



## 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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**Action Title:**

Florida Strategic Gulf Coast Land Acquisition Program

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

Florida, within watersheds that drain to the Gulf of Mexico

**Action Description:**

The Council has approved \$14M in planning and implementation activities as FPL Category 1 funding for the Florida Strategic Gulf Coast Land Acquisition Program, sponsored by Florida, through the Florida Department of Environmental Protection (FDEP). The program will increase conserved and protected State owned or managed lands by 10,000 to 20,000 acres. Program activities include implementation of land acquisitions, partnering with the existing Florida Forever Program (FF), Florida's premier conservation and recreation lands acquisition program. FDEP will target lands draining into the Gulf of Mexico that are in the FF Critical Natural Lands and Climate Change Lands categories or other FF parcels with similar attributes. Land acquisitions could include both fee simple acquisition and conservation easements from willing sellers. Program activities are intended to result in environmental benefits to Florida's natural resources and ecosystems by protecting critical habitats, preserving native biodiversity and ecosystem function, mitigating sea level rise, flooding, and other current and future risks to coastal communities. Program duration is 10 years.

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**Categorical Exclusion(s) Applied:**

USDA Categorical Exclusion 36 CFR 220.6(d)(6); "Acquisition of land or interest in land".

### 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) USDA

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.)
USFWS	Ben Frater, Gulf Restoration Office	09/25/2020	Endangered Species Act
FL SHPO	Timothy Parsons, Division Director	06/18/2020	National Historic Preservation Act

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:

USDA CE documentation for FLSGCLAP and USFWS ESA Coordination
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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*)

Mary S. Walker, Executive Director

**Responsible Official** (*Signature*)

MARY WALKER Digitally signed Date: 2021.04.28  
by MARY WALKER 17:41:29 -04'00'

**Date** April 28, 2021

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**Documentation supporting the use of USDA Categorical Exclusion for Florida  
Strategic Gulf Coast Land Acquisition Program**

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**Responsible Council Member:** State of Florida- Florida Department of Environmental Protection

**Partnering Council Member:** United States Department of Agriculture

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**Regulatory Framework**

Federal agencies are required to develop procedures for implementing the National Environmental Policy Act (NEPA) to supplement those established by the CEQ at 40 CFR 1500- 1508. The Gulf Coast Ecosystem Restoration Council (Council) finalized NEPA procedures on May 5, 2015 (80 FR 86, p, 25680-25691). These procedures are applicable to all Council Actions, including approving and funding projects that were proposed by and otherwise will be implemented by non-federal parties (40 CFR 1508.18).

The Council determined that certain categories of activities that have not undergone NEPA review may be categorically excluded from detailed documentation in an EA or EIS (Sec. 4(c,d)), subject to a review of extraordinary circumstances that could indicate potentially significant effects on the environment (Sec. 4(e)). The documentation below for the " Florida Strategic Gulf Coast Land Acquisition Program " follows requirements described in Sec. 4(f) for Categorical Exclusions (CEs), by incorporating supporting information from the United States Department of Agriculture (USDA) Forest Service (USFS).

**Description of the Proposed Activities**

This proposed program would build off the [Florida Forever \(FF\) program](#), Florida's premier conservation and recreation lands acquisition program, which serves as a blueprint for conserving natural resources and cultural heritage. The Gulf Coast program would target acquisition of lands within the *Critical Natural Lands* and *Climate Change Lands* categories of FF for parcels within watersheds that drain to the Gulf of Mexico (see [2020 Florida Forever Priority List](#)). Land acquisition would be from willing sellers and could include both fee simple acquisition and conservation easements. Florida will be requesting RESTORE funds for acquisition only, and is not requesting RESTORE funds for any land management activities on any acquired parcels.

Critical Natural Lands are functional landscape-scale natural systems, intact large hydrological systems, lands with significant imperiled natural communities, and corridors linking large landscapes, as identified and developed using the best available scientific analysis by the Florida Natural Areas Inventory (FNAI). The Climate Change category relates to lands where acquisition or other conservation measures will address the challenges of global climate change, such as through protection, restoration, mitigation, and strengthening of land, water, and coastal resources. This category includes lands that provide opportunities to sequester carbon, provide habitat, protect coastal lands or barrier islands, and otherwise mitigate or adapt to the effects of sea-level rise.

