

**Gulf of Mexico Conservation Enhancement Grant Program  
Environmental Compliance Documentation  
December 2019**

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**RESTORE – Environmental Information Document**  
**Project ID:** MS RESTORE 001 005 Cat1/Cat2  
**Project Title:** Gulf of Mexico Conservation Enhancement Grant Program  
(P1) Planting of Tenet Pond for Habitat Enhancement

**Introduction:** 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).

**Gulf of Mexico Conservation Enhancement Program** - The Unique identifier assigned to this program is [MS RESTORE 001 005 Cat1/Cat2](#) - This Program is currently listed as a Cat1/Cat2 on GCERC’s Funded Priorities List (FPL). Pursuant to the program description, EPA developed and implemented the Gulf of Mexico Conservation Enhancement Grant Program (GMCEGP), a competitive funding assistance opportunity to enhance private/public partnerships that support land protection and conservation across the Gulf Coast region. The eight projects selected to be funded under the GMCEGP are:

Project ID Assigned	Organization	Project Title	EPA Grant #
P1	St. Tammany Parish Government	Planting of Tenet Pond for Habitat Enhancement	00D73818-0
P2	Atlanta Botanical Garden	Enhancing Conservation through Woody Vegetation Removal and Impact Evaluation of Novel Management Methods In Florida’s Rare Coastal Wetland Ecosystem.	00D80518-0
P3	Land Trust for the MS Coastal Plain	Gulf Coast Land Conservation Project Assistance	00D80118-0
P4	Woodlands Conservancy	Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Berateria Basin	00D80018-0
P5	Mississippi Forestry Commission	Enhancing and rehabilitating the ecological functions in a major watershed and sub-watershed in the Mississippi Gulf Coast Region.	00D80418-0
P6	The Nature Conservancy	Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project	00D80218-0
P7	Galveston Bay Foundation	Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits	00D73918-0
P8	Ducks Unlimited Inc.	Texas Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People	00D80318-0

The EPA Grants will be awarded to the eight organizations after EPA and the RESTORE Council execute an Interagency Agreement which will provide funding reimbursement to EPA for implementing the GMCEGP.

**Project Title: P1 - Planting of Tenet Pond for Habitat Enhancement (Implementation).**

**Project Description:** The project being proposed is plant 53 acres of the Tenet regional stormwater pond and an additional three (3) acres of littoral shelves where the W-15 Canal is widened downstream of the Tenet Pond (near the confluence with Doubloon Bayou). Pre- and post-planting habitat assessments) and water quality sampling of the influent and effluent will be utilized to document improvements to the water quality, habitat and biological diversity as the pond is enhanced from a sterile, single-function stormwater pond to a robust, successional ecosystem.

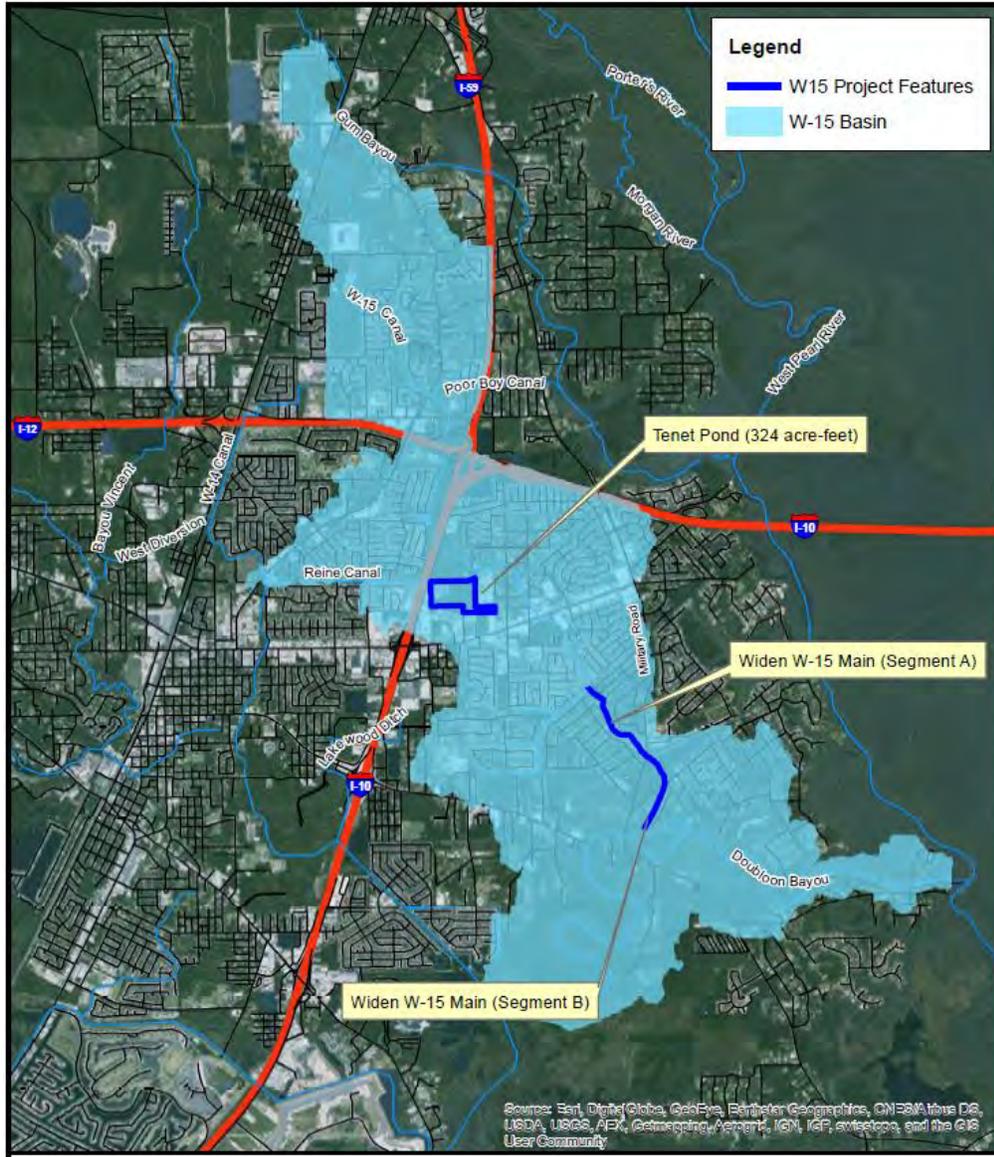
The goals of the proposed program are:

- Present curriculum segments to students in St. Tammany Parish schools and encourage students to participate in an associated field component of habitat restoration (vegetative planting) and water quality monitoring.
- Plant the 53-acre Tenet regional stormwater pond (contractor) and the downstream widening of three (3) acre lower W-15 Canal (student volunteers) with a mix of indigenous trees and shrubs that is appropriate to the site hydrology and goals of the project principle investigators and environmental specialist/ landscape architect.
- Conduct a site assessment of existing conditions and enhancements prior to and throughout the proposed three-years of funding (student volunteers and STP staff).
- Sample and quantify water quality parameters in the inflow and discharges from the pond and widened Canal. Removal efficiency of pollutants of concern (POC) across the permanent BMP (“dry pond”) will be calculated to compare with literature and the Parish’s study of the BMP. Data will be utilized by the Parish to recommend BMPs in developments.

**Measurable Outputs:** Outputs of the proposed project include completion of Cooperative Endeavor Agreement with Southeastern LA University, completion of the QAPP plus updates, a Planting Plan, pre- and post-planting habitat assessments (plants), water quality monitoring and analyses, presentations of the program to various groups, and semi-annual and annual progress reports to EPA.

**Place of Performance:** Tenet regional stormwater detention pond and widened section of W-15 Canal (downstream of Tenet outfall) in the W-15/Doubloon Bayou/West Pearl River Watershed, subsegment-090202.

**Project Period:** August 2019 to July 2022



**Figure 1:** Location of Tenet Regional Stormwater Detention Pond (source – grant application)

**Environmental Benefits:**

This project directly addresses private/public partnership supporting land protection and conservation in St. Tammany Parish by planting and protecting land through partnerships with Southeastern, while promoting education through students of the St. Tammany Parish to perform the planting in the project pond.

**NEPA:** EPA has determined that the RESTORE funded project of *Planting of Tenet Pond for Habitat Enhancement* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the action of funding this project through RESTORE 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 proposed project is located in a regional stormwater pond that has been constructed under a separate Army Corps Section 404 permitting action. The proposed RESTORE project would enhance habitat through tree planting in the pond and littoral shelves of the pond. The proposed project will have a beneficial impact on the human environment through improvements in water quality.

*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 entirely within public property and the project is expected to have positive environmental effects through improvements in water quality the project will not disproportionately or negatively impact any community.

*The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.* St. Tammany Parish was issued a section 404 Clean Water Act permit for the construction of Tenet Pond (Permit No. MVK-2013-1001) on September 16, 2016. During the permitting process for this project the Vicksburg District Corps of Engineers (Corps) evaluated the presence of endangered species in the project area and the likelihood of project activities impacting these species. Based on the Corps assessment the project would have no effect on the following species: West Indian Manatee, Red-cockaded Woodpecker, Sprague's pipit, Louisiana Quillwork, Atlantic Sturgeon. The Corps also determined that the project activities were not likely to adversely affect the following species: Dusky gopher frog, Alabama heelsplitter mussel, and the Ringed map turtle. Critical habitat was also evaluated for these previous activities and no effects determinations were made.

*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.* During the process of issuing the Corps Section 404 permit (Permit No. MVK-2013-1001 dated September 16, 2016, the Corps had a Regulatory Archaeologist review the proposed construction of Tenet pond and determined that there were no known historic properties that existed in the proposed permit area. Since the proposed RESTORE funded activities involve planting trees over newly placed fill material and the site has been previously evaluated by a Corps regulatory archeologist, the EPA has determined that the project should not impact 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

*The implementation of this project is not known or expected to cause significant adverse air quality effects.* The proposed planting activities will be done by volunteers and students by hand. It is not expected that the proposed project will have a significant adverse impact on air quality.

*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.* This project is located on public property managed by St. Tammany Parish. This project will not change or have a significant effect on the pattern and type of land use at the project site.

*The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project.* The implementation of this project is not expected to cause significant public controversy about potential environmental impacts.

*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 St. Tammany Parish who will match the Federal funds to implement the project. This project is not expected to have significant impacts on the environment.*

*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:** During the process of issuing the Corps Section 404 permit (Permit No. MVK-2013-1001 dated September 16, 2016, the Corps had a Regulatory Archaeologist review the proposed construction of Tenet pond and determined that there were no known historic properties that existed in the proposed permit area. Since the proposed RESTORE funded activities involve planting trees over newly placed fill material and the site has been previously evaluated by a Corps regulatory archeologist, the EPA has determined that the project should not impact 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.

**ESA:** St. Tammany Parish was issued a section 404 Clean Water Act permit for the construction of Tenet Pond (Permit No. MVK-2013-1001) on September 16, 2016. During the permitting process for this project the Vicksburg District Corps of Engineers (Corps) evaluated the presence of endangered species in the project area and the likelihood of project activities impacting these species. Based on the Corps assessment the project would have no effect on the following species: West Indian Manatee, Red-cockaded Woodpecker, Sprague's pipit, Louisiana Quillwork, Atlantic Sturgeon. The Corps also determined that the project activities were not likely to adversely affect the following species: Dusky gopher frog, Alabama heelsplitter mussel, and the Ringed map turtle. Critical habitat was also evaluated for these previous activities and no effects determinations were made. In addition, EPA ran the Endangered Species Act (ESA) Project Review and Guidance for Other Federal Trust Resources Report for LA (see attached) based on this report the proposed project area is not likely to impact or has no effect on listed species. EPA received concurrence from the FWS on 6/24/19. The EPA determined that the proposed project should have 'no effect' on listed species under the jurisdiction of the NMFS.

**The following table summarizes the various authorities consulted and permits issued**

<b>Agency</b>	<b>Representatives Name, Office, &amp; Phone</b>	<b>Date</b>	<b>Notes and topic discussed, relevant details, and conclusions</b>
U.S. Fish and Wildlife Service	David Walther (337)291-3122	5/7/19	<p>ESA - Threatened and endangered species; This project previously underwent consultation and, as conditioned in the U.S. Army, Corps of Engineers (Corps) permit for the project (Permit No. MVK-2013-1001) issued on September 16, 2016). No effects or NLAA on listed species. EPA spoke with FWS representatives on 5/7/19 to discuss this previous consultation and applicability to the proposed RESTORE project. Additional information on the Section 7 consultation has been requested from the Corps.</p> <p>In addition, EPA ran the Endangered Species Act (ESA) Project Review and Guidance for Other Federal Trust Resources Report for LA (see attached) based on this report the proposed project area is not likely to impact or has no effect on listed species. EPA received concurrence from the FWS on 6/24/19.</p>
Louisiana State Historical Preservation Officer (SHPO)			<p>NHPA - Historical, cultural, and archeological resources; See attached Corps project (Permit No. MVK-2013-1001) issued on September 16, 2016). No impacts to NHPA eligible properties was the conclusion of the Corps regulatory archeologist. The proposed project will be on new work material in the same project area covered under the Corps permit. Additional information on the NHPA / SHPO has been requested from the Corps.</p>

USACE	Kristi Hall (601) 631-7528	5/20/19	USACE Permit Issued;  <i>The U.S. Army, Corps of Engineers (Corps) previously issued a CWA Section 404 permit to St. Tammany Parish for related project in the same location of the proposed RESTORE project. (MVK-2013-1001)</i>
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**Attachments:**

- (a) EPA NEPA Review; May 21, 2019
- (b) ESA Consultation Report Generated 5/21/19 (Signed by FWS on 6/24/19)
- (c) Vicksburg District Army Corps of Engineers (Corps) Permit No. *MVK-2013-1001*

# Attachment A



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

**P1 – St. Tammany Parish - Planting of Tenet Pond for Habitat Enhancement**

EPA has determined that the St. Tammany Parish - Planting of Tenet Pond for Habitat Enhancement RESTORE funded project meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, this RESTORE project 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.
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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		
Consistent with my responsibilities for NEPA compliance review and concurrence, I have determined that this action is statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b).		
<i>Signature</i>  9/25/19	<i>Name &amp; Title</i> <b>Chris Millitscher</b> <b>Chief – R4–NEPA Section/SPO/ORA</b>	<i>Phone Number</i> <b>(404)562-9512</b>
EPA Contact for Environmental Review on this Project (If different from Responsible Official)		
<i>Name</i> <b>Dan Holliman</b>	<i>Title</i> <b>Life Scientist – R4-NEPA/SPO/ORA</b>	<i>Phone Number</i> <b>(404)562-9531</b>

## Attachment B



# Endangered Species Act (ESA) Project Review and Guidance for Other Federal Trust Resources Report

## **Instructions**

Please submit a copy of this report to the Louisiana Ecological Services Office for review at [lafayette@fws.gov](mailto:lafayette@fws.gov). Contact our office at (337) 291-3100 for further assistance.

**Project Description:** This is a RESTORE funded project.

The project being proposed is plant 53 acres of the Tenet regional stormwater pond and an additional three (3) acres of littoral shelves where the W-15 Canal is widened downstream of the Tenet Pond (near the confluence with Doubloon Bayou). Pre- and post-planting habitat assessments) and water quality sampling of the influent and effluent will be utilized to document improvements to the water quality, habitat and biological diversity as the pond is enhanced from a sterile, single-function stormwater pond to a robust, successional ecosystem.

The goals of the proposed program are:

- o Present curriculum segments to students in St. Tammany Parish schools and encourage students to participate in an associated field component of habitat restoration (vegetative planting) and water quality monitoring.
- o Plant the 53-acre Tenet regional stormwater pond (contractor) and the downstream widening of three (3) acre lower W-15 Canal (student volunteers) with a mix of indigenous trees and shrubs that is appropriate to the site hydrology and goals of the project principle investigators and environmental specialist/ landscape architect.
- o Conduct a site assessment of existing conditions and enhancements prior to and throughout the proposed three-years of funding (student volunteers and STP staff).
- o Sample and quantify water quality parameters in the inflow and discharges from the pond and widened Canal. Removal efficiency of pollutants of concern (POC) across the permanent BMP ("dry pond") will be calculated to compare with literature and the Parish's study of the BMP. Data will be utilized by the Parish to recommend BMPs in developments.

**Requesting Agency:** Environmental Protection Agency (EPA)

**Project Coordinates:** Latitude: 30.290726 Longitude: -89.742401

**Point of Contact:** Dan Holliman

**Address:** 61 Forsyth Street SW

**City:** Atlanta

**State:** Georgia

**Zip Code:** 30338

**Phone Number 1:** 4045629531 **Phone Number 2:** \_\_\_\_\_

**Email Address:** [holliman.daniel@epa.gov](mailto:holliman.daniel@epa.gov)

Does the proposed action only involve telecommunication structure(s)?

**No**

Would the proposed action occur entirely within an existing footprint or rights-of-way (ROW)?

**No**

Would any portion of the proposed action occur within one of these areas of interest?

**No**

**West Indian Manatee**

Does the proposed action fall within the manatee consultation zone, excluding the Mississippi River (see map), and involve in-water activities, with depths of at least 2 feet, during the months of June through November?

**No**

**Conclusion:**

We have determined that the proposed action would have no effect on the West Indian Manatee.

  
\_\_\_\_\_  
Project Representative

5/21/19  
\_\_\_\_\_  
Date

**Gopher Tortoise**

Would the proposed action occur on Latonia, Bassfield, Cahaba, Ruston, Smithdale, Abita, Malbis, Angie, or Prentiss soils (as determined by NRCS Web Soil Survey at <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>)?

**No**

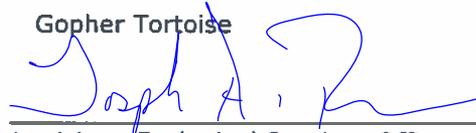
**Conclusion:**

We have determined that the proposed action is not likely to adversely affect the Gopher Tortoise.

  
\_\_\_\_\_  
Project Representative

5/21/19  
\_\_\_\_\_  
Date

Based on the information provided in this report, as well as any pertinent correspondence and documentation saved to the project file at our office (if applicable), the Service concurs with your "not likely to adversely affect" determination for the following species:

Gopher Tortoise  
  
\_\_\_\_\_  
Louisiana Ecological Services Office  
U.S. Fish and Wildlife Service

26 Jun 19  
\_\_\_\_\_  
Date

**Red-cockaded Woodpecker**

Would the proposed action involve removal of suitable foraging habitat (pine or pine/hardwood stands in which 50 percent or more of the dominant trees are pines and the dominant pine trees are 30 years of age or older)?

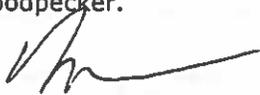
**No**

Would the proposed action occur within suitable nesting habitat (pine or pine/hardwood stands that contain pines 60 years of age or older)?

**No**

**Conclusion:**

We have determined that the proposed action would have no effect on the Red-cockaded Woodpecker.



\_\_\_\_\_  
*Project Representative*

5/21/19  
\_\_\_\_\_  
*Date*

Section 7 consultation for the proposed action is concluded when you receive signature from this office. To ensure continued compliance with the ESA, reinitiate consultation when:

- new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not considered in this consultation
- the action is modified in a manner that causes effects to listed species or designated critical habitat not considered in this consultation
- a new species is listed or critical habitat designated that the action may affect.

# Migratory Bird Conservation Recommendations

## **Bald Eagle**

The proposed project area may provide nesting habitat for the bald eagle (*Haliaeetus leucocephalus*), which was officially removed from the List of Endangered and Threatened Species as of August 8, 2007. However, the bald eagle remains protected under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.) The Louisiana Department of Wildlife and Fisheries (LDWF) has not collected comprehensive bald eagle survey data since 2008, and new active, inactive, or alternate nests may have been constructed within the proposed project area since that time.

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance," which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at:

<http://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenmanagementguidelines.pdf>

In southern Louisiana parishes, eagles typically nest in mature trees (e.g., baldcypress, sycamore, willow, etc.) near fresh to intermediate marshes or open water. Bald eagles may also nest in mature pine trees near large lakes in central and northern Louisiana. If a bald eagle nest occurs or is discovered within 660 feet of the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at: <https://www.fws.gov/southeast/our-services/eagle-technical-assistance>. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary.

## **Colonial Waterbirds**

In accordance with the Migratory Bird Treaty Act of 1918 (as amended), please be advised should the project area be located in or near wetland habitats which may be inhabited by colonial nesting waterbirds and/or seabirds, additional restrictions may be necessary.

Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by (1) monitoring previously known colony sites and (2) augmenting point-to-point surveys with flyovers of adjacent suitable habitat. Although several comprehensive coast-wide surveys have been recently conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season because some waterbird colonies may change locations year-to-year. To minimize disturbance to colonial nesting birds please refer to our colonial nesting waterbird guidance on the LESO Webpage [https://www.fws.gov/lafayette/Migratory\\_Birds/MigBird.html](https://www.fws.gov/lafayette/Migratory_Birds/MigBird.html).

## **Additional Migratory Bird Conservation Recommendations**

During the project impact analysis process developers should identify project-related impacts to migratory birds and the conservation measures that will be used to mitigate them. For additional Migratory Bird Conservation recommendations, guidance and tools to help reduce impacts to birds and their habitats please visit the LESO webpage [https://www.fws.gov/lafayette/Migratory\\_Birds/MigBird.html](https://www.fws.gov/lafayette/Migratory_Birds/MigBird.html) and the Service's Migratory Bird Program Webpage (<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/communication-towers.php>).

# Attachment C



# DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS  
4155 CLAY STREET  
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO  
ATTENTION OF:

September 16, 2016

Operations Division

SUBJECT: Final Permit for Tenet Pond and W-15 (French Branch) Canal,  
St. Tammany Parish, Louisiana, MVK-2013-1001

Ms. Patricia Brister  
St. Tammany Parish Government  
Post Office Box 628  
Covington, Louisiana 70434



Dear Ms. Brister:

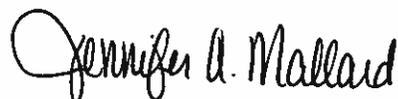
In compliance with your request, we are enclosing a permit issued by authority of the Secretary of the Army (enclosure 1). Upon completion of the activity authorized by this permit, please sign the enclosed certification of compliance and return it to this office (enclosure 2).

Special attention should be paid to the General and Special Conditions (where applicable) of this permit. Please note the permit expiration date in General Condition 1.

Should you find that any material changes are necessary in the location or plans of the work, it will be necessary that you submit revised plans prior to commencement of the work. Please include the project Identification No. MVK-2013-1001 with all correspondence.

If you have any questions regarding this matter, please contact Ms. Kristi Hall of this office, telephone 601-631-7528, or e-mail address: [kristi.w.hall@usace.army.mil](mailto:kristi.w.hall@usace.army.mil). A copy of this letter has been provided to Mr. Thomas Brown, Biological Surveys, Incorporated, Post Office Box 94, Covington, Louisiana 70434.

Sincerely,

  
Jennifer A. Mallard  
Chief, Regulatory Branch

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: Ms. Patricia Brister, St. Tammany Parish Government

Permit No.: MVK-2013-1001

Issuing Office: CEMVK-OD-F

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to construct a 54-acre retention pond and widen/ deepen 1.4 miles the W-15 (French Branch) Canal (encl 1).

Acres Impacted: 21.4 acres of forested wetlands  
8.2 acres of other waters of the U.S.

Required Mitigation:

Non-Coastal Wetland Impacts:

- Dolly-T Mitigation Bank (HUC 03180004): 158 wetland credits
- Honey Island Mitigation Bank (HUC 03180004): 28.2 wetland credits

Coastal Impacts:

- Enterprise Woodlands Mitigation Bank: 1.8 acres of bottomland hardwood credits has been purchased for 2.8 acres of coastal wetland impacts (HUC 08090301)

Project Location: Section 17, 18 and 37, T9S-R15E, within the Pearl River Drainage Basin (8-digit HUC 03180004), St. Tammany Parish, Louisiana (Latitude 30.2903 N and Longitude -89.7424 W).

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on SEP 16 2021. 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 (encl 2).

6. You must allow representatives 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.

**Special Conditions:**

1. The permittee shall use best management practices during construction of the project to minimize erosion at the site and prevent sedimentation offsite.

2. The permittee shall approve any offsite borrow area(s) and insure that in obtaining the borrow material, there are no unauthorized impacts to jurisdictional waters of the United States and/or cultural resource sites eligible or potentially eligible for inclusion in the National Register of Historic Places. If permits or other clearances are required for the use of the borrow site, those approvals must be obtained by the landowner of the site or his agent prior to use of the site for borrow.

3. As compensatory mitigation for unavoidable wetland impacts the permittee shall purchase 158 wetland credits from Dolly-T Mitigation Bank and 28.2 credits from Honey

Island Mitigation Bank (both mitigation banks located in HUC 03180004). Proof of purchase shall be provided to this office prior to the issuance of the final permit.

**Further Information:**

**1. Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403).

**2. Limits of this authorization.**

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

**3. Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project, or uses thereof, as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

**4. Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you

provided.

**5. Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4, above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7, or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

**6. Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.





**US Army Corps  
of Engineers**  
Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435  
www.mvk.usace.army.mil



# Public Notice

<b>APPLICATION NO.:</b>	<u>MVK-2013-1001</u>
<b>EVALUATOR:</b>	<u>Ms. Kristi Hall</u>
<b>PHONE NO.:</b>	<u>(601) 631-7528</u>
<b>FAX NO.:</b>	<u>(601) 631-5459</u>
<b>E-MAIL:</b>	<u>Kristi.W.Hall@usace.army.mil</u>
<b>DATE:</b>	<u>October 19, 2015</u>
<b>EXPIRATION DATE:</b>	<u>November 9, 2015</u>

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District is considering an application for a Department of the Army permit for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

Application also has been made to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with La. R.S. 30.2074(A)(93), and Section 401 of the Clean Water Act (P.L. 95-217). Additional information is on file with the above office, and may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained upon payment of cost of copying. Comments concerning the application can be filed with the Office of Environmental Services within 20 days of this notice to the following address: Office of Environmental Services, Post Office Box 4313, Baton Rouge, Louisiana 70821-4313.

**Law Requiring a Permit:** Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

**Name of Applicant:**  
Mr. Charles Williams  
St. Tammany Parish Government  
Post Office Box 628  
Covington, Louisiana 70434

**Name of Agent:**  
Mr. Thomas K. Brown  
Biological Surveys, Incorporated  
Post Office Box 94  
Covington, Louisiana 70434

**Location of Work:** Sections 17, 18 and 37, T9S- R15E, Latitude 30.2903, Longitude -89.7424, within the Pearl River Drainage Basin (8-digit USGS HUC 03180004), St. Tammany Parish, Louisiana.

Permit-Encl 1

**Description of Work:** (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to conduct regulated activities in jurisdictional wetlands for the purpose of constructing a 54-acre detention pond as well as widening and deepening approximately 1.4 miles of the W-15 (French Branch) Canal. The applicant's stated purpose is for drainage improvements and flood abatement.

Approximately 340,000 cubic yards of borrow material would be removed from the project area. This material would be hauled to an offsite location. Approximately 20.93 acres of wetlands would be excavated, and 0.49 acres would be filled.

The vegetative communities within the project area can best be described as mixed hardwood/pine and are dominated by Slash pine, Loblolly pine, Water oak, Post oak, Black Tupelo, Sweet bay, Youpon, Gallberry, Chinese tallow and Southern bayberry. Soils within the project area are primarily Myatt fine sandy loam, and Stough fine sandy loam, having a respective hydric component percent rating of 90 and 10 by the Natural Resource Conservation Service (NRCS).

The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through permittee responsible mitigation. Impacts below the 5-foot contour would be mitigated at a commercial mitigation bank, approved for coastal impacts by the Louisiana Office of Coastal Management.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work would have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information would further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

**State Water Quality Permit:** The State Pollution Control Agency must certify that the described work would comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

**Cultural Resources:** The Regulatory Archaeologist has reviewed the latest published version of the National Register of Historic Places, state lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the proposed undertaking upon these properties. No known historic

properties exist in the proposed permit area. Copies of the public notice have been sent to Federally recognized Tribes and other interested parties for comment on potential effects to historic properties that could result from the proposed activity.

**Endangered Species:** Based on the Standard Local Operating Procedure for Endangered Species (SLOPES) as signed on December 1, 2014 between the U.S. Army Corps of Engineers, Vicksburg District and the U.S. Fish and Wildlife Service, it has been determined that the proposed activity would have no effect on the following species: West Indian Manatee, Red-cockaded Woodpecker. Our initial finding is that the proposed work would not affect the following species or their critical habitats: Sprague's pipit, Louisiana Quillwork, Atlantic Sturgeon. It has been determined that the proposed activity is not likely to adversely affect the following species: Dusky gopher frog and Alabama heelsplitter mussel. Based on SLOPES, it has been determined that the project is not likely to adversely affect the Ringed map turtle. Further coordination with the U.S. Fish and Wildlife Service would be conducted as part of the permit review process.

**Flood Plain:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements. The project is completely located within the 100 year floodplain.

**Evaluation Factors:** The decision whether or not to issue a permit would be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision would reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal would be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity would include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

**Public Involvement:** The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments would be used to evaluate the impacts of this project. All comments would be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions,

and to help us determine the amount and type of mitigation necessary. This information would be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

**Opportunity for a Public Hearing:** Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice would be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

**Notification of Final Permit Actions:** Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.

*Thomas A. McCabe*

**Thomas A. McCabe  
Acting, Evaluation Chief  
Regulatory Branch**



**CEMVK-OD-FE KWH-2013-1001**

**ST. TAMMANY PARISH GOVERNMENT**

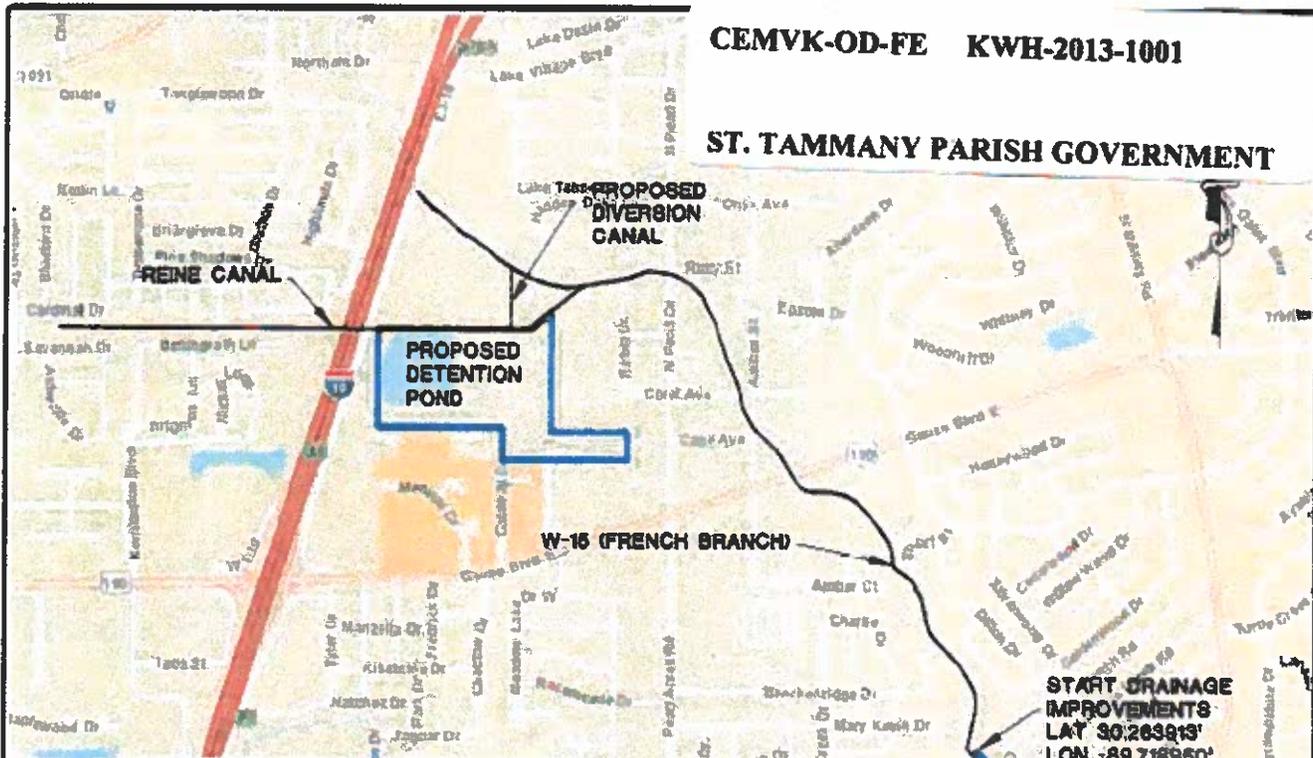


**DUPLANTIS DESIGN GROUP, PC**  
 CIVIL ENGINEERING • ARCHITECTURE  
 34 LOUIS PRIMA DRIVE COVINGTON, LA 70433  
 PHONE: 985-249-6180 || FAX: 985-249-6190

**1. VICINITY MAP**  
**TENET POND & LOWER FRENCH BRANCH (W-16)**  
**FRENCH BRANCH DRAINAGE PROJECT**  
**SLIDELL, LA**  
**ST. TAMMANY PARISH, LA**  
 DATE: 5-12-15

CEMVK-OD-FE KWH-2013-1001

ST. TAMMANY PARISH GOVERNMENT



START DRAINAGE  
IMPROVEMENTS  
LAT 30.263913'  
LON -89.738950'

END DRAINAGE  
IMPROVEMENTS  
LAT 30.263913'  
LON -89.718950'

**WETLANDS PROPOSED TO BE CUT (VOLUME - 193,561 CU. YDS)  
(AREA - 20.93 ACRES)**

**NON-WETLANDS PROPOSED TO BE CUT (VOLUME - 146,449 CU. YDS)  
(AREA - 37.93 ACRES)**

**TOTAL PROJECT PROPOSED TO BE CUT (VOLUME - 340,000 CU. YDS)  
(AREA - 58.86 ACRES)**

**WETLANDS PROPOSED TO BE FILLED  
TENET POND (VOLUME - 1,185 CU. YDS)  
(AREA - 0.49 ACRES)**

**WETLANDS PROPOSED TO REMAIN (AREA - 8.78 ACRES)**

**OTHER WATERS TO BE WIDENED  
(AREA - 5.80 ACRES)**



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**2. AREA AND VOLUMES  
TENET POND & LOWER FRENCH BRANCH (W-15)  
FRENCH BRANCH DRAINAGE PROJECT  
SLIDELL, LA  
ST. TAMMANY PARISH, LA**

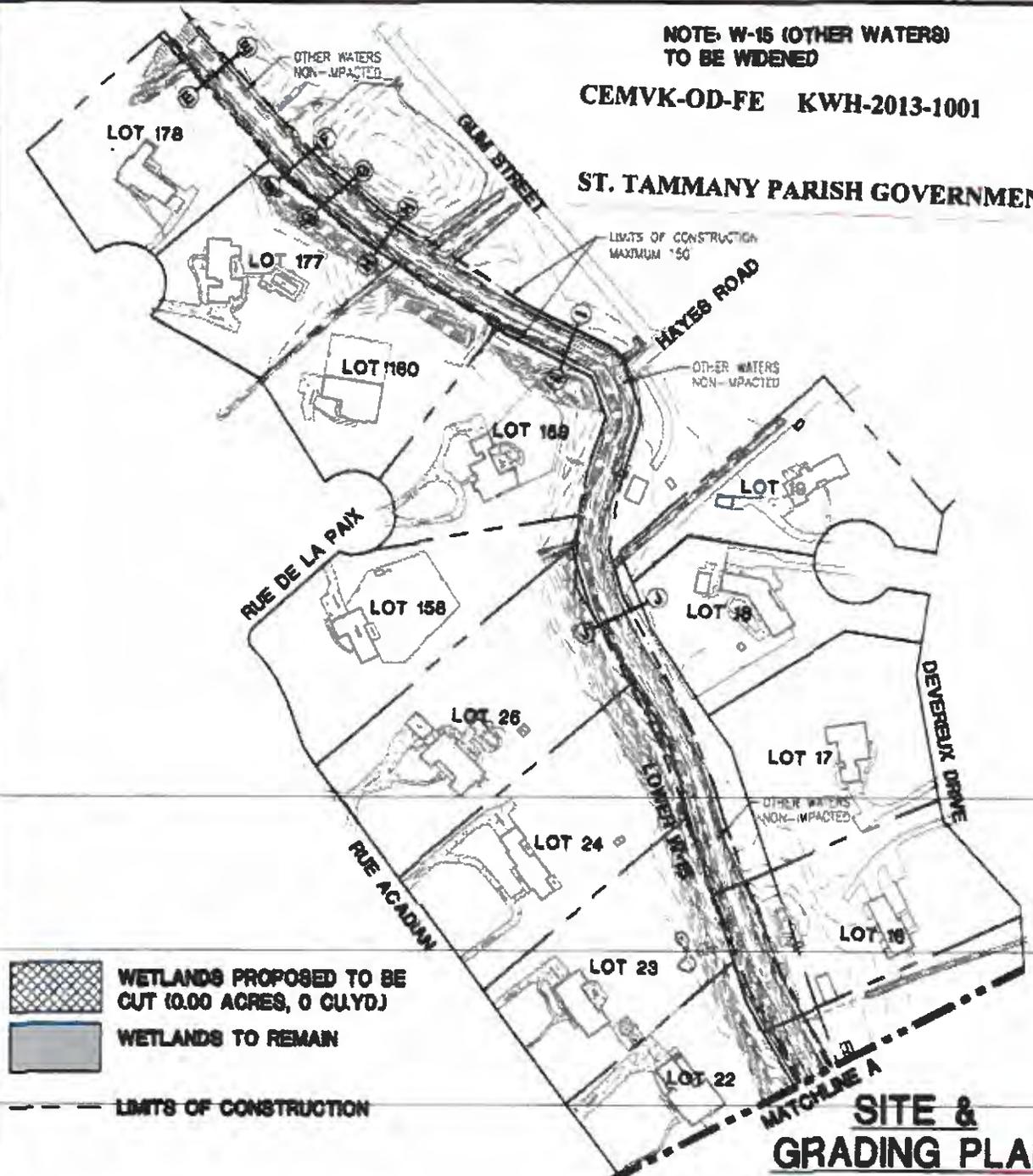
DATE: 5-12-15



NOTE: W-15 (OTHER WATERS)  
TO BE WIDENED

CEMVK-OD-FE KWH-2013-1001

ST. TAMMANY PARISH GOVERNMENT



TOTAL PROJECT AREA - 155.14 ACRES

**SITE &  
GRADING PLAN**

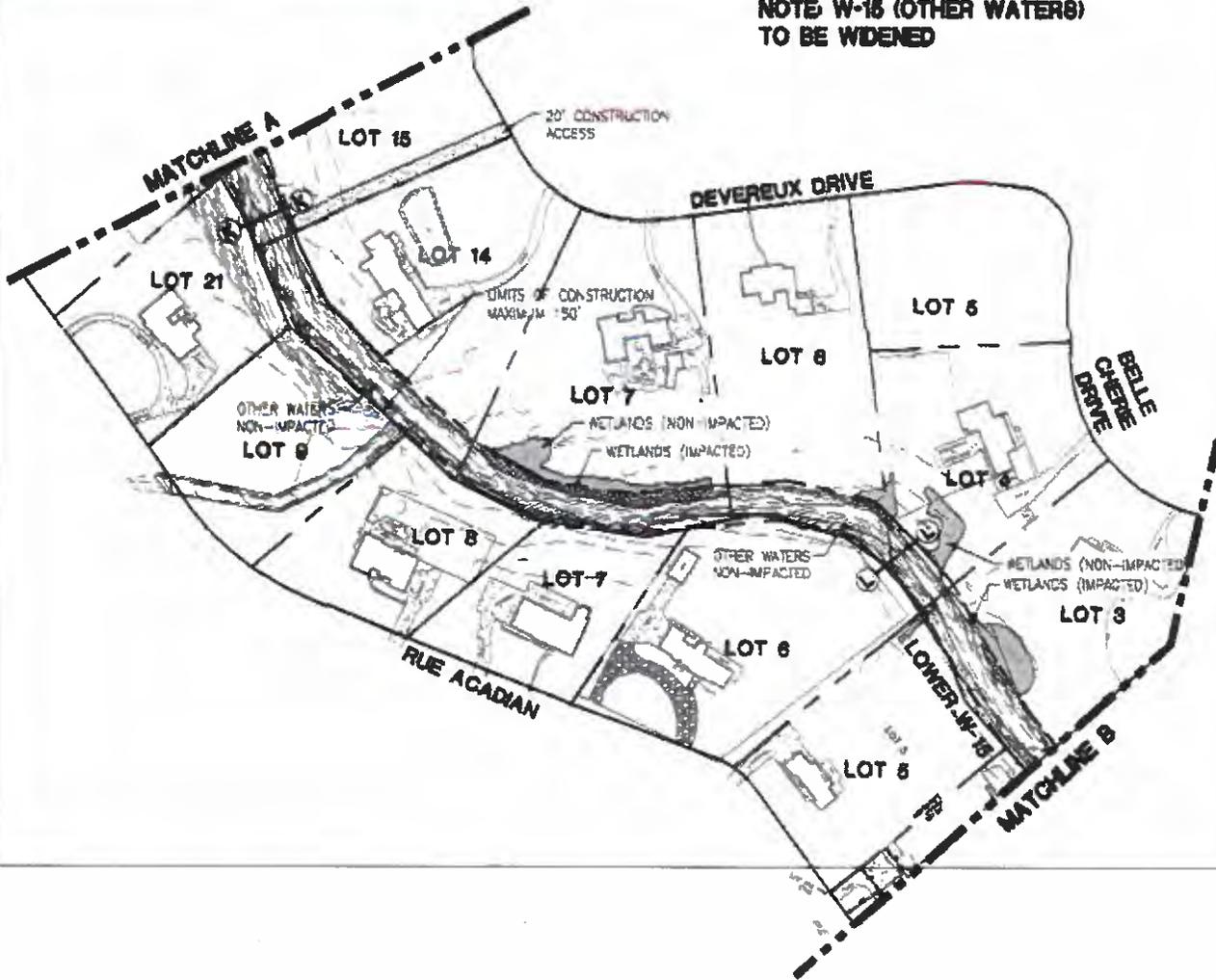
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**DUPLANTIS DESIGN GROUP, PC**  
 CIVIL ENGINEERING \* ARCHITECTURE  
 34 LOUIS PRIMA DRIVE COVINGTON, LA 70433  
 PHONE: 985.626.9547 || FAX: 985.626.0269

**4. GRADING PLAN**  
**TENET POND & LOWER FRENCH BRANCH (W-15)**  
**FRENCH BRANCH (W-15) DRAINAGE PROJECT**  
**SECTION 37, TOWNSHIP 09S, RANGE 15E**  
**ST. TAMMANY PARISH, LA**

DATE: 5-12-15      UPDATED: 10-14-15

NOTE: W-15 (OTHER WATERS)  
TO BE WIDENED



CEMVK-OD-FE KWH-2013-1001

ST. TAMMANY PARISH GOVERNMENT

 WETLANDS PROPOSED TO BE CUT (0.13 ACRES, 182 CU.YD.)

