



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/DH NRDAR

Memorandum

December 18, 2017

To: Field Supervisor, Panama City Ecological Services Field Office, Panama City, FL

From: Alternate Designated Department of the Interior Natural Resource Trustee
Official for the Florida Implementation Group *Debra L. McCall*

Subject: Proposed Florida Coastal Access Project - Salinas Park Addition

Overview

The proposed Salinas Park Addition is currently being evaluated as a potential restoration project to restore natural resources in Florida that were injured as a result of the *Deepwater Horizon (DWH)* oil spill. We have reviewed this project in accordance with Section 7 of the ESA and determined this proposed project would have no effect on protected species. A brief description of this proposed project is provided below, and more thoroughly described in the attached Biological Evaluation (BE) form.

Project Description

The proposed Florida Coastal Access Project - Salinas Park Addition project would include land acquisition of a privately-owned parcel and construction of park amenities, including construction of elevated boardwalks (on newly acquired parcels) and two pickle-ball courts on existing park lands. This would enhance the public's access to the surrounding natural resources and enhance recreational experiences.

Background

After the *DWH* oil spill, federal and state natural resource trustee agencies (Trustees) came together to assess the effects of the spill and plan for the restoration of injured natural resources. As part of the legal settlement reached with BP in 2016, the Trustees prepared a Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS), to provide the framework for *DWH* oil spill restoration across the Gulf.

The Final PDARP/PEIS established Trustee Implementation Groups (TIGs) that develop plans for, choose, and implement specific restoration actions under the Final PDARP/PEIS. The Florida Trustee Implementation Group (FL TIG) is made up of the following agencies: Florida Department of Environmental Protection (FDEP); Florida Fish and Wildlife Conservation Commission (FWC); U.S. Department of the Interior, as represented by the National Park Service, U.S. Fish and Wildlife Service (USFWS), and Bureau of Land Management; National Oceanic and Atmospheric Administration, on behalf of the U.S. Department of Commerce; U.S. Department of Agriculture; and U.S. Environmental Protection Agency.

The FL TIG is currently evaluating one project under the draft Florida Trustee Implementation Group Deepwater Horizon Oil Spill Phase V.2, Florida Coastal Access Project, Restoration Plan and Supplemental Environmental Assessment, which was released for public review and comment on November 7, 2017. If the FL TIG selects this project after consideration of public comment, the Florida Department of Environmental Protection (FDEP) would implement the project.

We reviewed the proposed Salinas Addition project for compliance with Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.S 1531 *et seq.*). Through early coordination with your office, we determined one listed plant species, Telephus spurge (*Euphorbia telephioides*), had the potential to be present in the action area. Presence/absence surveys for the plant were conducted onsite on October 12, 2017. No Telephus spurge plants were found during presence/absence surveys (see attached memo). We have determined that the proposed project will have no effect on Telephus spurge. We have summarized our analysis in the attached BE form and determined that no consultation is needed with the U.S. Fish and Wildlife Service. We are providing you with this letter and attachments for your information and no concurrence is necessary

Within the BE form, we 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 and we determined take would be avoided.

If you have questions or concerns regarding this documentation, please contact Erin Chandler, Fish and Wildlife Biologist, at 470-361-3153 or erin_chandler@fws.gov.

Attachments (2)

- Biological Evaluation (BE) form including project maps
- "Salinas Park Addition and Telephus Spurge" memo

**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

MEMORANDUM

TO: DWH Program
FROM: Dylan Shoemaker, Preserve Manager
SUBJECT: Salinas Park Addition and the Telephus Spurge
DATE: October 12, 2017

The St. Joseph Bay State Buffer Preserve staff has conducted a presence/absence plant survey for Telephus spurge (see picture and description attached) in the two red areas marked on the attached map. We used the basic guidelines as directed by Vivian Negron-Ortiz, botanist for the USFWS.

This survey was started and completed on 12 October 2017 beginning at 8:50am(EST). The following employees of the St. Joseph Bay State Buffer Preserve completed this survey.

1. Abby Henke, Environmental Specialist 1
2. Allix North, Environmental Specialist 1
3. Dylan Shoemaker, Preserve Manager
4. Ross Florence, Park Services Specialist

The procedures that all four employees followed are as follows:

Pre-trip instructions: If you find Telephus spurge, call it out and Dylan will come and take a picture and GPS point.