The proposed program would conserve vital habitats throughout the Florida Gulf Coast and allow them to adapt to climate change through the strategic acquisition of lands already identified and prioritized through an existing science-based process. History has shown the success of conservation land management in Florida with over 3.9 million acres being managed under [Land Use or Land Management plans](#) that are updated and reviewed at least every 10 years.

### **Existing Condition**

The land proposed for acquisition is currently under the ownership of private landowners. Current use of the majority of the parcels in the *Critical Natural Lands* and *Climate Change Lands* FF categories is for silviculture. The proposed land acquisition program could increase lands in State ownership between 10,000 to 20,000 acres. More importantly the lands to be acquired have already been evaluated and ranked through a scientific review and comprehensive natural resource analysis and scoring process using FNAI's Conservation Needs Assessment, Single Resource Evaluation, and the Florida Forever Tool for Efficient Resource Acquisition and Conservation (F-TRAC). GIS data layers are created and reviewed for rare species habitat, natural communities, ecological greenways, large landscapes, significant surface waters, natural floodplain, functional wetlands, aquifer recharge, coastal resources, cultural resources, and sustainable forestry. See [Florida Forever Project Ranking Support Analyses Documentation](#).

### **Desired Condition**

Prior to parcel acquisition a managing agency will be identified. After acquisition the State will lease the acquired parcel to the managing agency. The managing agency is required to develop a management plan. Both [Florida Statutes](#) (Section 253.034(5), F.S.) and the lease from the state require that a Land Management Plan be submitted to the FDEP within one year from the date the land is first leased. The plan must be updated and submitted again at least every 10 years thereafter. More information on land

management plans can be found at: [Land Use or Land Management plans](#).

The management plan will identify and prioritize management and restoration activities, with an emphasis on enhancement and protection of natural resources that exist on the parcel (both species and habitats). The proposed program contributes toward the Council's Comprehensive Plan goal to Restore and Conserve Habitat as the proposed program will result the acquisition of functional landscape-scale natural systems, intact large hydrological systems, lands with significant imperiled natural communities, and corridors linking large landscapes, including lands that provide opportunities to sequester carbon, provide habitat, protect coastal lands or barrier islands, and otherwise mitigate or adapt to the effects of sea-level rise.

### **Public Involvement**

CEQ NEPA regulations state that "There shall be an early and open process for determining the scope of the issues to be addressed and for identifying the significant issues related to a proposed action" (40 CFR 1501.7). Scoping should include interested or affected parties, potentially including "Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons."

The RESTORE ACT was signed into law October 5, 2010 as Executive Order 13554 and published in the Federal Register. In accordance with the law, The RESTORE ACT Council manages a public involvement process in order to generate input from local stakeholders, communities, public officials, and other members of the public throughout the gulf region. Widespread efforts have been made to ensure that these members of the public have had ample opportunity to share their views. The Council has hosted many public meetings and established an internet presence to accept public comments.

The Draft Priority Funding List for Council-selected restoration projects was made available for public review on November 16, 2020 and comments were accepted until January 5, 2021. In compliance with federal laws and agency policies, the USDA consulted with the U.S. Fish and Wildlife Service regarding potential effects to federally listed species. Public polling received at the Florida Restoration Summit (November 2019) as well as public meetings for the Council framework indicated broad support for land acquisition projects.

Most importantly, the FF program has an inclusive, transparent, and publicly accessible process for including parcels on the land acquisition priority lists. Priority Lists are approved by the Acquisition and Restoration Council (ARC), a 10-member group with scientific representatives from four state agencies, four appointees of the Governor, one appointee by the Fish and Wildlife Conservation Commission, and one appointee by the Commissioner of Agriculture and Consumer Services. ARC is assisted by the technical and scientific resources of the Florida Natural Areas Inventory ([FNAI](#)). All ARC meetings are publicly noticed and well attended, and members of the public are allowed to provide comments.

Comments were received that included support for the land acquisition program in Florida and concern



that the Florida Strategic Gulf Coast Land Acquisition Program is not appropriately focused on coastal ecosystems and the funds should be spent on coastal areas such as marine, estuarine, and barrier islands.

