

**Tampa Bay National Estuary Program
Environmental Compliance Documentation
March 2017**

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ENVIRONMENTAL INFORMATION DOCUMENT – This document provides a summary of the named component project, including compliance information with certain regulations (NEPA, NHPA, ESA, Magnuson-Stevens (EFH), and Fish and Wildlife Coordination Act (FWCA)). Demonstrating compliance with these certain regulations is a requirement of the Gulf Coast Ecosystem Restoration Council (GCERC) to move a project from Category 2 to Category 1 status (eligible for funding) on the Funded Priorities List (FPL).

Tampa Bay Estuary Program (Implementation) - The Unique identifier assigned to this project is EPA_RESTORE_002_005_Cat2 - This Project is currently listed as a Category 2 on GCERC's Funded Priorities List (FPL). The project includes seven elements (component projects) which are (1) Ft De Soto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water Quality Improvement.

Ft De Soto Recirculation and Seagrass Recovery Project Summary

Project Description: The entire project consists of two elements aimed at habitat restoration and water quality improvement in Ft. De Soto Park, a Pinellas County facility which lies adjacent to Tampa Bay to the east and the Gulf of Mexico to the west. The first element involves restoring hydrologic flow and circulation between two backwater bays currently blocked by a land bridge formed by the access road to one of the park's upland islands. Restoring circulation between the two bays will allow better flushing during tidal cycles and improve water quality conditions (such as dissolved oxygen) within these areas. The reduced temperatures and increased dissolved oxygen resulting from restored hydrological flushing of the backwater bays is expected to result in increased growth of seagrass species. The cut was completed and the bridge was constructed earlier in 2016. The second restoration element includes re-vegetation of marine habitat around the project area as needed after the hydrological restoration as well as post-construction monitoring to understand changes associated with the circulation cut.

TBEP RESTORE funds will be used for the 1) installation of native vegetation around the newly-constructed circulation cut; 2) creation of a hydrodynamic model of circulation within the vicinity of the cut and embayment over a two-year period; 3) seagrass monitoring for three years as standardized with the Southwest Florida Seagrass Working Group; 4) two years of benthic sampling; 5) water quality (nutrients, chlorophyll, phytoplankton, and other parameters) monitoring for a three-year period including eight sampling events per year; 6) three years of continuous, real-time monitoring of salinity, dissolved oxygen, conductivity, pH, and temperature; and 7) assessment of monitoring results.

This is a Phase II project; the first phase of this project was completed in 2004 at the main entrance to the park. That first causeway replacement resulted in immediate tidal flushing of the bays at that entrance causeway. Project results of Phase I also included the establishment of an additional 200 acres of seagrass beds in the vicinity of the project. Additionally, higher quality seagrass was established as long-lived *Thalassia* outcompeted the more ephemeral *Halodule*. The first phase of this long-term project received national awards and recognition for the ecological benefits resulting from the work. This second phase is expected to duplicate and expand the environmental benefits to Tampa Bay, a SWIM (Southwest Florida Water Management District Surface Water Improvement Management) water

body, as well as the ecological enhancements to Ft. De Soto Park, which boasts up to 3.1 million annual visitors and the best beach in the nation.



Environmental Benefits: The Ft. De Soto Ecological Enhancement Recirculation Project is a voluntary project aimed at improvement of marine/estuarine habitat at Ft. De Soto Park and the surrounding waters. An estimated 200 acres of estuarine habitat will be restored with the expectation of up to 200 acres of new seagrass bed development. This is based on prior experience with the establishment of 100-200 acres of new seagrass bed development from the Phase I Recirculation Project. Additionally, restoration planting with site appropriate native plants may be performed as needed to improve habitat along the shoreline of the project area. Red and black mangroves to stabilize the shoreline edges, cordgrass along the upland land, and species to match the existing native vegetation will be selected for restoration planting. This will restore and enhance approximately one acre of the mangrove fringe along the causeway shoreline.

Additional Benefits: Water quality improvements; tidal flushing; improved watershed connectivity; reduced heat sink in backwater bays; increased dissolved oxygen; improved fish passage; restored habitat; increased seagrass bed development (resulting in improved marine wildlife such as manatees); enhanced community resilience; sustenance of fishing resource. Benefits to listed species including

Manatees, Gulf Sturgeon, Loggerhead sea turtles and wide range of listed bird species (including but not limited to roseate spoonbill, wood stork, snowy egret etc.)

A full Environmental Report on this site and project is attached and includes maps, evaluation of flora and fauna, and other information relevant to environmental compliance.

NEPA: EPA has determined that the TBEP RESTORE funded portion of the *Ft. De Soto Recirculation and Seagrass Recovery Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the RESTORE funded portion of the *Ft. De Soto Recirculation and Seagrass Recovery Project*, which is one of the seven component projects that comprise the **Tampa Bay Estuary Program (Implementation)** is statutorily exempt from NEPA because the project does not include (i) the award of wastewater treatment constructions grants under Title II of the Clean Water Act; or (ii) EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act; or (iii) certain research and development projects; or (iv) development and issuance of regulations; or (v) EPA actions involving renovations or new construction of facilities; or (vi) certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Additional Information: EPA voluntarily provides the following additional information to further assist the GCERC Staff with their environmental compliance review process.

The implementation of this project is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time. The Ft De Soto Recirculation and Seagrass Recovery is located within Pinellas County's Ft De Soto Park. The project will result in potentially significant improvements in water quality and seagrass habitat, benefiting the quality of the human use and environment in the Park.

The implementation of this project is not 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. Because the project is located within a County Park that does not have permanent human inhabitants, the project will not disproportionately or negatively impact any community. The project is expected to have positive environmental effects through improvements in water quality and seagrass habitat.

The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat. This project will have only positive effects on species and critical habitat within the project boundary, as determined by the signed USFWS Southeast Region Intra-Service Section 7 Biological Evaluation Form (attached).

The implementation of this project is not known or expected to significantly affect national natural landmarks or any property with nationally 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. Extensive review of cultural and archaeological resources has been performed at Ft. De Soto Park. Known historical sites include Master Site Files #Pi 16; #Pi 109; #Pi 1697; and #Pi 1265 as filed with the Florida Department of State, Division of Historical Resources. None of those sites are within nearby proximity of the project site. A map of these areas is attached, including the location of the project. Additionally, a 12-inch mortar battery in Ft. De Soto, within the park was listed in the National Register of Historic Places in 1977. This historic feature is also not within proximity of the project site. In a letter dated September 28, 2015, The Florida State Historic Preservation Officer (SHPO) issued the office's opinion that the proposed project will have no adverse effect on historic properties listed, eligible for listing, on the National Register of Historic Places. The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and its implementing regulations in *36 CFR Part 800: Protection of Historic Properties*.

The implementation of this project is not 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 Department of the Army Corps of Engineers (ACOE) issued a Nationwide Permit Number 27 (SAJ-2002-06831) and a Southwest Florida Water Management District issued an ERP General Construction Modification permit (Permit No 658183/44010898.004) have been obtained for this project (attached). The ERP permit states that there is no increase in impervious area or pollutant load; there is a 0.47 acre temporary dredging impact and a 0.02 acres temporary fill road impact within Mullet Key Bayou for the construction of the maintenance road bridge. Mitigation is not required since the wetland /surface water impacts will restore water circulation and expand seagrass habitat within the bayous of Mullet Key, located in Fort De Soto Park in southern Pinellas County, Florida.

The implementation of this project is not known or expected to cause significant adverse air quality effects. During construction there will be exhaust emissions from trucks, bulldozers, backhoes, etc., but these air emissions are expected to be de minimis. In addition there can be dust generated during earth moving or ground disturbing activities. Dust generation will be minimized through use of best management practices such as wetting of soils and use of covers on trucks hauling dirt.

The implementation of this project is not 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 opening of the artificial land bridge to re-establish flushing between two back-bays does not involve a change in the existing maintenance road land use patterns. The project is located in Pinellas County Park that does not have a permanent human population area, and is not on federally-recognized Indian tribe lands. Therefore the project is not expected to result in changes in the patterns and types of land use in Ft De Soto Park or southern Pinellas County.

The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project. The project supports the Tampa Bay Estuary Program CCMP, the EPA TMDL for Tampa Bay, Florida's Reasonable Assurance determination for Tampa Bay, and the Southwest Florida Water Management District's SWIM Plan.

The implementation of this project is not known or expected to be associated with providing funding to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts. The project does not provide funding to a federal agency. It would provide funding to The Tampa Bay Estuary Program (an Independent Special District of the State of Florida), who would then provide funding to Pinellas County (a county in the State of Florida) to implement the project.

The implementation of this project is not 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 is not expected to conflict with federal, state or local government, or federally recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

NHPA: A review of the proposed project area was conducted in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended and 36 CFR Part 800: Protection of Historic Properties. EPA and Tampa Bay Estuary Program submitted a request to the Florida State Historic Preservation Officer on September 17, 2015, requesting their review of the project for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archeological value. In a letter dated September 28, 2015, the Florida Division of Historical Resources issued their opinion that the proposed project will have no adverse effect on this resource.

The Florida Division of Historical Resources noted the following special condition should be included in permits issued regarding inadvertent discoveries:

If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, or any other physical remains that could be associated with Native America cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee should contact this office, as well as the appropriate permitting agency. In the event that unmarked remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

ESA: In an email dated September 23, 2015, EPA and Tampa Bay Estuary Program requested USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq) for the proposed project entitled "Tampa Bay National Estuary Program (Implementation)" that was included on the GCERC's "Draft" Funded Priorities List (FPL). The proposed project was developed by the EPA and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposed project

includes seven elements (component projects) which are (1) Ft. De Soto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; Coastal Invasive Plant removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and Coopers Point Water Quality Improvement.

In an email dated September 28, 2015, The U.S. Fish and Wildlife Service (USFWS) determined that the proposed project, including all seven component projects listed above, "is not likely to adversely affect" any federal listed species or critical habitat.

EFH: Tampa Bay Estuary Program staff provided Essential Fish Habitat (EFH) assessments and other documentation for review by the NOAA Southeast Region's Habitat Conservation Division (SER HCD) via email on September 23, 2015 for the following seven component projects comprising the Tampa Bay Estuary Program (Implementation) project:

Copeland Park Pond Restoration	Hillsborough County, FL
Palm River Restoration Project Phase II	Hillsborough County, FL
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, FL
Robinson Preserve Expansion Project	Manatee County, FL
Fort De Soto Recirculation and Seagrass Recovery	Pinellas County, FL
St. Petersburg Biosolids to Energy Project	Pinellas County, FL
Cooper's Point Water Quality Improvement & Restoration	Pinellas County, FL

The SER HCD issued a letter on September 24, 2015 to EPA concluding that, based on their review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH). In the letter, the SER HCD acknowledged that, where applicable, best management practices to minimize both short term construction impacts and long term impacts to sensitive habitats have been developed and were included in the EFH assessments provided. The SER HCD had no EFH conservation recommendations to provide pursuant to 305(b)(2) of the Magnuson-Stevens Act.

FWCA: This project previously underwent intra-Service consultation with the U.S. Army, Corps of Engineers (Corps) in conjunction with the Corps issued permit for the project (SAJ-2012-06831(NWP-27)). Additionally, EPA received feedback on September 28, 2015 from the U.S. Fish and Wildlife Service (USFWS) on the Endangered Species Act relating to the project.

The following table summarizes the various authorities consulted and permits issued

Agency	Representatives Name, Office, & Phone	Date	Notes and topic discussed, relevant details, and conclusions
U.S. Fish and Wildlife Service	Peter Plage (904)371-3085 Heath Rauschenberger PhD. (904)731-3203	9/28/2015	ESA - Threatened and endangered species; see attached email. This project previously underwent intra-Service consultation and, as conditioned in the U.S. Army, Corps of Engineers (Corps) permit for the project (SAJ-2012-06831(NWP-27)) requires compliance with "Standard Manatee Conditions for In-Water Work" and "Standard Protection Measures for the Eastern Indigo Snake.", is not likely to adversely affect listed species. <u>USFW determined the proposed project, including the seven component projects, is "not likely to adversely affect" any federally listed species or critical habitat.</u>
Florida State Historical Preservation Officer (SHPO)	Robert F. Bendus Mary Berman (850)245-6333	9/28/2015	NHPA - Historical, cultural, and archeological resources; see attached letter. Based on the information provided for the above referenced project, it is the opinion of the SHPOs office that the proposed project will have no adverse effect on this resource. Because there is still some potential for archaeological sites to occur during ground disturbing activities, we request that the permit, if issued, should include a special condition regarding inadvertent discoveries.
NOAA	Mark Sramek Virginia Fay	9/24/2015	EFH - Magnuson-Stevens Act; see attached letter. From NOAA's our review, the proposed project activities <u>would only result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH)</u> under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The SER HCD had no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time.
USACE	Candice Wheelahan (813)769-7064	4/11/2012	USACE Permit Issued; The U.S. Army, Corps of Engineers (Corps) was previously issued to Pinellas County for this project. (SAJ-2012-06831(NWP-27))
Southwest Florida Water Management District	Michelle K. Hopkins (813)985-7481	2/2/2012	SFWMD Permit Issued; SWFWMD permit was previously issued to Pinellas County for this project. (Permit No 658183/44010898.004)

Attachments:

- EPA NEPA Review; December 7, 2016
- “Environmental Report – Ft. Desoto Maintenance Road Bridge Water Circulation Project – Pinellas County, FL”; 2011; Prepared by URS Corporation Southern for Pinellas County Department of Public Works.
- Section 7- ESA Biological Evaluation Form (FWS Concurrence by Jay Herrington)
- Army Corps of Engineers (ACOE) Permit No. SAJ-2002-06831 (NWP-27)
Southwest Florida Water Management District Permit No. 658183/44010898.004
- Archaeological map showing project site
- NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter; September 24, 2015
- USFWS Endangered Species Act (ESA) Clearance Letter; September 28, 2015
- EPA “No Effect” Determination regarding NOAA ESA consultation; April 27, 2016
- Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter; Sept. 28, 2015

ATTACHMENT

EPA NEPA Review



RESTORE Council Funded Project
National Environmental Policy Act (NEPA) Review
United States Environmental Protection Agency
Gulfport, MS 39501

Ft De Soto Recirculation and Seagrass Recovery Project

EPA has determined that the TBEP RESTORE funded portion of the *Ft. De Soto Recirculation and Seagrass Recovery Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the RESTORE funded portion of the *Ft. De Soto Recirculation and Seagrass Recovery Project*, which is one of the seven component projects that comprise the **Tampa Bay Estuary Program (Implementation)** is statutorily exempt from NEPA because the project does not include (i) the award of wastewater treatment construction grants under Title II of the Clean Water Act; or (ii) EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act; or (iii) certain research and development projects; or (iv) development and issuance of regulations; or (v) EPA actions involving renovations or new construction of facilities; or (vi) certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Responsible Official for NEPA Review

As the Responsible Official for NEPA review, I have determined that this action statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b).

Signature 	Name & Title Chris Millitscher Chief – R4-RCRD-NEPA Office	Phone Number (404)562-9512
EPA Contact for Environmental Review on this Project (If different from Responsible Official)		
Name John F. Bowie, P.E.	Title Environmental Engineer	Phone Number (228)679-5891

ATTACHMENT

**Environmental Report – Ft. Desoto Maintenance Road Bridge Water Circulation Project –
Pinellas County, FL**

ENVIRONMENTAL REPORT

***Ft. DeSoto Maintenance Road Bridge
Water Circulation Project
Pinellas County, Florida***



Prepared for:

Pinellas County Department of Public Works
Structures Division
440 Court Street
Clearwater, FL 33756

Prepared by:

URS

URS Corporation Southern
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Tampa, FL 33607

December 5, 2011

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1.0 INTRODUCTION

URS Corporation Southern (URS), on behalf of the Pinellas County Public Works Department, has prepared this Environmental Report as part of the Joint Application for an Environmental Resource Permit (ERP) for a water circulation improvement project underneath the Ft. Desoto Maintenance Area Road in Pinellas County (see **Figure 1 – Project Location Map**). The project limits begin approximately 315 feet north of Anderson Boulevard and extend north along Maintenance Area Road a total length of 1,085 feet. The project is located within Section 9 of Township 33 South, Range 16 East. The purpose of this environmental report is to describe the existing environmental conditions of the project area and the potential impacts to wetlands and federal and state-listed species that may occur as a result of the proposed project.

1.1 Project Need and Description

This project is a continuation of the Fort DeSoto Water Circulation Improvements Project that was originally conceived to restore natural water circulation within the back-bays of Mullet Key. In November 2004, the construction of a bridge and bulkhead walls along the park entrance road (SR 693) was completed. This project represented the initial phase of the Fort Desoto Water Circulation Project. The Maintenance Area Road Bridge was also part of the original project; however, due to insufficient funding the Maintenance Area Road Bridge was not constructed. Pinellas County determined that the original design for the Maintenance Road Bridge is too costly to construct based on construction costs of the previously constructed Entrance Road Bridge. This project will consist of preparing a Bridge Development Report (BDR) focused on determining a suitable structure that will satisfy budget constraints, secure necessary permits, and provide final construction plans and design documentation for the recommended structure.

The Ft. DeSoto Maintenance Area Road is not a public roadway, but is maintained by Pinellas County as part of the Ft. DeSoto Park. It is a two-lane, paved road with an open drainage system that sheet flows directly into the back bays of Mullet Key. The road is currently used for County vehicles to access maintenance buildings and equipment stored at the maintenance facility at the northern terminus of the road.

2.0 EXISTING CONDITIONS

This section describes the existing conditions within the project area with respect to soils and land use/vegetative cover types.

2.1 Methodology

Prior to field visits, the following information was reviewed to characterize habitat features and land use patterns within the project area:

- U.S. Geological Survey (USGS) 7.5 minute Topographical Quadrangle Map, Pass-a-Grill Beach, FL, 1994;
- Aerial photos, scale: 1 inch = 200 feet (Pinellas County, 2009);



Figure 1
Ft Desoto Water Circulation Improvement Project
Pinellas County, FL
Project Location Map

Legend

Project Location



0 0.5 1
Miles

- U.S. Department of Agriculture (USDA), Natural Resource Conservation Service, *Web Soil Survey of Pinellas County, Florida (FL-103)*, Version 8, January 26, 2011, <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx> (Accessed May 17, 2011);
- Florida Association of Professional Soil Scientists, *Hydric Soils of Florida Handbook*, Fourth Edition (Hurt, 2007);
- Florida Department of Transportation (FDOT), *Florida Land Use, Cover and Forms Classification System Handbook* (FLUCFCS) (Third edition, 1999); and
- U.S. Fish and Wildlife Service (FWS), *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin, *et al.*, 1979).

In March and May 2011, environmental scientists familiar with Florida natural communities conducted field reviews of the project area. The project area is defined as the existing Maintenance Area Road right-of-way and adjacent habitats within the limits described in Section 1.0 of this report (see **Figure 2 – Project Area Boundaries**). The purpose of the review was to verify wetland boundaries and preliminary classification codes established through literature reviews and photo-interpretation. During field reviews, each vegetative community and land use type within the project area was visually inspected to verify approximate boundaries and dominant vegetation. Exotic plant infestations and any other disturbances, such as soil subsidence, canals, power lines, etc. were noted. Field activities also included identifying wildlife and signs of wildlife usage at each wetland and adjacent upland habitat.

Based on in-house and field reviews, one soil type, one upland community types, and four wetland community types are present within the project area. Descriptions of each soil and vegetative community/land use type present within the project area are provided below.

2.2 Soils

Based on the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), *Web Soil Survey of Pinellas County, Florida*, one soil type is reported within the project area (see **Figure 3 – Soils Map**). The **Matlacha and St. Augustine soils and Urban land (16)** is a mixed soil classification composed of St. Augustine and similar soils (32 percent), Urban land (32 percent), Matlacha and similar soils (32 percent), and a minor component of Kesson and Wulfert soils (four percent). St. Augustine is a nearly level, somewhat poorly drained soil type on ridges or rises of marine terraces. Under normal conditions, the water table is at a depth of 18 to 36 inches for most of the year. Urban land soils consist of high-density residential, recreational, or commercial development or other types of impervious ground cover. Matlacha is a nearly level, somewhat poorly drained soil type on ridges of marine terraces. Under normal conditions, the water table is at a depth of 24 to 36 inches for most of the year. The minor soil components are poorly drained soils typically found in tidal marshes on marine terraces. This soil map unit is not classified as hydric by the *Hydric Soils of Florida Handbook* (Hurt 2007), but may contain up to four percent hydric soil inclusions in the Kesson and Wulfert soil units.



Legend

Project Area

Figure 2
Ft Desoto Water Circulation Improvement Project
Pinellas County, FL
Project Area Map



0 50 100
Feet



Legend

- Project Area
- NRCS Soils

Figure 3
Ft Desoto Water Circulation Improvement Project
Pinellas County, FL
NRCS Soils Map



0 50 100
Feet

2.3 Existing Land Use and Vegetative Cover

Based on in-house and field reviews, four land use/vegetative cover types were identified within the project area (see **Figure 4 – Land Use/Vegetative Habitats**). All vegetative habitats and land uses within the project area were classified using the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) (FDOT 1999). Wetland and surface water habitats were also classified using the *U.S. Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin, et. al., 1979). **Table 1** summarizes the acreage of each land use/ vegetative cover type within the project area. A summary description of each land use/vegetative cover type is provided below.

TABLE 1
LAND USE/VEGETATIVE COVER TYPES WITHIN THE PROJECT AREA

FLUCFCS Code ¹	FLUCFCS Description ¹	FWS Code ²	FWS Description ²	Area within Project Area	
<i>Uplands</i>				Acres	Percent
814	Roads and Highways	-	Not Applicable	1.11	61
			Subtotal	1.11	61
<i>Wetlands</i>					
540	Bays and Estuaries	E2US2	Estuarine, Inter-tidal, Unconsolidated shore, Sand	0.18	10
612	Mangrove Swamp	E2SS3N	Estuarine, Inter-tidal, Scrub-Shrub, Broad-Leaved Evergreen, Regularly Flooded	0.31	17
642	Saltwater Marshes	E2EM1P	Estuarine, Inter-tidal, Emergent, Persistent, Irregularly Flooded	0.22	12
			Subtotal	0.71	39
			Total	1.82	100.00

¹ *Florida Land Use, Cover and Forms Classification System*. Third edition. Florida Department of Transportation, 1999.

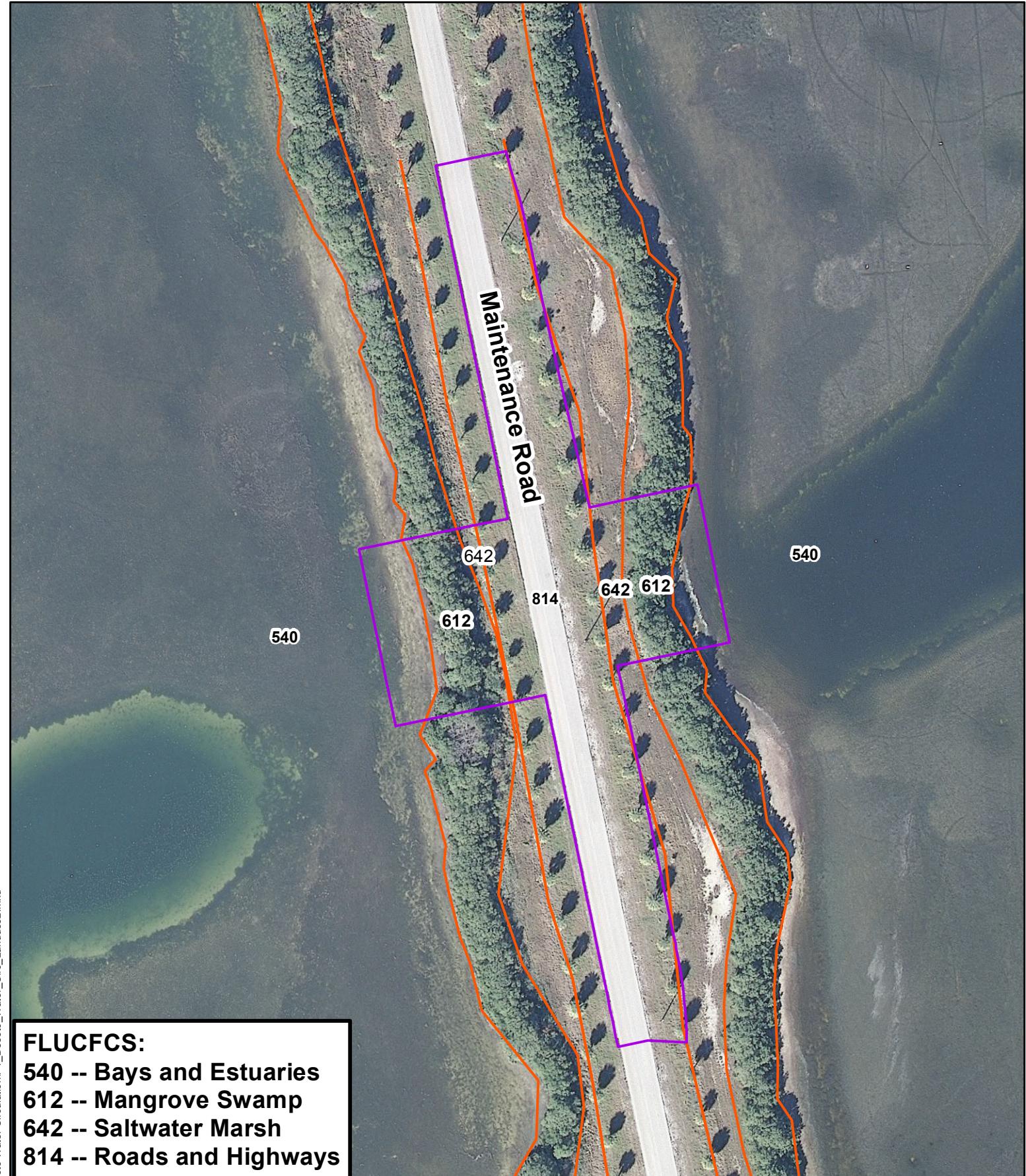
² Cowardin, Lewis M., et.al. 1979. *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Fish and Wildlife Service.

2.3.1 Upland Land Use/Vegetative Cover Types

Roads and Highways

FLUCFCS: 814

Roads and highways is the only upland land use within the project area. This land use consists of roads and right-of-ways that are used primarily for the movement of people and goods. Within the project area, the Maintenance Area Road and grassed right-of-way between the pavement and wetland boundary are included in this land use. Vegetation within these areas is generally maintained by mowing and contains planted palm trees for landscaping. Wildlife observed within these areas during the May 2011 field visit included cardinals (*Cardinalis cardinalis*), fish crow (*Corvus ossifragus*), and laughing seagulls (*Larus atricilla*). This land use comprises 1.11 acres of the project area.



Legend

- Project Area (purple rectangle)
- Land Use (orange line)

Figure 4
Ft Desoto Water Circulation Improvement Project
Pinellas County, FL
Land Use/Vegetative Habitats Map



0 50 100
Feet

2.3.2 Wetland and Other Surface Water Habitats

Wetland and surface water boundaries in the project area were delineated in March 2011 using the procedures within Chapter 62-340 “Delineation of the Landward Extent of Wetlands and Surface Waters,” Florida Administrative Code (FAC), and the criteria found within the U.S. Army Corps of Engineers (USACE) 2008 *Interim Regional Supplement to the USACE Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region* (ERDC/EL TR-08-30). USACE jurisdiction was determined pursuant to the *U.S. Army Corp of Engineers Jurisdictional Determination Form Instructional Guidebook* (USACE/EPA 2007). The wetland boundaries were previously approved in Environmental Resource Permits 44010898.001 and 002.

Three wetland types were identified within the project area and are described below. These wetlands were evaluated during the May 2011 field review to document their dominant vegetation and overall condition. A description of each wetland and/or wetland type is provided below. Photographs of each wetland are provided in **Appendix A**.

Bays and Estuaries

FLUCFCS: 540

FWS: E2US2 (*Estuarine, Inter-tidal, Unconsolidated shore, Sand*)

Bays and estuaries are tidally influenced inlets or large bodies of water that extend from the Gulf of Mexico into the land mass of Florida. Ft. DeSoto Park is located on Mullet Key and the outermost portion of Tampa Bay where it meets the Gulf of Mexico. The waters within the project area are Class II Outstanding Florida Waters in the Pinellas County Aquatic Preserve. These waters are also located within a combustible motor exclusion zone. This habitat type exists within the project area between the mangrove swamp and seagrasses. The sediments are mostly sand, with some organic deposition. Floating algae and loose seagrass blades were also observed in this portion of the project area. Several fish species, including mullet (*Mugil cephalus*) and gulf killifish (*Fundulus grandis*), and blue crabs (*Callinectes sapidus*) were observed utilizing this habitat in the project area. This habitat type comprises approximately 0.31 acre of the project area.

Mangrove Swamps

FLUCFCS: 612

FWS: E2SS3N (*Estuarine, Inter-tidal, Scrub-Shrub, Broad-Leaved Evergreen, Regularly Flooded*)

Mangrove swamps are coastal hardwood communities consisting of homogenous or predominantly pure stand of mangroves. Mangrove swamps are located within the project area along the east and west shoreline of the peninsula that harbors the Maintenance Area Road. These wetlands are directly connected to the back bays of Mullet Key, which are Class II Outstanding Florida Waters in the Pinellas County Aquatic Preserve. The mangrove swamp sediments are inundated by daily tide cycles. The dominant mangrove species in this community is the white mangrove (*Laguncularia racemosa*), but red mangrove (*Rhizophora mangle*) and black mangrove (*Avicennia germinans*) are also present. Other associate species observed in the project area include marsh elder (*Iva frutescens*), sea oxeye (*Borrichia frutescens*), Brazilian pepper (*Schinus terebinthifolius*), nicker bean (*Caesalpinia bonduc*), saltbush (*Baccharis halimifolia*), saltwort (*Batis maritima*), glasswort (*Salicornia virginica*), and sea-purslanes

(*Sesuvium portulacastrum*). Wildlife observed in this habitat type during the May 2011 field visit included mullet, sheepshead minnows (*Cyprinodon variegatus*), sailfin mollies (*Poecilia latipinna*), gulf killifish, ballyhoo (*Hemiranphus brasiliensis*), pinfish (*Logodon rhomboides*), sheepshead (*Archosargus probatocephalus*), threadfin herring (*Opisthonema oglinum*), fiddler crabs (*Uca pugilator*), blue crab, great blue heron (*Ardea herodias*), white ibis (*Eudocimus albus*) and brown pelican (*Pelecanus occidentalis*). This habitat type comprises approximately 0.22 acre of the project area.

Saltwater Marshes

FLUCFCS: 642

FWS: E2EM1P (*Estuarine, Inter-tidal, Emergent, Persistent, Irregularly Flooded*)

Saltwater marshes are non-forested wetlands usually confined to relatively level, low-lying areas adjacent to tidally influenced waters. Within the project area, saltmarshes are located between the mangrove swamps and the grassed right-of-way on either side of Maintenance Area Road. These are high, saltmarsh communities that are not regularly flooded by tide cycles. Rain and freshwater runoff from the Maintenance Area Road provide the majority of hydrology for these wetlands. Salt spray, ground saltwater intrusion, and seasonal or storm-driven tides also affect the hydrology of these wetlands. Dominant vegetation within the saltwater marshes includes frog fruit (*Phyla nodiflora*), seashore dropseed grass (*Sporobolus virginicus*), hurricane grass (*Fimbristylis spathacea*), saltwort, sea-purslanes, coastal bristlegrass (*Setaria corrugata*), saltmarsh false foxglove (*Agalinis maritima*), flatsedge (*Cyperus* sp.), and tropical white morning-glory (*Ipomoea alba*). Fiddler crab burrows were observed within the saltmarsh during the May 2011 field surveys. This habitat type comprises 0.18 acres of the total project area.

3.0 LISTED SPECIES POTENTIALLY IN THE PROJECT AREA

The project area was evaluated for potential occurrences of federal and state-listed plant and animal species. Federally listed species are those plant and animal species protected by the federal government pursuant to the Endangered Species Act of 1973, as amended, and are classified as endangered or threatened. State listed species are those plant and animal species managed by the state of Florida pursuant to Chapter 5B-40 F.A.C. and Chapter 68A-27 F.A.C., respectively. State listed species are classified as endangered, threatened, species of special concern (animals), or commercially exploited (plants). In May 2011, the project area was reviewed for the presence of, or potential use by, federal and state-listed plant and animal species.

3.1 Methodology

Prior to field reviews the following literature and on-line data sources were also used to collect information concerning the possible presence of federal and/or state-listed species within the project area.

- U.S. Fish and Wildlife Service, Endangered and Threatened Wildlife and Plants, 50 CFR 17.11 and 17.12;
- Florida Fish and Wildlife Conservation Commission, *Florida's Endangered Species, Threatened Species, and Species of Special Concern*; July 2009;

- Florida Fish and Wildlife Conservation Commission (FWC), Eagle Nest Locator website, <https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx>. Accessed May 17, 2011;
- U.S. Fish and Wildlife Service, 2010 GIS wood stork data for active colonies;
- Florida Natural Areas Inventory (FNAI) maps and database. Updated March 2011, <http://www.fnai.org/bioticssearch.cfm>. Accessed May 17, 2011;
- Florida Department of Agriculture & Consumer Services, Division of Plant Industry (FDACS), 2003 *Notes on Florida's Endangered and Threatened Plants: Botany Contribution No. 38, 4th edition*; and

The potential for federal and state-listed species occurring within the project area was assessed by agency listings of species reportedly occurring within Pinellas County, species' ranges, suitable nesting and foraging habitat located within the project area, and direct sightings of the species within the project area.

3.2 Results

Based on literature review, online data sources, and field reviews, a total of nine state-listed plant species and 29 federal and/or state-listed animal species have been documented or are known to occur within Pinellas County. **Appendix B** lists the 38 federal and/or state-listed plant and animal species that have been documented or historically occurred within Pinellas County. The table in Appendix D also includes each species' federal and state status, their habitat preferences, and whether their preferred habitat is available in the project area.

Of the 38 listed species known to occur or that have historically been documented in Pinellas County, four plant species and 11 animal species have the potential to occur within the project area. For a listed species to be considered potentially occurring within the project area, appropriate habitat for reproduction, nesting, foraging, feeding, or resting must be present in the project area and the project area must be located within the species' geographical range. Each of the 11 plant and animal species with potential to occur within the project area are described below.

3.2.1 Flora

This section provides descriptions of the four state-listed plant species with potential to occur within the project area. None of the four plant species are listed by the FWS as threatened or endangered.

Golden leather fern (*Acrostichum aureum*)

The golden leather fern is listed as threatened by the FDACS. It is a member of the Maidenhair fern (Pteridaceae) Family and occurs in tropical hardwood hammocks, freshwater marshes and brackish, estuarine wetlands. The golden leather fern is similar to the common leather fern (*A. danaeifolium*) except that the golden leather fern has fewer pairs of pinnae that do not typically overlap. Suitable habitat for this species is available within the project area along the transition between mangrove swamp and saltwater marsh on either side of Maintenance Area Road. According to FNAI, the golden leather fern has been documented in Pinellas County, but none were identified during the field review of the project area.

Sand-dune spurge (*Chamaesyce cumulicola*)

Sand-dune spurge is listed as endangered by the FDACS. It is a member of the Euphorbiaceae (Spurge) Family and occurs in dry, sandy habitats such as coastal scrub, coastal strand, stabilized dunes, disturbed upland, and scrubby flatwoods. Suitable habitat for this species is available along the upland right-of-way of Maintenance Area Road. According to FNAI, the sand-dune spurge has been documented in Pinellas County, but none were identified during the field review of the project area.

Sanibel lovegrass (*Eragrostis pectinata* var. *tracyi*)

Sanibel lovegrass is listed as endangered by the FDACS. This species is a member of the Grass (Poaceae) Family and occurs on drier, compact soils of disturbed beach dunes, maritime hammocks, coastal strands, coastal grasslands, roadsides, railroad embankments, gardens, and cultivated fields. Suitable habitat for this species is available along the upland right-of-way of Maintenance Area Road. According to FNAI, Sanibel lovegrass has been documented within Pinellas County, but none were identified during the field review of the project area.

Wild cotton (*Gossypium hirsutum*)

Wild cotton is listed as endangered by the FDACS. This species is a member of the Mallow (Malvaceae) Family and occurs on disturbed sites such as roadsides, railroad embankments, gardens, and cultivated fields with direct exposure to sunlight. Suitable habitat for this species is available along the upland right-of-way of Maintenance Area Road. According to FNAI, wild cotton has been documented within Pinellas County, but none were identified during the field review of the project area.

3.2.2 Fauna

This section provides descriptions of the 11 federal and/or state-listed animal species with the potential to occur within the project area.

3.2.2.1 Federally Listed Species

Eastern indigo snake (*Drymarchon corais couperi*)

The eastern indigo snake is listed as threatened by both the FWS and the FWC. The indigo snake can be found in a variety of habitats, including mesic flatwoods, swamps, wet prairies, xeric pinelands, and scrub areas. Suitable habitat is available for this species in the project area within the wetland and upland communities on either side of Maintenance Area Road. Based on review of FNAI data, the eastern indigo snake has been documented within Pinellas County, but none were observed during the field review of the project area.

Wood stork (*Mycteria americana*)

The wood stork is listed as endangered by the FWS and the FWC. The wood stork utilizes both fresh and saltwater habitats such as fresh and saltwater marshes, tidal flats, wet prairies, cypress swamps, and agricultural environments. The FWS has defined the core foraging area (CFA) for the wood stork in Pinellas County as a 15-mile radius from breeding colonies. A review of FNAI and FWS information indicates that the project area falls within the CFA of one breeding

colony (see **Figure 5**). No wood storks were observed during the field reviews of the project area.

3.2.2.2 State Listed Species

Limpkin (*Aramus guarauna*), little blue heron (*Egretta caerulea*), reddish egret (*Egretta rufescens*), snowy egret (*Egretta thula*), tricolored heron (*Egretta tricolor*), white ibis (*Eudocimus albus*), and roseate spoonbill (*Platalea ajaja*)

Several wading birds including the limpkin, little blue heron, reddish egret, snowy egret, tricolored heron, white ibis, and roseate spoonbill are listed as species of special concern by the FWC. While each species is distinct, wading birds are discussed collectively since they occupy similar habitats and have similar feeding patterns. These wading birds nest and forage among both fresh and saltwater habitats such as freshwater marshes, coastal beaches, mangrove swamps, cypress swamps, hardwood swamps, wet prairies and bay swamps. According to FNAI, these wading bird species are present in Pinellas County and suitable habitat is available in the high, saltmarshes and mangrove habitats of the project area. A white ibis was observed within the project area during field reviews.

American oystercatcher (*Haematopus palliatus*)

The American oystercatcher is listed as a species of special concern by the FWC. This shorebird requires large areas of beach, sandbar, mud flat, and shellfish beds for foraging. Sparsely vegetated, sandy areas are generally used for nesting, but they will also use beach wrack and marsh grass. According to FNAI, the American oystercatcher has been documented in Pinellas County and suitable habitat is present within the grassy, high marsh between Maintenance Area Road and the mangrove swamps. However, no individuals were observed during the field review.

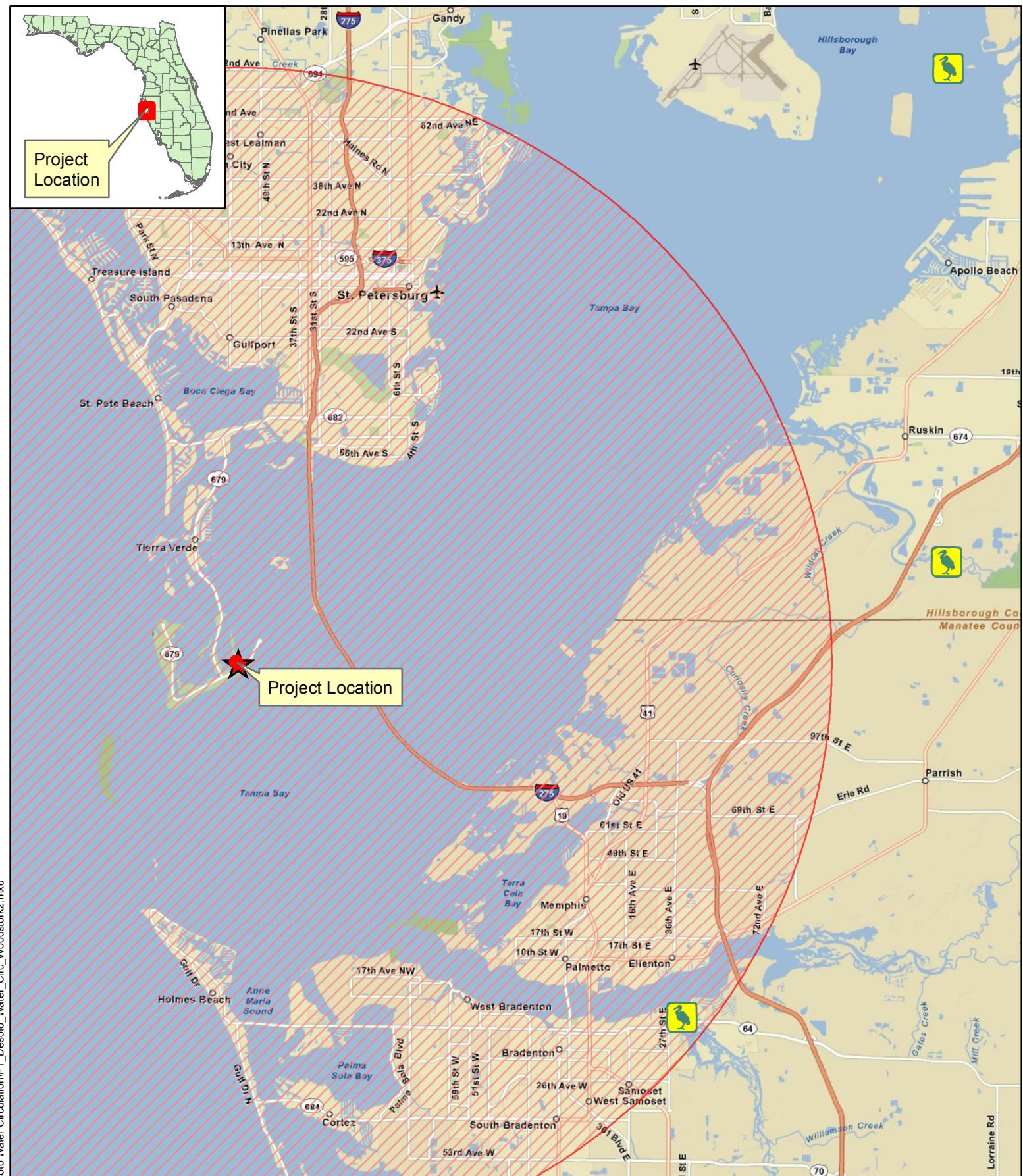
Brown pelican (*Pelecanus occidentalis*)

The brown pelican is listed as a species of special concern by FWC. This species' habitat is mainly coastal, feeding in shallow estuarine waters and can be frequently found resting on nearshore sandbars. They tend to nest in trees on small coastal islands, but some ground nesting has been documented. According to FNAI, brown pelicans have been documented in Pinellas County. Suitable habitat for this species is present in the mangroves within the project area. Brown pelicans were observed flying over the project area during the May 2011 field reviews of the project area.

3.2.2.3 Other Species of Concern

Bald eagle (*Haliaeetus leucocephalus*)

The bald eagle is not listed by the FWS or FWC, but is federally protected by the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, as amended, and FWC's bald eagle rule (Chapter 68A-16.002, F.A.C.). The bald eagle typically uses riparian habitat associated with coastal areas, lake shorelines, and river banks. The nests are generally located near bodies of water that provide a dependable food source. According to the FWC's online bald eagle nest locator, the nearest active bald eagle nest is documented approximately 3 miles north of the



Legend

- 2010 Rookeries
- 15 Mile Buffer

Figure 5
Ft Desoto Water Circulation Improvement Project
 Pinellas County, FL
2010 Wood Stork Rookeries



0 1 2 3
Miles

project area (Nest ID: PI048). No bald eagles or nests were observed within the project area during the May 2011 field review.

