



## Gulf Coast Ecosystem Restoration Council Categorical Exclusion Determination Form

*This form is to be completed before the Gulf Coast Ecosystem Restoration Council (Council) uses one or more Categorical Exclusions (CEs) to comply with the National Environmental Policy Act (NEPA) for a specific action or group of actions, as appropriate. More information on the Council's NEPA compliance and use of CEs can be found in the Council's [NEPA Procedures](#).*

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**Proposed Action Title:**

**Proposed Action Location:** (State, County/Parish)

**Proposed Action Description:**

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**Categorical Exclusion(s) Applied:**

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## **Council Use of Member Categorical Exclusion(s)**

*If the Categorical Exclusion(s) was established by a Federal agency Council member, complete the following. If not, leave this section blank and proceed to the segmentation section.*

### **Member with Categorical Exclusion(s)**

Has the member with CE(s) advised the Council in writing that use of the CE(s) would be appropriate for the specific action under consideration by the Council, including consideration of segmentation and extraordinary circumstances (as described below)?

Yes                  No

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### **Segmentation**

Has the proposed action been segmented to meet the definition of a Categorical Exclusion? (In making this determination, the Council should consider whether the action has independent utility.)

Yes                  No

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### **Extraordinary Circumstances**

In considering whether to use a Categorical Exclusion for a given action, agencies must review whether there may be extraordinary circumstances in which a normally excluded action may have a significant environmental effect and, therefore, warrant further review pursuant to NEPA. Guidance on the review of potential extraordinary circumstances can be found in Section 4(e) of the Council's NEPA Procedures. The potential extraordinary circumstances listed below are set forth in the Council's NEPA Procedures.

The Council, in cooperation with the sponsor of the activity, has considered the following potential extraordinary circumstances, where applicable, and has made the following determinations. (By checking the "No" box, the Council is indicating that the activity under review would not result in the corresponding potential extraordinary circumstance.)

- |     |    |   |
|-----|----|---|
| Yes | No | 1. Is there a reasonable likelihood of substantial scientific controversy regarding the potential environmental impacts of the proposed action?                     |
| Yes | No | 2. Are there Tribal concerns with actions that impact Tribal lands or resources that are sufficient to constitute an extraordinary circumstance?                    |
| Yes | No | 3. Is there a reasonable likelihood of adversely affecting environmentally sensitive resources? Environmentally sensitive resources include but are not limited to: |

a. Species that are federally listed or proposed for listing as threatened or endangered, or their proposed or designated critical habitats; and

b. Properties listed or eligible for listing on the National Register of Historic Places.

Yes      No      4. Is there a reasonable likelihood of impacts that are highly uncertain or involve unknown risks or is there a substantial scientific controversy over the effects?

Yes      No      5. Is there a reasonable likelihood of air pollution at levels of concern or otherwise requiring a formal conformity determination under the Clean Air Act?

Yes      No      6. Is there a reasonable likelihood of a disproportionately high and adverse effect on low income or minority populations (see Executive Order 12898)?

Yes  No      7. Is there a reasonable likelihood of contributing to the introduction or spread of noxious weeds or non-native invasive species or actions that may promote the introduction, or spread of such species (see Federal Noxious Weed Control Act and Executive Order 13112)?

Yes  No      8. Is there a reasonable likelihood of a release of petroleum, oils, or lubricants (except from a properly functioning engine or vehicle) or reportable releases of hazardous or toxic substances as specified in 40 CFR part 302 (Designation, Reportable Quantities, and Notification); or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan in accordance with the Oil Pollution Prevention regulation?

## **Supplemental Information**

Where appropriate, the following table should be used to provide additional information regarding the review of potential extraordinary circumstances and compliance with other applicable laws. The purpose of this table is to ensure that there is adequate information for specific findings regarding potential extraordinary circumstances.

Supplemental information and documentation is not needed for each individual finding regarding the potential extraordinary circumstances listed above. Specifically, the nature of an activity under review may be such that a reasonable person could conclude that there is a very low potential for a particular type of extraordinary circumstance to exist. For example, it would be reasonable to conclude that the simple act of acquiring land for conservation purposes (where

(there are no other associated actions) does not present a reasonable likelihood of a release of petroleum, oils, lubricants, or hazardous or toxic substances.

For some types of activities, no supplemental information may be needed to support a finding that there are no extraordinary circumstances. For example, where the activity under review is solely planning (with no associated implementation activity), it may be reasonable to conclude that none of the extraordinary circumstances listed above would apply. In such cases, the table below would be left blank.

In other cases, it may be appropriate to include supplemental information to ensure that there is an adequate basis for a finding regarding a particular extraordinary circumstance. For example, it might be appropriate in some cases to document coordination and/or consultation with the appropriate agency regarding compliance with a potentially applicable law (such as the Endangered Species Act). In those cases, the table below should be used to provide the supplemental information.

Agency or Authority Consulted	Agency or Authority Representative: Name, Office & Phone	Date of Consultation	Notes: Topic discussed, relevant details, and conclusions. (This can include reference to other information on file and/or attached for the given action.)

Additional supplemental information may be attached, as appropriate. Indicate below whether additional supplemental information is attached.

**Additional Information Attached:**      Yes      No

If “Yes”, indicate the subject:

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**Determination by Responsible Official**

Based on my review of the proposed action, I have determined that the proposed action fits within the specified Categorical Exclusion(s), the other regulatory requirements set forth above are met, and the proposed action is hereby Categorically Excluded from further NEPA review.

**Responsible Official (Name)**

**Responsible Official (Signature)**

**Date**

## Categorical Exclusion Instructions and Checklist

Categorical exclusions (CATEXs) are categories of actions that do not individually or cumulatively have a significant effect on the quality of the human environment. CATEXs applicable to EPA actions are listed at 40 C.F.R. § 6.204(a).

Determining a project's eligibility for a CATEX is the first step in the environmental review process. As part of the CATEX determination, EPA determines whether there are any extraordinary circumstances that would prevent the project from being eligible for a CATEX. If the proposed project is eligible for a CATEX and no extraordinary circumstances are involved, no further NEPA review is required.

Recipients who believe their project may qualify for a CATEX, should work with EPA—preferably early in the project design stage—to provide sufficient information for EPA to make that determination early in the NEPA environmental review process. EPA has developed a checklist to determine if a project qualifies for a CATEX. You may use this checklist as a tool to assess your project's potential eligibility for a CATEX and to understand what types of information are needed by EPA to support the CATEX determination.

The types of information that recipients should gather and submit to support the CATEX determination include, but may not be limited to, the following:

- 1) Detailed description of the project and/or preliminary engineering report along with any site plan showing the project location and its construction footprint (area of disturbance in acreage or square footage, etc.). Documents should clearly describe the project, including pipe sizes and lengths, pump specifications, etc.
- 2) City or regional maps that show the project in relation to the local area and help demonstrate the physical extent of the project.
- 3) Documentation of coordination or concurrence from the applicable federal cross-cutter environmental agencies. The grant applicant should coordinate with EPA to determine the applicability of federal cross-cutters since EPA may need to participate or take the lead in compliance with these cross-cutters as the federal action agency. For CATEXs, this potentially includes, but is not limited to, those listed below:
  - a. State's Historical Preservation Office (obtained through National Historic Preservation Act Section 106 consultation),
  - b. U.S. Fish and Wildlife Service or National Marine Fisheries Service (obtained through Endangered Species Act informal consultation),
  - c. U.S. Army Corps of Engineers (obtained through coordination with the appropriate District Office and through permit reviews),
  - d. other cross-cutter federal agencies as appropriate.
- 4) A description of the project need (including: the need the project will address; whether the project will address a local problem or emergency; whether the project is being pursued in response to a compliance order).
- 5) A description of the environmental impact(s) (both construction and operational impacts). Impacts may be both beneficial and adverse.
- 6) A description of associated measures to avoid, minimize or compensate for impacts including any Best Management Practices (BMPs) and/or Standard Operating Procedures (SOPs), etc. Provide adequate supporting references and citations.
- 7) Explain whether the project will be funded by other state or federal agencies. If environmental reviews are required by other state or federal agencies, explain whether they have been started or not. Briefly describe additional funding and applicable environmental reviews.
- 8) Explain whether project construction has begun. If yes, describe activities and percent of project completed.