### **Response to Public Comments**

The primary goal and objective of the program is to acquire and conserve lands that are within watersheds that drain to the Gulf of Mexico, including coastal, estuarine, and riparian habitats, and critical natural areas. Acquisition of critical natural areas such as functional landscape-scale natural systems, intact large hydrological systems, lands with significant imperiled natural communities, and corridors which link large landscapes, would strengthen Florida's land, water and coastal resources. Conservation of these lands would also mitigate a number of impacts resulting from climate change by providing opportunities to sequester carbon, protect riparian habitat and coastal lands or barrier islands, and otherwise mitigate or adapt to the effects of sea-level rise and flooding. Strategic land acquisition enhances water resource protection and management through preservation of pervious surfaces and natural systems that allow water to filter, or otherwise interact with plants and soil. Maintaining the integrity of the ecosystem promotes water quality, minimizing impacts from polluted runoff to the Gulf, while simultaneously providing valuable flood reduction for coastal habitats. Limiting acquisitions to parcels within watersheds draining to the Gulf, as well as those identified in the Critical Natural Lands and Climate Change Lands categories of the Florida Forever program ensures the selection of projects would contribute to the restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

### **Applicable Categorical Exclusion**

The authority for purchase of the land is the USDA Organic Act of August 3, 1956 (70 Stat. 1032; 7 U.S.C. 428a, Sec. 11; P.L. 84-979); the Revived Economy of the Gulf Coast Act of 2011 (or the "RESTORE the Gulf Coast Act"), 33 U.S.C. 1321; and an accompanying appropriations act when funding is received.

The acquisition as described meets the conditions for categorical exclusion as set forth in 36 CFR 220.6(d)(6).

#### **(6)Acquisition of land or interest in land. Examples include but are not limited to:**

- (i) Accepting the donation of lands or interests in land to the NFS, and
- (ii) Purchasing fee, conservation easement, reserved interest deed, or other interests in lands.

### **Review of Extraordinary Circumstances**

The review considered all extraordinary circumstances described in 36 CFR 220.6 listed below:

- (1) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species;

- (2) Flood plains, wetlands, or municipal watersheds;
- (3) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas;
- (4) Inventoried roadless areas or potential wilderness areas;
- (5) Research natural areas;
- (6) American Indians and Alaska Native religious or cultural sites, and
- (7) Archaeological sites, or historic properties or areas.

A search of the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) provided information on threatened and endangered species that may occur in the project area and designated critical habitat. Acquiring the proposed property would provide protection and enhancements for these species.


The land acquisition does not encompass congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas, inventoried roadless areas or potential wilderness areas, or research natural areas.

No ground disturbing activities are proposed. Only the acquisition and perpetual conservation of land is proposed.

#### **Determination**

Based upon the information provided above, it is concluded the proposed Florida Strategic Gulf Coast Land Acquisition Program is fully consistent and applicable to the category described in 36 CFR 220.6(d)(6); "Acquisition of land or interest in land".

It is determined there are no extraordinary circumstances associated with this acquisition project.



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KEN ARNEY  
Regional Forester  
USDA Forest Service  
Southern Region

March 3, 2021

**Appendix A, References**

Florida Department of Environmental Protection (FDEP). 2020 Florida Forever Priority List – BOT Approved. Available at:

<http://publicfiles.dep.state.fl.us/DSL/FFWeb/BOT%20Approved%20Florida%20Forever%20Priority%20List.pdf>

Florida Department of Environmental Protection, Division of State Lands, Office of Environmental Services Annual Land Management Review Team Report July 2018 – June 2019. Available at:

[http://publicfiles.dep.state.fl.us/DSL/OESWeb/FLDEP\\_DSL\\_OES\\_LMR\\_AnnualReport.pdf](http://publicfiles.dep.state.fl.us/DSL/OESWeb/FLDEP_DSL_OES_LMR_AnnualReport.pdf)

Florida Natural Areas Inventory. November 2016. Florida Forever Project Ranking Support Analyses Documentation. Available at: [https://www.fnai.org/PDF/FF\\_RSA\\_Report\\_Nov2016.pdf](https://www.fnai.org/PDF/FF_RSA_Report_Nov2016.pdf)

Gulf Restoration Ecosystem Restoration Council NEPA implementing procedures. 2015. Available at:

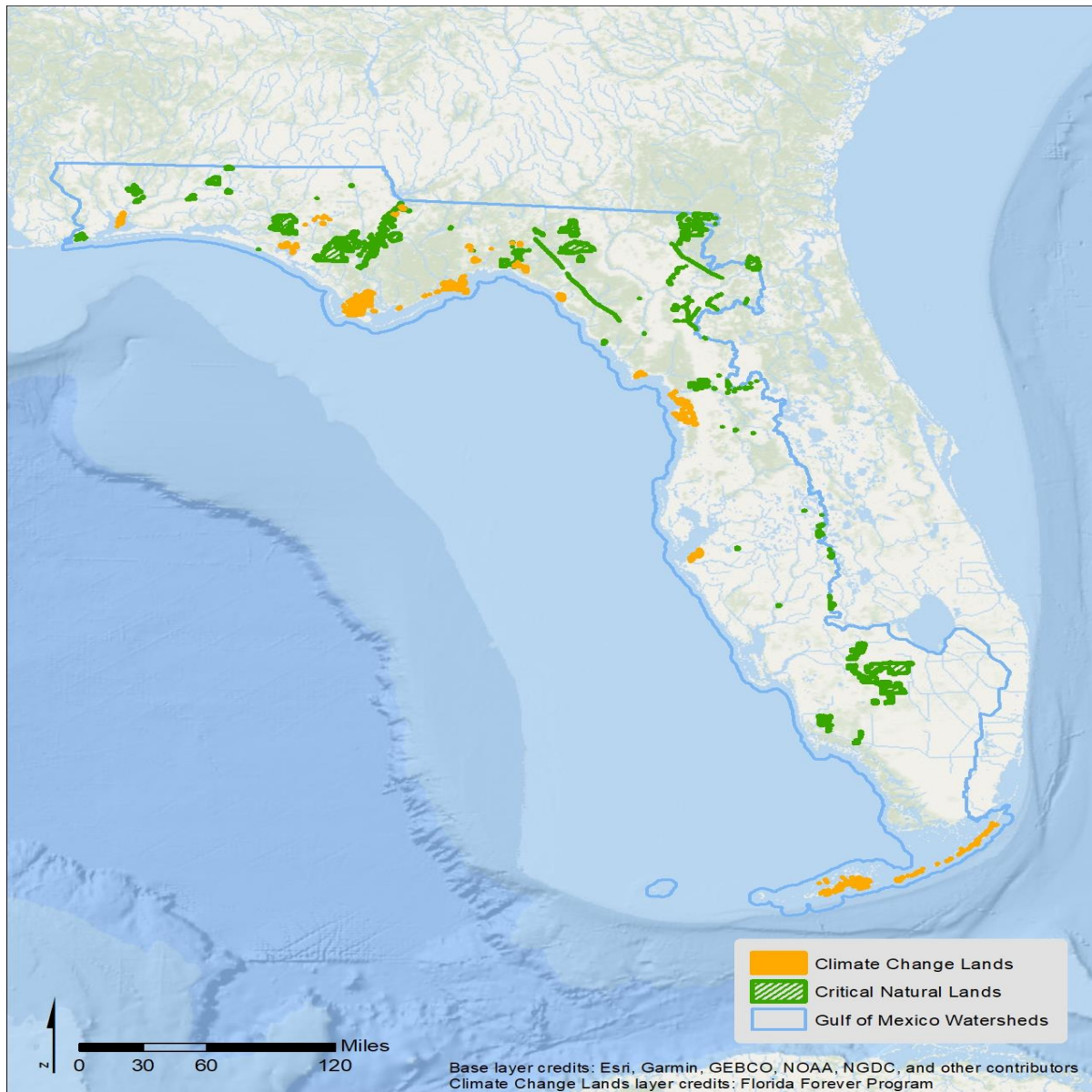
<https://www.restorethegulf.gov/sites/default/files/documents/pdf/Gulf%20Coast%20Ecosystem%20Restoration%20Council%20NEPA%20Procedures.pdf>

United States Fish and Wildlife Service Information for Planning and Consultation. Available at:

<https://ecos.fws.gov/ipac/>

## Appendix B, Figures

Figure 1: Location Map



Map illustrating the proposed extent of the Florida Strategic Gulf Coast Land Acquisition Program, including watersheds in Florida draining to the Gulf of Mexico. Areas for potential acquisition under this proposed program, identified as Climate Change Lands or Critical Natural Lands on the Florida Forever Program priority list, are shown.