 WETLANDS TO REMAIN (0.28 ACRES)

 LIMITS OF CONSTRUCTION

 20' CONSTRUCTION ACCESS

TOTAL PROJECT AREA = 155.14 ACRES

**SITE &  
GRADING PLAN**



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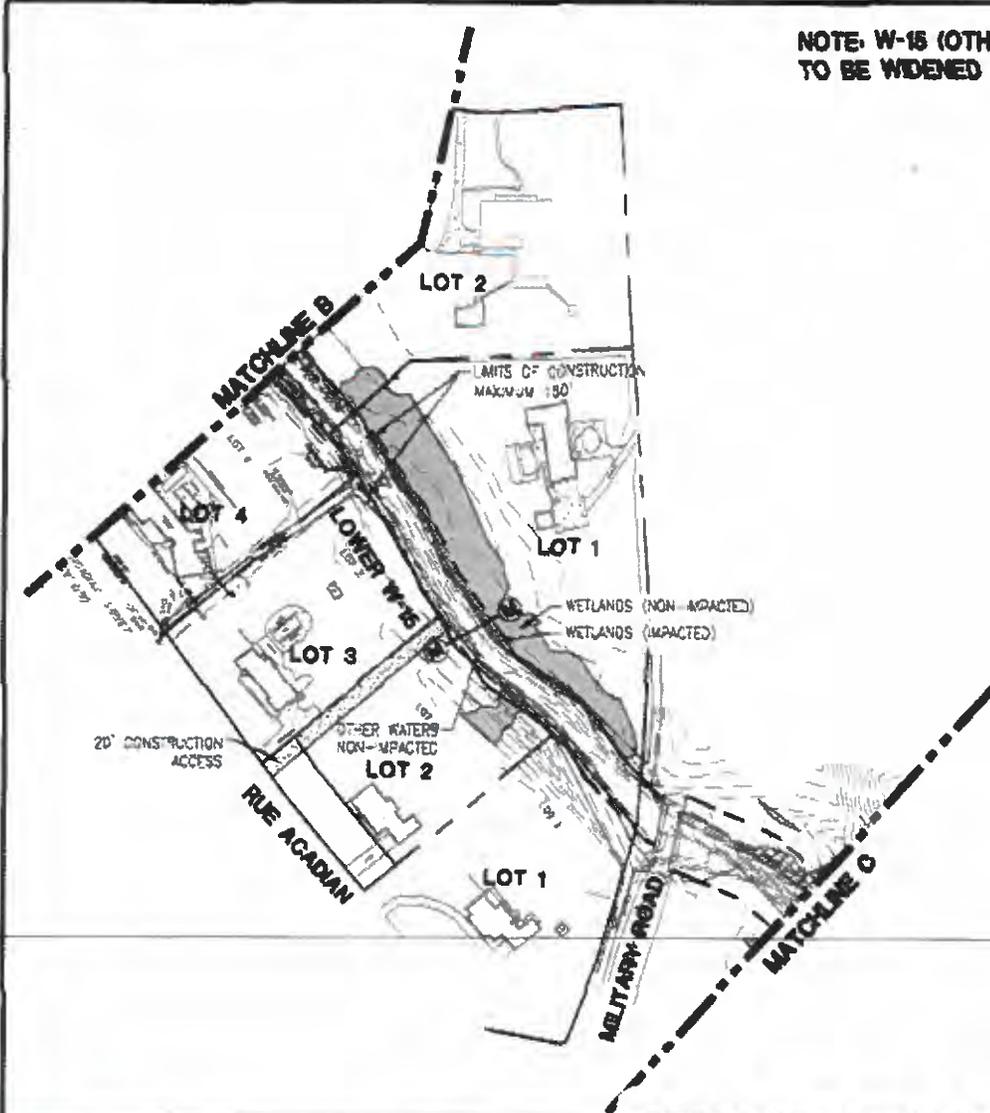
34 LOUIS PRIMA DRIVE COVINGTON, LA 70433  
PHONE: 985.626.9547 || FAX 985.626.0269

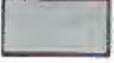
THIBODAUX | COVINGTON | HOUSTON | BATON ROUGE | MOUVA

**8. GRADING PLAN**  
**TENET POND & LOWER FRENCH BRANCH (W-15)**  
**FRENCH BRANCH (W-15) DRAINAGE PROJECT**  
**SECTION 37, TOWNSHIP 98, RANGE 15E**  
**ST. TAMMANY PARISH, LA**

DATE: 5-12-15      UPDATED: 10-14-15

NOTE: W-15 (OTHER WATERS)  
TO BE WIDENED



-  WETLANDS PROPOSED TO BE CUT (0.10 ACRES, 98 CU.YD.)
-  WETLANDS TO REMAIN (0.65 ACRES)
-  LIMITS OF CONSTRUCTION
-  20' CONSTRUCTION ACCESS

CEMVK-OD-FE KWH-2013-1001

ST. TAMMANY PARISH GOVERNMENT

## SITE & GRADING PLAN



TOTAL PROJECT AREA • 158.14 ACRES

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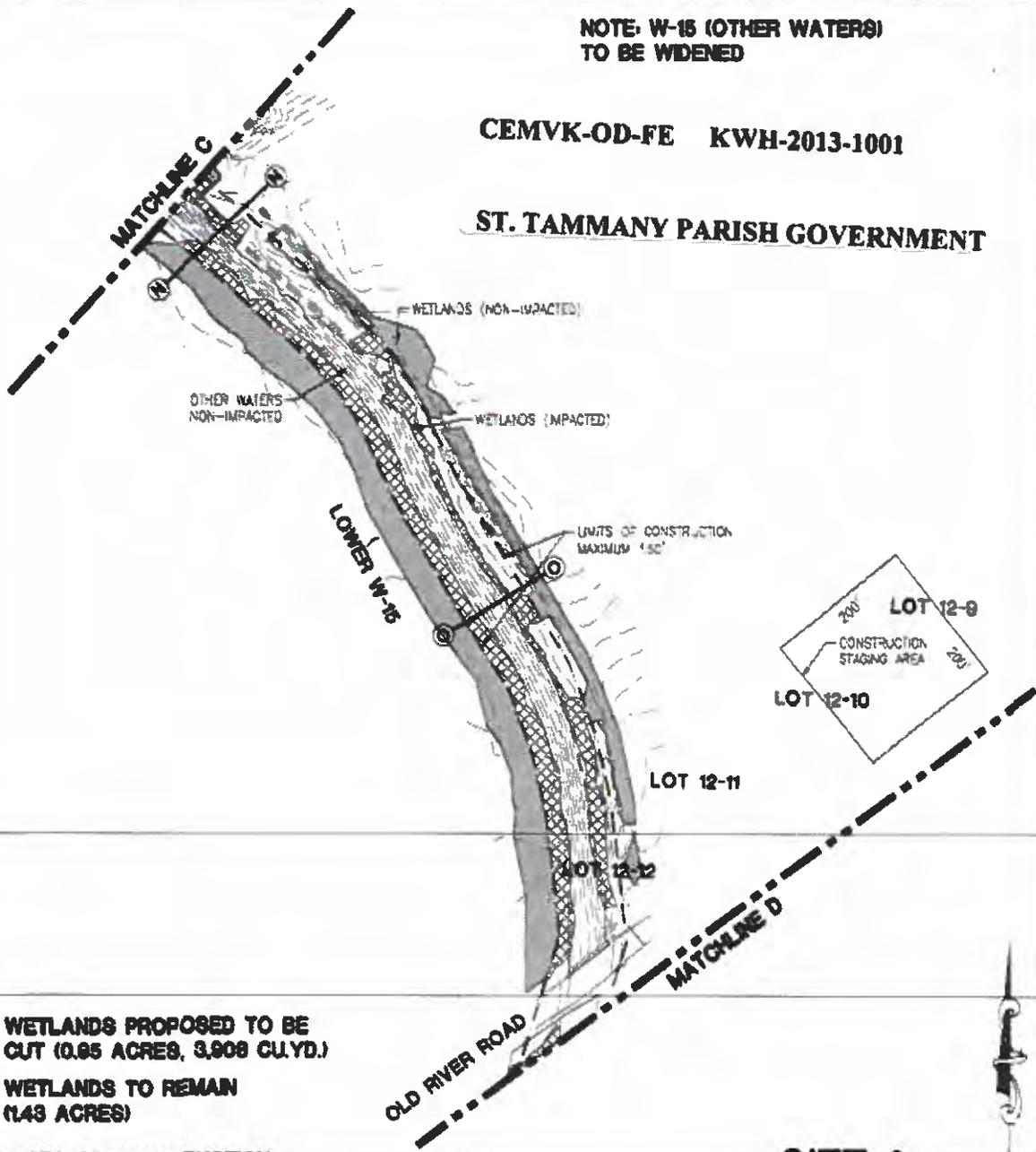
**6. GRADING PLAN**  
**TENET POND & LOWER FRENCH BRANCH (W-15)**  
**FRENCH BRANCH (W-15) DRAINAGE PROJECT**  
**SECTION 37, TOWNSHIP, 92, RANGE 15E**  
**ST. TAMMANY PARISH, LA**

DATE: 2-12-15      UPDATED: 10-14-15

NOTE: W-15 (OTHER WATERS)  
TO BE WIDENED

CEMVK-OD-FE KWH-2013-1001

ST. TAMMANY PARISH GOVERNMENT



-  WETLANDS PROPOSED TO BE CUT (0.65 ACRES, 3,908 CU.YD.)
-  WETLANDS TO REMAIN (1.43 ACRES)

--- LIMITS OF CONSTRUCTION

### SITE & GRADING PLAN



TOTAL PROJECT AREA • 155.14 ACRES

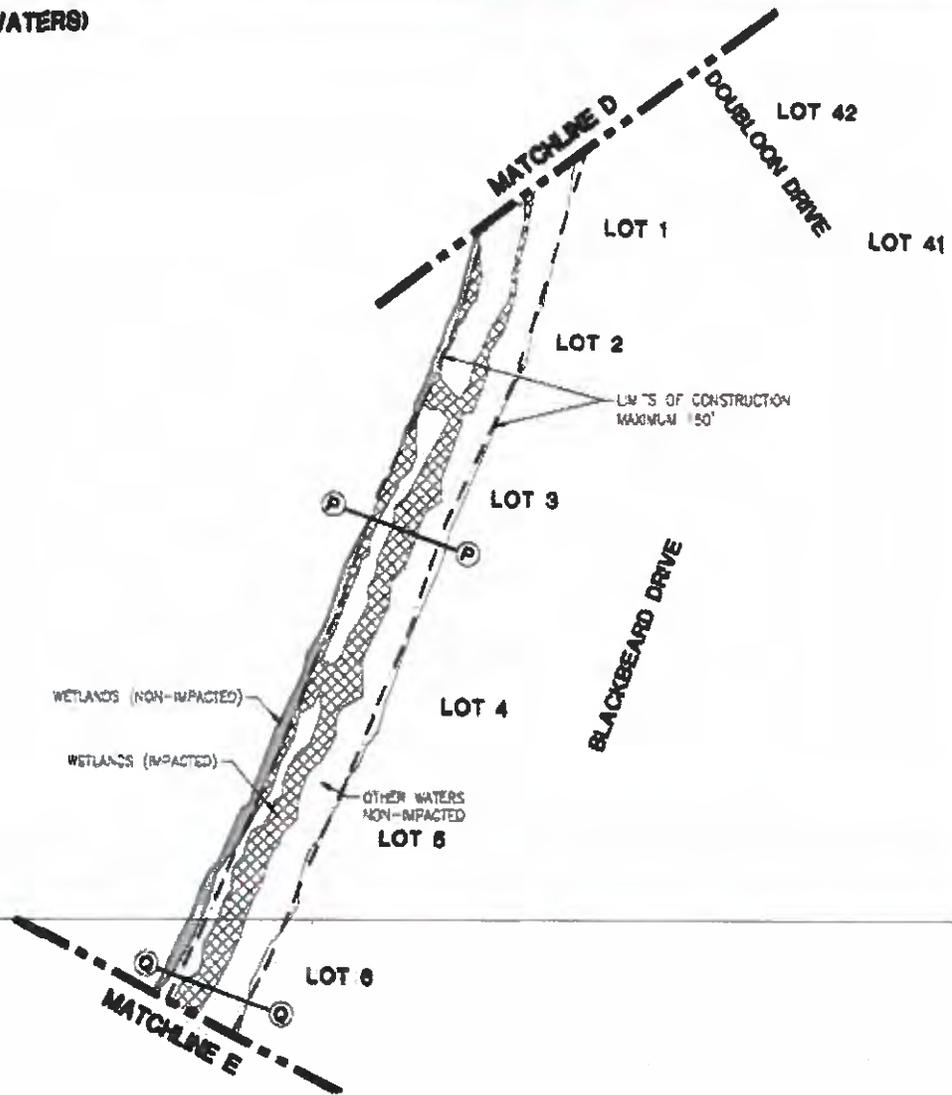
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7. GRADING PLAN  
 TENET POND & LOWER FRENCH BRANCH (W-15)  
 FRENCH BRANCH (W-15) DRAINAGE PROJECT  
 SECTION 17, TOWNSHIP 9S, RANGE 18E  
 ST. TAMMANY PARISH, LA

DATE: 5-12-15      UPDATED: 10-14-15

NOTE: W-15 (OTHER WATERS)  
TO BE WIDENED



WETLANDS PROPOSED TO BE CUT (0.82 ACRES, 7,080 CU.YD.)



WETLANDS TO REMAIN

--- LIMITS OF CONSTRUCTION

CEMVK-OD-FE KWH-2013-1001

ST. TAMMANY PARISH GOVERNMENT

## SITE & GRADING PLAN

SCALE IN FEET



TOTAL PROJECT AREA • 156.14 ACRES

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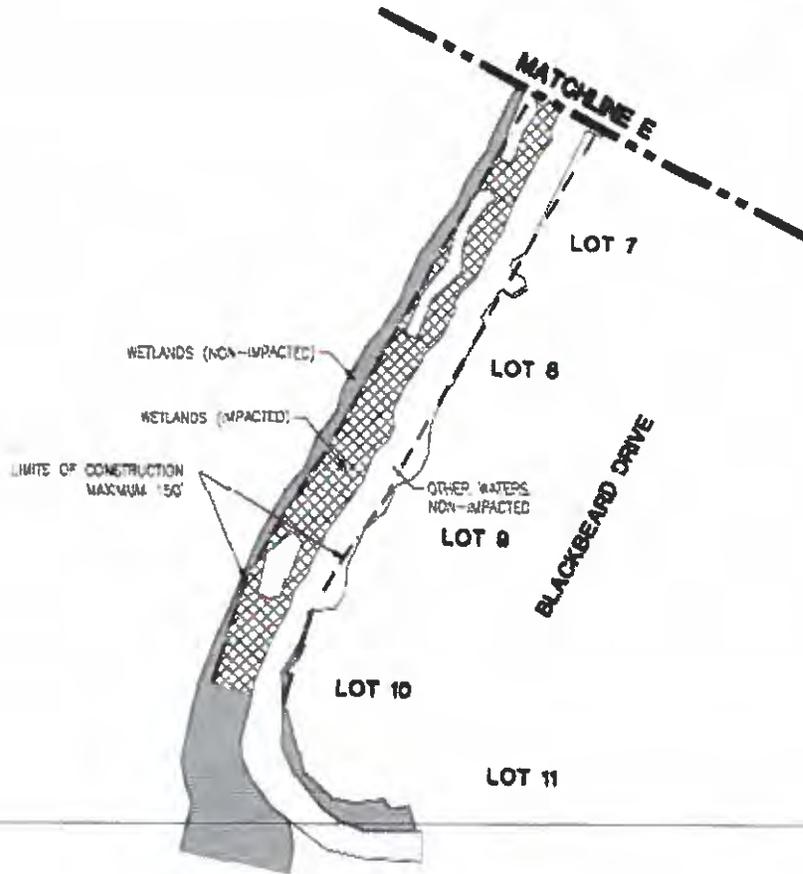
### 8. GRADING PLAN

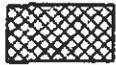
TENET POND & LOWER FRENCH BRANCH (W-15)  
FRENCH BRANCH (W-15) DRAINAGE PROJECT  
SECTION 17, TOWNSHIP 9S, RANGE 15E  
ST. TAMMANY PARISH, LA

DATE: 5-12-15

UPDATED: 10-14-15

NOTE: W-15 (OTHER WATERS)  
TO BE WIDENED



 WETLANDS PROPOSED TO BE CUT (0.82 ACRES, 7,030 CU.YD.)

 WETLANDS TO REMAIN

 LIMITS OF CONSTRUCTION

CEMVK-OD-FE KWH-2013-1001

ST. TAMMANY PARISH GOVERNMENT

**SITE &  
GRADING PLAN**

SCALE IN FEET



TOTAL PROJECT AREA - 155.14 ACRES

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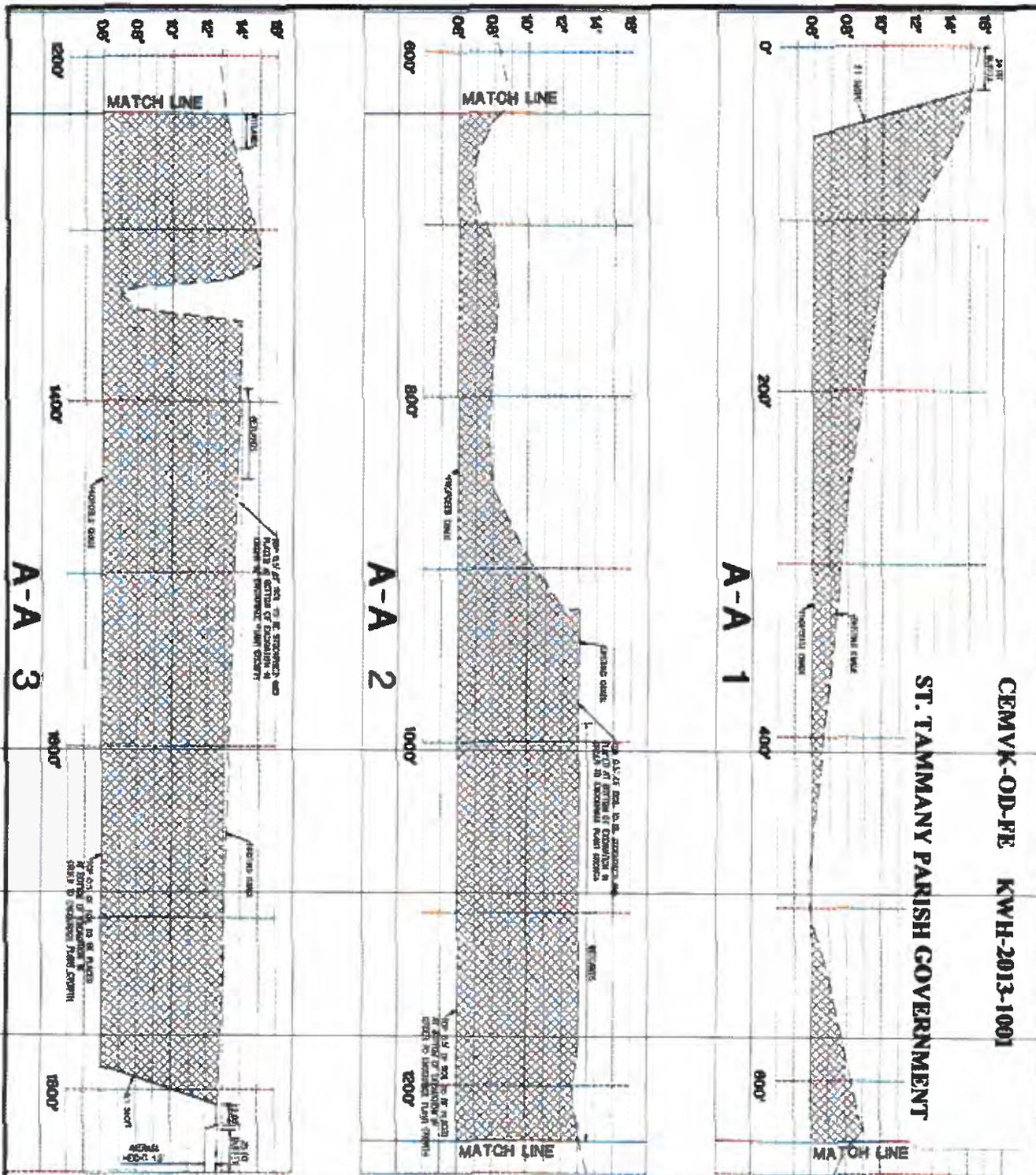
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B. GRADING PLAN

TENET POND & LOWER FRENCH BRANCH (W-15)  
FRENCH BRANCH (W-15) DRAINAGE PROJECT  
SECTION 17, TOWNSHIP 9S, RANGE 15E  
ST. TAMMANY PARISH, LA

DATE: 5-12-15

UPDATED: 10-14-15



CEMVK-OD-FE KWH-2013-1001

ST. TAMMANY PARISH GOVERNMENT



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**10. CROSS SECTIONS**  
**TENET POND & LOWER FRENCH BRANCH (W-15)**  
**FRENCH BRANCH (W-15) DRAINAGE PROJECT**  
**SECTION 37, TOWNSHIP 9S, RANGE 16E**  
**ST. TAMMANY PARISH, LA**

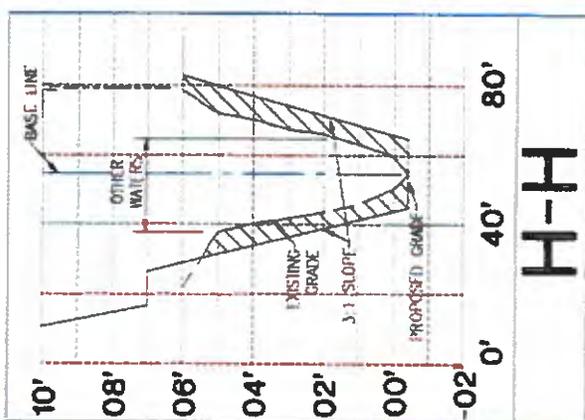
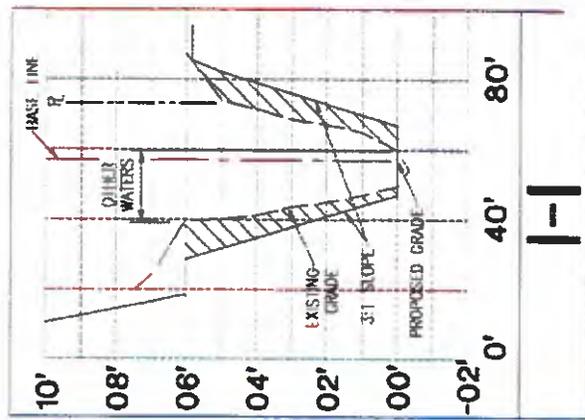
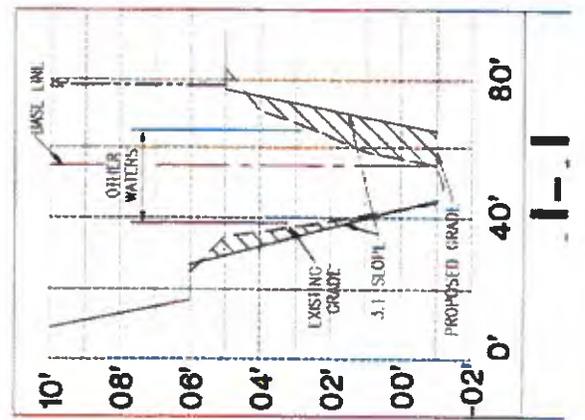
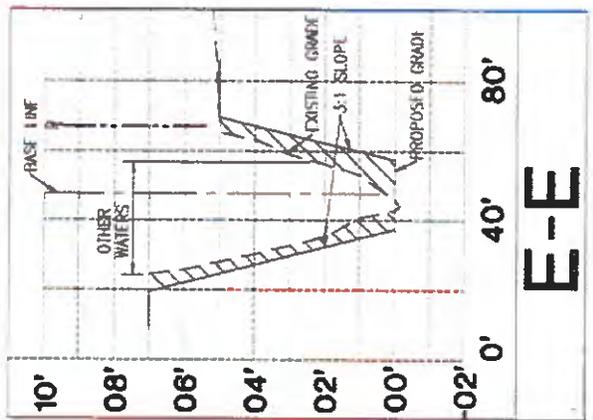
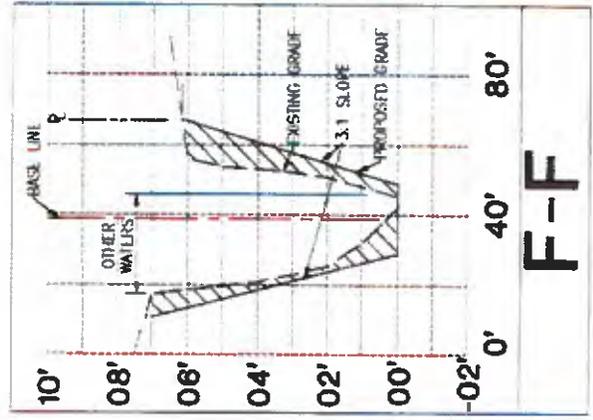
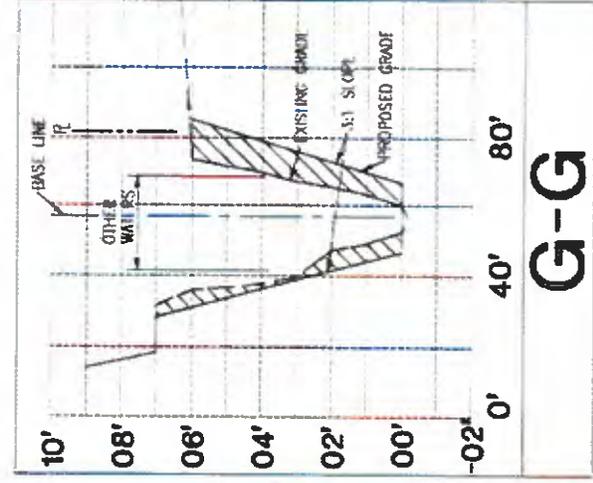
DATE: 5-12-15



**12. CROSS SECTIONS**  
**TENET POND & LOWER FRENCH BRANCH (W-16)**  
**FRENCH BRANCH (W-16) DRAINAGE PROJECT**  
**SECTION 37, TOWNSHIP 9S, RANGE 15E**  
**ST. TAMMANY PARISH, LA**

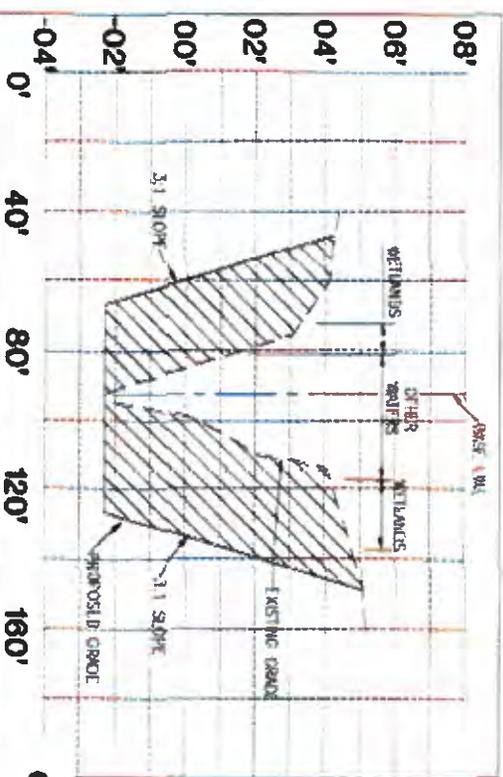
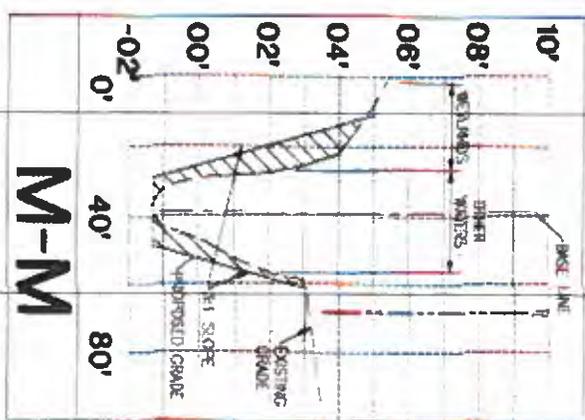
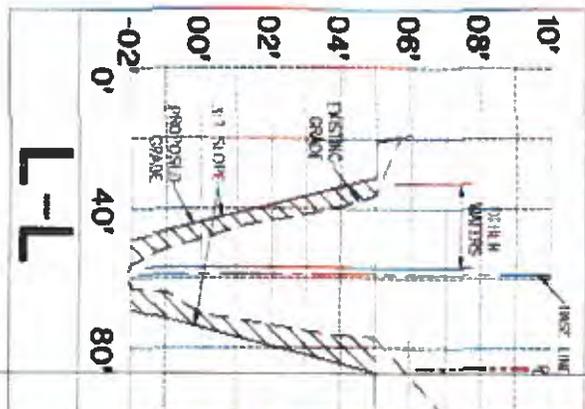
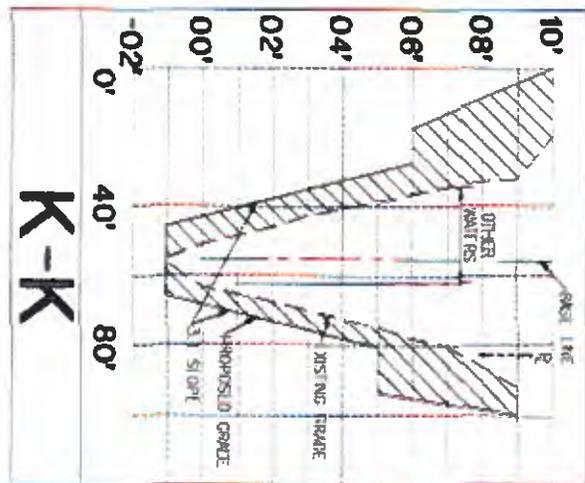
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 Phone: 985.626.9547 || Fax: 985.626.0269  
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DATE: 5-12-15



CEMVK-OD-FE KWH-2013-1001

ST. TAMMANY PARISH GOVERNMENT



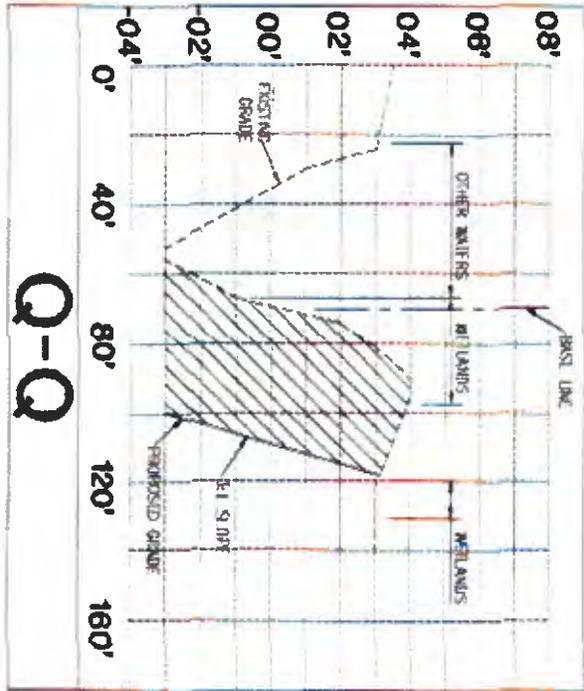
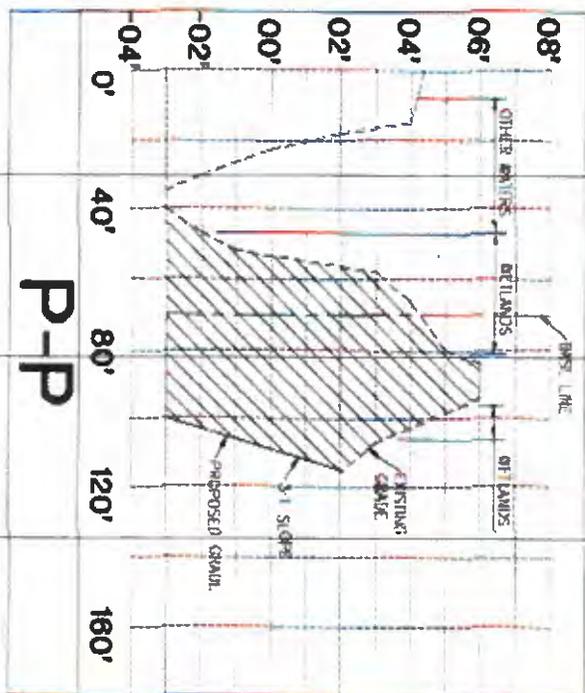
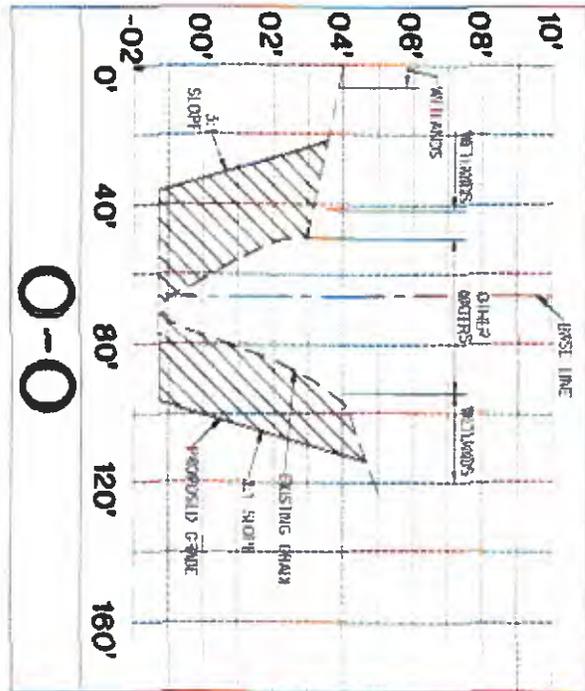
CEMVK-OD-FE KWH-2013-1001

ST. TAMMANY PARISH GOVERNMENT

**DDG** DUPLANTIS DESIGN GROUP, PC  
 CIVIL ENGINEERING • ARCHITECTURE  
 34 LOUIS PRIMA DRIVE COVINGTON, LA 70433  
 PHONE: 985.626.9547 || FAX: 985.626.0269  
 WWW.DDGPC.COM  
 THIBODAUX | COVINGTON | HOUSTON | BATON ROUGE | MOBILE

13. CROSS SECTIONS  
 TENET POND & LOWER FRENCH BRANCH (W-15)  
 FRENCH BRANCH (W-15) DRAINAGE PROJECT  
 SECTION 37 & 17. TOWNSHIP 9S, RANGE 15E  
 ST. TAMMANY PARISH, LA

DATE: 5-12-15

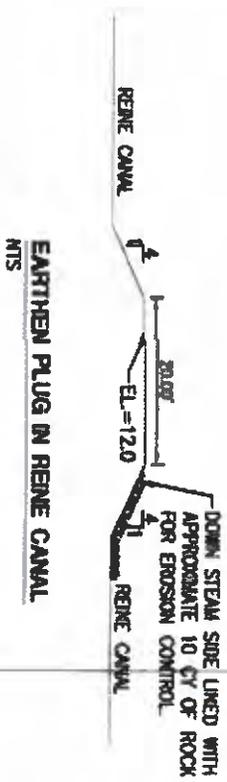
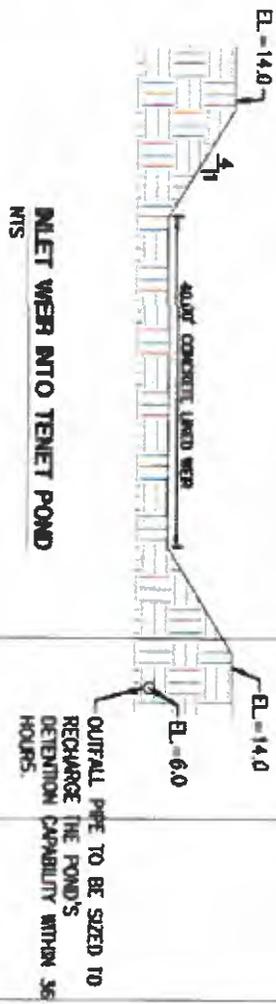
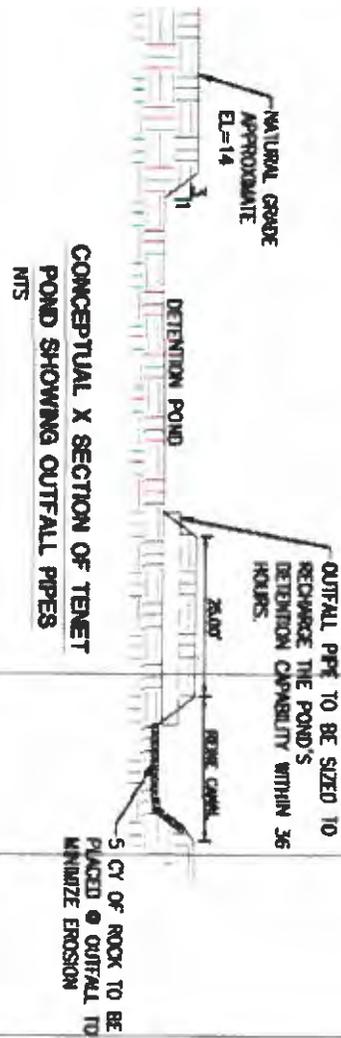


ST. TAMMANY PARISH GOVERNMENT  
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 THIBODAUX | COVINGTON | HOUSTON | BATON ROUGE | MOBILE

14. CROSS SECTIONS  
 TENET POND & LOWER FRENCH BRANCH (W-16)  
 FRENCH BRANCH (W-16) DRAINAGE PROJECT  
 SECTION 17, TOWNSHIP 9S, RANGE 18E  
 ST. TAMMANY PARISH, LA

DATE: 5-12-13



CEMVK-OD-FE KWH-2013-1001

ST. TAMMANY PARISH GOVERNMENT

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 34 LOUIS PRIMA DRIVE COVINGTON, LA 70433  
 PHONE: 983.626.9547 || FAX: 983.626.0269

15. CROSS SECTIONS  
 TENET POND & LOWER FRENCH BRANCH (W-15)  
 FRENCH BRANCH (W-15) DRAINAGE PROJECT  
 SECTION 17, TOWNSHIP 9S, RANGE 15E  
 ST. TAMMANY PARISH, LA

DATE: 5-12-15

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

# State of Louisiana

## DEPARTMENT OF ENVIRONMENTAL QUALITY ENVIRONMENTAL SERVICES

January 8, 2016

Mr. Thomas K. Brown  
Biological Surveys, Inc.  
Post Office box 94  
Covington, Louisiana 70434

AI No.: 89527  
Activity No.: CER20150003

RE: St. Tammany Parish - French Branch Drainage Project  
Water Quality Certification WQC 151019-01  
Corps of Engineers Permit KWH-MVK-2013-1001  
St. Tammany Parish

Dear Mr. Brown:

The Louisiana Department of Environmental Quality, Water Permits Division (LDEQ), has reviewed the application to excavate and place fill to deepen and widen French Branch Canal and to construct a storm water detention pond to improve drainage and for flood abatement in Slidell, St. Tammany Parish.

The information provided in the application and the additional information received December 28, 2015, has been reviewed in terms of compliance with State Water Quality Standards, the approved Water Quality Management Plan and applicable state water laws, rules and regulations. LDEQ determined that the requirements for a Water Quality Certification have been met. LDEQ concludes the placement of fill material will not violate water quality standards as provided for in LAC 33:IX Chapter 11. Therefore, LDEQ hereby issues St. Tammany Parish - French Branch Drainage Project Water Quality Certification, WQC 151019-01.

Should you have any questions concerning any part of this certification, please contact Karen Latuso at (225) 219-3526 or by email at karen.latuso@la.gov. To ensure all correspondence regarding this certification is properly filed into the Department's Electronic Document Management System, please reference Agency Interest (AI) number 89527 on all future correspondence to this Department.

Sincerely,

Handwritten signature of Scott Guilliams in black ink.

Scott Guilliams  
Administrator  
Water Permits Division

c: IO-W  
Corps of Engineers - Vicksburg District

Permit Encl 2

**Certification of Compliance  
With Department of the Army Permit**

**Permit Number: MVK-2013-1001**

**Name of Permittee: Ms. Patricia Brister, St. Tammany Parish Government**

**Issued Date: September 16, 2016**

**Expiration Date: September 16, 2021**

**Approximate central coordinates: Latitude 30.2903 N and Longitude -89.7424 W**

**Upon completion of the activity authorized by this permit, sign this certification and return it to the following address:**

**USACE, Vicksburg District  
ATTN: Regulatory Branch  
4155 Clay Street  
Vicksburg, Mississippi 39183-3435**

**Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit modification, suspension, or revocation.**

**I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit.**

**Date work was completed: \_\_\_\_\_**

\_\_\_\_\_  
**Signature of Permittee**

\_\_\_\_\_  
**Date Signed**

**Enclosure 2**



**RESTORE – Environmental Information Document**

**Project ID:** MS RESTORE 001 005 Cat1/Cat2

**Project Title:** Gulf of Mexico Conservation Enhancement Grant Program

(P2) Enhancing Conservation through Woody Vegetation Removal and Evaluation of the Impact of Novel Management Methods in Florida’s Rare Coastal Wetland Ecosystem

**Introduction:** 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).

**Gulf of Mexico Conservation Enhancement Program** - The Unique identifier assigned to this program is [MS RESTORE 001 005 Cat1/Cat2](#) - This Program is currently listed as a Cat1/Cat2 on GCERC’s Funded Priorities List (FPL). Pursuant to the program description, EPA developed and implemented the Gulf of Mexico Conservation Enhancement Grant Program (GMCEGP), a competitive funding assistance opportunity to enhance private/public partnerships that support land protection and conservation across the Gulf Coast region. The eight projects selected to be funded under the GMCEGP are:

Project ID Assigned	Organization	Project Title	EPA Grant #
P1	St. Tammany Parish Government	Planting of Tenet Pond for Habitat Enhancement	00D73818-0
P2	Atlanta Botanical Garden	Enhancing Conservation through Woody Vegetation Removal and Impact Evaluation of Novel Management Methods In Florida’s Rare Coastal Wetland Ecosystem.	00D80518-0
P3	Land Trust for the MS Coastal Plain	Gulf Coast Land Conservation Project Assistance	00D80118-0
P4	Woodlands Conservancy	Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Berateria Basin	00D80018-0
P5	Mississippi Forestry Commission	Enhancing and rehabilitating the ecological functions in a major watershed and sub-watershed in the Mississippi Gulf Coast Region.	00D80418-0
P6	The Nature Conservancy	Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project	00D80218-0
P7	Galveston Bay Foundation	Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits	00D73918-0
P8	Ducks Unlimited Inc.	Texas Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People	00D80318-0

The EPA Grants will be awarded to the eight organizations after EPA and the RESTORE Council execute an Interagency Agreement which will provide funding reimbursement to EPA for implementing the GMCEGP.

## **Project Summary**

### **P2 - Enhancing Conservation through Woody Vegetation Removal and Evaluation of the Impact of Novel Management Methods in Florida's Rare Coastal Wetland Ecosystem (Implementation).**

**Project Description:** Fire suppression has fundamentally altered the ecosystem structure of Florida's coastal wetlands. Throughout the region, plant community composition in fire-suppressed seepage slopes and wet prairies has changed from sparsely scattered pines and an herbaceous ground layer including numerous rare insectivorous plants to dense impassable forest stands dominated by shrubby trees tolerant of long-term flooding (primarily *Cliftonia monophylla*, regionally called titi). This vegetation conversion is believed to cause a shift in understory plant habitat, amphibian habitat, surface and subsurface hydrology, and water quality in these ecosystems. Though assumed valid, many of these theories about impacts of wetland alteration have not been tested.

This project has two main objectives. First, the project will test whether restoration through vegetation removal in coastal wetlands leads to differences in hydrologic and nutrient parameters in soil, shallow groundwater, and stream water flowing into coastal dune lakes. The second objective is to evaluate whether there are differences among conventional and novel restoration treatments in terms of surface water level and chemistry, groundwater level and chemistry, soil chemistry, amphibian abundance/diversity, and ground layer vegetation. The results of this project will provide information that will benefit the long-term restoration of a much larger area encompassing more than 1,000 hectares of wetlands in Florida's Panhandle.