Osprey (*Pandion haliaetus*)

Except for Monroe County, the osprey is not listed by the FWS or FWC, but is federally protected by the Migratory Bird Treaty Act, as amended, and Chapter 68A (Sections 4.001 and 13.002), F.A.C. In Monroe County, the osprey is listed as a species of special concern by the FWC. The osprey typically uses similar habitats as the bald eagle and feeds almost exclusively on fish. In Florida, there are resident ospreys and spring and fall migrants passing between more northern states and Central and South America. According to FNAI, ospreys have been documented in Pinellas County, and were observed foraging outside the project area in the back-bays of Mullet Key during the field review.

4.0 WETLAND, SURFACE WATER, AND LISTED SPECIES IMPACTS

4.1 Wetland Impact Avoidance and Minimization

Unavoidable impacts to wetlands resulting from construction of the project will occur within the project area. Transportation safety standards for side slopes, erosion and scour protection, and widths necessitate these impacts. Wetland impacts are unavoidable due to their location within the existing right-of-way and proximity to the proposed bridge construction. All impacts to wetlands were reduced to the maximum extent practicable.

4.2 Wetland and Other Surface Water Impacts

A total of 0.59 acre of wetlands and surface waters are located within the project area. Approximately 0.57 acre of temporary impact to these wetlands will result from dredge activities associated with this project. Another 0.02 acre of temporary wetland impact will result from temporary roadway fill and will be restored to preconstruction grades. The wetland impacts areas are shown on the construction plans in **Appendix C**.

4.2.1 UMAM Analysis and Results

A new UMAM analysis was not performed for this project. The project was originally permitted by Environmental Resource Permit (ERP) Number 44010898.001 and subsequent modification 44010898.003. The original 001 and 003 permits did not require mitigation for 0.04 acre of permanent wetland impact because the proposed project would provide a functional gain of 17.9 units. This project has less total impacts than the previously permitted projects and no permanent wetland impacts. Therefore, the 17.9 functional gain units determined in the original ERP should adequately offset the temporary impacts proposed for this project.

4.3 LISTED SPECIES IMPACTS

Impacts to upland and wetland habitat used by federally and state listed species will occur as a result of this project. The sections below describe the potential impacts to each listed species with potential to occur within the project area.

4.3.1 Flora

Although state listed plant species have been documented within Pinellas County, none of these were observed during the field review of the project area. Although suitable habitats are present within the project area, these habitats are generally disturbed by mowing activities and/or are not ideal habitats. The golden leather fern may be found in estuarine wetland habitats, but the direct tidal connection with the back-bays of Mullet Key are most likely too saline for the golden leather fern to tolerate. Wild cotton can be found in upland grasslands and roadsides with lots of sunshine, but the species is unlikely to tolerate the surrounding marine environment and potential salt spray. The sand-dune spurge and Sanibel lovegrass could utilize the high, saltmarsh habitat in the project area, but these two species are generally restricted to south Florida. Based on this information, it has been determined that this project will not affect any state-listed plant species found in Pinellas County.

4.3.2 Fauna

4.3.2.1 Federally Listed Species

While no **eastern indigo snakes** (T) were observed during field reviews, suitable habitat for this species does exist within the project area. The FWS and FWC approved standard protection measures for the eastern indigo snake (**Appendix D**) will be followed during the clearing and construction phases of the project. As a result of this commitment, it has been determined that the proposed project "may affect, not likely to adversely affect" the eastern indigo snake.

Suitable nesting and foraging habitat for the **wood stork** (E) is available within the project area. Based on FWS data (2010), the project area is located within the 15-mile CFA of one wood stork rookery (see Figure 5), which is located approximately 14 miles south and east of the project area. In order to make a determination of this project's potential affect on the wood stork, the construction impacts were assessed using *The Corps of Engineers, Jacksonville District, U.S. Fish and Wildlife Service, Jacksonville Ecological Services Field Office, and State of Florida Effect Determination Key for the Wood Stork in Central and North Peninsular Florida* (September 2008). A review of FWS information indicates that the project is not located within 2,500 feet of an active wood stork colony site; however, the project is located within the CFA of two active wood stork nesting colonies. The project will impact more than 0.5 acre of suitable foraging habitat (SFH). In order to compensate for the loss of SFH, the project (1) will include creation of habitat and foraging function equal to that being impacted; (2) is not contrary to the FWS *Habitat Management Guidelines for the Wood Stork in the Southeast Region*, and (3) is in accordance with the Clean Water Act, Section 404(b)1 guidelines. Based on this assessment, it was determined the project "may affect, not likely to adversely affect" the wood stork.

4.3.2.2 State Listed Species

No wading bird rookeries are located within the project area; however, the **little blue heron** (SSC), **reddish egret** (SSC), **snowy egret** (SSC), **limpkin** (SSC), **tri-colored heron** (SSC), **white ibis** (SSC), and **roseate spoonbill** (SSC) have the potential to use the drainage ditches

and wetland areas located within the project area for foraging. A little blue heron and the white ibis were observed within the project area during the field reviews. The primary concern for impacts to these wading birds is the loss of habitat (wetlands) for foraging. As part of this project, all wetland impacts will be mitigated to prevent a net loss of wetland functions and values. Because foraging habitat will remain in the project area after construction and additional foraging habitat for the wading birds will be available in the proposed mitigation sites, it has been determined that the proposed project will not affect these species.

Although the saltmarsh may provide suitable nesting habitat for the **American oystercatcher** in the project area, the existing vegetation density is most likely a deterrent for nesting activities. No foraging habitat for the American oystercatcher is currently present within the project area, but the creation of a tidal flow channel may create shallow, shoreline habitat that could be used for foraging by this species. Therefore, it has been determined that the project will not affect the American oystercatcher.

Suitable nesting habitat exists for the **brown pelican** (SSC) within the project area and brown pelicans were observed flying over the project area during the May 2011 field reviews. Due to its mobility and adjacent mangroves that will remain for nesting, the proposed project is not anticipated to affect the brown pelican. In addition, the project will create additional surface waters for foraging and provide a net improvement for water quality within the back bays of Mullet Key. Therefore, it has been determined that the project will not affect the brown pelican.

4.3.3 Other Species of Concern

The FWC's online **bald eagle** nest locator was used to determine if bald eagle nests occur within the project area. Pursuant to FWC bald eagle guidelines, any disturbance within 660 feet of a bald eagle nest requires additional coordination and potential permitting with the FWC. Based on available information and field reviews, the nearest bald eagle nest is located three miles north of the project area. No bald eagle nests were observed within 660 feet of the project area during the field reviews. For these reasons, it has been determined that this project will not affect the bald eagle.

Based on FWC guidelines, a permit is required for the removal of inactive **osprey** nests. If a nest is deemed active, a permit will be required from FWC and FWS. Based on the field review, no osprey nests were located within or adjacent to the project area. Therefore, a nest removal permit will not be required for this project.

4.4 Critical Habitat

The project area was evaluated for listed species Critical Habitat designated by Congress in 17 CFR 35.1532. No designated Critical Habitat occurs within the project area.

5.0 ESSENTIAL FISH HABITAT

Introduction

The Magnuson-Stevens Fishery Conservation and Management Act of 1996 requires the regional Fishery Management Councils and the Secretary of Commerce to describe and identify Essential Fish Habitat (EFH) for species under Federal Fishery Management Plans. EFH is defined in the Magnuson-Stevens Act as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” The term “fish” includes finfish, crabs, shrimp, and lobsters in the Gulf of Mexico region. On April 23, 1997 (62 FR 19723), the National Marine Fishery Service (NMFS) issued proposed regulations containing guidelines for the description and identification of EFH in fishery management plans, adverse impacts on EFH, and actions to conserve and enhance EFH. The regulations also provide a process for NMFS to coordinate and consult with federal and state agencies on activities that may adversely affect EFH. The purpose of the rule is to assist in describing and identifying EFH, minimize adverse effects on EFH, and identify other actions to conserve and enhance EFH. The purpose of the coordination and consultation provisions is to specify procedures for adequate consultation with NMFS on activities that may adversely affect EFH.

EFH Resources and Potential Impacts

The Gulf of Mexico Fisheries Management Council (GMFMC) separates EFH into marine and estuarine components. In marine waters of the Gulf of Mexico, EFH is defined as all marine waters and substrates (mud, sand, shell, rock, hardbottom, and associated biological communities) from the shoreline to the seaward limit of the Exclusive Economic Zone. For the estuarine component, EFH is defined as all estuarine waters and substrates (mud, sand, shell, rock and associated biological communities), including the sub-tidal vegetation (seagrasses and algae) and adjacent inter-tidal vegetation (marshes and mangroves) (GMFMC, 1998). Thus, all waters and substrates within the back bays of Mullet Key and adjoining wetlands, including inter-tidal zones, are considered estuarine EFH by the GMFMC.

Specific EFH within the project area encompasses all of the wetlands in the project area, including the mangrove swamp and high, saltmarsh communities adjacent to the Maintenance Area Road right-of-way. Several fish, mollusk, and other invertebrate species may use this EFH as larvae, juveniles or adults. Shallow, sub-tidal areas, such as mangrove swamps and saltmarshes, have been identified as important nursery and foraging habitat for a number of economically important species including spotted seatrout, snook, and redfish.

The GMFMC has identified and described EFH for 27 representative managed species and the coral complex. Species accounts of each of the 27 representative managed species and the coral complex were reviewed to assess the potential occurrence of these species within the project area during any stage of their life cycle. Of the 27 representative fish, shrimp, and crab species listed by the GMFMC, three are considered to have a high potential to occur within the project area. These are the pink shrimp (*Penaeus duorarum*), red drum (*Sciaenops ocellatus*), and gray snapper (*Lutjanus griseus*). The remaining 23 representative species and the coral complex are

considered to have a low to no potential to occur within the project limits. **Table 7** lists each of these species and its potential to occur in the project area.

6.0 WETLANDS MITIGATION

The project will result in unavoidable, temporary wetland impacts to estuarine wetland habitats. However, no mitigation is proposed for this project. As stated in the previously issued ERP, the increased water circulation and anticipated seagrass expansion will be sufficient to offset the functional loss resulting from the temporary wetland impacts and to offset the temporary impacts to Essential Fish Habitat (EFH).

7.0 COMMITMENTS

Based on the field and literature reviews outlined in this report, federal and state-listed species have the potential to occur within the project area. In order to avoid potential adverse impacts to the Eastern indigo snake, Pinellas County will commit to implement the FWS *Standard Protection Measures for the Eastern Indigo Snake* during all construction phases of the project. With this commitment, none of the federal or state-listed species potentially occurring in the project area will be adversely affected as discussed in Section 4.3 of this report.

TABLE 2
GULF OF MEXICO ESSENTIAL FISH HABITAT – MANAGED SPECIES⁽¹⁾
POTENTIAL OCCURRENCE WITHIN PROJECT AREA

Fishery Management Plan	Species	Potential Occurrence Within Project Limits ⁽²⁾	Comments
Shrimp	Brown shrimp (<i>Penaeus aztecus</i>)	None	More common in central and western Gulf of Mexico.
	White shrimp (<i>P. setiferus</i>)	None	More common in central and western Gulf of Mexico.
	Pink shrimp (<i>P. duorarum</i>)	High	Occurs throughout Tampa Bay/Boca Ciega Bay
	Royal red shrimp (<i>Pleoticus robustus</i>)	None	An off-shore/deep-water species (180 – 730 meters).
Red Drum	<i>Sciaenops ocellatus</i>	High	Occurs throughout Tampa Bay and the Manatee River
Coastal Migratory Pelagic Resources	King mackerel (<i>Scomberomorus cavalla</i>)	None	An off-shore species.
	Spanish mackerel (<i>S. maculatus</i>)	None	An off-shore or near shore species; juveniles may inhabit estuarine areas but are not estuarine-dependent.
	Cobia (<i>Rachycentron canadum</i>)	None	An off-shore/deep-water species; juveniles may inhabit estuarine areas but are not estuarine-dependent.
	Dolphin/dorado (<i>Coryphaena hippurus</i>)	None	An off-shore, high salinity species.
	Bluefish (<i>Pomatomus saltatrix</i>)	None	An off-shore species. May use estuaries as nurseries.
	Little tunny (<i>Euthynnus alletteratus</i>)	None	An off-shore/deep-water species.
Stone Crab	<i>Menippe mercenaria</i>	Low	Prefers higher salinities.
Spiny Lobster	<i>Panulirus argus</i>	None	Preferred habitat is off-shore coral reefs and seagrasses.
Coral and Coral Reef	Multiple groups/species	None	Potential for scattered specimens.
Reef Fish	Red grouper (<i>Epinephelus morio</i>)	None	Generally an off-shore species.
	Black grouper (<i>Mycteroperca bonaci</i>)	None	Generally an off-shore species.
	Gag grouper (<i>M. microlepis</i>)	Low	Prefer high salinities.
	Scamp (<i>M. phenax</i>)	None	Prefer deeper waters (12 – 189 meters).

Fishery Management Plan	Species	Potential Occurrence Within Project Limits ⁽²⁾	Comments
	Red snapper (<i>Lutjanus campechanus</i>)	None	Prefer deeper waters (17 – 200 meters).
	Vermillion snapper (<i>Rhomboplites aurorubens</i>)	None	Prefer deeper waters (20 – 200 meters).
	Gray snapper (<i>L. griseus</i>)	High	Postlarvae and juvenile found in most estuarine habitats.
	Yellowtail snapper (<i>Ocyurus chrysurus</i>)	None	Little information available. Juveniles found in <i>Thalassia</i> beds and mangrove roots.
	Lane snapper (<i>L. synagris</i>)	None	Found in mangrove and grassy estuarine areas.
	Greater amberjack (<i>Seriola dumerili</i>)	None	An off-shore species.
	Lesser amberjack (<i>S. fasciata</i>)	None	An off-shore species.
	Tilefish (<i>Lopholatilus chamaeleonticeps</i>)	None	An off-shore/deep-water species.
	Gray triggerfish (<i>Balistes capriscus</i>)	None	An off-shore species.

(1) From “Generic Amendment for Addressing Essential Fish Habitat Requirements in the following Fishery Management Plans of the Gulf of Mexico: Shrimp Fishery of the Gulf of Mexico, United States Waters; Red Drum Fishery of the Gulf of Mexico; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources (Mackerels) in the Gulf of Mexico and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Spiny Lobster in the Gulf of Mexico and South Atlantic; Coral and Coral Reefs of the Gulf of Mexico,” Gulf of Mexico Fishery Management Council, October 1998.

(2) Ratings are none, low, and high. Ratings based on species abundance and distribution data provided by NMFS at <http://galveston.ssp.nmfs.gov/efh> and <http://biogeo.nos.noaa.gov/gom-efh>.

Environmental Report
Ft. Desoto Maintenance Road Bridge Water Circulation Project
Pinellas County, Florida

Appendix A
Wetland Photographs



Photograph 1 – Back bay (540) of Mullet Key. East side of Maintenance Road facing north.



Photograph 2 – Back bay (540) of Mullet Key. West side of Maintenance Road facing south.

Ft. Desoto Maintenance Road Bridge Water Circulation Project
Pinellas County
Appendix A



Photograph 3 – Mangroves (612) east of Maintenance Road.



Photograph 4 – Mangroves (612) west of Maintenance Road.

Ft. Desoto Maintenance Road Bridge Water Circulation Project
Pinellas County
Appendix A



Photograph 5 – Saltmarsh (642) east of Maintenance Road.



Photograph 6 – Saltmarsh (642) west of Maintenance Road.

Ft. Desoto Maintenance Road Bridge Water Circulation Project
Pinellas County
Appendix A

Environmental Report
Ft. Desoto Maintenance Road Bridge Water Circulation Project
Pinellas County, Florida

Appendix B

Listed Species in Pinellas County

LISTED SPECIES¹ DOCUMENTED IN PINELLAS COUNTY

Scientific Name	Common Name	Federal Status ²	State Status ³	Habitat Preference	Habitat Available in Project Area?
Plants					
<i>Acrostichum aureum</i>	Golden leather fern	NL	T	Brackish and freshwater marshes.	Yes
<i>Bigelowia nuttallii</i>	Nuttall's rayless goldenrod	NL	T	Rock outcrops, sandhills, scrub	No
<i>Chamaesyce cumulicola</i>	Sand-dune spurge	NL	E	Coastal scrub, coastal strand, stabilized dunes, disturbed upland, scrubby flatwoods	Yes
<i>Eragrostis pectinacea var. tracyi</i>	Sanibel lovegrass	NL	E	Disturbed sites such as roadsides, railroad embankments, gardens, and cultivated fields.	Yes
<i>Glandularia tampensis</i>	Tampa vervain	NL	E	Live oak–cabbage palm hammocks and pine–palmetto flatwoods.	No
<i>Gossypium hirsutum</i>	Wild cotton	NL	E	Disturbed sites such as roadsides, railroad embankments, gardens, and cultivated fields.	Yes
<i>Lechea cernua</i>	Nodding pinweed	NL	T	Under mature scattered pine or oak, but is more frequently in sandy openings.	No
<i>Lechea divaricata</i>	Pine inweed	NL	E	Scrub and scrubby flatwoods	No
<i>Pteroglassaspis ecristata</i>	Giant orchid	NL	T	Sandy pinelands and fields.	No
Fish					
<i>Acipenser oxyrinchus desotoi</i>	Gulf sturgeon	T	T	Forages in Gulf of Mexico and associated estuaries; spawns in most major coastal rivers in areas with limestone outcrops	No
Amphibians					
<i>Rana capito</i>	Gopher frog	NL	SSC	Sandhill communities, sand pine scrub, xeric oak hammocks, dry prairies, pine flatwoods, and ruderal sites.	No
Reptiles					
<i>Alligator mississippiensis</i>	American alligator	T(S/A)	SSC	Rivers, swamps, lake bayous, ponds, marshes.	No
<i>Caretta caretta</i>	Loggerhead turtle	T	T	Marine coastal and oceanic waters; nest on coastal sand beaches.	No
<i>Chelonia mydas</i>	Green turtle	E	E	Marine coastal and oceanic waters; nest on coastal sand beaches.	No
<i>Dermochelys coriacea</i>	Leatherback turtle	E	E	Marine coastal and oceanic waters; nest on coastal sand beaches.	No

Scientific Name	Common Name	Federal Status ²	State Status ³	Habitat Preference	Habitat Available in Project Area?
<i>Drymarchon corais couperi</i>	Eastern indigo snake	T	T	Mesic flatwoods, upland pine forest, sandhill scrub.	Yes
<i>Gopherus polyphemus</i>	Gopher tortoise	NL	T	Sandhill, scrubby, flatwoods, xeric hammock.	No
<i>Lampropeltis extenuate</i>	Short-tailed snake	NL	T	Upland pine-turkey oak woodlands and dry, sandy soiled habitats such as coastal live oak hammocks and sand pine scrub	No
<i>Lepidochelys kempii</i>	Kemp's Ridley turtle	E	E	Marine coastal and oceanic waters; nest on coastal sand beaches.	No
Birds					
<i>Aramus guarauna</i>	Limpkin	NL	SSC	Mangroves, freshwater marshes, swamps, springs, ditches and swales, and pond and river margins.	Yes
<i>Athene cunicularia floridana</i>	Florida burrowing owl	NL	SSC	Very open areas, such as prairies, sand hills, and farm land.	No
<i>Charadrius alexandrinus</i>	Snowy plover	NL	T	Restricted to dry, sandy beaches, where they nest in shallow depressions, usually near some vegetation or debris.	No
<i>Charadrius melanotos</i>	Piping plover	T	T	Found on open, sandy beaches and on tidal mudflats and sand flats along both coasts.	No
<i>Egretta caerulea</i>	Little blue heron	NL	SSC	Mangroves, freshwater marshes, swamps, springs and spring runs, swales, and pond and river margins.	Yes
<i>Egretta rufescens</i>	Reddish egret	NL	SSC	Mangroves, freshwater marshes, swamps, springs, ditches and swales, and pond and river margins.	Yes
<i>Egretta thula</i>	Snowy egret	NL	SSC	Mangroves, freshwater marshes, swamps, springs and spring runs, swales, and pond and river margins.	Yes
<i>Egretta tricolor</i>	Tricolored heron	NL	SSC	Mangroves, freshwater marshes, swamps, springs and spring runs, swales, and pond and river margins.	Yes
<i>Eudocimus albus</i>	White ibis	NL	SSC	Mangroves, freshwater marshes, swamps, springs and spring runs, swales, and pond and river margins.	Yes
<i>Falco sparverius paulus</i>	Southeastern American kestrel	NL	T	Open areas with long leaf pine, small turkey and live oaks.	No

Scientific Name	Common Name	Federal Status ²	State Status ³	Habitat Preference	Habitat Available in Project Area?
<i>Haematopus palliatus</i>	American oystercatcher	NL	SSC	Large areas of beach, sandbar, mud flat, and shellfish beds for foraging. Sparsely vegetated, sandy areas for nesting, along with beach wrack and marsh grass.	Yes
<i>Mycteria americana</i>	Wood stork	E	E	Nests in inundated forested wetlands- Forages in freshwater marshes, swamps, flooded pastures.	Yes
<i>Pelecanus occidentalis</i>	Brown pelican	NL	SSC	Mainly coastal, feeding in shallow estuarine waters, and (less often) far offshore.	Yes
<i>Platalea ajaja</i>	Roseate spoonbill	NL	SSC	Coastal mangrove islands, Brazilian pepper on man-made dredge spoil islands, shallow water of variable salinity, including marine tidal flats and ponds, coastal marshes, mangrove-dominated inlets and pools, and freshwater sloughs and marshes.	Yes
<i>Rynchops niger</i>	Black skimmer	NL	SSC	Coastal waters, including beaches, bays, estuaries, sandbars, tidal creeks (foraging), and also inland waters of large lakes, phosphate pits, and flooded agricultural fields.	No
<i>Sternula antillarum</i>	Least tern	NL	T	Coastal areas throughout Florida, including beaches, lagoons, bays, and estuaries.	No
Mammals					
<i>Podomys floridanus</i>	Florida mouse	NL	SSC	Sand pine scrub, pine flatwoods, sand hill communities, longleaf-xeric oak.	No
<i>Sciurus niger shermani</i>	Sherman's fox squirrel	NL	SSC	Mature, fire maintained longleaf pine turkey oak habitats, pine flatwoods.	No
<i>Trichechus manatus</i>	West Indian manatee	E	E	Coastal waters, bays, rivers, and (occasionally) lakes.	No

Notes:

¹ As reported by the Florida Natural Areas Inventory “FNAI Tracking List, Pinellas County” <http://www.fnaionline.net>. 2011.

² As listed by the U.S. Fish and Wildlife Service in 50 CFR 17.

³ Plant species listed by the Florida Department of Agriculture and Consumer Services pursuant to Chapter 5B-40, F.A.C. Animal species listed by the Florida Fish and Wildlife Conservation Commission pursuant to Rules 68A-27.003 through 68A-27.005 F.A.C.

E = endangered, T = threatened, SSC = species of special concern, T S/A = threatened due to similarity in appearance, NL = not listed

Environmental Report
Ft. Desoto Maintenance Road Bridge Water Circulation Project
Pinellas County, Florida

Appendix C
Construction Plans

Environmental Report
Ft. Desoto Maintenance Road Bridge Water Circulation Project
Pinellas County, Florida

Appendix D
*Standard Protection Measures for the
Eastern Indigo Snake*

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
 - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
 - b. instructions not to injure, harm, harass or kill this species;
 - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
 - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
 - a. any sightings of eastern indigo snakes and
 - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004

ATTACHMENT

Section 7 ESA Biological Evaluation Form

May, 2004

**SOUTHEAST REGION
INTRA-SERVICE SECTION 7
BIOLOGICAL EVALUATION FORM**
[Federally endangered, threatened, and candidate species]

Originating Person: Nicole Adimey

Telephone Number: 904-731-3079 **E-Mail:** Nicole_Adimey@fws.gov

Date:

PROJECT NAME (Grant Title/Number): Ft. De Soto Ecological Enhancement/Recirculation

I. Service Program:

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

II. State/Agency: FL/USFWS

III. Station Name: North FL Ecological Services

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

Ft. De Soto Park is located at the southern tip of Pinellas County and lies adjacent to Tampa Bay to the east and the Gulf of Mexico to the west. The entirety of the project lies within the Tampa Bay Watershed. The planned project consists of two elements aimed at estuary habitat restoration and bay water quality improvement. The first element involves restoring hydrologic flow and circulation between two backwater bays currently blocked by a land bridge formed by the access road to one of the park's upland islands. Restoring circulation between the two backwater bays will allow better flushing during tidal cycles and improve water quality conditions (such as dissolved oxygen) within these areas.

The reduced temperatures and increased dissolved oxygen resulting from restored hydrological flushing of the backwater bays is expected to result in increased growth of seagrass species. Additional benefits anticipated include: improved watershed connectivity; reduced heat sink in backwater bays; improved fish passage; restored habitat; increased seagrass bed development (resulting in improved marine wildlife such as manatees); enhanced community resilience; and sustenance of fishing resource. Listed species benefiting from the project include Manatees, Gulf Sturgeon, loggerhead, green, and Kemp's ridley sea turtles and a wide range of bird species. The

May, 2004

second restoration element includes re-vegetation of marine habitat around the project area as needed after the hydrological restoration. This project is a replication of a similar project that was completed in 2004 at the main entrance to the park. That first causeway replacement resulted in immediate tidal flushing of the bays at that entrance causeway. Measurable results of the 2004 park entrance hydrological restoration project also included the establishment of an additional 200 acres of seagrass beds in the vicinity of the project. Additionally, higher quality seagrass was established as long-lived *Thalassia* outcompeted the more ephemeral *Halodule*. That first hydrological restoration project received national awards (including Gulf Guardian award) and recognition for the ecological benefits resulting from the work. This second project is expected to duplicate and expand the environmental benefits to Tampa Bay, a SWIM (Southwest Florida Water Management District Surface Water Improvement Management) water body, as well as the ecological enhancements to Ft. De Soto Park, which boasts up to 3.1 million annual visitors and the best beach in the nation.

V. Pertinent Species and Habitat:

A. Include species/habitat occurrence map:

B. Complete the following table:

SPECIES/CRITICAL HABITAT	STATUS ¹
West Indian Manatee (<i>Trichechus manatus</i>)	E
Piping Plover (<i>Charadrius melanotos</i>)	T
Wood Stork (<i>Mycteria Americana</i>)	T
Gulf Sturgeon (<i>Acipenser oxyrinchus desotoi</i>)	T
Red Knot (<i>Calidris canutus rufa</i>)	T
Loggerhead Sea Turtle (<i>Caretta caretta</i>)	T
Green turtle (<i>Chelonia mydas</i>)	E
Kemp's ridley (<i>Lepidochelys kempii</i>)	E

¹STATUS: E=endangered, T=threatened, PE=proposed endangered, PT=proposed threatened, CH=critical habitat, PCH=proposed critical habitat, C=candidate species

VI. Location (attach map):

A. Ecoregion Number and Name: Peninsular FL

B. County and State: Pinellas, Florida

C. Section, township, and range (or latitude and longitude):

May, 2004

Section: 09
Township: 33
Range: 16 North
Project Center: N27.6289 W-82.7085

D. Distance (miles) and direction to nearest town:

The project location is at the extreme southern tip of Pinellas County, approximately 4 miles south of the City of St. Petersburg.

E. Species/habitat occurrence:

The identified species do occur within the park. They may or/may not have been known to occur in the vicinity of the project location. The exact locations are not known nor recorded.

VII. Determination of Effects:

**A. Explanation of effects of the action on species and critical habitats in item V.
B (attach additional pages as needed):**

SPECIES/ CRITICAL HABITAT	IMPACTS TO SPECIES/CRITICAL HABITAT
West Indian Manatee (<i>Trichechus manatus</i>)	Positive Effect
Piping Plover (<i>Charadrius melodus</i>)	Positive Effect
Wood Stork (<i>Mycteria Americana</i>)	Positive Effect
Gulf Sturgeon (<i>Acipenser oxyrinchus desotoi</i>)	Positive Effect
Red Knot (<i>Calidris canutus rufa</i>)	Positive Effect
Loggerhead Sea Turtle (<i>Caretta caretta</i>)	Positive Effect
Green turtle (<i>Chelonia mydas</i>)	Positive Effect
Kemp's ridley (<i>Lepidochelys kempii</i>)	Positive Effect

B. Explanation of actions to be implemented to reduce adverse effects:

May, 2004

SPECIES/ CRITICAL HABITAT	ACTIONS TO MINIMIZE IMPACTS
West Indian Manatee (<i>Trichechus manatus</i>)	All proposed work will benefit the species
Piping Plover (<i>Charadrius melanotos</i>)	All proposed work will benefit the species
Wood Stork (<i>Mycteria Americana</i>)	All proposed work will benefit the species
Gulf Sturgeon (<i>Acipenser oxyrinchus desotoi</i>)	All proposed work will benefit the species. The habitat in the area does not appear to be suitable for the Gulf sturgeon; however, should a Gulf sturgeon be observed within the footprint of the project, all in-water work must cease immediately and the Service must be contacted for further consideration.
Red Knot (<i>Calidris canutus rufa</i>)	All proposed work will benefit the species
Loggerhead Sea Turtle (<i>Caretta caretta</i>)	All proposed work will benefit the species
Green turtle (<i>Chelonia mydas</i>)	All proposed work will benefit the species
Kemp's ridley (<i>Lepidochelys kempii</i>)	All proposed work will benefit the species

VIII. Effect Determination and Response Requested:

SPECIES/ CRITICAL HABITAT	DETERMINATION ¹			RESPONSE ¹ REQUESTED
	NE	NA	AA	
West Indian Manatee (<i>Trichechus manatus</i>)		X		
Piping Plover (<i>Charadrius melanotos</i>)		X		
Wood Stork (<i>Mycteria Americana</i>)		X		
Gulf Sturgeon (<i>Acipenser oxyrinchus desotoi</i>)		X		
Loggerhead Sea Turtle (<i>Caretta caretta</i>)		X		
Green turtle (<i>Chelonia mydas</i>)		X		

May, 2004

SPECIES/ CRITICAL HABITAT	DETERMINATION ¹			RESPONSE ¹ REQUESTED
	NE	NA	AA	
Kemp's ridley (Lepidochelys kempii)		X		

¹DETERMINATION/ RESPONSE REQUESTED:

Ronald A Hosler 6/25/15
Signature (originating station) date
Program Administrator
Title

IX. Reviewing Ecological Services Office Evaluation:

A. Concurrence Nonconcurrence _____

B. Formal consultation required _____

C. Conference required _____

D. Informal conference required _____

E. Remarks (attach additional pages as needed):

Heather Renn 6/26/15
Signature date
Jay B. Herrington Field Supervisor NFESO
Title office

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters must be posted*. A second sign measuring at least 8½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

**When a manatee is within 50 feet of work
all in-water activities must**

SHUT DOWN

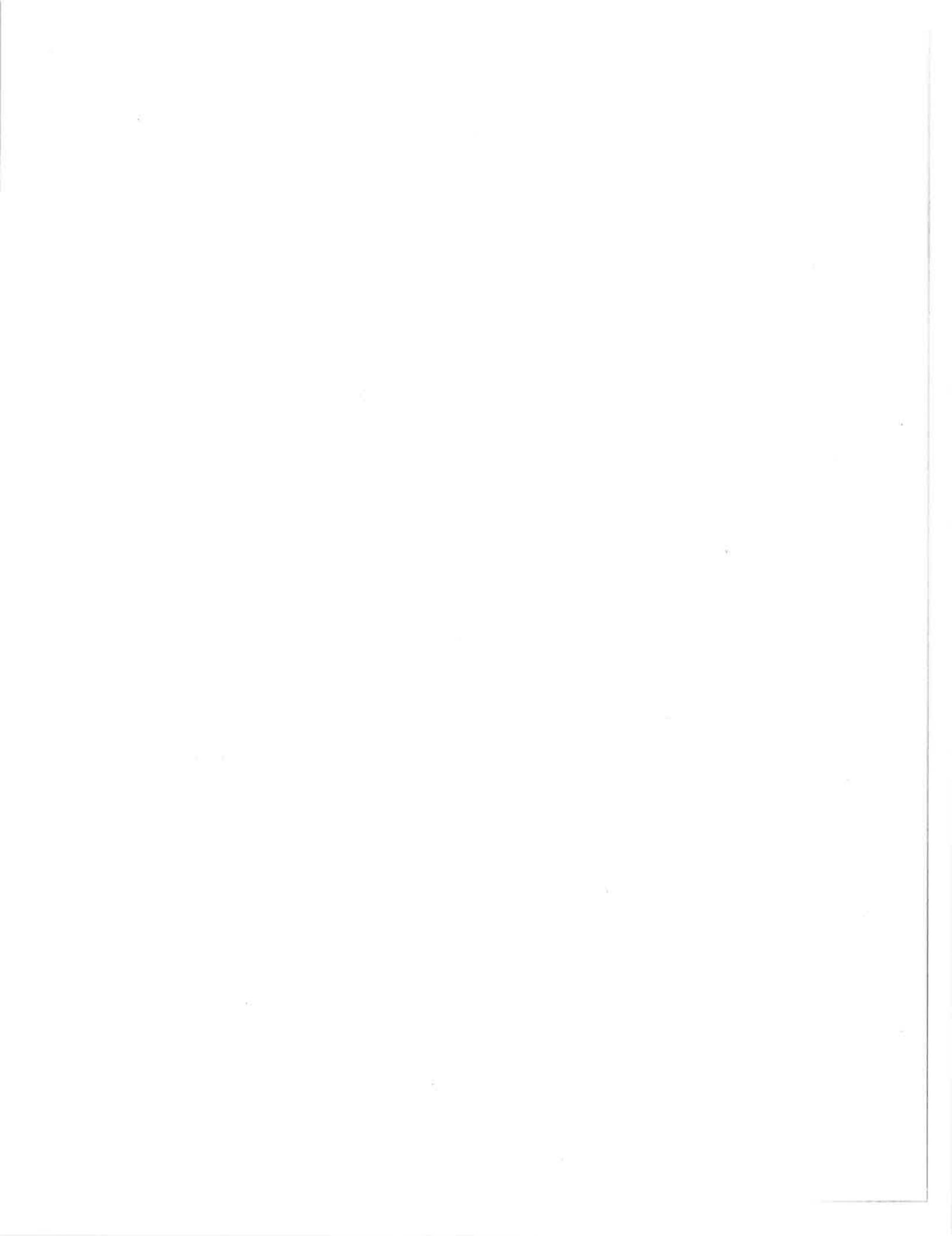
Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



ATTACHMENT

Ft. Desoto ACOE and SWFWMD Permits

APPENDIX 1

PERMITS

FORT DE SOTO WATER CIRCULATION INFRASTRUCTURE

P.I.D. No. 000055A

PERMIT INDEX

AGENCY	PERMIT No.	PAGE No.(s)
Department of the Army Corps of Engineers (ACOE)	SAJ-2002-06831 (NWP-27)	2 – 18
Southwest Florida Water Management District	658183/44010898.004	19 – 34

Prior to issuance of work, the County shall obtain (and provide to the contractor) all known Federal and State permits required for construction. The Contractor shall secure and maintain all other permits required for construction, including (but not limited to), dewatering permits and permits required for tree removal or relocation.

The awarded Contractor will be provided with a Pinellas County Habitat Management Permit application at the pre-construction meeting. Upon County approval of said application, the Habitat Management Permit will be issued and the Contractor will be required to comply with all terms and conditions of the permit. For more information on the terms and conditions that may be required by the Habitat Management Permit, refer to the Pinellas County Code of Ordinances, Part III, Land Development Code, Chapter 166, Article II, Division 2, Permits. Located at http://www.municode.com/Library/FL/Pinellas_County

Lamagna, Nancy

From: Wheelahan, Candice M SAJ [Candice.M.Wheelahan@usace.army.mil]
Sent: Monday, January 13, 2014 1:42 PM
To: Lamagna, Nancy
Subject: Nationwide Permit Expiration Status (UNCLASSIFIED)

Follow Up Flag: Follow up
Flag Status: Flagged

Classification: UNCLASSIFIED

Caveats: NONE

Hi Nancy,

I just wanted to follow-up our discussion with an email. The two permits you referenced, SAJ-2002-06831 and SAJ-2012-02282, both contain language stating they will expire in 2014. In fact, these permits are valid until March 18, 2017. In the past we would include that language in our Nationwide Permit verification letters stating the letter was only good for two years and would need to be re-verified. We have since ceased that language and just included a statement that the verification letter is good until the actual Nationwide Permits expire, which for the 2012 Nationwide series is March 2017. So, you do not need to do anything to extend your current permits. You are welcome to include this letter in your permit packet for verification.

If you have any questions or need additional information please feel free to contact me.

Thanks,

Candice

Candice Wheelahan
Biologist, Tampa Regulatory Office
U.S. Army Corps of Engineers
10117 Princess Palm Avenue, Suite 120
Tampa, FL 33610
Phone: (813)769-7064
Fax: (813)769-7061

Please note: I telework on Wednesdays and Fridays, so the best way to reach me is by email.

Jacksonville Regulatory has a new Web address! Visit us at <http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Let us know how we're doing: Customer Survey http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

Classification: UNCLASSIFIED

Caveats: NONE



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM AVENUE, SUITE 120
TAMPA, FLORIDA 33610

April 11, 2012

Tampa Permits Section
SAJ-2002-06831 (NWP-27)

2012

Pinellas County BOCC
c/o Julie Brennan
Pinellas County Environment and Infrastructure
14 South Fort Harrison - 6th Floor
Clearwater, Florida 33756

Dear Ms. Brennan:

Your application for a Department of the Army permit received on February 23, 2012, has been assigned number SAJ-2002-06831. A review of the information and drawings provided shows the proposed work is the dredging of a causeway and the construction of a bridge over the dredged area on an existing maintenance road. The purpose of the project is to increase water circulation and expand seagrass habitat within the back-bays of Mullet Key. The project is located at a Fort DeSoto maintenance Road, in Sections 8 & 9, Township 33 South, Range 16 East, Tierra Verde, Pinellas County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 27. In addition, project specific conditions have been enclosed. This verification is valid until April 6, 2014. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory webpage to access web links to view the Final Nationwide Permits, Federal Register Vol. 77, dated February 21, 2012, specifically pages 10270 – 10290, the Corrections to the Final Nationwide Permits, Federal Register 77, March 19, 2012, and the List of Regional Conditions. The website address is as follows:

<http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>

Please be aware this web address is case sensitive and should be entered as it appears above. Once there you will need to click on "Nationwide Permits." These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 27. Enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Special Projects and Enforcement Branch, 10117 Princess Palm Avenue, Suite 120, Tampa, Florida 33610.

2. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.
- b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Corps. The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
- c. A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO and the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist, SHPO and the Corps.
- e. In the unlikely event that human remains are encountered on federal or tribal lands, or in situations where Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work in the vicinity shall immediately cease and the Permittee immediately notify the Corps. The Corps shall then notify the appropriate THPO(s) and SHPO. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate THPO(s), SHPO, and federal manager. After such notification, project

activities on tribal lands shall not resume without written authorization from the appropriate THPO(s) and the Corps.

4. The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011", provided as an enclosure in this permit.

5. The Permittee shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006 and provided as an enclosure in this permit.

6. The Permittee shall comply with the "Standard Protection Measures for the Eastern Indigo Snake", dated February 12, 2004 and provided as an enclosure in this permit.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Candice Wheelahan by telephone at 813-769-7064.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Again, please be aware this web address is case sensitive and should be entered as it appears above.