John Ettinger &lt;john.ettinger@restorethegulf.gov&gt;

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**ESA no effect determination for FPL 3b FL LAP**

4 messages

**Heather Young** <heather.young@restorethegulf.gov>

Fri, Sep 25, 2020 at 11:13 AM

To: Ben Frater &lt;benjamin\_frater@fws.gov&gt;

Cc: John Ettinger &lt;john.ettinger@restorethegulf.gov&gt;, "Robertson, Lisa" &lt;Lisa.Robertson@floridadep.gov&gt;

The Gulf Coast Ecosystem Restoration Council (the Council) is proposing to provide approximately \$20M in restoration funding to the state of Florida, through the Florida Department of Environmental Protection (FDEP), for the proposed Florida Strategic Gulf Coast Land Acquisition Program (FL LAP). This would include approximately \$2M in planning funds and \$18M for implementation. Funded FL LAP activities would include acquiring lands on the Florida Forever Program priority list through both fee simple acquisition and/or conservation easements. Actual parcels are yet to be determined, though a map of potential properties has been identified and is attached to this email.

Pursuant to Section 7 of the Endangered Species Act, the Council has reviewed the proposed FL LAP for its impacts to federally listed species and their critical habitats. Acquisition for conservation includes the transfer of title ownership or the purchase of conservation easements designed specifically to protect the natural ecological values of the habitats. No ground disturbing activities are proposed to be funded. The FDEP understands that the taking of a federally protected species is not being authorized to the Program at this time, and future consultations with the U.S. Fish and Wildlife Service (USFWS) may be necessary if federally protected species have the potential to occur within an action area. Therefore, the Council has determined that the action of providing funding to the FL LAP will have "no effect" on listed species, their habitat, or proposed or designated critical habitat. If FDEP proposes to fund any further activities beyond acquisition at a future date, additional environmental review may be conducted as needed.

Thank you for your assistance and coordination with the Council and FDEP on this matter. If the USFWS has any additional information needs, please contact me at phone number 504-252-7716 or by an email addressed to [heather.young@restorethegulf.gov](mailto:heather.young@restorethegulf.gov).

**Heather D. Young**

Ecosystem Restoration Specialist  
Gulf Coast Ecosystem Restoration Council  
tel. 504-252-7716  
[www.restorethegulf.gov](http://www.restorethegulf.gov)

**Florida Strategic Gulf Coast Land Acquisition Program Map of Parcels (1).pdf**

828K

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**Heather Young** <heather.young@restorethegulf.gov>

Fri, Sep 25, 2020 at 11:30 AM

To: Jean Cowan &lt;jean.cowan@restorethegulf.gov&gt;, Buck Sutter &lt;buck.sutter@restorethegulf.gov&gt;

Cc: John Ettinger &lt;john.ettinger@restorethegulf.gov&gt;

More progress on land acquisition EC. Happy Friday!

[Quoted text hidden]

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**Florida Strategic Gulf Coast Land Acquisition Program Map of Parcels (1).pdf**

828K

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**John Ettinger** <john.ettinger@restorethegulf.gov>

Fri, Sep 25, 2020 at 11:35 AM

To: Heather Young &lt;heather.young@restorethegulf.gov&gt;

Cc: Jean Cowan &lt;jean.cowan@restorethegulf.gov&gt;, Buck Sutter &lt;buck.sutter@restorethegulf.gov&gt;

Great job, Heather! Thanks!

[Quoted text hidden]

--

*John Ettinger*

*Director of Policy and Environmental Compliance*

*Gulf Coast Ecosystem Restoration Council*

*(504) 444-3522*

[www.restorethegulf.gov](http://www.restorethegulf.gov)

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**Jean Cowan** <jean.cowan@restorethegulf.gov>

Fri, Sep 25, 2020 at 11:34 AM

To: Heather Young <heather.young@restorethegulf.gov>

Cc: Buck Sutter <buck.sutter@restorethegulf.gov>, John Ettinger <john.ettinger@restorethegulf.gov>

You're really knocking it out Heather (while on your AWS day!)!

-----  
Jean L W Cowan

*Gulf Coast Ecosystem Restoration Council*

*Director of Ecosystem Restoration Programs*

*Baton Rouge, LA*

*504-252-7725*

On Fri, Sep 25, 2020 at 11:30 AM Heather Young <heather.young@restorethegulf.gov> wrote:

[Quoted text hidden]



Heather Young <heather.young@restorethegulf.gov>

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**Re: [EXTERNAL] ESA no effect determination for FPL 3b FL LAP**

1 message

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**Frater, Benjamin** <benjamin\_frater@fws.gov>

Fri, Sep 25, 2020 at 1:23 PM

To: Heather Young <heather.young@restorethegulf.gov>, "Ray-Culp, Melody" <melody\_ray-culp@fws.gov>, "Panama City Regs, FW4" <panamacityregs@fws.gov>

Cc: John Ettinger <john.ettinger@restorethegulf.gov>, "Robertson, Lisa" <Lisa.Robertson@floridadep.gov>

Thank you Heather and John for your early coordination on this project. And thank you for sharing the Council's determination. I am forwarding this to the Panama City FWS regulatory clearinghouse, and Melody who has advised us in getting to this point. The FWS doesn't typically concur or reply to No Effect determinations, so I am not sure if you will see any further correspondence from us on this project.