EPA will independently review the information provided, including that within the following checklist, and will determine whether a project is eligible for a CATEX. If EPA finds that a project meets the qualifications for a CATEX, EPA will prepare a CATEX determination.

**Categorical Exclusion and Extraordinary Circumstances Review Form**

United States Environmental Protection Agency

Region 4

**I. General Information**

Project Name	Program / Funding Authority	Grant ID Number (if known)
HWY297A Retrofit Pond	RESTORE Act – Council Selected Component	N/A

**Grant Applicant Organization**

Florida Department of Environmental Protection

**Project Location Description (*street address/city/state/ZIP code; site characteristics*)**

The HWY 297a Retrofit Pond is in the Cantonment area of Escambia County, Florida and specifically located on Parcels 361N314300000010 and 361N314401001003 immediately adjacent to the westerly right of way of Hwy 297A and just north of Hwy 97, in section 36, township 1N, Range 31W.

**Project Description (*summary of project scope and project components*)**

The Florida Department of Environmental Protection will retrofit the HWY 297a Pond. The HWY 297a Retrofit Pond is an existing dry detention pond which serves the Glenmoore Trail Subdivision. The existing dry detention pond was designed to accommodate the 25-year 1- and 2-hour storm events under a now obsolete Escambia County stormwater management requirement. The proposed expansion of the Glenmore Trail subdivision pond allows the pond to better attenuate stormwater discharge rates to Eleven Mile Creek and brings the facility into alignment with current Escambia County stormwater management requirements. The project has been designed to avoid impacts to jurisdictional wetlands on-site. The project will provide a net improvement in both stormwater quality (treatment) and quantity (discharge rates). The project will have no adverse impacts to surrounding or downstream areas.

The HWY 297a Retrofit Pond will be expanded to provide a total of 145,461 cubic feet of treatment volume which exceeds the required treatment volume of 137,142 cubic feet and represents a 40.51% increase in stormwater quality over the current pond conditions. The proposed design was created in the Interconnected Channel and Pond Routing (ICPR) model reflecting the stormwater pond basin size and design storms simulated to predict peak stage within the stormwater pond and the associated peak discharge rates.

The ICPR model predicted the HWY 297a Retrofit Pond will attenuate peak discharge rates from current conditions anywhere from 4.37% to 62.83% across all storm events considered.

**II. EPA Contact for Environmental Review on this Project (If different from Responsible Official, EPA Use Only)**

Name/Title	Email	Phone Number
Amanetta Somerville	Somerville.Amanetta@epa.gov	404-562-9025

**Complete Section III on Categorical Exclusion Eligibility.**

**III.A. Categorical Exclusion Eligibility (Check YES or NO)** Complete the following questions in their entirety to determine if the project is eligible for a Categorical Exclusion (CATEX) pursuant to 40 CFR § 6.204(a)(1)(ii). Additionally, supporting statements and documentation must be included in Attachment 1.

**40 CFR § 6.204(a)(1)(ii)**

<b>Question 1a:</b>  If yes to any, proceed to Question 1b.	<b>Does the project involve actions relating to existing infrastructure systems (e.g., sewer systems; drinking water supply systems; and stormwater systems, including combined sewer overflow systems) and involve:</b>	
	<b>YES</b>	<b>NO</b>
	<input checked="" type="checkbox"/>	Minor upgrading
	<input checked="" type="checkbox"/>	Minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and its components (such as the sewer collection network and treatment system; the system to collect, treat, store and distribute drinking water; and stormwater systems, including combined sewer overflow systems)
	<input type="checkbox"/>	<input checked="" type="checkbox"/> Construction of new minor ancillary facilities next to or on the same property as existing facilities
<b>Question 1b:</b>  If yes to any, <b>STOP.</b> CATEX does not apply.	<b>Will the project include actions that:</b>	
	<b>YES</b>	<b>NO</b>
	<input type="checkbox"/>	<input checked="" type="checkbox"/> Involve new or relocated discharges to surface or ground water
	<input type="checkbox"/>	<input checked="" type="checkbox"/> Will likely result in the substantial increase in the volume or the loading of pollutant to the receiving water
	<input type="checkbox"/>	<input checked="" type="checkbox"/> Will provide capacity to serve a population 30% greater than the existing population
	<input type="checkbox"/>	<input checked="" type="checkbox"/> Are not supported by the state, or other regional growth plan or strategy
	<input type="checkbox"/>	<input checked="" type="checkbox"/> Directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purpose of future development

**III.B. Categorical Exclusion Eligibility (Check YES or NO)** Complete the following questions in their entirety to determine if the project is eligible for a Categorical Exclusion (CATEX) pursuant to 40 CFR § 6.204(a)(1)(iii). Additionally, supporting statements and documentation must be included in Attachment 1.

**40 CFR § 6.204(a)(1)(iii)**

<b>Question 2a:</b>  If yes, proceed to Question 2b.	<b>Does the project involve actions in unsewered communities involving:</b>	
	<b>YES</b>	<b>NO</b>
	<input type="checkbox"/>	<input checked="" type="checkbox"/> Replacement of existing onsite systems
<b>Question 2b:</b>  If yes to any, <b>STOP.</b> CATEX does not apply.	<b>Will the project include actions that:</b>	
	<b>YES</b>	<b>NO</b>
	<input type="checkbox"/>	<input type="checkbox"/> Involve relocated discharges
	<input type="checkbox"/>	<input type="checkbox"/> Will likely result in the substantial increase in the volume or the loading of pollutants from existing sources

**Complete Sections IV.A. and IV.B. on Extraordinary Circumstances. Attach Supporting Statements and Documentation.**

**IV.A. Extraordinary Circumstances** (*Check YES or NO*) Complete the following questions in their entirety to determine if the project involves any of the following extraordinary circumstances which would make it ineligible for a CATEX pursuant to 40 CFR § 6.204(b)(1) through (b)(10). Additionally, supporting statements and documentation must be included in Attachment 1.

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1) Is the action known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2) Is the action known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities? <b>Communities Present:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3) Is the action known or expected to significantly affect federally listed threatened or endangered species or their critical habitat? <b>Resources Present:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4) Is the action known or expected to significantly affect national natural landmarks or any property with naturally significant historic, architectural, prehistoric, archaeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places? <b>Resources Present:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5) Is the action known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat? <b>Resources Present:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6) Is the action known or expected to cause significant adverse air quality effects? <b>Describe Air Quality and Resources in Attachment 1</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7) Is the action known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population, including altering the character of existing residential areas or may not be consistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans? <b>Describe Land Use in Attachment 1</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8) Is the action known or expected to cause significant public controversy about potential environmental impacts of the proposed action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9) Is the action known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10) Is the action known or expected to conflict with federal, state, local government, or federally-recognized Indian tribe environmental resource-protection, or land-use laws or regulations?