Sincerely,



Candice Wheelahan
Project Manager

Enclosures:

- General Conditions
- Statement of Compliance
- Permit Transfer Request
- Construction Drawings
- 2011 Standard Manatee Conditions for In-water Work
- 2006 Sea Turtle and Sawfish Construction Conditions
- 2004 Standard Protection Measures for the Eastern Indigo Snake

GENERAL CONDITIONS

33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on date identified in the letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-27

Application Number: SAJ-2002-06831

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2002-06831 (NW-27)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFeree-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

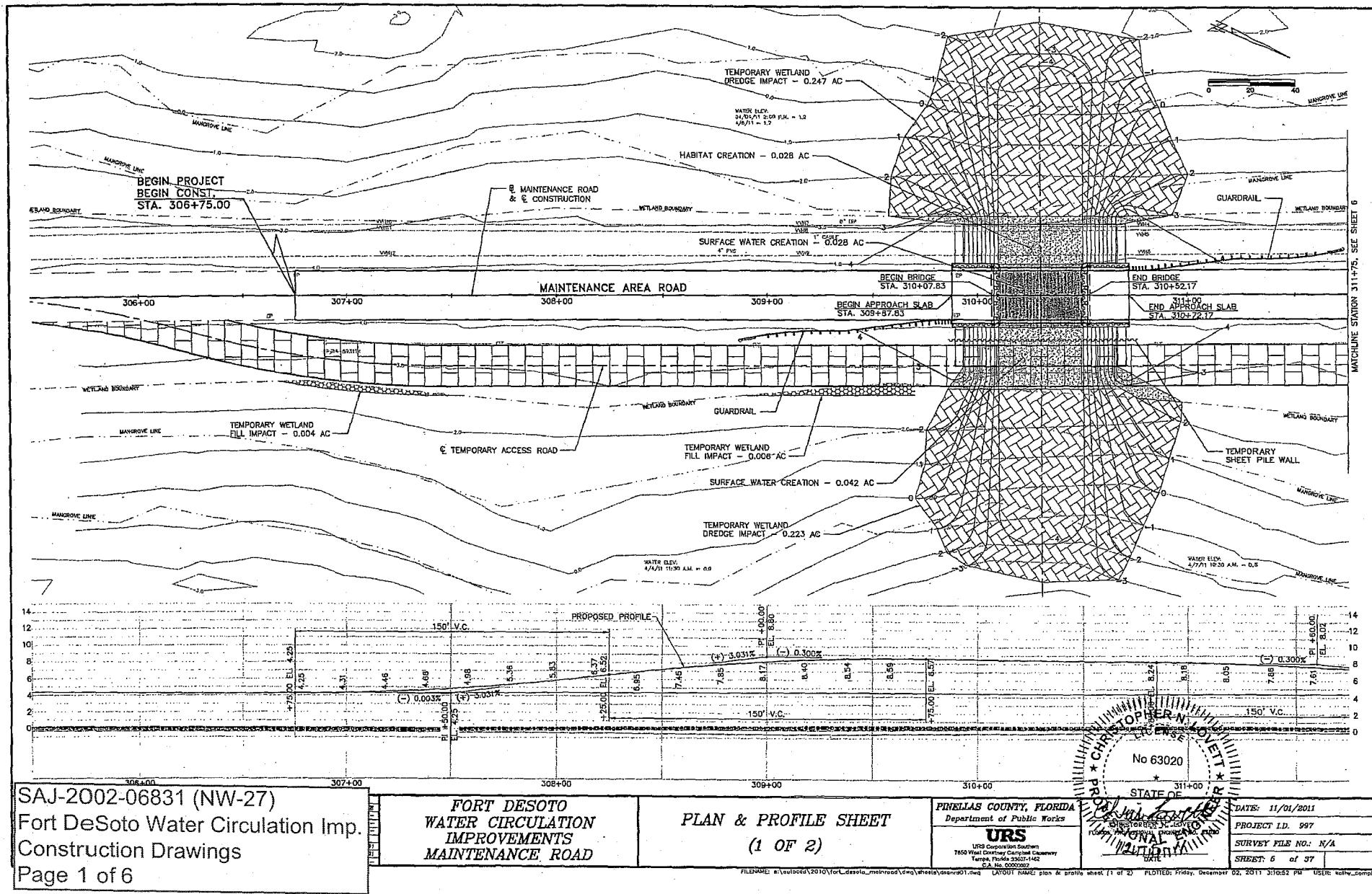
(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



308-100
SAJ-2002-06831 (NW-27)

Fort DeSoto Water Circulation Imp. Construction Drawings

Page 1 of 6

**FORT DESOTO
WATER CIRCULATION
IMPROVEMENTS
MAINTENANCE ROAD**

PLAN & PROFILE SHEET
(1 OF 2)

PINELLAS COUNTY, FLORIDA
Department of Public Works

URS

URS Corporation Southern
150 West Courtney Campbell Causeway
Tampa, Florida 33607-1462
(813) 223-2000

DATE: 11/21/2011

DATE: 11/01/2021

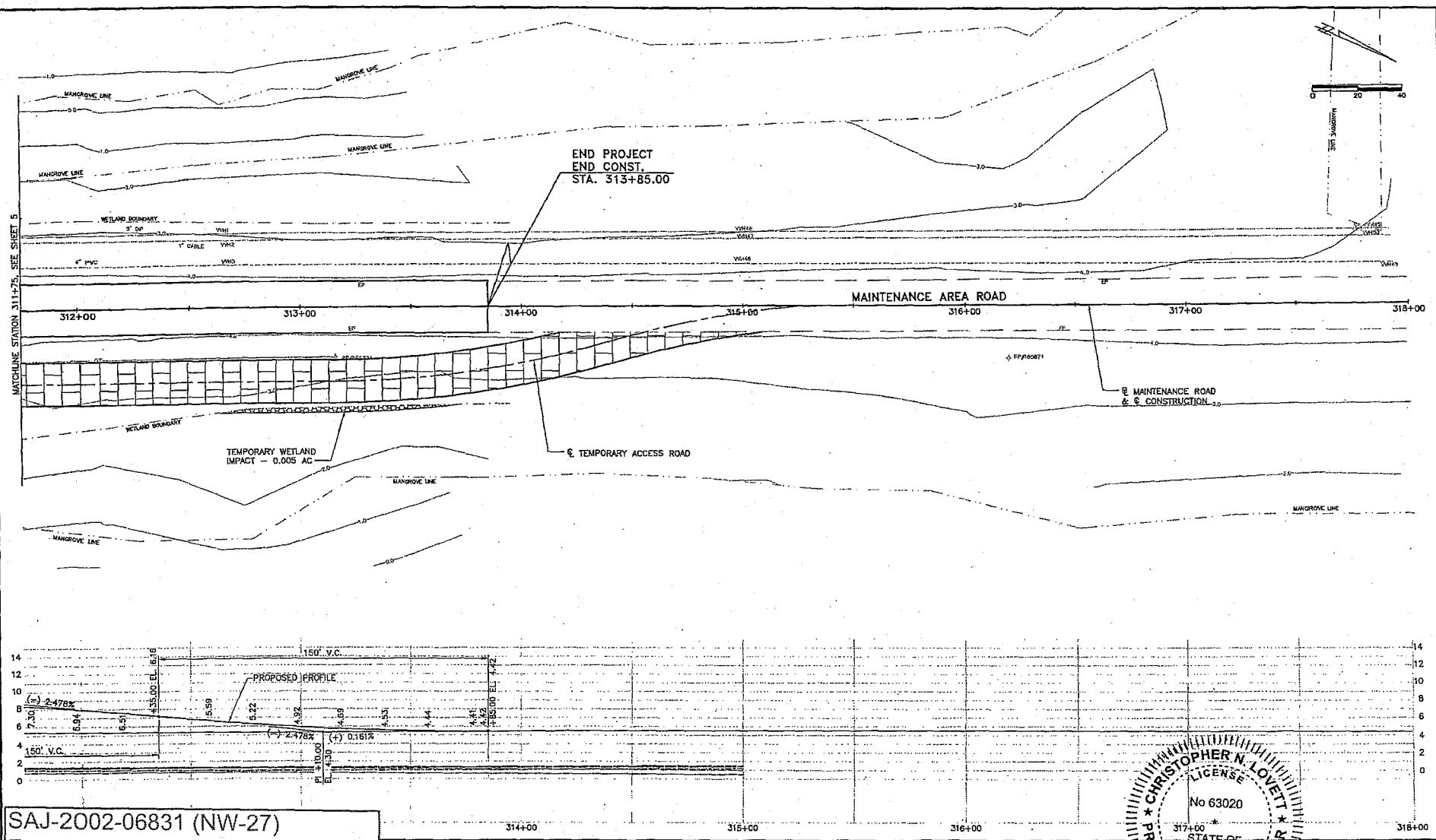
PROJECT I.D. 997

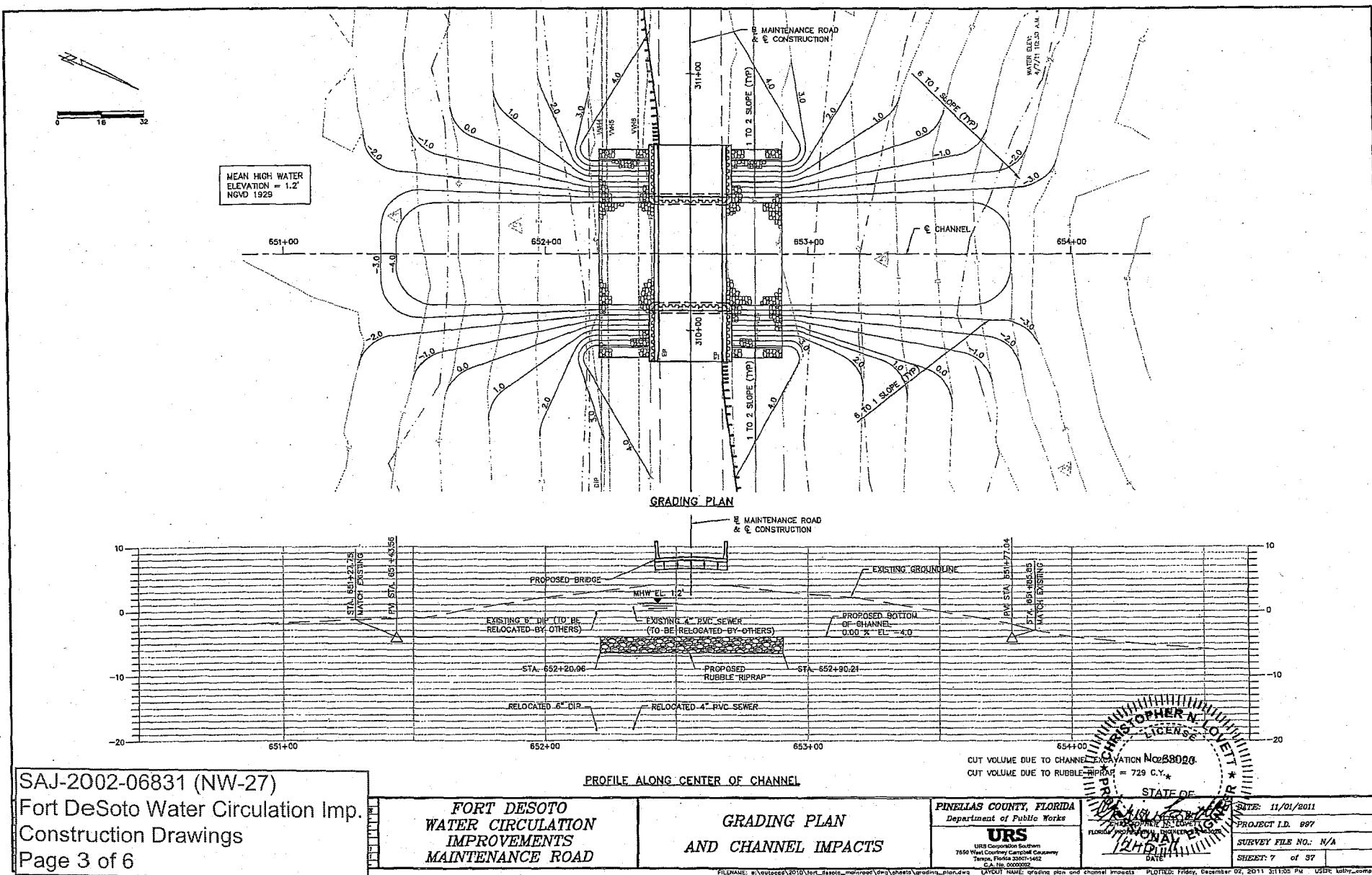
SURVEY FILE NO.: 1

SHEET: 6 of 37

02, 2011 3:10:52 PM US

9 of 34



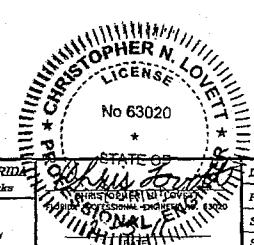


- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTROL AND PREVENT EROSION AND THE TRANSPORTATION OF SEDIMENT TO SURFACE DRAINS AND OUTFALLS. REFER TO CONSTRUCTION PLANS, DETAILS, SPECIFICATIONS AND DRAWING PRINTS FOR DETAILS. SEDIMENT DEPOSITS SHALL BE REMOVED WHEN THEY REACH SIX INCHES ON AN EROSION DEVICE.
- DURING THE CONSTRUCTION OF DRAINAGE STRUCTURES, AND OTHER STRUCTURES REQUIRING EXCAVATION, THE CONTRACTOR SHALL PLACE STRAW BARRIERS OR OTHER APPROVED DEVICES AROUND SUCH STRUCTURES TO PREVENT EROSION AND THE MIGRATION OF SEDIMENT TO POINTS OUTSIDE THE CONSTRUCTION AREA. THE STRAW BARRIERS OR OTHER APPROVED DEVICES SHALL BE PLACED IN ACCORDANCE WITH REQUIREMENTS OF F.D.O.T. INDEX NO. 102 OR AS DIRECTED BY THE ENGINEER.
- REQUIRED EROSION CONTROL MEASURES MUST REMAIN INTACT THROUGHOUT CONSTRUCTION. FAILURE TO INSTALL OR PROPERLY MAINTAIN REQUIRED EROSION CONTROL WILL RESULT IN ENFORCEMENT ACTION. ALL EROSION CONTROL MEASURES, SAND, SILT, AND DEBRIS SHALL BE REMOVED FROM ALL DRAINAGE PIPES AND STRUCTURES AFTER CONSTRUCTION HAS BEEN COMPLETED AND PRIOR TO COUNTY FINAL WALK-THROUGH.
- THE CONTRACTOR SHALL PROVIDE AND MAINTAIN SILT/TURBIDITY BARRIERS TO CONTROL EROSION AND SEDIMENT FROM TAKING PLACE OUTSIDE THE PROJECT LIMITS. THE SILT/TURBIDITY BARRIERS SHALL BE PLACED IN ACCORDANCE WITH REQUIREMENTS OF F.D.O.T. INDEX NO. 102 & 103, OR AS DIRECTED BY THE ENGINEER. ALL DAMAGED OR INEFFECTIVE EROSION CONTROL DEVICES SHALL BE REPLACED AT NO ADDITIONAL COST TO THE COUNTY.
- EROSION CONTROL PLAN -- ANY MODIFICATIONS TO THIS PLAN MUST BE SIGNED AND SEALED BY A PROFESSIONAL ENGINEER REPRESENTING THE CONTRACTOR. THESE MODIFICATIONS MUST BE APPROVED BY THE COUNTY AND THE PERMITTING AGENCY. NO CONTRACT DELAYS WILL BE ALLOWED FOR SUCH MODIFICATIONS OR APPROVALS.
- OUTFALL PROTECTION - PROJECT PIPE OR DITCH DISCHARGES INTO OFF-SITE OUTFALLS SHALL BE INSPECTED DAILY FOR POSSIBLE SEDIMENT BUILDUP OR TRANSPORT. OUTFALLS SHALL BE PROTECTED THROUGH USE OF EROSION CONTROL FEATURES AS NEEDED TO MITIGATE ANY SEDIMENT LOSS TO THE IMMEDIATE AREA OF THE PROJECT. ANY SEDIMENT BUILDUP OR TRANSPORT OFF-SITE SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REMEDY. THE CONTRACTOR SHALL USE APPROPRIATE MEASURES AS DIRECTED BY THE PROJECT ENGINEER FOR OUTFALL PROTECTION.

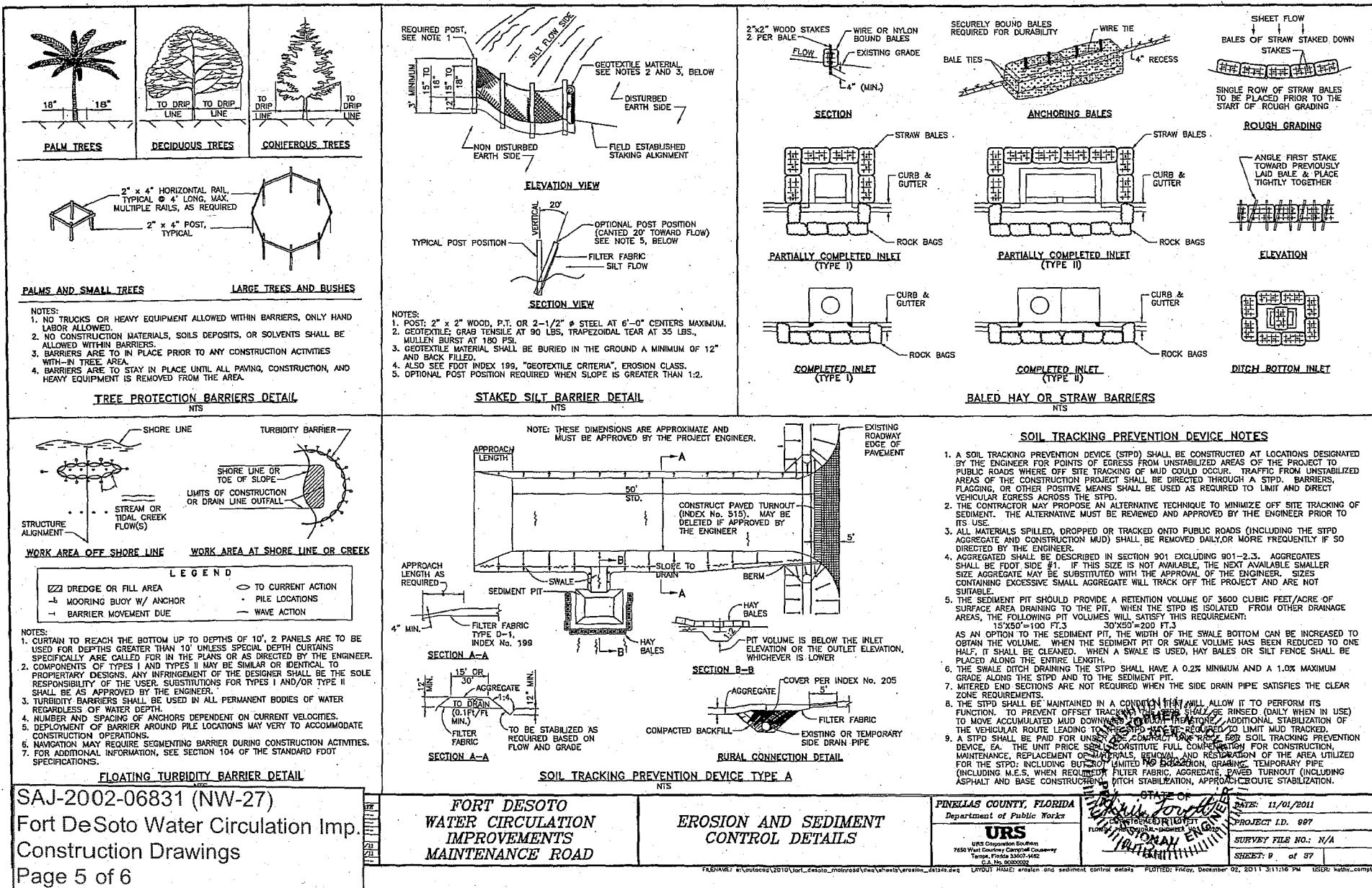
EROSION AND SEDIMENT CONTROL NOTES

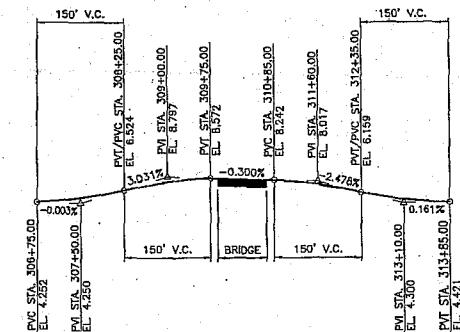
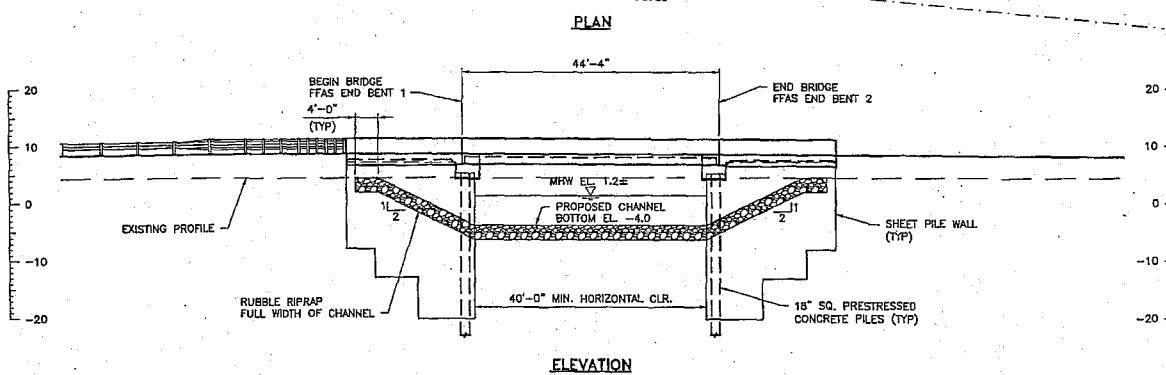
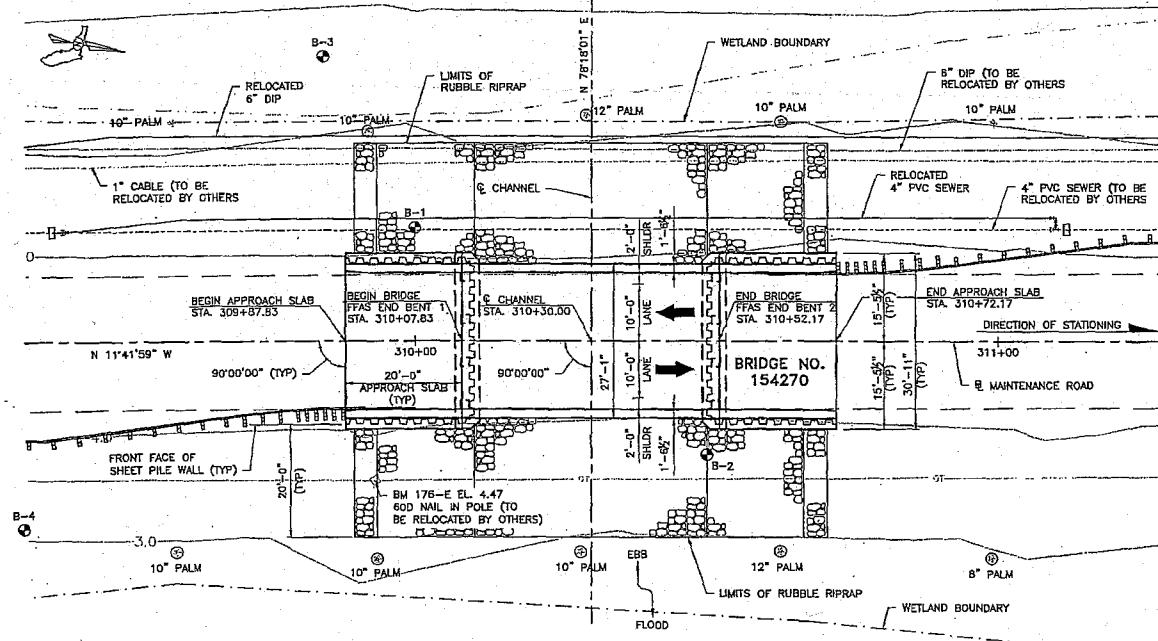
- STRAW BARRIERS (OR OTHER APPROVED SEDIMENT CONTROL DEVICES) - THESE SHALL BE PLACED AT THE BASE OF ANY SLOPE WHERE A RAINFALL EVENT COULD ERODE A SLOPE AND TRANSPORT SEDIMENTS OFF SITE. STRAW BARRIERS SHALL BE DOUBLE STAKED IN ACCORDANCE WITH F.D.O.T. INDEX NO. 102. IF THE TOP ROW OF STRAW BARRIERS IS ABOVE THE ELEVATION OF EXISTING STRAW BARRIERS, THEN SEDIMENTS SHOULD BE REMOVED. ANY DAMAGED OR INEFFECTIVE STRAW BARRIERS ARE TO BE REPLACED WITH NEW ONES. THE LOCATION AND INSTALLATION OF STRAW BARRIERS SHALL BE AS DIRECTED BY THE PROJECT ENGINEER.
- BACK OF SIDEWALK INLETS OR MEDIAN INLETS - THESE SHALL BE PROTECTED FROM SEDIMENT INTAKE UNTIL PROJECT IS COMPLETE. ELEVATION OF GROUND OUTSIDE INLET TOP SHALL NOT BE HIGHER THAN INLET TOP. STRAW BARRIERS OR OTHER APPROVED SEDIMENT CONTROL DEVICES SHALL BE INSTALLED AROUND INLET TOP. A SECOND ROW OF STRAW BARRIERS OR OTHER APPROVED SEDIMENT CONTROL DEVICES SHALL BE PLACED IN A ROW SEPARATED FROM THE FIRST ROW. BETWEEN ROWS THERE SHALL BE A DEPRESSION TO ACT AS A SEDIMENT BASIN. COMPLETED INLETS IN PAVED AREAS SHALL ALSO BE PROTECTED WITH A SINGLE LINE OF STRAW BARRIERS OR OTHER APPROVED SEDIMENT CONTROL DEVICES TO PREVENT SEDIMENT INTAKE FROM OTHER AREAS.
- CURB INLETS - THESE INLETS SHALL BE PROTECTED FROM SEDIMENT INTAKE UNTIL THE PROJECT IS COMPLETE. STRAW BARRIERS OR OTHER APPROVED DEVICES SHALL BE PLACED AROUND THE PERIMETER OF THE EDGE OF THE INLET OPENING.
- STOCKPILED MATERIALS SHALL BE PROTECTED BY COVER, STRAW BARRIERS OR OTHER APPROVED SEDIMENT CONTROL DEVICES.
- ALL EROSION CONTROL MEASURES AND CONDITIONS OF ADJACENT PROPERTIES SHALL BE INSPECTED WEEKLY OR AFTER EVERY 1000 FEET OF CONSTRUCTION BY THE CONTRACTOR AND THE COUNTY'S INSPECTOR. DEFICIENCIES SHALL BE NOTED AND CORRECTED, AT NO ADDITIONAL COST TO THE COUNTY, WITHIN 24 HOURS OF NOTIFICATION.
- ALL DISTURBED AREAS SHALL BE STABILIZED WITHIN 14 DAYS AFTER 1/2" RAIN EVENT DISTURBANCE.
- SEDIMENT TRAPPING MEASURES: SEDIMENT BASINS AND TRAPS, PERIMETER BERMS, FILTER FENCES, BERMS, SEDIMENT BAGS, AND OTHER SEDIMENT CONTAINMENT FEATURES AS NEEDED TO TRAP SEDIMENT AND/OR PREVENT THE TRANSPORT OF SEDIMENT INTO WATERS OF THE STATE OR NEIGHBORING PROPERTIES SHALL BE INSTALLED, CONSTRUCTED OR, IN THE CASE OF VEGETATIVE BUFFERS, PROTECTED FROM DISTURBANCE, AS A FIRST STEP IN THE LAND ALTERATION PROCESS.
- CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE NECESSARY DEWATERING PERMITS FROM THE LOCAL WATER MANAGEMENT DISTRICT OR OTHER REGULATORY AGENCY.
- A DEWATERING PLAN MUST BE SUBMITTED AND APPROVED BY THE ENGINEER PRIOR TO DISCHARGE.
- WHERE PUMPS ARE TO BE USED TO REMOVE TURBID WATER FROM THE CONSTRUCTION AREA, THE WATER SHALL BE TREATED TO REDUCE TURBIDITY TO STATE WATER QUALITY STANDARDS PRIOR TO DISCHARGE TO THE WETLANDS. TREATMENT METHODS INCLUDE, BUT ARE NOT LIMITED TO, SETTLING PONDS, SEDIMENTATION SWALES OR APPROPRIATE VEGETATED AREAS (OTHER THAN UPLAND PRESERVATION AREAS AND WETLAND BUFFERS), SEDIMENT BASINS, OR AREAS CONFINED BY AN APPROPRIATE ENCLOSURE SUCH AS TURBIDITY BARRIERS, AND KEPT CONFINED UNTIL ITS TURBIDITY LEVEL MEETS STATE WATER QUALITY STANDARDS.
- IF WIND EROSION BECOMES SIGNIFICANT DURING CONSTRUCTION, THE CONTRACTOR SHALL STABILIZE THE AFFECTED AREA USING SPRINKLING, IRRIGATION, OR OTHER ACCEPTABLE METHODS.
- THERE IS TO BE NO DISCHARGE (I.E. PUMPING, SHEET FLOW, SWALE, DITCH, ETC.) TO EXISTING DITCHES OR CANALS WITHOUT THE USE OF SETTLING PONDS. IF THE CONTRACTOR DESIRES TO DISCHARGE INTO EXISTING DITCHES OR CANALS A SETTLING POND PLAN PREPARED BY THE CONTRACTOR MUST BE SUBMITTED TO AND APPROVED BY THE ENGINEER OF RECORD AND LOCAL REGULATORY AGENCY PRIOR TO CONSTRUCTION.
- SOIL TRACKING PREVENTION DEVICES SHALL BE PROVIDED AND MAINTAINED PER F.D.O.T. INDEX NO. 106.
- ALL EROSION & SEDIMENT CONTROLS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE "TBOT DESIGN STANDARDS AND CRITERIA FOR THE PINELLAS COUNTY PUBLIC WORKS STANDARD TECHNICAL SPECIFICATIONS FOR ROADWAY AND RELATED CONSTRUCTION", LATEST EDITIONS.

SAJ-2002-06831 (NW-27)
 Fort DeSoto Water Circulation Imp.
 Construction Drawings
 Page 4 of 6

FORT DESOTO WATER CIRCULATION IMPROVEMENTS MAINTENANCE ROAD	EROSION AND SEDIMENT CONTROL NOTES	PINELLAS COUNTY, FLORIDA <small>Department of Public Works</small> URS <small>URS Corporation 7500 West Century Boulevard Tampa, Florida 33671-1462 Toll-Free: 800.332.0002</small>
<small>STATE OF FLORIDA  Christopher N. Lovett License No. 63020 DATE: 11/01/2011 PROJECT ID: 997 SURVEY FILE NO.: N/A SHEET: 8 of 37</small>		

FILENAME: e:\public\2010\fort_desoto_maintroad\dwg\sheets\erosion_notes.dwg LAYOUT NAME: erosion_and_sediment_control_notes PLOTTED: Friday, December 02, 2011 3:11:10 PM USER: kathy_compton





VERTICAL ALIGNMENT ALONG B MAINTENANCE ROAD

NOTES

1. LEGEND:
④ DENOTES PALM TREE TO BE REMOVED
2. ALL UTILITIES ARE TO BE RELOCATED PER DIRECTION PROVIDED BY PINELLAS COUNTY.
3. FOR RUBBLE RIPRAP DETAILS, SEE SHEET 30.



BRIDGE NO. 154270

SAJ-2002-06831 (NW-27)
Fort DeSoto Water Circulation Imp.
Construction Drawings
Page 6 of 6

FORT DESOTO
WATER CIRCULATION
IMPROVEMENTS
MAINTENANCE ROAD

PLAN AND ELEVATION

PINELLAS COUNTY, FLORIDA
Department of Public Works

URS

URS Corporation/Southern
7650 West Century Boulevard
Tampa, Florida 33627-1402
CA No. 00000002

DATE: 11/01/2011	PROJECT I.D. 997
SURVEY FLS NO.: n/a	DATE: 11/01/2011
SHEET: 14 of 37	DATE: 11/01/2011

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

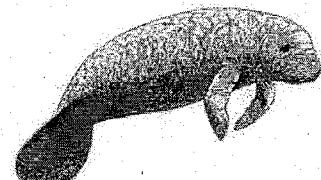
All project vessels

IDLE SPEED / NO WAKE

**When a manatee is within 50 feet of work
all in-water activities must**

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (e.g., an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
 - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
 - b. instructions not to injure, harm, harass or kill this species;
 - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
 - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
 - a. any sightings of eastern indigo snakes and
 - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004



Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

An Equal
Opportunity
Employer

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

February 02, 2012

Pinellas County BOCC, Attn: Ivan Fernandez
DEI - Engineering & Technical Support
14 South Fort Harrison Avenue - 6th Floor
Clearwater, FL 33756

Subject: **Notice of Final Agency Action for Approval**
ERP General Construction Modification

Project Name: Fort DeSoto Water Circulation Maintenance Road Bridge
App ID/Permit No: 658183 / 44010898.004
County: PINELLAS
Sec/Twp/Rge: S08/T33S/R16E, S09/T33S/R16E

Dear Permittee(s):

This letter constitutes notice of Final Agency Action for **approval** of the permit referenced above. Final approval is contingent upon no objection to the District's action being received by the District within the time frames described in the enclosed Notice of Rights.

Approved construction plans are part of the permit, and construction must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notice of agency action, as well as a noticing form that can be used is available from the District's website at www.WaterMatters.org/permits/noticing.

If you publish notice of agency action, a copy of the affidavit of publishing provided by the newspaper should be sent to the Regulation Division at the District Service Office that services this permit.

If you have questions, please contact Richard Alt, at the Tampa Service Office, extension 2045. For assistance with environmental concerns, please contact Lisa Cartwright, extension 2227.

Sincerely,

Michelle K. Hopkins, P.E.

Tampa Regulation Department

Enclosures: Approved Permit w/Conditions Attached

[**Statement of Completion**](#)

Notice of Authorization to Commence Construction

Notice of Rights

cc: Pinellas County, Attn: Julie Brennan

URS Corporation Southern, Attn: Kenneth E. Stanley, P.E.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
GENERAL CONSTRUCTION MODIFICATION
PERMIT NO. 44010898.004**

EXPIRATION DATE: February 02, 2017 **PERMIT ISSUE DATE:** February 02, 2012

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40D-40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: Fort DeSoto Water Circulation Maintenance Road Bridge

GRANTED TO:
Pinellas County BOCC, Attn: Ivan Fernandez
DEI - Engineering & Technical Support
14 South Fort Harrison Avenue - 6th Floor
Clearwater, FL 33756

OTHER PERMITTEES: N/A

ABSTRACT: This permit modification authorizes the construction of a new surface water management system serving a government drainage project. The proposed project is for the dredging of a causeway and the construction of a bridge that will span the dredged area. This modification of ERP No. 44010898.003 provided a more cost effective bridge structure, eliminated the permanent wetland impacts, and reduced the acreage of the temporary wetland impacts associated with the previously approved maintenance road bridge. Water quality treatment and attenuation are not provided as there is no increase in impervious area or pollutant loading. There is now a 0.47 acre temporary dredging impact and a 0.02 acre temporary fill road impact within Mullet Key Bayou for the construction of the maintenance road bridge. Mitigation is not required since the wetland/surface water impacts will restore water circulation and expand sea grass habitat within the bayous of Mullet Key. The proposed project is located in Fort DeSoto Park in southern Pinellas County, Florida.

OP. & MAIN. ENTITY: Pinellas County BOCC, Attn: Ivan Fernandez

OTHER OP. & MAIN. ENTITY: N/A

COUNTY: PINELLAS

SEC/TWP/RGE: S08/T33S/R16E, S09/T33S/R16E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 900.00

PROJECT SIZE: 1.82 Acres

LAND USE: Government

DATE APPLICATION FILED: December 07, 2011

AMENDED DATE: N/A

I. Water Quantity/Quality

Water quality treatment and attenuation are not provided as there is no increase in impervious area or pollutant loading.

A mixing zone is not required.

A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type	Encroachment Result* (feet)
0.00	0.00	No Encroachment	N/A

*Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims Minimal Impact type of compensation.

III. Environmental Considerations

Wetland/Other Surface Water Information

Wetland/Other Surface Water Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
W-1 Bays-Estuaries	0.18	0.06	0.00	0.00	0.12	0.00
W-1 Mangrove Swamp	0.31	0.05	0.00	0.00	0.26	0.00
W-1 Saltwater Marsh	0.22	0.11	0.00	0.00	0.11	0.00
Total:	0.71	0.22	0.00	0.00	0.49	0.00

* For impacts that do not require mitigation, their functional loss is not included.

Wetland/Other Surface Water Comments:

Previously issued ERP No. 44010898.001 authorized the construction of two bridges and bulkhead walls located on the park entrance road and the maintenance road to restore the natural water circulation within the back-bays of Mullet Key. The permit also determined proprietary authorization from the Florida Department of Environmental Protection, Division of State Lands will not be required for the proposed activities since existing Deed Number 1265, Page 555 demonstrates ownership of the project area.

However, only the park entrance road was constructed. ERP No. 44010898.003 authorized completion of the project to construct the maintenance road bridge, but was not constructed due to insufficient funding. Pinellas County re-designed a more cost effective structure, eliminated the permanent wetland impacts, and reduced the acreage of the temporary wetland impacts associated with the maintenance road bridge.

The proposed construction of the maintenance road bridge has been modified to include 0.47 acre of temporary dredging impacts and 0.02 acre of temporary fill road impacts within the different habitats of Wetland 1 (Mullet Key Bayou) totaling 0.49 acre. The wetland/surface water impacts will create 0.03 acre of surface waters beneath the bridge and 0.07 acre of habitat creation adjacent to each side of the bridge where the sea grass habitat expansion is anticipated. Mitigation is not required since the wetland/surface water impacts will provide improved water circulation between the Mullet Key bayous and expand sea grass habitat. Manatee protection conditions during construction are detailed in the specific conditions of this permit.

Mitigation Information

Mitigation is not required.

Specific Conditions

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit shall terminate, pursuant to Rule 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. Unless specified otherwise herein, two copies of all information and reports required by this permit shall be submitted to the Regulation Department at the District Service Office that services this permit. The permit number, title of report or information and event (for recurring report or information submittal) shall be identified on all information and reports submitted.
3. The Permittee shall retain the design engineer, or other professional engineer registered in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the professional engineer so employed. This information shall be submitted prior to construction.
4. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit to the Regulation Department at the District Service Office that services this permit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C., and signed, dated, and sealed as-built drawings. The as-built drawings shall identify any deviations from the approved construction drawings.
5. The District reserves the right, upon prior notice to the Permittee, to conduct on-site research to assess the pollutant removal efficiency of the surface water management system. The Permittee may be required to cooperate in this regard by allowing on-site access by District representatives, by allowing the installation and operation of testing and monitoring equipment, and by allowing other assistance measures as needed on site.
6. The construction of all wetland impacts and wetland mitigation shall be supervised by a qualified environmental scientist/specialist/consultant. The Permittee shall identify, in writing, the environmental professional retained for construction oversight prior to initial clearing and grading activities.
7. Wetland buffers shall remain in an undisturbed condition except for approved drainage facility construction/maintenance.
8. The following boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities:

wetland and surface water areas

wetland buffers

limits of approved wetland impacts

The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.

9. All Wetland boundaries shown on the approved construction drawings shall be binding upon the Permittee and the District.
10. The Permittee shall comply with the following conditions intended to protect manatees from direct project effects:
 - a. All personnel associated with the project shall be instructed about the presence of manatees and manatee
 - b. The Permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing Manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
 - c. Turbidity barriers shall be made of material in which manatees cannot become entangled, properly secured, and regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
 - d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
 - e. If manatee(s) are seen within 100 yards of the active construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Any equipment closer than 50 feet of a manatee must immediately cease operation. Activities will not resume until the manatee(s) has departed the project area of its own volition.
 - f. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission's Hotline at 1-888-404-FWCC. Collision or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
 - g. Temporary signs concerning manatees shall be posted prior to and during all construction /dredging activities. All signs shall be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads "Caution: Manatee Area" must be posted in a location prominently visible to water related construction crews. A second sign must be posted if vessels are associated with the construction , and must be visible to the vessel operator. The second sign must be at least 8½" by 11" which reads "Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. Any equipment closer than 50 feet of a manatee must immediately cease operation. Any collision or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commissions" Hotline at 1-888-404-FWCC.
11. This modification, Construction Permit No. 44010898.004, amends the previously issued Construction Permit No. 44010898.003, and all conditions are replaced by the conditions herein.
12. If limestone bedrock is encountered during construction of the surface water management system, the District must be notified and construction in the affected area shall cease .
13. The Permittee shall notify the District of any sinkhole development in the surface water management system within 48 hours of discovery and must submit a detailed sinkhole evaluation and repair plan for approval by the District within 30 days of discovery.
14. The District, upon prior notice to the Permittee, may conduct on-site inspections to assess the effectiveness of the erosion control barriers and other measures employed to prevent violations of state water quality standards

and avoid downstream impacts. Such barriers or other measures should control discharges, erosion, and sediment transport during construction and thereafter. The District will also determine any potential environmental problems that may develop as a result of leaving or removing the barriers and other measures during construction or after construction of the project has been completed. The Permittee must provide any remedial measures that are needed.

15. This permit is issued based upon the design prepared by the Permittee's consultant. If at any time it is determined by the District that the Conditions for Issuance of Permits in Rules 40D-4.301 and 40D-4.302, F.A.C., have not been met, upon written notice by the District, the Permittee shall obtain a permit modification and perform any construction necessary thereunder to correct any deficiencies in the system design or construction to meet District rule criteria. The Permittee is advised that the correction of deficiencies may require re-construction of the surface water management system.
16. The Permitted Plan Set for this project includes:
Plan Sheets 1 through 4 and 6 through 37 from the submittal received by the District on December 7, 2011 and Sheet 5 submitted on January 27, 2012.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

Michelle K. Hopkins, P.E.

Authorized Signature

EXHIBIT A

GENERAL CONDITIONS:

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. For general permits authorizing incidental site activities, the following limiting general conditions shall also apply:
 - a. If the decision to issue the associated individual permit is not final within 90 days of issuance of the incidental site activities permit, the site must be restored by the permittee within 90 days after notification by the District. Restoration must be completed by re-contouring the disturbed site to previous grades and slopes re-establishing and maintaining suitable vegetation and erosion control to provide stabilized hydraulic conditions. The period for completing restoration may be extended if requested by the permittee and determined by the District to be warranted due to adverse weather conditions or other good cause. In addition, the permittee shall institute stabilization measures for erosion and sediment control as soon as practicable, but in no case more than 7 days after notification by the District.
 - b. The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as commitment to issue the associated individual environmental resource permit.
4. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the District as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume dis-charged from the property or into surface waters of the state.
6. District staff must be notified in advance of any proposed construction dewatering . If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters , a written dewatering plan must either have been submitted and approved with the permit application or submitted to the District as a permit prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.

7. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
8. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.
9. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
10. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
 - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
11. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property .
12. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a written notification of commencement indicating the actual start date and the expected completion date.
13. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
14. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C. Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
15. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
16. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the

District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until a transfer is approved by the District, the permittee shall be liable for compliance with the terms of the permit.

17. Should any other regulatory agency require changes to the permitted system, the District shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
18. This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
19. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.
20. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40D-4.351, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with District rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

**NOTICE OF
AUTHORIZATION
TO COMMENCE CONSTRUCTION**

Fort DeSoto Water Circulation Maintenance Road Bridge

PROJECT NAME

Government

PROJECT TYPE

PINELLAS

COUNTY

S08/T33S/R16E, S09/T33S/R16E

SEC(S)/TWP(S)/RGE(S)

Pinellas County BOCC, Attn: Ivan Fernandez

PERMITTEE

See permit for additional permittees

APPLICATION ID/PERMIT NO: 658183 / 44010898.004

DATE ISSUED: February 02, 2012



Michelle K. Hopkins, P.E.

Issuing Authority

**THIS NOTICE SHOULD BE CONSPICUOUSLY
DISPLAYED AT THE SITE OF THE WORK**

Notice of Rights

ADMINISTRATIVE HEARING

1. You or any person whose substantial interests are or may be affected by the District's action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.
2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of agency action on a consolidated application for an environmental resource permit and use of sovereignty submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District action is not available prior to the filing of a petition for hearing.
6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28.106, F.A.C. A request or petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C. can be viewed at www.flrules.org or at the District's website at www.WaterMatters.org/permits/rules.
7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 US Hwy. 301, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 987-6746. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at www.WaterMatters.org/about.

JUDICIAL REVIEW

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by final District action may seek judicial review of the District's final action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.

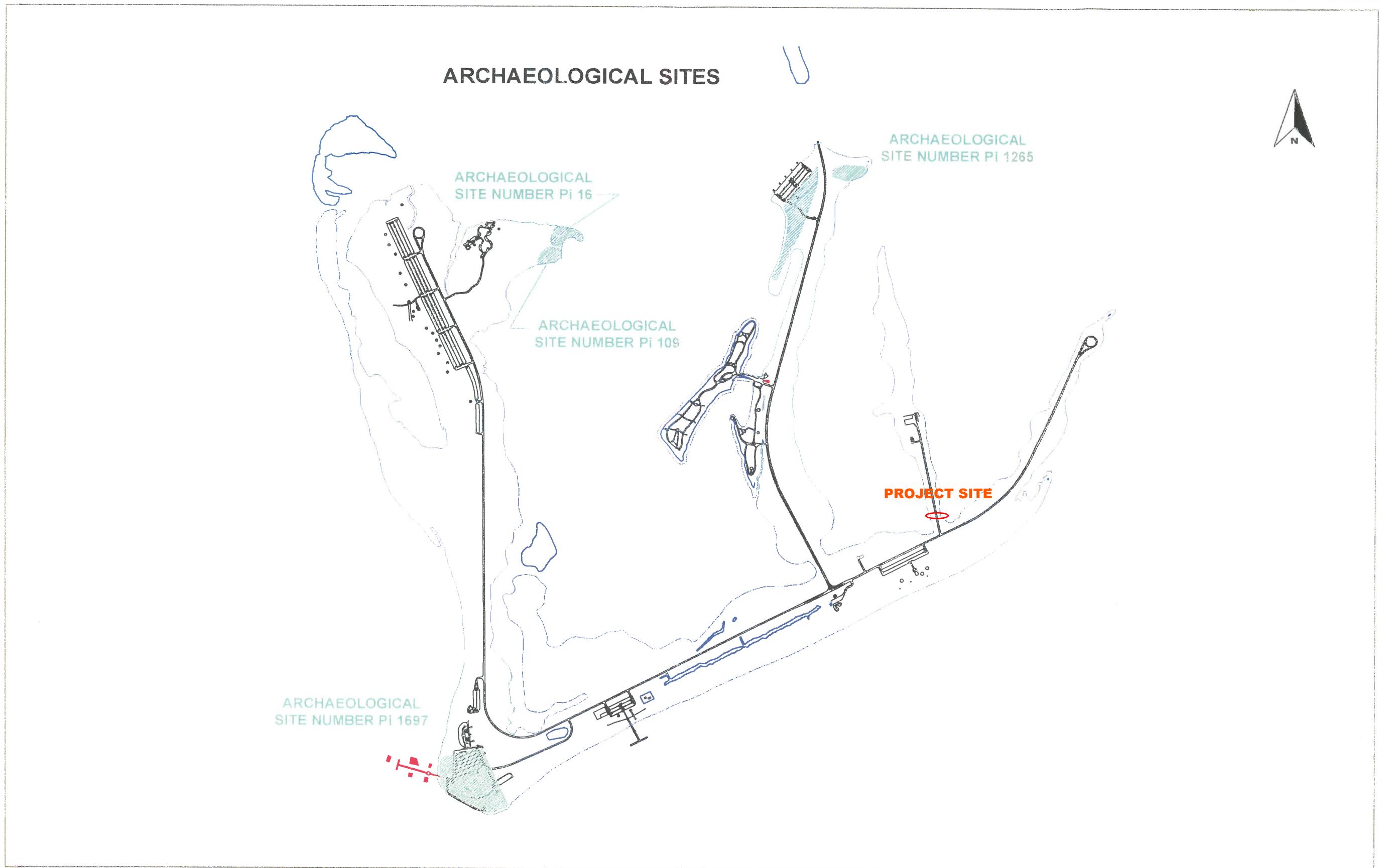
Pinellas County BOCC, Attn: Ivan Fernandez
DEI - Engineering & Technical Support
14 South Fort Harrison Avenue - 6th Floor
Clearwater, FL 33756

URS Corporation Southern, Attn: Kenneth E. Stanley, P.E.
7650 West Courtney Campbell Causeway
Tampa, FL 33607

Pinellas County, Attn: Julie Brennan
Pinellas County DEI
14 South Fort Harrison Avenue - 6th Floor
Clearwater, FL 33756

ATTACHMENT

Archaeological Map Showing Project Site



ATTACHMENT

NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter

**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

September 24, 2015 F/SER46:MS/RS

Mr. John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, Mississippi 39529-0001

Dear Mr. Bowie,

In response to the Deepwater Horizon oil spill, the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies Council, through U.S. Environmental Protection Agency, proposes to fund the construction of the following Tampa Bay National Estuary Program projects:

<u>Project Title</u>	<u>Location</u>
Copeland Park Pond Restoration	Hillsborough County, Florida
Palm River Restoration Project Phase II	Hillsborough County, Florida
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, Florida
Robinson Preserve Expansion Project	Manatee County, Florida
Fort DeSoto Recirculation Project	Pinellas County, Florida
St. Petersburg Biosolids to Energy Project	Pinellas County, Florida
Cooper's Point Water Quality Improvement and Restoration	Pinellas County, Florida

From our review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH) under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

As specified in the Magnuson-Stevens Act, EFH consultation is required for federal actions which may adversely impact EFH. The local project sponsors prepared EFH assessments and National Environmental Policy Act documents for these projects and Tampa Bay National Estuary Program staff provided this information for our review by electronic mail dated September 23, 2015. The Southeast Region's Habitat Conservation Division (SER HCD) has reviewed the EFH assessments and associated National Environmental Policy Act information, and finds the documents adequately evaluate proposed project impacts to EFH supportive of a number of federally managed fishery species. Where applicable, best management practices to minimize both short term construction impacts and long term impacts to sensitive habitats have been developed and were included in the EFH assessments.