**Measurable Outputs:** The particular component of the overall Restoration Project at Deer Lake State Park (DLSP) in this restoration and monitoring project will be 5.1 hectares (12.6 acres) of wetland restored. Additional measurable outputs include the volume of water returned to the stream, calculated relative to untreated streams; the improved water quality (through reduction of nutrients loading), also calculated relative to untreated streams and groundwater zones; the amount of wetted area in wetlands; the habitat improvement for rare understory vegetation, and habitat improvement for amphibians.

**Place of Performance:** Deer Lake State Park, Walton County, Florida. DLSP is located east of Grayton Beach State Park and between Seaside and Rosemary Beach in the Panhandle of Florida (see Figure 1 for general location and Figure 2 for specific site of project).

**Project Period:** August 2018 to July 2021



Figure 1: General Location of Deer Lake State Park (source – Google Maps)

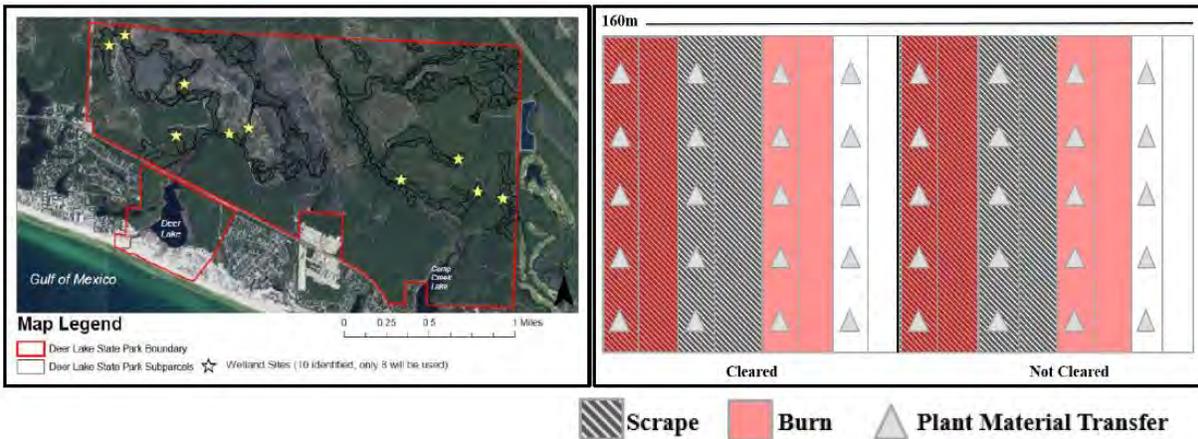


Figure 2: Research Plots within DLSP (source – RESTORE Grant Application)

**Environmental Benefits:**

This project will restore 5.1 hectares of wetland habitat in DLSP, by:

- i. Increasing the overall amount of wetted area in the restored wetlands
- ii. Increasing the number of species and overall abundance of sensitive species in the restored wetlands
- iii. Increasing the species and abundance of amphibians in the restored wetlands
- b. We will improve water quality (through reducing nutrient inputs) in streams flowing from restored wetlands into coastal dune lakes downstream.
- c. We will increase the amount of discharge in streams flowing from restored wetlands into coastal dune lakes downstream.
- d. We will communicate results (i.e., share knowledge) of our project to 40 land managers and other regional stakeholders through two workshops and associated materials. Results will focus on the

improvements to habitat, water quality, and water conservation, as well as the benefits of different novel restoration treatments implemented at the project sites.

e. We will communicate results and share our knowledge at meetings held by external groups including local environmental advocacy groups, state and federal agencies, and regional conferences.

f. We will also share our knowledge and project results through at least two peer-reviewed journal publications.

**NEPA:** The EPA has determined that this project (and EPA's action) meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the action of funding this project through RESTORE 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:** The 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 proposed project is located in the Deer Lake State Park in Florida. It is expected to only involve minimal ground disturbance that therefore would not have significant environmental impacts.

*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 protected State Park that does not have permanent human inhabitants, the project will not disproportionately or negatively impact any community.

*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 positive effects on species within the project boundary, as determined by the signed USFWS Southeast Region Intra-Service Section 7 Biological Evaluation Form (attached). No critical habitat was identified within the project boundary.

*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.* This project is not expected to impact any 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. The Florida Division of Historical Resources and State Historic Preservation Office reviewed the proposed and provided guidance on monitoring of the site during project activities. A staff member that has completed the Florida Archaeological Resource Management Training Course will be present to monitor project activities in the event a significant historic site is discovered.

*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.* This project is not 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 implementation of this project is not known or expected to cause significant adverse air quality effects.* This project will only involve very minimal earth disturbance and is not expected to be a significant source of air emissions.

*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.* This project is located on land that is permanently protected within a State Park. This project will not change or have a significant effect on the pattern and type of land use at the project site.

*The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project.* The implementation of this project is not expected to cause significant public controversy about potential environmental impacts.

*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.*

*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. The applicant (Atlanta Botanical Gardens) submitted a request to the Florida State Historic Preservation Officer 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 May 30, 2019, the Florida Division of Historical Resources issued their opinion that the proposed project activities should be monitored by trained staff. The applicant has made this commitment.

**ESA:** The EPA provided a Biological Evaluation checklist for the proposed project activities to the Panama City Field Office of the USFWS on April 12, 2019 via email. In a letter dated, April 18, 2019, the USFWS concurred that the proposed project activities may affect but will not likely to adversely affect listed species. See attached. The EPA determined that the proposed project should have 'no effect' on listed species under the jurisdiction of the NMFS.

**EFH:** The project is located in upland areas and should not have any impact on essential fish habitat.

**CWA:** The project received Nation Wide Permit (NWP) coverage (NWP 5&27) for potential impacts to waters of the US. Permit number SAJ-2006-03883 was issued on July 22, 2019 and is attached to this EID.

The following table summarizes the various authorities consulted and permits issued

<b>Agency</b>	<b>Representatives Name, Office, &amp; Phone</b>	<b>Date</b>	<b>Notes and topic discussed, relevant details, and conclusions</b>
<b>U.S. Fish and Wildlife Service</b>	Channing St. Aubin  (850) 769 - 0552	4/18/19	<b>ESA - Threatened and endangered species;</b> see attached signed letter. USFWS concurred with the EPA's assessment that the project may affect but is likely to not adversely affect any listed species.  USFWS also provided concurrences that the proposed project is not anticipated to impact mammals covered under the Marine <b>Mammal Protection Act</b> , birds covered under the <b>Migratory Bird Treaty Act</b> or the <b>Bald and Golden Eagle Protection Act</b> . The USFWS service also concurred that the project will not impact coastal areas covered under the <b>Coastal Barrier Resource Act</b> . (See attached letter from USFWS dated 4/18/19)
<b>Florida State Historical Preservation Officer (SHPO)</b>	Timothy A. Parsons, Ph.D.  850-245-6300	5/30/2019	<b>NHPA - Historical, cultural, and archeological resources;</b> 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 should have a trained staff member monitor project activity. This commitment has been made by the applicant.
<b>NOAA</b>			<b>EFH - Magnuson-Stevens Act;</b>  Since project activities are limited to upland areas, no impacts to EFH are expected. .
<b>USACE</b>	Steve Andrews Jr.  850-439-0707	7/22/2019	<b>Clean Water Act - Nation Wide Permit 5 and 27.</b> See attached permit with permit conditions and decision document related to the USACE's assessment of the project impacts.

**Attachments:**

- (a) EPA NEPA Determination; May 30, 2019
- (b) Section 7- ESA Biological Evaluation Checklist and (EPA email to Channing St. Aubin with USFWS)
- (c) USFWS Endangered Species Act (ESA) Clearance Letter; April 18, 2019
- (d) Florida SHPO National Historic Preservation Act (NHPA) Clearance Letter; May 30, 2019
- (e) USACE Nation Wide Permit number SAJ-2006-03883; July 22, 2019
- (f) Department of the Army Memorandum Documenting General Permit Verification; July 22, 2019

# Attachment A



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

**Deer Lake State Park Project Summary**

EPA has determined that the Enhancing Conservation through Woody Vegetation Removal and Evaluation of the Impact of Novel Management Methods in Florida's Rare Coastal Wetland Ecosystem RESTORE funded project meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, this RESTORE project 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		
Consistent with my responsibilities for NEPA compliance review and concurrence, I have determined that this action is statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b).		
<i>Signature</i> 	<i>Name &amp; Title</i> <b>Chris Millitscher</b> Chief – R4-NEPA Section/SPO/ORR	<i>Phone Number</i> <b>(404) 562 9512</b>
EPA Contact for Environmental Review on this Project (If different from Responsible Official)		
<i>Name</i> <b>John F. Bowie, P.E.</b>	<i>Title</i> <b>Environmental Engineer</b>	<i>Phone Number</i> <b>(228)679-5891</b>

## Attachment B

**From:** [Holliman, Daniel](#)  
**To:** ["Channing\\_StAubin@fws.gov"](mailto:Channing_StAubin@fws.gov)  
**Cc:** [Bowie, John](#); ["Horning, David"](#)  
**Subject:** Deer Lake State Park RESTORE Project BE  
**Date:** Friday, April 12, 2019 4:17:00 PM  
**Attachments:** [P2\\_ABG.pdf](#)  
[Deer Lake State Park IPaC Report.pdf](#)  
[Deer Lakes State Park Project \(BE\).pdf](#)

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Channing,

Good to speak to you yesterday. Attached is the project description for the Deer Lake State Park Research RESTORE project, a Draft Biological Evaluation Checklist Form, and the IPAC generated report for the park in the area of the project.

I took a shot at filling out the listed species effects determinations. Let me know your thoughts.

Thanks,  
Dan

**Dan Holliman**  
USEPA Region 4 | NEPA Program Office  
61 Forsyth Street SW | Atlanta, GA 30303

tel 404.562.9531 | [holliman.daniel@epa.gov](mailto:holliman.daniel@epa.gov)

# Biological Evaluation Form

## Deepwater Horizon Oil Spill Restoration

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

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

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

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

### A. Project Identification

Federal Action Agency		Environmental Protection Agency		Additional Federal Action Agency		Select Most Appropriate	
Agency Contact(s)							
USFWS: Ashley Mills at 812-756-2712 and Ashley_Mills@fws.gov							
NMFS: Christy Fellas at 727-551-5714 and Christina.Fellas@noaa.gov							
I. Implementing Trustee(s)							
EPA							
II. Contact Person		III. Phone		Email			
John Bowie		(228) 679-5891		Bowie.John@epa.gov			
IV. Project Name and ID# (Official name of project and ID number assigned by Trustees in DIVER)							
Deer Lake State Park RESTORE project							
V. NMFS Office (Choose appropriate office based on project location)				USFWS Office (Choose or write in appropriate office based on project location)			
Not Applicable				Panama City Ecological Services Field Office (Panama City)			
VI. Project Type #1				Project Type #2, if helpful			
Other				Select Most Appropriate			
VII. TIG				Restoration Plan			
Select Most Appropriate							

### B. Project Location

I. Physical Address of action area (If applicable)	
Deer Lake State Park	
II. State & County/Parish of action area	
Walton County, Florida	
III. Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: <a href="https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees">https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees</a> ])	
Multiple locations within Deer Lake State Park 30.313514, -86.0682532	
IV. Township, range and section of the action area	

**C. Existing Compliance Documentation**

**NEPA Documents**

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

Examples:

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

**Permits**

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

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

Yes  No

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

EPA has determined that the RESTORE funded portion of the Deer Lake State Park Project meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA.

EPA has determined that the proposed action (providing matching funds through RESTORE 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.

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

Name of Person Completing this Form:	<input type="text" value="Dan Holliman"/>
Name of Project Lead:	<input type="text"/>
Date Form Completed:	<input type="text" value="04/12/2019"/>
Date Form Updated:	<input type="text"/>

**D. Description of Action Area**

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

The proposed project is located at various locations within the Deer Lake State Park in Walton County, Florida. Throughout this region, plant community composition in fire-suppressed seepage slopes and wet prairies has changed from sparsely scattered pines and an herbaceous ground layer including numerous rare insectivorous plants to dense impassable forest stands dominated by shrubby trees tolerant of long-term flooding (primarily *Cliftonia monophylla*, regionally called titi). This vegetation conversion is believed to cause a shift in understory plant habitat, amphibian habitat, surface and subsurface hydrology, and water quality in these ecosystems.

A map of the proposed study sites is provided in the attached grant application.

a. *Waterbody*  
If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.

See attached grant application for specific wetland study sites.

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

Undeveloped protected park area with access roads in some areas.

c. *Seagrasses & Other Marine Vegetation*  
If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

d. *Mangroves*  
If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

e. *Corals*  
If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

f. *Uplands*  
If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

g. *Marine Mammals*  
If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see <http://www.nmfs.noaa.gov/pr/sars/region.htm>

## E. Project Description

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

The original project schedule was August 2018 to July 2021, however, since this grant has not been funded, it is expected to extend three years past funding.

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

This project has two main objectives. First, the project will test whether restoration through vegetation removal in coastal wetlands leads to differences in hydrologic and nutrient parameters in soil, shallow groundwater, and stream water flowing into coastal dune lakes. The second objective is to evaluate whether there are differences among conventional and novel restoration treatments in terms of surface water level and chemistry, groundwater level and chemistry, soil chemistry, amphibian abundance/diversity, and ground layer vegetation. The results of this project will provide information that will benefit the long-term restoration of a much larger area encompassing more than 1,000 hectares of wetlands in Florida's Panhandle.

Measurable Outputs: The particular component of the overall Restoration Project at DLSP in this restoration and monitoring project will be 5.1 hectares (12.6 acres) of wetland restored. Additional measurable outputs include the volume of water returned to the stream, calculated relative to untreated streams; the improved water quality (through reduction of nutrients loading), also calculated relative to untreated streams and groundwater zones; the amount of wetted area in wetlands; the habitat improvement for rare understory vegetation, and habitat improvement for amphibians.

For more detailed descriptions of research methods see attached grant application.

III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

a. *If applicable, Overwater Structures (Place your answers to the following questions in the box below.)*

- i. *Is the proposed use of this structure for a docking facility or an observation platform?*
- ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*
- iii. *Use of "Dock Construction Guidelines"? [http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/guidance\\_docs/documents/dockkey2002.pdf](http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/dockkey2002.pdf)*
- iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*
- v. *Height above Mean High Water (MHW) elevation?*
- vi. *Directional orientation of main axis of dock?*
- vii. *Overwater area (sqft)?*

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

c. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft<sup>2</sup>) to be dredged, volume of material (yd<sup>3</sup>) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles then describe the methods here.*

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

## F. NOAA Species & Critical Habitat and Effects Determination Requested

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

For information on species and critical habitat under NMFS jurisdiction, visit: [http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/threatened\\_endangered/Documents/gulf\\_of\\_mexico.pdf](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf).

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

SPECIES and/or CRITICAL HABITAT	CH UNIT (if applicable)	LOCATION (sea turtles and Gulf sturgeon only)	DETERMINATION (see definitions below)
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
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Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate

### Determination Definitions

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

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

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

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

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

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

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

## G. USFWS Species & Critical Habitat and Effects Determination Requested

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

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

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

SPECIES and/or CRITICAL HABITAT	CH UNIT (if applicable)	LOCATION (sea turtles and Gulf sturgeon only)	DETERMINATION (see definitions below)
Red-cockaded woodpecker		Terrestrial	May Affect, Not Likely to Adversely Affect
Piping plover		Terrestrial	May Affect, Not Likely to Adversely Affect
Red knot		Terrestrial	May Affect, Not Likely to Adversely Affect
West Indian manatee		Marine	No Effect
Wood stork		Terrestrial	May Affect, Not Likely to Adversely Affect
Eastern indigo snake		Terrestrial	May Affect, Not Likely to Adversely Affect
Gopher tortoise		Terrestrial	May Affect, Not Likely to Adversely Affect
Green sea turtle		Marine	May Affect, Not Likely to Adversely Affect
Hawksbill sea turtle		Marine	May Affect, Not Likely to Adversely Affect
Kemp's Ridley		Marine	May Affect, Not Likely to Adversely Affect
Leatherback sea turtle		Marine	May Affect, Not Likely to Adversely Affect
Loggerhead sea turtle		Marine	May Affect, Not Likely to Adversely Affect
Reticulated flatwoods salamander		Riverine/freshwater	May Affect, Not Likely to Adversely Affect
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Gulf Sturgeon		Select One	No Effect
		Select One	Select Most Appropriate

### Determination Definitions

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

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

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

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

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

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

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

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

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

Mammals- This project work will take place in a wetland habitat, there is no marine environment component to this work that would impact the West Indian Manatee. Therefore a 'no effect' determination was made for this species.

Birds - Overall this project will have only minimal impact to research plots within the State Park. In addition, these species are motile and able to leave the project area during research activities. For the listed birds, it has been determined that the proposed project 'May Affect, Not Likely to Adversely Affect.'

Reptiles/Amphibians - Overall this project will have only minimal impact to research plots within the State Park. The research will have an overall positive impact on Reptiles and Amphibians. The proposed project also involve amphibian monitoring which will allow for a better understanding of salamander community composition at the site. It has been determined that the proposed project 'May Affect, Not Likely to Adversely Affect' on listed Reptiles and Amphibians.

Fish - This project work will take place in a wetland habitat, there is no marine environment component to this work that would impact the Atlantic Sturgeon - Gulf Subspecies. Therefore a 'no effect' determination was made for this species.

No critical habitat was identified in the project area.

For more details on the project implementation and potential effects please see attached grant application.

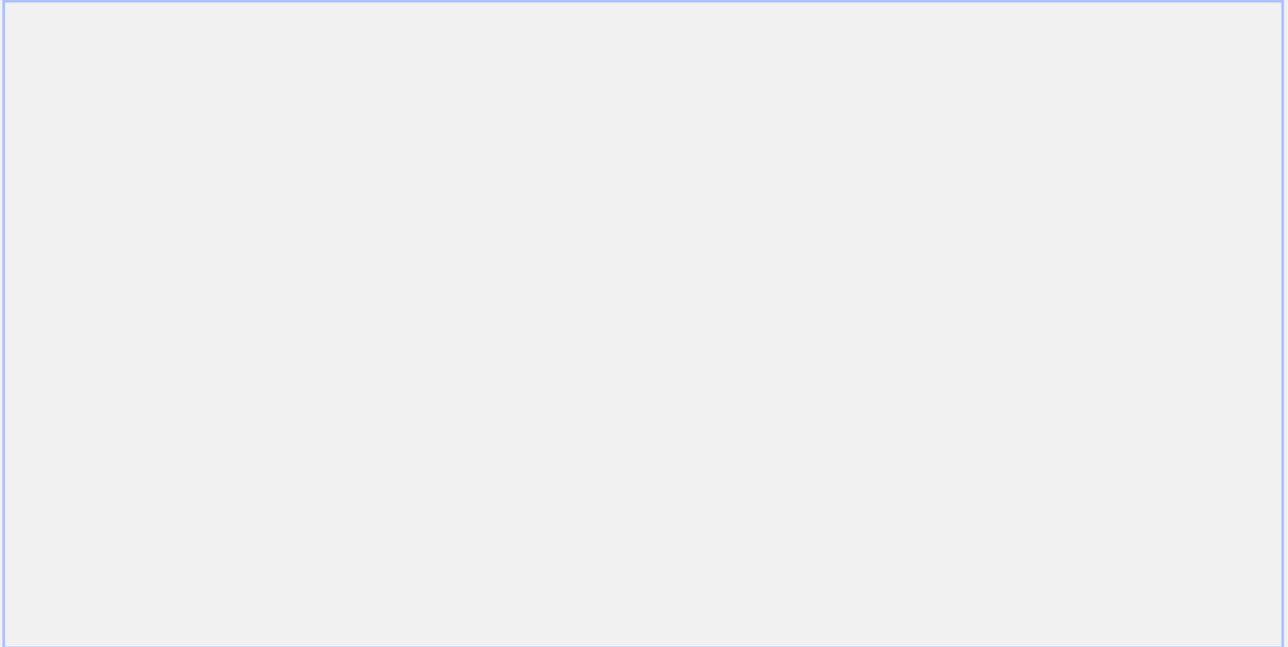
II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects (e.g.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

This project will provide the a better understanding of whether restoration through vegetation removal in coastal wetlands leads to differences in hydrologic and nutrient parameters in soil, shallow groundwater, and stream water flowing into coastal dune lakes. In addition the proposed project will help researchers better evaluate whether there are differences among conventional and novel restoration treatments in terms of surface water level and chemistry, groundwater level and chemistry, soil chemistry, amphibian abundance/diversity, and ground layer vegetation.

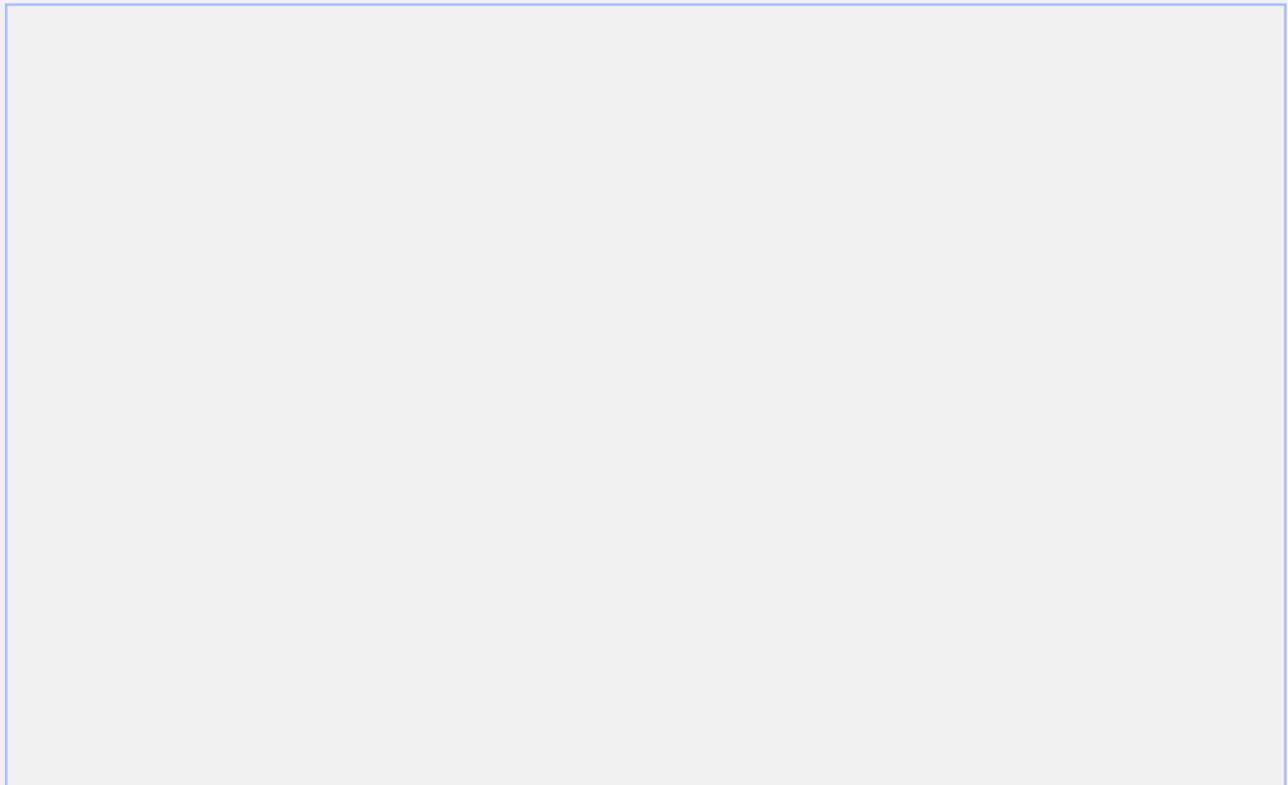
The results of this project will provide information that will benefit the long-term restoration of a much larger area encompassing more than 1,000 hectares of wetlands in Florida's Panhandle. These efforts will lead to a better understanding of the best ways to restore habitat for some of the listed species covered in this BE.

## I. Actions to Reduce Adverse Effects

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



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



## J. Marine Mammals

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

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

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

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

NO YES

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz   |
| <input type="checkbox"/> | <input type="checkbox"/> | b) In-water construction or demolition  |
| <input type="checkbox"/> | <input type="checkbox"/> | c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)                               |
| <input type="checkbox"/> | <input type="checkbox"/> | d) In-water Explosive detonation  |
| <input type="checkbox"/> | <input type="checkbox"/> | e) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)   |
| <input type="checkbox"/> | <input type="checkbox"/> | f) Aquaculture  |
| <input type="checkbox"/> | <input type="checkbox"/> | g) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc. |
| <input type="checkbox"/> | <input type="checkbox"/> | h) Restoration of barrier islands, levee construction or similar projects   |
| <input type="checkbox"/> | <input type="checkbox"/> | i) Fresh-water river diversions   |

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

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

### K. Bald Eagles

Are bald eagles present in the action area?  NO  YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures?  NO  YES

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

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

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

### L. Migratory Birds

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

<u>Species/Species Group</u>	<u>Behavior</u>	<u>Species/Habitat Impacts and Conservation Measures to Minimize Impacts</u>
<ul style="list-style-type: none"> <li>American Kestrel</li> <li>American Oystercatcher</li> <li>Bachman's Sparrow</li> <li>Bald Eagle</li> <li>Black Scoter</li> <li>Black Skimmer</li> <li>Cerulean Warbler</li> <li>Clapper Rail</li> <li>Comon Ground-dove</li> <li>Dunlin</li> <li>Eastern Whip-poor-will</li> <li>Gull-billed Tern</li> <li>Henslow's sparrow</li> <li>Kentucky Warbler</li> <li>Least Tern</li> <li>Lesser Yellowlegs</li> <li>Magnificent Frigatebird</li> <li>Marbled Godwit</li> <li>Nelson's sparrow</li> <li>Prairie Warbler</li> <li>Prothonotary Warbler</li> <li>Red-headed Woodpecker</li> <li>Ruddy Turnstone</li> <li>Seaside Sparrow</li> <li>Semipalmated Sandpiper</li> <li>Short-billed Dowitcher</li> <li>Swallow-tailed Kite</li> <li>Whimbrel</li> </ul>		<p>The results of this project will provide information that will benefit the long-term restoration of a much larger area encompassing more than 1,000 hectares of wetlands in Florida's Panhandle. These efforts will lead to a better understanding of the best ways to restore habitat for listed migratory birds covered in this BE.</p>

### M. Migratory Birds

Continuation page if needed.

II.	<u>SPECIES/SPECIES GROUP</u>	<u>BEHAVIOR</u>	<u>SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS</u>
	Willet Wilson's Plover Woody Thrush		

### N. Best Practices

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. [http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6\\_Environmental-Consequences\\_508.pdf](http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf)

Use the box below to indicate which practices you'll be using in your project.

## O. Submitting the BE Form

### **NMFS ESA § 7 Consultation**

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

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

### **USFWS ESA § 7 Consultation**

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

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

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

# Endangered Species Act Programmatic Biological Opinion

## Deepwater Horizon Oil Spill Restoration

### National Marine Fisheries Service

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

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

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

Full text of the PDCs can be reviewed at: [http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/freq\\_biop/documents/DWH\\_bo/appendix\\_a.pdf](http://sero.nmfs.noaa.gov/protected_resources/section_7/freq_biop/documents/DWH_bo/appendix_a.pdf)

**Oyster Reef Creation and Enhancement**  Yes  No

- Project is designed to avoid techniques and locations listed in the oyster reef creation and enhancement PDCs 1.a-1.e.
- Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.a)
- Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.c)
- In Gulf sturgeon critical habitat, oyster reef creation and enhancement occurs only on existing shell substrata or relic reef locations (PDC 2.d)
- Cultch material is free of debris and contaminants (PDC 2.e)
- Fresh shell has been properly aged or quarantined before being deployed (PDC 2.f)
- Cultch material is placed in a manner to minimize disturbance of sediment (PDC 2.g)
- Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- Plan/drawings for intermittent breaks between oyster reef segment has been provided (2.i)
- Spill prevention and response plan has been developed (2.j)
- Design and materials used avoid entanglement and entrapment risks for ESA-listed species (2.k)
- Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

**Marine Debris Removal**  Yes  No

- This project is designed to avoid techniques and locations listed in the marine debris removal PDCs 1.a-1.c
- All on-water operations shall take place during daylight hours (PDC 2.a)
- Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.b)
- Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.c)
- Project personnel have been notified of procedures if approached by a marine mammal or sea turtle (PDC 2.d)
- Trash and debris will be disposed of at an upland location (PDCs 2.e)
- Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

**Construction of Living Shorelines**
 Yes  No

- This project is designed to avoid techniques and locations listed in the living shoreline PDCs 1.a-1.h
- Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- All in-water work activities will be conducted during daylight hours (PDC 2.b)
- Piles for navigation or public safety purposes are less than 24" diameter and non-metal if impact hammer used (PDC 2.c)
- Spill prevention and response plan has been developed (2.d)
- Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.i)
- Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

**Marsh Creation and Enhancement**
 Yes  No

- Project is designed to avoid techniques and locations listed in the marsh creation PDCs 1.a-1.f
- Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- All in-water work activities will be conducted during daylight hours (PDC 2.c)
- Spill prevention and response plan has been developed (PDC 2.d)
- Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- Methods are employed to avoid turbidity impacts to ESA-listed species (PDCs 2.h)
- Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

**Construction of Non-Fishing Piers**

Yes  No

- This project is designed to avoid locations listed in the non-fishing piers PDCs 1.a
- Spill prevention and response plan has been developed (PDC 2.a)
- Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.b)
- Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.c)
- Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.d)
- Follow Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat (PDC 2.e)
- In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.f)
- Follows methods and timing for pile driving (2.g)
- Follows construction sequencing and avoids propwashing (PDC 2.h)
- Water depth will not be altered (PDC 2.i)
- Lighting specifications are incorporated for piers on or adjacent to sea turtle nesting beaches (PDC 2.j)
- Follows educational and fishing signage requirements (PDC 2.k)
- Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.l)
- Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

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

Name of person(s) completing this form:

Date form completed:

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

**IPaC**

U.S. Fish &amp; Wildlife Service

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Walton County, Florida



## Local office

Panama City Ecological Services Field Office

(850) 769-0552

(850) 763-2177

1601 Balboa Avenue  
Panama City, FL 32405-3792

<http://www.fws.gov/panamacity/specieslist.html>

<http://www.fws.gov/panamacity/pdata.html>

NOT FOR CONSULTATION

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

## Listed species

<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

- 
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
  2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Mammals

NAME	STATUS
Choctawhatchee Beach Mouse <i>Peromyscus polionotus</i> alophrys There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/3520">https://ecos.fws.gov/ecp/species/3520</a>	Endangered
West Indian Manatee <i>Trichechus manatus</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/4469">https://ecos.fws.gov/ecp/species/4469</a>	Threatened Marine mammal

## Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/7614">https://ecos.fws.gov/ecp/species/7614</a>	Endangered
Wood Stork <i>Mycteria americana</i> No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/8477">https://ecos.fws.gov/ecp/species/8477</a>	Threatened

## Reptiles

NAME	STATUS
Eastern Indigo Snake <i>Drymarchon corais couperi</i> No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/646">https://ecos.fws.gov/ecp/species/646</a>	Threatened

Gopher Tortoise <i>Gopherus polyphemus</i>	Candidate
No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/6994">https://ecos.fws.gov/ecp/species/6994</a>	
Green Sea Turtle <i>Chelonia mydas</i>	Threatened
No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a>	
Hawksbill Sea Turtle <i>Eretmochelys imbricata</i>	Endangered
There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a>	
Kemp's Ridley Sea Turtle <i>Lepidochelys kempii</i>	Endangered
There is <b>proposed</b> critical habitat for this species. The location of the critical habitat is not available. <a href="https://ecos.fws.gov/ecp/species/5523">https://ecos.fws.gov/ecp/species/5523</a>	
Leatherback Sea Turtle <i>Dermochelys coriacea</i>	Endangered
There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a>	
Loggerhead Sea Turtle <i>Caretta caretta</i>	Threatened
There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/1110">https://ecos.fws.gov/ecp/species/1110</a>	

## Amphibians

NAME	STATUS
Reticulated Flatwoods Salamander <i>Ambystoma bishopi</i>	Endangered
There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/8939">https://ecos.fws.gov/ecp/species/8939</a>	

## Fishes

NAME	STATUS
Atlantic Sturgeon (gulf Subspecies) <i>Acipenser oxyrinchus</i> (= <i>oxyrinchus</i> ) <i>desotoi</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/651">https://ecos.fws.gov/ecp/species/651</a>	Threatened

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the

FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

American Kestrel *Falco sparverius paulus*

Breeds Apr 1 to Aug 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Bachman's Sparrow *Aimophila aestivalis*

Breeds May 1 to Sep 30

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/6177>

Bald Eagle *Haliaeetus leucocephalus*

Breeds Sep 1 to Jul 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

<b>Black Skimmer</b> <i>Rynchops niger</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/5234">https://ecos.fws.gov/ecp/species/5234</a>	Breeds May 20 to Sep 15
<b>Dunlin</b> <i>Calidris alpina arctica</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
<b>Gull-billed Tern</b> <i>Gelochelidon nilotica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9501">https://ecos.fws.gov/ecp/species/9501</a>	Breeds May 1 to Jul 31
<b>Least Tern</b> <i>Sterna antillarum</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 20 to Sep 10
<b>Nelson's Sparrow</b> <i>Ammodramus nelsoni</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
<b>Prairie Warbler</b> <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
<b>Prothonotary Warbler</b> <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
<b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
<b>Ruddy Turnstone</b> <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
<b>Semipalmated Sandpiper</b> <i>Calidris pusilla</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere

**Short-billed Dowitcher** *Limnodromus griseus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9480>

**Swallow-tailed Kite** *Elanoides forficatus*

Breeds Mar 10 to Jun 30

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8938>

**Willet** *Tringa semipalmata*

Breeds Apr 20 to Aug 5

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Wood Thrush** *Hycloichla mustelina*

Breeds May 10 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any

week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .

- The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

**Breeding Season (■)**

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

**Survey Effort (|)**

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

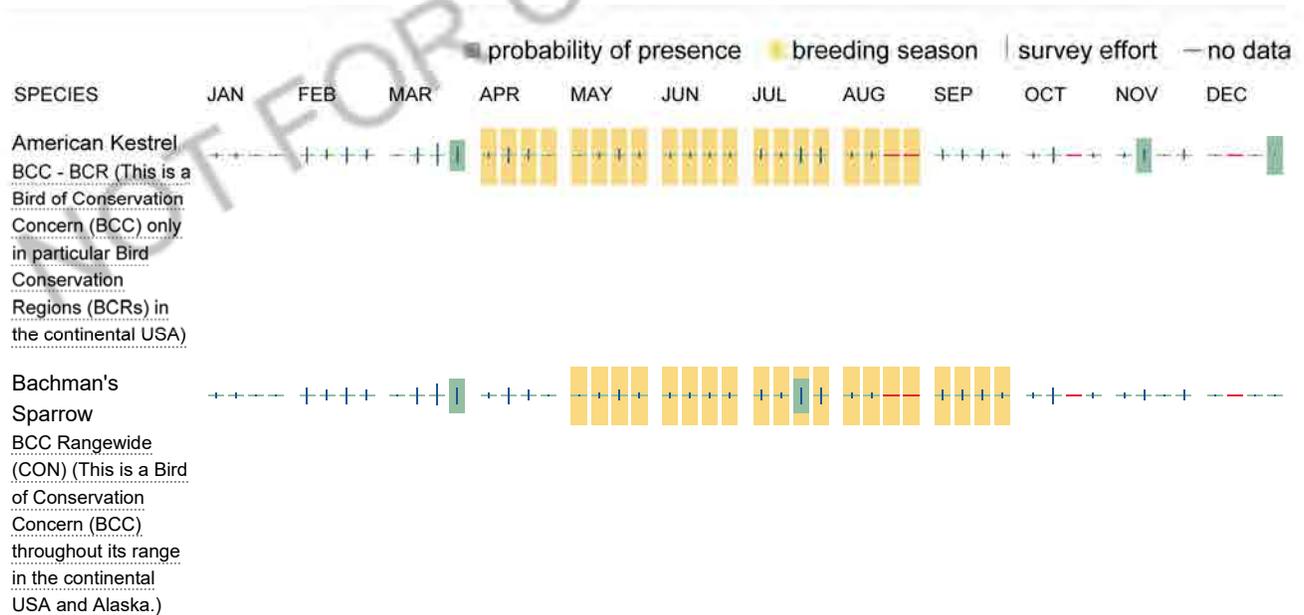
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

**No Data (-)**

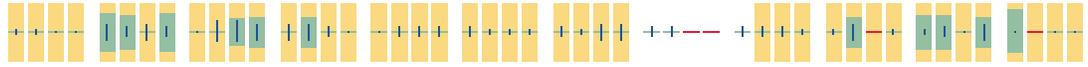
A week is marked as having no data if there were no survey events for that week.

**Survey Timeframe**

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



**Bald Eagle**  
 Non-BCC Vulnerable  
 (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



**Black Skimmer**  
 BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



**Dunlin**  
 BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



**Gull-billed Tern**  
 BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

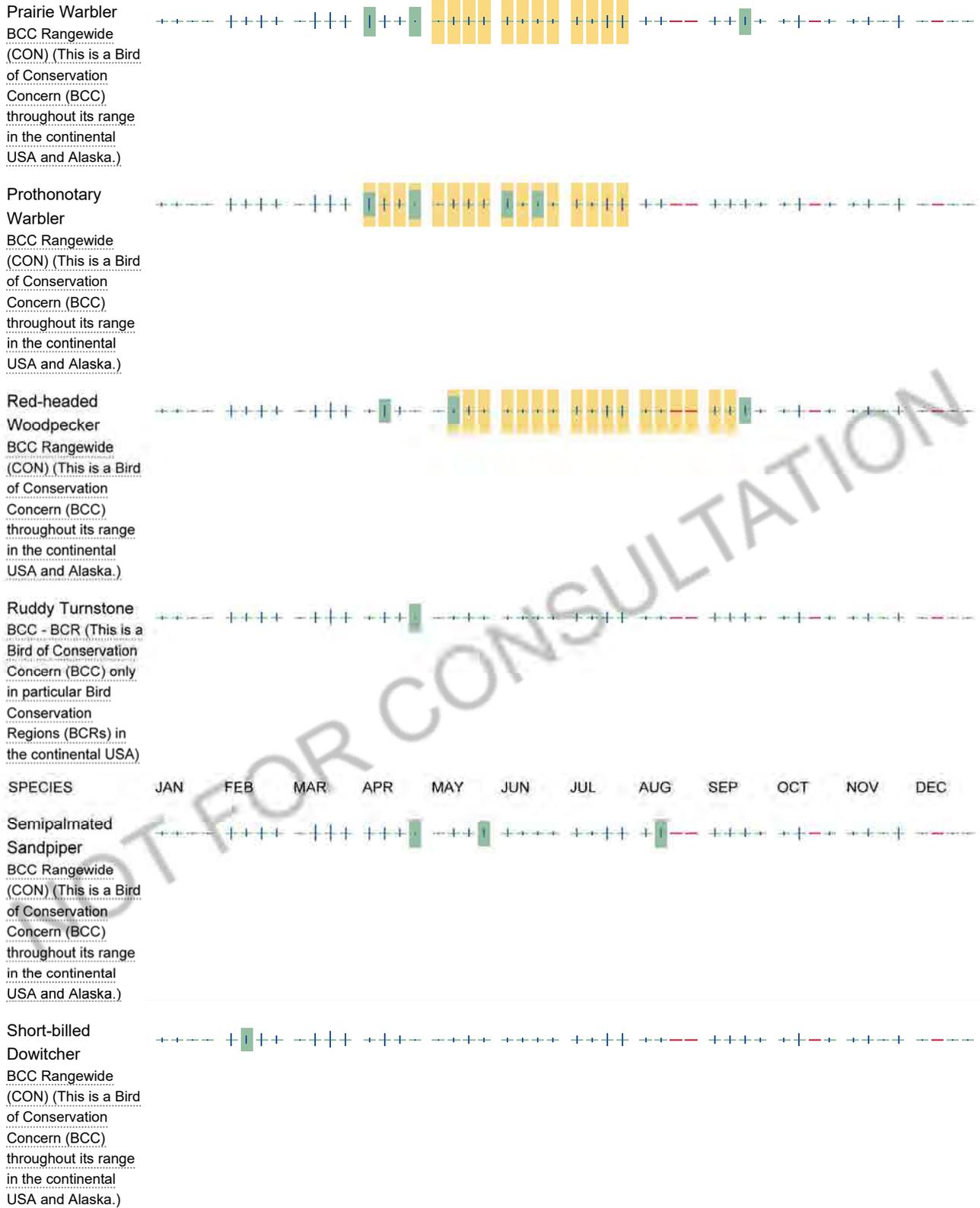


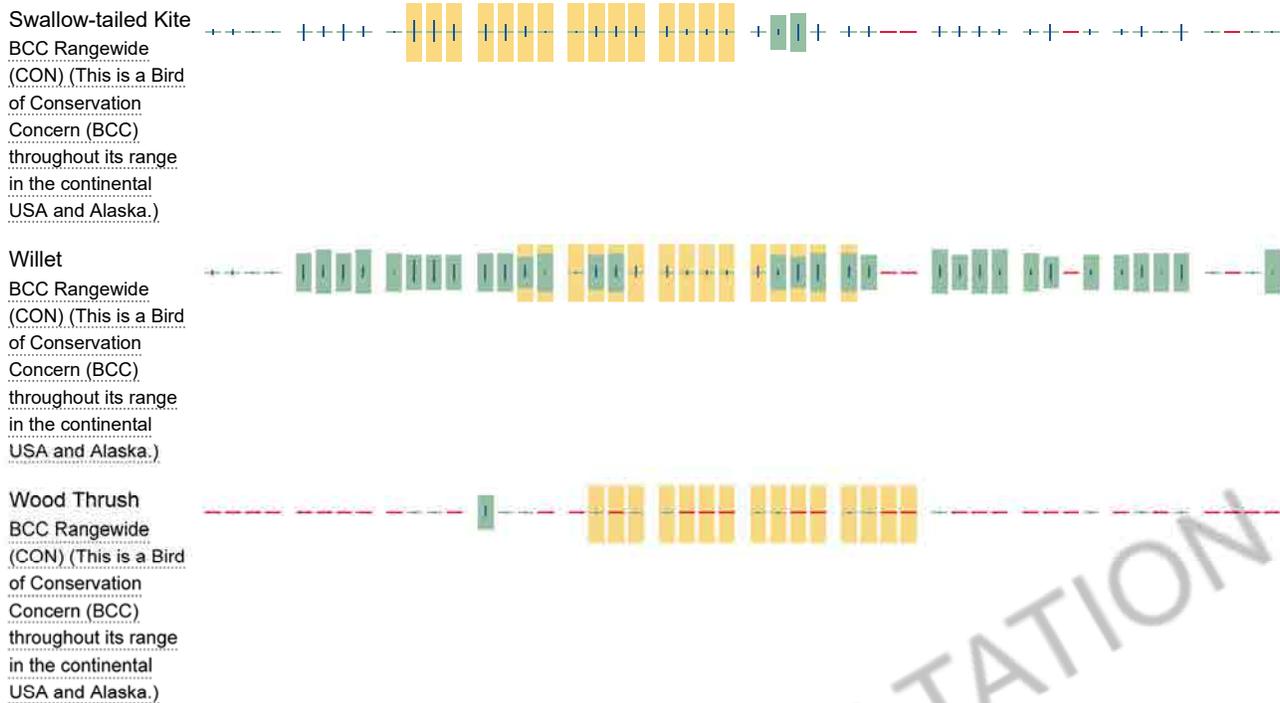
**Least Tern**  
 BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



**Nelson's Sparrow**  
 BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)







**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

NOT FOR CONSULTATION

# Marine mammals

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act

<sup>1</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>2</sup>.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries

<sup>3</sup> [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take (to harass, hunt, capture, kill, or attempt to harass, hunt, capture or kill) of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following marine mammals under the responsibility of the U.S. Fish and Wildlife Service are potentially affected by activities in this location:

NAME

West Indian Manatee *Trichechus manatus*  
<https://ecos.fws.gov/ecp/species/4469>

## Facilities

### National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

## Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

### ESTUARINE AND MARINE DEEPWATER

[E1UBL](#)

### ESTUARINE AND MARINE WETLAND

[E2EM1P](#)

### FRESHWATER EMERGENT WETLAND

[PEM1B](#)

[PEM1C](#)

[PEM1/FO1C](#)

[PEM1/SS3B](#)

[PEM1A](#)

### FRESHWATER FORESTED/SHRUB WETLAND

[PFO4/SS3B](#)

[PFO1/2C](#)

[PFO2F](#)

[PFO2/1C](#)

[PFO2/1F](#)

[PSS3B](#)

[PFO1/4C](#)

[PFO1C](#)

[PSS3/EM1B](#)

[PFO4B](#)

[PSS2F](#)

[PSS1B](#)

[PSS1C](#)

## FRESHWATER POND

[PAB4Hh](#)[PUBHx](#)

## RIVERINE

[R5UBH](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

**Data limitations**

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

**Data exclusions**

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

**Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

# Attachment C



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Field Office  
1601 Balboa Avenue  
Panama City, Florida 32405



Tel: (850) 769-0552  
Fax: (850) 763-2177

April 18, 2019

Mr. John Bowie  
U.S. Environmental Protection Agency  
2510 14<sup>th</sup> Street – Suite 1212  
Gulfport, Mississippi 39501

Re: 04EF3000-2019-I-0195  
Deer Lake State Park RESTORE Project

Dear Mr. Bowie:

The Fish and Wildlife Service (Service) has reviewed the Restore Act bucket two funding proposal titled “Deer Lake State Park RESTORE Project” submitted by EPA. 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 proposed environmental stewardship project provides additional funding for the continuation of restoration of the wetland habitat in Deer Lake State park that was originally funded by the Coastal Program of the US Fish and Wildlife Service (Cooperative Agreement # F11AC01209) and the Gulf Environmental Benefit Fund from the National Fish and Wildlife Foundation *Restoration of Florida’s Coastal Dune Lakes*. Based on the nature of the proposed restoration activities, we do not anticipate impacts to birds projected under the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act nor will the project impact mammals covered under the Marine Mammal Protection Act. Finally, the action area is adjacent to, but is not located within the John H. Chaffee Coastal Barrier Resource System and has been consulted on in the previous Coastal Program Cooperative Agreement (see above).