1. Everyone start on the East side of both zones.
2. Line up in a North to South fashion with about 20 – 30 feet apart.
3. Everyone start walking West while looking carefully for Telephus spurge.
4. Once the other side of the zone is reached, turn East and walk through the zone again.

Findings:

Red area number 1 is the TPL proposed acquisition parcel and is the North zone on the map. We found zero Telephus spurge plants inside this zone.

Red area number 2 is the Gulf County property and is the South zone on the map. We found zero Telephus spurge plants inside this zone.



TELEPHUS SPURGE

Euphorbia telephioides Chapm.

Synonyms: *Galarhoeus telephioides* (Chapm.) Small

Tithymalus telephioides (Chapm.) Small

Family: Euphorbiaceae (spurge)

FNAI Ranks: G1/S1

Legal Status: US—Endangered FL—Endangered

Wetland Status: US—none FL—none



Gal Nishon

Field Description: Perennial herb with numerous, erect stems to 1 foot tall. Stems and leaves smooth and fleshy with milky sap. Leaves 1 - 2 inches long, alternate, without leaf stalks, widest above the middle, usually with maroon midribs and margins. Flowers in reddish-green cyathia (cup-like structures) with 1 female flower (an ovary less than 0.5 inch long) and several male flowers (one stamen each) on short stalks, surrounded by 4 - 5 minute, petal-like glands. Fruit a 3-lobed capsule.

Similar Species: Pineland spurge (*Euphorbia inundata*) is taller and bushier, with narrower leaves, and more flowers on longer stalks; it occurs in wetlands. Sandhill spurge (*Euphorbia exserta*), with dark maroon cyathia on long stalks, occurs in sandhills and flatwoods.

Related Rare Species: None in the FL Panhandle.

Florida Natural Areas Inventory, 2000

10/13/2017

X Dylan Shoemaker

Dylan Shoemaker

Preserve Manager

Signed by: dylan.shoemaker@dep.state.fl.us

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This form will be filled out by the Implementing Trustee and used by the regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protect Act (MMPA), Coastal Barrier Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA) and Section 106 of the National Historic Preservation Act (NHPA).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

<i>Federal Action Agency</i>		<i>Additional Federal Action Agency</i>	
<i>Agency Contact(s)</i>			
USFWS: Ashley Mills at 812-756-2712 and Ashley_Mills@fws.gov			
NMFS: Christy Fellas at 727-551-5714 and Christina.Fellas@noaa.gov			
<i>I. Implementing Trustee(s)</i>			
<i>II. Contact Person</i>	<i>III. Phone</i>	<i>Email</i>	
<i>IV. Project Name and ID# (Official name of project and ID number assigned by Trustees in DIVER)</i>			
<i>V. NMFS Office (Choose appropriate office based on project location)</i>		<i>USFWS Office (Choose or write in appropriate office based on project location)</i>	
<i>VI. Project Type #1</i>		<i>Project Type #2, if helpful</i>	
<i>VII. TIG</i>		<i>Restoration Plan</i>	

B. Project Location

<i>I.</i>	<i>Physical Address of action area (If applicable)</i>
<i>II.</i>	<i>State & County/Parish of action area</i>
<i>III.</i>	<i>Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees])</i>
<i>IV.</i>	<i>Township, range and section of the action area</i>

C. Existing Compliance Documentation

NEPA Documents

Are there any existing draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project? Yes No

Examples:

- USACE programmatic NEPA analysis
- USACE Clean Water Act individual permit for the project
- NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)? Yes No

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)? Yes No

If yes to any question above, please provide details in the text box (i.e. link to the NEPA document, or name of the document, year, lead federal agency, POC, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan.

Any documentation or information provided will be very helpful in moving your project forward.

- Name of Person Completing this Form:
- Name of Project Lead:
- Date Form Completed:
- Date Form Updated:

D. Description of Action Area

Attach a separate map delineating where the action will occur and where critical habitat, if any, is located. Map or describe all areas that may be directly or indirectly affected by the action. Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). If CH is not designated in the area, then map or describe any suitable habitat in the area.