The SER HCD has no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time. Further consultation on this matter is not



necessary unless future modifications are proposed and such actions may result in adverse impacts to EFH.

Sincerely,

A handwritten signature in black ink that reads "Virginia M. Fay".

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

F/SER - Giordano
F/SER4 - Dale
F/SER46 - Sramek

ATTACHMENT

USFWS Endangered Species Act (ESA) Clearance Letter

Bowie, John

From: Rauschenberger, Heath <heath_rauschenberger@fws.gov>
Sent: Monday, September 28, 2015 3:29 PM
To: Bowie, John; Burks, Felicia
Cc: Jay Herrington; David Horning; Channing St. Aubin; Peter Plage
Subject: Re: FW: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, MS 39529

Re: EPA – RESTORE_002_005_Cat2

Dear Mr. Bowie:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, and wetlands and upland habitats throughout the Tampa Bay watershed. Our comments are in reference to compliance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

(1) The Ft. Desoto Recirculation and Seagrass Recovery element involves restoring hydrologic flow and circulation between two backwater bays currently blocked by a land bridge formed by the access road to one of Fort Desoto County Park's upland islands. A U.S. Army, Corps of Engineers (Corps) permit for the project (SAJ-2002-06831(NWP-27)) requires compliance with "Standard Manatee Conditions for In-Water Work" and "Standard Protection Measures for the Eastern Indigo Snake." This project previously underwent intra-Service consultation and, as conditioned in the Corps permit, is not likely to adversely affect listed species.

(2) The Palm River Habitat and Water Quality Restoration Phase II element involves improvements to wetlands and upland habitats on two parcels within the Tampa Bay watershed. Both parcels have experienced extensive drainage ditch excavation that has resulted in reduced hydroperiods within palustrine wetlands and disruption of surface drainage. This project has a Corps permit (SAJ-2013-03249 (NW-LDD)). RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(3) The Robinson Preserve Water Quality and Habitat Restoration element entails proposed improvements to a 150-acre area that is being added to Robinson Preserve. RESTORE funding would be used to create a total of 65.24 acres of estuarine habitats from former agricultural lands by excavation of low quality uplands. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(4) The Coastal Invasive Plant Removal element entails eradication of category I and II invasive pest plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties at Cockroach Bay Aquatic Preserve that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(5) The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation. The project is within the Core Foraging Area of the one or more wood stork colonies and may impact greater than $\frac{1}{2}$ acre of Suitable Foraging Habitat. We concur that the project 'may affect, but is not likely to adversely affect' the wood stork on the basis that the completed project would provide suitable foraging habitat equivalent to or greater than that impacted.

(6) The Biosolids to Energy element involves an upgrade of biosolids treatment facilities at the Southwest Water Reclamation Facility in order to optimize methane generation which will be used to produce renewable natural gas. This project is located on an existing wastewater treatment facility site and will not affect any additional areas. We anticipate no effect on listed species.

(7) The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a channel from Cooper's Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. The project is in the planning phase and a Corps permit will be needed prior to implementation. "Standard Manatee Conditions for In-Water Work" will be required. We have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

The Service has determined the proposed project, including the seven component projects listed above, is "not likely to adversely affect" any federally listed species or critical habitat. Should you have questions regarding this letter or require clarification, please contact Peter Plage at 904-371-3085 or peter_plage@fws.gov.

Sincerely,
Heath Rauschenberger

for
Jay B. Herrington, Field Supervisor
North Florida Ecological Services Field Office

>>>>>>>>>>>>>>>>>>>

Heath Rauschenberger, PhD
Deputy Field Supervisor
U.S. Fish and Wildlife Service
North Florida Ecological Services
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256
Office: 904-731-3203

“Management is doing things right; leadership is doing the right things.” Peter F. Drucker

On Thu, Sep 24, 2015 at 10:51 AM, Jay Herrington <Jay_Herrington@fws.gov> wrote:

See attached.

Jay B. Herrington

Field Supervisor

U. S. Fish and Wildlife Service

Northeast Florida Ecological Services Field Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256

(904) 731-3191 (phone)

(904) 731-3045 (fax)

E-mail: jay_herrington@fws.gov

From: Bowie, John [mailto:Bowie.John@epa.gov]

Sent: Wednesday, September 23, 2015 2:10 PM

To: jay_herrington@fws.gov

Cc: Horning Dave (david_horning@fws.gov)

Subject: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

Mr. Jay Herrington

U. S. Fish & Wildlife Service

North Florida Ecological Services Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256-7517

Dear Mr. Herrington:

EPA is requesting USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq.) for a proposal entitled "Tampa Bay National Estuary Program (Implementation)" that is currently being considered for funding by the Gulf Ecosystem Restoration Council (Council). The Council assigned Unique Identifier is EPA_RESTORE_002_005_Cat2.

The Council's Draft Funded Priorities List includes a proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

To facilitate your review we will forward a Summary Report, an iPaC Report, and other pertinent information for each of the seven component projects mentioned above directly to David Horning.

If you have any questions or need additional information, you can contact me at (228)688-3888 or at bowie.john@epa.gov OR Felicia Burks at 404-562-9371 or at burks.felicia@epa.gov.

We've had some discussions with David already. Thank you for your cooperation in processing our request.

John F. Bowie

U.S. Environmental Protection Agency

Gulf of Mexico Program Office

Building 1100 – Room 232

Stennis Space Center, MS 39529

John F. Bowie

EPA Gulf of Mexico Program

Office (228)688-3888

Cell (228)265-1774

bowie.john@epa.gov

ATTACHMENT

EPA Determination regarding NOAA ESA Consultation

MEMORANDUM

April 27, 2016

TO: Felicia Burks, Environmental Engineer
Technical Program Manager for the Tampa Bay Estuary Program

FROM: Duncan Powell, Life Scientist
Endanger Species Act Coordinator

SUBJECT: EPA-RESTORE_002_005_Category 2
NOAA/NMFS Endangered Species Act Section 7 Consultation
TBEP RESTORE Project Status

1. A. Ft. Desoto Recirculation- Pinellas County (Phase 1)

NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The proposed work is the dredging of a causeway and the construction of a bridge over the dredged area on an existing maintenance road. The purpose of the project is to increase water circulation and expand seagrass habitat within the back-bays of Mullet Key. The project is located at Fort DeSoto maintenance road, in Sections 8 & 9, Township 33 South, Range 16 East, Tierra Verde, Pinellas County. Florida. The RESTORE Council action would fund the Ft. DeSoto Recirculation Project in Pinellas County, FL. The ACOE's issuance of the permit to construct the recirculation project needed to happen prior to the RESTORE Council funding the project. The ACOE's issuance of the permit required consultation.

The EPA relies on the consultation that was completed by the ACOE for the NWP 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities).

Attachment B Section 7_Ft Desoto Recirculation project has a signed consultation of not likely to adversely affect by the U.S. Fish and Wildlife Service dated June 26, 2015. This consultation covered all the species within the action area including the manatee, Gulf sturgeon and sea turtles. There is no further need to get further concurrence with NOAA.

Attachment E_Ft Desoto ACOE and SWFWMD Permits Ft Desoto Recirculation project. This attachment includes the NWP 27 that is valid until March 18, 2017 (page 2). Conditions of the NWP 27 include the “Standard Manatee Conditions for In-water Work dated 2011, (page 15), Manatee warning signage (page 16), and Sea Turtle and Smalltooth Sawfish Construction Conditions (page 17).

B. Ft. DeSoto Sand Dune Walkovers (Phase 2)

NOAA/NMFS ESA “No Effect” Determination.

The Phase 2 dune walkovers are in the uplands outside of NOAA/NMFS jurisdiction.

FWS ESA consultation is needed for the Federal funding of the sand dune walkovers.

The second phase of Ft. DeSoto Recirculation and Seagrass Recovery Project (proposed for funding under RESTORE) involves the construction of dune walkovers on the west side of the park, along the dunes fronting the Gulf of Mexico.

The Florida Clearinghouse review and CCCL have been applied for by Pinellas County. Pinellas County is waiting to hear back from the State regulatory agencies.

These dune walkovers will directly protect sand dunes and conserve coastal habitat by directing pedestrian traffic away from the dunes and to the dune walkovers. This will protect living marine and coastal resources by preventing damage to coastal systems, preventing disruption of nesting shorebirds and eliminating impacts to nesting sea turtles. Protection of the dune systems will assist with enhancing resiliency to upland infrastructure by preventing tidal overwash and flooding and decreasing erosion. Dunes damaged from pedestrian foot-traffic will be able to recover and grow with shifting sands to again accrete sand along the dune lines. Finally, establishing raised dune walkovers will help mitigate for sea level rise over the long term. This is a phased project that can be permitted and constructed as funding allows.'

The threatened piping plover (*Charadrius melanotos*) may be found in the project area. There should be restrictions of construction during their winter nesting season.

2. Palm River Restoration- SWFWMD

Has ACOE permit

No Effect Determination.

A No Effect determination was made for NOAA jurisdictional Federally listed species and critical habitats because the action area is in uplands and freshwater wetlands and the RESTORE funds will be used for removal of exotic plant species.

TBEP RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Disturbed areas on both parcels have been colonized by nuisance species, primarily Brazilian pepper, but also lead tree, air potato, and cogongrass. The contractor will remove the exotic and nuisance vegetation by methods outlined in an attached map and specifications. A one-year maintenance period will provide quarterly monitoring and spraying to kill any regrowth of the target species. (Palm River Restoration Project Summary RESTOREenvcomplCat2toCat1_DRAFT_Sept 21 2015)

3. Robinson Preserve Restoration- Manatee County

No Effect Determination.

The EPA has made a "No Effect" determination because there are no Federally listed species or critical habitat under NOAA's jurisdiction within the action area of this project.

Phase II of this project, for which TBEP and Manatee County are requesting \$271,430 in RESTORE funding, consists of creation by excavation of low quality uplands, a total of 65.24 acres of estuarine habitats from former agricultural lands. Invasive plant species covers the existing uplands.

The expansion project entails the creation of a large matrix of estuarine and upland habitats from former farmlands within the bounds of recently acquired portions of Robinson Preserve located in Manatee County at the junction of two major estuarine systems; Sarasota Bay and Tampa Bay. The 150 acre expansion area is currently providing limited ecosystem services after being used for five decades as a sod & row crop operation, then abandoned and heavily invaded by invasive species for over a decade, then used as a fill dirt staging area in preparation for a residential development with golf course. While significant portions of the overall Robinson Preserve are either made up of extant mangrove swamp systems or recently restored areas, 150 acres of the

site (Robinson Expansion) remains in need of restoration, providing ample opportunity to enhance regional ecosystem services and bolster wildlife populations.

4. Hillsborough County Invasive Plant removal- Hillsborough County
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

This project is to eradicate all category I and II invasive plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. A qualified contractor will be hired through the competitive bid process to conduct an initial treatment that results in 95 percent control of the plants, followed by one year of quarterly treatment, one year of bi-annual treatment, and one final year with one treatment. (August 2015_RESTORE project questions Coastal Invasive Plant Removal).

5. Biosolids to Energy project- City of St. Petersburg
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The project is to upgrade a biosolids treatment facilities at the Southwest Water Reclamation Facility (SWRF) to a Temperature Phased Anaerobic Digestion. The upgrade is to optimize methane generation which will be used to produce renewable natural gas. There is no work in waters of the United States. The upgrade will allow the City of St. Petersburg to consolidate their biosolid operations from all their treatment plants to the Southwest Water Resource Facility. The proposed work will be conducted at the existing SWRF, which is an existing domestic wastewater treatment plant. No Federally listed species nor their habitats are found within the treatment facilities and there are no critical habitats found at the treatment facilities.

6. Copeland Park Pond Restoration- City of Tampa
No Effect Determination

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation.

7. Coopers Point Restoration- City of Clearwater
NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a new channel from Cooper’s Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. Although a formal jurisdictional wetland survey has yet to be completed, based on field reviews, the area to be excavated is mostly composed of disturbed uplands. The banks of the new channel will be stabilized with stabilization mats.

Additional stabilization will occur when mangroves are planted along the new channel. A temporary sediment basin will be created to dry wet sediment prior to being hauled away. Brazilian pepper removal will occur within the wetlands on Cooper's Point. The project is in the planning phase and a Corps permit will be needed prior to implementation.

There are no NOAA Federally listed species or critical habitat within the action area. The action area is the uplands where the 200-foot channel (30 feet wide) will be constructed along with the existing shorelines on either side of the proposed channel. The U.S. Fish and Wildlife Service has determined the proposed project is "not likely to adversely affect" any federally listed species or critical habitat (September 28, 2015, email from Jay Herrington, North Florida Ecological Services Field Office Supervisor to John F. Bowie, U.S.E.P.A.)

ATTACHMENT

Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Mr. Ron Hosler
Tampa Bay Estuary Program
263-13th Ave. South, Suite 350
St. Petersburg, Florida 33701

September 28, 2015

RE: DHR Project File No.: 2015-4677, Received by DHR: September 17, 2015
Application Number: EPA_RESTORE_002_005_Cat2
Project: *Fort Desoto Recirculation Project*
County: Pinellas

Dear Mr. Hosler:

The Florida State Historic Preservation Officer reviewed the referenced project for possible effects on historic properties listed, or eligible for listing, on the *National Register of Historic Places*. The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and its implementing regulations in *36 CFR Part 800: Protection of Historic Properties*.

We note that proposed project is within the recorded Fort Desoto Park historic landscape (8PL00121). Our office has insufficient information to determine whether this resource is eligible for listing on the *National Register*. Based on the information provided for the above referenced project, however, it is the opinion of this office that the proposed project will have no adverse effect on this resource. Because there is still some potential for archaeological sites to occur during ground disturbing activities, 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, stone tools or metal implements, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee should contact this office, as well as the appropriate permitting agency. 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 Mary Berman, Historic Sites Specialist, by email at Mary.Berman@dos.myflorida.com, or by telephone at 850.245.6333 or 800.847.7278.

Sincerely,

Robert F. Bendus, Director
Division of Historical Resources
& State Historic Preservation Officer



Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6333 • 850.245.6439 (Fax) dos.myflorida.com/historical/
Promoting Florida's History and Culture VivaFlorida.org



ENVIRONMENTAL INFORMATION DOCUMENT – This document provides a summary of the named component project, including compliance information with certain regulations (NEPA, NHPA, ESA, Magnuson-Stevens (EFH), and Fish and Wildlife Coordination Act (FWCA)). Demonstrating compliance with these certain regulations is a requirement of the Gulf Coast Ecosystem Restoration Council (GCERC) to move a project from Category 2 to Category 1 status (eligible for funding) on the Funded Priorities List (FPL).

Tampa Bay Estuary Program (Implementation) - The Unique identifier assigned to this project is EPA_RESTORE_002_005_Cat2 - This Project is currently listed as a Category 2 on GCERC's Funded Priorities List (FPL). The project includes seven elements (component projects) which are (1) Ft De Soto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water Quality Improvement.

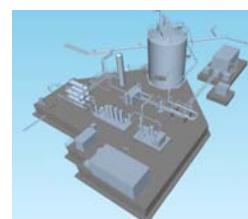
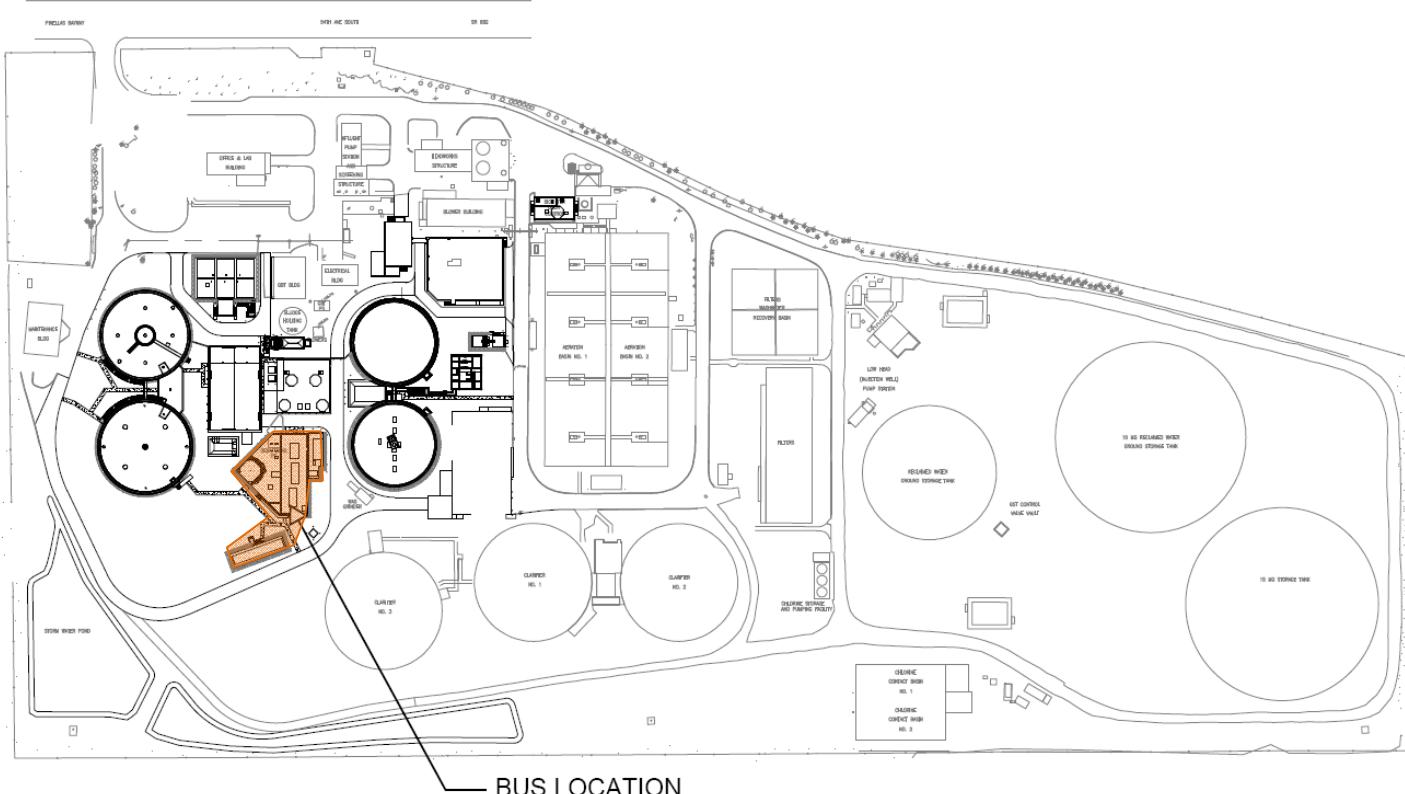
St. Petersburg Biosolids to Energy Project Summary

TBEP RESTORE Funded Component Description: The Biosolids to Energy component of the TBEP project will construct the Biogas Upgrade System (BUS - highlighted below in orange). The BUS is a pressure swing adsorption system that removes contaminants (including carbon dioxide and hydrogen sulfide) from the raw digester gas and concentrates more methane per unit volume of gas to meet natural gas standards. Contaminants are contained within filter media and disposed of at a Class I landfill. The construction plan identifies the BUS as the final portion of the overall project to be built, with completion anticipated in September 2018. Air quality monitoring will be performed in accordance with permit conditions.

Overall Project Description: The City's Southwest Water Reclamation Facility is undergoing major renovations to upgrade biosolids treatment to a temperature phased anaerobic digestion process. The project will extract methane biogas which will be upgraded to a renewable natural gas and will be used to fuel a majority of the sanitation department's fleet of refuse trucks. The combined heat and power generator will be used to produce the electrical energy to meet a majority of the plant's electrical demand and the waste heat will be captured and used to provide the heat necessary for the thermophilic anaerobic digestion process. The overall project will reduce greenhouse gas emissions and mitigate the associated effects of climate change and sea level rise.

Project Costs:

FUNDING SOURCE	TASK DESCRIPTION	FUNDING AMOUNT
City of St. Petersburg/State Revolving Fund	Biogas Upgrade System	\$3,230,000
TBEP RESTORE	Biogas Upgrade System	\$271,430



Environmental Benefits: It is estimated that this Biosolids to Energy project will result in combined reductions of emissions by 8,480 tons/year, comprised of 8,415 tons/year carbon dioxide, 20.7 tons/year sulfur dioxide, and minor reductions in nitrogen oxides, methane and nitrous oxide. When fully implemented and the biogas is being utilized as Renewable Natural Gas (RNG) fuel for county operated vehicles, it will result in an estimated reduction of 5,147 tons/year of carbon dioxide. This is based on offsetting 500,000 gallons of diesel fuel per year with RNG. This results in an estimated 92% reduction of carbon dioxide for each gallon of diesel fuel replaced or 20.6 lbs/gallon.

Additional Benefits: The proposed process will extract energy in the form of methane BioGas. The BioGas will be upgraded to a renewable natural gas (RNG) that will be used to fuel a majority of the sanitation department's fleet of refuse trucks. The combined heat and power generator will be used to produce the electrical energy to meet a majority of the plant's electrical demand and the waste heat will be captured and used to provide the heat necessary for the thermophilic anaerobic digestion process."

NEPA: EPA has determined that the TBEP RESTORE funded portion of the *St. Petersburg Biosolids to Energy Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt

from NEPA. Specifically, the RESTORE funded portion of the *St. Petersburg Biosolids to Energy Project*, which is one of the seven component projects that comprise the **Tampa Bay Estuary Program (Implementation)** is statutorily exempt from NEPA because EPA actions under the Clean Air Act are statutorily exempt from NEPA.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Additional Information: EPA voluntarily provides the following additional information to further assist the GCERC Staff with their environmental compliance review process.

The implementation of this project is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time. The Biosolids to Energy project is located within the City of St. Petersburg's existing Southwest Wastewater Treatment Facility. The project will result in potentially significant improvements in air quality (GHG reductions), benefiting the quality of the human use and environment in the Tampa Bay area.

The implementation of this project is not 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. Because the project is located within the boundaries of an existing wastewater treatment facility that does not have permanent human inhabitants, the project will not disproportionately or negatively impact any community. The project is expected to have positive environmental effects through reductions in GHG emissions.

The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat. In an email dated September 28, 2015, The U.S. Fish and Wildlife Service (USFWS) determined that the proposed project, including all seven component projects listed above, "is not likely to adversely affect" any federal listed species or critical habitat.

The implementation of this project is not known or expected to significantly affect national natural landmarks or any property with nationally 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. In a letter dated September 28, 2015, the Florida State Historic Preservation Officer (SHPO) issued the office's opinion that the proposed project will have no adverse effect on historic properties listed, or eligible for listing, on the *National Register of Historic Places*.

The implementation of this project is not 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. Because this project is located on an existing wastewater treatment facility site, the project will not affect any additional areas.

The implementation of this project is not known or expected to cause significant adverse air quality effects. The Biosolids to Energy project has received an air permit. During construction there will be exhaust emissions from trucks, etc., but these air emissions are expected to be de minimus. In addition there can be dust generated during earth moving or ground disturbing activities. Dust generation will be minimized through use of best management practices such as wetting of soils and use of covers on trucks hauling dirt.

The implementation of this project is not 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 construction of the Biosolids to Energy facility co-located with an existing wastewater treatment facility does not involve a change in the existing land use patterns. The project is located in the treatment facility site that does not have a permanent human population area, and is not on federally-recognized Indian tribe lands. Therefore the project is not expected to result in changes in the patterns and types of land use in St Petersburg or southern Pinellas County.

The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of the proposed action. The project is not expected to cause significant public controversy about a potential environmental impact of the proposed action. The project supports the Tampa Bay Estuary Program CCMP.

The implementation of this project is not known or expected to be associated with providing funding to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts. The project does not provide providing funding to a federal agency. It would provide funding to The Tampa Bay Estuary Program (an Independent Special District of the State of Florida) and its subcontractor the City of St. Petersburg (a city in the State of Florida).

The implementation of this project is not 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 is not expected to conflict with federal, state or local government, or federally recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

NHPA REVIEW: A review of the proposed project area was conducted in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended and 36 CFR Part 800: Protection of Historic Properties. EPA and Tampa Bay Estuary Program submitted a request to the Florida State

Historic Preservation Officer on September 22, 2015, requesting their review of the project for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archeological value. In a letter dated September 28, 2015, the Florida Division of Historical Resources issued their opinion that the proposed project will have no effect on historic properties listed, or eligible for listing, on the National Register of Historic Places.

ESA REVIEW: In an email dated September 23, 2015, EPA and Tampa Bay Estuary Program requested USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq) for the proposed project entitled "Tampa Bay National Estuary Program (Implementation)" that was included on the GCERC's "Draft" Funded Priorities List (FPL). The proposed project was developed by the EPA and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposed project includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; Coastal Invasive Plant removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and Coopers Point Water Quality Improvement. In an email dated September 28, 2015, the USFWS stated "We anticipate no effect on listed species" since this project element involves an upgrade of biosolids treatment facilities at the Southwest Water Reclamation Facility in St. Petersburg, FL in order to optimize methane generation/capture which will be used to produce renewable natural gas. USFW determined the proposed project, including the seven component projects, is "not likely to adversely affect" any federally listed species or critical habitat. In an email dated September 28, 2015, The U.S. Fish and Wildlife Service (USFWS) determined that the proposed project, including all seven component projects listed above, "is not likely to adversely affect" any federal listed species or critical habitat.

EFH REVIEW: As specified in the Magnuson-Stevens Act, Essential Fish Habitat (EFH) consultation is required for federal actions which may adversely impact EFH. Tampa Bay Estuary Program staff provided EFH assessments and other documentation for review by the NOAA Southeast Region's Habitat Conservation Division (SER HCD) via email on September 23, 2015 for the following seven component projects comprising the Tampa Bay Estuary Program (Implementation) project:

Copeland Park Pond Restoration	Hillsborough County, FL
Palm River Restoration Project Phase II	Hillsborough County, FL
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, FL
Robinson Preserve Expansion Project	Manatee County, FL
Fort Desoto Recirculation Project	Pinellas County, FL
St. Petersburg Biosolids to Energy Project	Pinellas County, FL
Cooper's Point Water Quality Improvement & Restoration	Pinellas County, FL

The SER HCD issued a letter on September 24, 2015 to EPA concluding that, based on their review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH). The SER HCD acknowledged that, where applicable, best management practices to minimize both short term construction impacts and long term impacts to sensitive habitats have been developed and were included in the EFH assessments provided. The SER HCD had no EFH conservation recommendations to provide pursuant to 305(b)(2) of the Magnuson-Stevens Act.

FWCA: EPA received feedback on September 28, 2015 from the U.S. Fish and Wildlife Service

(USFWS) on the Endangered Species Act relating to the project.

The following table summarizes the various authorities consulted and permits issued

Agency	Representatives Name, Office, & Phone	Date	Notes and topic discussed, relevant details, and conclusions
U.S. Fish and Wildlife Service	Peter Plage (904)371-3085 Heath Rauschenberger PhD. (904)731-3203	9/28/2015	Threatened and endangered species; see attached email. This project element involves an upgrade of biosolids treatment facilities at the Southwest Water Reclamation Facility in St. Petersburg, FL in order to optimize methane generation/capture which will be used to produce renewable natural gas. This project is located on an existing wastewater treatment facility site and will not affect any additional areas. We anticipate no effect on listed species. USFW determined the proposed project, including the seven component projects, is "not likely to adversely affect" any federally listed species or critical habitat.
Florida State Historical Preservation Officer (SHPO)	Robert F. Bendus Mary Berman (850)245-6333	9/28/2015	NHPA - Historical, cultural, and archeological resources; see attached letter. In a letter dated September 28, 2015, the Florida Division of Historical Resources issued their opinion that the proposed project will have no effect on historic properties listed, or eligible for listing, on the National Register of Historic Places.
NOAA	Mark Sramek Virginia Fay	9/24/2015	EFH - Magnuson-Stevens Act; see attached letter. From NOAA's our review, the proposed project activities <u>would only result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH)</u> under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The SER HCD had no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time.
Florida DEP	Jeffery F. Koerner	2015	Minor Air Construction Permit issued; Air Permit No. 1030558-001-AC

Attachments:

- EPA NEPA Review; December 7, 2016
- Florida DEP Air Permit 1030558
- NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter; September 24, 2015
- USFWS Endangered Species Act (ESA) Clearance Letter; September 28, 2015
- EPA “No Effect” Determination regarding NOAA ESA consultation; April 27, 2016
- Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter; Sept. 28, 2015

ATTACHMENT

EPA NEPA Review



RESTORE Council Funded Project
National Environmental Policy Act (NEPA) Review
United States Environmental Protection Agency
Gulfport, MS 39501

St. Petersburg Biosolids to Energy Project

EPA has determined that the TBEP RESTORE funded portion of the *St. Petersburg Biosolids to Energy Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the RESTORE funded portion of the *St. Petersburg Biosolids to Energy Project*, which is one of the seven component projects that comprise the **Tampa Bay Estuary Program (Implementation)** is statutorily exempt from NEPA because EPA actions under the Clean Air Act are statutorily exempt from NEPA.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Responsible Official for NEPA Review

As the Responsible Official for NEPA review, I have determined that this action statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b).

Signature

 12/7/16

Name & Title

Chris Militscher
Chief – R4-RCRD-NEPA Office

Phone Number

(404)562-9512

EPA Contact for Environmental Review on this Project (If different from Responsible Official)

Name

John F. Bowie, P.E.

Title

Environmental Engineer

Phone Number

(228)679-5891

ATTACHMENT

St. Petersburg Biosolids To Energy Florida DEP Air Permit # 1030558



Florida Department of Environmental Protection

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Stevenson
Secretary

PERMITTEE

City of St. Petersburg
635 3rd Avenue North
St. Petersburg, Florida 33713

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Air Permit No. 1030558-002-AC
Permit Expires: January 1, 2019
Minor Air Construction Permit

Authorized Representative:
Mr. Steve Leavitt, P.E., Director

Southwest Water Reclamation Facility
Biosolids-to-Energy Project

PROJECT

This is the final air construction permit, which authorizes the City of St. Petersburg's (City) to consolidate their biosolids operations from all of their treatment plants to the Southwest Water Reclamation Facility (SWWRF) to capture the digester gas and clean it up to natural gas standards to fuel the City's sanitation vehicle fleet and provide electricity to the City's SWWRF. The proposed work will be conducted at existing SWWRF, which is an existing domestic wastewater treatment plant categorized under Standard Industrial Classification Code No. 4952. The existing SWWRF is located in Pinellas County at 3800 54th Avenue South in St. Petersburg, Florida. The UTM coordinates are Zone 17, 333.8 kilometers (km) East, and 3067.2 km North.

This final permit is organized into the following sections: Section 1 (General Information); Section 2 (Administrative Requirements); Section 3 (Emissions Unit Specific Conditions); and Section 4 (Appendices). Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of Section 4 of this permit.

STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

Upon issuance of this final permit, any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel (Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000) and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida

For:

Jeffery F. Koerner, Deputy Director
Division of Air Resource Management

FINAL PERMIT

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Construction Permit package was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Mr. Steve Leavitt, P.E., Director, City of St. Pete: steve.leavitt@stpete.org
Mr. Steve Marshall, Project Manager, City of St. Pete: sdmarscha@stpete.org
Mr. Andrew Westfall, P.E., Black & Veatch: westfallAA@bv.com
Mr. George (Ken) Wise, Operator, SWWRF: george.wise@stpete.org
Ms. Sherrill Culliver, Pinellas County: sculliver@co.pinellas.fl.us
Ms. Lynn Scearce, DEP OPC: lynn.scearce@dep.state.fl.us

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on
this date, pursuant to Section 120.52(7), Florida Statutes,
with the designated agency clerk, receipt of which is
hereby acknowledged.

SECTION 1. GENERAL INFORMATION

FACILITY DESCRIPTION

City of St Petersburg, SWWRF, is an existing domestic wastewater treatment plant, which is categorized under Standard Industrial Classification Code No. 4952. The existing facility is a 20 million gallon per day (MMGD) (annual average daily flow), Type I complete mix activated sludge domestic wastewater treatment plant. The plant is a dual train facility with wastewater entering the plant by both force main and gravity lines. The force main influent flows directly to the head-works structure while the gravity line flows first to the 40 MMGD influent pump station, the head-works has two mechanically cleaned fine bar screens and a manually cleaned bypass bar screen prior to grit removal, one influent pump station with four 10 MMGD submersible pumps, two rectangular aeration basins, equipped with fine bubble diffusers, with a total volume of 4.03 million gallons, three clarifiers providing a total capacity of 3.85 million gallons with a total surface area of 42,942 square feet; a transfer pumping station; four manually backwashed deep bed dual media filters providing a total surface area of 5,624 square feet; and a dual channel chlorine contact chamber of 474,591 gallons, using a liquid sodium hypochlorite system.

The biosolids treatment system consists of: one gravity belt thickener; two anaerobic digesters with a total volume of 2.6 million gallons operated in series; and two belt filter presses. Filtrate from the process is returned to the head-works of the treatment plant. After dewatering by the filter press, biosolids stabilization by the Bioset process to a Class AA is completed. Lime and acid are added to the solids and pumped through a plug flow reactor and allowed to rise in temperature and pH, to release ammonia. The Class AA material is then transported off-site for land application or commercial sales.

Reclaimed water storage is provided in one 5 million gallon ground storage tank and in one 10 million gallon ground storage tank. Reclaimed water will be directed to the St. Petersburg Master Reuse System. Reclaimed water can also be routed to the aquifer storage and recovery well and to the injection well system if necessary. Reject water is stored in a 15 million gallon ground storage tank. Reject water may be directed to the 5 million gallon and 10 million gallon ground storage tanks in an emergency. After normal plant operations resumes, reject water is directed to the filters for re-treatment.

Backup power is provided by four, on-site standby diesel powered generators.

PROPOSED PROJECT

The City of St. Petersburg (City) is proposing to construct and operate a biosolids-to-energy plant at their existing SWWRF. The facility will consolidate the City's biosolids operations for all their treatment plants at SWWRF to capture the digester gas and clean it to natural gas standards to fuel for the City's sanitation vehicles, boilers and for electrical energy production. The City operates four water reclamation facilities (SWWRF, Northeast WRF, Albert Whitted WRF, and Northwest WRF). The biosolids-to-energy project is comprised of:

- **Biosolids Improvement Project:** Upgrading and installing new clarification systems, new anaerobic digesters and improvements to an existing digester, new sludge handling equipment, new digester gas handling facilities, new Biogas upgrading systems (BUS), and new odor control facilities. Emission sources associated with this project includes: two flares; a cooling tower; and two carbon scrubbers to control odor emissions from the primary clarifiers, the sludge storage tank, and the thickening facilities.
- **Thickening Improvements Project:** Expanding the sludge thickening process and replacing of the sludge dewatering system. Emission sources associated with this project includes a carbon scrubber to control odor emissions from the sludge truck loading areas.
- **Generator and Electrical Improvements Project:** Construct a new combined heat and power facility coupled with an expanded emergency backup power system. Emission sources associated with this project includes: a 1.56 megawatt (MW) spark ignition internal combustion engine (SI ICE)/electrical generator set (2,092 horsepower (HP)) firing natural gas and cleaned digester gas; two diesel fired emergency generators (2,347 HP and 2,682 HP); and two 6.38 million British thermal units per hour (MMBtu/hour) boilers firing natural gas and cleaned digester gas.

SECTION 1. GENERAL INFORMATION

Liquid wastewater will undergo a pre-treatment process to remove contaminants and moisture. Waste activated sludge (WAS) is sent through a sludge thickening process where fats, oils and grease is added prior to entering three continuously stirred tank reactor digesters. The digesters will break down the organics and convert them primarily into methane (CH_4) and carbon dioxide (CO_2). An enclosed flare will be used to combust excess gas from the digesters and consume excess product gas from the BUS. After the digestion process, moisture is removed prior to the digester gas passing through the BUS. The BUS is designed to process raw digester gas to pipeline natural gas quality. A low-Btu waste gas burner will be used to combust waste gas from the BUS. The product gas will either be sent to the compressed natural gas (CNG) fueling system for further compression or to the onsite engine generator. The final compression and CNG fueling system compresses the BUS product gas to high pressure for tube-trailer fueling or onsite high pressure storage. The two boilers used to heat water for use in the facility process will fire primarily natural gas and secondarily BUS product gas.

Construction is scheduled to commence in 2016 and be completed in 2018. The 1.56 MW SI ICE/electrical generator set will be installed and operating for a period of 2 or 3 years prior to the cleaned digester gas (BUS product gas) being available for the engine. During this period, the engine/generator will fire exclusively on pipeline natural gas.

{Permitting Note: Two 9,000 gallon (34.069 cubic meters (cm)) diesel storage tanks used to store fuel for the two emergency diesel generators are well below the vapor pressure specified in NSPS Subpart Kb. Therefore, the tanks are not subject to any unit-specific limitation or requirement.}

This project consists of the following emissions units (EU).

EU No.	Description
001	SI ICE/Generator Set (2,092 HP)
002	Boiler No. 1 (6.38 MMBtu/hour)
003	Boiler No. 2 (6.38 MMBtu/hour)
004	Flare No. 1, Enclosed Biogas Flare (750 standard cubic feet per minute (scfm))
005	Flare No. 2, Low-Btu Waste Gas Burner (147 scfm)
006	Odor Control Systems
007	Cooling Tower
008	Diesel Fired Emergency Generator (2,682 HP)
009	Diesel Fired Emergency Generator (2,347 HP)

FACILITY REGULATORY CLASSIFICATION

- The facility is not a major source of hazardous air pollutants (HAP).
- The facility does not operate units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility is not a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C.
- The facility is not a major stationary source in accordance with Rule 62-212.400, F.A.C. for PSD of Air Quality.
- The facility will operate units subject to the New Source Performance Standards (NSPS) of Title 40, Part 60 of the Code of Federal Regulations (40 CFR 60).
- The facility will operate units subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) of 40 CFR 63.

SECTION 2. ADMINISTRATIVE REQUIREMENTS

1. **Permitting Authority:** The permitting authority for this project is the Office of Permitting and Compliance in the Division of Air Resource Management of the Department of Environmental Protection (Department). The Office of Permitting and Compliance mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. All documents related to applications for permits to operate an emissions unit shall be submitted to the Southwest District at: 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.
2. **Compliance Authority:** All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Pinellas County Air Quality Division at: 509 East Avenue, Suite 138, Clearwater, Florida 33756 or by email at airquality@pinellascounty.org.
3. **Appendices:** The following Appendices are attached as a part of this permit: Appendix A (Citation Formats and Glossary of Common Terms); Appendix B (General Conditions); Appendix C (Common Conditions); Appendix D (Common Testing Requirements); Appendix E (NSPS Subpart A); Appendix F (NSPS Subpart III); Appendix G (NSPS Subpart JJJJ); and Appendix H (NESHAP Provisions).
4. **Applicable Regulations, Forms and Application Procedures:** Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. **New or Additional Conditions:** For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. **Modifications:** The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. **Construction and Expiration.** The expiration date shown on the first page of this permit provides time to complete the physical construction activities authorized by this permit, complete any necessary compliance testing, and obtain an operation permit. Notwithstanding this expiration date, all specific emissions limitations and operating requirements established by this permit shall remain in effect until the facility or emissions unit is permanently shut down. For good cause, the permittee may request that that a permit be extended. Pursuant to Rule 62-4.080(3), F.A.C., such a request shall be submitted to the Permitting Authority in writing before the permit expires. [Rules 62-4.070(4), 62-4.080 & 62-210.300(1), F.A.C.]
8. **Objectionable Odor Prohibited:** No person shall cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor. An “objectionable odor” is defined as any odor present in the outdoor atmosphere, which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.” [Rule 62-296.320(2), F.A.C.; Pinellas County Code, §58- 102 &178]
9. **Source Obligation:**
 - a. Authorization to construct shall expire if construction is not commenced within 18 months after receipt of the permit, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. This provision does not apply to the time period between construction of the approved phases of a phased construction project except that each phase must commence construction within 18 months of the commencement date established by the Department in the permit.
 - b. At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation)

SECTION 2. ADMINISTRATIVE REQUIREMENTS

solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.

- c. At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by exceeding its projected actual emissions, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.

[Rule 62-212.400(12), F.A.C.]

10. Application for Air Operation Permit: This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. An air operation permit is required for regular operation of the permitted emissions units. The permittee shall apply for an air operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for an operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the appropriate Permitting Authority (FDEP Southwest District) with copies to the Compliance Authority (Pinellas County Air Quality Division). [Rules 62-4.030, 62-4.050, and 62-4.220, F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. SI ICE/Generator Set (EU 001)

This section of the permit addresses the following emissions unit.

EU No.	Emission Unit Description
001	SI ICE/Generator Set (2,092 HP)

This SI ICE is a 4-stroke, lean burn, non-emergency Caterpillar Model CG170-16, or equivalent, with a maximum engine rating of 2,092 HP at 100% load, a nominal power rating of 1,560 kilowatts (kW) and electrical generator rating of 1.56 MW. This engine will fire pipeline natural gas and cleaned digester BUS gas to produce electricity.

{Permitting Note: This SI ICE is regulated under 40 CFR 63, Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines (RICE), adopted in Rules 62.204.800(11)(b); and 40 CFR 60, Subpart A (General Provisions), and Subpart JJJJ (Standards of Performance for Stationary SI ICE), adopted and incorporated by reference in Rule 62-204.800(8)(b)81., F.A.C. This SI ICE is not used as a fire pump. This permit section addresses engines that commence construction after June 12, 2006, that is located at an area source of HAP and that was manufactured on or after July 1, 2007. In accordance with provisions of 40 CFR 63.6590(c)(6), meeting the requirements of 40 CFR 60, Subpart JJJJ, satisfies compliance with the requirements of Subpart ZZZZ.

EQUIPMENT

1. The permittee is authorized to install and operate the following processes and equipment:
 - a. Biosolids Process, including: primary clarification systems with waste sludge collection; anaerobic digesters; biosolids batch tanks, fats, oils and grease storage tank; and sludge handling equipment including WAS storage tank, thickening facilities, dewatering building; and supporting heat exchangers, pumps, piping and instrumentation.
 - b. Digester Gas, Power Generation and Heat Recovery Process, including: biogas storage, Biogas Upgrade System; two flares (750 scfm and 147 scfm); a natural gas and cleaned digester BUS gas fired engine/generator set (2,092 HP) and two boilers (6.38 MMBtu/hour, each); two diesel-fueled emergency generators; two 9,000 gallon fuel storage tanks; and supporting heat exchangers, pumps, piping and instrumentation.
 - c. Odor Removal Process, including: collection ductwork and two new odor control systems (biotrickling filters/carbon scrubbers) with supporting blowers, electric pumps and chemical feed systems.