Lisa, we look forward to seeing the accomplishments of your project. Should the need ever arise that you require assistance with federally listed species, you know where to find us. Thank you,

Ben Frater  
Acting Chief of Planning and Compliance  
Gulf Restoration Office  
[341 N. Greeno Road, Suite A](#)  
Fairhope, AL 36532  
cell: (404) 314-8815

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**From:** Heather Young <[heather.young@restorethegulf.gov](mailto:heather.young@restorethegulf.gov)>

**Sent:** Friday, September 25, 2020 11:13 AM

**To:** Frater, Benjamin <[benjamin\\_frater@fws.gov](mailto:benjamin_frater@fws.gov)>

**Cc:** John Ettinger <[john.ettinger@restorethegulf.gov](mailto:john.ettinger@restorethegulf.gov)>; Robertson, Lisa <[Lisa.Robertson@floridadep.gov](mailto:Lisa.Robertson@floridadep.gov)>

**Subject:** [EXTERNAL] ESA no effect determination for FPL 3b FL LAP

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

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Pursuant to Section 7 of the Endangered Species Act, the Council has reviewed the proposed FL LAP for its impacts to federally listed species and their critical habitats. Acquisition for conservation includes the transfer of title ownership or the purchase of conservation easements designed specifically to protect the natural ecological values of the habitats. No ground disturbing activities are proposed to be funded. The FDEP understands that the taking of a federally protected

species is not being authorized to the Program at this time, and future consultations with the U.S. Fish and Wildlife Service (USFWS) may be necessary if federally protected species have the potential to occur within an action area. Therefore, the Council has determined that the action of providing funding to the FL LAP will have "no effect" on listed species, their habitat, or proposed or designated critical habitat. If FDEP proposes to fund any further activities beyond acquisition at a future date, additional environmental review may be conducted as needed.

Thank you for your assistance and coordination with the Council and FDEP on this matter. If the USFWS has any additional information needs, please contact me at phone number 504-252-7716 or by an email addressed to [heather.young@restorethegulf.gov](mailto:heather.young@restorethegulf.gov).

[Heather D. Young](#)

Ecosystem Restoration Specialist  
Gulf Coast Ecosystem Restoration Council  
tel. 504-252-7716  
[www.restorethegulf.gov](http://www.restorethegulf.gov)



**Florida Strategic Gulf Coast Land Acquisition Program Map of Parcels.pdf**  
827K





John Ettinger <[john.ettinger@restorethegulf.gov](mailto:john.ettinger@restorethegulf.gov)>

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## FW: RESTORE Land Acquisition Program - Cultural and Historic Resource review

2 messages

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**Coram, Phil** <[Phil.Coram@floridadep.gov](mailto:Phil.Coram@floridadep.gov)>

Thu, Jul 2, 2020 at 7:36 AM

To: Heather Young <[heather.young@restorethegulf.gov](mailto:heather.young@restorethegulf.gov)>, "John Ettinger ([john.ettinger@restorethegulf.gov](mailto:john.ettinger@restorethegulf.gov))" <[john.ettinger@restorethegulf.gov](mailto:john.ettinger@restorethegulf.gov)>, "Howard, Ron - NRCS, Madison, MS" <[ron.howard@usda.gov](mailto:ron.howard@usda.gov)>, "Battle, Benjamin L - FS" <[benjamin.battle@usda.gov](mailto:benjamin.battle@usda.gov)>  
Cc: "Robertson, Lisa" <[Lisa.Robertson@floridadep.gov](mailto:Lisa.Robertson@floridadep.gov)>

Heather, as noted in my response to you recent email, below is an email we received from our SHPO on our RESTORE Land Acquisition Program for FPL3b.

At our upcoming call we can discuss whether this is sufficient or if we need something more formal.

