



## 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:**

Carpenter Creek Bayou Texar Watershed Outfalls Project

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

Escambia County, FL

**Proposed Action Description:**

The Council is approving \$6,400,000 for implementation of the Carpenter Creek Bayou Texar Watershed Outfalls project, located in Escambia County, FL, and sponsored by the FDEP. This project will be implemented as a component of the FPL 3b Florida Water Quality Improvement Program. To implement this project, FDEP will work with the City of Pensacola to improve existing infrastructure by seamlessly retrofitting five stormwater outfalls currently discharging untreated stormwater from 40 acres within the Carpenter Creek watershed into Bayou Texar. The project will install five treatment units whose primary function is to remove sediment, debris, trash, and their associated pollutants from stormwater. Environmental benefits include improved water quality by capturing and treating stormwater runoff. Water quality analysis and pollutant load models reveal elevated nutrient concentrations at monitoring stations downstream of the outfalls. Existing infrastructure at the sites includes paved flumes leading from curb inlets directly into the Bayou. This project will improve existing infrastructure to provide new stormwater treatment, improve water quality, and protect water resources, with expected reductions in nutrient and sediment loadings to the Bayou.

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**Categorical Exclusion(s) Applied:**

EPA Categorical Exclusion 40 CFR § 6.204(a)(1)

## 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.)
USEPA	Susan Park	09/27/2023	NEPA
USFWS	Laura Wright	05/04/2023	Endangered Species Act
FL Department of State	Alissa Lotane	07/24/2023	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:

EPA NEPA CE, ESA Concurrence Memo, SHPO Letter

## **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

**Responsible Official (Signature)**

MARY WALKER Digitally signed by MARY WALKER  
Date: 2024.01.17 14:51:44 -06'00'

**Date** January 17, 2024

## 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 and that have been found to have no such effect. 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. the State's Historical Preservation Office (obtained through National Historic Preservation Act Section 106 consultation),
  - b. the U.S. Fish and Wildlife Service or National Marine Fisheries Service (obtained through Endangered Species Act informal consultation),
  - c. the 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 environmental impact(s) (both construction and operational impacts). Impacts may be both beneficial and adverse.
- 5) 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.

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	Grant Program / Funding Authority	Grant Id Number (if known)
Carpenter Creek Bayou Texar Watershed Outfalls Project	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*)

CITY OF PENSACOLA, FLORIDA. SEE ATTACHED MAP OF THE 5 LOCATIONS FOR MORE DETAILS.

Project Description (*summary of project scope*)

The City of Pensacola will improve existing infrastructure by seamlessly retrofitting five stormwater outfalls with stormwater treatment units currently discharging untreated stormwater into Bayou Texar from the Carpenter Creek watershed.

The treatment units will be either concrete or high-density polyethylene box or cylinder-like structures with a series of settling chambers whose primary function is to remove sediment, debris, trash, and their associated pollutants from stormwater. The box is then vacuum cleaned, and the material is properly disposed of, preventing the sediment, debris, and trash from entering Bayou Texar.

The treatment units will be installed at the exit of existing drainage pipes underneath the roadway and discharged from the units through existing ditches or swales leading into the Bayou.

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

Name/Title	Email	Phone Number
Diane Reese / Amanetta Somerville	<a href="mailto:Reese.Diane@epa.gov">Reese.Diane@epa.gov</a> <a href="mailto:Somerville.Amanetta@epa.gov">Somerville.Amanetta@epa.gov</a>	228-679-5898 404-562-9025

**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) or (iii). Additionally, supporting statements and documentation must be included in Attachment 1.

If yes to any, proceed to next section.	<b>40 CFR § 6.204(a)(1)(ii). 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"/>	<input type="checkbox"/> Minor upgrading
	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/> Construction of new minor ancillary facilities next to or on the same property as existing facilities

If yes to any, CATEX does not apply. STOP here.	Will the project include actions that:	
	<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
If yes to any, proceed to next section	<b>40 CFR § 6.204(a)(1)(iii). Actions in unsewered communities involving:</b>		
	<b>YES</b>	<b>NO</b>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Replacement of existing onsite systems
If yes to any, CATEX does not apply. STOP here.	Will the project include actions that:		
	<b>YES</b>	<b>NO</b>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Involve relocated discharges
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will likely result in the substantial increase in the volume or the loading of pollutants from existing sources

Project Name	Grant Id Number (if known)
Carpenter Creek Bayou Texar Watershed Outfalls Project	N/A

**III.B. 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.

<b>YES</b>	<b>NO</b>	
<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?  Communities Present: <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?  Resources Present: <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?  Resources Present: <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?  Resources Present: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [If yes, describe in Attachment 1]

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>6) Is the action known or expected to cause significant adverse air quality effects?</p> <p>Is the Project located in a designated nonattainment or maintenance area for air quality pollutants?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [If yes, describe in Attachment 1]</p>
<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?
<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?

Title of Project	Grant Id Number (if known)
Carpenter Creek Bayou Texar Watershed Outfalls Project	N/A

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

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | 1) <b>No extraordinary circumstances apply</b> to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). This statement is based on either past experience with similar actions <b>at the proposed action site</b> resulting in a CATEX and/or information gathered as part of <b>previous NEPA</b> or environmental due diligence review conducted <b>at the proposed action site</b> . A statement and supporting documentation is attached. |
| <input checked="" type="checkbox"/> | 2) <b>No extraordinary circumstances apply</b> 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).   |

#### IV. NEPA Review Determination and Responsible Official Signature (EPA Use Only)

Sections I through III 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.** The 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, the EPA will not prepare an environmental impact statement or an environmental assessment for the proposed project. The 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)).