**IV.B. Extraordinary Circumstances Statement** (*Check ONLY ONE box*) If the responses to Section III.A. or III.B. indicate the project is CATEX eligible, and if a **NO** response was recorded for each of the questions in Section IV.A, then no Extraordinary Circumstances are present pursuant to 40 CFR § 6.204(b) and one of the following statements should be selected.

- 1) **No extraordinary circumstances apply** to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). This statement is based on either (1) past experience with similar actions **at the proposed action site** resulting in a CATEX and/or (2) information gathered as part of a **previous NEPA review** or environmental due diligence review conducted **at the proposed action site**.  
**A statement and supporting documentation is attached (e.g., SERP, prior CATEX determination, or other NEPA review and environmental documentation).**
- 2) **No extraordinary circumstances apply** to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). This statement is based on information gathered as part of this NEPA evaluation.  
**A statement and supporting documentation is attached explaining why no extraordinary circumstances exist or apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b).**

**EPA Use Only:**

**V. NEPA Review Determination and Responsible Official Signature (EPA Use Only)**

Sections I through IV must be completed to satisfy EPA's documentation requirements for CATEX eligibility. If completion of this form indicates that a CATEX *does apply*, the Responsible Official must sign below.

**Categorical Exclusion Determination.** EPA finds that the proposed action is eligible for exclusion from detailed environmental review under 40 CFR § 6.204(a)(1), and will not involve any of the extraordinary circumstances delineated under 40 CFR § 6.204(b)(1) through (b)(10). Consequently, EPA will not prepare an environmental impact statement or an environmental assessment for the proposed project. EPA may revoke this categorical exclusion if changes in the proposed action render it ineligible for exclusion or if new evidence emerges which indicates that serious local or environmental issues exist or federal, state, or local laws would be violated.

As the Responsible Official, I have determined that **this action is eligible for a Categorical Exclusion** per the substantive environmental review requirements under EPA regulations at 40 CFR § 6.204. Section III.C of this form has been completed providing the required Extraordinary Circumstances Statement.

Signature of Responsible Official	Title	Date

**NOTE:** Signed Categorical Exclusion Determinations should be uploaded to the EPA NEPA Compliance Database (through Central Data Exchange (CDX)).

**Use Attachment 1 to provide Statements and Supporting Documentation.**

Project Name	Grant ID Number
HWY297A Retrofit Pond	N/A
<b>Attachment 1. CATEX Eligibility and/or Extraordinary Circumstances Statement(s)</b>	
The space below may be used for a statement and supporting documentation explaining CATEX eligibility and why no extraordinary circumstances exist or apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). Attach additional pages as needed. Material incorporated by reference should briefly describe its content. Provide hyperlinks to the incorporated material, or attached incorporated material to this CATEX, or otherwise indicate how the public can access the material for inspection.	

**A brief description of the proposed action**

See project description in I. General Information.

**A statement identifying the categorical exclusion that applies to the action**

The categorical exclusion that applies is 40 CFR 6.204(a)(1)(ii), which provides

*Actions relating to existing infrastructure systems (such as sewer systems; drinking water supply systems; and stormwater systems, including combined sewer overflow systems) that involve minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components (such as the sewer collection network and treatment system; the system to collect, treat, store and distribute drinking water; and stormwater systems, including combined sewer overflow systems) or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities. This category does not include actions that: involve new or relocated discharges to surface or ground water; will likely result in the substantial increase in the volume or the loading of pollutant to the receiving water; will provide capacity to serve a population 30% greater than the existing population; are not supported by the state, or other regional growth plan or strategy; or directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purposes of future development.*

This project involves retrofitting an existing dry detention pond in order to bring the facility into alignment with the State of Florida's and Escambia County's current stormwater management requirements. The pond will be expanded to provide a total of 145,461 cubic feet of treatment volume which exceeds the required treatment volume of 137,142 cubic feet.

The project will attenuate peak discharge rates from current conditions anywhere from 4.37% to 62.83% across all storm events considered using the Interconnected Channel and Pond Routing (ICPR) model. In addition, a new pond bottom filter will be installed that will allow for the recovery of the required treatment volume within 12.00 hours, while the full pond volume is recovered in 49.06 hours, both well below the regulatory requirements.

This project does not involve a new or relocated discharge to surface or groundwater. The project will reduce both the volume and the loading of pollutants to the receiving water as mentioned above. The project also will not provide capacity to serve a population 30% greater than the existing population. The project supports both state and local growth plans and strategies. Eleven Mile Creek, which this project discharges into, is an impaired waterbody with a FDEP Total Maximum Daily Load (TMDL) for fecal coliform bacteria and a USEPA TMDL for dissolved oxygen, biological oxygen demand, and nutrients/unionized ammonia. A Bacteria Pollution Control Plan is currently in place in response to the existing FDEP TMDL for bacteria.

The project does not directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purposes of future development. The project is an effort to improve stormwater quality and quantity.

**A statement explaining why no extraordinary circumstances apply to the proposed action**

**(1) The proposed action is known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time.**

The project is expected to have a positive environmental impact by reducing the volume of stormwater and decreasing the pollutant load.

**(2) The proposed action is known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities.**

The project will not disproportionately impact any community. The project is expected to have positive environmental effects through pollutant load reductions to 11 Mile Creek and positive health effects as it will assist in meeting Total Maximum Daily Load targets for bacteria. Please see the attached Environmental Justice Analysis.

**(3) The proposed action is known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.**

USFWS agrees with a “no effect” determination on listed threatened or endangered species for the project. Please see the attached email correspondence from the USFWS.

**(4) The proposed action is known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places.**

The Florida State Historic Preservation Office finds that the proposed project is unlikely to affect historic properties. Please see the attached correspondence from the Florida Division of Historical Resources.

**(5) The proposed action is known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat.**

The project will affect none of the above listed areas. Please see the attached project map.

**(6) The proposed action is known or expected to cause significant adverse air quality effects.**

The project will have no effect on air quality.

**(7) The proposed action is known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population including altering the character of existing residential areas, or may not be consistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans.**

The project proponent is Escambia County and takes place on County owned lands. It is an expansion of an already existing stormwater detention area, so will not affect land use, growth, or population distribution.

**(8) The proposed action is known or expected to cause significant public controversy about a potential environmental impact of the proposed action.**