We concur with your determination that the proposed project “may affect, but is not likely to adversely affect (NLAA)” any species identified in the biological evaluation.

Mr. Bowie

2

If you have any questions about these comments, please contact Channing St. Aubin of this office at extension 248 for additional information and coordination.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine T. Phillips". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dr. Catherine T. Phillips  
Field Supervisor

Electronic copies:

Dan Holliman (holliman.daniel@epa.gov)

David Horning (david\_horning@fws.gov)

# Attachment D



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

Ms. Ashlynn Smith  
Atlanta Botanical Gardens  
C/o Grayton Beach State Park  
357 N. Santa Rosa Beach, Florida

May 30, 2019

RE: DHR Project File No.: 2019-2685  
Project: University of Florida Research for 4 Restoration Study Plots and 5 Herps Arrays  
Deer Lake State Park, Walton County

Dear Ms. Smith:

Our office reviewed the referenced project in accordance with Chapter 267, *Florida Statutes*, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value.

We note that the proposed projects are located north of CR-30A in an area of the park that has not been surveyed and where there are currently no recorded sites. While the project will involve minimal ground disturbance, it is the opinion of this agency that ground disturbing activities be monitored by someone who has completed our Archaeological Resource Management (ARM) training program. Once a project is complete, the monitor should submit the appropriate monitoring forms to this 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*.

It is our understanding that a Research and Collecting Permit has been obtained from the District 1 Park Office and is set to be renewed in June of 2019.

For any questions concerning our comments, please contact Robin Jackson, Historic Preservationist, Compliance and Review, by electronic mail at [robin.jackson@dos.myflorida.com](mailto:robin.jackson@dos.myflorida.com), or at 850.245.6496, or 800.847.7278.

Sincerely,

For  
Timothy A. Parsons, Ph.D.  
Director, Division of Historical Resources and State Historic Preservation Officer

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



# Attachment E



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
PENSACOLA REGULATORY OFFICE  
41 NORTH JEFFERSON STREET, SUITE 301  
PENSACOLA, FLORIDA 32502

REPLY TO  
ATTENTION OF

Regulatory Division  
North Permits Branch  
Pensacola Permits Section  
SAJ-2006-03883 (NWP-SWA)

July 22, 2019

John McKenzie  
FDEP, Division of Recreation and Parks  
4620 State Park Lane  
Panama City, Florida 32409

Dear Applicant:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on October 30, 2018, the file number SAJ-2006-03883. A review of the information and drawings provided indicates that the proposed project is the restoration of 120 hectares of historical seepage slope and wet prairie wetlands impacted by unnatural ecological succession due to fire suppression, within Deer Lake State Park. Restoration activities shall consist of the mechanical removal of canopy and woody shrub vegetation and raking of the duff layer by hand. Additionally, scientific monitoring devices shall be installed, including but not limited to amphibian/reptile drift arrays, vegetation sampling plots and groundwater monitoring stations. The project is located within Deer Lake State Park, Walton County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Numbers 5 & 27. In addition, project specific conditions have been enclosed. This verification is valid until **March 18, 2022**. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Internet page to access Internet links to view the Final Nationwide Permits, Federal Register Vol. 82, dated January 6, 2017, specifically pages 1983 to 2008, and the table of Regional Conditions. The Internet page address is:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to click on "Source Book"; and, then 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 5 & 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. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division Enforcement Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502.

b. For electronic mail SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2006-03883 (NWP-SWA), on all submittals.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.

**3. Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

**4. Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

**5. Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Pensacola Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

**6. Eastern Indigo Snake Protection Measures and Inspection:** Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013, attached to this permit. All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.

**7. 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 and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). 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. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above

Special Condition; and 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 for finds under his or her jurisdiction, and from 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 and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). 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 and from the Corps.

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 me by telephone at 850-439-0707.

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 complete our automated Customer Service Survey at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,



Steve Andrews Jr.  
Project Manager

Enclosures:

General Conditions

Transfer Request

Self-Certification

Eastern Indigo Snake Conditions

Permit Drawings

GENERAL CONDITIONS  
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on **March 18, 2022**.
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.

**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST**

**PERMIT NUMBER: SAJ-2006-03883 (NWP-SWA)**

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 or electronic mail at [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil).

\_\_\_\_\_  
**(TRANSFEREE-SIGNATURE)**

\_\_\_\_\_  
**(SUBDIVISION)**

\_\_\_\_\_  
**(DATE)**

\_\_\_\_\_  
**(LOT)**

\_\_\_\_\_  
**(BLOCK)**

\_\_\_\_\_  
**(NAME-PRINTED)**

\_\_\_\_\_  
**(STREET ADDRESS)**

\_\_\_\_\_  
**(MAILING ADDRESS)**

\_\_\_\_\_  
**(CITY, STATE, ZIP CODE)**

**SELF-CERTIFICATION STATEMENT OF COMPLIANCE**

**Permit Number: NWP5 & 27**  
**Application Number: SAJ-2006-03883**

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

\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of the Work: \_\_\_\_\_

\_\_\_\_\_  
Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

**PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES \_\_\_\_\_ NO \_\_\_\_\_**

**TO SCHEDULE AN INSPECTION PLEASE CONTACT \_\_\_\_\_**  
**AT \_\_\_\_\_**

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

## Attachment F

## MEMORANDUM FOR RECORD

### **SUBJECT: Department of the Army Memorandum Documenting General Permit Verification**

**1.0 Introduction and overview:** Information about the proposal subject to one or more of the Corps regulatory authorities is provided in Section 1, detailed evaluation of the activity is found in Sections 2 through 4 and findings are documented in Section 5 of this memorandum. Further, summary information about the activity including the administrative history of actions taken during project evaluation is attached (ORM2 summary) and incorporated into this memorandum.

1.1 Applicant name: John McKenzie  
FDEP, Division of Recreation and Parks  
4620 State Park Lane  
Panama City, Florida 32409

1.2 Activity location: The project is located at 6350 East County Road 30-A (park entrance) within Deer Lake State Park, Walton County, Florida.

1.3 Description of activity requiring verification: The project is the restoration of 120 hectares of historical seepage slope and wet prairie wetlands impacted by unnatural ecological succession due to fire suppression, within Deer Lake State Park. Restoration activities shall consist of the mechanical removal of canopy and woody shrub vegetation and raking of the duff layer by hand. Additionally, scientific monitoring devices shall be installed, including but not limited to amphibian/reptile drift arrays, vegetation sampling plots and groundwater monitoring stations.

1.4 Permit authority: Section 404 of the Clean Water Act (33 USC 1344)

1.5 Applicable Permit: Nationwide Permit (NWP) 5 & 27

1.6 Activity requires written waiver? No

### **2.0 Evaluation of the Pre-Construction Notification**

2.1 Direct and indirect effects caused by the GP activity: Direct effects include the reduction of dense understory vegetation and unnatural canopy cover within areas that were historically wet prairie and seepage slope habitat systems. The effects of restoring the natural vegetative composition and groundcover within these systems include improved ecological functions and habitat diversity. Other direct effects include the temporary displacement of fish and wildlife species during work activities, but are expected to return upon completion of work. Indirect effects include the increased potential for erosion due to exposed sediments after vegetation removal and raking of the duff layer. This would be minimal due to the vegetation being cut slightly above the ground surface, which would leave the root systems in place to prevent erosion of unconfined sediments. Other indirect effects

include the reduced potential for ecological damage from wildfire due to unnaturally dense fuel loads and improved water quality within Deer Lake State Park.

2.2 Site specific factors: The project is within the 1,920-acre Deer Lake State Park, which is managed by the Florida Department of Environmental Protection (FDEP), in south Walton County. Within the park boundaries, there are 11 distinct natural communities, which include beach dune, mesic flatwoods, sandhill, seepage slope, basin swamp, depression marsh, dome swamp, coastal dune lakes, blackwater stream, estuarine tidal creek, and unconsolidated marine substrate. The wetlands within the proposed restoration areas have been impacted by unnatural ecological succession due to fire suppression. The lack of a natural fire regime has altered the plant community composition, wildlife habitat, surface and subsurface hydrology and the overall ecological structure of the seepage slope and wet prairie within the park.

### 2.3 Coordination

2.3.1 Was the PCN coordinated with other agencies? No

2.3.2 Was the PCN coordinated with other business lines of the Corps? No

If yes, describe results including resolution of any concerns: N/A

### 2.4 Mitigation

2.4.1 Provide brief description of how the activity has been designed on-site to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site: The project is the restoration of natural seepage slope and wet prairie wetland habitat. This would result in improved ecological functions and habitat diversity. The vegetation would be cut off slightly above the ground surface, which would leave the root systems in place to prevent erosion of unconfined sediments.

2.4.2 Is compensatory mitigation required for unavoidable impacts to jurisdictional aquatic resources to reduce the individual and cumulative adverse environmental effects to a minimal level? No.

Provide rationale: No mitigation is required because the activity consists entirely of restoration activities.

## 3.0 Compliance with Other Laws, Policies and Requirements

### 3.1 Section 7(a)(2) of the Endangered Species Act (ESA)

3.1.1 ESA action area: The project would take place in wetlands located within the boundaries of Deer Lake State Park. The proposed project requires the use of machinery, which would be operating at the restoration sites, in addition to the moving and equipment staging in the adjacent upland areas outside the footprint of

the regulated activity. Therefore, the action area for Section 7 of the ESA consists of the footprint of the regulated activity and the immediate surrounding area.

3.1.2 Has another federal agency been identified as the lead agency for complying with Section 7 of the ESA with the Corps designated as a cooperating agency and has that consultation been completed? No

3.1.3 Are there listed species or designated critical habitat that may be present or in the vicinity of the Corps' action area? Yes

Effect determination(s), including no effect, for all known species/habitat, and basis for determination(s):

Eastern Indigo snake: Not likely to adversely affect.

Basis for determination: Based on the *Eastern Indigo Snake Programmatic Effect Determination Key – August 13, 2013*, the Corps determined that the project may affect, but is not likely adversely affect the Eastern Indigo Snake with the inclusion of the *Standard Protection Measures for the Eastern Indigo Snake – August 12, 2013*, as a special condition of the permit, if issued. By letter dated 13 August 2013, the FWS stated that construction activities analyzed with the Eastern Indigo Snake Programmatic Effect Determination Key in which the Corps reaches a “may affect, not likely to adversely affect” determination, the FWS hereby concurs with the Corps determination in accordance with 50 CFR 402.14(b)1 and no further consultation with the FWS is required. The applicant has agreed to follow the Standard Protection Measures for the Eastern Indigo Snake that would be included in the permit.

Wood stork: Not likely to adversely affect.

Basis for determination: The Corps utilized 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, to determine that the proposed project is not likely to adversely affect the Wood stork (A > B > C > not likely to adversely affect). By letter dated May 1, 2013, the U.S. Fish & Wildlife Service confirmed its support for use of this key within the area of responsibility of its Panama City Ecological Services Office, which is inclusive of the project area. Based on use of the Key, no further consultation is required for the wood stork for this project.

3.1.4 Consultation with either the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service was initiated and completed as required, for any determinations other than “no effect” (see the attached ORM2 Summary sheet for begin date, end date and closure method of the consultation) Based on a review of the information above, the Corps has determined that it has fulfilled its responsibilities under Section 7(a) (2) of the ESA. The documentation of the consultation is incorporated by reference.

3.2 **Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Stevens Act), Essential Fish Habitat (EFH) N/A.**

3.3 **Section 106 of the National Historic Preservation Act (Section 106)**

3.3.1 Section 106 permit area: The permit area includes those areas comprising waters of the United States that will be directly affected by the proposed work or structures, as well as activities outside of waters of the U.S. because all three tests identified in 33 CFR 325, Appendix C(g)(1) have been met.

Final description of the permit area: As discussed above, the proposed project requires the use of machinery, which would be operating at the restoration sites, in addition to the moving and equipment staging in the adjacent upland areas outside the footprint of the regulated activity. Therefore, the action area for Section 106 of the NHPA consists of the footprint of the regulated activity and the immediately adjacent uplands.

3.3.2 Has another federal agency been identified as the lead federal agency for complying with Section 106 of the National Historic Preservation Act with the Corps designated as a cooperating agency and has that consultation been completed?  
No

3.3.3 Known historic properties? No. Effect determination and basis for that determination: No potential to cause effects. Based on the "*Regulatory Division Standard Operating Procedures for Section 106 of the National Historic Preservation Act Compliance for the State of Florida*" dated 21 November 2016, the Corps has determined that there would be "No Potential to Cause Effect".

3.3.4 Consultation was initiated and completed with the appropriate agencies, tribes and/or other parties for any determinations other than "no potential to cause effects." (see the attached ORM2 Summary sheet for begin date, end date and closure method of the consultation) Based on a review of the information above, the Corps has determined that it has fulfilled its responsibilities under Section 106 of the NHPA. Compliance documentation incorporated by reference.

3.4 **Tribal Trust Responsibilities**

3.4.1 Was government-to-government consultation conducted with Federally-recognized Tribe(s)? No.

Provide a description of any consultation(s) conducted including results and how concerns were addressed. The Corps has determined that it has fulfilled its tribal trust responsibilities.

3.4.2 Other Tribal including any discussion of Tribal Treaty rights? N/A.

3.5 **Section 401 of the Clean Water Act – Water Quality Certification (WQC)**

3.5.1 Is a Section 401 WQC required, and if so, has the certification been issued, waived or presumed? An individual water quality certification is required and has been issued by the certifying agency.

3.6 **Coastal Zone Management Act (CZMA)**

3.6.1 Is a CZMA consistency concurrence required, and if so, has the concurrence been issued, waived or presumed? An individual CZMA consistency concurrence is required and has been issued by the appropriate agency.

3.7 **Wild and Scenic Rivers Act**

3.7.1 Is the project located in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system? No

3.8 **Effects on Corps Civil Works Projects (33 USC 408)**

3.8.1 Does the applicant also require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project? No, there are no Corps Civil Works project(s) in or near the vicinity of the proposal.

3.9 **Other (as needed):** N/A

4.0 **Special Conditions**

4.1 Are special conditions required to ensure minimal effects, protect the public interest and/or ensure compliance of the activity with any of the laws above? Yes

4.2 Required special condition(s)

**1. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division Enforcement Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502.

b. For electronic mail SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2006-03883 (NWP-SWA), on all submittals. **Rationale:** This condition is intended to provide the Permittee with the correct address for submitting reports, documentation and correspondence required by the conditions of the permit.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps. **Rationale:** This condition is intended to assist the Corps with monitoring compliance with the permit.

**3. Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps. **Rationale:** This condition is intended to assist the Corps in monitoring the project for compliance with the permit.

**4. Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized. **Rationale:** This condition is intended to minimize the potential for erosion of disturbed soils into adjacent streams and/or wetlands.

**5. Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Pensacola Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit. **Rationale:** This condition is intended to emphasize to the Permittee that any changes to the authorized work made after issuance of the Corps permit need to be coordinated with the Corps.

**6. Eastern Indigo Snake Protection Measures and Inspection:** Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013, attached to this permit. All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must

be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work. **Rationale:** This condition is intended to afford protection to the Eastern Indigo snake. The Corps notes that the permit application indicates that the applicant intended to implement this condition.

## **7. 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 and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). 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. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and 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 for finds under his or her jurisdiction, and from 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 and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). 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 and from the Corps. **Rationale:** This condition is intended to afford protection to cultural and/or historical resources and to satisfy the requirements of the National Historical Preservation Act.

**5.0 Determination**

- 5.1 Waiver request conclusion, if required or select N/A: N/A
- 5.2 The activity will result in no more than minimal individual and cumulative adverse effects on the aquatic environment and will not be contrary to the public interest, provided the permittee complies with the special conditions identified above.
- 5.3 This activity, as described, complies with all terms and conditions of the permit identified in Section 1.5.

**PREPARED BY:**



\_\_\_\_\_  
STEVE ANDREWS JR.  
Project Manager

Date: 22 July 2019

**REVIEWED/APPROVED BY:**



\_\_\_\_\_  
SHAYNE HAYES  
Chief, Pensacola Permits Section

Date: 22 July 2019

For



**RESTORE – Environmental Information Document**  
**Project ID:** MS RESTORE 001 005 Cat1/Cat2  
**Project Title:** Gulf of Mexico Conservation Enhancement Grant Program  
(P3) Gulf Coast Land Conservation Assistance

**Introduction:** 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).

**Gulf of Mexico Conservation Enhancement Program** - The Unique identifier assigned to this program is [MS RESTORE 001 005 Cat1/Cat2](#) - This Program is currently listed as a Cat1/Cat2 on GCERC’s Funded Priorities List (FPL). Pursuant to the program description, EPA developed and implemented the Gulf of Mexico Conservation Enhancement Grant Program (GMCEGP), a competitive funding assistance opportunity to enhance private/public partnerships that support land protection and conservation across the Gulf Coast region. The eight projects selected to be funded under the GMCEGP are:

Project ID Assigned	Organization	Project Title	EPA Grant #
P1	St. Tammany Parish Government	Planting of Tenet Pond for Habitat Enhancement	00D73818-0
P2	Atlanta Botanical Garden	Enhancing Conservation through Woody Vegetation Removal and Impact Evaluation of Novel Management Methods In Florida’s Rare Coastal Wetland Ecosystem.	00D80518-0
P3	Land Trust for the MS Coastal Plain	Gulf Coast Land Conservation Project Assistance	00D80118-0
P4	Woodlands Conservancy	Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Berateria Basin	00D80018-0
P5	Mississippi Forestry Commission	Enhancing and rehabilitating the ecological functions in a major watershed and sub-watershed in the Mississippi Gulf Coast Region.	00D80418-0
P6	The Nature Conservancy	Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project	00D80218-0
P7	Galveston Bay Foundation	Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits	00D73918-0
P8	Ducks Unlimited Inc.	Texas Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People	00D80318-0

The EPA Grants will be awarded to the eight organizations after EPA and the RESTORE Council execute an Interagency Agreement which will provide funding reimbursement to EPA for implementing the GMCEGP.

**Project Title: P3 – Gulf Coast Land Conservation Assistance (Implementation).**

**Project Description:** The Partnership for Gulf Coast Land Conservation (PGCLC), a collaborative of 24 land trusts working in the Gulf of Mexico Region, seeks *to enhance land protection and conservation in priority landscapes*. The PGCLC plans to fully develop land conservation projects in the coastal region with important public recreation, wildlife habitat, resilience and water quality benefits for local communities and the region as a whole. PGCLC partners implementing fee acquisition or conservation easement projects may receive subawards of up to \$25,000 matched 1:1 to complete appraisals, appraisal reviews, title exams, environmental and baseline studies, surveys, closings and other due diligence necessary to conserve up to 20,000 acres.

**Measurable Outputs:**

1. New matching grant application for land trusts seeking support for due diligence
2. One recorded webinar and outreach to explain new due diligence funding to partners
3. Partners engaged – 16 to 20 land trust partners with subrecipient awards
4. Acres protected by fee acquisition or conservation easement – estimated 20,000 acres
5. Semi-annual performance reports submitted - 5 reports
6. Final report submitted -1 report

**Place of Performance:** Priority landscapes identified in the PGCLC's *A Land Conservation Vision for the Gulf of Mexico Region* report within the Gulf of Mexico coastal zone plus 25 miles in Alabama, Florida, Louisiana, Mississippi and Texas.

**Project Period:** 7/1/2018 – 6/30/2021 (3 years)

**Environmental Benefits:**

This proposal directly supports EPA's Mission *to protect human health and the environment* and EPA's Goal 1 – Core Mission: *To deliver real results to provide Americans with clean air, land and water* by providing support to activities that will result in the permanent conservation of land in priority Gulf of Mexico watersheds through fee acquisitions and conservation easements. More specifically, the work proposed herein is supportive of Objective 1.2 – *to provide clean and safe water*. EPA aims to ensure waters are clean through improved water infrastructure and, in partnership with states and tribes, sustainably manage programs to support drinking water, aquatic ecosystems, and recreational, economic and subsistence activities. Strategic land protection in Gulf Coast watersheds defined through a science-based collaborative plan will contribute to EPA's strategy to protect and restore water quality primarily *by working with partners to protect and restore wetlands and coastal and ocean water resources*. Other strategic measures that may also benefit are the protection of land that may serve as a nature-based infrastructure for water quality and protecting land permanently can also serve to prevent the future

discharge of pollutants. Secondly, because this proposal involves an existing partnership of 24 organizations, it supports EPA's desire for improvements in leveraging funds, improving partnerships with other organizations and builds on a foundation already in place.

The primary audience for this project are the land trusts who collectively and individually serve the communities in their geographic focus area. The ultimate benefit to the public will be realized in the long-term goal to conserve an additional 20,000 acres of priority lands through conservation easements and fee acquisitions within priority landscapes identified through the PGCLC's *Conservation Vision*. These areas will ultimately provide public recreation, wildlife habitat, resilience and water quality benefits for local communities.

**NEPA:** The EPA has determined that this project (and EPA's action) meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the action of funding this project through RESTORE 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:** The 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 proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting. Therefore, it is not expected to have significant environmental impacts.*

*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. The proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting. Therefore, it is not expected to have a disproportionately or negatively impact any community.*

*The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat. The proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting. Therefore, it is not expected to have a significant impact on Federally 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. The proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting. Therefore, it is not expected to impact any 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.*

*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 proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting. Therefore, it is not 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 implementation of this project is not known or expected to cause significant adverse air quality effects. The proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting. Therefore, it is not expected to be a significant source of air emissions.*

*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 proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting. This project will not change or have a significant effect on the pattern and type of land use at the project site.*

*The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project. The implementation of this project is not expected to cause significant public controversy about potential environmental impacts.*

*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.*

*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.*

**Compliance with other Laws:**

**NHPA:** The proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting; therefore, EPA has determined that compliance with NHPA is not applicable at this stage.

**ESA:** The proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting; therefore, EPA has determined that compliance with ESA is not applicable at this stage.

**EFH:** The proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting; therefore, EPA has determined that compliance with EFH is not applicable at this stage.

**FWCA:** The proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting; therefore, EPA has determined that compliance with FWCA is not applicable at this stage.

**Attachments:**

- (a) EPA NEPA Determination

# Attachment A



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

**P3 – Gulf Coast Land Conservation Project Assistance**

EPA has determined that the Gulf Coast Land Conservation Project Assistance RESTORE funded project meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, this RESTORE project 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.

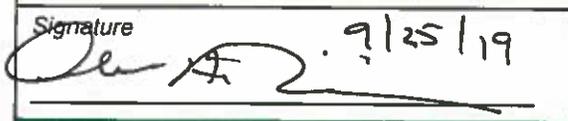
**40 CFR §6.101**

- (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**

Consistent with my responsibilities for NEPA compliance review and concurrence, I have determined that this action is statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(h).

<i>Signature</i> 	<i>Name &amp; Title</i> <b>Chris Militscher</b> <b>Chief – R4-NEPA Section/SPO/ORA</b>	<i>Phone Number</i> <b>(404) 562-9512</b>
<b>EPA Contact for Environmental Review on this Project (If different from Responsible Official)</b>		
<i>Name</i> <b>Dan Holliman</b>	<i>Title</i> <b>Life Scientist R4-NEPA/SPO/ORA</b>	<i>Phone Number</i> <b>(404)562-9531</b>



**RESTORE – Environmental Information Document**

**Project ID:** MS RESTORE 001 005 Cat1/Cat2

**Project Title:** Gulf of Mexico Conservation Enhancement Grant Program

(P4) Restoration and Rehabilitating the Ecological Functions in a Major Watershed and Sub-watershed in the Mississippi Gulf Coast Region

**Introduction:** 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).

**Gulf of Mexico Conservation Enhancement Program** - The Unique identifier assigned to this program is [MS RESTORE 001 005 Cat1/Cat2](#) - This Program is currently listed as a Cat1/Cat2 on GCERC’s Funded Priorities List (FPL). Pursuant to the program description, EPA developed and implemented the Gulf of Mexico Conservation Enhancement Grant Program (GMCEGP), a competitive funding assistance opportunity to enhance private/public partnerships that support land protection and conservation across the Gulf Coast region. The eight projects selected to be funded under the GMCEGP are:

Project ID Assigned	Organization	Project Title	EPA Grant #
P1	St. Tammany Parish Government	Planting of Tenet Pond for Habitat Enhancement	00D73818-0
P2	Atlanta Botanical Garden	Enhancing Conservation through Woody Vegetation Removal and Impact Evaluation of Novel Management Methods In Florida’s Rare Coastal Wetland Ecosystem.	00D80518-0
P3	Land Trust for the MS Coastal Plain	Gulf Coast Land Conservation Project Assistance	00D80118-0
P4	Woodlands Conservancy	Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Berateria Basin	00D80018-0
P5	Mississippi Forestry Commission	Enhancing and rehabilitating the ecological functions in a major watershed and sub-watershed in the Mississippi Gulf Coast Region.	00D80418-0
P6	The Nature Conservancy	Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project	00D80218-0
P7	Galveston Bay Foundation	Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits	00D73918-0
P8	Ducks Unlimited Inc.	Texas Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People	00D80318-0

The EPA Grants will be awarded to the eight organizations after EPA and the RESTORE Council execute an Interagency Agreement which will provide funding reimbursement to EPA for implementing the GMCEGP.

**Project Title: P4 - Restoration and Rehabilitating the Ecological Functions in a Major Watershed and Sub-watershed in the Mississippi Gulf Coast Region (Implementation).**

**Project Description:** 840-acres of forested wetlands within two properties will receive herbicide treatment for the removal of non-native, invasive vegetation. Two 10-acre plots will be treated and then enhanced with 200 stems per acre of native vegetation. Measurements taken will include permanent vegetation plot assessments, bird banding and bird surveys.

**Measurable Outputs:** Herbicide treatment to remove non-native, invasive vegetation will be conducted on 840-acres. Twenty-five permanent vegetation plots will be assessed post-treatment and compared to pre-treatment data. 4000 seedlings/potted native understory plants will be planted in two 10-acre restoration plots by volunteers. The public will participate in hands-on assessment and restoration activities and participate in formal outreach activities. Bird banding and area search survey data will be collected monthly. Interim reports and a Final report will include quantitative data on the project completion.

**Place of Performance:** 840-acres within the Barataria Basin, Orleans and Plaquemines Parish, Louisiana

**Project Period:** August 2018 – July 2020

**Environmental Benefits:** The project will restore and conserve coastal forests which will serve to further reduce flood damage risk to the surrounding community. Minimizing and eliminating invasive species within the Barataria Basin will improve habitat for wildlife. Engaging students and the public in citizen science monitoring and restoration activities will enhance the local understanding of smart growth and land protection efforts and encourage backyard restoration activities to further environmental stewardship in the community.

**NEPA:** EPA has determined that the RESTORE funded project of *Restoration and Rehabilitating the Ecological Functions in a Major Watershed and Sub-watershed in the Mississippi Gulf Coast Region* meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the action of funding this project through RESTORE 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 proposed RESTORE project will restore and conserve coastal forests which will serve to further reduce flood damage risk to the surrounding community. Minimizing and eliminating invasive species within the Barataria Basin will improve habitat for wildlife. The proposed project will have a beneficial impact on the human environment through improvements in water quality.

*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 entirely within property that has been preserved and protected and the project is expected to have positive environmental effects through reducing flood damage risk to the surrounding community and minimizing and eliminating invasive species the project will not disproportionately or negatively impact any community.

*The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.* EPA coordinated with the USFWS on the proposed project and determined there would be no impact on federally listed threatened or endangered species (see attached ESA report). Critical habitat was also evaluated for project activities and no effects determinations were made.

*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.* EPA coordinated with the State Historic Preservation Office in Louisiana and received concurrence on 6/12/19 that the proposed project would not have a significant affect on 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 (see attached).

*The implementation of this project is not known or expected to cause significant adverse air quality effects.* It is not expected that the proposed project will have a significant adverse impact on air quality.

*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.* This project is located on property managed by the Woodlands Conservancy. This project will not change or have a significant effect on the pattern and type of land use at the project site.

*The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project.* The implementation of this project is not expected to cause significant public controversy about potential environmental impacts.

*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 Woodlands Conservancy who will match the Federal funds to implement the project. This project is not expected to have significant impacts on the environment.

*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:** EPA provided the Louisiana Historic Preservation Office information relating to the proposed project and on 6/12/19 they provided concurrence that the proposed project would not impact any known historic properties (see attached).

**ESA:** EPA ran the Endangered Species Act (ESA) Project Review and Guidance for Other Federal Trust Resources Report for LA (see attached) based on this report the proposed project area has no effect on listed species. EPA received concurrence from the FWS on 6/24/19 (see attached). The EPA determined that the proposed project should have 'no effect' on listed species under the jurisdiction of the NMFS.

**EFH:** The project is primarily located in upland areas and should not have any impact on essential fish habitat.

**CWA:** No dredged or fill material are expected to be discharged into waters of the United States as a result of this project.

**The following table summarizes the various authorities consulted and permits issued**

<b>Agency</b>	<b>Representatives Name, Office, &amp; Phone</b>	<b>Date</b>	<b>Notes and topic discussed, relevant details, and conclusions</b>
U.S. Fish and Wildlife Service	David Walther (337)291-3122	6/24/19	EPA ran the Endangered Species Act (ESA) Project Review and Guidance for Other Federal Trust Resources Report for LA (see attached) based on this report the proposed project has no effect on listed species. EPA received concurrence from the FWS on 6/24/19.
Louisiana State Historical Preservation Officer (SHPO)	Kristin P. Sanders	6/12/19	NHPA - on 6/12/19 the State Historical Preservation Office provided concurrence that the proposed project would not impact any known historic properties (see attached).

**Attachments:**

- (a) EPA NEPA Review
- (b) ESA Consultation Report Generated 5/21/19
- (c) Email from FWS confirming no concurrence needed on no effect determination for project
- (d) LA SHPO Concurrence 6/12/19

# Attachment A



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

**P4 – Woodlands Conservancy - Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Barataria Basin**

EPA has determined that the Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Barataria Basin RESTORE funded project meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, this RESTORE project 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.

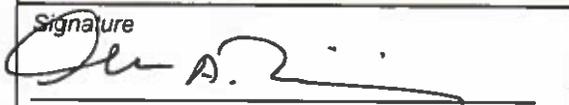
**40 CFR §6.101**

- (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**

Consistent with my responsibilities for NEPA compliance review and concurrence, I have determined that this action is statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b).

<i>Signature</i>  9/25/19	<i>Name &amp; Title</i> <b>Chris Millitscher</b> <b>Chief – R4 NEPA Section/SPO/ORA</b>	<i>Phone Number</i> <b>(404) 562-9512</b>
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**EPA Contact for Environmental Review on this Project (If different from Responsible Official)**

<i>Name</i> <b>Dan Holliman</b>	<i>Title</i> <b>Life Scientist – R4 NEPA/SPO/ORA</b>	<i>Phone Number</i> <b>(404)562-9531</b>
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## Attachment B

**REGION 4  
INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM**

**Originating Person:** Andrew Dolan

**Telephone Number:** 337-291-3119

**E-Mail:** Andrew\_Dolan@fws.gov

**Date:** 07/15/2013

**PROJECT NAME (Grant Title/Number):** Woodlands Conservancy, Partners for Fish & Wildlife Project/CDFA Number 15.631

**I. Service Program:**

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

**II. State/Agency:** Louisiana/U.S.Fish & Wildlife Service

**III. Station Name:** Lafayette, Louisiana, Ecological Services Office

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

The project will consist of the control of invasive Chinese tallow-tree and Chinese privet via herbicides, and planting of a diverse mixture of native bottomland hardwood seedlings on some portions of the project site. The purchase, installation, and operation of a feral pig corral trap will also be a necessary project component in order to reduce damage and ensure some survival of planted seedlings. This habitat restoration effort will benefit federal trust species including forest-adapted songbirds, wading birds, and raptors.

**V. Pertinent Species and Habitat:**

**A. Include species/habitat occurrence map:** No Federally listed threatened or endangered species or critical habitat occurs within 1 mile of the proposed project location.

**B. Complete the following table:**

SPECIES/CRITICAL HABITAT	STATUS <sup>1</sup>
None	

<sup>1</sup>STATUS: E=endangered, T=threatened, PE=proposed endangered, PT=proposed threatened, CH=critical habitat,

**VI. Location (attach map):**

- A. **Ecoregion Number and Name:** Ecoregion #27, Lower Mississippi River
- B. **County and State:** Orleans Parish, Louisiana
- C. **Section, township, and range (or latitude and longitude):** Sections 13 and 33, T14S, R25E
- D. **Distance (miles) and direction to nearest town:** Project site lies approximately 8 miles east of Gretna, LA.
- E. **Species/habitat occurrence:** none

**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
none	n/a

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

SPECIES/ CRITICAL HABITAT	ACTIONS TO MITIGATE/MINIMIZE IMPACTS
none	n/a

**VIII. Effect Determination and Response Requested:**

SPECIES/ CRITICAL HABITAT	DETERMINATION <sup>1</sup>			RESPONSE <sup>1</sup> REQUESTED
	NE	NA	AA	
	X			

<sup>1</sup>DETERMINATION/ RESPONSE REQUESTED:

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat. Response Requested is optional but a "Concurrence" is recommended for a complete Administrative Record.

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

AA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response Requested for listed species is "Formal Consultation". Response requested for proposed and candidate species is "Conference".

Am P  
signature (originating station)

7-15-13  
date

Private Lands Coordinator  
title

**IX. Reviewing Ecological Services Office Evaluation:**

A. Concurrence  X  Nonconcurrence \_\_\_\_\_

B. Formal consultation required \_\_\_\_\_

C. Conference required \_\_\_\_\_

D. Informal conference required \_\_\_\_\_

E. Remarks (attach additional pages as needed):

Robert Smith 8/13/13  
signature date

Fish & Wildlife Biologist Louisiana ES Field Office  
title office



# Endangered Species Act (ESA) Project Review and Guidance for Other Federal Trust Resources Report

## **Instructions**

Please keep a copy of this report for your records. It is not necessary to send this report to the Louisiana Ecological Services Office. Contact our office at (337) 291-3100 for further assistance.

**Project Description:** This is a RESTORE funded project. The project involves invasive controls in two properties managed by the Woodlands Conservancy, the Woodlands Trail and Park Bird Sanctuary and the Delacroix Preserve. During the proposed project 840-acres of forested wetlands within the two properties will receive herbicide treatment for the removal of non-native, invasive vegetation. Two 10-acre plots will be treated and then enhanced with 200 stems per acre of native vegetation. Measurements taken will include permanent vegetation plot assessments, bird banding and bird surveys.

The Delacroix Preserve site is located at 29.902046, -89.932525.

I have coordinated with David Walther on this project.

**Requesting Agency:** Environmental Protection Agency (EPA)

**Project Coordinates:** Latitude: 29.898497 Longitude: -89.957986

**Point of Contact:** Dan Holliman

**Address:** 61 Forsyth Street SW

**City:** Atlanta

**State:** Georgia

**Zip Code:** 30303

**Phone Number 1:** 4045629531 **Phone Number 2:** \_\_\_\_\_

**Email Address:** holliman.daniel@epa.gov

Does the proposed action only involve telecommunication structure(s)?

**Yes**

Would the proposed action only add communication related devices to existing structures (for example: towers, buildings, rooftops, billboards, basements, bridges, etc.)?

**No**

Would the proposed action place new equipment only in currently cleared areas with an established and maintained land use (for example: manicured lawns, pastures, active

agriculture fields, paved, graveled or otherwise non-vegetated areas) that do not impact trees?

**No**

Would any portion of the proposed action occur within one of these areas of interest?

**No**

## West Indian Manatee

Does the proposed action fall within the manatee consultation zone, excluding the Mississippi River (see map), and involve in-water activities, with depths of at least 2 feet, during the months of June through November?

**No**

**Conclusion:**

We have determined that the proposed action would have no effect on the West Indian Manatee.

*Dan Holliman*  
\_\_\_\_\_  
Project Representative

5-21-19  
\_\_\_\_\_  
Date

Section 7 Consultation for the proposed action is concluded. To ensure continued compliance with the ESA, reinitiate consultation when:

- new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not considered in this consultation
- the action is modified in a manner that causes effects to listed species or designated critical habitat not considered in this consultation
- a new species is listed or critical habitat designated that the action may affect.

# Migratory Bird Conservation Recommendations

Proposed towers that are greater than 200 feet in height and incorporate guy wires could potentially impact migratory birds, which are a Federal trust resource that the Service is authorized to protect. The Service is concerned that the number and distribution of existing towers, those currently authorized for construction, as well as the projected future increased number of such towers, could potentially affect neotropical migratory birds. Many neotropical migratory bird populations have been declining over the past 30 years, and the presence of communications towers in migration corridors may exacerbate those declines via increased bird mortality. Communication towers, especially those with lights and guy wires, are known to cause collision-related mortality in nocturnally migrating land birds, especially during bad weather (e.g., fog and storm fronts). In some cases, the Federal Communications Commission has required tower licenses to consider impacts on migratory birds by placing conditions on the license to include such mitigative measures as marking the tower and guy wires with appropriate warning balls and streamers, and/or installing beacon or strobe lights designed to reduce attraction of birds.

The Service is working to develop a comprehensive approach to this issue. However, because the reliability of bird-mortality data is relatively poor and anecdotal, research is still needed to document and quantify the impact of various types and sizes of towers on migratory birds. Research is also needed to identify appropriate tower designs and operational programs that would help to avoid or minimize the potential for bird/tower collisions. We encourage the participation of the communications industry in developing a research program to identify appropriate tower designs and other effective ways to mitigate tower impacts to migratory birds.

The Service strongly supports the co-location of antennas from multiple communication sources on the same tower; however, if co-location is not feasible, we recommend considering the following:

On a priority scale, relatively low-risk locations for communication towers would include urban and suburban areas; potential impacts to migratory birds would progressively increase in rural areas, especially wetlands, prairie grasslands, coastal cheniers, barrier islands, and forests. If habitat issues do not preclude use of a proposed site, the Service recommends that new towers be less than 200 feet tall, without guy wires or lights, because such towers are associated with a lower risk of bird mortality. Where practicable, taller towers, with or without guy wires and/or lights, should be located out of sensitive habitats to reduce the likelihood for bird collisions.

Additionally, we recommend the use of white strobing lights in lieu of constant or red lights on all cell towers and it is recommended that all facility security lighting is directed downward to prevent bird attraction. In December 2015, the Federal Aviation Administration released a revised "Obstruction Marking and Lighting" Advisory Circular requiring all towers greater than 150 feet above ground level to use flashing obstruction lights. Research has demonstrated that eliminating non-flashing lights on towers may reduce migratory bird collisions by as much as 70 percent. The lighting and marking standards are revised to reduce impacts on migratory bird populations and minimize light impacts on adjacent communities. For further guidance on best management practices for communication tower siting, design and operations to help minimize or avoid impacts to birds, please visit the Service's Migratory Bird Program Webpage:

<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/communication-towers.php>

The Migratory Bird Treaty Act prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the U.S. Department of the Interior. While the Act has no provision for

allowing unauthorized take, the Service realizes that some birds may be harmed or killed as a result of collision with tower structures even when reasonable measures to protect birds are implemented. The Service's Office of Law Enforcement (LE) carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to minimize their impacts on migratory birds, and by encouraging others to enact such programs. As such, LE focuses its resources on investigating and prosecuting individuals and entities that take migratory birds without regard for their actions or without effort to implement Service recommendations/conservation measures. The Louisiana Ecological Services Office would be willing to work with all cell tower developers to minimize impacts to migratory birds where practicable.

### **Bald Eagle**

The proposed project area may provide nesting habitat for the bald eagle (*Haliaeetus leucocephalus*), which was officially removed from the List of Endangered and Threatened Species as of August 8, 2007. However, the bald eagle remains protected under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.) The Louisiana Department of Wildlife and Fisheries (LDWF) has not collected comprehensive bald eagle survey data since 2008, and new active, inactive, or alternate nests may have been constructed within the proposed project area since that time.

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance," which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at:

<http://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf>

In southern Louisiana parishes, eagles typically nest in mature trees (e.g., baldcypress, sycamore, willow, etc.) near fresh to intermediate marshes or open water. Bald eagles may also nest in mature pine trees near large lakes in central and northern Louisiana. If a bald eagle nest occurs or is discovered within 660 feet of the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at: <https://www.fws.gov/southeast/our-services/eagle-technical-assistance>. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary.

### **Colonial Waterbirds**

In accordance with the Migratory Bird Treaty Act of 1918 (as amended), please be advised should the project area be located in or near wetland habitats which may be inhabited by colonial nesting waterbirds and/or seabirds, additional restrictions may be necessary.

Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by (1) monitoring previously known colony sites and (2) augmenting point-to-point surveys with flyovers of adjacent suitable habitat. Although several comprehensive coast-wide surveys have been recently conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season because some waterbird colonies may change locations year-to-year. To minimize disturbance to colonial nesting birds please refer to our colonial nesting waterbird guidance on the LESO Webpage [https://www.fws.gov/lafayette/Migratory\\_Birds/MigBird.html](https://www.fws.gov/lafayette/Migratory_Birds/MigBird.html).