Regards,

Phil

From: Parsons, Timothy A. <[Timothy.Parsons@dos.myflorida.com](mailto:Timothy.Parsons@dos.myflorida.com)>

Sent: Thursday, June 18, 2020 5:00 PM

To: Robertson, Lisa <[Lisa.Robertson@FloridaDEP.gov](mailto:Lisa.Robertson@FloridaDEP.gov)>; Aldridge, Jason H. <[JASON.ALDRIDGE@DOS.MYFLORIDA.COM](mailto:JASON.ALDRIDGE@DOS.MYFLORIDA.COM)>

Cc: Coram, Phil <[Phil.Coram@FloridaDEP.gov](mailto:Phil.Coram@FloridaDEP.gov)>

Subject: RE: RESTORE Land Acquisition Program - Cultural and Historic Resource review

Good afternoon all,

Phil, it was nice speaking with you on the phone earlier today. As I conveyed on the phone, simply applying for or receiving the funds prior to applying to the Florida Forever land acquisition program would not constitute an impact to historic or cultural properties. In fact, as part of the Florida Forever process every application is rigorously reviewed against numerous evaluation criteria, one of those being historic properties. Under all but the most unusual circumstances, acquisition by the state is a net positive in terms of historic properties protection.

Please let me know if I can be of further help.

Best,  
Tim

Timothy A. Parsons, Ph.D.

Division Director | State Historic Preservation Officer

Division of Historical Resources | Florida Department of State

500 South Bronough Street | Tallahassee, Florida 32399

Office: 850.245.6306 | Mobile: 850.519.4373 | [dos.myflorida.com/historical](https://dos.myflorida.com/historical) <<http://www.flheritage.com/>>

From: Robertson, Lisa <[Lisa.Robertson@FloridaDEP.gov](mailto:Lisa.Robertson@FloridaDEP.gov)><<mailto:Lisa.Robertson@FloridaDEP.gov>>>

Sent: Thursday, May 28, 2020 1:29 PM

To: Aldridge, Jason H. <[Jason.Aldridge@dos.myflorida.com](mailto:Jason.Aldridge@dos.myflorida.com)><<mailto:Jason.Aldridge@dos.myflorida.com>>>

Cc: Coram, Phil <[Phil.Coram@FloridaDEP.gov](mailto:Phil.Coram@FloridaDEP.gov)><<mailto:Phil.Coram@FloridaDEP.gov>>>; Parsons, Timothy A. <[Timothy.Parsons@dos.myflorida.com](mailto:Timothy.Parsons@dos.myflorida.com)><<mailto:Timothy.Parsons@dos.myflorida.com>>>

Subject: RE: RESTORE Land Acquisition Program - Cultural and Historic Resource review

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Hi Jason,

I left a voicemail yesterday related to the call we had on April 7th about the RESTORE Land Acquisition Program proposal. Please let us know if you have any feedback or recommendations that we should consider before submitting the formal cultural and historic resource review.

Thank you,  
Lisa

[FL-DEP-LOGO]

Lisa Robertson

FL. Department of Environmental Protection

Division of Water Restoration Assistance

3900 Commonwealth Blvd., MS 240

Tallahassee, FL. 32399-3000

Office: 850-245-2177

Cell: 850-567-9976

Lisa.Robertson@FloridaDep.gov<mailto:[Lisa.Robertson@FloridaDep.gov](mailto:Lisa.Robertson@FloridaDep.gov)>

From: Robertson, Lisa

Sent: Monday, May 18, 2020 2:43 PM

To: 'Jason.Aldridge@DOS.MyFlorida.Com' <[Jason.Aldridge@DOS.MyFlorida.Com](mailto:Jason.Aldridge@DOS.MyFlorida.Com)<mailto:[Jason.Aldridge@DOS.MyFlorida.Com](mailto:Jason.Aldridge@DOS.MyFlorida.Com)>>

Cc: Coram, Phil <[Phil.Coram@FloridaDEP.gov](mailto:Phil.Coram@FloridaDEP.gov)<mailto:[Phil.Coram@FloridaDEP.gov](mailto:Phil.Coram@FloridaDEP.gov)>>

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Subject: RE: RESTORE Land Acquisition Program - Cultural and Historic Resource review

Hi Jason,

Hope you are doing well and staying healthy. I've been trying to contact you related to the call Phil Coram and I had with you on April 7th about a cultural and historic resource review of a proposed land acquisition program that would build off of Florida Forever.