**There is no public controversy associated with this project. See attached email from project proponent.**

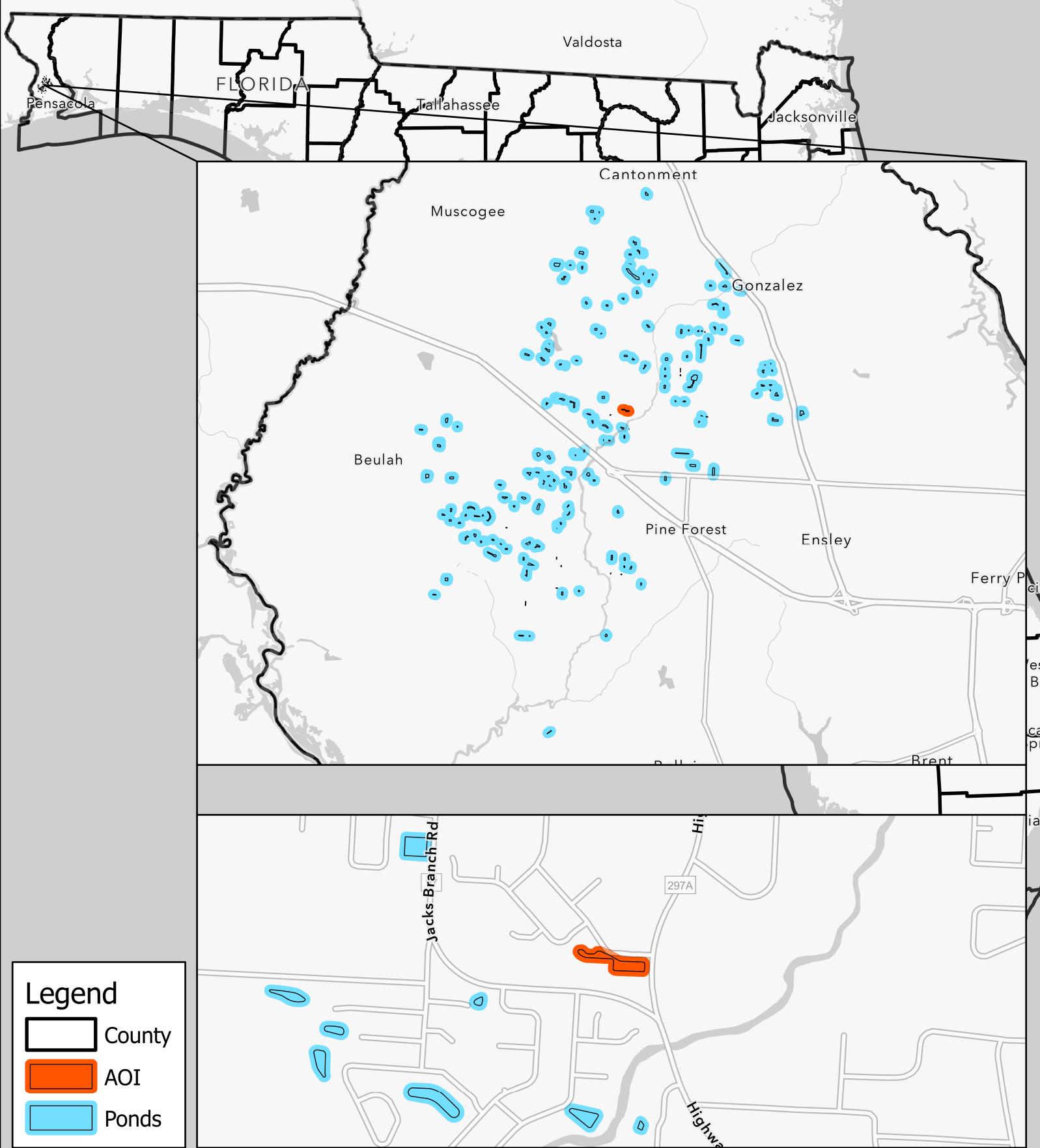
**(9) The proposed action is known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts.**

The project is not expected to have potentially significant environmental impacts and will not be providing financial assistance to a federal agency.

**(10) The proposed action is known or expected to conflict with federal, state or local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.**

The project does not take place on Indian Reservation Lands. See attached Environmental Justice Analysis and project map.

# ELEVEN MILE CREEK BASIN STORMWATER POND AT HWY 97 & HWY 297A: DRAINAGE IMPROVEMENTS





## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**

Governor

**CORD BYRD**

Secretary of State

Florida Department of Environmental Protection  
Division of Water Restoration Assistance  
3900 Commonwealth Blvd.  
Tallahassee, FL 32399-3000

January 24, 2024

RE: DHR Project File No.: 2023-6475, Received by DHR: November 9, 2023  
Project: *HWY 297A Retrofit Pond Project*  
County: Escambia

To Whom It May Concern:

Our office reviewed the referenced project in accordance with Chapters 267.061 and 373.414, *Florida Statutes*, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value.

It is the opinion of this office that the proposed project is unlikely to affect historic properties. However, unexpected finds may occur during ground disturbing activities, and we request that the permit, if issued, should include the following special condition regarding inadvertent discoveries:

- If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. 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*.

If you have any questions, please contact me by email at [Kelly.Chase@dos.myflorida.com](mailto:Kelly.Chase@dos.myflorida.com), or by telephone at 850.245.6344 or 800.847.7278.

Sincerely,

*Kelly L Chase*  
For

Alissa S. Lotane  
Director, Division of Historical Resources  
& State Historic Preservation Officer

Division of Historical Resources  
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6300 • 850.245.6436 (Fax) • [FLHeritage.com](http://FLHeritage.com)



## Environmental Justice Analysis

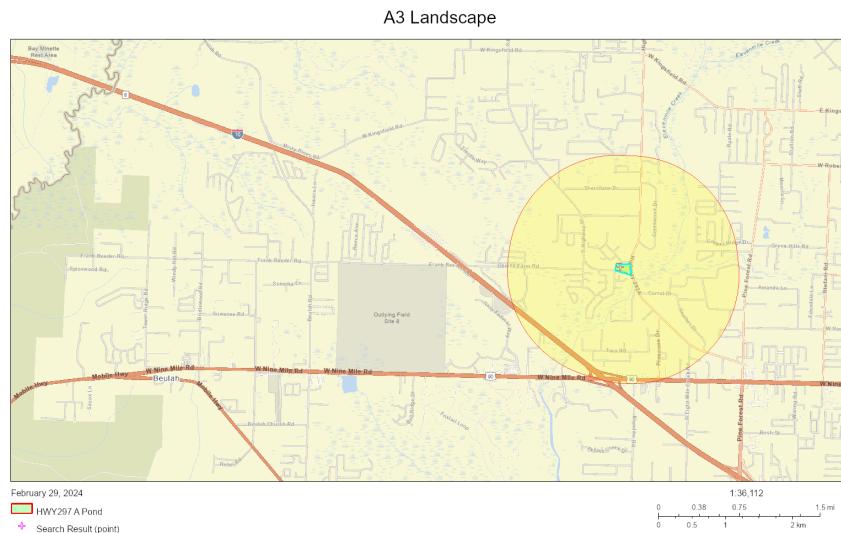
The Florida Department of Environmental Protection will retrofit the HWY 297a Pond. The Retrofit Pond will be expanded to provide a total of 145,461 cubic feet of treatment volume which exceeds the required treatment volume of 137,142 cubic feet and represents a 40.51% increase in stormwater quality over the current pond conditions. An analysis of the proposed retrofit pond location with a 1.0-mile buffer in the project area using US EPA EJSCREEN did not identify areas of concentration above the 80th percentile for minorities and low-income within Escambia. Thus, the proposed project will not incur disproportionately high or negative impacts on the residents in Pensacola.



# EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

## Escambia County, FL

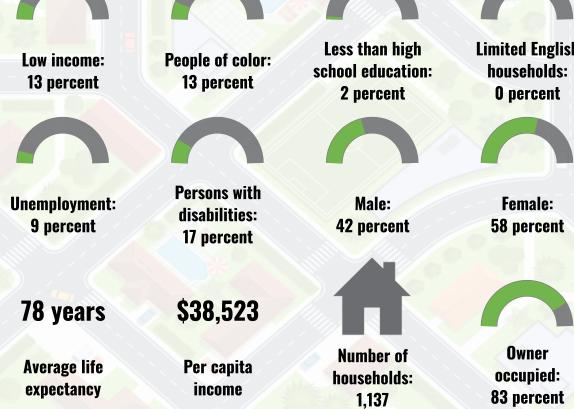


1 mile Ring around the Area

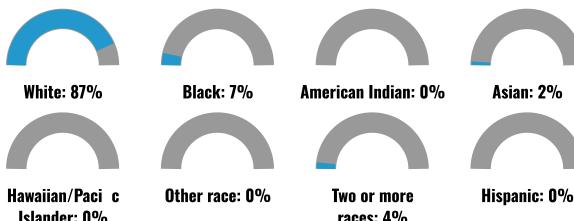
Population: 2,474

Area in square miles: 3.60

### COMMUNITY INFORMATION



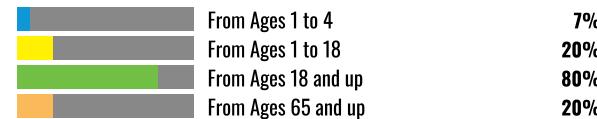
### BREAKDOWN BY RACE



### BREAKDOWN BY AGE

#### LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
No language data available.	



### LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race.  
Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

## Environmental Justice & Supplemental Indexes

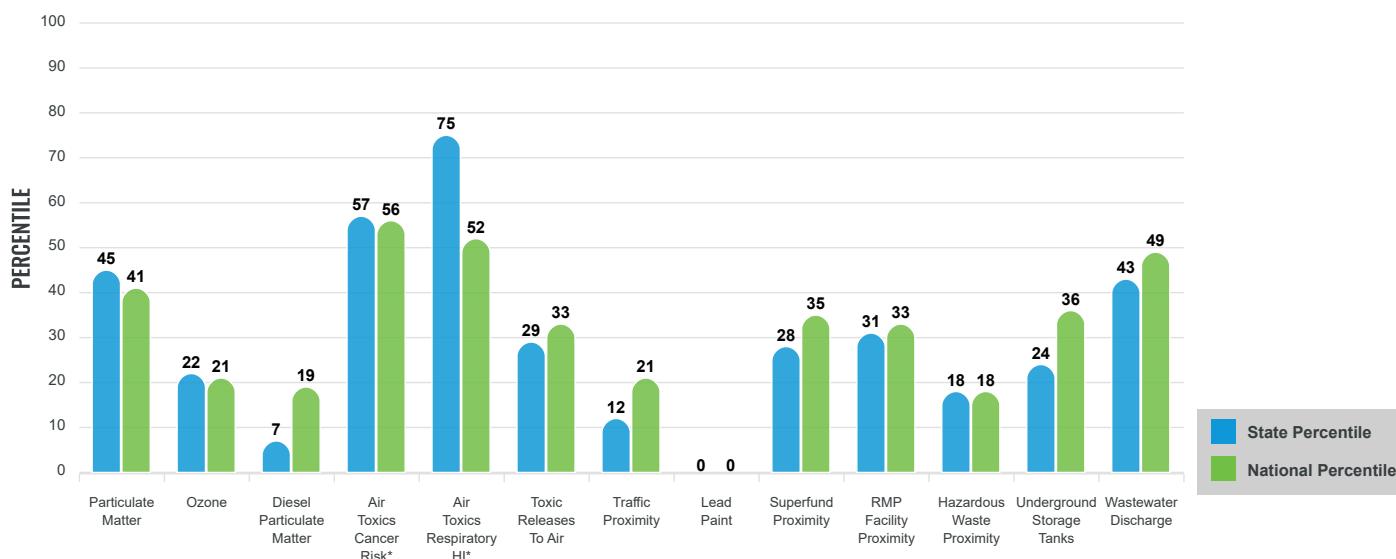
The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

### EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

#### EJ INDEXES FOR THE SELECTED LOCATION

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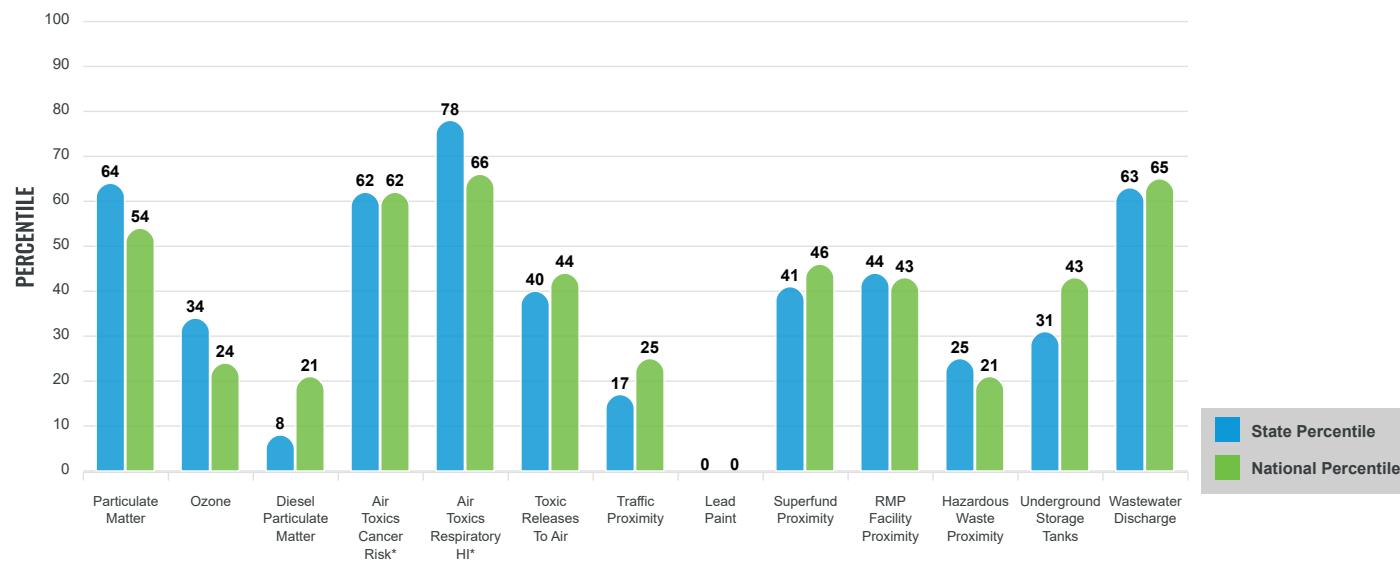


### SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.



## SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for 1 mile Ring around the Area

## EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
<b>POLLUTION AND SOURCES</b>					
Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	8.91	7.52	99	8.08	71
Ozone (ppb)	58.9	59.4	45	61.6	30
Diesel Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	0.131	0.293	10	0.261	25
Air Toxics Cancer Risk* (lifetime risk per million)	30	25	55	25	52
Air Toxics Respiratory HI*	0.4	0.32	75	0.31	70
Toxic Releases to Air	750	1,900	53	4,600	54
Traffic Proximity (daily traffic count/distance to road)	26	160	20	210	28
Lead Paint (% Pre-1960 Housing)	0.0058	0.14	34	0.3	0
Superfund Proximity (site count/km distance)	0.07	0.13	52	0.13	55
RMP Facility Proximity (facility count/km distance)	0.18	0.31	59	0.43	52
Hazardous Waste Proximity (facility count/km distance)	0.11	0.52	29	1.9	22
Underground Storage Tanks (count/km <sup>2</sup> )	1.3	7	39	3.9	52
Wastewater Discharge (toxicity-weighted concentration/m distance)	2.3	0.52	97	22	93
<b>SOCIOECONOMIC INDICATORS</b>					
Demographic Index	13%	39%	10	35%	16
Supplemental Demographic Index	9%	15%	21	14%	26
People of Color	13%	45%	19	39%	28
Low Income	13%	33%	17	31%	23
Unemployment Rate	9%	5%	78	6%	77
Limited English Speaking Households	0%	7%	0	5%	0
Less Than High School Education	2%	11%	19	12%	20
Under Age 5	7%	5%	73	6%	68
Over Age 64	20%	23%	56	17%	67
Low Life Expectancy	19%	19%	51	20%	50

