Award Number	**Applicant Name**	
IAACP19DC0032	NOAA Restoration Center	
Project Name	**State**	**Federal Program Officer**
Florida Connecting Coastal Waters Money Bayou	FL	Jeff Shenot
	Program Name	
	Other RC	
Award Amount	**Total Project Cost**	**Competition**
$1,240,379.00	$1,240,379.00	Non-Competitive

Project Description

The St. Joseph Bay State Buffer Preserve (Buffer Preserve or Preserve) protects over 5,000 acres of land north and east of State Road (SR) 30A in Port St. Joe, Gulf County, Florida. The land is publicly owned by the State of Florida and managed by the Florida Department of Environmental Protection (FDEP). The St. Andrew Bay watershed, the Apalachicola River Basin, and the Money Bayou watershed all converge within the Buffer Preserve. The Money Bayou basin includes over one thousand eight hundred (1,800) acres of estuarine and freshwater marsh interspersed with forested wetlands that drains directly to the Gulf of Mexico between Cape San Blas and St. Vincent Island. Money Bayou basin is protected within the Buffer Preserve; however, extensive ditching, road construction, and fire plow lines were constructed across the basin. These alterations disrupt the area's natural hydrology, resulting in degraded wetlands, the loss of aquatic communities, and potential increase of invasive plant species. This project proposes to construct low water crossings (LWCs) to facilitate hydrological connectivity among the preserve's wetlands.

Proposed Action Description

The Project aims to restore wetlands in Money Bayou by improving hydrologic flow through reconnecting wetlands that have been impacted by various land management alterations (e.g. roads, ditches, undersized LWCs). Reconnecting the wetlands in Money Bayou will involve constructing twenty-three (23) appropriately sized LWCs that allow water to flow across roads without being funneled down to an undersized passageway or culvert. When the existing road is excavated, excess soil or spoil material will be placed along the roadway and manmade ditches beginning at the LWC endpoints (on either side) and extending for a length approximately equivalent to the total LWC length. When spoil is placed adjacent to upland roads, the contractor is advised to place material a maximum of one (1) foot in thickness. Filling the adjacent ditches to the level or elevation of the new LWCs will promote sheet flow across the road and decrease the flow velocity that can be increased by channelized ditches.

NEPA Coordinator Jeff Shenot **Review Date** 9/7/2022

As the Responsible Program Manager, or delegate, I certify that the proposed actions described here, including both the activity and level of impact, are analyzed within the Restoration Center Programmatic Environmental Impact Statement.

Christopher Doley

Date
9/7/2022

Christopher Doley
Fish And Wildlife Administrator

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

MEMORANDUM FOR: FILE

FROM: Christy Fellas, DWH Environmental Compliance Coordinator
NOAA Restoration Center

DATE: September 16, 2022

SUBJECT: ESA, EFH and MMPA Compliance for RESTORE Act Connecting Coastal Waters Project in Florida: Money Bayou

Based on my review of project materials (attached) the NOAA Restoration Center (RC) determined there will be no effects to species or habitats within National Marine Fisheries Services' jurisdiction protected under the Endangered Species Act, Magnuson Stevens Act (Essential Fish Habitat) and Marine Mammal Protection Act.

The project goal is to improve hydrology and restore sheet flow in Money Bayou, part of St. Joseph Bay State Buffer Preserve in Gulf County, Florida by regrading interior site access roads. Based on the location and construction involving no in-water work, no effects are expected to species or habitats protected under ESA, MSA or MMPA because they are not present.

For full project descriptions, including any best management practices incorporated into implementation, please see the attached biological evaluation form. If a project is modified in the future in a way that could change these determinations, it will be reevaluated as appropriate.

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 Protection 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.

For assistance, please contact the compliance liaisons
USFWS: Michael Barron at michael_barron@fws.gov
NMFS: Christy Fellas at christina.fellas@noaa.gov

A. Project Identification

Federal Action Agency(one or more):USFWS ☐ NOAA ☒ EPA ☐ USDA ☐

Implementing Trustee(s): NOAA Restoration Center

Contact Name: Eric Vichich Phone: (727) 238-5774 Email: eric.vichich@noaa.gov

Project Name: RESTORE Act Florida Connecting Coastal Waters (FL CCW) – Money Bayou

DIVER ID# 8137 TIG: Choose an item Restoration Plan # NA - RESTORE

B. Project Phase and Supporting Documentation

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

Planning/Conceptual ☐ Construction/Implementation ☒ Engineering & Design ☒

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

100% design is complete

Supporting Documentation

Please attach any maps, aerial photographs, or design drawings that will support the information in this BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlayed

C. Project Location

I. State and County/Parish of action area

Florida, Gulf County – see figure below.