### **Additional Migratory Bird Conservation Recommendations**

During the project impact analysis process developers should identify project-related impacts to migratory birds and the conservation measures that will be used to mitigate them. For additional Migratory Bird Conservation recommendations, guidance and tools to help reduce impacts to birds and their habitats please visit the LESO webpage [https://www.fws.gov/lafayette/Migratory\\_Birds/MigBird.html](https://www.fws.gov/lafayette/Migratory_Birds/MigBird.html) and the Service's Migratory Bird Program Webpage (<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/communication-towers.php>).

# Attachment C

## Bowie, John

---

**From:** Walther, David <david\_walther@fws.gov>  
**Sent:** Tuesday, June 25, 2019 10:57 AM  
**To:** Holliman, Daniel  
**Cc:** Horning, David; Bowie, John  
**Subject:** Re: [EXTERNAL] RESTORE Project Section 7 Concurrences  
**Attachments:** 20190624\_Concurrence\_Signed Calcasieu Lake RESTORE Project I-0435.pdf; 20190624\_Signed\_Concurrence\_Tenet Pond RESTORE ProjectI\_0436.pdf

Daniel,

I apologize for the delay in getting these back to you. Please find attached our concurrence on the two ESA determinations (i.e., Calcasieu Lake and Tenet Pond). We don't need to see the other one but retain for your records. If you have any questions please let me know.

Thanks

David Walther  
Supervisory Biologist  
SE Region Conservation Planning Assistance Coordinator  
US Fish and Wildlife Service  
Lafayette, LA 70506  
Phone: 337.291.3122  
Fax: 337.291.3139

**NOTE: New Address**  
200 Dulles Drive  
Lafayette LA 70506

<http://www.fws.gov/lafayette/>  
<https://www.fws.gov/ecological-services/energy-development/water.html>

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**NOTE:** This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Tue, May 21, 2019 at 4:53 PM Holliman, Daniel <[Holliman.Daniel@epa.gov](mailto:Holliman.Daniel@epa.gov)> wrote:

Hey David,

Thanks for speaking to me today regarding EPA RESTORE projects in LA today. Just to summarize:

1. **Planting of Tenet Pond for Habitat Enhancement Project** – I've attached a signed Project Review and Guidance Report for this Project.
2. **Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project** - I've attached a signed Project Review and Guidance Report for this Project.
3. **Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Barataria Basin** – The Project Review and Guidance Report indicates that we do not have to submit the report to FWS (no effect on the West Indian Manatee).

I've also attached the proposals if you need them. Please provide concurrences for Tenet Pond and Calcasieu.

Thanks for all the assistance. Please call if you have any questions.

Dan

**Dan Holliman**

USEPA Region 4 | NEPA Program Office

61 Forsyth Street SW | Atlanta, GA 30303

tel 404.562.9531 | [holliman.daniel@epa.gov](mailto:holliman.daniel@epa.gov)

# Attachment D

**From:** [Holliman, Daniel](#)  
**To:** [DCRT Section 106](#)  
**Cc:** [Bowie, John](#)  
**Subject:** Request for 106 Concurrence - Woodlands Conservancy RESTORE Project  
**Date:** Friday, May 17, 2019 3:57:19 PM

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To whom it may concern:

The EPA is preparing an Environmental Compliance document for a **Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act** (RESTORE) funded project that involves 840 acres in Barataria Basin, in Orleans and Plaquemines Parish. The proposed project involves two tracks, the Delacroix Preserve (DP) and the Woodlands Trail and Park Bird Sanctuary (see attached map – DP is identified as “Woodlands Conservancy” on the attached map).

The proposed project involves Herbicide Treatment, Vegetation Monitoring, Bird Censusing, Reforestation, and Community Outreach. The only activity that potentially involves ground disturbing activities is the reforestation component.

The reforestation component involves native plants being purchased to supplement those raised by area students in the Seeds to Saplings program and those raised by students participating in the Louisiana State University’s (LSU) Coastal Roots Program to yield a total of 4,000 trees/understory plants. Community volunteers will participate in planting the tree seedlings and understory plants in the 10-acre plots on each of the properties. This will involve **minimal to no ground** disturbance.

Based upon the proposed activities, we believe there will be no effects on historic properties listed, or eligible for listing, on the *National Register of Historic Places*. We are asking for concurrence that this project is compliance 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*.

If you need any additional project details or need to discuss, please give me a call.

Thanks,  
Dan Holliman

**Dan Holliman**  
USEPA Region 4 | NEPA Program Office  
61 Forsyth Street SW | Atlanta, GA 30303

tel 404.562.9531 | [holliman.daniel@epa.gov](mailto:holliman.daniel@epa.gov)

No known historic properties will be affected by this undertaking. Therefore, our office has no objection to the implementation of this project. This effect determination could change should new information come to our attention.



Kristin P. Sanders  
State Historic Preservation Officer  
Date



**RESTORE – Environmental Information Document**

**Project ID:** MS RESTORE 001 005 Cat1/Cat2

**Project Title:** Gulf of Mexico Conservation Enhancement Grant Program

(P5) Enhancing and Rehabilitating the Ecological Function in a Major Watershed and Sub-Watershed in the Mississippi Gulf Coast Region

**Introduction:** 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).

**Gulf of Mexico Conservation Enhancement Program** - The Unique identifier assigned to this program is [MS RESTORE 001 005 Cat1/Cat2](#) - This Program is currently listed as a Cat1/Cat2 on GCERC’s Funded Priorities List (FPL). Pursuant to the program description, EPA developed and implemented the Gulf of Mexico Conservation Enhancement Grant Program (GMCEGP), a competitive funding assistance opportunity to enhance private/public partnerships that support land protection and conservation across the Gulf Coast region. The eight projects selected to be funded under the GMCEGP are:

Project ID Assigned	Organization	Project Title	EPA Grant #
P1	St. Tammany Parish Government	Planting of Tenet Pond for Habitat Enhancement	00D73818-0
P2	Atlanta Botanical Garden	Enhancing Conservation through Woody Vegetation Removal and Impact Evaluation of Novel Management Methods In Florida’s Rare Coastal Wetland Ecosystem.	00D80518-0
P3	Land Trust for the MS Coastal Plain	Gulf Coast Land Conservation Project Assistance	00D80118-0
P4	Woodlands Conservancy	Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Berateria Basin	00D80018-0
P5	Mississippi Forestry Commission	Enhancing and rehabilitating the ecological functions in a major watershed and sub-watershed in the Mississippi Gulf Coast Region.	00D80418-0
P6	The Nature Conservancy	Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project	00D80218-0
P7	Galveston Bay Foundation	Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits	00D73918-0
P8	Ducks Unlimited Inc.	Texas Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People	00D80318-0

The EPA Grants will be awarded to the eight organizations after EPA and the RESTORE Council execute an Interagency Agreement which will provide funding reimbursement to EPA for implementing the GMCEGP.

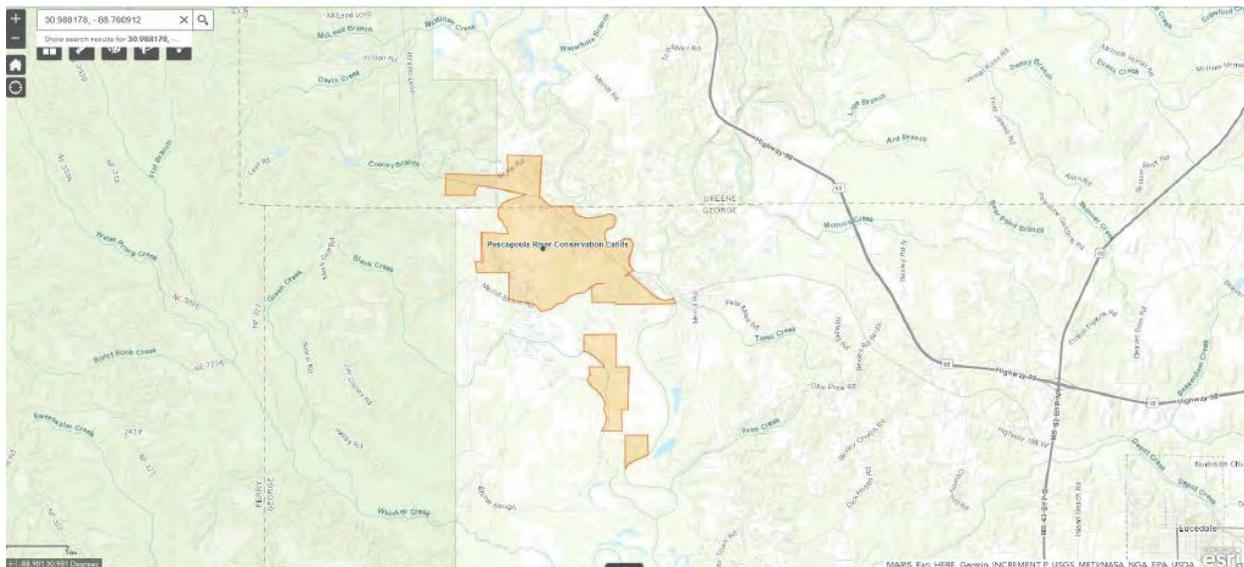
**Project Title: Enhancing and Rehabilitating the Ecological Function in a Major Watershed and Sub-Watershed in the Mississippi Gulf Coast Region (Implementation).**

**Project Description:** This first phase will address some of the more pressing issues facing the Three Rivers State Forest. Restoring proper hydrology, reducing invasive species, re-establishing native vegetation and implementing a feral swine trapping program will provide the impetus to rehabilitate wetlands and bottomland hardwood ecosystems within the Leaf River Watershed. The execution of a Multi-Use Resource Plan will continue indefinitely beyond this grant period to further restore, enhance and protect this important resource.

**Measurable Outputs:** (1) Hydrology Improvements by replacing 10 failed and undersized culverts (2) Treat 8 acres to control cogongrass (3) Bring 4 miles of access roads up to Mississippi BMP Standards (4) prescribe burn 130 acres for fuel reduction and habitat enhancement and construct 2.5 miles of firebreaks for resource protection (5) trap and eradicate 85% of feral swine sounders.

**Place of Performance:** The tract is located on the Greene/George County line in the Avent community in Mississippi (see Figure 1). The property is in a flood plain and is drained by Cowart Branch, which flows into the Leaf River. The Leaf River also makes up the east boundary of the property.

**Project Period:** Start Date May 1, 2018 and End Date June 30, 2021



**Figure 1: Map of Three Rivers State Forest - Source: Forest Legacy Program**  
<https://usfs.maps.arcgis.com/apps/webappviewer/index.html?id=9d083b89bd254c23acf56f8143e0c119>

**Environmental Benefits:** An overarching objective of this proposal is to protect, enhance and rehabilitate wetlands and bottomland hardwood forest along the Leaf River and the Cowart Branch, major tributaries of the Pascagoula River. Through the funding of this project, EPA, the State of Mississippi and its partners will be afforded a collaborative opportunity to restore and enhance an important watershed in the Gulf Coastal Region. These objectives will be accomplished by using science based, proven practices to address the following fundamental issues: disruption of local hydrology and improvement of access roads, encroachment of invasive species, reduction of hazardous fuels, degraded wildlife habitat and control of wild hogs.

**NEPA:** EPA has determined that the proposed action of providing RESTORE funding for the *Three Rivers State Forest – Restoring and Enhancing Ecosystem Functions in the Leaf River Watershed* 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 this project 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 proposed project is located in the Three Rivers State Forest and is part of the Pascagoula River Conservation Lands. The project area is permanently protected and is included in the US Forest Service's Forest Legacy Program. The proposed project includes restoring proper hydrology, reducing invasive species, re-establishing native vegetation and implementing a feral swine trapping program will provide the impetus to rehabilitate wetlands and bottomland hardwood ecosystems within the Leaf River Watershed. These efforts should significantly improve water quality and wildlife habitat, benefiting the quality of the human use and environment in the TRSF.

*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 protected forest 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 positive effects on species within the project boundary, as determined by the signed USFWS Southeast Region Intra-Service Section 7 Biological Evaluation Form (attached). No critical habitat was identified within the project boundary.

*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.* The Mississippi Forestry Commission coordinated with the Mississippi State Historic Preservation Office and the proposed project (see attached letter from MDAH dated August 8, 2019). MDAH staff providing additional clarification in an email on September 17, 2019 which clarified that surveys or monitoring of areas during construction activities would be required for SHPO concurrence.

*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.* EPA does not expect the proposed project activities 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 implementation of this project is not known or expected to cause significant adverse air quality effects.* The EPA does not expect the proposed project will have a significant adverse impact on air quality.

*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. This project is located on land that is permanently protected and is part of the US Forest Service's Forest Legacy Program. This project will not change or have a significant effect on the pattern and type of land use at the project site.*

*The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project. The implementation of this project is not expected to cause significant public controversy about potential environmental impacts.*

*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 Mississippi Forestry Commission who will match the Federal funds to implement the project. This project is not expected to have significant impacts on the environment.*

*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. The MFC submitted a request to the Mississippi State Historic Preservation Officer on May 14, 2019 requesting review of the proposed 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. The Mississippi Forestry Commission submitted a request for cultural resources assessment, as required, to the Mississippi State Historic Preservation Office for the proposed project on May 14, 2019. Mississippi Department of Archives and History (MDAH) - State Historic Preservation Office's initial response indicated that a cultural resources survey should be performed (see attached letter from MDAH dated August 8, 2019). On September 17, 2019, following additional discussions and review, MDAH further clarified that the ground-disturbing areas (culverts and firebreaks) need to receive a survey, or at the very least be monitored by a qualified archaeologist during the ground-disturbing activities and MDAH would be contacted if an archaeological resource is encountered to provide guidance and assistance.

**ESA:** The EPA coordinated with the U.S. Fish and Wildlife Service (USFWS) on the proposed project. In a letter dated April 23, 2019, the USFWS determined that the proposed project “may affect but is not likely to adversely affect” any federal listed species or critical habitat. The EPA determined that the proposed project should have ‘no effect’ on listed species under the jurisdiction of the NMFS.

**EFH:** The proposed project involves upland areas significant distances from the coast and do not expect any impacts to Essential Fish Habitat (EFH).

The following table summarizes the various authorities consulted and permits issued

<b>Agency</b>	<b>Representatives Name, Office, &amp; Phone</b>	<b>Date</b>	<b>Notes and topic discussed, relevant details, and conclusions</b>
<b>U.S. Fish and Wildlife Service</b>	David Felder (601) 321-1131	4/23/19	<b>ESA - Threatened and endangered species;</b> see attached letter - <u>USFW determined the proposed project, including the seven component projects, is “may affect but is not likely to adversely affect” any federally listed species or critical habitat.</u>
<b>Mississippi State Historical Preservation Officer (SHPO)</b>	Hal Bell (601) 576-6957	8/8/19 9/17/19	<b>NHPA - Historical, cultural, and archeological resources;</b> <u>The Mississippi Forestry Commission submitted a request for cultural resources assessment, as required, to the Mississippi State Historic Preservation Office for the proposed project on May 14, 2019. Mississippi Department of Archives and History (MDAH) - State Historic Preservation Office’s initial response indicated that a cultural resources survey should be performed (see attached letter from MDAH dated August 8, 2019). On September 17, 2019, following additional discussions and review, MDAH further clarified that the ground-disturbing areas (culverts and firebreaks) need to receive a survey, or at the very least be monitored by a qualified archaeologist during the ground-disturbing activities and MDAH would be contacted if an archaeological resource is encountered to provide guidance and assistance.</u>

**Attachments:**

- (a) EPA NEPA Review
- (b) USFWS Endangered Species Act (ESA) Clearance Letter; April 23, 2019
- (c) MFC SHPO Concurrence Request May 14, 2019
- (d) MDAH Letter (SHPO) Dated August 8, 2019
- (e) MDAH (SPHO) email Dated September 17, 2019

# Attachment A



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

**P5 - Enhancing and Rehabilitating the Ecological Function in a Major Watershed and Sub-Watershed in the Mississippi Gulf Coast Region**

EPA has determined that the Enhancing and Rehabilitating the Ecological Function in a Major Watershed and Sub-Watershed in the Mississippi Gulf Coast Region RESTORE funded project meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, this RESTORE project 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.

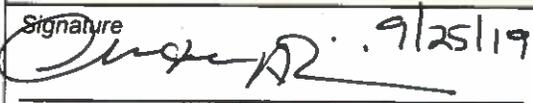
**40 CFR §6.101**

- (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**

Consistent with my responsibilities for NEPA compliance review and concurrence, I have determined that this action is statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b)

		
<b>Signature</b> .9/25/19	<b>Name &amp; Title</b> Chris Militscher Chief – R4-NEPA Section/SPO/ORA	<b>Phone Number</b> (404) 562 9512
<b>EPA Contact for Environmental Review on this Project (If different from Responsible Official)</b>		
<b>Name</b> Daniel Holliman	<b>Title</b> Life Scientist – R4 NEPA/SPO/ORA	<b>Phone Number</b> (404)562-9531

## Attachment B



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Mississippi Ecological Services Field Office  
6578 Dogwood View Parkway, Suite A  
Jackson, Mississippi 39213  
Phone: (601)965-4900 Fax: (601)965-4340

April 23, 2019

IN REPLY REFER TO:  
2019-I-497

Mr. John Bowie  
U.S. Environmental Protection Agency  
2510 14<sup>th</sup> Street – Suite 1212  
Gulfport, Mississippi 39501

Dear Mr. Bowie:

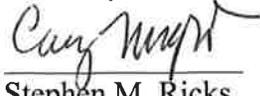
The Fish and Wildlife Service (Service) has reviewed the information in your electronic mail dated April 12, 2019 regarding the proposed submission for Restore Act funding titled “Three Rivers State Forest – Restoring and Enhancing Ecosystem Functions in the Leaf River Watershed” in Greene and George Counties, Mississippi. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (40 Stat. 775, as amended; 16 U.S.C. 703 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e.).

The proposed project focuses on restoring forests and streams on the Three Rivers State Forest located within the Leaf River watershed. Primary work activities include prescribed fire, invasive cogon grass and feral hog control, and hydrological improvements to existing roads and culverts. Such activities are expected to have completely beneficial effects to federally listed species that may be found within or near the Three Rivers State Forest. Therefore, the Service concurs with your determination that the proposed project “may affect, but is not likely to adversely affect” the black pinesnake, dusky gopher frog, gopher tortoise, gulf sturgeon, Louisiana quillwort, pearl darter, red-cockaded woodpecker, yellow-blotched map turtle, and wood stork.

In addition, based on the nature of the proposed restoration activities, we do not anticipate impacts to birds protected under the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act nor will the project impact mammals covered under the Marine Mammal Protection Act. Finally, the proposed project is not located within the John H. Chaffee Coastal Barrier Resource System.

If you have any questions, please contact David Felder in our office, telephone: (601) 321-1131.

Sincerely,



*sd*  
Stephen M. Ricks  
Field Supervisor  
Mississippi Field Office

# Attachment C

# REQUEST FOR CULTURAL RESOURCES ASSESSMENT

Forwarding of this completed form to the Mississippi State Historic Preservation Office constitutes a request for Cultural Resources Assessment in accordance with 36 CFR 800. This assessment is required for all projects which are funded, assisted, or licensed by a Federal agency.

Applicant MISSISSIPPI FORESTRY COMMISSION County of project George-Greene

Applicant's address 660 NORTH ST. Suite 300 City JACKSON Zip 39202

Contact person and name of organization Richard McInnis - MS FORESTRY COMM.

Phone 601-927-8484 Cell Phone \* 601-927-8484

Contact person's address, if different from applicant \_\_\_\_\_ email ymcinnis@mfc.ms.gov \* Not required

Street/P.O. Box N/A City \_\_\_\_\_ Zip \_\_\_\_\_

Federal agency and program (required): EPA

Type of involvement (check one): Permit  Grant   
Loan  Other

Signature of applicant or contact person requesting this assessment:

Richard McInnis Date 5/14/19

## 1. Project Description and Location (Please describe project. If structure is involved, provide physical address)

INSTALL (REPLACE) CULVERTS ON WOODS ROAD; Construct Firelanes to Prescribe burn; Grade (Repair) existing woods road.  
If the program involves more than one project, complete separate assessment for each. If more space is needed to provide a description of the proposed project, please attach a separate sheet.

• Has the identical project been previously submitted for a cultural resource assessment? If YES, enclose copy of State Historic Preservation Officer's comments, if available. YES  NO

• Attach a **7.5' USGS quadrangle map**, or portion thereof, indicating the precise location and/or boundaries of the project area and the acreage involved. Please include the name of the quad map, if not otherwise indicated.

• Approximately how many acres are in the project area? ACRE(s) 2,000

• If the project is in a non-urban area, please indicate the section, township, and range, if not otherwise indicated on the map provided.

Section 34-35 Township 1S Range 8W  
2-3 1S 8W

• To your knowledge, has a cultural resources survey been conducted in the project area? If YES, attach survey report.

• Describe the present use and condition of the property.

State FOREST, managed as a working forest.

**Please include photo(s) of the project area, if available, in its current condition. Use of printed digital images is acceptable if print quality is good.**

**2. Buildings and Structures**

- Will the project involve an addition to, destruction, alteration, or renovation of any structure? If *NO*, proceed to Section 3. If yes, please include **photo** of building YES  NO
- What is the approximate date of construction of the existing structure, if known? N/A
- Is affected structure 45 years old or older? If *NO*, proceed to Section 3. YES  NO
- Have plans and specifications for the renovation, alteration, or addition been completed? YES  NO

If *YES*, attach plans and specifications (plans for a new structure to replace a demolished one need not be attached). Please include photos of front and rear elevations, as well as the location of any proposed additions/alterations.

- Will construction take place adjacent to any structure which is approximately fifty years old or older? If *YES*, give address of structure(s), and date(s) of construction, if known. YES  NO

If the building(s) or structure(s) is located in a National Register and/or local historic district, if known, name the district. \_\_\_\_\_

**Please include photos of the front façade of structure(s) and indicate on the project map the location(s) in relation to the project. Use of printed digital images are acceptable.**

**3. Ground Disturbing Activities**

- Has the ground at the project location been previously developed, graded, or disturbed? If *YES*, describe the nature of the disturbed/developed portion (graded, farmed, etc.). YES  NO

Roads have been graded years ago to improve access

- Will this project necessitate the acquisition of fill material? YES  NO

If *YES*, approximately how many cubic yards of material will be acquired? *Cu. Yds.* \_\_\_\_\_

- Has the site from which fill material will be acquired been selected? YES  NO

*Clearly indicate borrow area(s) on project map and give approximate size in acres of each borrow site.*

- Has material been taken from the borrow area(s) for other projects? YES  NO

- Does this project involve road/street construction? If *YES*, does the project involve any of the following? YES  NO

New right-of-way  New road construction  Repaving  Widening/change of alignment

Mail completed form to:

**Mississippi Department of Archives and History  
Review and Compliance Officer  
P.O. Box 571  
Jackson, Mississippi 39205-0571**

**THREE RIVERS STATE FOREST**  
**2019 SCHEDULED GRANT WORK**

**1. Cogon Grass**

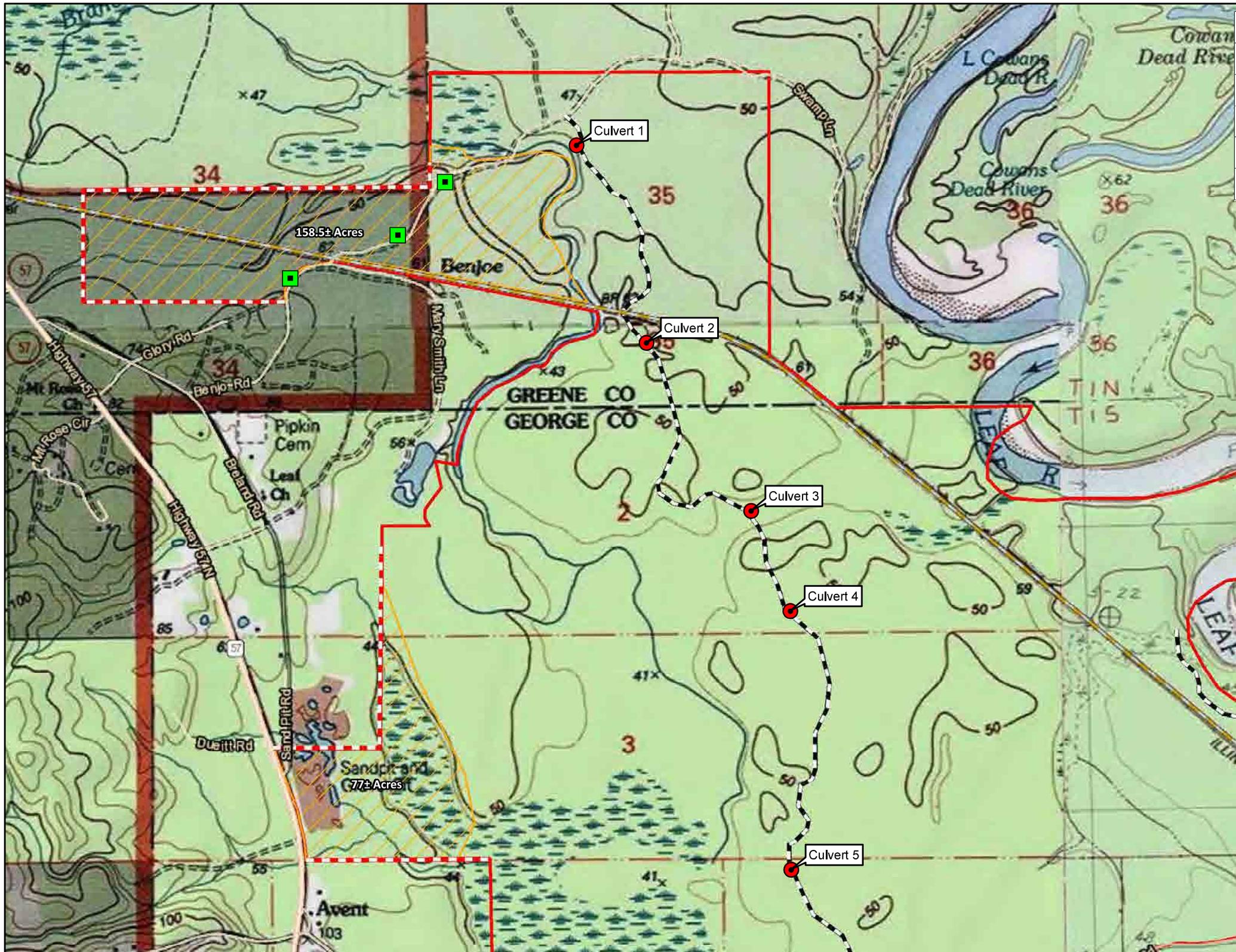
- a. There are three (3) scattered patches of Cogon Grass, consisting of approximately eight (8) acres, that have been identified on the Three River SF, see the attached USGS map. The Cogon Grass is located under upland pine stands that are actively being managed for timber production. The concern is that this invasive species will continue to spread across the state forest and create forest health concerns such as increased wildfire threat and intensity as well as threatening native species of plants and wildlife habitat.
- b. Treatment Techniques
  - i. Treat starting in Spring 2020 until with a goal of completing by June 30, 2020.
  - ii. Treatment will be completed by Mississippi Forestry Commission using approved herbicides and Surfactant and rates. Herbicides currently being used are Arsenal AC (2 pints per acre) or Chopper (4 pints per acre) plus glyphosate at 4 pounds active ingredient per acre.
  - iii. Herbicide will be ground applied using ATVs.
  - iv. This application will not have an adverse effect on the existing pine stands.
  - v. Application sites will be documented, information gathered will include, GPS, date, weather conditions, rate used, photo documentation of effect of herbicide.

**2. Road Work and Culverts**

- a. There are approximately 4 miles of woods road work that is required. This roadwork has been mapped out and is located on the attached USGS map.
- b. Due to the wet nature of this state forest, the time frame for road work is limited to summer months and as weather and river levels permit. The improvements are aimed at crowning roads, and improving drainage so that natural water flow can occur. Photos of some of the existing road conditions are attached to for review.
- c. The road work completed will be done in a manner to meet Mississippi Best Management Practices (BMPs)- [http://www.mfc.ms.gov/sites/default/files/Entire\\_bmp\\_2008-7-24\\_2.pdf](http://www.mfc.ms.gov/sites/default/files/Entire_bmp_2008-7-24_2.pdf)
- d. Part of this road work improvements include replacing or installing five (5) culverts. Photos and GPS location of these sites have been included. Again Mississippi's BMPs will be adhered to in the installation of these culverts.
- e. Final results will be documented by photos.

**3. Firebreaks and Prescribe Burn**

- a. To manage the pine stands, prescribe burning will be used to reduce fuel loading which helps prevent wildfire, increases stand health and improves browse for wildlife. There are approximately 130 acres that are targeted for prescribe burning, these areas have been identified on the attached USGS map.
- b. The prescribe burn will be completed in the Spring of 2020. The goal is to complete a cool-season burn which will ensure minimal damage to the pine stands. A combination of firing techniques will be used, but primarily a backing fire will be used to create a low intensity fire that slowly cover these stands. The prescribe burn will be completed by the MFC using ground crews.
- c. A prescribe burn plan will be completed that includes a smoke screening process. This plan is created prior to the burn and must be approved by MFC Regional Supervisors.
- d. Also identified are the locations of the 2.5 miles of firebreaks that will be necessary to contain the prescribe fire on the targeted areas. Installation of the firebreaks will follow Mississippi's BMP guidelines. These firebreaks will be maintained for future use. Results of the prescribe burn and firebreaks will be documented by photos.

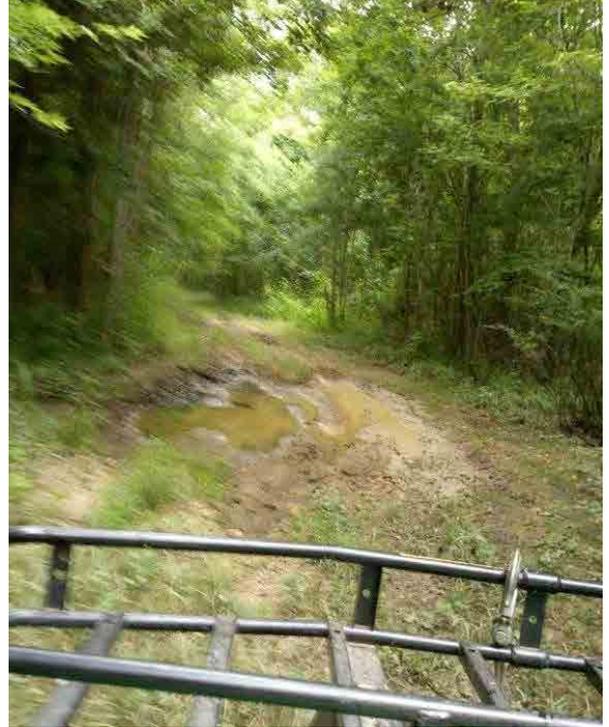


# MFC - Three Rivers State Forest

RD Work 2 pic. N30 58.772 W88 45.138



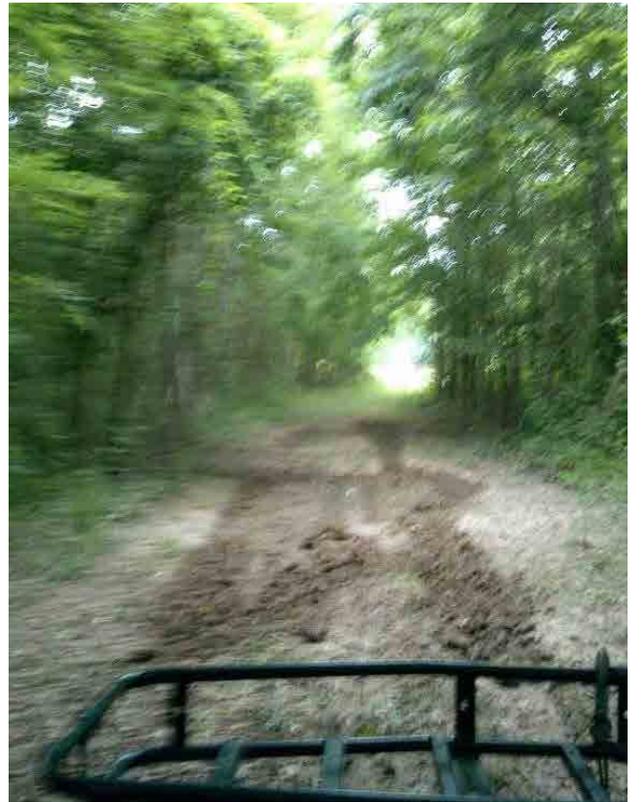
RD Work 3 pic. N30 58.777 W88 45.103



RD Work 4 pic. N30 58.784 W88 45.085

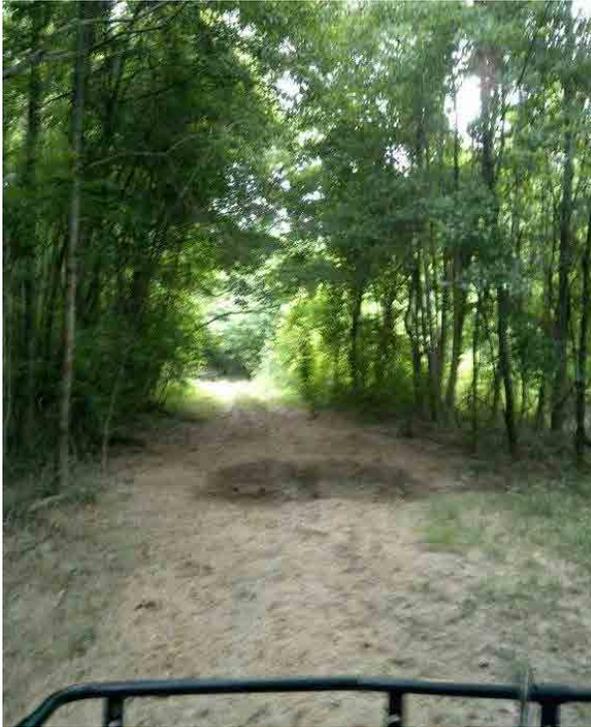


RD Work 5 pic. N30 58.857 W88 44.988



# MFC - Three Rivers State Forest

RD Work 6 pic. N30 59.128 W88 45.027



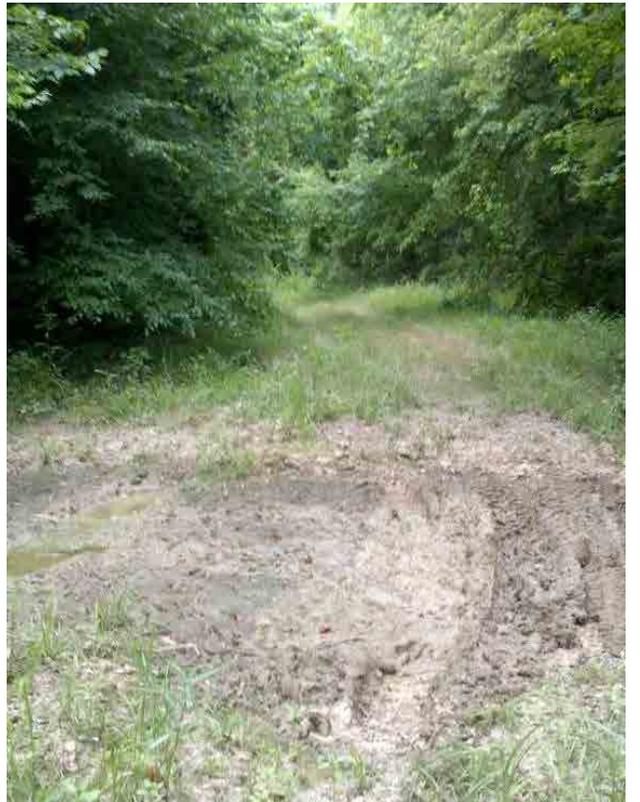
RD Work 7 pic. N30 59.405 W88 45.341



RD Work 8 pic. N30 59.404 W88 45.382

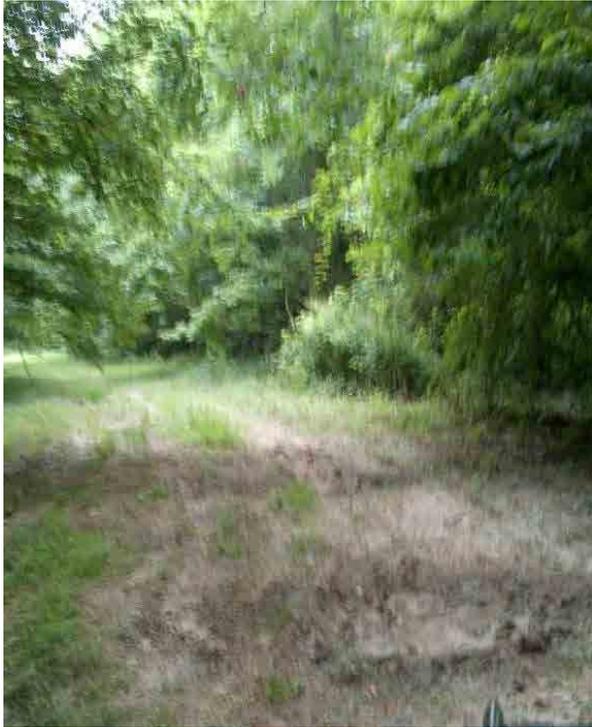


RD Work 9 pic. N30 59.418 W88 45.436

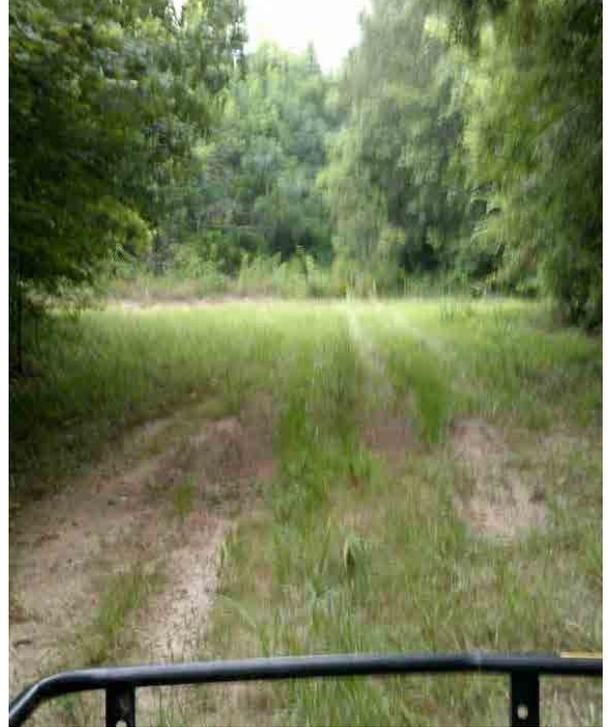


**MFC - Three Rivers State Forest**

**RD Work 10 pic. N30 59.419 W88 45.487**



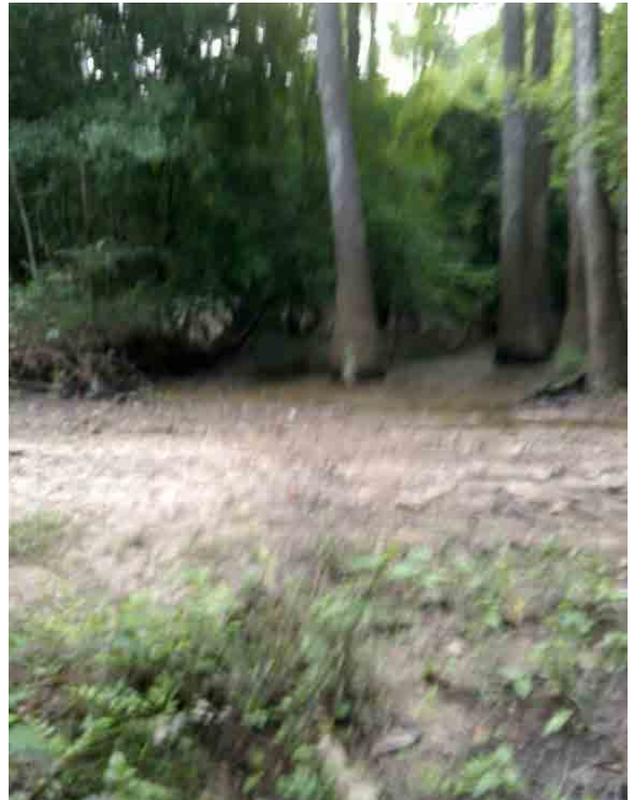
**RD Work 11 pic. N30 59.416W88 45.516**



**WP 1 2 Culvert needed N31 00.388W88 46.066**



**WP 2 1 culvert needed N30 59.932W88 45.880**

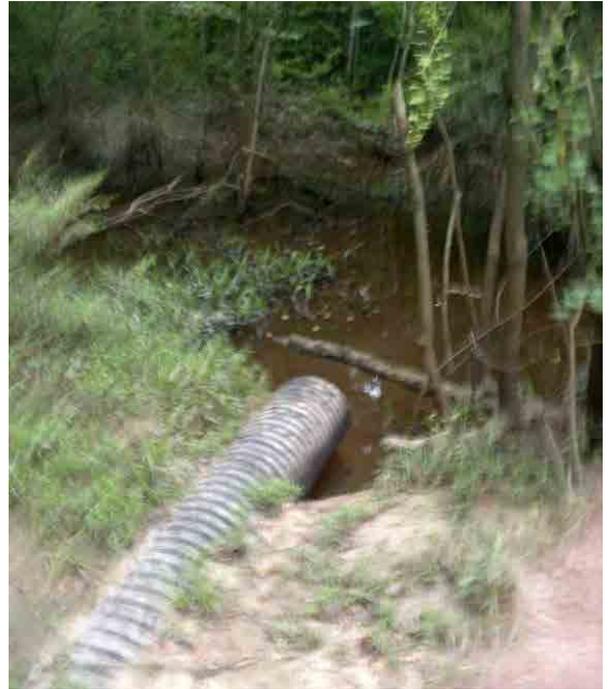


# MFC - Three Rivers State Forest

WP 3 1 culvert needed N30 59.458W88 45.600



WP 4 1 culvert needed RD Work 2 N30 58.739  
W88 45.234



WP 5 Start of RD Work 1 pic. N30 58.700  
W88 45.472



# Attachment D



HISTORIC PRESERVATION DIVISION  
P. O. BOX 571  
Jackson, MS 39205-0571  
Phone 601-576-6940 Fax 601-576-6955  
Website: [mdah.ms.gov](http://mdah.ms.gov)

August 8, 2019

Mr. Richard McInnis  
Mississippi Forestry Commission  
660 North Street, Suite 300  
Jackson, Mississippi 39202

RE: Proposed installation of culverts, construction of firelanes and grading, Woods Road, Three Rivers State Forest, (EPA) MDAH Project Log #08-022-19, George and Greene Counties

Dear Mr. McInnis:

We have reviewed your May 14, 2019, request for a cultural resources assessment, received on August 6, 2019, for the above referenced project, in accordance with our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After review, it is our determination, due to the topography of the area and the presence of recorded sites in close proximity, that a cultural resources survey should be performed by a qualified cultural resources professional. The resulting report should reference the project log number noted above on the title page.

A list of individuals who have represented themselves as being willing and qualified to do archaeological survey work in Mississippi will be furnished upon request. A copy of this letter should be made available to the contracting archaeologist(s). In submitting the requested cultural resources survey, please make sure the project professional indicates the type of Federal funding, licensing and/or permitting involved in the project.

If you have any questions, please contact us at 601-576-6940.

Sincerely,

A handwritten signature in black ink that reads "Hal Bell". The signature is written in a cursive, flowing style.