[Design, Application No. 1030558-002-AC]

2. Engine/Generator Set: The permittee is authorized to install and operate a SI ICE/generator set (Caterpillar Model CG170-16, or equivalent) that will fire natural gas and cleaned digester BUS gas with the following nominal design specifications per engine: a maximum engine rating of 2,092 HP at 100% load; a nominal electrical generator rating of 1.56 MW; and a heat input rate of approximately 12.9 MMBtu/hour from cleaned digester BUS gas. The engine shall be equipped with:
 - a. An air-to-fuel ratio controller and ignition timing to maintain efficient fuel combustion.
 - b. An automatic fail-safe block valve, which must be designed to stop the flow of natural gas and cleaned digester BUS gas in the event of an engine failure.
 - c. A non-resettable elapsed time meter to indicate the elapsed engine operating time in cumulative hours.
 - d. A gas flow meter to monitor the actual natural gas and cleaned digester BUS gas flow rate to the engine.

{Permitting Note: The heat input rate is based on 100% load (2,092 HP), a nominal natural gas and cleaned digester BUS gas heating value of 1,020 Btu/scfm and 990 Btu/scfm, respectively.}

[Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.; NSPS Subpart JJJJ of 40 CFR 6243(g); and, Application No. 1030558-002-AC]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. SI ICE/Generator Set (EU 001)

PERFORMANCE RESTRICTIONS

3. **Permitted Capacity:** The engine/generator set shall have a maximum engine power rating of 2,092 HP at 100% load (approximately 990 Btu/scfm for cleaned digester BUS gas and 1,020 Btu/scfm for natural gas) with an electrical generator rating 1.56 MW, nominal.
[Rule 62-210.200(PTE), F.A.C.; and, Application No. 1030558-002-AC]
4. **Authorized Fuels:** Only natural gas and cleaned digester BUS gas shall be fired in the engine/generator.
[Rule 62-210.200(PTE), F.A.C.; and, Application No. 1030558-002-AC]
5. **Hours of Operation:** Operation of the engine/generator is not limited (8,760 hours/year).
[Rule 62-210.200(PTE), F.A.C.; and, Application No. 1030558-002-AC]

APPLICABLE REQUIREMENTS

6. **Applicable NSPS Provisions:** The natural gas and cleaned digester BUS gas fired engine is subject to, and shall comply with, the applicable provisions in NSPS Subpart A (General Provisions) and NSPS Subpart JJJJ (Stationary SI ICE) of 40 CFR 60, which are identified in Appendix E and G of this permit, respectively.
[Rule 62-204.800(8)(b)81, F.A.C.; and, NSPS Subparts A and JJJJ in 40 CFR 60]
 7. **Applicable NESHAP Provisions:** The natural gas and cleaned digester BUS gas fired engine is subject to, and shall comply with, the applicable provisions in NESHAP Subpart ZZZZ (RICE) of 40 CFR 63, which are identified in Appendix H of this permit. Pursuant to §63.6590 of this subpart, the requirements of NESHAP Subpart ZZZZ are met by complying with the requirements of NSPS Subpart JJJJ. [Rule 62-204.800(11)(b)82, F.A.C.; and, NESHAP Subparts A and ZZZZ of 40 CFR 63]
 8. **Operating Requirements.**
 - a. *Engine Certification Requirements.* The permittee shall operate and maintain the engine according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. The engine/generator must be maintained and operated to meet the emissions limits over the entire life of the engine.
 - b. *Loss of Certification Requirements.* The permittee shall set the air-to-fuel ratio for the engine based on the most recent emissions tests demonstrating compliance with the standards specified in this permit and other operating conditions identified in NSPS Subpart JJJJ of 40 CFR 60.
- [Rules 62-4.070(3) and 62-204.800(8)(b)81, F.A.C.; and, NSPS Subpart JJJJ of 40 CFR 60]

CONTROL TECHNOLOGY

9. **Biogas Upgrading System (BUS):** The permittee shall install and operate a BUS equipped with a Vacuum Pressure Swing Adsorption (PSA) process to remove unwanted waste gases (CO₂, hydrogen sulfide (H₂S), siloxanes, nitrogen, ammonia and volatile organic compounds (VOC)). The BUS shall be designed to clean the digester gas to meet or be equivalent to the characteristics of pipeline natural gas. [Rule 62-4.070, F.A.C.; and, Application 1030558-002-AC]

EMISSIONS STANDARDS

{Permitting Note: To avoid Title V status, the applicant requested nitrogen oxide (NO_x), carbon monoxide (CO) and VOC natural gas standards when the engine/generator is firing cleaned digester BUS gas.}

10. **NO_x Emissions:** The emissions of NO_x from the engine/generator set shall not exceed 1.0 grams/horsepower-hour (g/HP-hour, equivalent to 4.61 lb/hour). [Rules 62-4.070(1)&(3) and 62-204.800(8)(b)81, F.A.C.; NSPS Subpart JJJJ of 40 CFR 60; and, Application 1030558-002-AC]
11. **CO Emissions:** The emissions of CO from the engine/generator set shall not exceed 2.0 g/HP-hour (equivalent to 9.2 lb/hour). [Rules 62-4.070(1)&(3) and 62-204.800(8)(b)81, F.A.C.; NSPS Subpart JJJJ of 40 CFR 60; and, Application 1030558-002-AC]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. SI ICE/Generator Set (EU 001)

12. VOC Emissions: The emissions of VOC from the engine/generator set shall not exceed 0.7 g/HP-hour (equivalent to 3.2 lb/hour). When calculating emission of VOC, emissions of formaldehyde should not be included. [Rules 62-4.070(1)&(3) and 62-204.800(8)(b)81, F.A.C.; NSPS Subpart JJJJ of 40 CFR 60; and, Application 1030558-002-AC]

TESTING REQUIREMENTS

13. Test Requirements: The permittee shall notify the Compliance Authority in writing at least 15 days prior to any required tests. Tests shall be conducted in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(9), F.A.C.]
14. Test Methods: Required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
1-4	Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content
7E	Determination of NOx Emissions from Stationary Sources
10	Determination of CO Emissions from Stationary Sources (based on continuous sampling train)
18	Measurement of Gaseous Organic Compound Emissions by Gas Chromatography
25A	Method for Determining Gaseous Organic Concentrations (Flame Ionization)
320	Measurement of Vapor Phase Organic and Inorganic Emissions by Extractive Fourier Transform Infrared (FTIR) Spectroscopy

The above methods are described in Appendix A of 40 CFR 60 and are adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department. [Rules 62-204.800, F.A.C.; and Appendix A of 40 CFR 60]

15. Engine Certification Requirements. The permittee shall comply with the emissions standards in Specific Conditions **10** through **12** by having purchased an engine certified by the manufacturer to meet those limits when firing natural gas and cleaned digester BUS gas. The engine must have been installed and configured according to the manufacturer's emission-related specifications. No performance testing is required. [Rule 62-204.800(8)(b)81, F.A.C.; and, NSPS Subpart JJJJ of 40 CFR 60.4243]
16. Loss of Certification. If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, your engine will be considered a non-certified engine.
- Initial Compliance Tests for Non-Certified Engines.* The engine/generator shall be tested to demonstrate initial compliance with the emissions standards for CO, NO_x, and VOC. The initial tests shall be conducted within 1-year after the engine and control devices are no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1-year after you change emission-related settings in a way that is not permitted by the manufacturer. If the engine loses its certification due to the firing of cleaned digester BUS gas, an initial performance test shall be conducted for CO, NO_x and VOC emissions within 60 days after the engine/generator starts firing cleaned digester BUS gas.
 - Periodic Compliance Tests for Non-Certified Engines.* Every 8,760 engine hours or at least once every three years, whichever comes first, the engine/generator set shall be tested to demonstrate compliance with the emissions standards for CO, NO_x and VOC.
- [Rules 62-4.070(3), 62-204.800(8)(b)81, 62-297.310(8), F.A.C.; NSPS Subpart JJJJ of 40 CFR 60.4243; and, Application 1030558-002-AC]
17. Performance Testing Procedures: The permittee shall follow the following procedures when a performance test is required:

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. SI ICE/Generator Set (EU 001)

- a. Each performance test must be conducted within 10% of 100% peak (or the highest achievable) load and according to the requirements in 40 CFR 60.8 and under the specific conditions that are specified in NSPS Subpart JJJJ, Table 2, of 40 CFR 60.
- b. Performance tests may not be conducted during periods of startup, shutdown, or malfunction, as specified in 40 CFR 60.8(c). If the engine is non-operational, you do not need to start-up the engine solely to conduct a performance test; however, you must conduct the performance test immediately upon startup of the engine.
- c. Three separate test runs must be conducted for each performance test required, as specified in 40 CFR 60.8(f). Each test run must be conducted within 10% of 100% peak (or the highest achievable) load and last at least 1-hour.
- d. To determine compliance with CO, NO_x, and VOC emissions limits, the permittee shall use the equations identified in 40 CFR 60.4244(d) – (g) to convert the concentration of CO, NO_x and VOC in the engine exhaust.

[NSPS Subpart JJJJ of 40 CFR 60.4244(a)-(g) and Table 2]

MONITORING REQUIREMENTS

18. Digester Gas Sampling/Analysis: Within 30 days after the engine/generator starts firing cleaned digester BUS gas, the permittee shall obtain representative samples of the digester gas. Each gas sample shall be collected under normal operating conditions with the appropriate canister (e.g., SUMMA®, Bottle-Vac Sampler, or equivalent). Each sample shall have an analysis conducted to determine the characteristics of the digester gas, including the H₂S concentration. If the analysis shows the cleaned digester BUS gas meets or is equivalent to the following characteristics of pipeline natural gas, no additional sampling is required.
 - a. Higher heating value of 990 Btu/scf;
 - b. Methane – 98% by volume, dry;
 - c. CO₂ – 2% by volume, dry;
 - d. Oxygen (O₂) – 0.1% by volume, dry;
 - e. H₂S – 1 parts per million (ppm) by volume
 - f. CO₂, NO_x and O₂, combined – 2% by volume; and
 - g. Siloxanes, ammonia and other VOC – Non-detectable parts per billion (ppb) by volume.If the analysis shows the cleaned digester BUS gas does not meet natural gas standards, the permittee shall provide the Department with new calculations for all PSD pollutants and HAPs resulting from this project as well as facility-wide emissions to determine PSD applicability and Title V status.

[Rules 62-4.070(1)-(3), 62-210.200(PTE), and 62-296.406(3)(BACT), F.A.C.; and Application No. 1030558-002-AC]

19. Operation and Maintenance (O&M) Plan: The O&M plan for pollution control equipment shall include the BUS and shall be submitted to the Compliance Authority for any source of pollution which is required by Department permit pursuant to Chapters 62-17 and 62-210, F.A.C., to utilize a pollution control device, or that utilizes a pollution control device to meet an applicable standard. The O&M plan shall be submitted with the application for an operating permit and control device. The O&M plan shall include, but is not limited to:
 - a. Operating parameters of the pollution control device;
 - b. Time table for the routine maintenance of the pollution control device as specified by the manufacturer;
 - c. Time table for routine periodic observations of the pollution control device sufficient to ensure proper operation;
 - d. A list of the type and quantity of the required spare parts for the pollution control device which are stored on the premises of the permit applicant;
 - e. A record log which will indicate, at a minimum:

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. SI ICE/Generator Set (EU 001)

- (1) When maintenance was performed;
- (2) What maintenance was performed;
- (3) Who performed said maintenance and observations; and
- (4) Acceptable parameter ranges for each operational check.

[Pinellas County Code §58-128]

RECORDS AND REPORTS

20. Engine/Generator Records:

- a. All notifications submitted and supporting documentation.
- b. Maintenance conducted on the engine.
- c. Certified engine, documentation from the manufacturer that the engine is certified when firing natural gas and cleaned digester BUS gas to meet the emission standards and information as required in 40 CFR Parts 90, 1048, 1054, and 1060, as applicable.
- d. Non-certified engine or a certified engine operating in a non-certified manner and subject to §60.4243(a)(2), documentation that the engine meets the emission standards.

[Rule 62-204.800(8)(b)81, F.A.C.; and, NSPS Subpart JJJJ of 40 CFR 60.4245]

21. Maintenance Records for Certified Engines. To demonstrate conformance with the manufacturer's written instructions for maintaining the certified engine and to document when compliance testing must be performed pursuant to Specific Condition 16, the owner or operator must keep the following records:

- a. Engine manufacturer documentation and certification indicating compliance with the standards when firing natural gas and cleaned digester BUS gas.
- b. A copy of the manufacturer's written instructions for operation and maintenance of the certified engine.
- c. A written maintenance log detailing the date and type of maintenance performed on the engine, as well as any deviations from the manufacturer's written instructions.

[Rule 62-204.800(8)(b)81, F.A.C.; and, NSPS Subpart JJJJ of 40 CFR 60.4243]

22. Maintenance Plan for Non-Certified Engines: The permittee shall keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions.

[Rule 62-204.800(8)(b)81 and 62-213.440(1), F.A.C.; and, NSPS Subpart JJJJ of 40 CFR 60.4245]

23. Test Reports: The required test report shall be filed with the Department, as soon as practical, but no later than 45 days after the last sampling run of each test is completed. The test report shall provide sufficient detail on the emission unit tested and the test procedures used to allow the Department to determine if the test was properly conducted. In addition to the information identified in Rule 62-297.310(10)(c), F.A.C., the test report shall also indicate the engine power (HP) during the test and the cleaned digester BUS gas heating value. [Rule 62-297.310(10), F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

B. Boiler Nos. 1 & 2 (EU 002 & EU 003)

This section of the permit addresses the following emissions units.

EU No.	Emission Unit Description
002	Boiler No. 1 (6.38 MMBtu/hour)
003	Boiler No. 1 (6.38 MMBtu/hour)

Boiler Nos. 1 and 2 have a maximum heat input rate of 6.38 MMBtu/hour and will be used to heat water for use in the facility process. The boilers will fire natural gas and cleaned digester BUS gas.

{Permitting Note: These boilers are regulated under Rule 62-296.406, F.A.C., Fossil Fuel Steam Generators with less than 250 MMBtu/Hour Heat Input, New and Existing Units.}

EQUIPMENT

1. Heating Boilers: The permittee is authorized to install and operate two heating water boilers (HURST Series 45, or equivalent) that will fire natural gas and cleaned digester BUS gas to provide supplemental heating to the biosolids-to-energy project with a design heat input rate of 6.38 MMBtu/hour, each. Each boiler shall be equipped with a gas flow meter to monitor the actual natural gas and digester gas flow rate to each boiler. [Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.; and, Design, Application No. 1030558-002-AC]

PERFORMANCE RESTRICTIONS

2. Authorized Fuel: Only natural gas and cleaned digester BUS gas shall be fired in the boilers. [Rule 62-210.200(PTE), F.A.C.; and, Application No. 1030558-002-AC]
3. Hours of Operation: Operation of the boilers are not limited (8,760 hours/year). [Rule 62-210.200(PTE), F.A.C.; and, Application No. 1030558-002-AC]

EMISSIONS STANDARDS

4. Visible Emissions: Visible emission from the each boiler shall not exceed 20% opacity except for one 6-minute period per 1-hour period during which opacity shall not exceed 27%. [Rule 62-296.406(1)(BACT), F.A.C.]
5. PM Emissions: The emission of particulate matter (PM) from the each boiler shall be demonstrated by the visible emissions limitation, which serves as an indicator of good combustion. [Rule 62-296.406(2)(BACT), F.A.C.]
6. SO₂ Emissions: The emissions of sulfur dioxide (SO₂) from the boilers shall be minimized by firing natural gas and cleaned digester BUS gas meeting the characteristics of pipeline quality natural gas, or equivalent to. Compliance with SO₂ emissions shall be demonstrated by the sampling and analysis of the cleaned digester BUS gas. [Rule 62-296.406(3)(BACT), F.A.C.]

TESTING REQUIREMENTS

7. Initial Compliance Tests: Each boiler shall be tested to demonstrate initial compliance with opacity. The initial tests shall be conducted within 60 days after achieving permitted capacity, but not later than 180 days after initial operation of the unit. [Rules 62-4.070(3) and 62-297.310(8)(b)1, F.A.C.]
8. Annual Compliance Tests: During each calendar year (January 1st to December 31st), each boiler shall be tested to demonstrate compliance with opacity. [Rule 62-297.310(8)(a)1, F.A.C.]
9. Test Requirements: The permittee shall notify the Compliance Authority in writing at least 15 days prior to any required tests. Tests shall be conducted in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(9), F.A.C.]
10. Test Methods: Required tests shall be performed in accordance with the following reference methods.

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

B. Boiler Nos. 1 & 2 (EU 002 & EU 003)

Method	Description of Method and Comments
9	Visual Determination of the Opacity of Emissions from Stationary Sources

The above methods are described in Appendix A of 40 CFR 60 and are adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department. [Rules 62-204.800, F.A.C.; and, Appendix A of 40 CFR 60]

RECORDS AND REPORTS

11. **Test Reports:** The required test report shall be filed with the Department, as soon as practical, but no later than 45 days after the last sampling run of each test is completed. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted. [Rule 62-297.310(10), F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

C. Flare Nos. 1 & 2, Odor Control Systems and Cooling Tower (EU 004 – EU 007)

This section of the permit addresses the following emissions units.

EU No.	Emission Unit Description
004	Flare No. 1, Enclosed Biogas Flare (750 scfm)
005	Flare No. 2, Low-Btu Waste Gas Burner (147 scfm)
006	Odor Control Systems
007	Cooling Tower

Flare No. 1. Flare No. 1 is a temperature-controlled enclosed biogas flare with a maximum design glow rate of 750 scfm that will operate when digester gas is generated by the SWWRF new anaerobic digesters (Digester Nos. 1 and 2), during emergency situations and consume excess product gas from the BUS.

Flare No. 2. Flare No. 2 is a low-Btu waste gas burner with a maximum design flow rate of 147 scfm that will be used when low-pressure waste gas is generated by the BUS. The flare has design efficiency of 99.9% for destroying methane. The combustion stack assembly is capable of using natural gas and cleaned digester BUS gas as the pilot gas.

Odor Control Systems. The odor control systems consist of the following three separate systems:

- System A. Two new biotrickling filters followed by two new carbon scrubbers for the primary clarifiers, WAS holding tank, splitter box and gravity belt thickeners. Each biotrickling filter/carbon scrubber has a flow rate of 10,000 cfm (20,000 cfm, combined). Each scrubber is designed to have a minimum H₂S control efficiency of 95%.
- System B. Two new carbon scrubbers for the sludge loading area. Each carbon scrubber has a flow rate of 4,000 cfm (8,000 cfm, combined). Each scrubber is designed to have a minimum H₂S control efficiency of 95%.
- System C. Existing chemical scrubber followed by a carbon unit. The existing carbon scrubber will be used to treat foul air generated by the headworks. The existing scrubber is designed to have a minimum H₂S control efficiency of 95%.

Cooling Tower. The cooling tower will be used to assist in the cooling of the mesophilic digesters and the digester gas prior to entering the BUS. The cooling tower will have a maximum circulating water flow rate of 650 gallons per minute (gpm) and a drift rate of 0.005%.

{Permitting Note: The flares and odor control systems are subject to Rule 62-210.200, F.A.C., Potential to emit; and Pinellas County Codes. The cooling tower meets the exemption requirement pursuant to Rule 62-210.300, F.A.C.}

EQUIPMENT

1. Flare Nos. 1 and 2: The permittee is authorized to install and operate Flare No. 1, an enclosed biogas flare, and Flare No. 2, a low-Btu waste gas burner, with the following specifications:
 - a. *Flare No. 1, Enclosed Biogas Flare.* The enclosed flare will be used when digester gas is generated by the SWWRF new anaerobic digesters (Digester Nos. 1 and 2), during emergency situations and consume excess product gas from the BUS.
 - (1) Maximum design flow rate of 750 scfm enclosed ground flare with automatic ignition and designed to burn low pressure digester gas.
 - (2) The combustion stack assembly is capable of using natural gas and digester gas as the pilot gas.
 - (3) The enclosed flare is designed for an overall 99% destruction efficiency of methane.

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

C. Flare Nos. 1 & 2, Odor Control Systems and Cooling Tower (EU 004 – EU 007)

- b. *Flare No. 2, Low-Btu Waste Gas Burner.* The low-Btu waste gas burner will be used when low-pressure waste gas is generated by the BUS with the following specifications:

- (1) Maximum design flow rate of 147 scfm for the low-Btu waste gas burner.
- (2) The combustion stack assembly is capable of using natural gas and cleaned digester BUS gas as the pilot gas.
- (3) The low-Btu waste gas burner is designed for an overall 99.9% destruction efficiency of methane.

[Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.; and, Design, Application No. 1030558-002-AC]

2. Odor Control System: The permittee is authorized to install and operate the following three odor control systems to control the ventilation exhaust

System A. Two new biotrickling filters followed by two new carbon scrubbers to control odors generated by the primary clarifiers, WAS holding tank, splitter box and gravity belt thickeners.

System B. Two new carbon scrubbers to control odors generated by the sludge loading area.

System C. Existing chemical scrubber followed by a carbon unit controls odors from the headworks.

The new biotrickling filters and activated carbon systems will have the following nominal design specifications:

- a. System A, Bio-trickling Filter Design:

- (1) Gas velocity of 89 feet per minute (fpm);
- (2) Flow rate of 10,000 cfm;
- (3) 99% removal of H₂S, typical; and
- (4) 40 to 50% removal of organic odors.

- b. Systems A and B, Activated Carbon System Design:

- (1) Treats H₂S and organic sulfides odors;
- (2) Gas velocity of 53 fpm;
- (3) Flow rate of 10,000 cfm (each, System A) and 4,000 cfm (each, System B);
- (4) Influent H₂S concentration – up to 5 ppm; and
- (5) 99.9% removal of H₂S.

[Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.; and, Design, Application No. 1030558-002-AC]

3. Cooling Tower: The permittee is authorized to install and operate a cooling tower (Marley Model MHF7105QAEBN, or equivalent) used to facilitate requisite cooling of the mesophilic digesters and the digester gas prior to entering the BUS with the following nominal design specifications: 2-cells with cooling fans; an air exit temperature of 85°F; a circulating water flow rate of 650 gpm; and a drift rate of no more than 0.005% of the recirculating water flow rate. [Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.; and, Design, Application No. 1030558-002-AC]

PERFORMANCE RESTRICTIONS

4. Authorized Fuels: Only natural gas and digester gas shall be fired in the flare pilots.
[Rule 62-210.200(PTE), F.A.C., and, Application No. 1050558-002-AC]

5. Hours of Operation: The hours of operation for these emission units are not limited (8,760 hours/year).
[Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

EMISSIONS STANDARDS

6. Visible Emissions: Visible emissions from each flare shall not exceed 5% opacity.
[Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.; and, Application 1030558-002-AC]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

C. Flare Nos. 1 & 2, Odor Control Systems and Cooling Tower (EU 004 – EU 007)

TESTING REQUIREMENTS

7. Initial Compliance Tests: Each flare shall be tested to demonstrate initial compliance with opacity. The initial tests shall be conducted within 60 days after achieving permitted capacity, but not later than 180 days after initial operation of the unit. [Rules 62-4.070(3) and 62-297.310(8)(b)1, F.A.C.]
8. Annual Compliance Tests: During each calendar year (January 1st to December 31st), each flare shall be tested to demonstrate compliance with opacity. [Rule 62-297.310(8)(a)1, F.A.C.]
9. Test Requirements: The permittee shall notify the Compliance Authority in writing at least 15 days prior to any required tests. Tests shall be conducted in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(9), F.A.C.]
10. Test Methods: Required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
9	Visual Determination of the Opacity of Emissions from Stationary Sources

The above methods are described in Appendix A of 40 CFR 60 and are adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department. [Rules 62-204.800, F.A.C.; and Appendix A of 40 CFR 60]

MONITORING REQUIREMENTS

11. Odor Control Systems:
 - a. *Design Specifications.* Within 60 days of commencing operation of the odor control systems, the permittee shall submit to the compliance authority the final design specifications for the odor control system including the designed H₂S control efficiency.
 - b. *Air Flow Monitoring.* The air flow from each system shall be measured on a weekly basis using field taps and portable equipment to monitor and maintain the air flow rates.
 - c. *H₂S Monitoring.* The H₂S levels downstream of each biotrickling filter shall be measured on a weekly basis using field taps and portable equipment to ensure the biotrickling systems are operating sufficiently. [Rule 62-4.070(3), F.A.C.; and, Application No. 1030558-002-AC]
12. Cooling Tower Design Drift Rate: The cooling tower shall be designed with a maximum droplet drift rate of no more than 0.005% of the recirculating water flow rate. Within 60 days of commencing operation, the permittee shall submit to the compliance authority the final design specifications for the cooling tower including a maximum designed droplet drift rate of 0.005%. {*Permitting Note: Once the final design specification for the cooling tower is submitted, the cooling tower will be considered an insignificant emissions unit.*} [Rule 62-4.070(3), F.A.C.; and, Application No. 1030558-002-AC]
13. O&M Plan: O&M plan for pollution control equipment shall include the odor control systems (carbon scrubbers), Flare No. 1 (enclosed biogas flare) and Flare No. 2 (low-Btu waste gas burner). The O&M plan shall be submitted to the Compliance Authority for any source of pollution which is required by Department permit pursuant to Chapter 62-210, F.A.C., to utilize a pollution control device, or that utilizes a pollution control device to meet an applicable standard. The O&M plan shall be submitted with the application for an operating permit and control device. The O&M plan shall include, but is not limited to:
 - a. Operating parameters of the pollution control device;
 - b. Time table for the routine maintenance of the pollution control device as specified by the manufacturer;
 - c. Time table for routine periodic observations of the pollution control device sufficient to ensure proper operation;
 - d. A list of the type and quantity of the required spare parts for the pollution control device which are stored on the premises of the permit applicant;

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

C. Flare Nos. 1 & 2, Odor Control Systems and Cooling Tower (EU 004 – EU 007)

- e. A record log which will indicate, at a minimum:
 - (1) When maintenance was performed;
 - (2) What maintenance was performed;
 - (3) Who performed said maintenance and observations; and
 - (4) Acceptable parameter ranges for each operational check.

[Pinellas County Code §58-128]

RECORDS AND REPORTS

14. Odor Control Systems Monitoring Records: Within 10 calendar days following each month, the permittee shall record and maintain on-site the weekly air flow rates and H₂S concentrations measured on the odor control systems as required in Specific Condition **11.b** and **c**. Records of the results shall be retained for 5-years following the recording of such measurements in either paper copy or electronic format. The records shall be made available to the Department or for an inspector's onsite review upon request.
[Rule 62-4.070(3), F.A.C.; and, Application No. 1030558-002-AC]
15. Test Reports: The permittee shall prepare and submit reports for all required tests in accordance with the requirements specified in Appendix D (Common Testing Requirements) of this permit.
[Rule 62-297.310(10), F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

D. Emergency Diesel Generator (EU 008)

This section of the permit addresses the following emissions unit.

EU No.	Emission Unit Description
008	Emergency Diesel Generator (2,682 HP)

EQUIPMENT

1. Emergency Diesel Generator: The permittee is authorized to install and operate an emergency diesel engine (CAT 3516C) with a maximum engine rating of 2,682 HP at 100% load with a nominal power rating of 2,000 kW manufactured August 31, 2010. [Design, Application 1030558-002-AC]

The following table provides important details for the engine regulated as EU 007:

Engine Identification	Engine Brake HP	Date of Construction	Model Year	Displacement liters/cylinder (l/c)	Engine Manufacturer	Model No.
Emergency Diesel Engine	2,682 (2000 kW)	2010	2010	<10	Caterpillar	3516C

{Permitting Note: This compression ignition (CI) ICE is regulated under 40 CFR 63, Subpart ZZZZ, NESHAP for Stationary RICE and 40 CFR 60, Subpart IIII, NSPS for Stationary CI ICE, adopted in Rules 62.204.800(11)(b) & (8)(b), F.A.C., respectively. This CI ICE is not used as a fire pump. This permit section addresses engines that commence construction after July 11, 2005, that is located at an area source of HAP and that was manufactured after April 1, 2006. In accordance with provisions of 40 CFR 63.6590(c)(6), meeting the requirements of 40 CFR 60, Subpart IIII, satisfies compliance with the requirements of Subpart ZZZZ.}

APPLICABLE REQUIREMENTS

2. Applicable NSPS Provisions: The is subject to, and shall comply with, the applicable provisions in NSPS Subpart A (General Provisions) and NSPS Subpart IIII (Standards of Performance for Stationary CI ICE) of 40 CFR 60, which are identified in Appendix E and F of this permit, respectively. [Rule 62-204.800(8)(b)80, F.A.C.; and, NSPS Subparts A and IIII in 40 CFR 60]
3. Applicable NESHAP Provisions: The CI ICE is subject to, and shall comply with, the applicable provisions in NESHAP Subpart A (General Provisions) and NESHAP Subpart ZZZZ (RICE) of 40 CFR 63, which are identified in Appendix G of this permit. Pursuant to 40 CFR 63.6590, the requirements of NESHAP Subpart ZZZZ are met by complying with the requirements of NSPS Subpart IIII. [Rule 62-204.800(11)(b)82, F.A.C.; and, NESHAP Subpart ZZZZ of 40 CFR 63]

PERFORMANCE RESTRICTIONS

4. Authorized Fuel: This Stationary RICE must use diesel fuel that meets the following requirements for non-road diesel fuel:
 - a. *Sulfur Content.* The sulfur content shall not exceed = 15 ppm = 0.0015% by weight (ultra-low sulfur).
 - b. *Cetane and Aromatic.* The fuel must have a minimum cetane index of 40 or must have a maximum aromatic content of 35 volume percent.[Rule 62-204.800, F.A.C.; and, 40 CFR 60.4207(b), 80.510(c), 80.510(f)(2) and 80.510(f)(7)]
5. Restricted Hours of Operation. The following limitations apply individually to each engine:
 - a. *Emergency Situations.* There is no time limit on the use of emergency stationary CI ICE in emergency situations. [40 CFR 60.4211(f)(1)]
 - b. *Other Situations.* The permittee may operate these emergency stationary CI ICE for any combination of the purposes specified in paragraphs 5.b.(1) through (3) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph 5.c counts as part of the 100 hours per calendar year allowed by this paragraph.
 - (1) Maintenance and Testing. The CI ICE is authorized to operate for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government,

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

D. Emergency Diesel Generator (EU 008)

the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours/year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency CI ICE beyond 100 hours/year. [40 CFR 60.4211(f)(2)(i)]

- (2) Emergency Demand Response. Each engine may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see 40 CFR 63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3. [40 CFR 60.4211(f)(2)(ii)]
- (3) Voltage or Frequency Deviations. The CI ICE may be operated for periods where there is a deviation of voltage or frequency of 5% or greater below standard voltage or frequency. [40 CFR 60.4211(f)(2)(iii)]
- c. Non-emergency Situations. These engines may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph b., above. The 50 hours/year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [40 CFR 60.4211(f)(3)]

EMISSIONS STANDARDS

- 6. NO_x + NMHC Emissions: Emissions of NO_x plus non-methane hydrocarbons (NMHC) shall not exceed 6.4 grams per kilowatt hour (g/kW-hour) (4.8 g/HP-hour). [40 CFR 60.4205(b) and 89.112 (Table 1)]
- 7. CO Emissions: CO emissions shall not exceed 3.5 g/kW-hour (2.6 g/HP-hour). [40 CFR 60.4205(b) and 89.112 (Table 1)]
- 8. PM Emissions: PM emissions shall not exceed 0.2 g/kW-hour (0.15 g/HP-hour). [40 CFR 60.4205(b) and 89.112 (Table 1)]

TESTING AND COMPLIANCE REQUIREMENTS

- 9. Operation and Maintenance: The owner or operator must operate and maintain the stationary CI ICE according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. This CI ICE must be maintained and operated to meet the emissions limits in Specific Conditions 6 through 8 over the entire life of the engine.
[Rule 62-204.800(8)(b)80, F.A.C.; and, 40 CFR 60.4206, 4211(a)(1), (2) & (3)]
- 10. Engine Certification Requirements: The owner or operator must comply with the emissions standards specified above by having purchased an engine certified by the manufacturer to meet those limits. The engine must have been installed and configured according to the manufacturer's emission-related specifications, except as permitted in Specific Condition 11. [Rule 62-204.800(8)(b)80, F.A.C.; and, 40 CFR 60.4211(b)]
- 11. Compliance Requirements Due to Loss of Certification: If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1-year of startup, or within 1-year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

D. Emergency Diesel Generator (EU 008)

instructions, or within 1-year after you change emission-related settings in a way that is not permitted by the manufacturer. You must conduct subsequent performance testing every 8,760 hours of engine operation or 3-years, whichever comes first, thereafter to demonstrate compliance with the applicable emission standards. [Rule 62-204.800(8)(b)80, F.A.C.; and, 40 CFR 60.4211(g)(3)]

12. **Testing Requirements:** In the event performance tests are required pursuant to Specific Condition **11**, the following requirements shall be met:

- a. *Testing Procedures.* The performance test must be conducted according to the in-use testing procedures in 40 CFR Part 1039, Subpart F.
- b. *NTE Standards.* Exhaust emissions from this engine must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power in 40 CFR Part 1039, Subpart B as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for non-road diesel engines under 40 CFR Part 1039, Subpart B.

[Rule 62-204.800(8)(b)80, F.A.C.; and, 40 CFR 60.4212(a) & (b)]

13. **Common Testing Requirements:** Unless otherwise specified and if required, tests shall be conducted in accordance with the requirements and procedures specified in Appendix TR, Facility-Wide Testing Requirements, of this permit. [Rule 62-297.310, F.A.C.]

MONITORING REQUIREMENTS

14. **Hour Meter:** The owner or operator must install a non-resettable hour meter if one is not already installed. [Rule 62-204.800(8)(b)80, F.A.C.; and, 40 CFR 60.4209(a)]

RECORDS AND REPORTS

15. **Hours of Operation Records:** The owner or operator must keep records of the operation of the engine in emergency and non-emergency services that are recorded through the non-resettable hour meter. The owner or operator must record the time of operation of the engine and the reason the engine was in operation during that time. [Rule 62-204.800(8)(b)80, F.A.C.; and, 40 CFR 60.4214(b)]

16. **Maintenance Records:** To demonstrate conformance with the manufacturer's written instructions for maintaining the certified engine and to document when compliance testing must be performed pursuant to Specific Condition **11**, the owner or operator must keep the following records:

- a. Engine manufacturer documentation and certification indicating compliance with the standards.
- b. A copy of the manufacturer's written instructions for operation and maintenance of the certified engine.
- c. A written maintenance log detailing the date and type of maintenance performed on the engine, as well as any deviations from the manufacturer's written instructions.

[Rule 62-4.070(3), F.A.C., F.A.C.]

17. **Testing Notification:** At such time that the requirements of Specific Condition **11** become applicable, the owner or operator shall notify the compliance authority of the date by which the initial compliance test must be performed. [Rule 62-4.070(3), F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

E. Emergency Diesel Generator (EU 009)

This section of the permit addresses the following emissions unit.

EU No.	Emission Unit Description
009	Emergency Diesel Generator (2,347 HP)

EQUIPMENT

1. Emergency Diesel Generator: The permittee is authorized to operate an emergency diesel engine (CAT D3516) with a maximum engine rating of 2,682 HP at 100% load with a nominal power rating of 1,750 kW manufactured August 3, 1999. [Design, Application 1030558-002-AC]

The following table provides important details for the engine regulated as EU 008:

Engine Identification	Engine Brake HP	Date of Construction	Model Year	Displacement liters/cylinder (l/c)	Engine Manufacturer	Model No.
Emergency Diesel Engine	2,347 (1,750 kW)	2000	1999	<10	Caterpillar	D3516

{Permitting Note: This RICE is regulated under 40 CFR 63, Subpart ZZZZ, NESHAP for Stationary RICE adopted in Rule 62.204.800(11)(b), F.A.C. This RICE is not used for fire pumps. This RICE is exempted from regulations under 40 CFR 60, Subpart IIII - New Source Performance for Stationary RICE based on the manufacturer date. This is an "existing" stationary RICE with a site rating of more than 500 HP, with a displacement of less than 10 liters/cylinder that is located at an area source of HAP and has not been modified or reconstructed after June 12, 2006.}

PERFORMANCE RESTRICTIONS

2. Hours of Operation:
 - a. Emergency Situations. There is no time limit on the use of emergency stationary RICE in emergency situations. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6640(f)(1)]
 - b. Other Situations. You may operate your emergency stationary RICE for any combination of the purposes specified in paragraphs 2.b.(1) through (3) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs 2.c. of this section counts as part of the 100 hours per calendar year allowed by this paragraph 2.b.
 - (1) Maintenance and Testing. Each RICE is authorized to operate for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours/year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours/year. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6640(f)(2)(i)]
 - (2) Emergency Demand Response. Each RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see 40 CFR 63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6640(f)(2)(ii)]
 - (3) Voltage or Frequency Deviations. Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5% or greater below standard voltage or frequency. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6640(f)(2)(iii)]
 - c. Non-emergency Situations. These RICE may be operated for up to 50 hours per calendar year in nonemergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

E. Emergency Diesel Generator (EU 009)

paragraph b., above. The 50 hours/year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

[Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6640(f)(3)]

3. Work or Management Practice Standards:

- a. *Oil.* Change oil and filter every 500 hours of operation or annually, whichever comes first. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6603 & Table 2d.4.a.]
- b. *Air Cleaner.* Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first and replace as necessary. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6603 & Table 2d.4.b.]
- c. *Hoses and Belts.* Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6603 & Table 25.4.c.]
- d. *Operation and Maintenance.* Operate and maintain the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions or develop and follow your own maintenance plan which must provide, to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution, control practice for minimizing emissions. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6625(e), 63.6640(a) & Table 6.9.a.]
- e. *Engine Startup.* During periods of startup the owner or operator must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6625(h)]
- f. *Oil Analysis.* The owner or operator has the option of using an oil analysis program to extend the oil change requirement. The oil analysis must be performed at the same frequency specified for changing the oil in paragraph a., above. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30% of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20% from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6625(i)]

MONITORING REQUIREMENTS

4. Hour Meter: The owner or operator must install a non-resettable hour meter if one is not already installed. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6625(f)]

COMPLIANCE REQUIREMENTS

5. Continuous Compliance: Each unit shall be in compliance with the emission limitations and operating standards in this section at all times. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6605(a)]
6. Operation and Maintenance of Equipment: At all times the owner or operator must operate and maintain, any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the compliance authority which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6605(b)]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

E. Emergency Diesel Generator (EU 009)

RECORDKEEPING REQUIREMENTS

7. **Notification, Performance and Compliance Records:** The owner or operator must keep:
 - a. A copy of each notification and report that the owner or operator submitted to comply with this section, including all documentation supporting any Initial Notification or Notification of Compliance Status that the owner or operator submitted.
 - b. Records of the occurrence and duration of each malfunction of operation.
 - c. Records of all required maintenance performed on the hour meter.
 - d. Records of actions taken during periods of malfunction to minimize emissions in accordance with Specific Condition 6, including corrective actions to restore malfunctioning process and monitoring equipment to its normal or usual manner of operation.
 - e. Records of the actions required in Specific Condition 3.d to show continuous compliance with each emission limitation or operating requirement.
 - f. Records of the Work or Management Practice Standards specified in Specific Condition 3.
 - g. Records of the maintenance conducted in order to demonstrate that the RICE was operated and maintained according to your own maintenance plan.
 - h. Records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engines are used for emergency demand response operation or for periods of voltage or frequency deviations, the owner or operator must keep records of the notification of the emergency situation, and the time of engine operation for these purposes.

[Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6655]

8. **Record Retention:**
 - a. The owner or operator must keep records in a suitable and readily available form for expeditious reviews.
 - b. The owner or operator must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record.

[Rule 62-204.800(11), F.A.C.; and 40 CFR 63.6660 and 40 CFR 63.10(b)(1)]

REPORTING REQUIREMENTS

9. **Delay of Performing Work Practice Requirements:** If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Specific Condition 2, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

[Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63, Subpart ZZZZ, Table 2d, footnote 2]

GENERAL PROVISIONS

10. **40 CFR 63 Subpart A - General Provisions:** The owner or operator shall comply with the following applicable requirements of 40 CFR 63 Subpart A - General Provisions, which have been adopted by reference in Rule 62-204.800(11)(d)1., F.A.C., except that the Secretary is not the Administrator for purposes of 40 CFR 63.5(e), 40 CFR 63.5(f), 40 CFR 63.6(g), 40 CFR 63.6(h)(9), 40 CFR 63.6(j), 40 CFR 63.13, and 40 CFR 63.14. [Link to 40 CFR 63, Subpart A - General Provisions](#)

11. General Provisions Citation	Subject of Citation
§63.1	General applicability of the General Provisions
§63.2	Definitions (additional terms defined in 43 CFR 63.6675)

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

E. Emergency Diesel Generator (EU 009)

11. General Provisions Citation	Subject of Citation
§63.3	Units and abbreviations
§63.4	Prohibited activities and circumvention
§63.5	Construction and reconstruction
§63.6(a)	Applicability
§63.9(a)	Applicability and State delegation of notification requirements
§63.9(b)(1)-(5)	Initial notifications (except that §63.9(b)(3) is reserved)
§63.9(i)	Adjustment of submittal deadlines
§63.9(j)	Change in previous information
§63.10(a)	Administrative provisions for recordkeeping/reporting
§63.10(b)(1)	Record retention
§63.10(b)(2)(vi)-(xi)	Records
§63.10(b)(2)(xii)	Record when under waiver
§63.10(b)(2)(xiv)	Records of supporting documentation
§63.10(b)(3)	Records of applicability determination
§63.10(d)(1)	General reporting requirements
§63.10(f)	Waiver for recordkeeping/reporting
§63.12	State authority and delegations
§63.13	Addresses
§63.14	Incorporation by reference
§63.15	Availability of information

[40 CFR 63.6665 & Table 8 to Subpart ZZZZ of Part 63]



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Stevenson
Secretary

NOTICE OF ADMINISTRATIVELY CORRECTED AIR CONSTRUCTION PERMIT

In the Matter of a Request for Administrative Correction:

City of St. Petersburg 3800 54 th Avenue South St. Petersburg, Florida 33711	Project No. 1030558-003-AC Administrative Correction to: Permit No. 1030558-002-AC Southwest Water Reclamation Facility Pinellas County
Authorized Representative: Mr. Steve Leavitt, P.E., Director	

Dear Mr. Steve Leavitt,

Enclosed is an the administratively correction for Air Construction Permit No. 1030558-002-AC for Southwest Water Reclamation Facility (SWWRF), which is located in Pinellas County at 3800 54th Avenue South, St. Petersburg, Florida. This action is set to correct a few minor typographical errors recognized in the previously issued Permit No. 1030558-002-AC.

This administrative correction is issued pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.). This change is made at the permit processor's request dated February 11, 2016. This corrective action does not alter the effective dates of the existing permit.

The Department of Environmental Protection (Department) will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

Should you have questions concerning this change, please contact Lara Rabbath at (850) 717-9082, or by email at: lara.rabbath@dep.state.fl.us.

Executed in Tallahassee, Florida.

For:

Syed Arif, P.E., Program Administrator
Office of Permitting and Compliance
Division of Air Resource Management

DLR/lcr

NOTICE OF ADMINISTRATIVELY CORRECTED AIR CONSTRUCTION PERMIT

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Air Permit package was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Mr. Steve Leavitt, P.E., Director, City of St. Pete: steve.leavitt@stpete.org
Mr. Steve Marshall, Project Manager, City of St. Pete: sdmarscha@stpete.org
Mr. George (Ken) Wise, Operator, SWWRF: george.wise@stpete.org
Ms. Sherrill Culliver, Pinellas County: sculliver@co.pinellas.fl.us
Ms. Lynn Scearce, DEP OPC: lynn.scearce@dep.state.fl.us

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on
this date, pursuant to Section 120.52(7), Florida Statutes,
with the designated agency clerk, receipt of which is
hereby acknowledged.

NOTICE OF ADMINISTRATIVELY CORRECTED AIR CONSTRUCTION PERMIT

The following permit condition is revised as indicated. **Strikethrough** is used to denote the deletion of test **Double-underlines** are used to denote the addition of text. All changes are emphasized with shading.