II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83) [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees]

29.702647°N, -85.280789°W

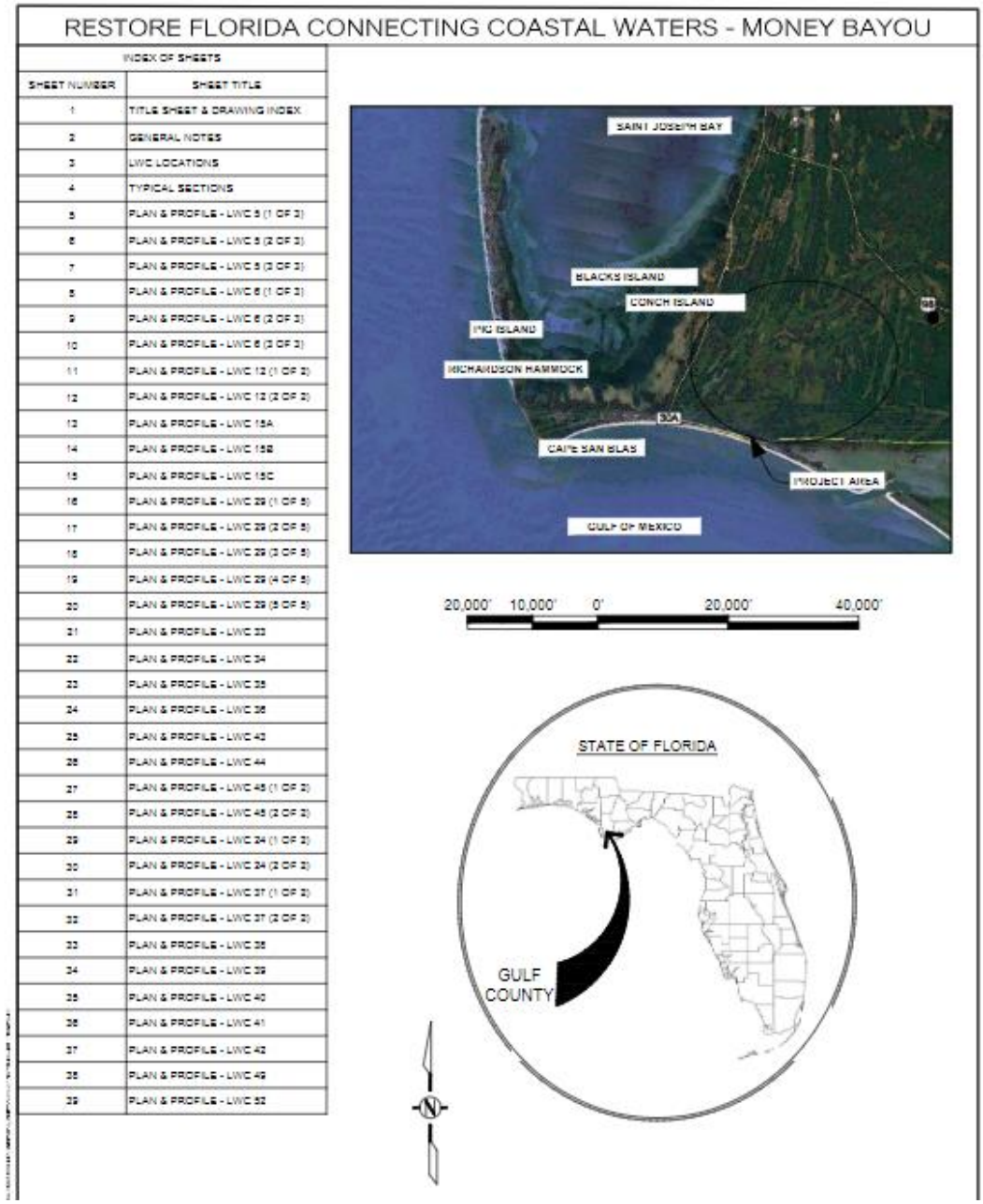

Figure 1. Shows general project area for Money Bayou in Florida.