Hal Bell  
Review and Compliance Officer

FOR: Katie Blount  
State Historic Preservation Officer

# Attachment E

**From:** [Bowie, John](#)  
**To:** [Holliman, Daniel](#)  
**Subject:** FW: Mississippi Forestry Commission Survey  
**Date:** Tuesday, October 22, 2019 3:52:26 PM  
**Attachments:** [image001.png](#)

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*John F. Bowie, PE*  
*RESTORE Program Manager*  
*EPA Gulf of Mexico Program*  
*Office (228)679-5891 Cell (228)265-1774*

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**From:** Richard McInnis <[rmcinnis@mfc.ms.gov](mailto:rmcinnis@mfc.ms.gov)>  
**Sent:** Wednesday, September 25, 2019 8:30 AM  
**To:** Bowie, John <[Bowie.John@epa.gov](mailto:Bowie.John@epa.gov)>  
**Cc:** Holliman, Daniel <[Holliman.Daniel@epa.gov](mailto:Holliman.Daniel@epa.gov)>  
**Subject:** FW: Mississippi Forestry Commission Survey

FYI

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**From:** Becky Stowe  
**Sent:** Tuesday, September 17, 2019 3:32 PM  
**To:** Hal Bell <[hbell@mdah.ms.gov](mailto:hbell@mdah.ms.gov)>  
**Subject:** RE: Mississippi Forestry Commission Survey

Absolutely. We can get those ground-disturbing areas surveyed and/or I can arrange to monitor these actions. I have spent a lot of time on this property and know it very well. I'll check to see if archaeological resources are addressed in the long-term management plan or I'll write an addendum to doing so.

Thanks for your (and John's) help here.

Becky

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**From:** Hal Bell <[hbell@mdah.ms.gov](mailto:hbell@mdah.ms.gov)>  
**Sent:** Tuesday, September 17, 2019 12:19 PM  
**To:** Becky Stowe <[rstowe@TNC.ORG](mailto:rstowe@TNC.ORG)>  
**Subject:** Re: Mississippi Forestry Commission Survey

Becky,

After consulting with John Underwood, Chief Archaeologist, it is our determination that the ground-disturbing areas (culverts and firebreaks) need to receive a survey, or at the very least be monitored by a SOI-qualified archaeologist during any ground-disturbing activities. We would also like to ask that some considerations be made in the long-term management plan for the restoration area that address archaeological resources should they be discovered as a result of planned activities there. At the very least, MDAH would like some assurance that our offices would be contacted if and when an archaeological resource is encountered to provide guidance and assistance.

Hal Bell

Review and Compliance Officer

Historic Preservation Division

Mississippi Department of Archives and History

Office: (601) 576-6957

Email: [hbell@mdah.ms.gov](mailto:hbell@mdah.ms.gov)

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**From:** Becky Stowe <[rstowe@TNC.ORG](mailto:rstowe@TNC.ORG)>  
**Sent:** Monday, September 16, 2019 2:52 PM

**To:** Hal Bell <[hbelle@mdah.ms.gov](mailto:hbelle@mdah.ms.gov)>

**Subject:** Mississippi Forestry Commission Survey

Hi Hal,

I'm trying to help the MFC get clearance for an EPA grant they need to do some restoration at their Three Rivers State Forest. This would entail installing culverts in existing roadways to restore hydrology, constructing a few firelines and grading those existing roadways along with herbicide application on invasive species. I worked with them extensively on the acquisition of this property through my role with TNC but I'm also an archaeologist on the approved list for Mississippi. At any rate, they are flipped out about the request for a cultural resources survey that you had sent on August 8 (attached) since they have no budget for that. However, I don't think that you are requesting a survey of the entire 2,100 acre tract. The only ground disturbance would be from installation of 5 culverts and the 2.5 miles of firebreaks. The 4 miles of roads to be graded are existing woods roads that I believe the Masonite company put in many years ago. The herbicide work they are proposing would have no ground disturbance elements.

I just wanted to start communicating about the project since it is a good restoration project that needs to be done and now they are assuming they aren't going to be able to use the EPA grant.

What are your thoughts?

Thanks

Becky

**Becky Stowe**  
*Director of Forest Programs*

[rstowe@tnc.org](mailto:rstowe@tnc.org)

228-591-1116 x 102

228-219-4580 cell

601-947-4050 home office

[nature.org/mississippi](http://nature.org/mississippi)

**The Nature Conservancy**  
10910 Hwy 57, Suite C  
Vance, MS 39565





**RESTORE – Environmental Information Document**

**Project ID:** MS RESTORE 001 005 Cat1/Cat2

**Project Title:** Gulf of Mexico Conservation Enhancement Grant Program  
(P6) Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project

**Introduction:** 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).

**Gulf of Mexico Conservation Enhancement Program** - The Unique identifier assigned to this program is [MS RESTORE 001 005 Cat1/Cat2](#) - This Program is currently listed as a Cat1/Cat2 on GCERC’s Funded Priorities List (FPL). Pursuant to the program description, EPA developed and implemented the Gulf of Mexico Conservation Enhancement Grant Program (GMCEGP), a competitive funding assistance opportunity to enhance private/public partnerships that support land protection and conservation across the Gulf Coast region. The eight projects selected to be funded under the GMCEGP are:

Project ID Assigned	Organization	Project Title	EPA Grant #
P1	St. Tammany Parish Government	Planting of Tenet Pond for Habitat Enhancement	00D73818-0
P2	Atlanta Botanical Garden	Enhancing Conservation through Woody Vegetation Removal and Impact Evaluation of Novel Management Methods in Florida’s Rare Coastal Wetland Ecosystem.	00D80518-0
P3	Land Trust for the MS Coastal Plain	Gulf Coast Land Conservation Project Assistance	00D80118-0
P4	Woodlands Conservancy	Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Barataria Basin	00D80018-0
P5	Mississippi Forestry Commission	Enhancing and rehabilitating the ecological functions in a major watershed and sub-watershed in the Mississippi Gulf Coast Region.	00D80418-0
P6	The Nature Conservancy	Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project	00D80218-0
P7	Galveston Bay Foundation	Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits	00D73918-0
P8	Ducks Unlimited Inc.	Texas Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People	00D80318-0

The EPA Grants will be awarded to the eight organizations after EPA and the RESTORE Council execute an Interagency Agreement which will provide funding reimbursement to EPA for implementing the GMCEGP.

**Project Title: P6 - Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project**

This Project is currently listed as a Category 2 on GCERC’s Funded Priorities List (FPL). Self-sustaining oyster reefs are important green infrastructure that provide a full suite of ecosystem services, such as filtering water and cycling nutrients to improve water quality, and abating wave energy and slowing shoreline retreat. Protecting this portion of Sabine National Wildlife Refuge (NWR) is not only significant for wildlife



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(P6) Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project

habitat in the Gulf of Mexico but is a critical area protecting Highway 27 from inundation and loss during storms, as it is a major evacuation route for local communities. Finally, oyster reefs may be able to keep pace with sea level rise and reduce the impacts of flooding and storms.

**Project Description:** The Nature Conservancy in Louisiana will partner with the U.S. Fish and Wildlife Service to restore oyster reef habitat along rapidly eroding shorelines in Calcasieu Lake along Sabine NWR, a priority landscape on the Gulf of Mexico. This project will build vertical oyster reef structure; protect critical coastal marsh and priority areas of Sabine NWR which supports a high diversity of fish and wildlife populations; create fisheries habitat; improve estuary water quality; slow shoreline retreat by abating wave energy; and increase the resiliency of nearby coastal communities.

**Measurable Outputs:** The anticipated benefit of this project will slow coastal erosion and protect approximately 2,200 linear feet of the Sabine NWR shoreline; restore 2,112 linear feet (0.29 acres) of oyster reefs; directly protect 146 acres of marsh shoreline (maximum areal extent of marsh between the reefs and Hwy 27) and conserve the integrity of 350 acres of marsh; restore habitat for numerous estuarine species of ecological, commercial and recreational importance, and trap suspended sediments between the reefs and adjacent shoreline. This site is especially important to safeguard to help strengthen the resiliency of this area to local storm events. The education and outreach efforts are designed to foster local stakeholder awareness of the importance of oysters as a habitat which can benefit adjacent communities and infrastructure.

**Place of Performance:** West Cove of Calcasieu Lake in Hackberry, southwest Louisiana (see Figure 1)

**Project Period:** August 1, 2018 – January 31, 2020

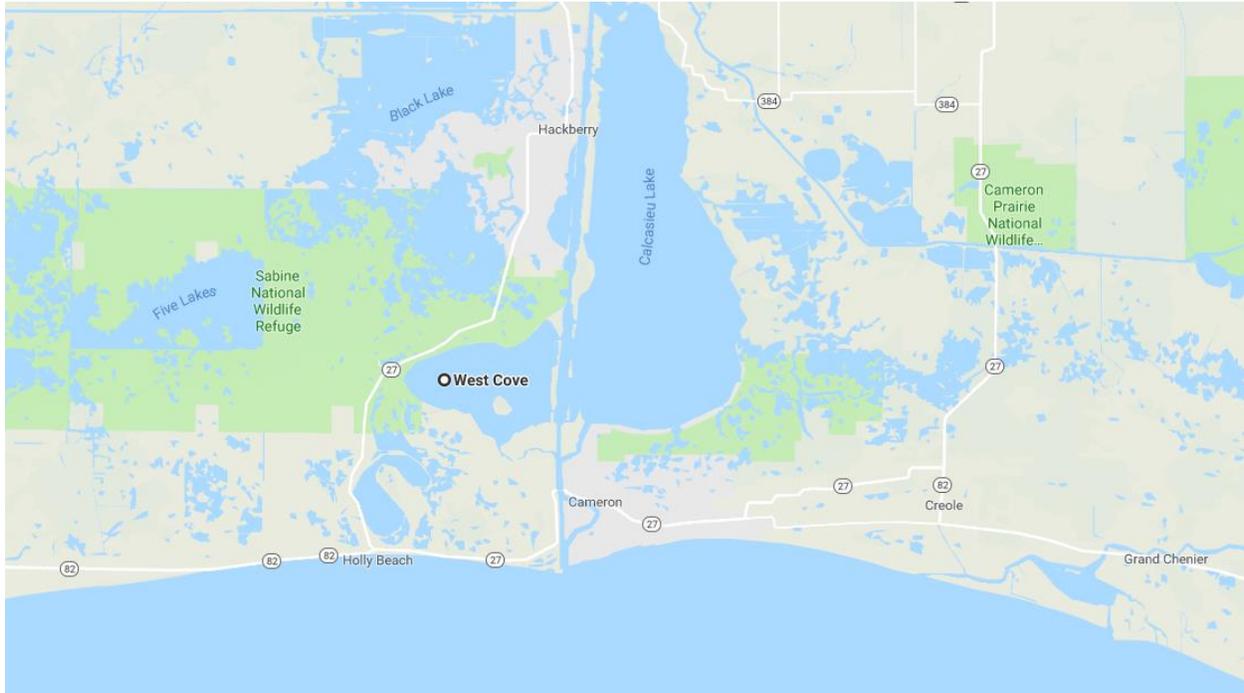
The project is permitted, shovel ready and could begin immediately.

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(P6) Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project



**Figure 1: West Cove of Calcasieu Lake (google maps)**

**Environmental Benefits:** The proposed project will restore and protect priority conservation lands in the Gulf of Mexico, improve habitats and water quality and provide education and outreach activities to foster conservation and local stewardship. Oysters are efficient filter feeders, so established reefs are known for improving water quality in the estuaries that they are present. Finally, oyster reefs are an important green infrastructure that have also been found to keep up with sea level rise and increase the resiliency of nearby coastal communities. This project and potential benefits align with EPA’s strategic plan and priorities.

**NEPA:** EPA has determined that this 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 this project 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.



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(P6) Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project

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 proposed project was issued a Category 2 Programmatic General Permit (PGP) by the New Orleans District Corps of Engineers for the proposed restoration activities in the west cove of Calcasieu Lake on June 21, 2017. The PGP covers the applicant’s proposed activities in waters of the US. PGPs are authorizations that are issued for a category or categories of activities that are similar in nature and do not cause more than minimal individual and cumulative adverse environmental effects. Therefore, it is EPA’s determination that the proposed project will not have a significant impact on the 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.* The project will not disproportionately or negatively impact any community. The project is expected to have positive environmental effects through



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improvements in water quality. The proposed project will restore and protect priority conservation lands in the Gulf of Mexico, improve habitats and water quality and provide education and outreach activities to foster conservation and local stewardship.

*The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.* The proposed project was issued a Category 2 Programmatic General Permit (PGP) by the New Orleans District Corps of Engineers for the proposed restoration activities in the west cove of Calcasieu Lake on June 21, 2017. The PGP has conditions that minimize impacts to threatened and endangered species and their 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.* The PGP provides the following language to address cultural resources “No activity is authorized under this general permit which may adversely affect significant cultural resources listed or eligible for listing in the National Register of Historic Places until the requirements for Section 106 of the National Historic Preservation Act are met. Upon discovery of the presence of previously unknown historic and/or prehistoric cultural resources, all work must cease and the permittee must notify the State Historic Preservation Office and the Corps of Engineers. The authorization is suspended until it is determined whether or not the activity will have an adverse effect on cultural resources. The authorization may be reactivated or modified through specific conditions if necessary, if it is determined that the activity will have no adverse effect on cultural resources. The PGP authorization will be revoked if it is determined that cultural resources would be adversely affected, and an individual permit may be necessary.”

*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 proposed project was issued a Category 2 Programmatic General Permit (PGP) by the New Orleans District Corps of Engineers for the proposed restoration activities in the west cove of Calcasieu Lake on June 21, 2017. The PGP covers the applicant’s proposed activities in waters of the US. PGPs are authorizations that are issued for a category or categories of activities that are similar in nature and do not cause more than minimal individual and cumulative adverse environmental effects. Therefore, it is EPA’s determination that the proposed project will not have a significant impact on the environment.



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*The implementation of this project is not known or expected to cause significant adverse air quality effects. During reef manufacturing and installation there may be air emissions from exhaust emissions from trucks, bulldozers, backhoes, etc., 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. This project will not change or have a significant effect on the pattern and type of land use at the project site.*

*The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project. The implementation of this project is not expected to cause significant public controversy about potential environmental impacts.*

*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. This project is not expected to have significant impacts on the environment.*

*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.*



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(P6) Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project

**NHPA:** The PGP provides the following condition: No activity is authorized under this general permit which may adversely affect significant cultural resources listed or eligible for listing in the National Register of Historic Places until the requirements for Section 106 of the National Historic Preservation Act are met. Upon discovery of the presence of previously unknown historic and/or prehistoric cultural resources, all work must cease and the permittee must notify the State Historic Preservation Office and the Corps of Engineers. The authorization is suspended until it is determined whether or not the activity will have an adverse effect on cultural resources. The authorization may be reactivated or modified through specific conditions if necessary, if it is determined that the activity will have no adverse effect on cultural resources. The PGP authorization will be revoked if it is determined that cultural resources would be adversely affected, and an individual permit may be necessary.”

**ESA:** The proposed project was issued a Category 2 Programmatic General Permit (PGP) by the New Orleans District Corps of Engineers for the proposed restoration activities in the west cove of Calcasieu Lake on June 21, 2017. The PGP has conditions that minimize impacts to threatened and endangered species and their critical habitat.

In addition, in an email dated June 25, 2019, 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:** The proposed project was issued a Category 2 Programmatic General Permit (PGP) by the New Orleans District Corps of Engineers for the proposed restoration activities in the west cove of Calcasieu Lake on June 21, 2017. It is EPA’s understanding that this permit is compliant with requirements of the Magnuson-Stevens Act for Essential Fish Habitat.



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(P6) Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project

*The following table summarizes the various authorities consulted and permits issued*

<b>Agency</b>	<b>Representatives Name, Office, &amp; Phone</b>	<b>Date</b>	<b>Notes and topic discussed, relevant details, and conclusions</b>
<b>U.S. Fish and Wildlife Service</b>	David Walther  337-291-3122		<p><b>ESA - Threatened and endangered species;</b> See attached June 25, 2019 email. The FWS provided final compliance with the ESA and concurrence with a "not likely to adversely affect" determination.</p> <p><i>The project was also issued a Special Use Permit (Permit # G2017-72) by the USFWS for project related activities in the Sabine National Wildlife Refuge.</i></p> <p><i>In addition, the proposed project was issued a Category 2 Programmatic General Permit (PGP) by the New Orleans District Corps of Engineers for the proposed restoration activities in the west cove of Calcasieu Lake on June 21, 2017. The PGP is conditioned to minimize potential impacts to ESA listed species.</i></p>
<b>Louisiana Department of Natural Resources – Office of Coastal Management</b>	Karl L. Morgan Administrator  225-342-7591	4/28/2017	<b>State and Local Coastal Resources Management Act of 1978 –</b> See attached Coastal Use Permit/Consistency Determination. Issued April 28, 2017.
<b>USACE</b>	Johnny Duplantis  504-862-1954	6/21/2017	<p><b>USACE Permit Issued;</b></p> <p><i>The proposed project was issued a Category 2 Programmatic General Permit (PGP) by</i></p>



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			<i>the New Orleans District Corps of Engineers for the proposed restoration activities in the west cove of Calcasieu Lake on June 21, 2017. (MVN-2017-00118-WPP)</i>
<b>USCG</b>	<i>Timothy B. Boriskie</i>	9/26/2017	<b>Private Aids to Navigation Permit</b> issued on 9/26/2017.
<b>Louisiana State Lands Office</b>	<i>Lawrence L. Rosso, Jr.</i>	5/15/2017	<b>State of LA – State Land Office Permit</b> issued to applicant on 5/15/2017. Permit Number B726

**Attachments:**

- (a) EPA NEPA Review; XXXXX
- (b) Section 7- ESA Biological Evaluation Form – ESA Project Review and Guidance for Other Federal Trust Resources Report (Signed 6/24/19)
- (c) June 25, 2019 Email from USFWS – LA Office (Concurrence on “may affect but not likely to affect determination”)
- (d) USFWS – Sabine National Wildlife Refuge General Activities Special Use Permit
- (e) Army Corps of Engineers (ACOE) Permit No. MVN-2017-00118-WPP (PGP)
- (f) US Coast Guard – Private Aids to Navigation Permit
- (g) Louisiana State Lands Office – Permit B726
- (h) Louisiana Department of Natural Resources – Office of Coastal Management - *Coastal Use Permit/Consistency Determination. Issued April 28, 2017.*

# Attachment A



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

**P6 - The Nature Conservancy - Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project**

EPA has determined that The Nature Conservancy - Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project - RESTORE funded project meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, this RESTORE project 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.

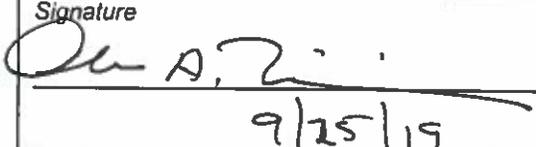
**40 CFR §6.101**

- (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**

Consistent with my responsibilities for NEPA compliance review and concurrence, I have determined that this action is statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b).

<i>Signature</i>  9/25/19	<i>Name &amp; Title</i> <b>Chris Millitscher</b> <b>Chief R4 NEPA Section/SPO/ORA</b>	<i>Phone Number</i> <b>(404)562-9512</b>
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**EPA Contact for Environmental Review on this Project (If different from Responsible Official)**

<i>Name</i> <b>Dan Holliman</b>	<i>Title</i> <b>Life Scientist R4 NEPA/SPO/ORA</b>	<i>Phone Number</i> <b>(404)562-9531</b>
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## Attachment B



# Endangered Species Act (ESA) Project Review and Guidance for Other Federal Trust Resources Report

## **Instructions**

Please submit a copy of this report to the Louisiana Ecological Services Office for review at [lafayette@fws.gov](mailto:lafayette@fws.gov). Contact our office at (337) 291-3100 for further assistance.

**Project Description:** This is a RESTORE funded project.

This Project is currently listed as a Category 2 on GCERC's Funded Priorities List (FPL). Self-sustaining oyster reefs are important green infrastructure that provide a full suite of ecosystem services, such as filtering water and cycling nutrients to improve water quality, and abating wave energy and slowing shoreline retreat. Protecting this portion of Sabine National Wildlife Refuge (NWR) is not only significant for wildlife habitat in the Gulf of Mexico but is a critical area protecting Highway 27 from inundation and loss during storms, as it is a major evacuation route for local communities. Finally, oyster reefs may be able to keep pace with sea level rise and reduce the impacts of flooding and storms.

The Nature Conservancy in Louisiana will partner with the U.S. Fish and Wildlife Service to restore oyster reef habitat along rapidly eroding shorelines in Calcasieu Lake along Sabine NWR, a priority landscape on the Gulf of Mexico.

This project will build vertical oyster reef structure; protect critical coastal marsh and priority areas of Sabine NWR which supports a high diversity of fish and wildlife populations; create fisheries habitat; improve estuary water quality; slow shoreline retreat by abating wave energy; and increase the resiliency of nearby coastal communities.

The anticipated benefit of this project will slow coastal erosion and protect approximately 2,200 linear feet of the Sabine NWR shoreline; restore 2,112 linear feet (0.29 acres) of oyster reefs; directly protect 146 acres of marsh shoreline (maximum areal extent of marsh between the reefs and Hwy 27) and conserve the integrity of 350 acres of marsh; restore habitat for numerous estuarine species of ecological, commercial and recreational importance, and trap suspended sediments between the reefs and adjacent shoreline. This site is especially important to safeguard to help strengthen the resiliency of this area to local storm events. The education and outreach efforts are designed to foster local stakeholder awareness of the importance of oysters as a habitat which can benefit adjacent communities and infrastructure.

**Requesting Agency:** Environmental Protection Agency (EPA)

**Project Coordinates:** Latitude: 29.868837 Longitude: -93.402282

**Point of Contact:** Dan Holliman

**Address:** 61 Forsyth Street SW

**City:** Atlanta

**State:** Georgia

**Zip Code:** 30338

**Phone Number 1:** 4045629531 **Phone Number 2:** \_\_\_\_\_

**Email Address:** holliman.daniel@epa.gov

Does the proposed action only involve telecommunication structure(s)?

**No**

Would the proposed action occur entirely within an existing footprint or rights-of-way (ROW)?

**No**

Would any portion of the proposed action occur within one of these areas of interest?

**No**

## West Indian Manatee

Does the proposed action fall within the manatee consultation zone, excluding the Mississippi River (see map), and involve in-water activities, with depths of at least 2 feet, during the months of June through November?

**Yes**

Is the proposed action's footprint entirely on land?

**No**

Would the proposed action involve in-water activities, with depths of at least 2 feet, during the months of June through November?

**Yes**

Would the following Standard Manatee Conditions for in-Water Activities be included within the project design?

**Yes**

### **Standard Manatee Conditions for In-water Activities**

During in-water work in areas that potentially support manatees all personnel associated with the project should be instructed about the potential presence of manatees, manatee speed zones, and the need to avoid collisions with and injury to manatees. All personnel should be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. Additionally, personnel should be instructed not to attempt to feed or otherwise interact with the animal, although passively taking pictures or video would be acceptable.

All on-site personnel are responsible for observing water-related activities for the presence of manatee(s). We recommend the following to minimize potential impacts to manatees in areas of their potential presence:

- All work, equipment, and vessel operation should cease if a manatee is spotted within a 50-foot radius (buffer zone) of the active work area. Once the manatee has left the buffer zone on its own accord (manatees must not be herded or harassed into leaving), or after 30 minutes have passed without additional sightings of manatee(s) in the buffer zone, in-water work can resume under careful observation for manatee(s).
- If a manatee(s) is sighted in or near the project area, all vessels associated with the project should operate at "no wake/idle" speeds within the construction area and at all times while in waters where the draft of the vessel provides less than a four-foot clearance from the bottom. Vessels should follow routes of deep water whenever possible.
- If used, siltation or turbidity barriers should be properly secured, made of material in which manatees cannot become entangled, and be monitored to avoid manatee entrapment or impeding their movement.

- Temporary signs concerning manatees should be posted prior to and during all in-water project activities and removed upon completion. Each vessel involved in construction activities should display at the vessel control station or in a prominent location, visible to all employees operating the vessel, a temporary sign at least 8½" X 11" reading language similar to the following: "CAUTION BOATERS: MANATEE AREA/ IDLE SPEED IS REQUIRED IN CONSTRUCTION AREA AND WHERE THERE IS LESS THAN FOUR FOOT BOTTOM CLEARANCE WHEN MANATEE IS PRESENT". A second temporary sign measuring 8½" X 11" should be posted at a location prominently visible to all personnel engaged in water-related activities and should read language similar to the following: "CAUTION: MANATEE AREA/ EQUIPMENT MUST BE SHUTDOWN IMMEDIATELY IF A MANATEE COMES WITHIN 50 FEET OF OPERATION".
- Collisions with, injury to, or sightings of manatees should be immediately reported to the Service's Louisiana Ecological Services Office (337/291-3100) and the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225/765-2821). Please provide the nature of the call (i.e., report of an incident, manatee sighting, etc.); time of incident/sighting; and the approximate location, including the latitude and longitude coordinates, if possible.

**Conclusion:**

We have determined that the proposed action is not likely to adversely affect the West Indian Manatee.

  
 \_\_\_\_\_  
 Project Representative

5/21/19  
 \_\_\_\_\_  
 Date

Based on the information provided in this report, as well as any pertinent correspondence and documentation saved to the project file at our office (if applicable), the Service concurs with your "not likely to adversely affect" determination for the following species:

West Indian Manatee

  
 \_\_\_\_\_  
 Louisiana Ecological Services Office  
 U.S. Fish and Wildlife Service

24 Jun 19  
 \_\_\_\_\_  
 Date

Section 7 consultation for the proposed action is concluded when you receive signature from this office. To ensure continued compliance with the ESA, reinitiate consultation when:

- new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not considered in this consultation
- the action is modified in a manner that causes effects to listed species or designated critical habitat not considered in this consultation
- a new species is listed or critical habitat designated that the action may affect.

# Migratory Bird Conservation Recommendations

## **Bald Eagle**

The proposed project area may provide nesting habitat for the bald eagle (*Haliaeetus leucocephalus*), which was officially removed from the List of Endangered and Threatened Species as of August 8, 2007. However, the bald eagle remains protected under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.) The Louisiana Department of Wildlife and Fisheries (LDWF) has not collected comprehensive bald eagle survey data since 2008, and new active, inactive, or alternate nests may have been constructed within the proposed project area since that time.

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance," which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at:

<http://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf>

In southern Louisiana parishes, eagles typically nest in mature trees (e.g., baldcypress, sycamore, willow, etc.) near fresh to intermediate marshes or open water. Bald eagles may also nest in mature pine trees near large lakes in central and northern Louisiana. If a bald eagle nest occurs or is discovered within 660 feet of the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at:

<https://www.fws.gov/southeast/our-services/eagle-technical-assistance>. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary.

## **Colonial Waterbirds**

In accordance with the Migratory Bird Treaty Act of 1918 (as amended), please be advised should the project area be located in or near wetland habitats which may be inhabited by colonial nesting waterbirds and/or seabirds, additional restrictions may be necessary.

Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by (1) monitoring previously known colony sites and (2) augmenting point-to-point surveys with flyovers of adjacent suitable habitat. Although several comprehensive coast-wide surveys have been recently conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season because some waterbird colonies may change locations year-to-year. To minimize disturbance to colonial nesting birds please refer to our colonial nesting waterbird guidance on the LESO Webpage [https://www.fws.gov/lafayette/Migratory\\_Birds/MigBird.html](https://www.fws.gov/lafayette/Migratory_Birds/MigBird.html).

## **Additional Migratory Bird Conservation Recommendations**

During the project impact analysis process developers should identify project-related impacts to migratory birds and the conservation measures that will be used to mitigate them. For additional Migratory Bird Conservation recommendations, guidance and tools to help reduce impacts to birds and their habitats please visit the LESO webpage [https://www.fws.gov/lafayette/Migratory\\_Birds/MigBird.html](https://www.fws.gov/lafayette/Migratory_Birds/MigBird.html) and the Service's Migratory Bird Program Webpage (<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/communication-towers.php>).

# Attachment C

**From:** [Walther, David](#)  
**To:** [Bowie, John](#)  
**Cc:** [Horning Dave \(david\\_horning@fws.gov\)](#); [Holliman, Daniel](#)  
**Subject:** Re: FW: [EXTERNAL] RESTORE Project Section 7 Concurrences  
**Date:** Tuesday, June 25, 2019 12:55:42 PM

---

John,

We are providing final compliance with the ESA for these projects (our concurrence with y'all's "not likely to adversely affect" determination. Not sure if that is the what your asking or not?

David Walther  
Supervisory Biologist  
SE Region Conservation Planning Assistance Coordinator  
US Fish and Wildlife Service  
Lafayette, LA 70506  
Phone: 337.291.3122  
Fax: 337.291.3139

**NOTE: New Address**  
**200 Dulles Drive**  
**Lafayette LA 70506**

<http://www.fws.gov/lafayette/>  
<https://www.fws.gov/ecological-services/energy-development/water.html>

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**NOTE:** This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Tue, Jun 25, 2019 at 11:22 AM Bowie, John <[Bowie.John@epa.gov](mailto:Bowie.John@epa.gov)> wrote:

My apologies. The sign-offs on the form are for Louisiana. Does the email cover USFWS signoff?

---

**From:** Bowie, John  
**Sent:** Tuesday, June 25, 2019 11:10 AM  
**To:** [david\\_walther@fws.gov](mailto:david_walther@fws.gov)  
**Cc:** Horning Dave ([david\\_horning@fws.gov](mailto:david_horning@fws.gov)) <[david\\_horning@fws.gov](mailto:david_horning@fws.gov)>; Holliman, Daniel <[Holliman.Daniel@epa.gov](mailto:Holliman.Daniel@epa.gov)>  
**Subject:** FW: [EXTERNAL] RESTORE Project Section 7 Concurrences

Hi David,

The attached Concurrences were missing FWS signatures.

Thanks.

**From:** Walther, David <[david\\_walther@fws.gov](mailto:david_walther@fws.gov)>  
**Sent:** Tuesday, June 25, 2019 10:57 AM  
**To:** Holliman, Daniel <[Holliman.Daniel@epa.gov](mailto:Holliman.Daniel@epa.gov)>  
**Cc:** Horning, David <[david\\_horning@fws.gov](mailto:david_horning@fws.gov)>; Bowie, John <[Bowie.John@epa.gov](mailto:Bowie.John@epa.gov)>  
**Subject:** Re: [EXTERNAL] RESTORE Project Section 7 Concurrences

Daniel,

I apologize for the delay in getting these back to you. Please find attached our concurrence on the two ESA determinations (i.e., Calcasieu Lake and Tenet Pond). We don't need to see the other one but retain for your records. If you have any questions please let me know.

Thanks

David Walther

Supervisory Biologist

SE Region Conservation Planning Assistance Coordinator

US Fish and Wildlife Service

Lafayette, LA 70506

Phone: 337.291.3122

Fax: 337.291.3139

**NOTE: New Address**

**200 Dulles Drive**

**Lafayette LA 70506**

<http://www.fws.gov/lafayette/>

<https://www.fws.gov/ecological-services/energy-development/water.html>

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On Tue, May 21, 2019 at 4:53 PM Holliman, Daniel <[Holliman.Daniel@epa.gov](mailto:Holliman.Daniel@epa.gov)> wrote:

Hey David,

Thanks for speaking to me today regarding EPA RESTORE projects in LA today. Just to summarize:

1. **Planting of Tenet Pond for Habitat Enhancement Project** – I've attached a signed Project Review and Guidance Report for this Project.
2. **Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project** - I've attached a signed Project Review and Guidance Report for this Project.
3. **Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Barataria Basin** – The Project Review and Guidance Report indicates that we do not have to submit the report to FWS (no effect on the West Indian Manatee).

I've also attached the proposals if you need them. Please provide concurrences for Tenet Pond and Calcasieu.

Thanks for all the assistance. Please call if you have any questions.

Dan

**Dan Holliman**

USEPA Region 4 | NEPA Program Office

61 Forsyth Street SW | Atlanta, GA 30303

tel 404.562.9531 | [holliman.daniel@epa.gov](mailto:holliman.daniel@epa.gov)

# Attachment D



**Sabine National Wildlife Refuge**  
**General Activities**  
**Special Use Permit**  
*(For Official Use Only)*

Permit #: G2017-72

Permit Term: From: 7/10/2017 To: 10/15/2017

1) Permittee Name/Business: Amy Smith Kyle / The Nature Conservancy

2) Permit Activity Type: Reef Installation along Sabine NWR's West Cove Shoreline

2) Permit Status:  Approved *If approved, provide special conditions (if any) in the text box below.*  
 Denied *If denied, provide justification in the text box below.*

Special Use Conditions are attached and on file

3) Are there additional special conditions attached to the permit?  Yes  No  N/A

4) Are other licenses/permits required, and have they been verified?  Yes  No  N/A

5) Are Insurance and/or Certification(s) required, and have they been verified?  Yes  No  N/A

6) Record of Payments:  Full  Partial  Exempt

7) Is a surety bond or security deposit required?  Yes  No  N/A

This permit is issued by the U.S. Fish and Wildlife Service and accepted by the applicant signed below, subject to the terms, covenants, obligations, and reservations, expressed or implied therein, and to the notice, conditions, and requirements included or attached. A copy of this permit should be kept on-hand so that it may be shown at any time to any refuge staff

8) Permit approved/issued by: (Signature and title)

9) Permit accepted by: (Signature of permittee)

*Chris Kyle*

\_\_\_\_\_

Date: 7-10-17

Date: \_\_\_\_\_

**Special Conditions For Construction: TNC & Quality First Marine**

- 1) The *Complex Biologist* is the coordinating official which has immediate jurisdiction and administrative responsibility of habitat related / biological work on the Southwest Louisiana National Wildlife Refuge Complex (SLNWRC). All entry on the Complex must be coordinated with the *Complex Biologist* or his representative. The *Complex Biologist* or his representative must be advised at least twenty-four hours before all activity.
- 2) All refuge regulations (please refer to and read the refuge brochure) will be in force and the *Permittee* is responsible for the actions of all recovery and support personnel. Feeding any wildlife is prohibited. No pets or other animals are allowed on the refuge. Violations of applicable laws or regulations may subject the *Permittee* or his employees to prosecution under State or Federal laws and thereby jeopardize this permit.
- 3) The *Permittee* shall save, hold harmless, defend, and indemnify the United States of America, its agents and employees for loss, damages, or judgments and expenses on account of bodily injury, death or property damage, or claims for bodily injury, death, or property damage of any nature whatsoever, and by whomever made, arising out of the *Permittee*, his employees, subcontractors or agents with respect to the permitted work activity within the lands administered by the SLNWRC.
- 4) Killing or harassing of wildlife is prohibited. It is illegal to molest or destroy the home or dens of wildlife. Adverse impacts on fish, wildlife and the environment will be kept to an absolute minimum. Fishing from the worksite is not allowed.
- 5) Littering is prohibited. All cans, bottles, lunch papers, and operations trash must be removed daily. All vehicles and boats must have a container to carry out trash. All boats must meet regulations imposed by the State of Louisiana. Individuals utilizing the refuge under this permit are subject to inspections of boats, vehicles and their contents by federal and state officers.

**Operations**

- 1) The *Complex Biologist* or his representative must be advised at least twenty-four hours before all activity. All activities will be coordinated with the *Complex Biologist* or his authorized representative.
- 2) The *Permittee* is allowed access into the refuge from March 15 to October 15 between legal sunrise and fifteen (15) minutes before sunset.
- 3) Existing roads and open water areas will be used to the greatest extent possible. All travel to and from work areas will be confined to designated access routes. No cross country travel will be permitted. Any questions airboat drivers have about where and how to access work areas must be directed to the Refuge Representative for guidance

- 4) All equipment, including hoses and connections, must be clean before entering the Complex to conduct operations. Engine oil may not be changed in the field; all oil and filters will be changed prior to entering the Complex. Any major repairs to equipment will be performed off the Complex.
- 5) If oil is spilled all permitted activities will cease immediately, the *Permittee* will immediately notify *Complex Biologist* or his representative and begin cleaning up the spill. No one should leave the scene or do any other work until the cleanup has satisfied the *Complex Biologist* or his representative. All cleanup must be complete before operations may resume anywhere on the Complex.
- 6) All equipment entering Complex property is subject to inspection by the *Complex Biologist* or representative before unloading.
- 7) Upon completion of work, all flagging, wires, poles, shell, rock debris and miscellaneous trash must be removed from the Refuge.
- 8) All activity will be confined to the West Cove North parking lot and the West Cove Canal on Sabine NWR. After the reef construction is completed the parking lot, wharf, and boat launch will be returned to as good as or better condition. Any damage done to Sabine NWR infrastructure will be repaired before de-mobilizing. Construction crews will be mindful of the public in the south parking lot and in the West Cove Canal.



# General Activities Special Use Permit Application

Refuge: Sabine National Wildlife Refuge

Address: 3000 Holly Beach Hwy, Hackberry, LA 70645

Attn: (Refuge Official) Billy Leonard

E-Mail: billy\_leonard@fws.gov

Phone #: 337-598-2216

**For Official Use Only:**

Permit #: G-2017-72

Station #: 43640

Permit Term: from 7/10/2017 to 10/15/2017

**Note: We do not require all information for each use. See instructions at the end of the notice and contact the refuge identified above to determine applicability of a particular item. Attach additional sheets to the application if the text spaces provided are inadequate.**

1) Identify the type of Permit you are applying for: New   Renewal  Modification  Other

## Applicant Information

2) Full Name: Amy Smith Kyle 3) Organization: The Nature Conservancy

4) Street Address: 320 Hammond Hwy, Suite 528

5) City/State/Zip: Metairie, LA 70005

6) Phone #: 504-913-5993 7) Fax #:

8) E-mail: asmithkyle@tnc.org

9) List known assistants/subcontractors/subpermittees: (Only required if the assistants/subcontractors/subpermittees will be operating on the refuge without the permittee being present.)

Name/Business	Address	Phone #
Quality First Marine (Reef contractor) contacts: Darryl Couvillon & Scott Avanzino	1254 N. Columbia Street, Covington, LA 70433 Darryl's cell phone: 504-909-6959, Scott's cell phone: 504-451-7579	985-888-3705
ORA Estuaries (Engineer) contact: Tyler Ortego	1913 Houma Boulevard, Metairie, LA 70001 Tyler's cell phone: 225-229-2539	225-229-2539

## Activity Information

10) Activity type:  Event  Wood Cutting  Group Visit  Educational Activity  
 Cabin/Subsistence Cabin  Other Reef Installation along Sabine West Cove

**Note: Depending on the activity for which you are requesting a permit, we may ask you for the following activity information. Please contact the specific refuge where the activity is being conducted to determine what information is required.**

11) Specifically identify timing, frequency, and how the activity is expected to proceed:

Beginning, July 10th, The Nature Conservancy will work with contractors Quality First Marine to stage the oyster reef restoration/shoreline protection project for Sabine NWR. USFWS agreed to shut down the West Cove Boat Launch North to the public to accommodate this project until it is completed (estimated time is a month).

12) Activity/site occupancy timeline: (Specifically identify beginning and ending dates, site occupation timeline, hours, clean-up, and other major events.)

July 10th to mid/late August, 2017. Reef installation contractor (Quality First Marine) would take over the designated West Cove boat launch to begin assembling and filling the 834 gabion units with grey limestone and cured oyster shell to make the reef structure for Sabine NWR shoreline protection project in West Cove, Calcasieu Lake.

13) Expected number of participants, if applicable: Children (1-18 )  Adults  Total

14) Grade level of educational group, if applicable: Grade

15a) Will staff time/assistance be required for group activities? Yes  No  N/A

15b) If yes, what's the anticipated time frame?

16a) Plan of Operation required? Yes  No  N/A  16b) Plan of Operation attached? Yes  No

17) Specifically identify location(s): (GPS location(s) preferred)

West Cove Boat Launch

18a) Is map of location(s) required? Yes  No  N/A

18b) Is map of location(s) attached? Yes  No

### Insurance Coverage/License/Certifications/Permits

**Note: Contact the specific refuge headquarters office where the activity is going to be conducted to determine if any type of insurance, certification(s), or permit(s) will be required. We may process this Special Use Permit while the applicant obtains them.**

19) List any insurance coverage you have such as general liability, aviation, grounding liability, contaminants applicator, medical evacuation, or others, if required:

Insurance Type	Carrier Name	Policy Number	Copy Attached? Yes or No
The Nature Conservancy	See attached endorsed Certificate of Insurance		
Quality First Marine	See attached endorsed Certificate of Insurance		

20) Identify licenses, certifications, and permits, if required:

License/Certification/Permit Type	Number (if applicable)	Issued to:	Copy Attached? Yes or No
Coastal Use Permit	P20170016	The Nature Conservancy	Yes
U.S. Army Corps of Engineers	MVN-2017-00118-WPP	The Nature Conservancy	Yes
Class B Permit from State Lands Office	No. 726	The Nature Conservancy	Yes
US Coast Guard	approval via email	The Nature Conservancy	NO

## Logistics and Transportation

**Note: Not all information is required for each use. Please contact the specific refuge where the activity is being conducted to determine what information is required. Attach additional sheets to the application if the text spaces provided are inadequate.**

21) Does activity require personnel to stay overnight onsite? Yes  No

22) List names of personnel involved:

List Names	List Names	List Names

23) Specifically describe all major equipment/gear and materials used, if required:

Airboats outfitted with crane, work trucks, backhoes, 18-wheel trucks dumping limestone.

24a) Provide detailed information on the logistics for onsite, intersite, and/or ship-to-shore transportation to or on the refuge, if required:

24b) Provide descriptions, license plate, or I.D. numbers of vehicles used for onsite, intersite, and/or ship-to-shore transportation, if required:

Type of transportation (onsite, intersite, or ship-to-shore)	Equipment Type	License/I.D./Registration Numbers
n/a		

25) Specifically describe onsite work and/or living accommodations:

West Cove Boat Launch - for reef assembly, filling and deployment. No living accomondations.

26) Specifically describe onsite hazardous material storage or other onsite material storage space:

QFM will describe all potential hazardous material storage to USFWS staff in a pre-project meeting on Monday, July 10, 2017.

Sign, date, and print this form and return it to the refuge for processing.

30) Signature of Applicant: Amy Smith Kyle Digitally signed by Amy Smith Kyle  
Date: 2017.07.08 14:47:05 -05'00' Date of Application: July 8, 2017

# Attachment E



**DEPARTMENT OF THE ARMY**  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
7400 LEAKE AVENUE  
NEW ORLEANS, LOUISIANA 70118-3651  
6/21/2017

REPLY TO  
ATTENTION OF

Operations Division  
Western Evaluation Section

**SUBJECT: MVN-2017-00118-WPP**

The Nature Conservancy  
320 Hammond Hwy, Suite 528  
Metairie, LA 70005

Dear Sirs,

The proposed work, consisting of Oyster reef restoration and shoreline protection in the West Cove area of Calcasieu Lake, in Calcasieu Parish, Louisiana (29.863694, -93.441936), is authorized under a **Category II Programmatic General Permit** provided that all conditions of the permit are met.

The following special conditions are made part of this authorization:

1. This permit does not authorize the conversion of wetlands to uplands, or impacts to existing aquatic resources.
2. Many local governing bodies have instituted laws and/or ordinances in order to regulate dredge and/or fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves dredging and/or placement of fill; therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your authorized activities with local floodplain ordinances, regulations or permits.
3. If the authorized project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.), in the waterway, you are advised to notify the Eighth Coast Guard District so that a Notice to Mariners, if required, may be prepared. Notification with a copy of your permit approval and drawings should be mailed to the Commander (dpw), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Room 1230, New Orleans, Louisiana 70130, about 1 month before you plan to start work. Telephone inquiries can be directed to the Eighth Coast Guard District, Waterways Management at (504) 671-2107.

4. If the authorized project requires any additional work not expressly permitted herein, the permittee must obtain an amendment to this authorization prior to commencement of work.
5. That structures will not be placed across any state-owned water bottoms without approval of the Louisiana Office of Administration, State Lands Office. The permittee will be responsible for contacting the State Lands Office to ascertain if the structure will be placed over state-owned water bottoms.
6. The (attached) Standard Manatee Conditions for In-Water Activities are hereby made a part of this authorization.