We are almost ready to submit the formal review request but were hoping to get feedback or recommendations from you prior to submitting the request to SHPO.

Please let us know if there are any thoughts or recommendations that we should consider related to this request.

We are available to schedule another call if that would be helpful.

Look forward to hearing from you and thank you for your assistance,

Lisa

[FL-DEP-LOGO]

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Lisa.Robertson@FloridaDep.gov<mailto:[Lisa.Robertson@FloridaDep.gov](mailto:Lisa.Robertson@FloridaDep.gov)>

From: Robertson, Lisa

Sent: Monday, April 13, 2020 12:22 PM

To: [Jason.Aldridge@DOS.MyFlorida.Com](mailto:Jason.Aldridge@DOS.MyFlorida.Com)<mailto:[Jason.Aldridge@DOS.MyFlorida.Com](mailto:Jason.Aldridge@DOS.MyFlorida.Com)>

Cc: Coram, Phil <[Phil.Coram@FloridaDEP.gov](mailto:Phil.Coram@FloridaDEP.gov)<mailto:[Phil.Coram@FloridaDEP.gov](mailto:Phil.Coram@FloridaDEP.gov)>>

Subject: RESTORE Land Acquisition Program - Cultural and Historic Resource review

Hi Jason,

Thank you for the call last Tuesday.

I wanted to reach out to see if you have an opportunity to follow-up internally on our discussion and if you had any feedback for us before we submit a formal request.

Thanks,  
Lisa

[FL-DEP-LOGO]

Lisa Robertson

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[Dep Customer Survey]<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_survey.dep.state.fl.us\\_-3Frefemail-3DLisa.Robertson-40FloridaDEP.gov&d=DwMFAG&c=JDr0t6f77aOFP4neilo99w&r=mWbGO7eVIT2vX\\_FoCt95vyRPK4w8nszsGy9ojMJASEG3-8UhrTelaE5iMq\\_9t9s&m=XKHcEVQMnk8WgvX4LuigAPol\\_mQ42PqP3F0hKxTgBBA&s=5Yk4YR3jc2uGgdbp-bkbWeF9fnDuEACiqzb\\_70FHmNQ&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__survey.dep.state.fl.us_-3Frefemail-3DLisa.Robertson-40FloridaDEP.gov&d=DwMFAG&c=JDr0t6f77aOFP4neilo99w&r=mWbGO7eVIT2vX_FoCt95vyRPK4w8nszsGy9ojMJASEG3-8UhrTelaE5iMq_9t9s&m=XKHcEVQMnk8WgvX4LuigAPol_mQ42PqP3F0hKxTgBBA&s=5Yk4YR3jc2uGgdbp-bkbWeF9fnDuEACiqzb_70FHmNQ&e=>)>  
[Dep Customer Survey]<<http://survey.dep.state.fl.us/?refemail=Phil.Coram@FloridaDEP.gov>>



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24K

**Heather Young** <heather.young@restorethegulf.gov>

Thu, Jul 2, 2020 at 10:51 AM

To: "Coram, Phil" <Phil.Coram@floridadep.gov>

Cc: "John Ettinger (john.ettinger@restorethegulf.gov)" <john.ettinger@restorethegulf.gov>, "Howard, Ron - NRCS, Madison, MS" <ron.howard@usda.gov>, "Battle, Benjamin L -FS" <benjamin.battle@usda.gov>, "Robertson, Lisa" <Lisa.Robertson@floridadep.gov>

Thanks so much Phil! And yes we can discuss on upcoming call. Great news .

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[Quoted text hidden]

[Quoted text hidden]



**Lisa Robertson**

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**From:** Robertson, Lisa

**Sent:** Monday, May 18, 2020 2:43 PM

**To:** 'Jason.Aldridge@DOS.MyFlorida.Com' <Jason.Aldridge@DOS.MyFlorida.Com>

**Cc:** Coram, Phil <Phil.Coram@FloridaDEP.gov>; 'timothy.parsons@dos.myflorida.com' <timothy.parsons@dos.myflorida.com>

**Subject:** RE: RESTORE Land Acquisition Program - Cultural and Historic Resource review

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**Sent:** Monday, April 13, 2020 12:22 PM  
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**Subject:** RESTORE Land Acquisition Program - Cultural and Historic Resource review

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[Heather D. Young](#)

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