\*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

### Sites reporting to EPA within defined area:

Superfund .....	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities .....	0

### Other community features within defined area:

Schools .....	0
Hospitals .....	0

Water Dischargers .....	19
Air Pollution .....	0
Brownfields.....	0
Toxic Release Inventory .....	0

Places of Worship .....	1
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**Other environmental data:**

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Air Non-attainment .....	No
Impaired Waters .....	Yes

Selected location contains American Indian Reservation Lands* .....	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community .....	Yes
Selected location contains an EPA IRA disadvantaged community .....	Yes

*Report for 1 mile Ring around the Area*

## EJScreen Environmental and Socioeconomic Indicators Data

Health Indicators					
Indicator	Value	State Average	State Percentile	US Average	US Percentile
Low Life Expectancy	19%	19%	51	20%	50
Heart Disease	6.1	7.2	37	6.1	52
Asthma	8	8.7	27	10	6
Cancer	7.7	6.9	71	6.1	84
Persons with Disabilities	15.4%	13.9%	64	13.4%	67

Climate Indicators					
Indicator	Value	State Average	State Percentile	US Average	US Percentile
Flood Risk	9%	26%	38	12%	61
Wildfire Risk	8%	32%	58	14%	81

Critical Service Gaps					
Indicator	Value	State Average	State Percentile	US Average	US Percentile
Broadband Internet	7%	13%	36	14%	34
Lack of Health Insurance	1%	13%	0	9%	3
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	No	N/A	N/A	N/A	N/A

Report for 1 mile Ring around the Area

## Biological Evaluation Form

### Gulf Coast Ecosystem Restoration Council (RESTORE Council)

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

This form will be filled out by the Implementing RESTORE Council members or their representatives 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. This form could also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier Resources Act (CBRA), and Bald and Golden Eagle Protection Act (BGEPA).

Further information may be required beyond what is captured on this form. If needed, please attach additional pages.

For assistance, please contact the USFWS and NMFS liaisons:

**USFWS: Michael Barron at michael\_barron@fws.gov**

**NMFS: Mike Tucker at michael.tucker@noaa.gov**

#### A. Project Identification

Federal Action Agency: DOI  NOAA  EPA  USDA  RESTORE Council

Council Member(s): Florida Department of Environmental Protection

Contact Name: Nick Daigle Phone: 850-245-2177 Email: nicholas.daigle@floridadep.gov

Program and/or Project Name(s): HWY 297A Retrofit Pond

IAA FAIN# GT3CP22FL0003 Bucket #: 2 FPL # 3b

#### B. Project Phase

Please choose the box which best describes the project status, as proposed in this BE form, check ALL that apply:

Construction/Implementation  Planning/Conceptual  Engineering & Design

If “Engineering & Design” was selected, please describe the level of design that has been completed and is available for review:

100% Plans and environmental permitting is complete. FDEP Permit is attached at end of document.

#### C. Project Location

##### I. State and County/Parish of action area

Escambia County, FL

##### II. 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>] 30.5499342 (Lat.), -87.3317445 (Long.)

### III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files may be added to the same folder location as where this BE is filed on Sharepoint . Examples of such supporting documentation include, but are not limited to:

Plan view of design drawings

Aerial images of project action area and surrounding area, showing state or regional scale

Map of project area with elements proposed (polygons showing proposed construction elements)

Map of action area with critical habitat units or sensitive habitats overlayed

GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component



HWY 297A

HWY 297A

Stormwater Pond M Stormwater Pond D

### D. Existing Compliance Documentation

#### NEPA Documents

Are there any **existing** draft or final NEPA analyses that cover all or part of this project?

YES

NO

Examples:

- EA or EIS (draft or final)
- 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

Permit Number and Type: Click or tap here to enter text

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES

NO

Permit Number and Type: Click or tap here to enter text.

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 representative for designated lead federal agency for the review.  
Click here to enter text.

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

Name and Contact Information of Person Completing this Form: Nick Daigle, Nicholas.daigle@floridadep.gov

Name and Contact Information of Project Lead: Nick Daigle, Nicholas.daigle@floridadep.gov

Date Form Completed: 12/13/2023

Date Form Updated: Click here to enter text.

## **E. Description of Action Area**

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). Describe all areas that may be directly or indirectly affected by the action. If critical habitat (CH) is not designated in the area, then describe any suitable habitat in the area.

### **a. Waterbody & Wetlands**

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.

There is a small, isolated wetland complex of approximately 0.17 acres in the southeastern margin of the property. An independent wetland assessment noted hydric soil characteristics including dark surface and muck. Several wetland hydrologic indicators were noted, including saturation, plant morphological adaptations, drainage patterns, and water-stained leaves within a seepage feature. The plant community structure in the wetland area consists of a baygall community. The wetland baygall community is characterized by a canopy within bay swamp consisting of sweetbay magnolia (*Magnolia virginiana*), slash pine (*Pinus elliottii*), black gum (*Nyssa sylvatica*). The subcanopy was largely dominated by black titi (*Cliftonia monophylla*) subtended by sweetbay magnolia. Shrub stratum is dominated by swamp cyrilla (*Cyrilla racemiflora*), large leaf gallberry (*Ilex coriacea*), and fetterbush (*Lyonia lucida*).

Does the project area include a river or estuary?

YES  NO

If yes, please approximate the navigable distance from the project location to the marine environment.

Click or tap here to enter text.

### **b. Existing Structures**

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groins, jetties, marina). If known, please provide the years of construction.

There is an existing dry detention pond which serves the adjacent Glenmoore Trail Subdivision. The existing dry detention pond was designed to accommodate the 25-year 1- and 2-hour storm events under a now obsolete Escambia County stormwater management requirement.

### **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.

N/A

### **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.

N/A

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. Click here to enter text.

N/A

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.).

The portion of the project site that is not the existing dry detention pond or wetland is characterized by upland mesic hardwood forest. The canopy is comprised of and dominated by live oak (*Quercus virginiana*) water oak (*Q. nigra*) and laurel oak (*Q. hemisphaerica*). The subcanopy stratum is dominated by juvenile live oak, water oak, and laurel oak. The shrub stratum is dominated by yaupon holly (*Ilex vomitoria*) and wax myrtle (*Morella cerifera*). The herbaceous stratum is lacking.

g. Soils and Sediments

If applicable. Indicate topography, soil type, substrate type.

The subject property is dominated by the following soil types: Troup sand and Garcon-Bigbee-Yemassee complex. The Troup series consists of sandy, very deep, somewhat excessively drained soil. These soils are on nearly level summits and gently sloping shoulder slopes of ridges in the central and northern parts of Escambia county. Depth to the seasonal water table is more than 6 feet. Available water capacity is low and permeability is rapid in the surface and subsurface layers and moderate in the subsoil. Slopes generally are long and smooth and range from 0 to 2 percent.