Prior to commencing work on your project, you must obtain approvals from state and local agencies as required by law and by terms of this permit. These approvals include, but are not limited to, a permit consistency determination or determination of “no direct or significant impact (NDSI) on coastal waters” from the Louisiana Department of Natural Resources, Office of Coastal Management and a water quality certification from the Louisiana Department of Environmental Quality.

This approval to perform work is valid for 5 years from the date of this letter.

Permittee is aware that this office may reevaluate its decision on this permit at any time the circumstances warrant.

Should you have any further questions concerning this matter, please call Johnny Duplantis of this office at (504) 862-1954.

Sincerely,

BARBARA.DARRELL  
.SAM.1230846096

Digitally signed by  
BARBARA.DARRELL.SAM.1230846096  
DN: c=US, o=U.S. Government, ou=DoD,  
ou=PKI, ou=USA,  
cn=BARBARA.DARRELL.SAM.1230846096  
Date: 2017.06.21 10:52:19 -05'00'

Martin S. Mayer  
Chief, Regulatory Branch

Enclosures

1. Activities authorized under this general permit shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single and complete project shall be treated together as constituting one single and complete project. All planned phases of multi-phased projects shall be treated together as constituting one single and complete project. This general permit shall not be used for any activity that is part of an overall project for which an individual permit is required.
2. No activity is authorized under this general permit which may adversely affect significant cultural resources listed or eligible for listing in the National Register of Historic Places until the requirements for Section 106 of the National Historic Preservation Act are met. Upon discovery of the presence of previously unknown historic and/or prehistoric cultural resources, all work must cease and the permittee must notify the State Historic Preservation Office and the Corps of Engineers. The authorization is suspended until it is determined whether or not the activity will have an adverse effect on cultural resources. The authorization may be reactivated or modified through specific conditions if necessary, if it is determined that the activity will have no adverse effect on cultural resources. The PGP authorization will be revoked if it is determined that cultural resources would be adversely affected, and an individual permit may be necessary.
3. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein. The permittee will, at his or her expense, install and maintain any safety lights, signals, and signs prescribed by the United States Coast Guard, through regulations or otherwise, on authorized facilities or on equipment used in performing work under the authorization.
4. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species which normally migrate through the area, unless the activity's primary purpose is to block or impound water.
5. If the **authorized** activity involves the installation of aerial transmission lines, submerged cable, or submerged pipelines across navigable waters of the United States the following is applicable:

The National Ocean Service (NOS) has been notified of this authorization. You must notify NOS and this office in writing, at least two weeks before you begin work and upon completion of the activity authorized by this permit. Your notification of completion must include a drawing which certifies the location and configuration of the completed activity (a certified permit drawing may be used). Notification to NOS will be sent to the following address: National Ocean Service, Office of Coast Survey, N/CS261, 1315 East West Highway, Silver Spring, Maryland 20910-3282.

6. For pipelines under an anchorage or a designated fairway in the Gulf of Mexico the following is applicable: The NOS has been notified of this authorization. You must notify NOS and this office in writing, at least two weeks before you begin work and upon completion of the activity authorized by this permit. Within 30 days of completion of the pipeline, 'as built' drawings certified by a professional engineer registered in Louisiana or by a registered surveyor shall be furnished to this office, the Commander (dpw), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Room 1230, New Orleans, Louisiana 70130, and to the Director, National Ocean Service, Office of Coast Survey, N/CS261, 1315 East West Highway, Silver Spring, Maryland 20910-3282. The plans must include the location, configuration and actual burial depth of the completed pipeline project.
7. If the **authorized** project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.) in the waterway, you are advised to notify the Eighth Coast Guard District so that a Notice to Mariners, if required, may be prepared. Notification with a copy of your permit approval and drawings should be mailed to the Commander (dpw), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Room 1230, New Orleans, Louisiana 70130, about 1 month before you plan to start work. Telephone inquiries can be directed to the Eighth Coast Guard District, Waterways Management at (504) 671-2107.
8. All activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (PL 92-500:86 Stat 816), or pursuant to applicable state and local laws.
9. Substantive changes to the Louisiana Coastal Resources Program may require immediate suspension and revocation of this permit in accordance with 33 CFR 325.7.
10. Irrespective of whether a project meets the other conditions of this permit, the Corps of Engineers retains discretionary authority to require an individual Department of the Army permit when circumstances of the proposal warrant this requirement.
11. Any individual authorization granted under this permit may be modified, suspended, or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest.
12. The Corps of Engineers may suspend, modify, or revoke this general permit if it is found in the public interest to do so.
13. Activities proposed for authorization under the PGP must comply with all other necessary federal, state, and/or local permits, licenses, or approvals. Failure to do so would result in a violation of the terms and conditions of PGP.

14. The permittee shall permit the District Commander or his authorized representative(s) or designee(s) to make periodic inspections of the project site(s) and disposal site(s) if different from the project site(s) at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

15. This general permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations nor does it obviate the requirements to obtain state or local assent required by law for the activity authorized herein.

16. In issuing authorizations under this permit, the federal government will rely upon information and data supplied by the applicant. If, subsequent to the issuance of an authorization, such information and data prove to be false, incomplete, or inaccurate, the authorization may be modified, suspended, or revoked, in whole or in part.

17. For activities resulting in sewage generation at the project site, such sewage shall be processed through a municipal sewage treatment system or, in areas where tie-in to a municipal system is not practical, the on-site sewerage system must be approved by the local parish sanitarian before construction.

18. Any modification, suspension, or revocation of the PGP, or any individual authorization granted under this permit, will not be the basis for any claim for damages against the United States.

19. Additional conditions deemed necessary to protect the public interest may be added to the general permit by the District Commander at any time. If additional conditions are added, the public will be advised by public notice. Individual authorizations under the PGP may include special conditions deemed necessary to ensure minimal impact and compliance with the PGP.

20. The PGP is subject to periodic formal review by MVN and OCM in coordination with the Environmental Protection Agency, US Fish and Wildlife Service, the National Marine Fisheries Service, and the Louisiana Department of Wildlife and Fisheries. Comments from reviewing agencies will be considered in determination as to whether modifications to the general permit are needed. Should the District Commander make a determination not to incorporate a change proposed by a reviewing agency, after normal negotiations between the respective agencies, the District Commander will explain in writing to the reviewing agency the basis and rationale for his decision.

21. CEMVN retains discretion to review the PGP, its terms, conditions, and processing procedures, and decide whether to modify, reissue, or revoke the permit. If the PGP is not modified or reissued within 5 years of its effective date, it automatically expires and becomes null and void.

22. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure 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 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.

23. 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 as described in Special Condition 25 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.

24. 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.

25. If you sell the property associated with this permit, you must provide this office with a copy of the permit and a letter noting your agreement to transfer the permit to the new owner and the new owner's agreement to accept the permit and abide by all conditions of the permit. This letter must be signed by both parties.

26. Many local governing bodies have instituted laws and/or ordinances in order to regulate dredge and/or fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves dredging and/or placement of fill; therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your proposed activities with local floodplain ordinances, regulations or permits.

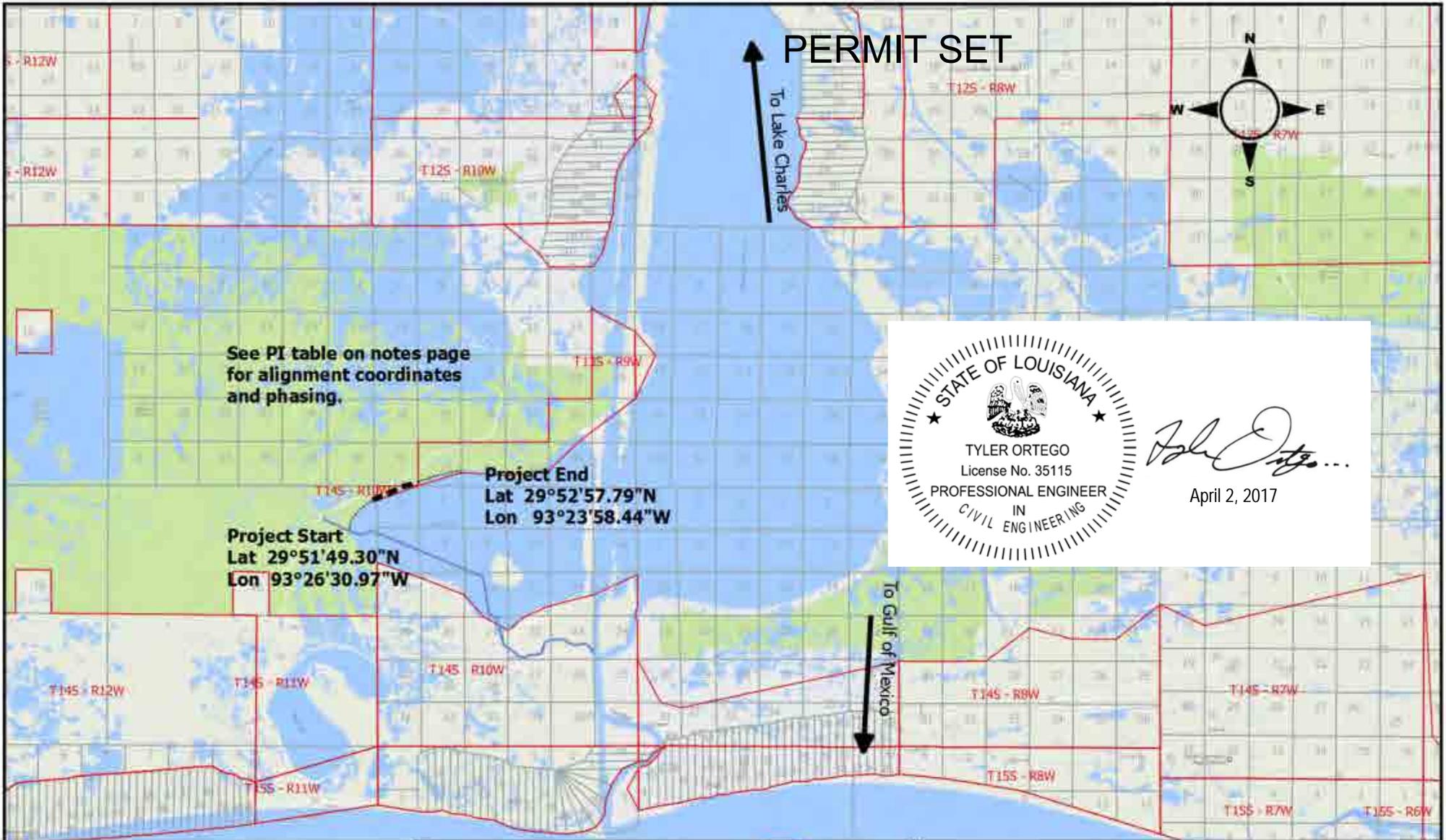
27. In issuing authorizations under this permit, the federal government does not assume any liability for: damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest; damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit, and; design or construction deficiencies associated with the permitted work.

## **STANDARD MANATEE CONDITIONS FOR IN-WATER ACTIVITIES**

During in-water work in areas that potentially support manatees, all personnel associated with the project shall be instructed and aware of the potential presence of manatees, manatee speed zones, and the need to avoid collisions with, and injury to, manatee. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. Additionally, personnel shall be instructed not to attempt to feed or otherwise interact with the animal.

All on-site personnel are responsible for observing water-related activities for the presence of manatee(s). To minimize potential impacts to manatees in areas of their potential presence, the permittee shall insure the following are adhered to:

- All work, equipment, and vessel operation shall cease if a manatee is spotted within a 50-foot radius (buffer zone) of the active work area. Once the manatee has left the buffer zone on its own accord (manatees must not be herded or harassed into leaving), or after 30 minutes have passed without additional sightings of manatee(s) in the buffer zone, in-water work can resume under careful observation for manatee(s).
- If a manatee(s) is sighted in or near the project area, all vessels associated with the project shall operate at “no wake/idle” speeds within the construction area and at all times while in waters where the draft of the vessel provides less than a four-foot clearance from the bottom. Vessels shall follow routes of deep water whenever possible.
- If used, siltation or turbidity barriers shall be properly secured, made of material in which manatees cannot become entangled, and be monitored to avoid manatee entrapment or impeding their movement.
- Temporary signs concerning manatees shall be posted prior to and during all in-water project activities and removed upon completion. Each vessel involved in construction activities shall display at the vessel control station or in a prominent location, visible to all employees operating the vessel, a temporary sign at least 8½" X 11" reading language similar to the following: “CAUTION BOATERS: MANATEE AREA/ IDLE SPEED IS REQUIRED IN CONSTRUCTION AREA AND WHERE THERE IS LESS THAN FOUR FOOT BOTTOM CLEARANCE WHEN MANATEE IS PRESENT”. A second temporary sign measuring 8½" X 11" shall be posted at a location prominently visible to all personnel engaged in water-related activities and shall read language similar to the following: “CAUTION: MANATEE AREA/ EQUIPMENT MUST BE SHUTDOWN IMMEDIATELY IF A MANATEE COMES WITHIN 50 FEET OF OPERATION”.
- Collisions with, injury to, or sightings of manatees shall be immediately reported to the U.S. Fish and Wildlife Service’s, Louisiana Ecological Services Office (337/291-3100) and the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225/765-2821). Please provide the nature of the call (i.e., report of an incident, manatee sighting, etc.); time of incident/sighting; and the approximate location, including the latitude and longitude coordinates, if possible.



See PI table on notes page for alignment coordinates and phasing.

**Project Start**  
 Lat 29°51'49.30"N  
 Lon 93°26'30.97"W

**Project End**  
 Lat 29°52'57.79"N  
 Lon 93°23'58.44"W

STATE OF LOUISIANA

TYLER ORTEGO  
 License No. 35115  
 PROFESSIONAL ENGINEER  
 IN  
 CIVIL ENGINEERING

*Tyler Ortego*  
 April 2, 2017

**Legend**

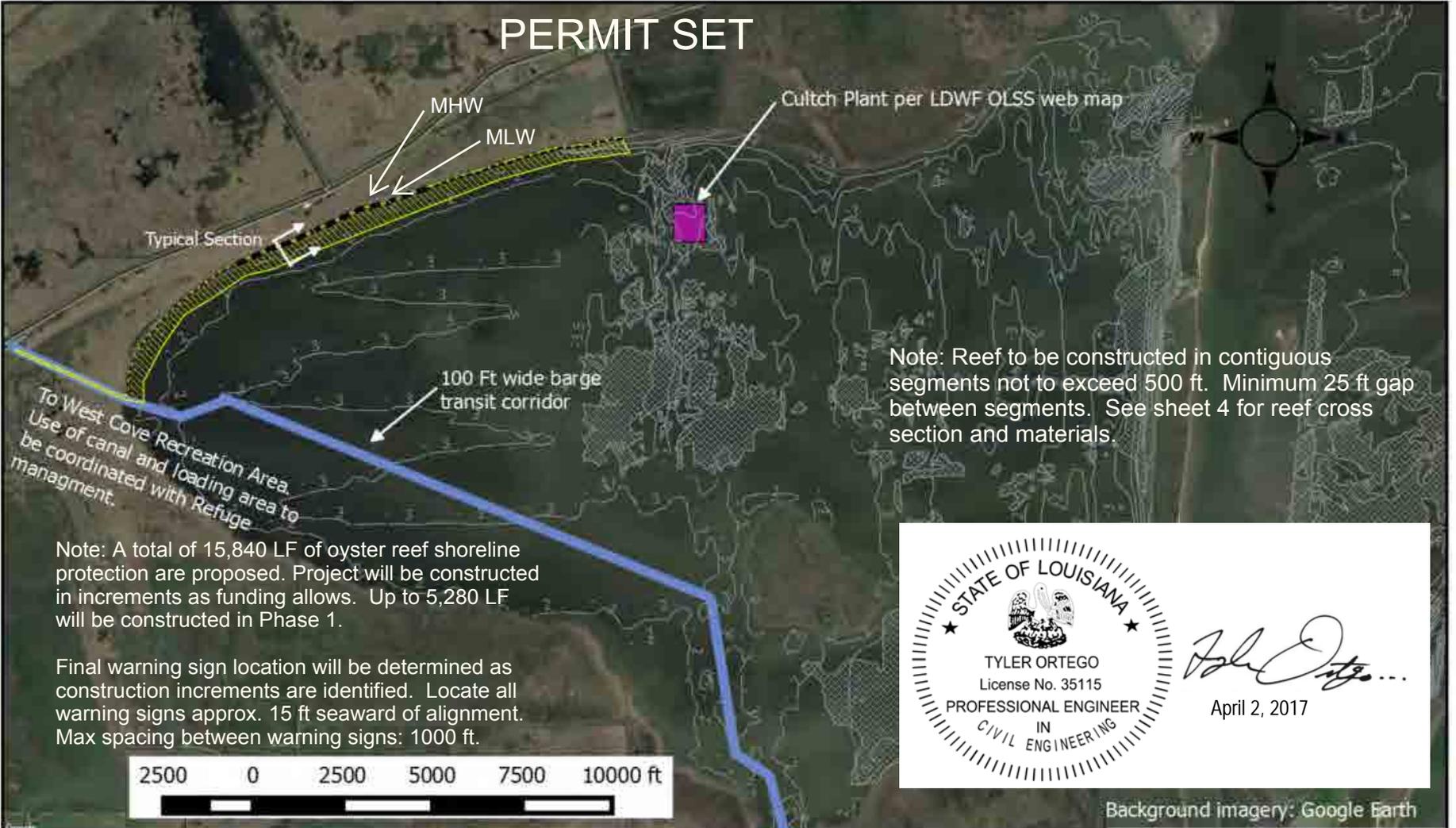
Sections	Alignment:
Townships	Phase 1
Google Physical	Future Phases

Sheet 1 of 6 Vicinity Map



Calcasieu Lake & Sabine National Wildlife Refuge Oyster Reef Restoration Project  
 The Nature Conservancy  
 Cameron Parish, LA  
 R12W T14S; R10W T14S SECTIONS 5 & 7; R10W T13S SECTIONS 32, 33, 34 & 35

# PERMIT SET



Note: Reef to be constructed in contiguous segments not to exceed 500 ft. Minimum 25 ft gap between segments. See sheet 4 for reef cross section and materials.

Note: A total of 15,840 LF of oyster reef shoreline protection are proposed. Project will be constructed in increments as funding allows. Up to 5,280 LF will be constructed in Phase 1.

Final warning sign location will be determined as construction increments are identified. Locate all warning signs approx. 15 ft seaward of alignment. Max spacing between warning signs: 1000 ft.

STATE OF LOUISIANA



TYLER ORTEGO  
License No. 35115  
PROFESSIONAL ENGINEER  
IN  
CIVIL ENGINEERING



April 2, 2017

Background imagery: Google Earth

 Previously IDed reef	Alignment:
 Limits of work	--- Phase 1
	----- Future Phases

Sheet 2 of 6 Plan View



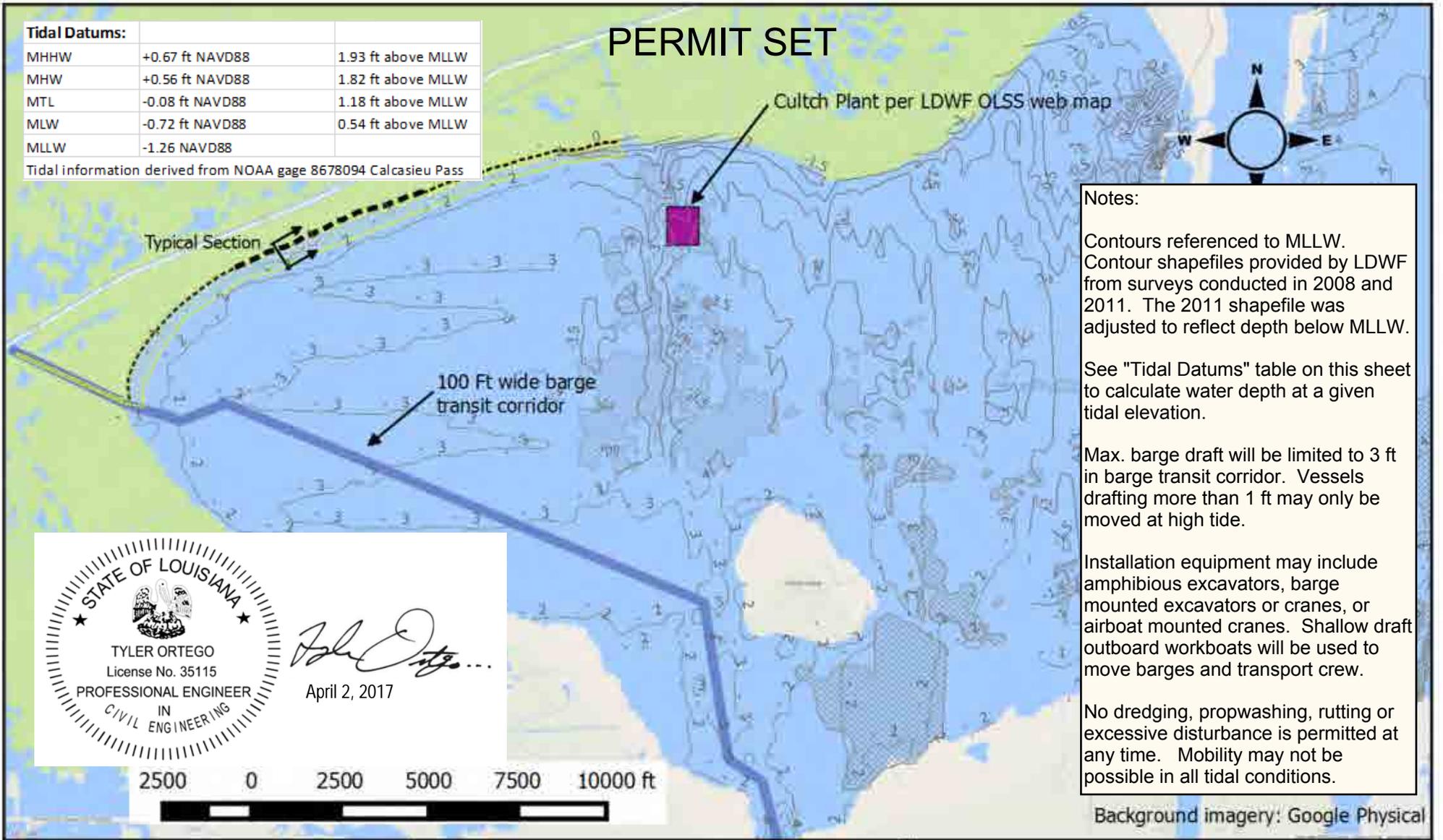
Calcasieu Lake & Sabine National Wildlife Refuge Oyster Reef Restoration Project  
The Nature Conservancy  
Cameron Parish, LA  
R12W T14S; R10W T14S SECTIONS 5 & 7; R10W T13S SECTIONS 32, 33, 34 & 35

**Tidal Datums:**

MHHW	+0.67 ft NAVD88	1.93 ft above MLLW
MHW	+0.56 ft NAVD88	1.82 ft above MLLW
MTL	-0.08 ft NAVD88	1.18 ft above MLLW
MLW	-0.72 ft NAVD88	0.54 ft above MLLW
MLLW	-1.26 NAVD88	

Tidal information derived from NOAA gage 8678094 Calcasieu Pass

# PERMIT SET



**Notes:**

Contours referenced to MLLW. Contour shapefiles provided by LDWF from surveys conducted in 2008 and 2011. The 2011 shapefile was adjusted to reflect depth below MLLW.

See "Tidal Datums" table on this sheet to calculate water depth at a given tidal elevation.

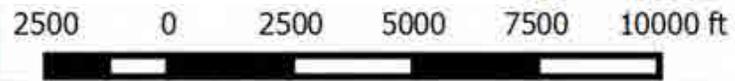
Max. barge draft will be limited to 3 ft in barge transit corridor. Vessels drafting more than 1 ft may only be moved at high tide.

Installation equipment may include amphibious excavators, barge mounted excavators or cranes, or airboat mounted cranes. Shallow draft outboard workboats will be used to move barges and transport crew.

No dredging, propwashing, rutting or excessive disturbance is permitted at any time. Mobility may not be possible in all tidal conditions.



*Tyler Ortego*  
 April 2, 2017



Background imagery: Google Physical

**Legend**

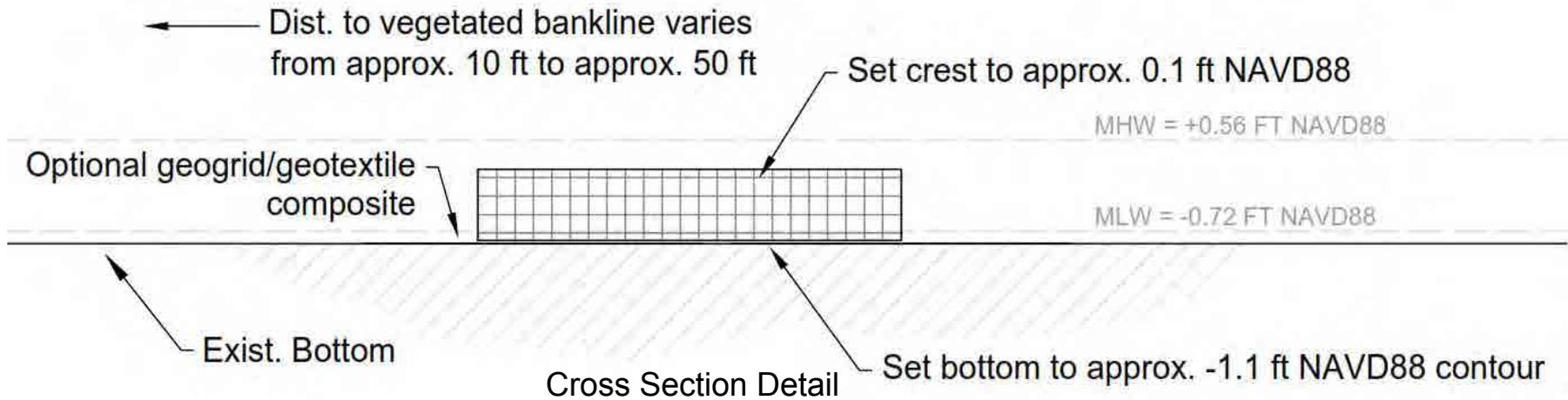
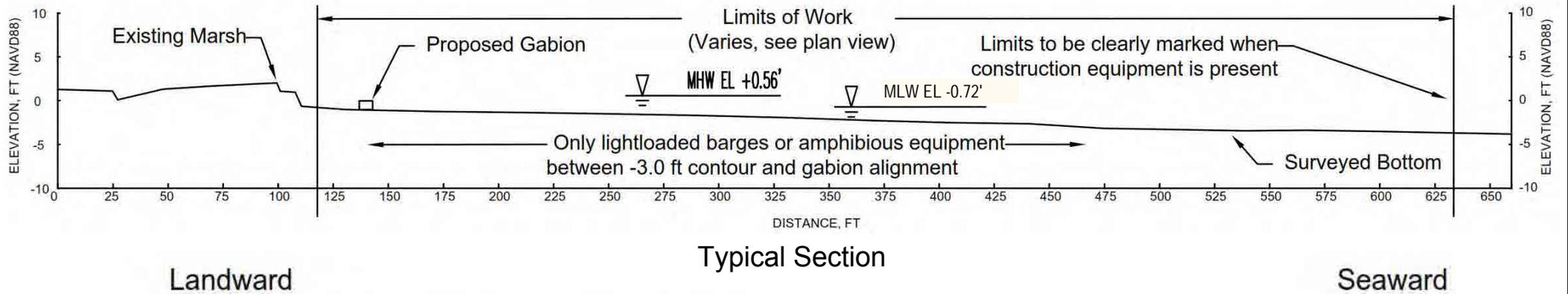
Previously IDed reef  
 Limits of work  
 Alignment: Phase 1  
 Future Phases

**Sheet 3 of 6 Plan View**



Calcasieu Lake & Sabine National Wildlife Refuge Oyster Reef Restoration Project  
 The Nature Conservancy  
 Cameron Parish, LA  
 R12W T14S; R10W T14S SECTIONS 5 & 7; R10W T13S SECTIONS 32, 33, 34 & 35

# PERMIT SET



**Note:**

- Each gabion is 6 ft wide x 1 ft tall x 6 ft long.
- Approx. 0.22 cubic yard of gabion fill per linear foot of structure.
- Up to 1,162 cubic yards of limestone, oyster shell or crushed concrete gabion fill for Phase 1.
- Approx. 3,485 cubic yards of limestone, oyster shell or crushed concrete gabion fill to complete entire alignment.

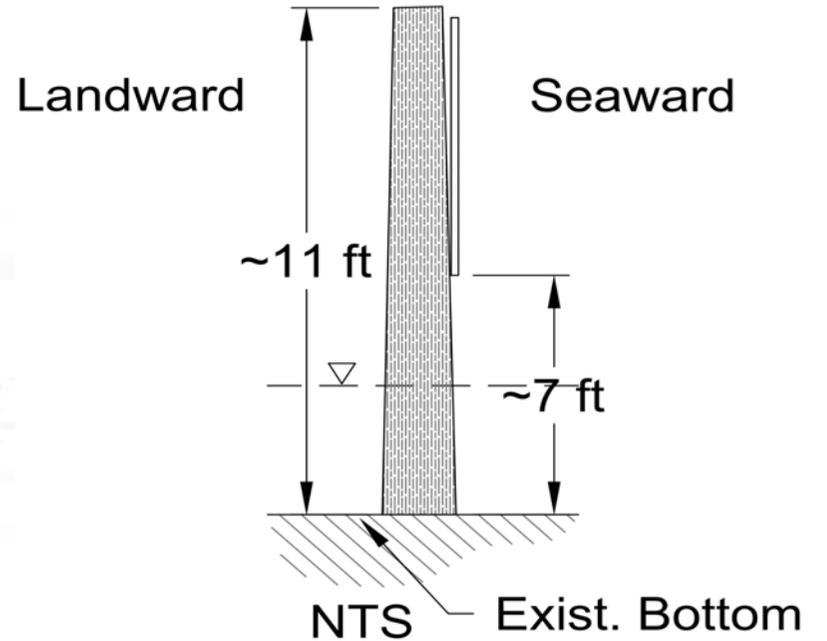
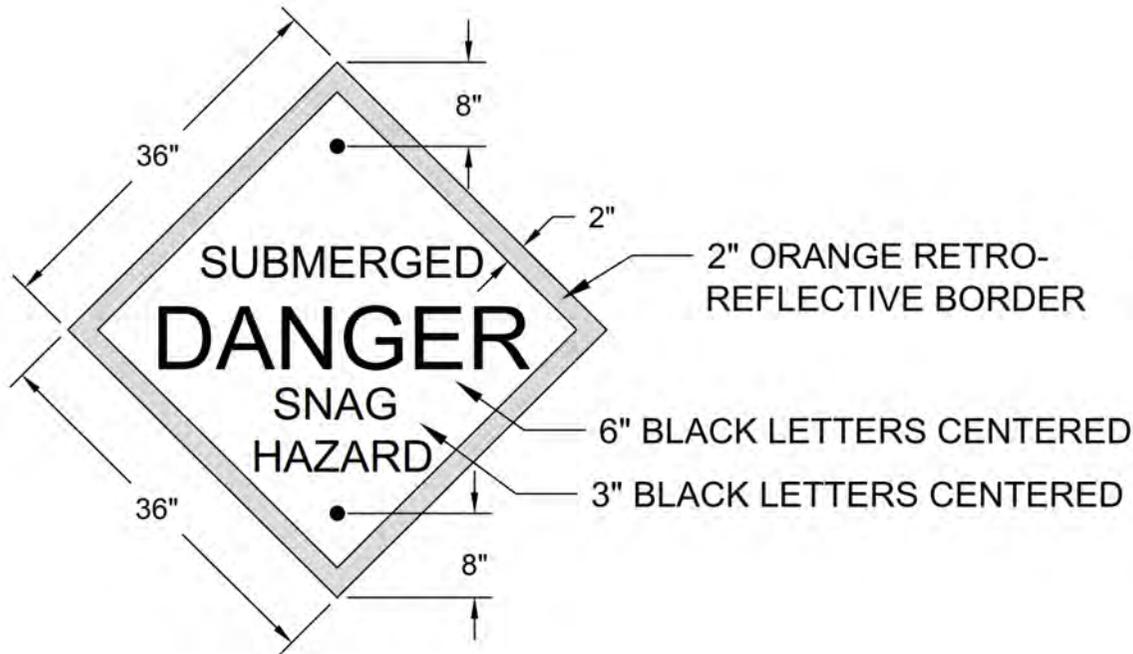


*Tyler Ortego*  
 April 2, 2017



Calcasieu Lake & Sabine National Wildlife  
 Refuge Oyster Reef Restoration Project  
 The Nature Conservancy  
 Cameron Parish, LA  
 R12W T14S; R10W T14S SECTIONS 5 & 7; R10W T13S  
 SECTIONS 32, 33, 34 & 35

# PERMIT SET



## NOTES:

- SIGN SHALL BE 3/16" PLATE ALUMINUM WITH WHITE DAYBOARD FILM, MARKED AS SHOWN.
- MOUNT SIGNS TO 50' TIMBER TREATED PILINGS, DRIVEN AT THE LOCATIONS SHOWN ON PLAN VIEW. PILINGS TO BE DRIVEN IN ABOUT 2-2.5 FT WATER DEPTH TO ABOUT 40 FT BELOW MUD LINE.
- DRILL 3/4" HOLES AS SHOWN FOR 5/8" DIA BOLTS AND HARDWARE. INSTALL NEOPRENE WASHERS BETWEEN SIGNS AND CONNECTING HARDWARE AT ALL POINTS OF CONTACT.
- TIMBER PILES SHALL BE 50 FT IN LENGTH WITH 12-INCH DIA BUTT AND 7 INCH MINIMUM DIA AT THE TIP.



*Tyler Ortego*  
April 2, 2017



Calcasieu Lake & Sabine National Wildlife  
Refuge Oyster Reef Restoration Project  
The Nature Conservancy  
Cameron Parish, LA  
R12W T14S; R10W T14S SECTIONS 5 & 7; R10W T13S  
SECTIONS 32, 33, 34 & 35

# PERMIT SET

## NOTES:

- Construction activities shall be limited to April to September.
- With exception to barge transit along the proposed corridor, all on site construction activities are restricted to the limits of work.
- Barge transit across West Cove shall be limited to high tide and shall be strictly limited to the permitted barge transit corridor.
- The barge transit corridor, lakeward limits of work and reef alignment shall be clearly staked prior to mobilization of construction equipment.
- All field activities will be coordinated with designated personnel at the Sabine National Wildlife Refuge and Louisiana Department of Wildlife and Fisheries.
- No equipment will be allowed on existing marsh at any time.

Construction Phase Endpoints				
Phase	Start Lat	Start Lon	End Lat	End Lon
Future Phases West	29°51'46.34"N	93°26'34.40"W	29°52'22.88"N	93°25'59.92"W
Phase 1	29°52'22.98"N	93°25'59.76"W	29°52'43.80"N	93°25'0.43"W
Future Phases East	29°52'43.79"N	93°25'0.17"W	29°52'57.53"N	93°23'58.60"W

Seaward Limits of Construction	
Lat	Lon
29°51'43".952	-93°26'29".754
29°51'49".832	-93°26'29".875
29°51'59".634	-93°26'23".972
29°52'8".630	-93°26'16".895
29°52'13".722	-93°26'7".287
29°52'19".616	-93°25'57".465
29°52'21".560	-93°25'48".333
29°52'24".254	-93°25'41".788
29°52'39".088	-93°24'58".811
29°52'46".360	-93°24'37".580
29°52'51".850	-93°24'15".513
29°52'52".934	-93°24'4".158
29°52'54".027	-93°23'56".021

Alignment PI Table

Phase	Lat	Lon	Phase	Lat	Lon
Phase 1	29°52'23".025	-93°25'59".728	Future Phases	29°52'43".822	-93°25'0".129
Phase 1	29°52'25".580	-93°25'53".305	Future Phases	29°52'44".007	-93°24'58".814
Phase 1	29°52'25".938	-93°25'52".311	Future Phases	29°52'45".152	-93°24'56".209
Phase 1	29°52'26".234	-93°25'51".317	Future Phases	29°52'45".897	-93°24'54".013
Phase 1	29°52'27".058	-93°25'50".308	Future Phases	29°52'46".927	-93°24'50".883
Phase 1	29°52'27".307	-93°25'49".177	Future Phases	29°52'47".224	-93°24'48".598
Phase 1	29°52'27".560	-93°25'48".037	Future Phases	29°52'48".041	-93°24'46".353
Phase 1	29°52'27".914	-93°25'46".980	Future Phases	29°52'48".247	-93°24'44".274
Phase 1	29°52'28".203	-93°25'45".969	Future Phases	29°52'49".885	-93°24'39".939
Phase 1	29°52'28".448	-93°25'44".698	Future Phases	29°52'50".761	-93°24'36".979
Phase 1	29°52'28".831	-93°25'43".790	Future Phases	29°52'51".105	-93°24'34".561
Phase 1	29°52'29".106	-93°25'42".673	Future Phases	29°52'52".806	-93°24'28".881
Phase 1	29°52'29".557	-93°25'41".733	Future Phases	29°52'53".613	-93°24'24".967
Phase 1	29°52'30".072	-93°25'40".696	Future Phases	29°52'54".267	-93°24'21".806
Phase 1	29°52'30".630	-93°25'39".577	Future Phases	29°52'54".267	-93°24'21".695
Phase 1	29°52'31".161	-93°25'38".769	Future Phases	29°52'55".403	-93°24'17".695
Phase 1	29°52'31".369	-93°25'37".693	Future Phases	29°52'55".502	-93°24'14".252
Phase 1	29°52'31".943	-93°25'36".562	Future Phases	29°52'55".629	-93°24'11".382
Phase 1	29°52'32".201	-93°25'35".521	Future Phases	29°52'55".988	-93°24'8".631
Phase 1	29°52'32".690	-93°25'34".525	Future Phases	29°52'56".883	-93°24'6".260
Phase 1	29°52'33".037	-93°25'33".577	Future Phases	29°52'57".264	-93°24'4".026
Phase 1	29°52'33".395	-93°25'32".525	Future Phases	29°52'57".625	-93°24'2".649
Phase 1	29°52'33".816	-93°25'31".499	Future Phases	29°52'57".824	-93°23'58".399
Phase 1	29°52'34".323	-93°25'30".409	Future Phases	29°51'46".305	-93°26'34".392
Phase 1	29°52'34".932	-93°25'29".456	Future Phases	29°51'49".231	-93°26'34".703
Phase 1	29°52'35".361	-93°25'28".495	Future Phases	29°51'51".393	-93°26'34".712
Phase 1	29°52'35".978	-93°25'27".478	Future Phases	29°51'53".654	-93°26'33".948
Phase 1	29°52'35".970	-93°25'26".182	Future Phases	29°51'56".836	-93°26'32".474
Phase 1	29°52'36".509	-93°25'25".195	Future Phases	29°51'59".820	-93°26'30".469
Phase 1	29°52'36".870	-93°25'24".336	Future Phases	29°52'2".128	-93°26'28".567
Phase 1	29°52'37".343	-93°25'23".283	Future Phases	29°52'3".785	-93°26'27".098
Phase 1	29°52'37".742	-93°25'22".230	Future Phases	29°52'6".617	-93°26'24".387
Phase 1	29°52'38".185	-93°25'21".335	Future Phases	29°52'9".210	-93°26'21".666
Phase 1	29°52'38".473	-93°25'20".209	Future Phases	29°52'10".634	-93°26'20".043
Phase 1	29°52'38".735	-93°25'19".131	Future Phases	29°52'11".949	-93°26'18".449
Phase 1	29°52'38".848	-93°25'17".688	Future Phases	29°52'14".249	-93°26'15".162
Phase 1	29°52'39".233	-93°25'16".689	Future Phases	29°52'16".667	-93°26'11".557
Phase 1	29°52'39".450	-93°25'15".718	Future Phases	29°52'17".989	-93°26'9".480
Phase 1	29°52'39".555	-93°25'14".569	Future Phases	29°52'20".533	-93°26'5".414
Phase 1	29°52'39".885	-93°25'13".436	Future Phases	29°52'21".945	-93°26'2".047
Phase 1	29°52'40".074	-93°25'12".178	Future Phases	29°52'22".909	-93°25'59".923
Phase 1	29°52'40".577	-93°25'11".240			
Phase 1	29°52'40".921	-93°25'10".121			
Phase 1	29°52'41".042	-93°25'9".118			
Phase 1	29°52'41".522	-93°25'8".021			
Phase 1	29°52'41".891	-93°25'6".958			
Phase 1	29°52'42".376	-93°25'6".022			
Phase 1	29°52'42".683	-93°25'4".866			
Phase 1	29°52'42".958	-93°25'3".749			
Phase 1	29°52'43".185	-93°25'2".669			
Phase 1	29°52'43".664	-93°25'1".542			
Phase 1	29°52'43".836	-93°25'0".431			



*Tyler Ortego*  
 April 2, 2017



Calcasieu Lake & Sabine National Wildlife  
 Refuge Oyster Reef Restoration Project  
 The Nature Conservancy  
 Cameron Parish, LA  
 R12W T14S; R10W T14S SECTIONS 5 & 7; R10W T13S  
 SECTIONS 32, 33, 34 & 35

## Attachment F

DEPARTMENT OF HO... LAND SECURITY  
 U.S. Coast Guard  
**PRIVATE AIDS TO NAVIGATION APPLICATION**  
 (See attached instructions and copy of Code of Federal Regulations, Title 33, Chapter 101, Subchapter B, Part 101.11)

NO PRIVATE AID TO NAVIGATION MAY BE AUTHORIZED UNLESS A COMPLETED APPLICATION FORM HAS BEEN RECEIVED BY THE U.S. COAST GUARD AT LEAST 30 DAYS BEFORE THE DATE OF INSTALLATION.

1. ACTION REQUESTED FOR PRIVATE AIDS TO NAVIGATION:  A. ESTABLISH AND MAINTAIN  B. DISCONTINUE  C. CHANGE  D. TRANSFER OWNERSHIP

2. DATE ACTION TO START: 06-01-17 TO

3. AIDS WILL BE OPERATED:  A. YEAR-ROUND  B. TEMPORARILY UNTIL  C. SEASONAL FROM

4. NECESSITY FOR AID (Continue in Block 8)  
 To mark near-shore artificial oyster reefs

5. GENERAL LOCALITY  
 Calcasieu Lake - West Cove

6. AUTHORIZING PERMIT FOR THIS STRUCTURE OR BUOY  
 USAGE  PERMIT AND/  PERMIT (Valid Permit Number) P20170016

7. APPLICANT WILL FILL IN APPLICABLE REMAINING COLUMNS

LIGHT LIST NUMBER	NAME OF AID	NO. OR LTR PERIOD (7a)	FLASH PERIOD (7b)	FLASH LENGTH (7c)	COLOR (7d)	POSITION (7e)	DEPTH OF WATER (7f)	CANDELA (7g)	FOCAL PLANE HEIGHT (7h)	STRUCTURE		REMARKS (See instructions) (7i)
										TYPE, COLOR, AND HEIGHT ABOVE GROUND (7j)	HEIGHT	
21577	NATURE CONSERVANCY CALCASIEU LAKE WEST COVE DANGER LIGHTS				White	Point 8000 29-52-23.77N 93-25-57.38W					Danger Daymarks	Submerged DANGER Snag Hazard
21577.21					White	Point 8004 29-52-28.41N 93-25-44.41W					Danger Daymarks	Submerged DANGER Snag Hazard
2 of 2					White	Point 8009 29-52-34.62N 93-25-29.67W					Danger Daymarks	Submerged DANGER Snag Hazard
					White	Point 8015 29-52-39.80N 93-25-13.01W					Danger Daymarks	Submerged DANGER Snag Hazard
					White	Point 8019 29-52-43.58N 93-25-01.13W					Danger Daymarks	Submerged DANGER Snag Hazard

**APPROVED**

8. ADDITIONAL COMMENTS  
 Light shall be WHITE flash characteristic: FL2.5s (0.3 sec ON/2.2 sec OFF). Daymark shall be DANGER as per the U.S. Aids to Navigation System.