Permit Being Administratively Corrected: Permit No. 1030558-002-AC

Affected Emissions Unit: 008

1. Specific Condition 3.D.1 of the referenced permit is changed as follows:

1. **Emergency Diesel Generator:** The permittee is authorized to install and operate an emergency diesel engine (CAT 3516C) with a maximum engine rating of 2,682 HP at 100% load with a nominal power rating of 2,000 kW manufactured August 31, 2010. [Design, Application 1030558-002-AC]

The following table provides important details for the engine regulated as EU **007008**:

Engine Identification	Engine Brake HP	Date of Construction	Model Year	Displacement liters/cylinder (l/c)	Engine Manufacturer	Model No.
Emergency Diesel Engine	2,682 (2000 kW)	2010	2010	<10	Caterpillar	3516C

Affected Emissions Unit: 009

2. Specific Condition 3.E.1 of the referenced permit is changed as follows:

1. **Emergency Diesel Generator:** The permittee is authorized to operate an emergency diesel engine (CAT D3516) with a maximum engine rating of **2,682,347** HP at 100% load with a nominal power rating of 1,750 kW manufactured August 3, 1999. [Design, Application 1030558-002-AC]

The following table provides important details for the engine regulated as EU **008009**:

Engine Identification	Engine Brake HP	Date of Construction	Model Year	Displacement liters/cylinder (l/c)	Engine Manufacturer	Model No.
Emergency Diesel Engine	2,347 (1,750 kW)	2000	1999	<10	Caterpillar	D3516

For convenience, the affected pages of the referenced permit are corrected and provided in this administrative correction so that they can be substituted into the referenced permit.

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

D. Emergency Diesel Generator (EU 008)

This section of the permit addresses the following emissions unit.

EU No.	Emission Unit Description
008	Emergency Diesel Generator (2,682 HP)

EQUIPMENT

1. Emergency Diesel Generator: The permittee is authorized to install and operate an emergency diesel engine (CAT 3516C) with a maximum engine rating of 2,682 HP at 100% load with a nominal power rating of 2,000 kW manufactured August 31, 2010. [Design, Application 1030558-002-AC]

The following table provides important details for the engine regulated as EU 008:

Engine Identification	Engine Brake HP	Date of Construction	Model Year	Displacement liters/cylinder (l/c)	Engine Manufacturer	Model No.
Emergency Diesel Engine	2,682 (2000 kW)	2010	2010	<10	Caterpillar	3516C

{Permitting Note: This compression ignition (CI) ICE is regulated under 40 CFR 63, Subpart ZZZZ, NESHAP for Stationary RICE and 40 CFR 60, Subpart IIII, NSPS for Stationary CI ICE, adopted in Rules 62.204.800(11)(b) & (8)(b), F.A.C., respectively. This CI ICE is not used as a fire pump. This permit section addresses engines that commence construction after July 11, 2005, that is located at an area source of HAP and that was manufactured after April 1, 2006. In accordance with provisions of 40 CFR 63.6590(c)(6), meeting the requirements of 40 CFR 60, Subpart IIII, satisfies compliance with the requirements of Subpart ZZZZ.}

APPLICABLE REQUIREMENTS

2. Applicable NSPS Provisions: The is subject to, and shall comply with, the applicable provisions in NSPS Subpart A (General Provisions) and NSPS Subpart IIII (Standards of Performance for Stationary CI ICE) of 40 CFR 60, which are identified in Appendix E and F of this permit, respectively. [Rule 62-204.800(8)(b)80, F.A.C.; and, NSPS Subparts A and IIII in 40 CFR 60]
3. Applicable NESHAP Provisions: The CI ICE is subject to, and shall comply with, the applicable provisions in NESHAP Subpart A (General Provisions) and NESHAP Subpart ZZZZ (RICE) of 40 CFR 63, which are identified in Appendix G of this permit. Pursuant to 40 CFR 63.6590, the requirements of NESHAP Subpart ZZZZ are met by complying with the requirements of NSPS Subpart IIII. [Rule 62-204.800(11)(b)82, F.A.C.; and, NESHAP Subpart ZZZZ of 40 CFR 63]

PERFORMANCE RESTRICTIONS

4. Authorized Fuel: This Stationary RICE must use diesel fuel that meets the following requirements for non-road diesel fuel:
 - a. *Sulfur Content.* The sulfur content shall not exceed = 15 ppm = 0.0015% by weight (ultra-low sulfur).
 - b. *Cetane and Aromatic.* The fuel must have a minimum cetane index of 40 or must have a maximum aromatic content of 35 volume percent.[Rule 62-204.800, F.A.C.; and, 40 CFR 60.4207(b), 80.510(c), 80.510(f)(2) and 80.510(f)(7)]
5. Restricted Hours of Operation. The following limitations apply individually to each engine:
 - a. *Emergency Situations.* There is no time limit on the use of emergency stationary CI ICE in emergency situations. [40 CFR 60.4211(f)(1)]
 - b. *Other Situations.* The permittee may operate these emergency stationary CI ICE for any combination of the purposes specified in paragraphs 5.b.(1) through (3) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph 5.c counts as part of the 100 hours per calendar year allowed by this paragraph.

Maintenance and Testing. The CI ICE is authorized to operate for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government,

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

E. Emergency Diesel Generator (EU 009)

This section of the permit addresses the following emissions unit.

EU No.	Emission Unit Description
009	Emergency Diesel Generator (2,347 HP)

EQUIPMENT

1. Emergency Diesel Generator: The permittee is authorized to operate an emergency diesel engine (CAT D3516) with a maximum engine rating of 2,347 HP at 100% load with a nominal power rating of 1,750 kW manufactured August 3, 1999. [Design, Application 1030558-002-AC]

The following table provides important details for the engine regulated as EU 009:

Engine Identification	Engine Brake HP	Date of Construction	Model Year	Displacement liters/cylinder (l/c)	Engine Manufacturer	Model No.
Emergency Diesel Engine	2,347 (1,750 kW)	2000	1999	<10	Caterpillar	D3516

{Permitting Note: This RICE is regulated under 40 CFR 63, Subpart ZZZZ, NESHAP for Stationary RICE adopted in Rule 62.204.800(11)(b), F.A.C. This RICE is not used for fire pumps. This RICE is exempted from regulations under 40 CFR 60, Subpart IIII - New Source Performance for Stationary RICE based on the manufacturer date. This is an "existing" stationary RICE with a site rating of more than 500 HP, with a displacement of less than 10 liters/cylinder that is located at an area source of HAP and has not been modified or reconstructed after June 12, 2006.}

PERFORMANCE RESTRICTIONS

2. Hours of Operation:
 - a. Emergency Situations. There is no time limit on the use of emergency stationary RICE in emergency situations. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6640(f)(1)]
 - b. Other Situations. You may operate your emergency stationary RICE for any combination of the purposes specified in paragraphs 2.b.(1) through (3) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs 2.c. of this section counts as part of the 100 hours per calendar year allowed by this paragraph 2.b.
 - (1) Maintenance and Testing. Each RICE is authorized to operate for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours/year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours/year. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6640(f)(2)(i)]
 - (2) Emergency Demand Response. Each RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see 40 CFR 63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6640(f)(2)(ii)]
 - (3) Voltage or Frequency Deviations. Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5% or greater below standard voltage or frequency. [Rule 62-204.800(11)(b)82, F.A.C.; and 40 CFR 63.6640(f)(2)(iii)]
 - c. Non-emergency Situations. These RICE may be operated for up to 50 hours per calendar year in nonemergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in

ATTACHMENT

NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter

**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

September 24, 2015 F/SER46:MS/RS

Mr. John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, Mississippi 39529-0001

Dear Mr. Bowie,

In response to the Deepwater Horizon oil spill, the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies Council, through U.S. Environmental Protection Agency, proposes to fund the construction of the following Tampa Bay National Estuary Program projects:

<u>Project Title</u>	<u>Location</u>
Copeland Park Pond Restoration	Hillsborough County, Florida
Palm River Restoration Project Phase II	Hillsborough County, Florida
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, Florida
Robinson Preserve Expansion Project	Manatee County, Florida
Fort DeSoto Recirculation Project	Pinellas County, Florida
St. Petersburg Biosolids to Energy Project	Pinellas County, Florida
Cooper's Point Water Quality Improvement and Restoration	Pinellas County, Florida

From our review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH) under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

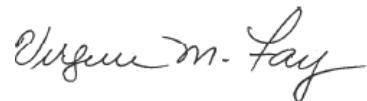
As specified in the Magnuson-Stevens Act, EFH consultation is required for federal actions which may adversely impact EFH. The local project sponsors prepared EFH assessments and National Environmental Policy Act documents for these projects and Tampa Bay National Estuary Program staff provided this information for our review by electronic mail dated September 23, 2015. The Southeast Region's Habitat Conservation Division (SER HCD) has reviewed the EFH assessments and associated National Environmental Policy Act information, and finds the documents adequately evaluate proposed project impacts to EFH supportive of a number of federally managed fishery species. Where applicable, best management practices to minimize both short term construction impacts and long term impacts to sensitive habitats have been developed and were included in the EFH assessments.

The SER HCD has no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time. Further consultation on this matter is not



necessary unless future modifications are proposed and such actions may result in adverse impacts to EFH.

Sincerely,

A handwritten signature in black ink that reads "Virginia M. Fay".

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

F/SER - Giordano
F/SER4 - Dale
F/SER46 - Sramek

ATTACHMENT

USFWS Endangered Species Act (ESA) Clearance Letter

Bowie, John

From: Rauschenberger, Heath <heath_rauschenberger@fws.gov>
Sent: Monday, September 28, 2015 3:29 PM
To: Bowie, John; Burks, Felicia
Cc: Jay Herrington; David Horning; Channing St. Aubin; Peter Plage
Subject: Re: FW: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, MS 39529

Re: EPA – RESTORE_002_005_Cat2

Dear Mr. Bowie:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, and wetlands and upland habitats throughout the Tampa Bay watershed. Our comments are in reference to compliance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

(1) The Ft. Desoto Recirculation and Seagrass Recovery element involves restoring hydrologic flow and circulation between two backwater bays currently blocked by a land bridge formed by the access road to one of Fort Desoto County Park's upland islands. A U.S. Army, Corps of Engineers (Corps) permit for the project (SAJ-2002-06831(NWP-27)) requires compliance with "Standard Manatee Conditions for In-Water Work" and "Standard Protection Measures for the Eastern Indigo Snake." This project previously underwent intra-Service consultation and, as conditioned in the Corps permit, is not likely to adversely affect listed species.

(2) The Palm River Habitat and Water Quality Restoration Phase II element involves improvements to wetlands and upland habitats on two parcels within the Tampa Bay watershed. Both parcels have experienced extensive drainage ditch excavation that has resulted in reduced hydroperiods within palustrine wetlands and disruption of surface drainage. This project has a Corps permit (SAJ-2013-03249 (NW-LDD)). RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(3) The Robinson Preserve Water Quality and Habitat Restoration element entails proposed improvements to a 150-acre area that is being added to Robinson Preserve. RESTORE funding would be used to create a total of 65.24 acres of estuarine habitats from former agricultural lands by excavation of low quality uplands. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(4) The Coastal Invasive Plant Removal element entails eradication of category I and II invasive pest plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties at Cockroach Bay Aquatic Preserve that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(5) The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation. The project is within the Core Foraging Area of the one or more wood stork colonies and may impact greater than $\frac{1}{2}$ acre of Suitable Foraging Habitat. We concur that the project 'may affect, but is not likely to adversely affect' the wood stork on the basis that the completed project would provide suitable foraging habitat equivalent to or greater than that impacted.

(6) The Biosolids to Energy element involves an upgrade of biosolids treatment facilities at the Southwest Water Reclamation Facility in order to optimize methane generation which will be used to produce renewable natural gas. This project is located on an existing wastewater treatment facility site and will not affect any additional areas. We anticipate no effect on listed species.

(7) The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a channel from Cooper's Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. The project is in the planning phase and a Corps permit will be needed prior to implementation. "Standard Manatee Conditions for In-Water Work" will be required. We have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

The Service has determined the proposed project, including the seven component projects listed above, is "not likely to adversely affect" any federally listed species or critical habitat. Should you have questions regarding this letter or require clarification, please contact Peter Plage at 904-371-3085 or peter_plage@fws.gov.

Sincerely,
Heath Rauschenberger

for
Jay B. Herrington, Field Supervisor
North Florida Ecological Services Field Office

>>>>>>>>>>>>>>>>>>>

Heath Rauschenberger, PhD
Deputy Field Supervisor
U.S. Fish and Wildlife Service
North Florida Ecological Services
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256
Office: 904-731-3203

“Management is doing things right; leadership is doing the right things.” Peter F. Drucker

On Thu, Sep 24, 2015 at 10:51 AM, Jay Herrington <Jay_Herrington@fws.gov> wrote:

See attached.

Jay B. Herrington

Field Supervisor

U. S. Fish and Wildlife Service

Northeast Florida Ecological Services Field Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256

(904) 731-3191 (phone)

(904) 731-3045 (fax)

E-mail: jay_herrington@fws.gov

From: Bowie, John [mailto:Bowie.John@epa.gov]

Sent: Wednesday, September 23, 2015 2:10 PM

To: jay_herrington@fws.gov

Cc: Horning Dave (david_horning@fws.gov)

Subject: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

Mr. Jay Herrington

U. S. Fish & Wildlife Service

North Florida Ecological Services Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256-7517

Dear Mr. Herrington:

EPA is requesting USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq.) for a proposal entitled "Tampa Bay National Estuary Program (Implementation)" that is currently being considered for funding by the Gulf Ecosystem Restoration Council (Council). The Council assigned Unique Identifier is EPA_RESTORE_002_005_Cat2.

The Council's Draft Funded Priorities List includes a proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

To facilitate your review we will forward a Summary Report, an iPaC Report, and other pertinent information for each of the seven component projects mentioned above directly to David Horning.

If you have any questions or need additional information, you can contact me at (228)688-3888 or at bowie.john@epa.gov OR Felicia Burks at 404-562-9371 or at burks.felicia@epa.gov.

We've had some discussions with David already. Thank you for your cooperation in processing our request.

John F. Bowie

U.S. Environmental Protection Agency

Gulf of Mexico Program Office

Building 1100 – Room 232

Stennis Space Center, MS 39529

John F. Bowie

EPA Gulf of Mexico Program

Office (228)688-3888

Cell (228)265-1774

bowie.john@epa.gov

ATTACHMENT

EPA Determination regarding NOAA ESA Consultation

MEMORANDUM

April 27, 2016

TO: Felicia Burks, Environmental Engineer
Technical Program Manager for the Tampa Bay Estuary Program

FROM: Duncan Powell, Life Scientist
Endanger Species Act Coordinator

SUBJECT: EPA-RESTORE_002_005_Category 2
NOAA/NMFS Endangered Species Act Section 7 Consultation
TBEP RESTORE Project Status

1. A. Ft. Desoto Recirculation- Pinellas County (Phase 1)

NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The proposed work is the dredging of a causeway and the construction of a bridge over the dredged area on an existing maintenance road. The purpose of the project is to increase water circulation and expand seagrass habitat within the back-bays of Mullet Key. The project is located at Fort DeSoto maintenance road, in Sections 8 & 9, Township 33 South, Range 16 East, Tierra Verde, Pinellas County. Florida. The RESTORE Council action would fund the Ft. DeSoto Recirculation Project in Pinellas County, FL. The ACOE's issuance of the permit to construct the recirculation project needed to happen prior to the RESTORE Council funding the project. The ACOE's issuance of the permit required consultation.

The EPA relies on the consultation that was completed by the ACOE for the NWP 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities).

Attachment B Section 7_Ft Desoto Recirculation project has a signed consultation of not likely to adversely affect by the U.S. Fish and Wildlife Service dated June 26, 2015. This consultation covered all the species within the action area including the manatee, Gulf sturgeon and sea turtles. There is no further need to get further concurrence with NOAA.

Attachment E_Ft Desoto ACOE and SWFWMD Permits Ft Desoto Recirculation project. This attachment includes the NWP 27 that is valid until March 18, 2017 (page 2). Conditions of the NWP 27 include the “Standard Manatee Conditions for In-water Work dated 2011, (page 15), Manatee warning signage (page 16), and Sea Turtle and Smalltooth Sawfish Construction Conditions (page 17).

B. Ft. DeSoto Sand Dune Walkovers (Phase 2)

NOAA/NMFS ESA “No Effect” Determination.

The Phase 2 dune walkovers are in the uplands outside of NOAA/NMFS jurisdiction.

FWS ESA consultation is needed for the Federal funding of the sand dune walkovers.

The second phase of Ft. DeSoto Recirculation and Seagrass Recovery Project (proposed for funding under RESTORE) involves the construction of dune walkovers on the west side of the park, along the dunes fronting the Gulf of Mexico.

The Florida Clearinghouse review and CCCL have been applied for by Pinellas County. Pinellas County is waiting to hear back from the State regulatory agencies.

These dune walkovers will directly protect sand dunes and conserve coastal habitat by directing pedestrian traffic away from the dunes and to the dune walkovers. This will protect living marine and coastal resources by preventing damage to coastal systems, preventing disruption of nesting shorebirds and eliminating impacts to nesting sea turtles. Protection of the dune systems will assist with enhancing resiliency to upland infrastructure by preventing tidal overwash and flooding and decreasing erosion. Dunes damaged from pedestrian foot-traffic will be able to recover and grow with shifting sands to again accrete sand along the dune lines. Finally, establishing raised dune walkovers will help mitigate for sea level rise over the long term. This is a phased project that can be permitted and constructed as funding allows.'

The threatened piping plover (*Charadrius melanotos*) may be found in the project area. There should be restrictions of construction during their winter nesting season.

2. Palm River Restoration- SWFWMD

Has ACOE permit

No Effect Determination.

A No Effect determination was made for NOAA jurisdictional Federally listed species and critical habitats because the action area is in uplands and freshwater wetlands and the RESTORE funds will be used for removal of exotic plant species.

TBEP RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Disturbed areas on both parcels have been colonized by nuisance species, primarily Brazilian pepper, but also lead tree, air potato, and cogongrass. The contractor will remove the exotic and nuisance vegetation by methods outlined in an attached map and specifications. A one-year maintenance period will provide quarterly monitoring and spraying to kill any regrowth of the target species. (Palm River Restoration Project Summary RESTOREenvcomplCat2toCat1_DRAFT_Sept 21 2015)

3. Robinson Preserve Restoration- Manatee County

No Effect Determination.

The EPA has made a "No Effect" determination because there are no Federally listed species or critical habitat under NOAA's jurisdiction within the action area of this project.

Phase II of this project, for which TBEP and Manatee County are requesting \$271,430 in RESTORE funding, consists of creation by excavation of low quality uplands, a total of 65.24 acres of estuarine habitats from former agricultural lands. Invasive plant species covers the existing uplands.

The expansion project entails the creation of a large matrix of estuarine and upland habitats from former farmlands within the bounds of recently acquired portions of Robinson Preserve located in Manatee County at the junction of two major estuarine systems; Sarasota Bay and Tampa Bay. The 150 acre expansion area is currently providing limited ecosystem services after being used for five decades as a sod & row crop operation, then abandoned and heavily invaded by invasive species for over a decade, then used as a fill dirt staging area in preparation for a residential development with golf course. While significant portions of the overall Robinson Preserve are either made up of extant mangrove swamp systems or recently restored areas, 150 acres of the

site (Robinson Expansion) remains in need of restoration, providing ample opportunity to enhance regional ecosystem services and bolster wildlife populations.

4. Hillsborough County Invasive Plant removal- Hillsborough County
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

This project is to eradicate all category I and II invasive plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. A qualified contractor will be hired through the competitive bid process to conduct an initial treatment that results in 95 percent control of the plants, followed by one year of quarterly treatment, one year of bi-annual treatment, and one final year with one treatment. (August 2015_RESTORE project questions Coastal Invasive Plant Removal).

5. Biosolids to Energy project- City of St. Petersburg
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The project is to upgrade a biosolids treatment facilities at the Southwest Water Reclamation Facility (SWRF) to a Temperature Phased Anaerobic Digestion. The upgrade is to optimize methane generation which will be used to produce renewable natural gas. There is no work in waters of the United States. The upgrade will allow the City of St. Petersburg to consolidate their biosolid operations from all their treatment plants to the Southwest Water Resource Facility. The proposed work will be conducted at the existing SWRF, which is an existing domestic wastewater treatment plant. No Federally listed species nor their habitats are found within the treatment facilities and there are no critical habitats found at the treatment facilities.

6. Copeland Park Pond Restoration- City of Tampa
No Effect Determination

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation.

7. Coopers Point Restoration- City of Clearwater
NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a new channel from Cooper’s Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. Although a formal jurisdictional wetland survey has yet to be completed, based on field reviews, the area to be excavated is mostly composed of disturbed uplands. The banks of the new channel will be stabilized with stabilization mats.

Additional stabilization will occur when mangroves are planted along the new channel. A temporary sediment basin will be created to dry wet sediment prior to being hauled away. Brazilian pepper removal will occur within the wetlands on Cooper's Point. The project is in the planning phase and a Corps permit will be needed prior to implementation.

There are no NOAA Federally listed species or critical habitat within the action area. The action area is the uplands where the 200-foot channel (30 feet wide) will be constructed along with the existing shorelines on either side of the proposed channel. The U.S. Fish and Wildlife Service has determined the proposed project is "not likely to adversely affect" any federally listed species or critical habitat (September 28, 2015, email from Jay Herrington, North Florida Ecological Services Field Office Supervisor to John F. Bowie, U.S.E.P.A.)

ATTACHMENT

Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Mr. Ron Hosler
Tampa Bay Estuary Program
263-13th Ave. South, Suite 350
St. Petersburg, Florida 33701

September 28, 2015

RE: DHR Project File No.: 2015-4673, Received by DHR: September 22, 2015
Application Number: EPA_RESTORE_002_005_Cat2
Project: *St Petersburg Biosolids to Energy Project*
County: Pinellas

Dear Mr. Hosler:

The Florida State Historic Preservation Officer reviewed the referenced project for possible effects on historic properties listed, or eligible for listing, on the *National Register of Historic Places*. The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and its implementing regulations in *36 CFR Part 800: Protection of Historic Properties*.

It is the opinion of this office that the proposed project will have no effect on historic properties listed, or eligible for listing, on the *National Register of Historic Places*.

If you have any questions, please contact Mary Berman, Historic Sites Specialist, by email at Mary.Berman@dos.myflorida.com, or by telephone at 850.245.6333 or 800.847.7278.

Sincerely,

A blue ink signature of Robert F. Bendus.

Robert F. Bendus, Director
Division of Historical Resources
& State Historic Preservation Officer



Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6333 • 850.245.6439 (Fax) dos.myflorida.com/historical/
Promoting Florida's History and Culture VivaFlorida.org

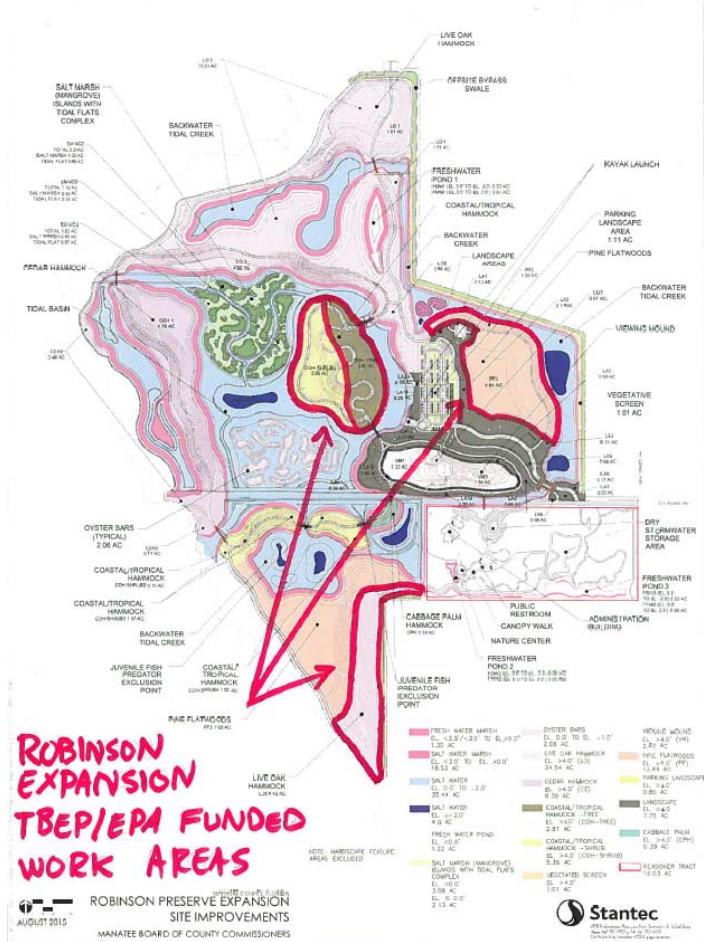


ENVIRONMENTAL INFORMATION DOCUMENT – This document provides a summary of the named component project, including compliance information with certain regulations (NEPA, NHPA, ESA, Magnuson-Stevens (EFH), and Fish and Wildlife Coordination Act (FWCA)). Demonstrating compliance with these certain regulations is a requirement of the Gulf Coast Ecosystem Restoration Council (GCERC) to move a project from Category 2 to Category 1 status (eligible for funding) on the Funded Priorities List (FPL).

Tampa Bay Estuary Program (Implementation) - The Unique identifier assigned to this project is EPA_RESTORE_002_005_Cat2 - This Project is currently listed as a Category 2 on GCERC's Funded Priorities List (FPL). The project includes seven elements (component projects) which are (1) Ft De Soto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water Quality Improvement.

Robinson Preserve Expansion Project Summary

TBEP RESTORE Funded Component Description: The Robinson Preserve Expansion component of the TBEP project will re-establish high quality coastal upland habitats on approximately 14.8 acres in Manatee County, FL (highlighted below). Ecological function of this portion of the 150 acre site will be achieved by implementing a seven year system that consists of pre-planting adaptive management, intensive re-planting with habitat specific plants, and post planting habitat establishment period adaptive management (HEPAM). Successful implementation of this system can occur independently as funds are made available and will result in target habitats (Live Oak Hammock- 4.42 acres; Pine Flatwoods- 4.64 acres; Coastal Shrub- 2.90 acres; Coastal Hammock- 2.81 acres) established to the extent they are at a relatively stable state and capable of self-sufficiency with normal land management maintenance to be performed by Manatee County in perpetuity.



Overall Project Description: The overall Robinson Preserve Expansion component entails the creation of a large matrix of estuarine and upland habitats from former farmlands within the bounds of recently acquired portions of Robinson Preserve located in Manatee County at the junction of two major estuarine systems; Sarasota Bay and Tampa Bay. The 150 acre expansion area is currently providing limited ecosystem services after being used for five decades as a sod & row crop operation, abandoned and heavily invaded by non-native species for over a decade, and then used to stage fill dirt for a golf course and residential development. While significant portions of the overall Robinson Preserve are either made up of extant mangrove swamp systems or recently restored areas, 150 acres of the site (Robinson Expansion) remains in need of restoration, providing ample opportunity to enhance regional ecosystem services and bolster wildlife populations. The overall project will include construction of an environmental education center and supporting facilities; earthmoving and soil stabilization measures to create wetland and sub tidal habitats; connecting internal water features to the established internal waterways in Robinson Preserve; constructing parking areas, timber bridges, a kayak launch and other public access improvements; and planting of upland habitats with native species. NOAA RESTORE funds will be directed to the sub tidal restoration components of the overall project, while TBEP RESTORE funds will be directed toward upland habitat restoration (specified above).

Summary of Funding:

FUNDING SOURCE	TASK DESCRIPTION	FUNDING AMOUNT
Conservation Foundation of the Gulf Coast	Purchase of Robinson Expansion Property	\$3,200,000
Manatee County	Environmental Education Center, Public Access Improvements, and Design & Permitting	\$4,500,000
SWFWMD CFI	Wetland and Upland Habitat Restoration	\$3,200,000
WCIND	Water Access and Amenities	\$400,000
FDEP/RTP	Trails	\$200,000
TBEP RESTORE	Upland Habitat Restoration	\$271,430
DOC RESTORE	Wetland Habitat Restoration	\$1,790,546

Additional Benefits: This project will establish large areas of estuarine wetlands habitat including mangrove swamp, salt marsh, and oyster reef. All of which have been greatly impacted through historical land uses. The likelihood of success is high due primarily to the following factors: a track record of success with similar projects, highly qualified staff with lead agency and partners, highly qualified consultants under contract, multiple funding sources, and enormous support from County leadership and the surrounding community. Inter-agency support for the project is strong. This project has made the list of recommended projects compiled by the Gulf Ecosystem Restoration Council in which it was identified as a “major restoration priority” (Restoring the Gulf of Mexico for the People and Wildlife: Recommended Projects and Priorities). The Robinson Preserve expansion project is fully consistent with the federally approved Sarasota Bay and Tampa Bay NEP CCMPs and the state approved Manatee County Local Government Comprehensive Plan.

Community benefits of the project are numerous and substantial. We anticipate observable impacts to the quality of the recreational sport fishing in the area. Extensive consultation with Tarpon and Snook fisheries biologists have helped optimize design of waterways and plantings. While Florida is already #1 in angler expenditures (\$4.95 billion) this project will help make Manatee County one of Florida's great fishing destinations through its positive impacts on high value sport fish populations. Similarly the Robinson Preserve is already very popular among the birding community. The habitat requirements of wading/shore birds as well as opportunities to view them without significantly disrupting natural behavior have helped shape design of trails, waterways, and amenities. The project provides long term low impact stimulus. The economic impact of birding related expenditures is well documented to be in the billions of dollars per year nation-wide.

NEPA: EPA has determined that the TBEP RESTORE funded portion of the *Robinson Preserve Expansion Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the RESTORE funded portion of the *Robinson Preserve Expansion Project*, which is one of the seven component projects that comprise the **Tampa Bay Estuary Program (Implementation)**

is statutorily exempt from NEPA because the project does not include (i) the award of wastewater treatment constructions grants under Title II of the Clean Water Act; or (ii) EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act; or (iii) certain research and development projects; or (iv) development and issuance of regulations; or (v) EPA actions involving renovations or new construction of facilities; or (vi) certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Additional Information: EPA voluntarily provides the following additional information to further assist the GCERC Staff with their environmental compliance review process.

The implementation of this project is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time. The Robinson Preserve Expansion project is located within Manatee County's Robinson Preserve. The project will result in the creation of estuarine habitat from abandoned farmlands, benefiting the quality of the human use and environment.

The implementation of this project is not 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. Because the project is located within a County Preserve that does not have permanent human inhabitants, the project will not disproportionately or negatively impact any community. The project is expected to have positive environmental effects through creation of estuarine habitat.

The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat. In an email dated September 28, 2015, The U.S. Fish and Wildlife Service (USFWS) determined that the proposed project, including all seven component projects listed above, "is not likely to adversely affect" any federal listed species or critical habitat.

The implementation of this project is not known or expected to significantly affect national natural

landmarks or any property with nationally 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. In a letter dated September 28, 2015, The Florida State Historic Preservation Officer (SHPO) issued the office's opinion that the proposed project will have no adverse effect on historic properties listed, or eligible for listing, on the *National Register of Historic Places*.

The implementation of this project is not 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. Phase II of the Robinson Preserve Expansion Project was designed to specifically avoid impacts to areas with federal jurisdiction. USACE personnel, John Fellows visited the site to confirm wetland line determination and agreed with the County's consultant's assertion that there were no jurisdictional wetlands or surface waters within the Phase II project area. Attached is the approved Surface Water Management System Permit No 41-0328524-001, including maps, project design and construction plans (Attachment C). Section 7 determination will be required for Phase II B (project phase to be DOC RESTORE funded) and will occur concurrent to review of the already submitted Nationwide Permit Number 27 for Phase II B. Federal review of Phase II occurred with submittal of a Joint Permit Application for which the County received SWERP # 41-0328524-001

The implementation of this project is not known or expected to cause significant adverse air quality effects. During construction there may exhaust emissions from trucks, bulldozers, backhoes, etc., but these air emissions are expected to be de minimis. In addition there can be dust generated during earth moving or ground disturbing activities. Dust generation will be minimized through use of best management practices such as wetting of soils and use of covers on trucks hauling dirt.

The implementation of this project is not 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 habitat value of existing land use (abandoned farmland) will be enhanced by the creation of estuarine habitat . The project is located in a Manatee County preserve that does not have a permanent human population area, and is not on federally-recognized Indian tribe lands.

The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project. The project is not expected to cause significant public controversy because it supports the Tampa Bay Estuary Program CCMP and the Southwest Florida Water Management District's SWIM Plan.

The implementation of this project is not known or expected to be associated with providing funding to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts. The project does not provide providing funding to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts. It would provide funding to The Tampa Bay Estuary Program (an Independent Special District of the State of Florida) and its subcontractor Manatee County (a county in the State of Florida).

The implementation of this project is not 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 is not expected to conflict with federal, state or local government, or federally recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

NHPA: A review of the proposed project area was conducted in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended and 36 CFR Part 800: Protection of Historic Properties. EPA and Tampa Bay Estuary Program submitted a request to the Florida State Historic Preservation Officer on September 17, 2015, requesting their review of the project for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archeological value. In a letter dated September 28, 2015, the Florida Division of Historical Resources issued their opinion that the proposed project will have no adverse effect on this resource.

The Florida Division of Historical Resources noted the following special condition should be included in permits issued regarding inadvertent discoveries:

If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, or any other physical remains that could be associated with Native America cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee should contact this office, as well as the appropriate permitting agency. In the event that unmarked remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

ESA: In an email dated September 23, 2015, EPA and Tampa Bay Estuary Program requested USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq) for the proposed project entitled "Tampa Bay National Estuary Program (Implementation)" that was included on the GCERC's "Draft" Funded Priorities List (FPL). The proposed project was developed by the EPA and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposed project includes seven elements (component projects) which are (1) Ft. De Soto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; Coastal Invasive Plant removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and Coopers Point Water Quality Improvement.

In an email dated September 28, 2015, The U.S. Fish and Wildlife Service (USFWS) determined that the proposed project, including all seven component projects listed above, "is not likely to adversely affect" any federal listed species or critical habitat.

EFH: Tampa Bay Estuary Program staff provided Essential Fish Habitat (EFH) assessments and other documentation for review by the NOAA Southeast Region's Habitat Conservation Division (SER HCD) via email on September 23, 2015 for the following seven component projects comprising the Tampa Bay Estuary Program (Implementation) project:

Copeland Park Pond Restoration	Hillsborough County, FL
Palm River Restoration Project Phase II	Hillsborough County, FL
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, FL
Robinson Preserve Expansion Project	Manatee County, FL
Fort De Soto Recirculation and Seagrass Recovery	Pinellas County, FL
St. Petersburg Biosolids to Energy Project	Pinellas County, FL
Cooper's Point Water Quality Improvement & Restoration	Pinellas County, FL

The SER HCD issued a letter on September 24, 2015 to EPA concluding that, based on their review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH). In the letter, the SER HCD acknowledged that, where applicable, best management practices to minimize both short term construction impacts and long term impacts to sensitive habitats have been developed and were included in the EFH assessments provided. The SER HCD had no EFH conservation recommendations to provide pursuant to 305(b)(2) of the Magnuson-Stevens Act.

FWCA: EPA received feedback on September 28, 2015 from the U.S. Fish and Wildlife Service (USFWS) on the Endangered Species Act relating to the project.

The following table summarizes the various authorities consulted and permits issued

Agency	Representatives Name, Office, & Phone	Date	Notes and topic discussed, relevant details, and conclusions
U.S. Fish and Wildlife Service	Peter Plage (904)371-3085 Heath Rauschenberger PhD. (904)731-3203	9/28/2015	ESA - Threatened and endangered species; see attached email. This project previously underwent intra-Service consultation and, as conditioned in the U.S. Army, Corps of Engineers (Corps) permit for the project (SAJ-2012-06831(NWP-27)) requires compliance with "Standard Manatee Conditions for In-Water Work" and "Standard Protection Measures for the Eastern Indigo Snake.", is not likely to adversely affect listed species. <u>USFW determined the proposed project, including the seven component projects, is "not likely to adversely affect" any federally listed species or critical habitat.</u>
Florida State Historical Preservation Officer (SHPO)	Robert F. Bendus Mary Berman (850)245-6333	9/28/2015	NHPA - Historical, cultural, and archeological resources; see attached letter. Based on the information provided for the above referenced project, it is the opinion of the SHPOs office that the proposed project will have no adverse effect on this resource. Because there is still some potential for archaeological sites to occur during ground disturbing activities, we request that the permit, if issued, should include a special condition regarding inadvertent discoveries.
NOAA	Mark Sramek Virginia Fay	9/24/2015	EFH - Magnuson-Stevens Act; see attached letter. From NOAA's our review, the proposed project activities <u>would only result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH)</u> under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The SER HCD had no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time.
USACE			USACE Permit Not Required; John Fellows (USACE) visited the site to confirm wetland line determination and agreed with the Manatee County's consultant's assertion that there were no jurisdictional wetlands or surface waters within the Phase II project area.
Southwest Florida Water Management District			SFWMD Permit Issued; Surface Water Management System Permit No 41-0328524-001 was <u>previously issued</u> to Manatee County for this project.

Attachments:

- EPA NEPA Review; December 7, 2016
- Surface Water Management System Permit No 41-0328524-001 (*copy is not attached*)
- NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter; September 24, 2015
- USFWS Endangered Species Act (ESA) Clearance Letter; September 28, 2015
- EPA “No Effect” Determination regarding NOAA ESA consultation; April 27, 2016
- Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter; Sept. 28, 2015

ATTACHMENT

EPA NEPA Review



RESTORE Council Funded Project
National Environmental Policy Act (NEPA) Review
United States Environmental Protection Agency
Gulfport, MS 39501

Robinson Preserve Expansion Project Summary

EPA has determined that the TBEP RESTORE funded portion of the *Robinson Preserve Expansion Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the RESTORE funded portion of the *Robinson Preserve Expansion Project*, which is one of the seven component projects that comprise the **Tampa Bay Estuary Program (Implementation)** is statutorily exempt from NEPA because the project does not include (i) the award of wastewater treatment constructions grants under Title II of the Clean Water Act; or (ii) EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act; or (iii) certain research and development projects; or (iv) development and issuance of regulations; or (v) EPA actions involving renovations or new construction of facilities; or (vi) certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Responsible Official for NEPA Review

As the Responsible Official for NEPA review, I have determined that this action statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b).

Signature

12/7/16

Name & Title

Chris Militscher
Chief – R4-RCRD-NEPA Office

Phone Number
(404)562-9512

EPA Contact for Environmental Review on this Project (If different from Responsible Official)

Name

John F. Bowie, P.E.

Title

Environmental Engineer

Phone Number

(228)679-5891

ATTACHMENT

Robinson Preserve Surface Water Management System Permit

Permit No. 41-0328524-001 (*Copy Is Not Attached – File To Large*)

ATTACHMENT

NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter

**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

September 24, 2015 F/SER46:MS/RS

Mr. John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, Mississippi 39529-0001

Dear Mr. Bowie,

In response to the Deepwater Horizon oil spill, the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies Council, through U.S. Environmental Protection Agency, proposes to fund the construction of the following Tampa Bay National Estuary Program projects:

<u>Project Title</u>	<u>Location</u>
Copeland Park Pond Restoration	Hillsborough County, Florida
Palm River Restoration Project Phase II	Hillsborough County, Florida
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, Florida
Robinson Preserve Expansion Project	Manatee County, Florida
Fort DeSoto Recirculation Project	Pinellas County, Florida
St. Petersburg Biosolids to Energy Project	Pinellas County, Florida
Cooper's Point Water Quality Improvement and Restoration	Pinellas County, Florida

From our review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH) under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

As specified in the Magnuson-Stevens Act, EFH consultation is required for federal actions which may adversely impact EFH. The local project sponsors prepared EFH assessments and National Environmental Policy Act documents for these projects and Tampa Bay National Estuary Program staff provided this information for our review by electronic mail dated September 23, 2015. The Southeast Region's Habitat Conservation Division (SER HCD) has reviewed the EFH assessments and associated National Environmental Policy Act information, and finds the documents adequately evaluate proposed project impacts to EFH supportive of a number of federally managed fishery species. Where applicable, best management practices to minimize both short term construction impacts and long term impacts to sensitive habitats have been developed and were included in the EFH assessments.

The SER HCD has no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time. Further consultation on this matter is not



necessary unless future modifications are proposed and such actions may result in adverse impacts to EFH.

Sincerely,

A handwritten signature in black ink that reads "Virginia M. Fay".

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

F/SER - Giordano
F/SER4 - Dale
F/SER46 - Sramek

ATTACHMENT

USFWS Endangered Species Act (ESA) Clearance Letter

Bowie, John

From: Rauschenberger, Heath <heath_rauschenberger@fws.gov>
Sent: Monday, September 28, 2015 3:29 PM
To: Bowie, John; Burks, Felicia
Cc: Jay Herrington; David Horning; Channing St. Aubin; Peter Plage
Subject: Re: FW: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, MS 39529

Re: EPA – RESTORE_002_005_Cat2

Dear Mr. Bowie:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, and wetlands and upland habitats throughout the Tampa Bay watershed. Our comments are in reference to compliance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

(1) The Ft. Desoto Recirculation and Seagrass Recovery element involves restoring hydrologic flow and circulation between two backwater bays currently blocked by a land bridge formed by the access road to one of Fort Desoto County Park's upland islands. A U.S. Army, Corps of Engineers (Corps) permit for the project (SAJ-2002-06831(NWP-27)) requires compliance with "Standard Manatee Conditions for In-Water Work" and "Standard Protection Measures for the Eastern Indigo Snake." This project previously underwent intra-Service consultation and, as conditioned in the Corps permit, is not likely to adversely affect listed species.

(2) The Palm River Habitat and Water Quality Restoration Phase II element involves improvements to wetlands and upland habitats on two parcels within the Tampa Bay watershed. Both parcels have experienced extensive drainage ditch excavation that has resulted in reduced hydroperiods within palustrine wetlands and disruption of surface drainage. This project has a Corps permit (SAJ-2013-03249 (NW-LDD)). RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(3) The Robinson Preserve Water Quality and Habitat Restoration element entails proposed improvements to a 150-acre area that is being added to Robinson Preserve. RESTORE funding would be used to create a total of 65.24 acres of estuarine habitats from former agricultural lands by excavation of low quality uplands. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(4) The Coastal Invasive Plant Removal element entails eradication of category I and II invasive pest plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties at Cockroach Bay Aquatic Preserve that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(5) The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation. The project is within the Core Foraging Area of the one or more wood stork colonies and may impact greater than $\frac{1}{2}$ acre of Suitable Foraging Habitat. We concur that the project 'may affect, but is not likely to adversely affect' the wood stork on the basis that the completed project would provide suitable foraging habitat equivalent to or greater than that impacted.

(6) The Biosolids to Energy element involves an upgrade of biosolids treatment facilities at the Southwest Water Reclamation Facility in order to optimize methane generation which will be used to produce renewable natural gas. This project is located on an existing wastewater treatment facility site and will not affect any additional areas. We anticipate no effect on listed species.

(7) The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a channel from Cooper's Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. The project is in the planning phase and a Corps permit will be needed prior to implementation. "Standard Manatee Conditions for In-Water Work" will be required. We have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

The Service has determined the proposed project, including the seven component projects listed above, is "not likely to adversely affect" any federally listed species or critical habitat. Should you have questions regarding this letter or require clarification, please contact Peter Plage at 904-371-3085 or peter_plage@fws.gov.

Sincerely,
Heath Rauschenberger

for
Jay B. Herrington, Field Supervisor
North Florida Ecological Services Field Office

>>>>>>>>>>>>>>>>>>>

Heath Rauschenberger, PhD
Deputy Field Supervisor
U.S. Fish and Wildlife Service
North Florida Ecological Services
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256
Office: 904-731-3203

“Management is doing things right; leadership is doing the right things.” Peter F. Drucker

On Thu, Sep 24, 2015 at 10:51 AM, Jay Herrington <Jay_Herrington@fws.gov> wrote:

See attached.

Jay B. Herrington

Field Supervisor

U. S. Fish and Wildlife Service

Northeast Florida Ecological Services Field Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256

(904) 731-3191 (phone)

(904) 731-3045 (fax)

E-mail: jay_herrington@fws.gov

From: Bowie, John [mailto:Bowie.John@epa.gov]

Sent: Wednesday, September 23, 2015 2:10 PM

To: jay_herrington@fws.gov

Cc: Horning Dave (david_horning@fws.gov)

Subject: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

Mr. Jay Herrington

U. S. Fish & Wildlife Service

North Florida Ecological Services Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256-7517

Dear Mr. Herrington:

EPA is requesting USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq.) for a proposal entitled "Tampa Bay National Estuary Program (Implementation)" that is currently being considered for funding by the Gulf Ecosystem Restoration Council (Council). The Council assigned Unique Identifier is EPA_RESTORE_002_005_Cat2.