- a. *Waterbody*
If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.
- b. *Existing Structures*
If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.
- c. *Seagrasses & Other Marine Vegetation*
If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.
- d. *Mangroves*
If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.
- e. *Corals*
If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.
- f. *Uplands*
If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).
- g. *Marine Mammals*
If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see <http://www.nmfs.noaa.gov/pr/sars/region.htm>

E. Project Description

I. Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)

II. Describe the Proposed Action: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas. ****If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.**

- III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*
- a. *If applicable, Overwater Structures (Place your answers to the following questions in the box below.)*
- i. *Is the proposed use of this structure for a docking facility or an observation platform?*
 - ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*
 - iii. *Use of "Dock Construction Guidelines"? http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/dockkey2002.pdf*
 - iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*
 - v. *Height above Mean High Water (MHW) elevation?*
 - vi. *Directional orientation of main axis of dock?*
 - vii. *Overwater area (saft)?*
- b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*
- c. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (saft) beneath the boats that will be shaded.)*
- d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

- e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*
- f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft²) to be dredged, volume of material (yd³) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles then describe the methods here.*
- g. *Blasting (Projects that use blasting might not qualify as “minor projects,” and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*
- h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*
- i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

F. NOAA Species & Critical Habitat and Effects Determination Requested

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.
2. Attach a separate map identifying species/critical habitat locations within the action area.

For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT	CH UNIT (if applicable)	LOCATION (sea turtles and Gulf sturgeon only)	DETERMINATION (see definitions below)
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Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources.

Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

G. USFWS Species & Critical Habitat and Effects Determination Requested

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.
2. Attach a separate map identifying species/critical habitat locations within the action area.

For information on species and critical habitat under USFWS jurisdiction, visit <http://www.fws.gov/endangered/species/>.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT	CH UNIT (if applicable)	LOCATION (sea turtles and Gulf sturgeon only)	DETERMINATION (see definitions below)
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Determination Definitions

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Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

H. Effects of the proposed project to the species and habitats

I. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

I. Actions to Reduce Adverse Effects

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

J. Marine Mammals

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g., whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? NO YES

Is your activity likely to impact the quality (e.g., salinity, temperature) of marine or estuarine waters? NO YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO YES

a) *Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*

b) *In-water construction or demolition*

c) *Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*

d) *In-water Explosive detonation*

e) *Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*

f) *Aquaculture*

g) *Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*

h) *Restoration of barrier islands, levee construction or similar projects*

i) *Fresh-water river diversions*

III. If you checked “Yes” to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: <http://www.nmfs.noaa.gov/pr/acoustics/faq.htm>

IV. Are any measures planned to mitigate potential impacts to marine mammals? If yes, NO YES
provide text in box below.

K. Bald Eagles

Are bald eagles present in the action area? NO YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, 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 (e.g., 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 at a distance greater than 660 feet of a nest may result in disturbance. 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.

Will you implement the above measures? NO YES

If these measures cannot be implemented, then you must contact the Service’s Migratory Bird Permit Office.

Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov

Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

L. Migratory Birds

Identify the species anticipated in the action area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). If species are present and impacts to individuals or habitat could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized. Use additional tables on the next page if needed.

l. Species/Species Group Behavior Species/Habitat Impacts and Conservation Measures to Minimize Impacts

M. Migratory Birds

Continuation page if needed.

//.	<u>SPECIES/SPECIES GROUP</u>	<u>BEHAVIOR</u>	<u>SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS</u>

N. Best Practices

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf
Use the box below to indicate which practices you'll be using in your project.

O. Submitting the BE Form

NMFS ESA § 7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Christina.Fellas@noaa.gov**

Questions about consultation status may be directed to the email address above or by phone: Christy Fellas: 727-551-5714

USFWS ESA § 7 Consultation

We request that all consultation requests/packages to USFWS be submitted electronically to: **Ashley_Mills@fws.gov**.

You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation.

Questions about consultation status may be directed to the email address above or by phone: Ashley Mills: 812-756-2712

Endangered Species Act Programmatic Biological Opinion

Deepwater Horizon Oil Spill Restoration

National Marine Fisheries Service

Complete this section **only** if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion completed by NMFS on February 10, 2016. To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. By checking all boxes below that apply to this project you are confirming that PDCs are incorporated into the project design and construction. The entire Biological Evaluation Form must be completed and include any information necessary to verify that all applicable PDCs are incorporated into the project. If the project incorporates more than one type of restoration, check boxes in all appropriate categories.