9a. NAME AND ADDRESS OF PERSON IN DIRECT CHARGE  
 Amy Smith Kyle

10a. NAME AND ADDRESS OF CORPORATION AT WHOSE EXPENSE THE AIDS(S) WILL BE MAINTAINED  
 The Nature Conservancy  
 320 Hammond Hwy, Suite 528  
 Metairie, LA 70005

9b. TELEPHONE NO.  
 504-831-9689

9c. E-MAIL ADDRESS  
 asmilkhyle@tnc.org

10b. THE APPLICANT AGREES TO SAVE THE COAST GUARD HARMLESS WITH RESPECT TO ANY CLAIM OR CLAIMS THAT MAY RESULT ARISING FROM THE ALLEGED NEGLIGENCE OF THE MAINTENANCE OR OPERATION OF THE APPROVED AIDS(S).

10c. DATE  
 6/23/2017

10d. SIGNATURE AND TITLE OF OFFICIAL SIGNING  
 Amy Smith Kyle

FOR USE BY DISTRICT COMMANDER

SERIAL NO. CLASSIFICATION OF AIDS(S) RECD CHART DATE APPROVED SIGNATURE (By Director)

I LNM 40117 11341, 11947 9/26/17

**PROJECT WARNING SIGN COORDINATES**

Point #	Latitude	Longitude	Description
8000	N29° 52' 23.77"	W93° 25' 57.38"	SO PWS
8001	N29° 52' 24.92"	W93° 25' 54.58"	SO PWS
8002	N29° 52' 26.74"	W93° 25' 50.48"	SO PWS
8003	N29° 52' 27.17"	W93° 25' 49.14"	SO PWS
8004	N29° 52' 28.41"	W93° 25' 44.41"	SO PWS
8005	N29° 52' 28.78"	W93° 25' 43.40"	SO PWS
8006	N29° 52' 30.81"	W93° 25' 39.08"	SO PWS
8007	N29° 52' 31.54"	W93° 25' 37.05"	SO PWS
8008	N29° 52' 32.72"	W93° 25' 33.97"	SO PWS
8009	N29° 52' 34.62"	W93° 25' 29.67"	SO PWS

☼ DENOTES LIGHTED PROJECT WARNING SIGN (TYP.)

**PROJECT WARNING SIGN COORDINATES**

Point #	Latitude	Longitude	Description
8010	N29° 52' 35.35"	W93° 25' 28.20"	SO PWS
8011	N29° 52' 36.84"	W93° 25' 24.05"	SO PWS
8012	N29° 52' 37.44"	W93° 25' 22.56"	SO PWS
8013	N29° 52' 38.63"	W93° 25' 18.55"	SO PWS
8014	N29° 52' 38.92"	W93° 25' 17.08"	SO PWS
8015	N29° 52' 39.80"	W93° 25' 13.01"	SO PWS
8016	N29° 52' 40.37"	W93° 25' 11.14"	SO PWS
8017	N29° 52' 41.72"	W93° 25' 07.04"	SO PWS
8018	N29° 52' 42.19"	W93° 25' 05.78"	SO PWS
8019	N29° 52' 43.58"	W93° 25' 01.13"	SO PWS

LIGHT LIST NUMBER	NAME OF AID
21577.11	NATURE CONSERVANCY CALCASIEU LAKE WEST COVE DANGER DAYBEACON
21577.12	NATURE CONSERVANCY CALCASIEU LAKE WEST COVE DANGER DAYBEACON
21577.13	NATURE CONSERVANCY CALCASIEU LAKE WEST COVE DANGER DAYBEACON
21577.14	NATURE CONSERVANCY CALCASIEU LAKE WEST COVE DANGER DAYBEACON
21577.15	NATURE CONSERVANCY CALCASIEU LAKE WEST COVE DANGER DAYBEACON
21577.16	NATURE CONSERVANCY CALCASIEU LAKE WEST COVE DANGER LIGHT
21577.17	NATURE CONSERVANCY CALCASIEU LAKE WEST COVE DANGER DAYBEACON
21577.18	NATURE CONSERVANCY CALCASIEU LAKE WEST COVE DANGER DAYBEACON
21577.19	NATURE CONSERVANCY CALCASIEU LAKE WEST COVE DANGER DAYBEACON
21577.21	NATURE CONSERVANCY CALCASIEU LAKE WEST COVE DANGER LIGHT

ANNEX

*[Handwritten Signature]*

LIGHT EMITTING DIODE (LED) OBSTRUCTION LIGHTS SHALL HAVE A MINIMUM INTENSITY RATING OF 125 CANDELA RATING FOR A 3 NM LIGHT, 25 CANDELA RATING FOR A 3 NM LIGHT AND 1 CANDELA RATING FOR A 1 NM LIGHT. MANUFACTURERS ARE REQUIRED TO PROVIDE PROOF OF MINIMUM INTENSITY RATINGS TO THE U.S. COAST GUARD AND CUSTOMER UPON REQUEST.

THE UNITED STATES SHALL IN NO CASE BE LIABLE FOR ANY DAMAGE OR INJURY TO THE STRUCTURE OR WORK HEREIN AUTHORIZED WHICH MAY BE CAUSED BY OR RESULT FROM FUTURE OPERATIONS UNDER TAKEN BY THE GOVERNMENT FOR THE CONSERVATION OR IMPROVEMENT OF NAVIGATION, OR FOR OTHER PURPOSES AND NO CLAIM OR RIGHT TO COMPENSATION SHALL ACCRUE FROM ANY SUCH DAMAGE

ANY CHANGES IN BLOCKS 1 THRU 10 SHALL IMMEDIATELY BE REPORTED TO THE EIGHTH COAST GUARD DISTRICT WATERWAYS BRANCH, PRIVATE AIDS TO NAVIGATION SECTION VIA EMAIL TO: [DSOANPATON@USCG.MIL](mailto:DSOANPATON@USCG.MIL) OR MAIL TO: EIGHTH COAST GUARD DISTRICT (DPW), 500 POYDRAS STREET, NEW ORLEANS, LA 70130.

TO RETAIN THIS APPROVAL YOUR CLASS I PRIVATE AIDS TO NAVIGATION MUST BE SELF INSPECTED AND MAINTAINED IN ACCORDANCE WITH 33 CFR PART 68. A REPORT SHALL BE MADE ANNUALLY TO THE EIGHTH COAST GUARD DISTRICT WATERWAYS BRANCH, PRIVATE AIDS TO NAVIGATION SECTION VIA EMAIL TO: [DSOANPATON@USCG.MIL](mailto:DSOANPATON@USCG.MIL) OR MAIL TO: EIGHTH COAST GUARD DISTRICT (DPW), 500 POYDRAS STREET, NEW ORLEANS, LA 70130.

20140304047

# Attachment G

# STATE OF LOUISIANA

## STATE LAND OFFICE

### NOTICE OF AUTHORIZATION

A PERMIT TO Install and maintain approximately 15,840 linear feet of oyster reef shoreline protection. Reefs will be constructed of recycled oyster shells and limestone and/or crushed concrete in Gannon baskets. Project is located in Calcasieu Lake, in front of Sections 1 and 6, T14S-R10W, and Sections 31 and 32, T 14S-R11W

HAS BEEN ISSUED TO: The Nature Conservancy

ADDRESS OF PERMITEE: 721 Government Street, Suite 200  
Baton Rouge, LA 70802



---

LAWRENCE L. ROSSO, JR.  
LAND UTILIZATION MANAGER

PERMIT NUMBER

B726

THIS PERMIT MUST BE CONSPICUOUSLY DISPLAYED AT  
THE SITE OF WORK

PERMIT ISSUED ON 5/15/2017 AND EXPIRES ON 5/15/2019.

State Land Office  
State of Louisiana  
Division of Administration

JOHN BEL EDWARDS  
GOVERNOR



JAY DARDENNE  
COMMISSIONER OF ADMINISTRATION

May 9, 2019

The Nature Conservancy  
asmithkyle@tnc.org

**Re: Extension of Class B #726**

Dear Sir or Madam:

The State Land Office is in receipt of your email on 5/9/2019, requesting our office to extend your permit time for an additional one (1) year.

Please let this letter serve as confirmation that your request has been granted.

We have updated our records to show the Class B Permit #726 will now expire on 5/15/2020.

If you should have any questions, feel free to contact me at (225) 342-0120, or by email at Donice.Bass@la.gov.

Sincerely,



Donice Bass  
Contracts/Grants Reviewer

# Attachment H



**DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF COASTAL MANAGEMENT**

P.O. BOX 44487  
BATON ROUGE, LOUISIANA 70804-4487  
(225)342-7591  
1-800-267-4019

**COASTAL USE PERMIT/CONSISTENCY DETERMINATION**

**C.U.P. No.:** P20170016

**C.O.E. No.:** MVN- 2017- 00118- WPP

**NAME:** **THE NATURE CONSERVANCY**  
320 HAMMOND HWY, SUITE 404  
METAIRIE, LA 70005  
Attn: Amy Smith Kyle

**LOCATION:** **Cameron Parish, LA**  
POB Lat 29-51-49.30N, Long -93-26-30.97W, POE Lat. 29-52-57.79N, Long. -93-23-58.44W; in the West Cove area of Calcasieu Lake, near Hackberry.

**DESCRIPTION:** TNC will partner with USFWS to construct a total of 15,840 linear feet oyster reef restoration and shoreline protection project. The reefs will be constructed by placing approx. 3485 c.y. of recycled oyster shell, limestone and/or crushed concrete in Gabion baskets to promote oyster reef growth and reduce shoreline erosion. The reefs will be constructed in segments to allow gapping for fish passage.

In accordance with the rules and regulations of the Louisiana Coastal Resources Program and Louisiana R.S. 49, Sections 214.21 to 214.41, the State and Local Coastal Resources Management Act of 1978, as amended, the permittee agrees to:

1. Carry out, perform, and/or operate the use in accordance with the permit conditions, plans and specifications approved by the Department of Natural Resources.
2. Comply with any permit conditions imposed by the Department of Natural Resources.
3. Adjust, alter or remove any structure or other physical evidence of the permitted use if, in the opinion of the Department of Natural Resources, it proves to be beyond the scope of the use as approved or is abandoned.
4. Provide, if required by the Department of Natural Resources, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the Department of Natural Resources determine it necessary.
5. Hold and save the State of Louisiana, the local government, the department, and their officers and employees harmless from any damage to persons or property which might result from the use, including the work, activity, or structure permitted.
6. Certify that the use has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the Department of Natural Resources. The Department of Natural Resources may, when appropriate, require such certification to be given by a registered professional engineer.
7. All terms of the permit shall be subject to all applicable federal and state laws and regulations.
8. This permit, or a copy thereof, shall be available for inspection at the site of work at all times during operations.
9. The applicant will notify the Office of Coastal Management of the date on which initiation of the permitted activity described under the "Coastal Use Description" began. The applicant shall notify the Office of Coastal Management by entering a commencement date through the online system, or by mailing said information to OCM.
10. Unless specified elsewhere in this permit, this permit authorizes the initiation of the coastal use described under "Coastal Use Description" for two years from the date of the signature of the Secretary or his designee. If the coastal use is not initiated within this two year period, then this permit will expire and the applicant will be required to submit a new application. Initiation of the coastal use, for the purposes of this permit, means the actual physical beginning of the use of activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the coastal use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, the permittee must, in good faith, and with due diligence, reasonably progress toward completion of the project once the coastal use has been initiated.
11. The following special conditions must also be met in order for the use to meet the guidelines of the Coastal Resources Program:
  - a. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.
  - b. That a Class B permit is received from the Division of Administration, State Land Office prior to the initiation of construction.
  - c. Structures must be marked/lighted in accordance with U. S. Coast Guard regulations.



d. Oyster Seed Grounds:

1. Applicant shall be liable for, and shall compensate the state for, any damages to the oyster seed grounds caused by Applicant or Applicant's contractors during any work done under this permit. Prior to commencement of the permitted activity, Applicant will also provide LDWF with the name of an individual in authority who can be contacted regarding any work done under the permit. Due to the potential benefits of the project, LDWF agrees to waive compensation for impacts within the project footprint provided applicant provides LDWF with written confirmation from CPRA that the project will perform as described.
  2. Any required compensation for impacts to the public oyster seed grounds shall be in the form of the planting of cultch material (i.e. crushed concrete, limestone, oyster shell, etc) at the rate of 1 cubic yard per acre of impacted area for barren, non-supportive areas of the seed grounds, 50 cubic yards per acre of impacted area for supportive areas, and 187 cubic yards per acre of impacted area for reef areas plus the value of any living oyster resources destroyed. Applicant shall bear the expense of acquisition and deposition of cultch. The cultch shall be deposited by the Applicant, Applicant's contractor, or sub-contractor, under the direct supervision of LDWF, and shall be deposited at a time, place, and in a manner prescribed by the Department. In lieu of planting cultch material, the Applicant may make payment directly to the Public Oyster Seed Ground Development Account.
  3. Applicant, Applicant's contractors and sub-contractors shall not discharge any produced waters, human waste that does not meet or exceed the requirements of the Department of Health and Hospitals, or drilling and/or workover effluent except for flocculated filtered water into the waters in the areas of the proposed activity or along any proposed access routes. Discharge rate of water shall not exceed the rate of filtering. If deemed appropriate Applicant shall have at the project location float booms for containing any spills.
  4. All vessels utilized under this permit shall be of such size and loaded in such a manner as to not impact the water bottoms over which they pass. If access route traverses a currently productive public oyster area, the Applicant shall secure approval of the access route from LDWF and shall ingress and egress to the project location only along the approved route. If deemed appropriate by LDWF Applicant shall establish and maintain, until the project is complete, along the access route appropriate access route markings for vessels traveling to and from the project location. These markings may be subject to applicable local, state, and federal navigation requirements. These markings shall be sufficient to be used during day and night operations as well as in any climatic and sea condition which may occur during permitted activities.
  5. Applicant shall provide legal representation and indemnification to LDWF for any and all lawsuits and legal claims that may be filed or made against LDWF as a result of the activities by Applicant.
  6. This permit specifically does not authorize prop washing, wheel washing, dredging, or jetting beyond what is shown in the application and drawings. Any changes or variances in the location, access route, volume of material moved and/or magnitude of the area of impact shall require formal application to, and prior written authorization from, the Department of Natural Resources (DNR). The decision by DNR whether to authorize those changes will require consultation by DNR with LDWF in strict adherence to all applicable provisions of the February 3, 2005 Memorandum of Agreement between those two agencies.
- e.
7. At the discretion of the Secretary or Deputy Assistant Secretary of the Louisiana Department of Wildlife and Fisheries, any activities authorized under this permit may be suspended until more favorable conditions prevail. If excessive turbidity or siltation is observed applicant must immediately take corrective measures to reduce or eliminate it.
  8. Applicant shall provide a letter of completion or as-built drawings of the completed project to the Department no later than 30 days following completion of the permitted activity.
  9. A post-project bottom contour and side-scan survey may be required, covering the permitted project area or any other area outside the project footprint suspected of being directly impacted by permitted activities. The results of these surveys will be made available to the Department within 14 days of completion.
  10. At the discretion of LDWF, the Applicant may be required to return all or part of water bottoms to pre-project conditions. Applicant shall remove or spread any dredged material which is greater than 0.5 feet above original water bottom contours unless otherwise specified in the coastal use permit.



11. Any vessel, barge, or other watercraft using the access route through the Public Oyster Seed Grounds in relation to this permit cannot exceed a maximum draft of 3 feet at any time including while under power. Applicant shall send copies of all vessel specifications, including pictures of each vessel, to Christy McDonough at [cmcdonough@wlf.la.gov](mailto:cmcdonough@wlf.la.gov) prior to moving vessels through the seed grounds.
  12. Movement of vessels drafting greater than 1 foot within the public oyster seed grounds is only authorized during high tide. Movement of vessels drafting greater than 1 foot at any other time period is strictly prohibited.
  13. Applicant shall notify Christy McDonough at [cmcdonough@wlf.la.gov](mailto:cmcdonough@wlf.la.gov) at least 5 business days prior to moving vessels drafting 1 foot or greater through the public oyster seed grounds.
  14. Applicant shall provide a third-party monitor that shall submit an initial report to LDWF detailing the baseline conditions at the time of installation and an annual report thereafter. This report shall include at minimum oyster population data and shoreline change. Please contact Christy McDonough at (225) 765-2386 for details regarding the required information.
  15. Should the structures installed under this permit become a hazard or are otherwise not performing the function for which they were installed they shall be removed at the expense of the applicant.
  16. Applicant shall install and maintain for the life of the structures appropriate signage alerting boaters to the presence of a submerged hang/snag hazard.
  17. Work authorized under this permit shall only take place from April through September of each year and shall avoid activity during all oyster seasons. This work window may be altered upon written request and supporting data to justify the modification.
- f. This permit specifically does not authorize dredging/propwashing for access. All vessels utilized under this permit shall be of such size and loaded in such a manner as to not impact the water bottoms over which they pass. Permittee shall provide notification to OCM Field Biologist Rod Pierce (985-854-3664) at least 5 days prior to movement of the vessel(s) along the access route.
  - g. All fill material shall be clean and free of contaminants and shall not contain hazardous materials such as asbestos or asbestos residue, shingles, tires, oil/grease residue, exposed rebar, protruding objects, etc.
  - h. All structures built under the authorization and conditions of this permit shall be removed from the site within 120 days of abandonment of the facilities for the herein permitted use, or when these structures fall into a state of disrepair such that they can no longer function as intended. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for such removal activities.
  - i. That permittee shall insure that all sanitary sewage and/or related domestic wastes generated during the subject project activity and at the site, thereafter, as may become necessary shall receive the equivalent of secondary treatment (30 mg/l BOD5) with disinfection prior to discharge into any of the streams or adjacent waters of the area or, in the case of total containment, shall be disposed of in approved sewerage and sewage treatment facilities, as is required by the State Sanitary Code. Such opinion as may be served by those comments offered herein shall not be construed to suffice as any more formal approval(s) which may be required of possible sanitary details (i.e. provisions) scheduled to be associated with the subject activity. Such shall generally require that appropriate plans and specifications be submitted to the Department of Health and Hospitals for purpose of review and approval prior to any utilization of such provisions.
  - j. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.



- k. Permittee shall allow representatives of the Office of Coastal Management or authorized agents to make periodic, unannounced inspections to assure the activity being performed is in accordance with the conditions of this permit.
- l. Permittee shall comply with all applicable state laws regarding the need to contact the Louisiana One Call (LOC) system (1-800-272-3020) to locate any buried cables and pipelines.
- m. This permit authorizes the initiation of the Coastal Use described under "Coastal Use Description" for two (2) years from the date of the signature of the Secretary or his designee. Initiation of the Coastal Use, for purposes of this permit, means the actual physical beginning of the use or activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the Coastal Use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, Permittee must, in good faith and with due diligence, reasonably progress toward completion of the project once the Coastal Use has been initiated. If the Coastal Use is not initiated within this two (2) year period, an extension may be granted pursuant to the requirements contained in the Rules and Procedures for Coastal Use Permits (Title 43:1.723.D.). Please note that a request for permit extension **MUST** be made no sooner than one hundred eighty (180) days and no later than sixty (60) days prior to the expiration of the permit.

The expiration date of this permit is five (5) years from the date of the signature of the Secretary or his designee. If the Coastal Use is not completed within this five (5) year period, an extension may be granted pursuant to the requirements contained in the Rules and Procedures for Coastal Use Permits (LAC 43:1.723(D)).

Upon expiration of this permit, a new Coastal Use Permit will be required for completion of any unfinished or uncommenced work items and for any maintenance activities involving dredging or fill that may become necessary. Other types of maintenance activities may also require a new Coastal Use Permit.

- n. This determination does not eliminate the need to obtain a permit from the United States Army, Corps of Engineers or any other Federal, state or local approval that may be required by law. The drawings submitted with your referenced application are attached hereto and made a part of the record.

\*\*\*\*\* End of Conditions \*\*\*\*\*

By accepting this permit the applicant agrees to its terms and conditions.

I affix my signature and issue this permit this 28th day of April, 2017.

THE DEPARTMENT OF NATURAL RESOURCES

Handwritten signature of Karl L. Morgan in cursive script.

Karl L. Morgan, Administrator  
Office of Coastal Management

This agreement becomes binding when signed by Administrator of the Office of Coastal Management Permits/Mitigation Division, Department of Natural Resources.

Attachments



**Final Plats:**

1) [P20170016](#) [Final Plats](#) [04/13/2017](#)

cc: Martin Mayer, COE w/attachments  
Dave Butler, LDWF w/attachments  
Jessica Diez, OCM w/attachments  
Rod Pierce, OCM/FI w/attachments  
Cameron Parish w/attachments



**RESTORE – Environmental Information Document**

**Project ID:** MS RESTORE 001 005 Cat1/Cat2

**Project Title:** Gulf of Mexico Conservation Enhancement Grant Program

(P7) Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits

**Introduction:** 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).

**Gulf of Mexico Conservation Enhancement Program** - The Unique identifier assigned to this program is [MS RESTORE 001 005 Cat1/Cat2](#) - This Program is currently listed as a Cat1/Cat2 on GCERC's Funded Priorities List (FPL). Pursuant to the program description, EPA developed and implemented the Gulf of Mexico Conservation Enhancement Grant Program (GMCEGP), a competitive funding assistance opportunity to enhance private/public partnerships that support land protection and conservation across the Gulf Coast region. The eight projects selected to be funded under the GMCEGP are:

Project ID Assigned	Organization	Project Title	EPA Grant #
P1	St. Tammany Parish Government	Planting of Tenet Pond for Habitat Enhancement	00D73818-0
P2	Atlanta Botanical Garden	Enhancing Conservation through Woody Vegetation Removal and Impact Evaluation of Novel Management Methods in Florida's Rare Coastal Wetland Ecosystem.	00D80518-0
P3	Land Trust for the MS Coastal Plain	Gulf Coast Land Conservation Project Assistance	00D80118-0
P4	Woodlands Conservancy	Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Barataria Basin	00D80018-0
P5	Mississippi Forestry Commission	Enhancing and rehabilitating the ecological functions in a major watershed and sub-watershed in the Mississippi Gulf Coast Region.	00D80418-0
P6	The Nature Conservancy	Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project	00D80218-0
P7	Galveston Bay Foundation	Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits	00D73918-0
P8	Ducks Unlimited Inc.	Texas Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People	00D80318-0

The EPA Grants will be awarded to the eight organizations after EPA and the RESTORE Council execute an Interagency Agreement which will provide funding reimbursement to EPA for implementing the GMCEGP.

**Project Title: P7 – Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits**

**Project Description:** Galveston Bay Foundation and The Trust for Public Land (TPL) have partnered to propose a three-phased program focusing on the Galveston Bay watershed. This program will provide funding to help protect priority landscapes surrounding Galveston Bay, enhance habitats and water quality on existing conserved lands, and complete an analysis of the economic benefits conservation provides in the Houston-Galveston region.

**Measurable Outputs:**

- 1) This project will support a minimum of three land protection projects by providing funding for required due diligence
- 2) TPL will develop an economic report focused on the benefits of conservation to the region
- 3) Manage, restore, and enhance habitat on GBF’s conserved lands, totaling over 8,000 acres

**Place of Performance:**

The project will take place in the Lower Galveston Bay watershed, specifically Brazoria, Chambers, Galveston, and Harris Counties

**Project Period:**

The project will be completed in 30 months (July 2018 – December 2020)

**Environmental Benefits:**

This proposal will help promote coastal habitat restoration and enhancement, facilitate the protection of coastal landscapes, and increase public awareness of the benefits conservation provides to the local economy.

**NEPA:** The EPA has determined that this project (and EPA’s action) meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the action of funding this project through RESTORE 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:** The 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 proposed project funding includes activities such as conducting economic analyses, habitat enhancement (invasive control) activities, and providing funding for conservation transactions. Therefore, it is not expected to have significant environmental impacts.

*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.* The proposed project funding includes activities such as conducting economic analyses, habitat enhancement (invasive control) activities, and providing funding for conservation transactions. Therefore, it is not expected have a disproportionately or negatively impact any community.

*The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.* The proposed project funding includes activities such as conducting economic analyses, habitat enhancement (invasive control) activities, and providing funding for conservation transactions. Therefore, it is not expected have a significant impact on Federally 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.* The proposed project funding includes activities such as conducting economic analyses, habitat enhancement (invasive control) activities, and providing funding for conservation transactions. Therefore, it is not expected to impact any 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.

*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 proposed project funding includes activities such as conducting economic analyses, habitat enhancement (invasive control) activities, and providing funding for conservation transactions. Therefore, it is not 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 implementation of this project is not known or expected to cause significant adverse air quality effects.* The proposed project funding includes activities such as conducting economic analyses, habitat enhancement (invasive control) activities, and providing funding for conservation transactions. Therefore, it is not expected to be a significant source of air emissions.

*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 proposed project funding includes activities such as conducting economic analyses, habitat enhancement (invasive control) activities, and providing funding for conservation transactions. This project will not change or have a significant effect on the pattern and type of land use at the project site.

*The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project.* The implementation of this project is not expected to cause significant public controversy about potential environmental impacts.

*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.

*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.

**Compliance with other Laws:**

**NHPA:** The EPA submitted this project for review by the TX SHPO on September 24, 2019. The EPA received concurrence from the TX SHPO on October 14, 2019 that the proposed project would not impact historic properties. In the case that historic properties or culture resources are discovered, the TX SHPO provided guidance on next steps.

**ESA:** For species under the jurisdiction of USFWS, the EPA received concurrence on our Section 7 determinations for listed species in a September 25, 2019 letter from the USFWS – Gulf Restoration Program Office. The EPA determined that the proposed project should have ‘no effect’ on listed species under the jurisdiction of the NMFS.

**EFH:** The proposed project funding is for planning, property due diligence, and support of implementation of conservation easements and reporting; therefore, EPA has determined that compliance with EFH is not applicable at this stage.

**FWCA:** The EPA has coordinated with the USFWS and received concurrence on our Section 7 determinations for listed species in a September 25, 2019 letter from the USFWS – Gulf Restoration Program Office.

**Attachments:**

- EPA NEPA Determination
- USFWS September 25, 2019 Letter – ESA Section 7
- TX SHPO Determination – October 14, 2019 Email

# Attachment A



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

**P7 – Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits**

EPA has determined that Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits - RESTORE funded project meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, this RESTORE project 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.

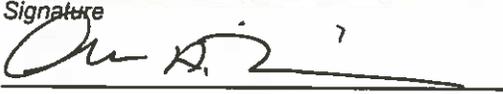
**40 CFR §6.101**

- (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**

Consistent with my responsibilities for NEPA compliance review and concurrence, I have determined that this action is statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(h).

<i>Signature</i>  9/25/19	<i>Name &amp; Title</i> <b>Chris Militscher</b> <b>Chief R4 NEPA Section/SPO/ORA</b>	<i>Phone Number</i> <b>(404)562-9512</b>
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**EPA Contact for Environmental Review on this Project (If different from Responsible Official)**

<i>Name</i> <b>Dan Holliman</b>	<i>Title</i> <b>Life Scientist R4 NEPA/SPO/ORA</b>	<i>Phone Number</i> <b>(404)562-9531</b>
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## Attachment B



## United States Department of the Interior



U.S. FISH AND WILDLIFE SERVICE  
Gulf Restoration Program Office  
17629 El Camino Real, Suite 211  
Houston, Texas 77058-3051

In Reply Refer To:  
FWS/R2/02ETC  
P00-2020-00016

September 25, 2019

Mr. Daniel Holliman  
USEPA Region 4  
61 Forsyth Street SW  
Atlanta, Georgia 30303

Dear Mr. Holliman:

The Fish and Wildlife Service (Service) has reviewed the Environmental Protection Agency's (EPA) Restore Act funding proposal titled "GBCP: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits" for compliance with federal statutes pertaining to our trust resource concerns, including applicability of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e), the Migratory Bird Treaty Act (40 Stat. 775, as amended; 16 U.S.C. 703 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) and the Marine Mammal Protection Act (16 U.S.C. 1361-1421h). The following comments specifically reference EPA's compliance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

If awarded, Restore Act funds will be utilized by the Galveston Bay Foundation which has identified habitat enhancement opportunities and maintenance activities for existing preserves and conservation projects throughout the Galveston Bay watershed. Conservation actions will be focused on improving plant community structure in native prairies, increasing overall biodiversity, improving habitat for wildlife, and enhancing wetlands on preserves and conservation easements. High priority projects include invasive species control, prescribed mowing, mechanical mulching, individual and aerial herbicide treatment, water control structures for managed wetlands, tree plantings for neotropical migrants, access road maintenance, boundary fencing and signage and prairie restoration.

Based on the information provided in your biological evaluation dated August 22, 2019, the Service concurs with your determination that the proposed project "may affect, but is not likely to adversely affect" piping plover, red knot, and eastern black rail, and will have "no effect" on the Attwater's prairie chicken, West Indian manatee, green sea turtle, hawksbill sea turtle, loggerhead sea turtle, Kemp's ridley sea turtle, and leatherback sea turtle. Project work in habitat where federally listed or proposed species may occur is expected to be short-term and size-restricted with the potential for beneficial effects while other species are not currently known from the project area or expected to be present.

Should the EPA have any questions regarding this consultation, please feel free to contact Wildlife Biologist, Susan Stanley at (281) 212-1519.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Huffman", with a long horizontal flourish extending to the right.

John Huffman  
Field Supervisor  
Gulf Restoration Program Office

cc: David Horning, U.S. Fish and Wildlife Service, Atlanta, Georgia

# Attachment C

**From:** [noreply@thc.state.tx.us](mailto:noreply@thc.state.tx.us)  
**To:** [Holliman, Daniel; reviews@thc.state.tx.us](mailto:Holliman, Daniel; reviews@thc.state.tx.us)  
**Subject:** Project Review: 202001014  
**Date:** Monday, October 14, 2019 3:04:52 PM

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Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas

**202001014**

Galveston Bay Conservation Program: RESTORE Funded Project  
Multiple  
Galveston, TX

Dear Dan Holliman:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act.

The review staff led by Jeff Durst and Caitlin Brashear has completed its review and has made the following determinations based on the information submitted for review:

**Above-Ground Resources**

- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

**Archeology Comments**

- No historic properties present or affected. However, if buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: [Jeff.Durst@thc.texas.gov](mailto:Jeff.Durst@thc.texas.gov), [caitlin.brashear@thc.texas.gov](mailto:caitlin.brashear@thc.texas.gov).

Sincerely,



For Mark Wolfe, State Historic Preservation Officer  
Executive Director, Texas Historical Commission

**Please do not respond to this email.**



**RESTORE – Environmental Information Document**

**Project ID:** MS RESTORE 001 005 Cat1/Cat2

**Project Title:** Gulf of Mexico Conservation Enhancement Grant Program

(P8) TX Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People

**Introduction:** 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).

**Gulf of Mexico Conservation Enhancement Program** - The Unique identifier assigned to this program is [MS RESTORE 001 005 Cat1/Cat2](#) - This Program is currently listed as a Cat1/Cat2 on GCERC’s Funded Priorities List (FPL). Pursuant to the program description, EPA developed and implemented the Gulf of Mexico Conservation Enhancement Grant Program (GMCEGP), a competitive funding assistance opportunity to enhance private/public partnerships that support land protection and conservation across the Gulf Coast region. The eight projects selected to be funded under the GMCEGP are:

Project ID Assigned	Organization	Project Title	EPA Grant #
P1	St. Tammany Parish Government	Planting of Tenet Pond for Habitat Enhancement	00D73818-0
P2	Atlanta Botanical Garden	Enhancing Conservation through Woody Vegetation Removal and Impact Evaluation of Novel Management Methods in Florida’s Rare Coastal Wetland Ecosystem.	00D80518-0
P3	Land Trust for the MS Coastal Plain	Gulf Coast Land Conservation Project Assistance	00D80118-0
P4	Woodlands Conservancy	Restoration & Enhancement of Habitat for Resident & Migratory Birds in the Barataria Basin	00D80018-0
P5	Mississippi Forestry Commission	Enhancing and rehabilitating the ecological functions in a major watershed and sub-watershed in the Mississippi Gulf Coast Region.	00D80418-0
P6	The Nature Conservancy	Calcasieu Lake and Sabine National Wildlife Refuge Oyster Reef Restoration Project	00D80218-0
P7	Galveston Bay Foundation	Galveston Bay Conservation Program: Enhancing preserved lands, supporting land acquisition, and understanding conservation benefits	00D73918-0
P8	Ducks Unlimited Inc.	Texas Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People	00D80318-0

The EPA Grants will be awarded to the eight organizations after EPA and the RESTORE Council execute an Interagency Agreement which will provide funding reimbursement to EPA for implementing the GMCEGP.

**Project Title: P8 – TX Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People**

**Project Description:** Through the TCPP, EPA will provide support for DU’s work with private landowners to implement habitat management practices to enhance privately owned and managed wetland habitat. Landowners will be paid upon implementing the practices and meeting established performance criteria.

DU will design and implement a program to evaluate and quantify ecosystem service metrics (e.g. water quality) derived from TCPP project sites. Comparison of reference and project site data will aid in evaluating effectiveness of wetland restoration and management practices in providing various ecosystem services. An additional objective will be to monetize output metrics to estimate the economic value of those ecosystem service benefits.

**Measurable Outputs:**

- Implementation of habitat management practice on 8,500 acres of wetland habitat
- Report on the ecosystem benefits of the TCPP project sites
- Report on the economic value of those benefits

**Place of Performance:**

Work will occur within the Gulf Region along the Texas Coast. It is expected most projects will occur within the Matagorda Bay and Galveston Bay watersheds. These watersheds are also priority landscapes for the RESTORE Council.

**Project Period:**

The project will begin in September 2018 with the first set of projects completed by March 2019, the second set of projects will begin in September 2019 and be completed by March 2020. DU will complete its analysis and reporting by September 2020.

**Environmental Benefits:**

The 8,500 acres of enhanced wetland habitat implemented by the TCPP project will provide the following direct benefits:

- Increased wetland habitat availability for wildlife species
- Increased recreational opportunities for private landowners
- Increased wildlife viewing opportunities for the public from adjacent roads
- Incremental water quality benefits in the two watersheds

**NEPA:** The EPA has determined that this project (and EPA’s action) meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, the action of funding this project through RESTORE 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:** The 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 proposed project funding includes planning, implementation of management practices for wetland habitat, and reporting on ecosystem/economic benefits of TCPP project sites. Therefore, it is not expected to have significant environmental impacts.

*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.* The proposed project funding includes planning, implementation of management practices for wetland habitat, and reporting on ecosystem/economic benefits of TCPP project sites. Therefore, it is not expected have a disproportionately or negatively impact any community.

*The implementation of this project is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.* The proposed project funding includes planning, implementation of management practices for wetland habitat, and reporting on ecosystem/economic benefits of TCPP project sites. Therefore, it is not expected have a significant impact

on Federally listed species or critical habitat. A concurrence letter dated October 25, 2019 was received from the USFWS regarding EPA's determinations of impacts on listed species. See 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.* The proposed project funding includes planning, implementation of management practices for wetland habitat, and reporting on ecosystem/economic benefits of TCPP project sites. Therefore, it is not expected to impact any 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.

*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 proposed project funding includes planning, implementation of management practices for wetland habitat, and reporting on ecosystem/economic benefits of TCPP project sites. Therefore, it is not 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 implementation of this project is not known or expected to cause significant adverse air quality effects.* The proposed project funding includes planning, implementation of management practices for wetland habitat, and reporting on ecosystem/economic benefits of TCPP project sites. Therefore, it is not expected to be a significant source of air emissions.

*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 proposed project funding includes planning, implementation of management practices for wetland habitat, and reporting on ecosystem/economic benefits of TCPP project sites. This project will not change or have a significant effect on the pattern and type of land use at the project site.

*The implementation of this project is not known or expected to cause significant public controversy about a potential environmental impact of this project.* The implementation of this project is not expected to cause significant public controversy about potential environmental impacts.

*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.*

*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.*

**Compliance with other Laws:**

**NHPA:** The EPA submitted this project for review by the TX SHPO on October 3, 2019. The EPA received concurrence from the TX SHPO on October 3, 2019 that the proposed project would not adversely affect historic properties in areas that have already been subjected to plowing and other agricultural practices. If DU proposes to conduct project activities on previously undisturbed properties, the TX SHPO shall be notified.

**ESA:** For species under the jurisdiction of USFWS, the EPA received concurrence on our Section 7 determinations for listed species in an October 25, 2019 letter from the USFWS – Gulf Restoration Program Office.

**EFH:** The proposed project funding for implementation of habitat enhancement practices in wetland areas on private property. These activities will take place in upland areas; therefore, EPA has determined that compliance with EFH is not applicable at this stage.

**FWCA:** The EPA has coordinated with the USFWS and received concurrence on our Section 7 determinations for listed species in an October 25, 2019 letter from the USFWS – Gulf Restoration Program Office.

**Attachments:**

- EPA NEPA Determination
- USFWS October 25, 2019 Letter – ESA Section 7
- TX SHPO Determination – October 3, 2019 Email

# Attachment A



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

**P8 – Ducks Unlimited Inc. - TX Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People**

EPA has determined that the Ducks Unlimited Inc. - TX Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People RESTORE funded project meets the definition in 40 CFR §6.101(b) of EPA actions that are statutorily exempt from NEPA. Specifically, this RESTORE project 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**

Consistent with my responsibilities for NEPA compliance review and concurrence, I have determined that this action is statutorily exempt from NEPA per the environmental review requirements under EPA regulations at 40 CFR § 6.101(b).

<i>Signature</i>  9/25/19	<i>Name &amp; Title</i> <b>Chris Millitscher</b> <b>Chief – R4-NEPA Section/SPO/ORA</b>	<i>Phone Number</i> <b>(404)562-9512</b>
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**EPA Contact for Environmental Review on this Project (If different from Responsible Official)**

<i>Name</i> <b>Dan Holliman</b>	<i>Title</i> <b>Life Scientist – R4-NEPA/SPO/ORA</b>	<i>Phone Number</i> <b>(404)562-9531</b>
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## Attachment B



## United States Department of the Interior



U.S. FISH AND WILDLIFE SERVICE  
Gulf Restoration Program Office  
17629 El Camino Real, Suite 211  
Houston, Texas 77058-3051

In Reply Refer To:  
FWS/R2/02ETC  
P00-2020-00001

October 25, 2019

Mr. Daniel Holliman  
USEPA Region 4  
61 Forsyth Street SW  
Atlanta, Georgia 30303

Dear Mr. Holliman:

The Fish and Wildlife Service (Service) has reviewed the Environmental Protection Agency's (EPA) Restore Act funding proposal titled "TX Coastal Prairies Program (TCPP): Wetland Conservation for Wildlife and People" for compliance with federal statutes pertaining to our trust resource concerns, including applicability of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e), the Migratory Bird Treaty Act (40 Stat. 775, as amended; 16 U.S.C. 703 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) and the Marine Mammal Protection Act (16 U.S.C. 1361-1421h). The following comments specifically reference EPA's compliance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

If awarded, Restore Act funds will be utilized by Ducks Unlimited (DU) to work with private landowners to implement habitat management practices to enhance privately owned and managed wetland habitat. Work will occur within the Gulf Region along the Texas Coast with most projects expected to occur within the Matagorda Bay and Galveston Bay watersheds. Habitat management practices include the control of invasive and non-wetland species through mechanical disturbance and/or herbicide treatment. After completing these practices, landowners will implement shallow flooding throughout the winter.

Based on the information provided in your biological evaluation dated October 25, 2019, the Service concurs with your determination that the proposed project "may affect, but is not likely to adversely affect" Gulf coast jaguarundi, ocelot, least tern, Northern Aplomado falcon, piping plover, red knot, whooping crane, Houston toad, Eastern black rail, Texas fawnsfoot and Texas pimpleback as these species are unlikely to occur in the project site, conservation measures will be undertaken to minimize impacts and/or DU biologists will consult with the Service on a project by project basis in areas where listed species are likely to occur.

The Service also concurs with your determination that the proposed project will have "no effect" on the Attwater's prairie chicken, red-cockaded woodpecker, West Indian manatee, green sea turtle, hawksbill sea turtle, loggerhead sea turtle, Kemp's ridley sea turtle, leatherback sea turtle,

black lace cactus, slender rush-pea, South Texas ambrosia and Texas prairie dawn-flower as project work will occur outside the usual habitat for these species.

Should the EPA have any questions regarding this consultation, please feel free to contact Wildlife Biologist, Susan Stanley at (281) 212-1519.

Sincerely,



John Huffman  
Field Supervisor  
Gulf Restoration Program Office

cc: David Horning, U.S. Fish and Wildlife Service, Atlanta, Georgia

# Attachment C

**From:** Bill Martin  
**Sent:** Thursday, October 3, 2019 11:15 AM  
**To:** Bowie, John <[Bowie.John@epa.gov](mailto:Bowie.John@epa.gov)>  
**Subject:** RESTORE program

Mr. Bowie:

This response serves as comment on the proposed federal undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission. After reviewing the documentation you submitted, we concur with your assessment that the limited nature of the activities proposed for the RESTORE-funded, Ducks Unlimited Texas Coastal Prairies Program will not adversely affect historic properties in areas that have already been subjected to plowing and other agricultural practices. We do not wish to be notified of individual projects of this nature. We also concur that we shall review any projects that will occur on previously undisturbed land. As long as we are provided an opportunity to review projects on undisturbed land, the EPA will have met its Section 106 obligations.



**Bill Martin**

Team Lead, Review and Compliance  
Archeology Division  
P.O. Box 12276  
P: 512-463-5867  
F: 512-463-8927

[thc.texas.gov](http://thc.texas.gov)



Mr. Bill Martin  
Texas Historical Commission  
P.O. Box 12276  
Austin, TX 78711

Dear Mr. Martin:

As a follow-up to our call on September 30, 2019, the EPA has the lead on a Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf State Act (RESTORE Act) funded project in Texas. Through RESTORE, the EPA will provide funding support to Ducks Unlimited (DU) to implement their Texas Coastal Prairies Program (TCPP) with private landowners to implement habitat management practices to enhance privately owned and managed wetland habitat. Landowners will be paid upon implementing the practices and meeting established performance criteria. The goal of the project is to enhance wetland habitat on up to 8,500 acres of private land that has yet to be identified. Landowners in the following Texas Counties will be the focus of this project: Brazoria, Calhoun, Chambers, Colorado, Fort Bend, Galveston, Jackson, Jefferson, Liberty, Matagorda, Orange, Victoria, Waller, Wharton, Refugio, San Patricio, Aransas, Nueces.

DU proposes to support landowners in implementing treatments to control invasive or problematic species, including mechanical disturbance (eg. discing or roller-chopping), application of appropriate herbicide treatments, and providing guidance on required flooding activities to enhance wetland habitat on the owner's land.

The EPA has determined that the above described project involves minimal ground disturbance activity primarily located on pre-disturbed (farmed) land, therefore we do not believe it is "a type of activity that could affect historic properties." In addition, we believe that the proposed activity "has no potential to cause effects to historic properties, should any be present." In the event project activities occur on non-disturbed lands, the EPA and DU staff will coordinate with your office. Based on these determinations, we believe the EPA has met our Section 106 obligations and are requesting Texas SHPO concurrence on this determination.

We thank you in advance for the opportunity to work with you through the Section 106 process. Please feel free to contact Dan Holliman of the NEPA Program - EPA Region 4 at 404-562-9531 or by e-mail at [holliman.daniel@epa.gov](mailto:holliman.daniel@epa.gov) or me if you have any questions.

John

*John F. Bowie, PE*  
*RESTORE Program Manager*  
*EPA Gulf of Mexico Program*  
*Office (228)679-5891 Cell (228)265-1774*