The Council's Draft Funded Priorities List includes a proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

To facilitate your review we will forward a Summary Report, an iPaC Report, and other pertinent information for each of the seven component projects mentioned above directly to David Horning.

If you have any questions or need additional information, you can contact me at (228)688-3888 or at bowie.john@epa.gov OR Felicia Burks at 404-562-9371 or at burks.felicia@epa.gov.

We've had some discussions with David already. Thank you for your cooperation in processing our request.

John F. Bowie

U.S. Environmental Protection Agency

Gulf of Mexico Program Office

Building 1100 – Room 232

Stennis Space Center, MS 39529

John F. Bowie

EPA Gulf of Mexico Program

Office (228)688-3888

Cell (228)265-1774

bowie.john@epa.gov

ATTACHMENT

EPA Determination regarding NOAA ESA Consultation

MEMORANDUM

April 27, 2016

TO: Felicia Burks, Environmental Engineer
Technical Program Manager for the Tampa Bay Estuary Program

FROM: Duncan Powell, Life Scientist
Endanger Species Act Coordinator

SUBJECT: EPA-RESTORE_002_005_Category 2
NOAA/NMFS Endangered Species Act Section 7 Consultation
TBEP RESTORE Project Status

1. A. Ft. Desoto Recirculation- Pinellas County (Phase 1)

NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The proposed work is the dredging of a causeway and the construction of a bridge over the dredged area on an existing maintenance road. The purpose of the project is to increase water circulation and expand seagrass habitat within the back-bays of Mullet Key. The project is located at Fort DeSoto maintenance road, in Sections 8 & 9, Township 33 South, Range 16 East, Tierra Verde, Pinellas County. Florida. The RESTORE Council action would fund the Ft. DeSoto Recirculation Project in Pinellas County, FL. The ACOE's issuance of the permit to construct the recirculation project needed to happen prior to the RESTORE Council funding the project. The ACOE's issuance of the permit required consultation.

The EPA relies on the consultation that was completed by the ACOE for the NWP 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities).

Attachment B Section 7_Ft Desoto Recirculation project has a signed consultation of not likely to adversely affect by the U.S. Fish and Wildlife Service dated June 26, 2015. This consultation covered all the species within the action area including the manatee, Gulf sturgeon and sea turtles. There is no further need to get further concurrence with NOAA.

Attachment E_Ft Desoto ACOE and SWFWMD Permits Ft Desoto Recirculation project. This attachment includes the NWP 27 that is valid until March 18, 2017 (page 2). Conditions of the NWP 27 include the “Standard Manatee Conditions for In-water Work dated 2011, (page 15), Manatee warning signage (page 16), and Sea Turtle and Smalltooth Sawfish Construction Conditions (page 17).

B. Ft. DeSoto Sand Dune Walkovers (Phase 2)

NOAA/NMFS ESA “No Effect” Determination.

The Phase 2 dune walkovers are in the uplands outside of NOAA/NMFS jurisdiction.

FWS ESA consultation is needed for the Federal funding of the sand dune walkovers.

The second phase of Ft. DeSoto Recirculation and Seagrass Recovery Project (proposed for funding under RESTORE) involves the construction of dune walkovers on the west side of the park, along the dunes fronting the Gulf of Mexico.

The Florida Clearinghouse review and CCCL have been applied for by Pinellas County. Pinellas County is waiting to hear back from the State regulatory agencies.

These dune walkovers will directly protect sand dunes and conserve coastal habitat by directing pedestrian traffic away from the dunes and to the dune walkovers. This will protect living marine and coastal resources by preventing damage to coastal systems, preventing disruption of nesting shorebirds and eliminating impacts to nesting sea turtles. Protection of the dune systems will assist with enhancing resiliency to upland infrastructure by preventing tidal overwash and flooding and decreasing erosion. Dunes damaged from pedestrian foot-traffic will be able to recover and grow with shifting sands to again accrete sand along the dune lines. Finally, establishing raised dune walkovers will help mitigate for sea level rise over the long term. This is a phased project that can be permitted and constructed as funding allows.'

The threatened piping plover (*Charadrius melanotos*) may be found in the project area. There should be restrictions of construction during their winter nesting season.

2. Palm River Restoration- SWFWMD

Has ACOE permit

No Effect Determination.

A No Effect determination was made for NOAA jurisdictional Federally listed species and critical habitats because the action area is in uplands and freshwater wetlands and the RESTORE funds will be used for removal of exotic plant species.

TBEP RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Disturbed areas on both parcels have been colonized by nuisance species, primarily Brazilian pepper, but also lead tree, air potato, and cogongrass. The contractor will remove the exotic and nuisance vegetation by methods outlined in an attached map and specifications. A one-year maintenance period will provide quarterly monitoring and spraying to kill any regrowth of the target species. (Palm River Restoration Project Summary RESTOREenvcomplCat2toCat1_DRAFT_Sept 21 2015)

3. Robinson Preserve Restoration- Manatee County

No Effect Determination.

The EPA has made a "No Effect" determination because there are no Federally listed species or critical habitat under NOAA's jurisdiction within the action area of this project.

Phase II of this project, for which TBEP and Manatee County are requesting \$271,430 in RESTORE funding, consists of creation by excavation of low quality uplands, a total of 65.24 acres of estuarine habitats from former agricultural lands. Invasive plant species covers the existing uplands.

The expansion project entails the creation of a large matrix of estuarine and upland habitats from former farmlands within the bounds of recently acquired portions of Robinson Preserve located in Manatee County at the junction of two major estuarine systems; Sarasota Bay and Tampa Bay. The 150 acre expansion area is currently providing limited ecosystem services after being used for five decades as a sod & row crop operation, then abandoned and heavily invaded by invasive species for over a decade, then used as a fill dirt staging area in preparation for a residential development with golf course. While significant portions of the overall Robinson Preserve are either made up of extant mangrove swamp systems or recently restored areas, 150 acres of the

site (Robinson Expansion) remains in need of restoration, providing ample opportunity to enhance regional ecosystem services and bolster wildlife populations.

4. Hillsborough County Invasive Plant removal- Hillsborough County
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

This project is to eradicate all category I and II invasive plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. A qualified contractor will be hired through the competitive bid process to conduct an initial treatment that results in 95 percent control of the plants, followed by one year of quarterly treatment, one year of bi-annual treatment, and one final year with one treatment. (August 2015_RESTORE project questions Coastal Invasive Plant Removal).

5. Biosolids to Energy project- City of St. Petersburg
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The project is to upgrade a biosolids treatment facilities at the Southwest Water Reclamation Facility (SWRF) to a Temperature Phased Anaerobic Digestion. The upgrade is to optimize methane generation which will be used to produce renewable natural gas. There is no work in waters of the United States. The upgrade will allow the City of St. Petersburg to consolidate their biosolid operations from all their treatment plants to the Southwest Water Resource Facility. The proposed work will be conducted at the existing SWRF, which is an existing domestic wastewater treatment plant. No Federally listed species nor their habitats are found within the treatment facilities and there are no critical habitats found at the treatment facilities.

6. Copeland Park Pond Restoration- City of Tampa
No Effect Determination

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation.

7. Coopers Point Restoration- City of Clearwater
NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a new channel from Cooper’s Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. Although a formal jurisdictional wetland survey has yet to be completed, based on field reviews, the area to be excavated is mostly composed of disturbed uplands. The banks of the new channel will be stabilized with stabilization mats.

Additional stabilization will occur when mangroves are planted along the new channel. A temporary sediment basin will be created to dry wet sediment prior to being hauled away. Brazilian pepper removal will occur within the wetlands on Cooper's Point. The project is in the planning phase and a Corps permit will be needed prior to implementation.

There are no NOAA Federally listed species or critical habitat within the action area. The action area is the uplands where the 200-foot channel (30 feet wide) will be constructed along with the existing shorelines on either side of the proposed channel. The U.S. Fish and Wildlife Service has determined the proposed project is "not likely to adversely affect" any federally listed species or critical habitat (September 28, 2015, email from Jay Herrington, North Florida Ecological Services Field Office Supervisor to John F. Bowie, U.S.E.P.A.)

ATTACHMENT

Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Mr. Ron Hosler
Tampa Bay Estuary Program
263-13th Ave. South, Suite 350
St. Petersburg, Florida 33701

September 28, 2015

RE: DHR Project File No.: 2015-4600, Received by DHR: September 18, 2015
Application Number: EPA_RESTORE_002_005_Cat2
Project: *Robinson Preserve Expansion Estuarine Habitat Creation*
County: Manatee

Dear Mr. Hosler:

The Florida State Historic Preservation Officer reviewed the referenced project for possible effects on historic properties listed, or eligible for listing, on the *National Register of Historic Places*. The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and its implementing regulations in *36 CFR Part 800: Protection of Historic Properties*.

It is the opinion of this office that the proposed project is unlikely to affect historic properties. However, the permit, if issued, should include the following special condition regarding unexpected 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 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 Mary Berman, Historic Sites Specialist, by email at Mary.Berman@dos.myflorida.com, or by telephone at 850.245.6333 or 800.847.7278.

Sincerely,

Robert F. Bendus, Director
Division of Historical Resources
& State Historic Preservation Officer



Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6333 • 850.245.6439 (Fax) dos.myflorida.com/historical/
Promoting Florida's History and Culture VivaFlorida.org



ENVIRONMENTAL INFORMATION DOCUMENT – This document provides a summary of the named component project, including compliance information with certain regulations (NEPA, NHPA, ESA, Magnuson-Stevens (EFH), and Fish and Wildlife Coordination Act (FWCA)). Demonstrating compliance with these certain regulations is a requirement of the Gulf Coast Ecosystem Restoration Council (GCERC) to move a project from Category 2 to Category 1 status (eligible for funding) on the Funded Priorities List (FPL).

Tampa Bay Estuary Program (Implementation) - The Unique identifier assigned to this project is EPA_RESTORE_002_005_Cat2 - This Project is currently listed as a Category 2 on GCERC's Funded Priorities List (FPL). The project includes seven elements (component projects) which are (1) Ft De Soto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water Quality Improvement.

Hillsborough County Parks Coastal Invasive Plant Removal Project Summary

Project Description: The purpose of this project is to eradicate all category I and II invasive pest plants, as identified by the Florida Exotic Pest Plant Council (FLEPPC), from coastal properties at Cockroach Bay Aquatic Preserve that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. A qualified contractor will be hired through the competitive bid process to conduct an initial treatment that results in 95% control of the plants, followed by one year of quarterly treatment, one year of bi-annual treatment, and one final year with one treatment. This method has been proven to exhaust the seed source.

Removal of invasive plants at Cockroach Bay Aquatic Preserve will reduce their spread throughout the entire Tampa Bay ecosystem and enhance coastal habitat. County staff, along with staff from the Environmental Protection Commission of Hillsborough County, will determine the success of the project by conducting vegetation surveys before and after the treatment.

NEPA: EPA has determined that the TBEP RESTORE funded portion of the *Hillsborough County Coastal Invasive Plant Removal Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the RESTORE funded portion of the *Hillsborough County Coastal Invasive Plant Removal Project*, which is one of the seven component projects that comprise the **Tampa Bay Estuary Program (Implementation)** is statutorily exempt from NEPA because the project does not include (i) the award of wastewater treatment constructions grants under Title II of the Clean Water Act; or (ii) EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act; or (iii) certain research and development projects; or (iv) development and issuance of regulations; or (v) EPA actions involving renovations or new construction of facilities; or (vi) certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations

- or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Additional Information: EPA voluntarily provides the following additional information to further assist the GCERC Staff with their environmental compliance review process.

The implementation of this project is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time. The Hillsborough County Coastal Invasive Plant Removal project is located within the Cockroach Bay Aquatic Preserve. The project will result in enhancement of estuarine and coastal upland habitat from previously-abandoned farmlands, benefiting the quality of the human use and environment in the Preserve.

The implementation of this project is not 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. Because the project is located within an Aquatic Preserve that does not have permanent human inhabitants, the project will not disproportionately or negatively impact any community. The project is expected to have positive environmental effects through enhancement of estuarine and coastal upland habitat.

The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat. In an email dated September 28, 2015, The U.S. Fish and Wildlife Service (USFWS) determined that the proposed project, including all seven component projects listed above, "is not likely to adversely affect" any federal listed species or critical habitat.

The implementation of this project is not known or expected to significantly affect national natural landmarks or any property with nationally 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. In a letter dated September 28, 2015, The Florida State Historic Preservation Officer (SHPO) issued the office's opinion that the proposed project will have no adverse effect on historic properties listed, or eligible for listing, on the *National Register of Historic Places*.

The implementation of this project is not 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 Hillsborough County invasive plant removal project will take place on previously-restored estuarine and upland habitats in the Cockroach Bay Aquatic Preserve. Invasive plant removal is not

expected to cause negative effects on the habitats, rather it will significantly improve the quality of the habitats.

The implementation of this project is not known or expected to cause significant adverse air quality effects. During this invasive plant removal project there will be exhaust emissions from trucks and chainsaws, but these air emissions are expected to be de minimis.

The implementation of this project is not 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 habitat value of existing land use (restored habitats on previously-abandoned farmland) will be enhanced by the removal of the invasive plants . The project is located in a State Aquatic Preserve that does not have a permanent human population area, and is not on federally-recognized Indian tribe lands.

The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project. The project is not expected to cause significant public controversy because it supports the Tampa Bay Estuary Program CCMP and the Southwest Florida Water Management District's SWIM Plan.

The implementation of this project is not known or expected to be associated with providing funding to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts. The project does not provide providing funding to a federal agency. It would provide funding to The Tampa Bay Estuary Program (an Independent Special District of the State of Florida) and its subcontractor Hillsborough County (a county in the State of Florida).

The implementation of this project is not 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 is not expected to conflict with federal, state or local government, or federally recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

NHPA: A review of the proposed project area was conducted in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended and 36 CFR Part 800: Protection of Historic Properties. EPA and Tampa Bay Estuary Program submitted a request to the Florida State Historic Preservation Officer on September 17, 2015, requesting their review of the project for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archeological value. In a letter dated September 28, 2015, the Florida Division of Historical Resources issued their opinion that the proposed project will have no adverse effect on this resource.

The Florida Division of Historical Resources noted the following special condition should be included in permits issued regarding inadvertent discoveries:

If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, or any other physical remains that could be associated with Native America cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such

discoveries. The permittee should contact this office, as well as the appropriate permitting agency. In the event that unmarked remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

ESA: In an email dated September 23, 2015, EPA and Tampa Bay Estuary Program requested USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq) for the proposed project entitled "Tampa Bay National Estuary Program (Implementation)" that was included on the GCERC's "Draft" Funded Priorities List (FPL). The proposed project was developed by the EPA and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposed project includes seven elements (component projects) which are (1) Ft. De Soto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; Coastal Invasive Plant removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and Coopers Point Water Quality Improvement.
In an email dated September 28, 2015, The U.S. Fish and Wildlife Service (USFWS) determined that the proposed project, including all seven component projects listed above, "is not likely to adversely affect" any federal listed species or critical habitat.

EFH: Tampa Bay Estuary Program staff provided Essential Fish Habitat (EFH) assessments and other documentation for review by the NOAA Southeast Region's Habitat Conservation Division (SER HCD) via email on September 23, 2015 for the following seven component projects comprising the Tampa Bay Estuary Program (Implementation) project:

Copeland Park Pond Restoration	Hillsborough County, FL
Palm River Restoration Project Phase II	Hillsborough County, FL
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, FL
Robinson Preserve Expansion Project	Manatee County, FL
Fort De Soto Recirculation and Seagrass Recovery	Pinellas County, FL
St. Petersburg Biosolids to Energy Project	Pinellas County, FL
Cooper's Point Water Quality Improvement & Restoration	Pinellas County, FL

The SER HCD issued a letter on September 24, 2015 to EPA concluding that, based on their review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH). In the letter, the SER HCD acknowledged that, where applicable, best management practices to minimize both short term construction impacts and long term impacts to sensitive habitats have been developed and were included in the EFH assessments provided. The SER HCD had no EFH conservation recommendations to provide pursuant to 305(b)(2) of the Magnuson-Stevens Act.

FWCA: EPA received feedback on September 28, 2015 from the U.S. Fish and Wildlife Service (USFWS) on the Endangered Species Act relating to the project.

The following table summarizes the various authorities consulted and permits issued

Agency	Representatives Name, Office, & Phone	Date	Notes and topic discussed, relevant details, and conclusions
U.S. Fish and Wildlife Service	Peter Plage (904)371-3085 Heath Rauschenberger PhD. (904)731-3203	9/28/2015	ESA - Threatened and endangered species; see attached email. This project previously underwent intra-Service consultation and, as conditioned in the U.S. Army, Corps of Engineers (Corps) permit for the project (SAJ-2012-06831(NWP-27)) requires compliance with "Standard Manatee Conditions for In-Water Work" and "Standard Protection Measures for the Eastern Indigo Snake.", is not likely to adversely affect listed species. <u>USFW determined the proposed project, including the seven component projects, is "not likely to adversely affect" any federally listed species or critical habitat.</u>
Florida State Historical Preservation Officer (SHPO)	Robert F. Bendus Mary Berman (850)245-6333	9/28/2015	NHPA - Historical, cultural, and archeological resources; see attached letter. Based on the information provided for the above referenced project, it is the opinion of the SHPOs office that the proposed project will have no adverse effect on this resource. Because there is still some potential for archaeological sites to occur during ground disturbing activities, we request that the permit, if issued, should include a special condition regarding inadvertent discoveries.
NOAA	Mark Sramek Virginia Fay	9/24/2015	EFH - Magnuson-Stevens Act; see attached letter. From NOAA's our review, the proposed project activities <u>would only result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH)</u> under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The SER HCD had no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time.
USACE			USACE Permit Not Required;
Southwest Florida Water Management District			SFWMD Permit Not Required;

Attachments:

- EPA NEPA Review; December 7, 2016
- NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter; September 24, 2015
- USFWS Endangered Species Act (ESA) Clearance Letter; September 28, 2015
- EPA “No Effect” Determination regarding NOAA ESA consultation; April 27, 2016
- Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter; Sept. 28, 2015

ATTACHMENT

EPA NEPA Review



RESTORE Council Funded Project
National Environmental Policy Act (NEPA) Review
United States Environmental Protection Agency
Gulfport, MS 39501

Hillsborough County Parks Coastal Invasive Plant Removal Project

EPA has determined that the TBEP RESTORE funded portion of the *Hillsborough County Coastal Invasive Plant Removal Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the RESTORE funded portion of the *Hillsborough County Coastal Invasive Plant Removal Project*, which is one of the seven component projects that comprise the **Tampa Bay Estuary Program (Implementation)** is statutorily exempt from NEPA because the project does not include (i) the award of wastewater treatment constructions grants under Title II of the Clean Water Act; or (ii) EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act; or (iii) certain research and development projects; or (iv) development and issuance of regulations; or (v) EPA actions involving renovations or new construction of facilities; or (vi) certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Responsible Official for NEPA Review

As the Responsible Official for NEPA review, I have determined that this action statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b).

Signature

12/7/16

Name & Title

Chris Millitscher
Chief – R4-RCRD-NEPA Office

Phone Number

(404)562-9512

EPA Contact for Environmental Review on this Project (If different from Responsible Official)

Name

John F. Bowie, P.E.

Title

Environmental Engineer

Phone Number

(228)679-5891

ATTACHMENT

NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter

**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

September 24, 2015 F/SER46:MS/RS

Mr. John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, Mississippi 39529-0001

Dear Mr. Bowie,

In response to the Deepwater Horizon oil spill, the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies Council, through U.S. Environmental Protection Agency, proposes to fund the construction of the following Tampa Bay National Estuary Program projects:

<u>Project Title</u>	<u>Location</u>
Copeland Park Pond Restoration	Hillsborough County, Florida
Palm River Restoration Project Phase II	Hillsborough County, Florida
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, Florida
Robinson Preserve Expansion Project	Manatee County, Florida
Fort DeSoto Recirculation Project	Pinellas County, Florida
St. Petersburg Biosolids to Energy Project	Pinellas County, Florida
Cooper's Point Water Quality Improvement and Restoration	Pinellas County, Florida

From our review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH) under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

As specified in the Magnuson-Stevens Act, EFH consultation is required for federal actions which may adversely impact EFH. The local project sponsors prepared EFH assessments and National Environmental Policy Act documents for these projects and Tampa Bay National Estuary Program staff provided this information for our review by electronic mail dated September 23, 2015. The Southeast Region's Habitat Conservation Division (SER HCD) has reviewed the EFH assessments and associated National Environmental Policy Act information, and finds the documents adequately evaluate proposed project impacts to EFH supportive of a number of federally managed fishery species. Where applicable, best management practices to minimize both short term construction impacts and long term impacts to sensitive habitats have been developed and were included in the EFH assessments.

The SER HCD has no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time. Further consultation on this matter is not



necessary unless future modifications are proposed and such actions may result in adverse impacts to EFH.

Sincerely,

A handwritten signature in black ink that reads "Virginia M. Fay".

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

F/SER - Giordano
F/SER4 - Dale
F/SER46 - Sramek

ATTACHMENT

USFWS Endangered Species Act (ESA) Clearance Letter

Bowie, John

From: Rauschenberger, Heath <heath_rauschenberger@fws.gov>
Sent: Monday, September 28, 2015 3:29 PM
To: Bowie, John; Burks, Felicia
Cc: Jay Herrington; David Horning; Channing St. Aubin; Peter Plage
Subject: Re: FW: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, MS 39529

Re: EPA – RESTORE_002_005_Cat2

Dear Mr. Bowie:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, and wetlands and upland habitats throughout the Tampa Bay watershed. Our comments are in reference to compliance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

(1) The Ft. Desoto Recirculation and Seagrass Recovery element involves restoring hydrologic flow and circulation between two backwater bays currently blocked by a land bridge formed by the access road to one of Fort Desoto County Park's upland islands. A U.S. Army, Corps of Engineers (Corps) permit for the project (SAJ-2002-06831(NWP-27)) requires compliance with "Standard Manatee Conditions for In-Water Work" and "Standard Protection Measures for the Eastern Indigo Snake." This project previously underwent intra-Service consultation and, as conditioned in the Corps permit, is not likely to adversely affect listed species.

(2) The Palm River Habitat and Water Quality Restoration Phase II element involves improvements to wetlands and upland habitats on two parcels within the Tampa Bay watershed. Both parcels have experienced extensive drainage ditch excavation that has resulted in reduced hydroperiods within palustrine wetlands and disruption of surface drainage. This project has a Corps permit (SAJ-2013-03249 (NW-LDD)). RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(3) The Robinson Preserve Water Quality and Habitat Restoration element entails proposed improvements to a 150-acre area that is being added to Robinson Preserve. RESTORE funding would be used to create a total of 65.24 acres of estuarine habitats from former agricultural lands by excavation of low quality uplands. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(4) The Coastal Invasive Plant Removal element entails eradication of category I and II invasive pest plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties at Cockroach Bay Aquatic Preserve that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(5) The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation. The project is within the Core Foraging Area of the one or more wood stork colonies and may impact greater than $\frac{1}{2}$ acre of Suitable Foraging Habitat. We concur that the project 'may affect, but is not likely to adversely affect' the wood stork on the basis that the completed project would provide suitable foraging habitat equivalent to or greater than that impacted.

(6) The Biosolids to Energy element involves an upgrade of biosolids treatment facilities at the Southwest Water Reclamation Facility in order to optimize methane generation which will be used to produce renewable natural gas. This project is located on an existing wastewater treatment facility site and will not affect any additional areas. We anticipate no effect on listed species.

(7) The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a channel from Cooper's Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. The project is in the planning phase and a Corps permit will be needed prior to implementation. "Standard Manatee Conditions for In-Water Work" will be required. We have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

The Service has determined the proposed project, including the seven component projects listed above, is "not likely to adversely affect" any federally listed species or critical habitat. Should you have questions regarding this letter or require clarification, please contact Peter Plage at 904-371-3085 or peter_plage@fws.gov.

Sincerely,
Heath Rauschenberger

for
Jay B. Herrington, Field Supervisor
North Florida Ecological Services Field Office

>>>>>>>>>>>>>>>>>>>

Heath Rauschenberger, PhD
Deputy Field Supervisor
U.S. Fish and Wildlife Service
North Florida Ecological Services
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256
Office: 904-731-3203

“Management is doing things right; leadership is doing the right things.” Peter F. Drucker

On Thu, Sep 24, 2015 at 10:51 AM, Jay Herrington <Jay_Herrington@fws.gov> wrote:

See attached.

Jay B. Herrington

Field Supervisor

U. S. Fish and Wildlife Service

Northeast Florida Ecological Services Field Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256

(904) 731-3191 (phone)

(904) 731-3045 (fax)

E-mail: jay_herrington@fws.gov

From: Bowie, John [mailto:Bowie.John@epa.gov]

Sent: Wednesday, September 23, 2015 2:10 PM

To: jay_herrington@fws.gov

Cc: Horning Dave (david_horning@fws.gov)

Subject: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

Mr. Jay Herrington

U. S. Fish & Wildlife Service

North Florida Ecological Services Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256-7517

Dear Mr. Herrington:

EPA is requesting USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq.) for a proposal entitled "Tampa Bay National Estuary Program (Implementation)" that is currently being considered for funding by the Gulf Ecosystem Restoration Council (Council). The Council assigned Unique Identifier is EPA_RESTORE_002_005_Cat2.

The Council's Draft Funded Priorities List includes a proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

To facilitate your review we will forward a Summary Report, an iPaC Report, and other pertinent information for each of the seven component projects mentioned above directly to David Horning.

If you have any questions or need additional information, you can contact me at (228)688-3888 or at bowie.john@epa.gov OR Felicia Burks at 404-562-9371 or at burks.felicia@epa.gov.

We've had some discussions with David already. Thank you for your cooperation in processing our request.

John F. Bowie

U.S. Environmental Protection Agency

Gulf of Mexico Program Office

Building 1100 – Room 232

Stennis Space Center, MS 39529

John F. Bowie

EPA Gulf of Mexico Program

Office (228)688-3888

Cell (228)265-1774

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ATTACHMENT

EPA Determination regarding NOAA ESA Consultation

MEMORANDUM

April 27, 2016

TO: Felicia Burks, Environmental Engineer
Technical Program Manager for the Tampa Bay Estuary Program

FROM: Duncan Powell, Life Scientist
Endanger Species Act Coordinator

SUBJECT: EPA-RESTORE_002_005_Category 2
NOAA/NMFS Endangered Species Act Section 7 Consultation
TBEP RESTORE Project Status

1. A. Ft. Desoto Recirculation- Pinellas County (Phase 1)

NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The proposed work is the dredging of a causeway and the construction of a bridge over the dredged area on an existing maintenance road. The purpose of the project is to increase water circulation and expand seagrass habitat within the back-bays of Mullet Key. The project is located at Fort DeSoto maintenance road, in Sections 8 & 9, Township 33 South, Range 16 East, Tierra Verde, Pinellas County. Florida. The RESTORE Council action would fund the Ft. DeSoto Recirculation Project in Pinellas County, FL. The ACOE's issuance of the permit to construct the recirculation project needed to happen prior to the RESTORE Council funding the project. The ACOE's issuance of the permit required consultation.

The EPA relies on the consultation that was completed by the ACOE for the NWP 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities).

Attachment B Section 7_Ft Desoto Recirculation project has a signed consultation of not likely to adversely affect by the U.S. Fish and Wildlife Service dated June 26, 2015. This consultation covered all the species within the action area including the manatee, Gulf sturgeon and sea turtles. There is no further need to get further concurrence with NOAA.

Attachment E_Ft Desoto ACOE and SWFWMD Permits Ft Desoto Recirculation project. This attachment includes the NWP 27 that is valid until March 18, 2017 (page 2). Conditions of the NWP 27 include the “Standard Manatee Conditions for In-water Work dated 2011, (page 15), Manatee warning signage (page 16), and Sea Turtle and Smalltooth Sawfish Construction Conditions (page 17).

B. Ft. DeSoto Sand Dune Walkovers (Phase 2)

NOAA/NMFS ESA “No Effect” Determination.

The Phase 2 dune walkovers are in the uplands outside of NOAA/NMFS jurisdiction.

FWS ESA consultation is needed for the Federal funding of the sand dune walkovers.

The second phase of Ft. DeSoto Recirculation and Seagrass Recovery Project (proposed for funding under RESTORE) involves the construction of dune walkovers on the west side of the park, along the dunes fronting the Gulf of Mexico.

The Florida Clearinghouse review and CCCL have been applied for by Pinellas County. Pinellas County is waiting to hear back from the State regulatory agencies.

These dune walkovers will directly protect sand dunes and conserve coastal habitat by directing pedestrian traffic away from the dunes and to the dune walkovers. This will protect living marine and coastal resources by preventing damage to coastal systems, preventing disruption of nesting shorebirds and eliminating impacts to nesting sea turtles. Protection of the dune systems will assist with enhancing resiliency to upland infrastructure by preventing tidal overwash and flooding and decreasing erosion. Dunes damaged from pedestrian foot-traffic will be able to recover and grow with shifting sands to again accrete sand along the dune lines. Finally, establishing raised dune walkovers will help mitigate for sea level rise over the long term. This is a phased project that can be permitted and constructed as funding allows.'

The threatened piping plover (*Charadrius melanotos*) may be found in the project area. There should be restrictions of construction during their winter nesting season.

2. Palm River Restoration- SWFWMD

Has ACOE permit

No Effect Determination.

A No Effect determination was made for NOAA jurisdictional Federally listed species and critical habitats because the action area is in uplands and freshwater wetlands and the RESTORE funds will be used for removal of exotic plant species.

TBEP RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Disturbed areas on both parcels have been colonized by nuisance species, primarily Brazilian pepper, but also lead tree, air potato, and cogongrass. The contractor will remove the exotic and nuisance vegetation by methods outlined in an attached map and specifications. A one-year maintenance period will provide quarterly monitoring and spraying to kill any regrowth of the target species. (Palm River Restoration Project Summary RESTOREenvcomplCat2toCat1_DRAFT_Sept 21 2015)

3. Robinson Preserve Restoration- Manatee County

No Effect Determination.

The EPA has made a "No Effect" determination because there are no Federally listed species or critical habitat under NOAA's jurisdiction within the action area of this project.

Phase II of this project, for which TBEP and Manatee County are requesting \$271,430 in RESTORE funding, consists of creation by excavation of low quality uplands, a total of 65.24 acres of estuarine habitats from former agricultural lands. Invasive plant species covers the existing uplands.

The expansion project entails the creation of a large matrix of estuarine and upland habitats from former farmlands within the bounds of recently acquired portions of Robinson Preserve located in Manatee County at the junction of two major estuarine systems; Sarasota Bay and Tampa Bay. The 150 acre expansion area is currently providing limited ecosystem services after being used for five decades as a sod & row crop operation, then abandoned and heavily invaded by invasive species for over a decade, then used as a fill dirt staging area in preparation for a residential development with golf course. While significant portions of the overall Robinson Preserve are either made up of extant mangrove swamp systems or recently restored areas, 150 acres of the

site (Robinson Expansion) remains in need of restoration, providing ample opportunity to enhance regional ecosystem services and bolster wildlife populations.

4. Hillsborough County Invasive Plant removal- Hillsborough County
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

This project is to eradicate all category I and II invasive plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. A qualified contractor will be hired through the competitive bid process to conduct an initial treatment that results in 95 percent control of the plants, followed by one year of quarterly treatment, one year of bi-annual treatment, and one final year with one treatment. (August 2015_RESTORE project questions Coastal Invasive Plant Removal).

5. Biosolids to Energy project- City of St. Petersburg
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The project is to upgrade a biosolids treatment facilities at the Southwest Water Reclamation Facility (SWRF) to a Temperature Phased Anaerobic Digestion. The upgrade is to optimize methane generation which will be used to produce renewable natural gas. There is no work in waters of the United States. The upgrade will allow the City of St. Petersburg to consolidate their biosolid operations from all their treatment plants to the Southwest Water Resource Facility. The proposed work will be conducted at the existing SWRF, which is an existing domestic wastewater treatment plant. No Federally listed species nor their habitats are found within the treatment facilities and there are no critical habitats found at the treatment facilities.

6. Copeland Park Pond Restoration- City of Tampa
No Effect Determination

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation.

7. Coopers Point Restoration- City of Clearwater
NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a new channel from Cooper’s Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. Although a formal jurisdictional wetland survey has yet to be completed, based on field reviews, the area to be excavated is mostly composed of disturbed uplands. The banks of the new channel will be stabilized with stabilization mats.

Additional stabilization will occur when mangroves are planted along the new channel. A temporary sediment basin will be created to dry wet sediment prior to being hauled away. Brazilian pepper removal will occur within the wetlands on Cooper's Point. The project is in the planning phase and a Corps permit will be needed prior to implementation.

There are no NOAA Federally listed species or critical habitat within the action area. The action area is the uplands where the 200-foot channel (30 feet wide) will be constructed along with the existing shorelines on either side of the proposed channel. The U.S. Fish and Wildlife Service has determined the proposed project is "not likely to adversely affect" any federally listed species or critical habitat (September 28, 2015, email from Jay Herrington, North Florida Ecological Services Field Office Supervisor to John F. Bowie, U.S.E.P.A.)

ATTACHMENT

Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Mr. Ron Hosler
Tampa Bay Estuary Program
263-13th Ave. South, Suite 350
St. Petersburg, Florida 33701

September 28, 2015

RE: DHR Project File No.: 2015-4672, Received by DHR: September 22, 2015
Application Number: EPA_RESTORE_002_005_Cat2
Project: *Hillsborough County Invasive Plant Removal*
County: Hillsborough

Dear Mr. Hosler:

The Florida State Historic Preservation Officer reviewed the referenced project for possible effects on historic properties listed, or eligible for listing, on the *National Register of Historic Places*. The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and its implementing regulations in *36 CFR Part 800: Protection of Historic Properties*.

It is the opinion of this office that the proposed project is unlikely to affect historic properties. However, the permit, if issued, should include the following special condition regarding unexpected 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 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 Mary Berman, Historic Sites Specialist, by email at Mary.Berman@dos.myflorida.com, or by telephone at 850.245.6333 or 800.847.7278.

Sincerely,

Robert F. Bendus, Director
Division of Historical Resources
& State Historic Preservation Officer



Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6333 • 850.245.6439 (Fax) dos.myflorida.com/historical/
Promoting Florida's History and Culture VivaFlorida.org



ENVIRONMENTAL INFORMATION DOCUMENT – This document provides a summary of the named component project, including compliance information with certain regulations (NEPA, NHPA, ESA, Magnuson-Stevens (EFH), and Fish and Wildlife Coordination Act (FWCA)). Demonstrating compliance with these certain regulations is a requirement of the Gulf Coast Ecosystem Restoration Council (GCERC) to move a project from Category 2 to Category 1 status (eligible for funding) on the Funded Priorities List (FPL).

Tampa Bay Estuary Program (Implementation) - The Unique identifier assigned to this project is EPA_RESTORE_002_005_Cat2 - This Project is currently listed as a Category 2 on GCERC's Funded Priorities List (FPL). The project includes seven elements (component projects) which are (1) Ft De Soto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water Quality Improvement.

Copeland Park Pond Restoration Project Summary

Project Description: The 79,825 square foot Copeland Park pond is in dire need of restoration. Natural materials have filled in the pond over many years as it no longer functions in terms of wildlife habitat or storm water management. The pond lies within Copeland Park and is surrounded by approximately 20 acres of mixed hardwood forest habitat.

The project is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. Specifically, the project scope consists of dredging approximately 26,285 cubic yards of earthen materials to conduct shoreline restoration, littoral shelf development, and open water habitat. 1,143 linear feet of shoreline will be enhanced with native shallow water plants. Appropriate plants will be installed in different zones according to different depth ranges, i.e. Seasonal High Water + 1.0' to SHW + 0.5'; SHW +0.5' to SHW - 0.5'; SHW -0.5' to SHW -2.0'; SHW -2.0' to SHW -4.0'. The higher two zones will consist of trees, shrubs, and herbaceous plants and the lower two zones will be limited to herbaceous plantings. The pond slope will change after six feet of depth to a 1:1 slope down to SHW -15.0' with an area of flat bottom. Fish structures are proposed to be located at different depths.

Environmental Benefits: The restored fresh water habitat will be beneficial to insects, amphibians, fish, reptiles, birds, and mammals indigenous to the area. The uplands surrounding the pond are proposed to be enhanced with the removal of exotic, invasive plant species with an infill of native plant species. Wild urban herbivores would utilize the pond as a source of drinking water. Park users would benefit from additional wildlife viewing opportunities. The community would benefit from a reduced chance of localized flooding.

NEPA: EPA has determined that the TBEP RESTORE funded portion of the *Copeland Park Stormwater Enhancements Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the RESTORE funded portion of the *Copeland Park Stormwater Enhancements Project*, which is one of the seven component projects that comprise the **Tampa Bay**

Estuary Program (Implementation) is statutorily exempt from NEPA because the project does not include (i) the award of wastewater treatment construction grants under Title II of the Clean Water Act; or (ii) EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act; or (iii) certain research and development projects; or (iv) development and issuance of regulations; or (v) EPA actions involving renovations or new construction of facilities; or (vi) certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Additional Information: EPA voluntarily provides the following additional information to further assist the GCERC Staff with their environmental compliance review process.

The implementation of this project is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time. The Copeland Park Pond Restoration project is located within the City of Tampa's Copeland Park. The project will result in potentially significant improvements in water quality and seagrass habitat, benefiting the quality of the human use and environment in the Park.

The implementation of this project is not 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. Because the project is located within a City Park that does not have permanent human inhabitants, the project will not disproportionately or negatively impact any community. The project is expected to have positive environmental effects through improvements in water quality and seagrass habitat.

The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat. In an email dated September 28, 2015, The U.S. Fish and Wildlife Service (USFWS) determined that the proposed project, including all seven component projects listed above, "is not likely to adversely affect" any federal listed species or critical habitat.

The implementation of this project is not known or expected to significantly affect national natural landmarks or any property with nationally 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. In a letter dated September 28, 2015, The Florida State Historic Preservation Officer (SHPO) issued the office's opinion that the proposed project will have no adverse effect on historic properties listed, or eligible for listing, on the *National Register of Historic Places*.

The implementation of this project is not 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 is restoring an existing stormwater pond, which will enhance the existing natural resource areas.

The implementation of this project is not known or expected to cause significant adverse air quality effects. During construction there may exhaust emissions from trucks, bulldozers, backhoes, etc., but these air emissions are expected to be de minimis. In addition there can be dust generated during earth moving or ground disturbing activities. Dust generation will be minimized through use of best management practices such as wetting of soils and use of covers on trucks hauling dirt.

The implementation of this project is not 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 enhancement of the existing stormwater pond will not change land use or alter the character of existing areas, or be inconsistent with existing management plans.

The proposed action is known or expected to cause significant public controversy about a potential environmental impact of the proposed action. The project is not expected to cause significant public controversy about a potential environmental impact of the proposed action. The project supports the Tampa Bay Estuary Program CCMP, the EPA TMDL for Tampa Bay, and Florida's Reasonable Assurance determination for Tampa Bay.

The proposed action is known or expected to be associated with providing funding to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts. The project does not provide funding to a federal agency. It would provide funding to The Tampa Bay Estuary Program (an Independent Special District of the State of Florida) and its subcontractor the City of Tampa in Florida.

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 is not expected to conflict with federal, state or local government, or federally recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

NHPA: A review of the proposed project area was conducted in accordance with Section 106 of the

National Historic Preservation Act of 1966, as amended and 36 CFR Part 800: Protection of Historic Properties. EPA and Tampa Bay Estuary Program submitted a request to the Florida State Historic Preservation Officer on September 17, 2015, requesting their review of the project for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archeological value. In a letter dated September 28, 2015, the Florida Division of Historical Resources issued their opinion that the proposed project will have no adverse effect on this resource.

The Florida Division of Historical Resources noted the following special condition should be included in permits issued regarding inadvertent discoveries:

If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, or any other physical remains that could be associated with Native America cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee should contact this office, as well as the appropriate permitting agency. In the event that unmarked remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

ESA: In an email dated September 23, 2015, EPA and Tampa Bay Estuary Program requested USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq) for the proposed project entitled "Tampa Bay National Estuary Program (Implementation)" that was included on the GCERC's "Draft" Funded Priorities List (FPL). The proposed project was developed by the EPA and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposed project includes seven elements (component projects) which are (1) Ft. De Soto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; Coastal Invasive Plant removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and Coopers Point Water Quality Improvement.

In an email dated September 28, 2015, The U.S. Fish and Wildlife Service (USFWS) determined that the proposed project, including all seven component projects listed above, "is not likely to adversely affect" any federal listed species or critical habitat.

EFH: Tampa Bay Estuary Program staff provided Essential Fish Habitat (EFH) assessments and other documentation for review by the NOAA Southeast Region's Habitat Conservation Division (SER HCD) via email on September 23, 2015 for the following seven component projects comprising the Tampa Bay Estuary Program (Implementation) project:

Copeland Park Pond Restoration	Hillsborough County, FL
Palm River Restoration Project Phase II	Hillsborough County, FL
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, FL
Robinson Preserve Expansion Project	Manatee County, FL
Fort De Soto Recirculation and Seagrass Recovery	Pinellas County, FL
St. Petersburg Biosolids to Energy Project	Pinellas County, FL
Cooper's Point Water Quality Improvement & Restoration	Pinellas County, FL

The SER HCD issued a letter on September 24, 2015 to EPA concluding that, based on their review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH). In the letter, the SER HCD acknowledged that, where applicable, best management practices to minimize both short term construction impacts and

long term impacts to sensitive habitats have been developed and were included in the EFH assessments provided. The SER HCD had no EFH conservation recommendations to provide pursuant to 305(b)(2) of the Magnuson-Stevens Act.

FWCA: EPA received feedback on September 28, 2015 from the U.S. Fish and Wildlife Service (USFWS) on the Endangered Species Act relating to the project.

The following table summarizes the various authorities consulted and permits issued

Agency	Representatives Name, Office, & Phone	Date	Notes and topic discussed, relevant details, and conclusions
U.S. Fish and Wildlife Service	Peter Plage (904)371-3085 Heath Rauschenberger PhD. (904)731-3203	9/28/2015	ESA - Threatened and endangered species; see attached email. This project previously underwent intra-Service consultation and, as conditioned in the U.S. Army, Corps of Engineers (Corps) permit for the project (SAJ-2012-06831(NWP-27)) requires compliance with "Standard Manatee Conditions for In-Water Work" and "Standard Protection Measures for the Eastern Indigo Snake.", is not likely to adversely affect listed species. <u>USFW determined the proposed project, including the seven component projects, is "not likely to adversely affect" any federally listed species or critical habitat.</u>
Florida State Historical Preservation Officer (SHPO)	Robert F. Bendus Mary Berman (850)245-6333	9/28/2015	NHPA - Historical, cultural, and archeological resources; see attached letter. Based on the information provided for the above referenced project, it is the opinion of the SHPOs office that the proposed project will have no adverse effect on this resource. Because there is still some potential for archaeological sites to occur during ground disturbing activities, we request that the permit, if issued, should include a special condition regarding inadvertent discoveries.
NOAA	Mark Sramek Virginia Fay	9/24/2015	EFH - Magnuson-Stevens Act; see attached letter. From NOAA's our review, the proposed project activities <u>would only result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH) under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).</u> The SER HCD had no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time.
USACE			USACE Permit may be required after design has been completed;
Southwest Florida Water Management District			SFWMD Permit may be required after design has been completed;

Attachments:

- EPA NEPA Review; December 7, 2016
- NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter; September 24, 2015
- USFWS Endangered Species Act (ESA) Clearance Letter; September 28, 2015
- EPA “No Effect” Determination regarding NOAA ESA consultation; April 27, 2016
- Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter; Sept. 28, 2015

ATTACHMENT

EPA NEPA Review



RESTORE Council Funded Project
National Environmental Policy Act (NEPA) Review
United States Environmental Protection Agency
Gulfport, MS 39501

Copeland Park Pond Restoration Project

EPA has determined that the TBEP RESTORE funded portion of the *Copeland Park Stormwater Enhancements Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the RESTORE funded portion of the *Copeland Park Stormwater Enhancements Project*, which is one of the seven component projects that comprise the **Tampa Bay Estuary Program (Implementation)** is statutorily exempt from NEPA because the project does not include (i) the award of wastewater treatment constructions grants under Title II of the Clean Water Act; or (ii) EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act; or (iii) certain research and development projects; or (iv) development and issuance of regulations; or (v) EPA actions involving renovations or new construction of facilities; or (vi) certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Responsible Official for NEPA Review

As the Responsible Official for NEPA review, I have determined that this action statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b).