Garcon-Bigbee-Yemassee complex consists of soils that are nearly level to gently sloping. Yemassee and Garcon soils are somewhat poorly drained, and Bigbee soil is excessively drained. Slopes are smooth to concave and convex. They generally range between 0 and 3 percent, but they can range up to 5 percent.

h. Land Use

If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).

The property is currently being used as a dry detention pond.

i. Marine Mammals

Please select the following marine mammals that could be present within the project area:

Dolphins YES  NO

Whales YES  NO

Manatees YES  NO

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>

Click here to enter text.

## F. Project Description

I. Describe the Proposed Action/Project Objectives: 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.

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.

The HWY 297a Retrofit Pond is an existing dry detention pond which serves the Glenmoore Trail Subdivision. The existing dry detention pond was designed to accommodate the 25-year 1- and 2-hour storm events under a now obsolete Escambia County stormwater management requirement. The proposed expansion of the Glenmore Trail subdivision pond allows the pond to better attenuate stormwater discharge rates to Eleven Mile Creek and brings the facility into alignment with current Escambia County stormwater management requirements. The project has been designed to avoid impacts to jurisdictional wetlands on-site. The project will provide a net improvement in both stormwater quality (treatment) and quantity (discharge rates). The project is not likely to adversely affect surrounding or downstream areas.

The HWY 297a Retrofit Pond will be expanded to provide a total of 145,461 cubic feet of treatment volume which exceeds the required treatment volume of 137,142 cubic feet and represents a 40.51% increase stormwater quality over the current pond conditions. The purposed design was created in the Interconnected Channel and Pond Routing (ICPR) model reflecting the stormwater pond basin size and design storms simulated to predict peak stage within the stormwater pond and the associated peak discharge rates.

The ICPR model predicted the HWY 297a Retrofit Pond will attenuate peak discharge rates from current conditions anywhere from 4.37% to 62.83% across all storm events considered.

The geotechnical exploration performed for the project included advancing two Standard Penetration Test (SPT) borings to a depth of 26' within the area of the proposed pond expansion. These borings encountered mostly poorly drainage silty fine sand at the planned pond bottom elevation and they very poorly draining clayey sand and sandy clay to a depth of approximately 23 feet. The HWY 297a Retrofit Pond will require the removal of the existing pond bottom filter and specifies the construction of a new 50' x 60' pond bottom filter or a 60' x 72' Biosorption Activated Media (BAM) filter.

Biosorption Activated Media (BAM) is an engineered filtration media developed to remove total nitrogen (TN), total phosphorous (TP), total suspended solids (TSS) and pathogens from polluted water. BAM maintains an anaerobic environment to activate the biological reaction that is needed to remove nitrogen and the adsorption process to remove phosphorus.

Pond volume recovery requirements are stipulated by both the State of Florida Environmental Resource Permitting (ERP) rules and the Escambia County Land Development Code. The proposed pond bottom filter was designed using Darcy's Law for flow through porous media. The calculations indicate that the pond bottom filter will allow for the recovery of the required treatment volume within 12.00 hours, while the full pond volume is recovered in 49.06 hours, both well below the regulatory requirements.

The HWY 297a Retrofit Pond implementation project will include a pre- and post- construction monitoring component designed to document the increase in annual pollutant load reductions. The existing pond will be monitored before and after retrofitting to document the increase in pollutant load reductions due to the Implementation Project. The plan will mimic monitoring requirements generally required for Federal Clean Water Act Section 319(h) grants administered by the

Florida Department of Environmental Protection (FDEP). This facility will be monitored during a minimum of seven qualifying storm events before and after construction. Parameters will include Total Kjeldahl Nitrogen, ammonia, nitrate/nitrite, total nitrogen, orthophosphate, total phosphorous, total suspended solids, cadmium, chromium, copper, zinc, oil and grease, and E. coli. Influent and effluent event mean concentrations (EMCs) will be compared for each parameter to determine corresponding pollutant removal efficiencies. Fieldwork will follow applicable FDEP standard operating procedures (SOPs). All samples will be analyzed by a laboratory holding required NELAC certifications for applicable methods.

**II. Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)**  
 Retrofit of the detention pond is scheduled to take approximately 12 months. There is no in-water work included in this project.

**III. Specific In-Water and/or Terrestrial Construction Methods**

*Please check yes or no for the following questions related to in-water work and overwater structures*

Does this project include in-water work?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Does this project include terrestrial construction?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Does this project include construction of an overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Will fishing be allowed from this overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Will wildlife observation be allowed from this overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Will boat docking be allowed from this overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

*If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).*

N/A

*Construction: 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.)*

- iii. Use of "Dock Construction Guidelines"? <https://media.fisheries.noaa.gov/dam-migration/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 (sq ft)?

Terrestrial based construction will occur to install erosion and sediment control measures. Erosion control will consist of BSRF Priority 2 silt fences, seed and mulch for temporarily exposed areas of soil, and watering trucks to control dust. The action area will be dewatered if necessary, then clearing and grubbing of the additional space required for the retrofit will take place using backhoes and small skid steers. Any soil not reused on-site will be disposed of in appropriate upland disposal areas. The Biosorption Activated Media filter will be installed and the weir will be constructed. Lastly, permanent stabilization in the form of sod will be installed.

b. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	
2. Material type of piles used	

3. Size (width) of piles/sheets	
4. Total number of piles/sheets	
5. Number of strikes for each single pile	
6. Number of strikes per hour (for a single pile)	
7. Expected number of piles to be driven each day	
8. Expected amount of time needed to drive each pile (minutes of driving activities)	
9. Expected number of sequential days spent pile driving	
10. Whether pile driving occurring in-water or on land	
11. Depth of water where piles will be driven	

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 (sqft) beneath the boats that will be shaded.)

N/A

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.)

N/A

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.

N/A

f. Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft<sup>2</sup>) to be dredged, volume of material (yd<sup>3</sup>) 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.

Digging will occur in the terrestrial environment to retrofit the existing dry detention pond. Digging will take place primarily with backhoes. Any soil not reused on-site will be disposed of in appropriate upland disposal areas. Throughout construction, erosion control measures will be implemented to prevent sediment runoff.

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.)

N/A

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, long term maintenance plan (periodic clean-up of lost fishing gear/debris)], 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.

N/A

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)).

N/A

## **G. NOAA Essential Fish Habitat (EFH)**

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:

<https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast>

N/A

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

<https://noaasdd.sharepoint.com/:f/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb>

<https://portal.gulfcouncil.org/EFHreview.html>

<u>Gulf of Mexico EFH Eco-Region</u>	<u>Estuarine</u>	<u>Nearshore</u>	<u>Offshore</u>
<b>Eco-Region 1: South Florida</b> (Florida Keys north to Tarpon Springs, Florida)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Eco-Region 2: North Florida</b> (Tarpon Springs, Florida, north and west to Pensacola Bay, Florida)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Eco-Region 3: East Louisiana, Mississippi, and Alabama</b> (Pensacola Bay, Florida, west to the Mississippi River Delta)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Eco-Region 4: East Texas and West Louisiana</b> (Mississippi River Delta west and south to Freeport, Texas)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Eco-Region 5: West Texas</b> (Freeport, Texas south to the U.S./Mexico border)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## **Effects to EFH**

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

Will this project affect EFH?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.	

Click here to enter text.

Will this project have beneficial effects to EFH?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If yes, please describe how your project will have beneficial effects the text box below:	

Click here to enter text.

Will this project have adverse effects on EFH?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If yes, please describe what type of adverse effects your project will cause to EFH in the text box below:	

here to enter text.