Title of Project	Grant Id Number
Carpenter Creek Bayou Texar Watershed Outfalls Project	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.	

**Location of Proposed Outfalls Stations in the City of Pensacola, Escambia County, FL.**

Site	Address Narrative	Longitude/Latitude
A	End of Hyde Park Road, east shore of Bayou Texar	30.440317, -87.186847
B	End of Cove Road, east shore of Bayou Texar	30.438044, -87.183814
C	End of East Brainerd St., west shore of Bayou Texar	30.429533, -87.192150
D	End of E Gonzalez St., Cove Road, east shore of Bayou Texar	30.428611, -87.187494
E	End of East Gadsden St. west shore of Bayou Texar	30.425047, -87.189700

**Environmental Justice Analysis**

The project involves retrofitting five stormwater outfalls with stormwater treatment units currently discharging untreated stormwater into Bayou Texar from the Carpenter Creek watershed. The outfalls are in residential neighborhoods along the Bayou.

The treatment units will be installed at the exit of existing drainage pipes underneath the roadway and discharged from the units through existing ditches or swales leading into the Bayou. An analysis of the five outfall locations with a 0.25 mile and 0.5-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 Pensacola. Thus, the proposed project will not incur disproportionately high or negative impacts on the residents in Pensacola.

In Reply Refer To:

April 4, 2023

2023-0050304 Carpenter Creek Bayou Texar Watershed Outfalls

Memorandum

To: John Ettinger, Director of Policy and Environmental Compliance, Gulf Coast Ecosystem Restoration Council, 5348 Camp Street, New Orleans, LA 70115

From: Division Supervisor, Environmental Review

Subject: Informal Consultation for the proposed Water Quality Improvement Program located in the Carpenter Creek and Bayou Texar watersheds of the City of Pensacola, Escambia County, Florida

This memorandum acknowledges our receipt of your memorandum on March 27, 2023. This response is in accordance with Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA). We have reviewed your proposed project and concur with your March 27, 2023, determinations for endangered and threatened species, their critical habitat, and at-risk species (should they become listed). We based our concurrence on the justification below. Where more than one justification was applicable, multiple boxes are checked and additional comments are added.

- Species-specific surveys were conducted and there are no endangered, threatened, or at-risk species or designated critical habitat on site.
- Endangered, threatened, and at-risk species are not known to be present and are not expected to occur within the vicinity of the proposed project.
- Appropriate avoidance and minimization measures have been included within the project description to ensure that any effects to listed species (or at-risk species should they become listed) are insignificant or discountable.

Applicant has agreed to the following:

- Construction will be land-based and entirely landward of the adjacent waterbody. Additionally, the underground treatment units will be installed at exit of existing drainage pipes underneath the roadway and discharge from the units through existing ditches or swales leading into the Bayou. All treatment units and work will be conducted above the mean highwater elevation.
- Florida Environmental Resource Permit will be obtained, which stipulates, “No activity is authorized under any general permit which is likely to directly or indirectly jeopardize the continued existence of an endangered or threatened species or a species proposed for such designation, or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any general permit which may affect a listed species or critical habitat, unless the Agency has consulted with, or been provided technical assistance by the Florida Fish & Wildlife Conservation Commission, the U.S. Fish & Wildlife Service, and the National Marine Fisheries Service

under their respective authorities and appropriate measures to address the effects of the proposed activity have been implemented or are required as a specific condition to the general permit.”

- The underground treatment units are intended to reduce the loading of pollutants to the receiving water by removing sediment, debris, trash, and their associated pollutants.
- The contractor may be required to obtain coverage under the Florida Construction Generic Permit to discharge storm water from construction activities. The permit requires the contractor to prepare and follow a Storm Water Pollution Prevention Plan (SWPPP) and implement the appropriate best management practices to prevent the discharge of sediments from the project site. If a Florida Construction Generic Permit is not required, the contractor shall still be required to prepare and follow a Storm Water Pollution Prevention Plan (SWPPP) and implement the appropriate best management practices to prevent the discharge of sediments from the project site.

- Critical habitat is not present on site and does not occur within the vicinity of the proposed project.
- Appropriate avoidance and minimization measures have been included within the project description to ensure primary constituent element(s) (PCE[s]) and/or critical habitat will not be adversely modified or destroyed.
- The proposed project is completely beneficial to the listed or at-risk species and/or critical habitat considered.

Unless the project description changes, or new information reveals that the effects of the proposed action may affect listed species in a manner or to an extent not previously considered, or a new species or critical habitat is designated that may be affected by the proposed action no further action pursuant to the ESA is necessary.

If you have any questions regarding this project, please contact Laura Wright, Fish and Wildlife Biologist, at [laura\\_wright@fws.gov](mailto:laura_wright@fws.gov) or 850-769-0552.



## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**

Governor

**CORD BYRD**

Secretary of State

Florida Department of Environmental Protection  
Deep Water Horizon Program  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

July 24, 2023

RE: DHR Project File No.: 2023-2045, Received by DHR: April 7, 2023  
Project: *Bayou Texar Watershed*  
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.

A review of the Florida Master Site File indicates two (2) archaeological sites, 8ES01325 and 8ES1339, are located within or immediately adjacent to the proposed project area. Based on the information provided, all treatment units will be installed in existing stormwater ditches or swales and ground disturbance will be minimal and conducted via a small excavator or shovel. Therefore, it is the opinion of this office that the proposed activities are unlikely to adversely effect 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*, or by telephone at 850.245.6344.

Sincerely,

A handwritten signature in blue ink that reads "Kelly L Chase" with "For" written below it.

Alissa 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