Signature  12/7/16	Name & Title Chris Miltzschler Chief – R4-RCRD-NEPA Office	Phone Number (404)562-9512
EPA Contact for Environmental Review on this Project (If different from Responsible Official)		
Name John F. Bowie, P.E.	Title Environmental Engineer	Phone Number (228)679-5891

ATTACHMENT

NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter

**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

September 24, 2015 F/SER46:MS/RS

Mr. John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, Mississippi 39529-0001

Dear Mr. Bowie,

In response to the Deepwater Horizon oil spill, the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies Council, through U.S. Environmental Protection Agency, proposes to fund the construction of the following Tampa Bay National Estuary Program projects:

<u>Project Title</u>	<u>Location</u>
Copeland Park Pond Restoration	Hillsborough County, Florida
Palm River Restoration Project Phase II	Hillsborough County, Florida
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, Florida
Robinson Preserve Expansion Project	Manatee County, Florida
Fort DeSoto Recirculation Project	Pinellas County, Florida
St. Petersburg Biosolids to Energy Project	Pinellas County, Florida
Cooper's Point Water Quality Improvement and Restoration	Pinellas County, Florida

From our review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH) under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

As specified in the Magnuson-Stevens Act, EFH consultation is required for federal actions which may adversely impact EFH. The local project sponsors prepared EFH assessments and National Environmental Policy Act documents for these projects and Tampa Bay National Estuary Program staff provided this information for our review by electronic mail dated September 23, 2015. The Southeast Region's Habitat Conservation Division (SER HCD) has reviewed the EFH assessments and associated National Environmental Policy Act information, and finds the documents adequately evaluate proposed project impacts to EFH supportive of a number of federally managed fishery species. Where applicable, best management practices to minimize both short term construction impacts and long term impacts to sensitive habitats have been developed and were included in the EFH assessments.

The SER HCD has no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time. Further consultation on this matter is not



necessary unless future modifications are proposed and such actions may result in adverse impacts to EFH.

Sincerely,

A handwritten signature in black ink that reads "Virginia M. Fay".

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

F/SER - Giordano
F/SER4 - Dale
F/SER46 - Sramek

ATTACHMENT

USFWS Endangered Species Act (ESA) Clearance Letter

Bowie, John

From: Rauschenberger, Heath <heath_rauschenberger@fws.gov>
Sent: Monday, September 28, 2015 3:29 PM
To: Bowie, John; Burks, Felicia
Cc: Jay Herrington; David Horning; Channing St. Aubin; Peter Plage
Subject: Re: FW: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, MS 39529

Re: EPA – RESTORE_002_005_Cat2

Dear Mr. Bowie:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, and wetlands and upland habitats throughout the Tampa Bay watershed. Our comments are in reference to compliance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

(1) The Ft. Desoto Recirculation and Seagrass Recovery element involves restoring hydrologic flow and circulation between two backwater bays currently blocked by a land bridge formed by the access road to one of Fort Desoto County Park's upland islands. A U.S. Army, Corps of Engineers (Corps) permit for the project (SAJ-2002-06831(NWP-27)) requires compliance with "Standard Manatee Conditions for In-Water Work" and "Standard Protection Measures for the Eastern Indigo Snake." This project previously underwent intra-Service consultation and, as conditioned in the Corps permit, is not likely to adversely affect listed species.

(2) The Palm River Habitat and Water Quality Restoration Phase II element involves improvements to wetlands and upland habitats on two parcels within the Tampa Bay watershed. Both parcels have experienced extensive drainage ditch excavation that has resulted in reduced hydroperiods within palustrine wetlands and disruption of surface drainage. This project has a Corps permit (SAJ-2013-03249 (NW-LDD)). RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(3) The Robinson Preserve Water Quality and Habitat Restoration element entails proposed improvements to a 150-acre area that is being added to Robinson Preserve. RESTORE funding would be used to create a total of 65.24 acres of estuarine habitats from former agricultural lands by excavation of low quality uplands. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(4) The Coastal Invasive Plant Removal element entails eradication of category I and II invasive pest plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties at Cockroach Bay Aquatic Preserve that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(5) The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation. The project is within the Core Foraging Area of the one or more wood stork colonies and may impact greater than $\frac{1}{2}$ acre of Suitable Foraging Habitat. We concur that the project 'may affect, but is not likely to adversely affect' the wood stork on the basis that the completed project would provide suitable foraging habitat equivalent to or greater than that impacted.

(6) The Biosolids to Energy element involves an upgrade of biosolids treatment facilities at the Southwest Water Reclamation Facility in order to optimize methane generation which will be used to produce renewable natural gas. This project is located on an existing wastewater treatment facility site and will not affect any additional areas. We anticipate no effect on listed species.

(7) The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a channel from Cooper's Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. The project is in the planning phase and a Corps permit will be needed prior to implementation. "Standard Manatee Conditions for In-Water Work" will be required. We have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

The Service has determined the proposed project, including the seven component projects listed above, is "not likely to adversely affect" any federally listed species or critical habitat. Should you have questions regarding this letter or require clarification, please contact Peter Plage at 904-371-3085 or peter_plage@fws.gov.

Sincerely,
Heath Rauschenberger

for
Jay B. Herrington, Field Supervisor
North Florida Ecological Services Field Office

>>>>>>>>>>>>>>>>>>>

Heath Rauschenberger, PhD
Deputy Field Supervisor
U.S. Fish and Wildlife Service
North Florida Ecological Services
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256
Office: 904-731-3203

“Management is doing things right; leadership is doing the right things.” Peter F. Drucker

On Thu, Sep 24, 2015 at 10:51 AM, Jay Herrington <Jay_Herrington@fws.gov> wrote:

See attached.

Jay B. Herrington

Field Supervisor

U. S. Fish and Wildlife Service

Northeast Florida Ecological Services Field Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256

(904) 731-3191 (phone)

(904) 731-3045 (fax)

E-mail: jay_herrington@fws.gov

From: Bowie, John [mailto:Bowie.John@epa.gov]

Sent: Wednesday, September 23, 2015 2:10 PM

To: jay_herrington@fws.gov

Cc: Horning Dave (david_horning@fws.gov)

Subject: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

Mr. Jay Herrington

U. S. Fish & Wildlife Service

North Florida Ecological Services Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256-7517

Dear Mr. Herrington:

EPA is requesting USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq.) for a proposal entitled "Tampa Bay National Estuary Program (Implementation)" that is currently being considered for funding by the Gulf Ecosystem Restoration Council (Council). The Council assigned Unique Identifier is EPA_RESTORE_002_005_Cat2.

The Council's Draft Funded Priorities List includes a proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

To facilitate your review we will forward a Summary Report, an iPaC Report, and other pertinent information for each of the seven component projects mentioned above directly to David Horning.

If you have any questions or need additional information, you can contact me at (228)688-3888 or at bowie.john@epa.gov OR Felicia Burks at 404-562-9371 or at burks.felicia@epa.gov.

We've had some discussions with David already. Thank you for your cooperation in processing our request.

John F. Bowie

U.S. Environmental Protection Agency

Gulf of Mexico Program Office

Building 1100 – Room 232

Stennis Space Center, MS 39529

John F. Bowie

EPA Gulf of Mexico Program

Office (228)688-3888

Cell (228)265-1774

bowie.john@epa.gov

ATTACHMENT

EPA Determination regarding NOAA ESA Consultation

MEMORANDUM

April 27, 2016

TO: Felicia Burks, Environmental Engineer
Technical Program Manager for the Tampa Bay Estuary Program

FROM: Duncan Powell, Life Scientist
Endanger Species Act Coordinator

SUBJECT: EPA-RESTORE_002_005_Category 2
NOAA/NMFS Endangered Species Act Section 7 Consultation
TBEP RESTORE Project Status

1. A. Ft. Desoto Recirculation- Pinellas County (Phase 1)

NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The proposed work is the dredging of a causeway and the construction of a bridge over the dredged area on an existing maintenance road. The purpose of the project is to increase water circulation and expand seagrass habitat within the back-bays of Mullet Key. The project is located at Fort DeSoto maintenance road, in Sections 8 & 9, Township 33 South, Range 16 East, Tierra Verde, Pinellas County. Florida. The RESTORE Council action would fund the Ft. DeSoto Recirculation Project in Pinellas County, FL. The ACOE's issuance of the permit to construct the recirculation project needed to happen prior to the RESTORE Council funding the project. The ACOE's issuance of the permit required consultation.

The EPA relies on the consultation that was completed by the ACOE for the NWP 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities).

Attachment B Section 7_Ft Desoto Recirculation project has a signed consultation of not likely to adversely affect by the U.S. Fish and Wildlife Service dated June 26, 2015. This consultation covered all the species within the action area including the manatee, Gulf sturgeon and sea turtles. There is no further need to get further concurrence with NOAA.

Attachment E_Ft Desoto ACOE and SWFWMD Permits Ft Desoto Recirculation project. This attachment includes the NWP 27 that is valid until March 18, 2017 (page 2). Conditions of the NWP 27 include the “Standard Manatee Conditions for In-water Work dated 2011, (page 15), Manatee warning signage (page 16), and Sea Turtle and Smalltooth Sawfish Construction Conditions (page 17).

B. Ft. DeSoto Sand Dune Walkovers (Phase 2)

NOAA/NMFS ESA “No Effect” Determination.

The Phase 2 dune walkovers are in the uplands outside of NOAA/NMFS jurisdiction.

FWS ESA consultation is needed for the Federal funding of the sand dune walkovers.

The second phase of Ft. DeSoto Recirculation and Seagrass Recovery Project (proposed for funding under RESTORE) involves the construction of dune walkovers on the west side of the park, along the dunes fronting the Gulf of Mexico.

The Florida Clearinghouse review and CCCL have been applied for by Pinellas County. Pinellas County is waiting to hear back from the State regulatory agencies.

These dune walkovers will directly protect sand dunes and conserve coastal habitat by directing pedestrian traffic away from the dunes and to the dune walkovers. This will protect living marine and coastal resources by preventing damage to coastal systems, preventing disruption of nesting shorebirds and eliminating impacts to nesting sea turtles. Protection of the dune systems will assist with enhancing resiliency to upland infrastructure by preventing tidal overwash and flooding and decreasing erosion. Dunes damaged from pedestrian foot-traffic will be able to recover and grow with shifting sands to again accrete sand along the dune lines. Finally, establishing raised dune walkovers will help mitigate for sea level rise over the long term. This is a phased project that can be permitted and constructed as funding allows.'

The threatened piping plover (*Charadrius melanotos*) may be found in the project area. There should be restrictions of construction during their winter nesting season.

2. Palm River Restoration- SWFWMD

Has ACOE permit

No Effect Determination.

A No Effect determination was made for NOAA jurisdictional Federally listed species and critical habitats because the action area is in uplands and freshwater wetlands and the RESTORE funds will be used for removal of exotic plant species.

TBEP RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Disturbed areas on both parcels have been colonized by nuisance species, primarily Brazilian pepper, but also lead tree, air potato, and cogongrass. The contractor will remove the exotic and nuisance vegetation by methods outlined in an attached map and specifications. A one-year maintenance period will provide quarterly monitoring and spraying to kill any regrowth of the target species. (Palm River Restoration Project Summary RESTOREenvcomplCat2toCat1_DRAFT_Sept 21 2015)

3. Robinson Preserve Restoration- Manatee County

No Effect Determination.

The EPA has made a "No Effect" determination because there are no Federally listed species or critical habitat under NOAA's jurisdiction within the action area of this project.

Phase II of this project, for which TBEP and Manatee County are requesting \$271,430 in RESTORE funding, consists of creation by excavation of low quality uplands, a total of 65.24 acres of estuarine habitats from former agricultural lands. Invasive plant species covers the existing uplands.

The expansion project entails the creation of a large matrix of estuarine and upland habitats from former farmlands within the bounds of recently acquired portions of Robinson Preserve located in Manatee County at the junction of two major estuarine systems; Sarasota Bay and Tampa Bay. The 150 acre expansion area is currently providing limited ecosystem services after being used for five decades as a sod & row crop operation, then abandoned and heavily invaded by invasive species for over a decade, then used as a fill dirt staging area in preparation for a residential development with golf course. While significant portions of the overall Robinson Preserve are either made up of extant mangrove swamp systems or recently restored areas, 150 acres of the

site (Robinson Expansion) remains in need of restoration, providing ample opportunity to enhance regional ecosystem services and bolster wildlife populations.

4. Hillsborough County Invasive Plant removal- Hillsborough County
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

This project is to eradicate all category I and II invasive plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. A qualified contractor will be hired through the competitive bid process to conduct an initial treatment that results in 95 percent control of the plants, followed by one year of quarterly treatment, one year of bi-annual treatment, and one final year with one treatment. (August 2015_RESTORE project questions Coastal Invasive Plant Removal).

5. Biosolids to Energy project- City of St. Petersburg
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The project is to upgrade a biosolids treatment facilities at the Southwest Water Reclamation Facility (SWRF) to a Temperature Phased Anaerobic Digestion. The upgrade is to optimize methane generation which will be used to produce renewable natural gas. There is no work in waters of the United States. The upgrade will allow the City of St. Petersburg to consolidate their biosolid operations from all their treatment plants to the Southwest Water Resource Facility. The proposed work will be conducted at the existing SWRF, which is an existing domestic wastewater treatment plant. No Federally listed species nor their habitats are found within the treatment facilities and there are no critical habitats found at the treatment facilities.

6. Copeland Park Pond Restoration- City of Tampa
No Effect Determination

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation.

7. Coopers Point Restoration- City of Clearwater
NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a new channel from Cooper’s Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. Although a formal jurisdictional wetland survey has yet to be completed, based on field reviews, the area to be excavated is mostly composed of disturbed uplands. The banks of the new channel will be stabilized with stabilization mats.

Additional stabilization will occur when mangroves are planted along the new channel. A temporary sediment basin will be created to dry wet sediment prior to being hauled away. Brazilian pepper removal will occur within the wetlands on Cooper's Point. The project is in the planning phase and a Corps permit will be needed prior to implementation.

There are no NOAA Federally listed species or critical habitat within the action area. The action area is the uplands where the 200-foot channel (30 feet wide) will be constructed along with the existing shorelines on either side of the proposed channel. The U.S. Fish and Wildlife Service has determined the proposed project is "not likely to adversely affect" any federally listed species or critical habitat (September 28, 2015, email from Jay Herrington, North Florida Ecological Services Field Office Supervisor to John F. Bowie, U.S.E.P.A.)

ATTACHMENT

Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Mr. Ron Hosler
Tampa Bay Estuary Program
263-13th Ave. South, Suite 350
St. Petersburg, Florida 33701

September 28, 2015

RE: DHR Project File No.: 2015-4675, Received by DHR: September 22, 2015
Application Number: EPA_RESTORE_002_005_Cat2
Project: Copeland Park Pond Restoration – City of Tampa
County: Hillsborough

Dear Mr. Hosler:

The Florida State Historic Preservation Officer reviewed the referenced project for possible effects on historic properties listed, or eligible for listing, on the *National Register of Historic Places*. The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and its implementing regulations in *36 CFR Part 800: Protection of Historic Properties*.

It is the opinion of this office that the proposed project is unlikely to affect historic properties. However, the permit, if issued, should include the following special condition regarding unexpected 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 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 Mary Berman, Historic Sites Specialist, by email at Mary.Berman@dos.myflorida.com, or by telephone at 850.245.6333 or 800.847.7278.

Sincerely,

Robert F. Bendus, Director
Division of Historical Resources
& State Historic Preservation Officer



Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6333 • 850.245.6439 (Fax) dos.myflorida.com/historical/
Promoting Florida's History and Culture VivaFlorida.org



ENVIRONMENTAL INFORMATION DOCUMENT – This document provides a summary of the named component project, including compliance information with certain regulations (NEPA, NHPA, ESA, Magnuson-Stevens (EFH), and Fish and Wildlife Coordination Act (FWCA)). Demonstrating compliance with these certain regulations is a requirement of the Gulf Coast Ecosystem Restoration Council (GCERC) to move a project from Category 2 to Category 1 status (eligible for funding) on the Funded Priorities List (FPL).

Tampa Bay Estuary Program (Implementation) - The Unique identifier assigned to this project is EPA_RESTORE_002_005_Cat2 - This Project is currently listed as a Category 2 on GCERC's Funded Priorities List (FPL). The project includes seven elements (component projects) which are (1) Ft De Soto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water Quality Improvement.

Coopers Point Water Quality Improvement Project Summary

Project Description: With RESTORE funds, the City of Clearwater will excavate approximately 5,200 cubic yards to create a channel from Cooper's Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. Although a formal jurisdictional wetland survey has yet to be completed, based on field reviews, the area to be excavated is mostly composed of disturbed uplands. The banks of the new channel will be stabilized with stabilization mats. Additional stabilization will occur when mangroves are planted along the new channel. A temporary sediment basin will be created to dry wet sediment prior to being hauled away. Brazilian pepper removal will occur within the wetlands on Cooper's Point.

The RESTORE-funded project is a portion of a larger project. The City will need to haul away the excavated material, conduct bathymetry surveys (pre- and post- construction), establish a water quality monitoring program, and restore areas disturbed by construction activities. Planning and permitting are underway.

NEPA: EPA has determined that the TBEP RESTORE funded portion of the *Coopers Point Water Quality Improvement Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the RESTORE funded portion of the *Coopers Point Water Quality Improvement Project*, which is one of the seven component projects that comprise the **Tampa Bay Estuary Program (Implementation)** is statutorily exempt from NEPA because the project does not include (i) the award of wastewater treatment constructions grants under Title II of the Clean Water Act; or (ii) EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act; or (iii) certain research and development projects; or (iv) development and issuance of regulations; or (v) EPA actions involving renovations or new construction of facilities; or (vi) certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination

- System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Additional Information: EPA voluntarily provides the following additional information to further assist the GCERC Staff with their environmental compliance review process.

The implementation of this project is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time. The project will result in improved flushing and tidal exchange and improved water quality within the back bay, benefiting the quality of the human use and environment in the Preserve.

The implementation of this project is not 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. Because the project is located within an area of the City of Clearwater that does not have permanent human inhabitants, the project will not disproportionately or negatively impact any community. The project is expected to have positive environmental effects through enhancement of estuarine habitat.

The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat. In an email dated September 28, 2015, The U.S. Fish and Wildlife Service (USFWS) determined that the proposed project, including all seven component projects listed above, "is not likely to adversely affect" any federal listed species or critical habitat.

The implementation of this project is not known or expected to significantly affect national natural landmarks or any property with nationally 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. In a letter dated September 28, 2015, The Florida State Historic Preservation Officer (SHPO) issued the office's opinion that the proposed project will have no adverse effect on historic properties listed, or eligible for listing, on the *National Register of Historic Places*.

The implementation of this project is not 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. Opening the channel to create tidal flushing between a back bay and Old Tampa Bay is not expected to negatively affect environmentally important natural resources.

The implementation of this project is not known or expected to cause significant adverse air quality effects. During construction there may exhaust emissions from trucks, bulldozers, backhoes, etc., but these air emissions are expected to be de minimis. In addition there can be dust generated during earth moving or ground disturbing activities. Dust generation will be minimized through use of best management practices such as wetting of soils and use of covers on trucks hauling dirt.

The implementation of this project is not 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 habitat value of existing land use is not expected to be significantly impacted by the construction of a tidal channel. The project is located in an area of the City of Clearwater that does not have a permanent human population area, and is not on federally-recognized Indian tribe lands.

The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project. The project is not expected to cause significant public controversy because it supports the Tampa Bay Estuary Program CCMP.

The implementation of this project is not known or expected to be associated with providing funding to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts. The project does not provide providing funding to a federal agency. It would provide funding to The Tampa Bay Estuary Program (an Independent Special District of the State of Florida) and its subcontractor the City of Clearwater (a city in the State of Florida).

The implementation of this project is not 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 is not expected to conflict with federal, state or local government, or federally recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

NHPA: A review of the proposed project area was conducted in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended and 36 CFR Part 800: Protection of Historic Properties. EPA and Tampa Bay Estuary Program submitted a request to the Florida State Historic Preservation Officer on September 17, 2015, requesting their review of the project for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archeological value. In a letter dated September 28, 2015, the Florida Division of Historical Resources issued their opinion that the proposed project will have no adverse effect on this resource.

The Florida Division of Historical Resources noted the following special condition should be included in permits issued regarding inadvertent discoveries:

If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, or any other physical remains that could be associated with Native America cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee should contact this office, as well as the appropriate permitting agency. In the event that unmarked remains are encountered during permitted activities, all work shall stop

immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

ESA: In an email dated September 23, 2015, EPA and Tampa Bay Estuary Program requested USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq) for the proposed project entitled "Tampa Bay National Estuary Program (Implementation)" that was included on the GCERC's "Draft" Funded Priorities List (FPL). The proposed project was developed by the EPA and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposed project includes seven elements (component projects) which are (1) Ft. De Soto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; Coastal Invasive Plant removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and Coopers Point Water Quality Improvement. In an email dated September 28, 2015, The U.S. Fish and Wildlife Service (USFWS) determined that the proposed project, including all seven component projects listed above, "is not likely to adversely affect" any federal listed species or critical habitat.

EFH: Tampa Bay Estuary Program staff provided Essential Fish Habitat (EFH) assessments and other documentation for review by the NOAA Southeast Region's Habitat Conservation Division (SER HCD) via email on September 23, 2015 for the following seven component projects comprising the Tampa Bay Estuary Program (Implementation) project:

Copeland Park Pond Restoration	Hillsborough County, FL
Palm River Restoration Project Phase II	Hillsborough County, FL
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, FL
Robinson Preserve Expansion Project	Manatee County, FL
Fort De Soto Recirculation and Seagrass Recovery	Pinellas County, FL
St. Petersburg Biosolids to Energy Project	Pinellas County, FL
Cooper's Point Water Quality Improvement & Restoration	Pinellas County, FL

The SER HCD issued a letter on September 24, 2015 to EPA concluding that, based on their review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH). In the letter, the SER HCD acknowledged that, where applicable, best management practices to minimize both short term construction impacts and long term impacts to sensitive habitats have been developed and were included in the EFH assessments provided. The SER HCD had no EFH conservation recommendations to provide pursuant to 305(b)(2) of the Magnuson-Stevens Act.

FWCA: EPA received feedback on September 28, 2015 from the U.S. Fish and Wildlife Service (USFWS) on the Endangered Species Act relating to the project.

The following table summarizes the various authorities consulted and permits issued

Agency	Representatives Name, Office, & Phone	Date	Notes and topic discussed, relevant details, and conclusions
U.S. Fish and Wildlife Service	Peter Plage (904)371-3085 Heath Rauschenberger PhD. (904)731-3203	9/28/2015	ESA - Threatened and endangered species; see attached email. This project previously underwent intra-Service consultation and, as conditioned in the U.S. Army, Corps of Engineers (Corps) permit for the project (SAJ-2012-06831(NWP-27)) requires compliance with "Standard Manatee Conditions for In-Water Work" and "Standard Protection Measures for the Eastern Indigo Snake.", is not likely to adversely affect listed species. <u>USFW determined the proposed project, including the seven component projects, is "not likely to adversely affect" any federally listed species or critical habitat.</u>
Florida State Historical Preservation Officer (SHPO)	Robert F. Bendus Mary Berman (850)245-6333	9/28/2015	NHPA - Historical, cultural, and archeological resources; see attached letter. Based on the information provided for the above referenced project, it is the opinion of the SHPOs office that the proposed project will have no adverse effect on this resource. Because there is still some potential for archaeological sites to occur during ground disturbing activities, we request that the permit, if issued, should include a special condition regarding inadvertent discoveries.
NOAA	Mark Sramek Virginia Fay	9/24/2015	EFH - Magnuson-Stevens Act; see attached letter. From NOAA's our review, the proposed project activities <u>would only result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH)</u> under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The SER HCD had no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time.
USACE			USACE Permit Will be Required;
Southwest Florida Water Management District			SFWMD Permit Will be Required;

Attachments:

- EPA NEPA Review; December 7, 2016
- NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter; September 24, 2015
- USFWS Endangered Species Act (ESA) Clearance Letter; September 28, 2015
- EPA “No Effect” Determination regarding NOAA ESA consultation; April 27, 2016
- Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter; Sept. 28, 2015

ATTACHMENT

EPA NEPA Review



RESTORE Council Funded Project
National Environmental Policy Act (NEPA) Review
United States Environmental Protection Agency
Gulfport, MS 39501

Coopers Point Water Quality Improvement Project

EPA has determined that the TBEP RESTORE funded portion of the *Coopers Point Water Quality Improvement Project* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the RESTORE funded portion of the *Coopers Point Water Quality Improvement Project*, which is one of the seven component projects that comprise the **Tampa Bay Estuary Program (Implementation)** is statutorily exempt from NEPA because the project does not include (i) the award of wastewater treatment constructions grants under Title II of the Clean Water Act; or (ii) EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act; or (iii) certain research and development projects; or (iv) development and issuance of regulations; or (v) EPA actions involving renovations or new construction of facilities; or (vi) certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.

40 CFR §6.101

- (a) Subparts A through C of this part apply to the proposed actions of EPA that are subject to NEPA. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, EPA actions involving renovations or new construction of facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual Appropriations Act.
- (b) Subparts A through C of this part do not apply to EPA actions for which NEPA review is not required. EPA actions under the Clean Water Act, except those identified in §6.101(a), and EPA actions under the Clean Air Act are statutorily exempt from NEPA.

Additionally, Section 4(h) of the Gulf Coast Ecosystem Restoration Council's (GCERC) National Environmental Policy Act Implementing Procedures, published in the Federal Register on May 5, 2015, states that certain council actions may be covered by a statutory exemption under existing law and states the Council will document its use of such an exemption pursuant to applicable requirements.

Responsible Official for NEPA Review

As the Responsible Official for NEPA review, I have determined that this action statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b).

Signature

12/7/16

Name & Title

Chris Militscher
Chief – R4-RCRD-NEPA Office

Phone Number

(404)562-9512

EPA Contact for Environmental Review on this Project (If different from Responsible Official)

Name

John F. Bowie, P.E.

Title

Environmental Engineer

Phone Number

(228)679-5891

ATTACHMENT

NOAA/NMFS Essential Fish Habitat (EFH) Clearance Letter

**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

September 24, 2015 F/SER46:MS/RS

Mr. John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, Mississippi 39529-0001

Dear Mr. Bowie,

In response to the Deepwater Horizon oil spill, the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies Council, through U.S. Environmental Protection Agency, proposes to fund the construction of the following Tampa Bay National Estuary Program projects:

<u>Project Title</u>	<u>Location</u>
Copeland Park Pond Restoration	Hillsborough County, Florida
Palm River Restoration Project Phase II	Hillsborough County, Florida
Hillsborough County Parks Invasive Plant Removal Project	Hillsborough County, Florida
Robinson Preserve Expansion Project	Manatee County, Florida
Fort DeSoto Recirculation Project	Pinellas County, Florida
St. Petersburg Biosolids to Energy Project	Pinellas County, Florida
Cooper's Point Water Quality Improvement and Restoration	Pinellas County, Florida

From our review, the proposed project activities would result in minimal temporary impacts to estuarine water column, underlying submerged aquatic vegetation, mangrove wetlands, and estuarine emergent marsh habitats categorized as essential fish habitat (EFH) under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

As specified in the Magnuson-Stevens Act, EFH consultation is required for federal actions which may adversely impact EFH. The local project sponsors prepared EFH assessments and National Environmental Policy Act documents for these projects and Tampa Bay National Estuary Program staff provided this information for our review by electronic mail dated September 23, 2015. The Southeast Region's Habitat Conservation Division (SER HCD) has reviewed the EFH assessments and associated National Environmental Policy Act information, and finds the documents adequately evaluate proposed project impacts to EFH supportive of a number of federally managed fishery species. Where applicable, best management practices to minimize both short term construction impacts and long term impacts to sensitive habitats have been developed and were included in the EFH assessments.

The SER HCD has no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Act at this time. Further consultation on this matter is not



necessary unless future modifications are proposed and such actions may result in adverse impacts to EFH.

Sincerely,

A handwritten signature in black ink that reads "Virginia M. Fay".

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

F/SER - Giordano
F/SER4 - Dale
F/SER46 - Sramek

ATTACHMENT

USFWS Endangered Species Act (ESA) Clearance Letter

Bowie, John

From: Rauschenberger, Heath <heath_rauschenberger@fws.gov>
Sent: Monday, September 28, 2015 3:29 PM
To: Bowie, John; Burks, Felicia
Cc: Jay Herrington; David Horning; Channing St. Aubin; Peter Plage
Subject: Re: FW: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

John F. Bowie
U.S. Environmental Protection Agency
Gulf of Mexico Program Office
Building 1100 – Room 232
Stennis Space Center, MS 39529

Re: EPA – RESTORE_002_005_Cat2

Dear Mr. Bowie:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, and wetlands and upland habitats throughout the Tampa Bay watershed. Our comments are in reference to compliance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water Quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

(1) The Ft. Desoto Recirculation and Seagrass Recovery element involves restoring hydrologic flow and circulation between two backwater bays currently blocked by a land bridge formed by the access road to one of Fort Desoto County Park's upland islands. A U.S. Army, Corps of Engineers (Corps) permit for the project (SAJ-2002-06831(NWP-27)) requires compliance with "Standard Manatee Conditions for In-Water Work" and "Standard Protection Measures for the Eastern Indigo Snake." This project previously underwent intra-Service consultation and, as conditioned in the Corps permit, is not likely to adversely affect listed species.

(2) The Palm River Habitat and Water Quality Restoration Phase II element involves improvements to wetlands and upland habitats on two parcels within the Tampa Bay watershed. Both parcels have experienced extensive drainage ditch excavation that has resulted in reduced hydroperiods within palustrine wetlands and disruption of surface drainage. This project has a Corps permit (SAJ-2013-03249 (NW-LDD)). RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(3) The Robinson Preserve Water Quality and Habitat Restoration element entails proposed improvements to a 150-acre area that is being added to Robinson Preserve. RESTORE funding would be used to create a total of 65.24 acres of estuarine habitats from former agricultural lands by excavation of low quality uplands. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(4) The Coastal Invasive Plant Removal element entails eradication of category I and II invasive pest plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties at Cockroach Bay Aquatic Preserve that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. Based on the applicant's commitment to implement the Service's "Standard Protection Measures for the Eastern Indigo Snake" during any mechanical removal that would significantly disturb vegetation or the ground surface, we have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

(5) The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation. The project is within the Core Foraging Area of the one or more wood stork colonies and may impact greater than $\frac{1}{2}$ acre of Suitable Foraging Habitat. We concur that the project 'may affect, but is not likely to adversely affect' the wood stork on the basis that the completed project would provide suitable foraging habitat equivalent to or greater than that impacted.

(6) The Biosolids to Energy element involves an upgrade of biosolids treatment facilities at the Southwest Water Reclamation Facility in order to optimize methane generation which will be used to produce renewable natural gas. This project is located on an existing wastewater treatment facility site and will not affect any additional areas. We anticipate no effect on listed species.

(7) The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a channel from Cooper's Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. The project is in the planning phase and a Corps permit will be needed prior to implementation. "Standard Manatee Conditions for In-Water Work" will be required. We have determined that the proposed project "may affect, but is not likely to adversely affect" listed species.

The Service has determined the proposed project, including the seven component projects listed above, is "not likely to adversely affect" any federally listed species or critical habitat. Should you have questions regarding this letter or require clarification, please contact Peter Plage at 904-371-3085 or peter_plage@fws.gov.

Sincerely,
Heath Rauschenberger

for
Jay B. Herrington, Field Supervisor
North Florida Ecological Services Field Office

>>>>>>>>>>>>>>>>>>>

Heath Rauschenberger, PhD
Deputy Field Supervisor
U.S. Fish and Wildlife Service
North Florida Ecological Services
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256
Office: 904-731-3203

“Management is doing things right; leadership is doing the right things.” Peter F. Drucker

On Thu, Sep 24, 2015 at 10:51 AM, Jay Herrington <Jay_Herrington@fws.gov> wrote:

See attached.

Jay B. Herrington

Field Supervisor

U. S. Fish and Wildlife Service

Northeast Florida Ecological Services Field Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256

(904) 731-3191 (phone)

(904) 731-3045 (fax)

E-mail: jay_herrington@fws.gov

From: Bowie, John [mailto:Bowie.John@epa.gov]

Sent: Wednesday, September 23, 2015 2:10 PM

To: jay_herrington@fws.gov

Cc: Horning Dave (david_horning@fws.gov)

Subject: USFWS REQUEST - RESTORE Council Project (EPA-Lead) "Tampa Bay National Estuary Program (Implementation)"

Mr. Jay Herrington

U. S. Fish & Wildlife Service

North Florida Ecological Services Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256-7517

Dear Mr. Herrington:

EPA is requesting USFWS review/consultation under section 7 of the Endangered Species Act (87 stat. 884 as amended, 16 U.S.C. 1531 et seq.) for a proposal entitled "Tampa Bay National Estuary Program (Implementation)" that is currently being considered for funding by the Gulf Ecosystem Restoration Council (Council). The Council assigned Unique Identifier is EPA_RESTORE_002_005_Cat2.

The Council's Draft Funded Priorities List includes a proposal developed by the Environmental Protection Agency and the State of Florida to restore and/or improve water quality, wetlands and upland habitats throughout the Tampa Bay watershed. The proposal includes seven elements (component projects) which are (1) Ft. Desoto Recirculation and Seagrass Recovery; (2) Palm River Habitat and Water quality Restoration Phase II; (3) Robinson Preserve Water Quality and Habitat Restoration; (4) Coastal Invasive Plant Removal; (5) Copeland Park Stormwater Enhancements; (6) Biosolids to Energy; and (7) Coopers Point Water quality Improvement.

To facilitate your review we will forward a Summary Report, an iPaC Report, and other pertinent information for each of the seven component projects mentioned above directly to David Horning.

If you have any questions or need additional information, you can contact me at (228)688-3888 or at bowie.john@epa.gov OR Felicia Burks at 404-562-9371 or at burks.felicia@epa.gov.

We've had some discussions with David already. Thank you for your cooperation in processing our request.

John F. Bowie

U.S. Environmental Protection Agency

Gulf of Mexico Program Office

Building 1100 – Room 232

Stennis Space Center, MS 39529

John F. Bowie

EPA Gulf of Mexico Program

Office (228)688-3888

Cell (228)265-1774

bowie.john@epa.gov

ATTACHMENT

EPA Determination regarding NOAA ESA Consultation

MEMORANDUM

April 27, 2016

TO: Felicia Burks, Environmental Engineer
Technical Program Manager for the Tampa Bay Estuary Program

FROM: Duncan Powell, Life Scientist
Endanger Species Act Coordinator

SUBJECT: EPA-RESTORE_002_005_Category 2
NOAA/NMFS Endangered Species Act Section 7 Consultation
TBEP RESTORE Project Status

1. A. Ft. Desoto Recirculation- Pinellas County (Phase 1)

NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The proposed work is the dredging of a causeway and the construction of a bridge over the dredged area on an existing maintenance road. The purpose of the project is to increase water circulation and expand seagrass habitat within the back-bays of Mullet Key. The project is located at Fort DeSoto maintenance road, in Sections 8 & 9, Township 33 South, Range 16 East, Tierra Verde, Pinellas County. Florida. The RESTORE Council action would fund the Ft. DeSoto Recirculation Project in Pinellas County, FL. The ACOE's issuance of the permit to construct the recirculation project needed to happen prior to the RESTORE Council funding the project. The ACOE's issuance of the permit required consultation.

The EPA relies on the consultation that was completed by the ACOE for the NWP 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities).

Attachment B Section 7_Ft Desoto Recirculation project has a signed consultation of not likely to adversely affect by the U.S. Fish and Wildlife Service dated June 26, 2015. This consultation covered all the species within the action area including the manatee, Gulf sturgeon and sea turtles. There is no further need to get further concurrence with NOAA.

Attachment E_Ft Desoto ACOE and SWFWMD Permits Ft Desoto Recirculation project. This attachment includes the NWP 27 that is valid until March 18, 2017 (page 2). Conditions of the NWP 27 include the “Standard Manatee Conditions for In-water Work dated 2011, (page 15), Manatee warning signage (page 16), and Sea Turtle and Smalltooth Sawfish Construction Conditions (page 17).

B. Ft. DeSoto Sand Dune Walkovers (Phase 2)

NOAA/NMFS ESA “No Effect” Determination.

The Phase 2 dune walkovers are in the uplands outside of NOAA/NMFS jurisdiction.

FWS ESA consultation is needed for the Federal funding of the sand dune walkovers.

The second phase of Ft. DeSoto Recirculation and Seagrass Recovery Project (proposed for funding under RESTORE) involves the construction of dune walkovers on the west side of the park, along the dunes fronting the Gulf of Mexico.

The Florida Clearinghouse review and CCCL have been applied for by Pinellas County. Pinellas County is waiting to hear back from the State regulatory agencies.

These dune walkovers will directly protect sand dunes and conserve coastal habitat by directing pedestrian traffic away from the dunes and to the dune walkovers. This will protect living marine and coastal resources by preventing damage to coastal systems, preventing disruption of nesting shorebirds and eliminating impacts to nesting sea turtles. Protection of the dune systems will assist with enhancing resiliency to upland infrastructure by preventing tidal overwash and flooding and decreasing erosion. Dunes damaged from pedestrian foot-traffic will be able to recover and grow with shifting sands to again accrete sand along the dune lines. Finally, establishing raised dune walkovers will help mitigate for sea level rise over the long term. This is a phased project that can be permitted and constructed as funding allows.'

The threatened piping plover (*Charadrius melanotos*) may be found in the project area. There should be restrictions of construction during their winter nesting season.

2. Palm River Restoration- SWFWMD

Has ACOE permit

No Effect Determination.

A No Effect determination was made for NOAA jurisdictional Federally listed species and critical habitats because the action area is in uplands and freshwater wetlands and the RESTORE funds will be used for removal of exotic plant species.

TBEP RESTORE funds will be used for the removal of exotic plant species within a 53-acre footprint on the project site. Disturbed areas on both parcels have been colonized by nuisance species, primarily Brazilian pepper, but also lead tree, air potato, and cogongrass. The contractor will remove the exotic and nuisance vegetation by methods outlined in an attached map and specifications. A one-year maintenance period will provide quarterly monitoring and spraying to kill any regrowth of the target species. (Palm River Restoration Project Summary RESTOREenvcomplCat2toCat1_DRAFT_Sept 21 2015)

3. Robinson Preserve Restoration- Manatee County

No Effect Determination.

The EPA has made a "No Effect" determination because there are no Federally listed species or critical habitat under NOAA's jurisdiction within the action area of this project.

Phase II of this project, for which TBEP and Manatee County are requesting \$271,430 in RESTORE funding, consists of creation by excavation of low quality uplands, a total of 65.24 acres of estuarine habitats from former agricultural lands. Invasive plant species covers the existing uplands.

The expansion project entails the creation of a large matrix of estuarine and upland habitats from former farmlands within the bounds of recently acquired portions of Robinson Preserve located in Manatee County at the junction of two major estuarine systems; Sarasota Bay and Tampa Bay. The 150 acre expansion area is currently providing limited ecosystem services after being used for five decades as a sod & row crop operation, then abandoned and heavily invaded by invasive species for over a decade, then used as a fill dirt staging area in preparation for a residential development with golf course. While significant portions of the overall Robinson Preserve are either made up of extant mangrove swamp systems or recently restored areas, 150 acres of the

site (Robinson Expansion) remains in need of restoration, providing ample opportunity to enhance regional ecosystem services and bolster wildlife populations.

4. Hillsborough County Invasive Plant removal- Hillsborough County
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

This project is to eradicate all category I and II invasive plants, as identified by the Florida Exotic Pest Plant Council, from coastal properties that are owned and/or managed by the Hillsborough County Conservation and Environmental Lands Management Department. A qualified contractor will be hired through the competitive bid process to conduct an initial treatment that results in 95 percent control of the plants, followed by one year of quarterly treatment, one year of bi-annual treatment, and one final year with one treatment. (August 2015_RESTORE project questions Coastal Invasive Plant Removal).

5. Biosolids to Energy project- City of St. Petersburg
No Effect Determination.

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The project is to upgrade a biosolids treatment facilities at the Southwest Water Reclamation Facility (SWRF) to a Temperature Phased Anaerobic Digestion. The upgrade is to optimize methane generation which will be used to produce renewable natural gas. There is no work in waters of the United States. The upgrade will allow the City of St. Petersburg to consolidate their biosolid operations from all their treatment plants to the Southwest Water Resource Facility. The proposed work will be conducted at the existing SWRF, which is an existing domestic wastewater treatment plant. No Federally listed species nor their habitats are found within the treatment facilities and there are no critical habitats found at the treatment facilities.

6. Copeland Park Pond Restoration- City of Tampa
No Effect Determination

The EPA has made a “No Effect” determination because there are no Federally listed species or critical habitat under NOAA’s jurisdiction within the action area of this project.

The Copeland Park Stormwater Enhancements element is designed to enhance drainage and water quality to the City of Tampa's Copeland Park stormwater pond, and restore native vegetation to the restored pond shoreline. The project is in the planning phase and a Corps permit will be needed prior to implementation.

7. Coopers Point Restoration- City of Clearwater
NWP-27 ACOE permit – ESA Intra-agency Consultation Completed on ACOE Permit

The Coopers Point Water Quality Improvement element entails work by the City of Clearwater to excavate approximately 5,200 cubic yards to create a new channel from Cooper’s Bayou to Old Tampa Bay. The channel will be approximately 200 feet in length, 25-30 feet wide, and 2.5 feet below mean high water. The project will result in improved flushing and tidal exchange and improved water quality within the back bay. Although a formal jurisdictional wetland survey has yet to be completed, based on field reviews, the area to be excavated is mostly composed of disturbed uplands. The banks of the new channel will be stabilized with stabilization mats.

Additional stabilization will occur when mangroves are planted along the new channel. A temporary sediment basin will be created to dry wet sediment prior to being hauled away. Brazilian pepper removal will occur within the wetlands on Cooper's Point. The project is in the planning phase and a Corps permit will be needed prior to implementation.

There are no NOAA Federally listed species or critical habitat within the action area. The action area is the uplands where the 200-foot channel (30 feet wide) will be constructed along with the existing shorelines on either side of the proposed channel. The U.S. Fish and Wildlife Service has determined the proposed project is "not likely to adversely affect" any federally listed species or critical habitat (September 28, 2015, email from Jay Herrington, North Florida Ecological Services Field Office Supervisor to John F. Bowie, U.S.E.P.A.)

ATTACHMENT

Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Ms. Holly Greening
Tampa Bay Estuary Program
263 13th Ave. South, Suite 350
St. Petersburg, Florida 33701

September 28, 2015

RE: DHR Project File No.: 2015-4676, Received by DHR: September 22, 2015
Application Number: EPA_RESTORE_002_005_Cat2
Project: Coopers Point Restoration – City of Clearwater
Excavate 5,200 Cubic Yards to Create Channel from Cooper's Bayou to Old Tampa Bay
Clearwater, Pinellas County

Ms. Greening:

The Florida State Historic Preservation Officer reviewed the referenced project for possible effects on historic properties listed, or eligible for listing, on the *National Register of Historic Places*. The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and its implementing regulations in *36 CFR Part 800: Protection of Historic Properties*.

It is the opinion of this office that the proposed project is unlikely to affect historic properties. However, the permit, if issued, should include the following special condition regarding unexpected 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 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*.

For any questions concerning our comments, please contact Robin Jackson, Historic Preservationist, Compliance and Review, by electronic mail at robin.jackson@dos.myflorida.com, or at 850.245.6333, or 800.847.7278.

Sincerely,

A blue ink signature of Robert F. Bendus.

Robert F. Bendus, Director
Division of Historical Resources
& State Historic Preservation Officer



Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street• Tallahassee, Florida 32399
850.245.6333 • 850.245.6439 (Fax) dos.myflorida.com/historical/
Promoting Florida's History and Culture VivaFlorida.org



www.flheritage.com