inconsistent with the project habitat
Plants	Perforate reindeer lichen	E	E	Terrestrial: coastal strand, rosemary scrub; full sun. Sites: Eglin AFB Santa Rosa/Okaloosa Island.	NE	Listed natural community is inconsistent with the project habitat
Plants	Primrose-flower butterwort		E	Palustrine: bogs, pond margins, margins of spring runs.	NE	Listed natural community is inconsistent with the project habitat

Resource category	Common name	FWS status	State status	Natural communities	Species impacts (NE, NLAA, MAA)	Justification
Plants	Pyramid magnolia		E	Terrestrial: slope forest.	NE	Listed natural community is inconsistent with the project habitat
Plants	Red-flowered pitcher plant		T	Palustrine: bog, wet prairie, seepage slope, wet flatwoods Riverine: seepage stream banks.	NE	Listed natural community is inconsistent with the project habitat
Plants	Silky camellia		E	Palustrine: baygall Palustrine: slope forest, upland mixed forest, Terrestrial: slope forest, upland mixed forest; acid soils.	NE	Listed natural community is inconsistent with the project habitat
Plants	Southern red lily		T	Palustrine: wet prairie, wet flatwoods, seepage slope Terrestrial: mesic flatwoods, seepage slope; usually with grasses.	NE	Listed natural community is inconsistent with the project habitat
Plants	Spoon-leaved sundew		T	Lacustrine: sinkhole lake edges Palustrine: seepage slope, wet flatwoods, depression marsh Riverine: seepage stream banks, drainage ditches.	NE	Listed natural community is inconsistent with the project habitat
Plants	Sweet shrub		E	Terrestrial: upland hardwood forest, slope forest, bluffs Palustrine: bottomland forest, stream banks, floodplains.	NE	Listed natural community is inconsistent with the project habitat
Plants	Trailing arbutus		E	Terrestrial: bluff, slope forest, mixed hardwood forest.	NE	Listed natural community is inconsistent with the project habitat
Plants	West Florida cow-lily	ce			NE	Listed natural community is inconsistent with the project habitat
Plants	White-top pitcher plant	ce	E	Palustrine: wet prairie, seepage slope, baygall edges, ditches.	NE	Listed natural community is inconsistent with the project habitat
Plants	Yellow fringed orchid		T	Palustrine: bogs, wet flatwoods Terrestrial: Bluff.	NE	Listed natural community is inconsistent with the project habitat
Plants	Yellow fringeless orchid	ce	E	Palustrine: wet prairie, seepage slope Terrestrial: mesic flatwoods.	NE	Listed natural community is inconsistent with the project habitat
Plants	Yellow-root		E	Riverine: seepage stream; sandy banks.	NE	Listed natural community is inconsistent with the project habitat

Resource category	Common name	FWS status	State status	Natural communities	Species impacts (NE, NLAA, MAA)	Justification
Reptiles	Alligator snapping turtle	ce	SSC	Estuarine: tidal marsh Lacustrine: river floodplain lake, swamp lake Riverine: alluvial stream, blackwater stream.	NE	Listed natural community is inconsistent with the project habitat
Reptiles	Eastern indigo snake	T	T	Estuarine: tidal swamp Palustrine: hydric hammock, wet Flatwoods Terrestrial: mesic flatwoods, upland pine forest, sand hills, scrub, scrubby flatwoods, rockland hammock, ruderal.	NE	Listed natural community is inconsistent with the project habitat
Reptiles	Florida pine snake	ce	SSC	Lacustrine: ruderal, sandhill upland lake Terrestrial: flatwoods, xeric hammock, ruderal.	NE	Listed natural community is inconsistent with the project habitat
Reptiles	Gopher tortoise	C	SSC	Terrestrial: sandhills, scrub, scrubby flatwoods, xeric hammocks, coastal strand, ruderal.	NE	Listed natural community is inconsistent with the project habitat
Reptiles	Green turtle	E	E	Marine: open water; Terrestrial: sandy beaches; nesting.	NLAA	See Table 3, 4, and 5
Reptiles	Hawksbill turtle	E	E	Marine: open water; no nesting.	NLAA	See Table 3, 4, and 5
Reptiles	Kemp's ridley turtle	E	E	Marine: open water; Terrestrial: sandy beaches; nesting.	NLAA	See Table 3, 4, and 5
Reptiles	Leatherback turtle	E	E	Marine: open water; Terrestrial: sandy beaches; nesting.	NLAA	See Table 3, 4, and 5
Reptiles	Loggerhead turtle	T	T	Marine: open water; Terrestrial: sandy beaches; nesting.	NLAA	See Table 3, 4, and 5