Click

## **H. NOAA ESA Species and Critical Habitat and Effects Determination Requested**

If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section H. and proceed to Section I.

This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs. For species not included in the drop down menu please add manually to the table.

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](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf).

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section I. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section I.

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon <b>only</b> )	Determinations (see definitions below)	For "No Effect", please select justification.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

### **Determination Definitions**

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

**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 = may affect, 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 = may affect, 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.

## **I. USFWS Species and Critical Habitat and Effects Determination Requested**

If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section I and proceed to Section J.

**This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.**

**ESA effects have been accounted for under an existing consultation.**

1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: <https://ipac.ecosphere.fws.gov/>.

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](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf).

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section H. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section H.

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon <u>only</u> )	Determinations (see definitions below)	For "No Effect", please select justification.
Eastern Black Rail		Choose an item.	No Effect	No suitable habitat in action area
Alligator Snapping Turtle		Choose an item.	No Effect	No suitable habitat in action area

Eastern Indigo Snake		Choose an item.	No Effect	Species does not occur within action area
Gulf Sturgeon		Choose an item.	No Effect	Species does not occur within action area

## Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

**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 = may affect, 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 = may affect, 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.

## J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

NOTE: Species selected as "No Effect" with justification in tables above do not need to be addressed in Section J or K.

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.

In addition to the species listed in Section I, the monarch butterfly (*Danaus plexippus*), a candidate species, may be present in the action area. However, no conference is being requested for this species at this time.

II. Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any Conservation Measures and/or BMPs that will be implemented to avoid or minimize the impacts. Conservation Measures and/or BMPs are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review.

Conservation Measures and/or BMPs 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.

**Frequently Recommended Conservation Measures and BMPs: This checklist provides standard practices recommended by NMFS and USFWS. Please select any BMPs that will be implemented:**

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | <b>USFWS Standard Manatee In Water Conditions</b>                                      |
| <input type="checkbox"/> | <b>NMFS Protected Species Construction Conditions (2021)<sup>1</sup></b>               |
| <input type="checkbox"/> | <b>NMFS Measures for Reducing the Entrapment Risk to Protected Species<sup>1</sup></b> |
| <input type="checkbox"/> | <b>NMFS Vessel Strike Avoidance Measures (2021)<sup>1</sup></b>                        |

**Additional BMPs or Conservation Measures**

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section J.II, above)

N/A

**K. Effects to Critical Habitats and Actions to Reduce Impacts**

*NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section J or K.*

I. 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 to physical and biological features, 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.*

N/A – No critical habitats are designated within the action area.

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.

N/A

**L. 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

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or estuarine waters?  NO  YES

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<sup>1</sup> <https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>

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

NO	YES	ACTIVITY
<input type="checkbox"/>	<input type="checkbox"/>	a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz
<input type="checkbox"/>	<input type="checkbox"/>	b) In-water construction or demolition
<input type="checkbox"/>	<input type="checkbox"/>	c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)
<input type="checkbox"/>	<input type="checkbox"/>	d) In-water Explosive detonation
<input type="checkbox"/>	<input type="checkbox"/>	e) Aquaculture
<input type="checkbox"/>	<input type="checkbox"/>	f) Restoration of barrier islands, levee construction or similar projects
<input type="checkbox"/>	<input type="checkbox"/>	g) Fresh-water river diversions
<input type="checkbox"/>	<input type="checkbox"/>	h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)
<input type="checkbox"/>	<input type="checkbox"/>	i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.
<input type="checkbox"/>	<input type="checkbox"/>	j) Conducting driving of sheet piles or pilings
<input type="checkbox"/>	<input type="checkbox"/>	k) Use of floating pipeline during dredging activities

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>

[Click here to enter text.](#)

IV. Frequently Recommended BMPs for marine mammals (manatees are covered in Section J, above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:

<input type="checkbox"/>	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines <sup>2</sup>
<input type="checkbox"/>	NMFS Protected Species Construction Conditions (2021) <sup>3</sup>
<input type="checkbox"/>	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012) <sup>3</sup>
<input type="checkbox"/>	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021) <sup>3</sup>
<input type="checkbox"/>	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign <sup>4</sup>

If not listed above, please describe any additional BMPs or conservation measures that may be implemented for marine mammals.

[Click here to enter text.](#)

### **M. 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

<sup>2</sup> <https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines>

<sup>3</sup> <https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>

<sup>4</sup> <https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>

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

#### **N. Migratory Bird Treaty Act**

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act?  NO  YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at this website and implement the appropriate measures to the extent practicable:

<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>

NO  YES

If NO, please explain:

#### **O. Request Approval for Use of NMFS PDCs for This Project**

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Informal Consultation between the Council and NMFS.

To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. Check "yes" for PDC categories that apply to the proposed project, and request the relevant PDC checklist from NMFS.

NO	YES	ACTIVITY
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Marsh Creation, Maintenance, or Enhancement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Living Shorelines Construction Maintenance, or Expansion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Removal of Fishing Gear and Other Marine Debris
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Oyster Reefs Creation, Maintenance, or Enhancement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Artificial Reefs Construction, Maintenance, or Expansion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Boat Ramps Installation, Repair, Replacement, or Removal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Establishing or Restoring SAV
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment

## **P. Submitting the BE Form**

**For NOAA consultations:** We request that all BE forms and consultation materials be emailed to the contact below for review. 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 use the Biological Evaluation form to initiate appropriate consultations.

### **NMFS ESA § 7 Consultation**

Michael Tucker, National Oceanic Atmospheric Administration

Email: michael.tucker@noaa.gov

Phone: 727-209-5981

**For USFWS consultations:** The USFWS conducts all environmental reviews through the “IPaC” system. The project proponent can upload this form through the IPaC portal at <https://ipac.ecosphere.fws.gov/>. The Consultation Builder portion of the process is not necessary. Once a letter is generated by the system, that letter and the BE form can be emailed to the appropriate Ecological Services office as indicated in the letter. This will start the consultation process. For assistance related to the use of IPaC please contact the USFWS liaison listed below.

### **USFWS ESA § 7 Consultation**

Michael Barron, U.S. Fish and Wildlife Service

Email: michael\_barron@fws.gov

Phone: 251-421-7030



HWY 297a FDEP  
permit Pond Expand



## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**

Governor

**CORD BYRD**

Secretary of State

Florida Department of Environmental Protection  
Division of Water Restoration Assistance  
3900 Commonwealth Blvd.  
Tallahassee, FL 32399-3000

January 24, 2024

RE: DHR Project File No.: 2023-6475, Received by DHR: November 9, 2023  
Project: *HWY 297A Retrofit Pond Project*  
County: Escambia

To Whom It May Concern:

Our office reviewed the referenced project in accordance with Chapters 267.061 and 373.414, *Florida Statutes*, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value.

It is the opinion of this office that the proposed project is unlikely to affect historic properties. However, unexpected finds may occur during ground disturbing activities, and we request that the permit, if issued, should include the following special condition regarding inadvertent discoveries:

- If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. 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*.

If you have any questions, please contact me by email at [Kelly.Chase@dos.myflorida.com](mailto:Kelly.Chase@dos.myflorida.com), or by telephone at 850.245.6344 or 800.847.7278.

Sincerely,

*Kelly L Chase*  
For

Alissa S. Lotane  
Director, Division of Historical Resources  
& State Historic Preservation Officer

Division of Historical Resources  
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6300 • 850.245.6436 (Fax) • [FLHeritage.com](http://FLHeritage.com)