Are you using this form to request approval for use of NMFS PDCs for this project? Yes No

You must receive NMFS approval before proceeding with your project. Note that this PDC checklist does not apply to ESA consultation with USFWS.

Full text of the PDCs can be reviewed at: http://sero.nmfs.noaa.gov/protected_resources/section_7/freq_biop/documents/DWH_bo/appendix_a.pdf

Oyster Reef Creation and Enhancement Yes No

Marine Debris Removal Yes No

Construction of Living Shorelines Yes No

Marsh Creation and Enhancement Yes No

Construction of Non-Fishing Piers

Yes

No

Check the box to confirm that all applicable requirements are met and a streamlined consultation with NMFS is requested:

Name of person(s) completing this form:

Date form completed:

***You must receive NMFS approval before proceeding with your project ***

Attachment A.

Salinas Park Addition, Florida Coastal Access Project, Biological Evaluation Form Figures

Figure 1: Salinas Park Addition Map



Salinas Park Addition

GULF COUNTY

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Figure 2. Salinas Park Addition and Proposed Location for Pickle Ball Courts on Existing Park Property

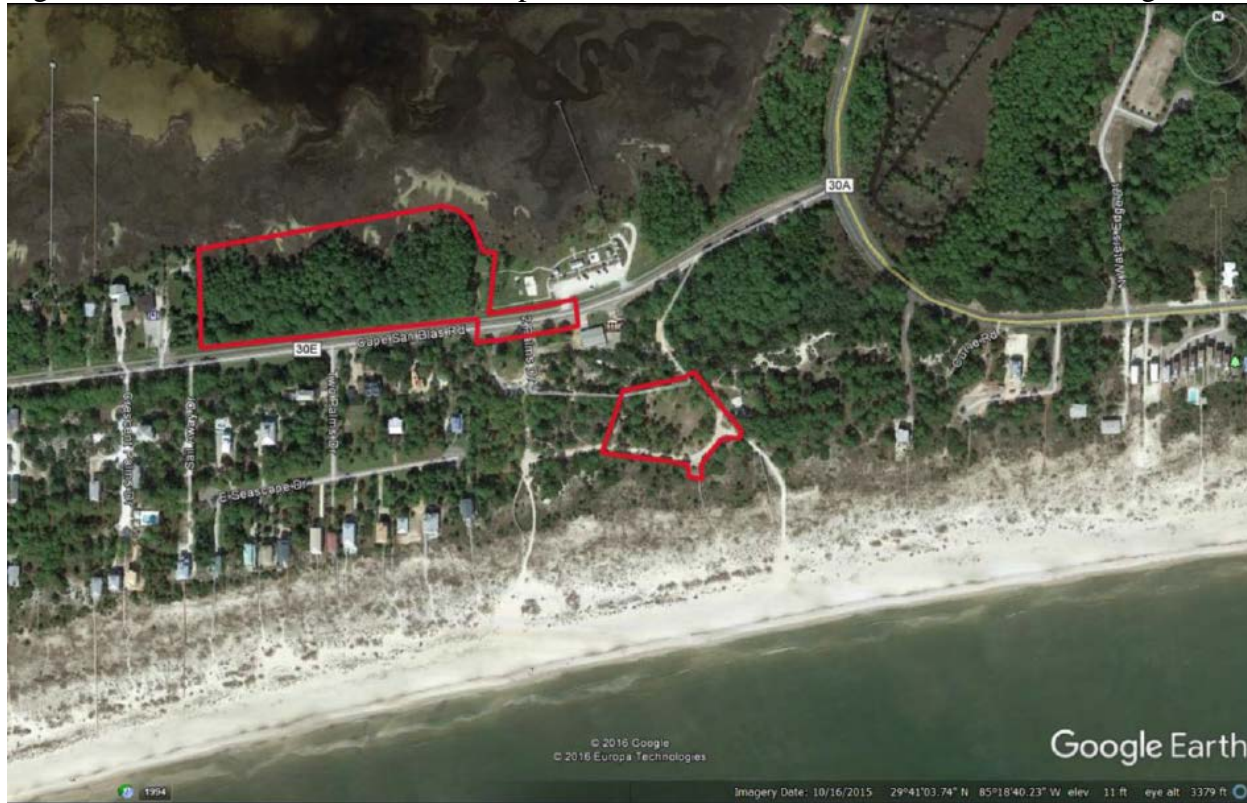


Figure 3. Proposed Improvements for the Salinas Park Addition

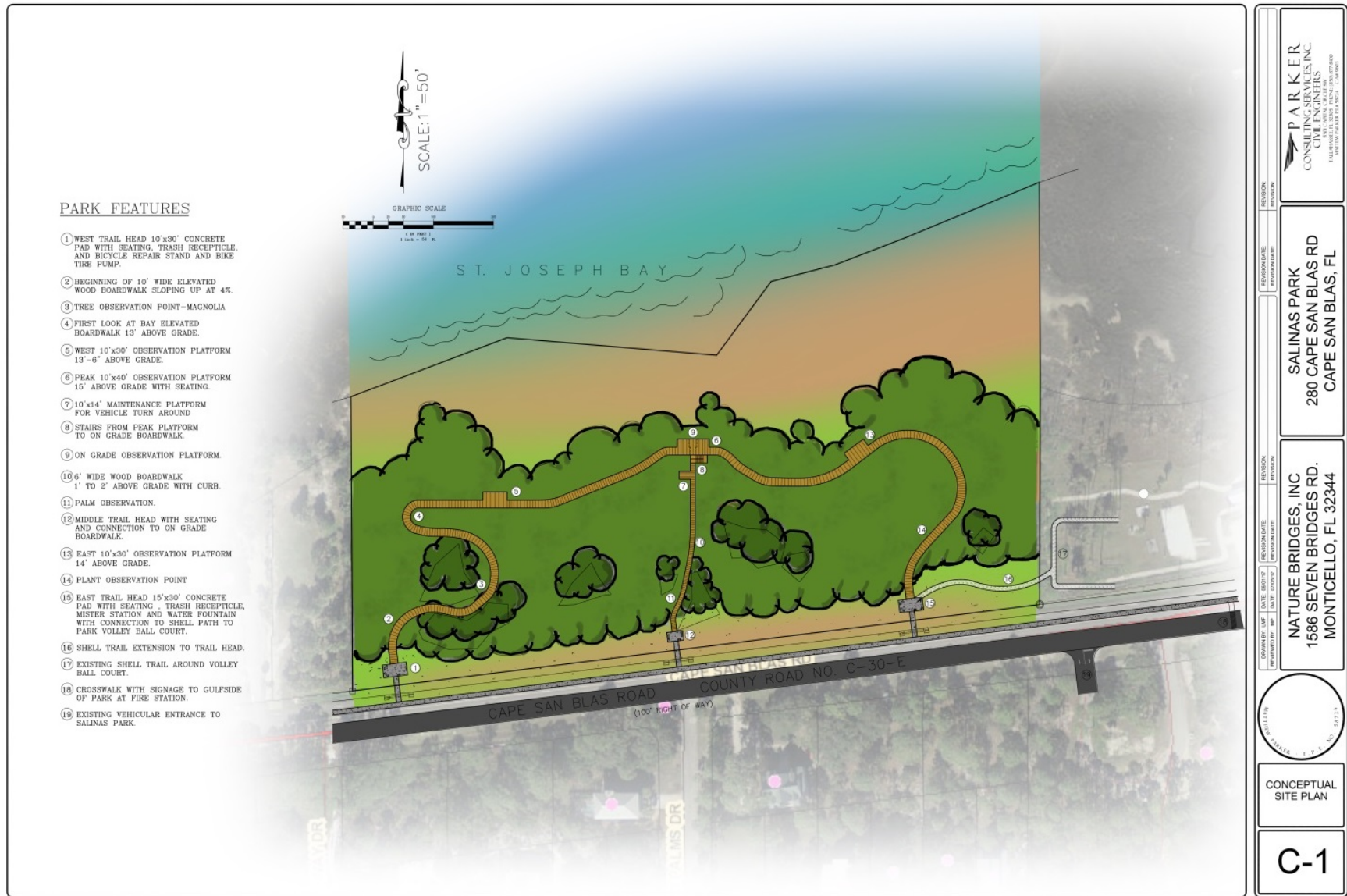


Figure 4. Proposed Pickle Ball Courts