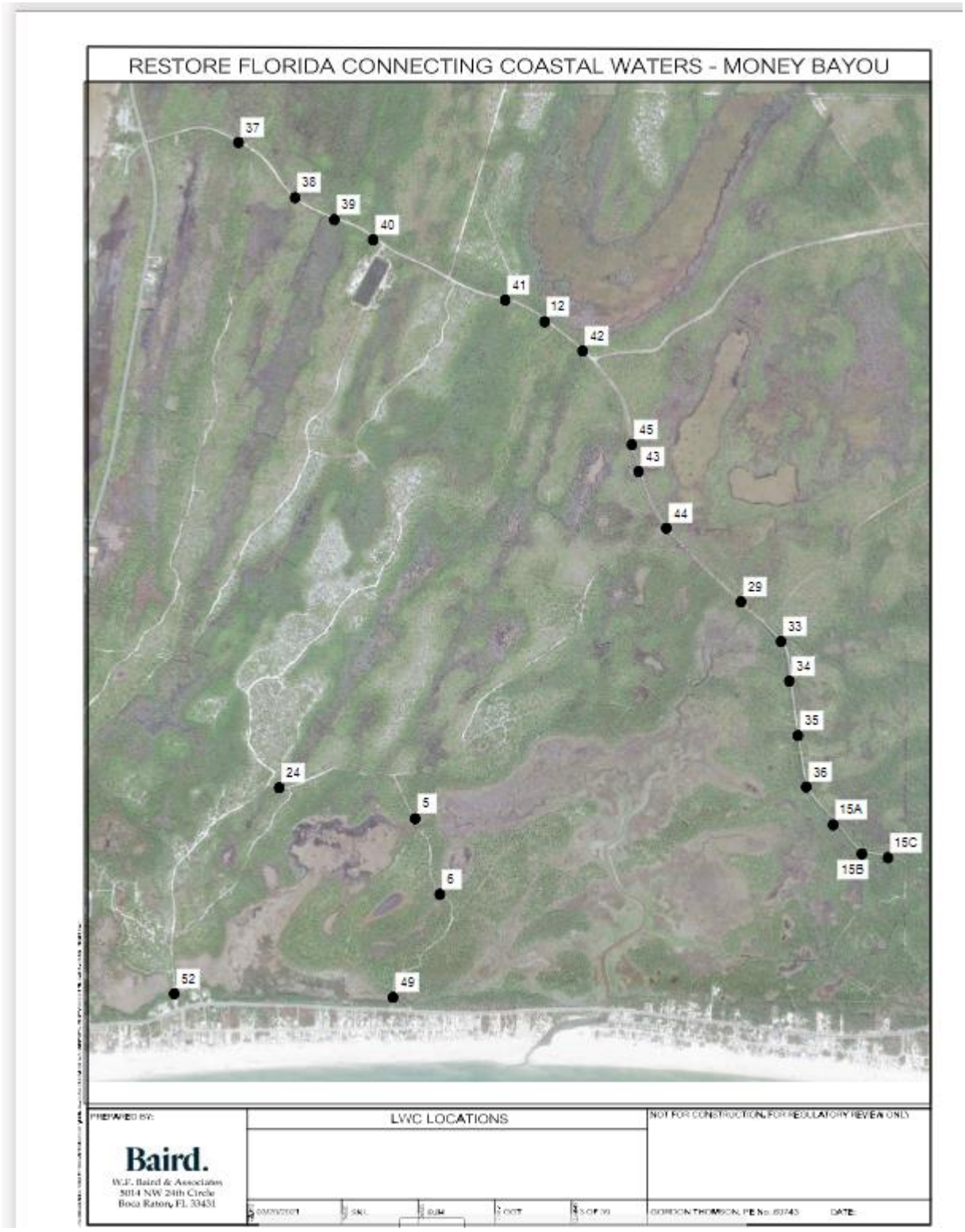

Figure 2. Shows locations of low water crossings (LWC) in the Money Bayou project area.

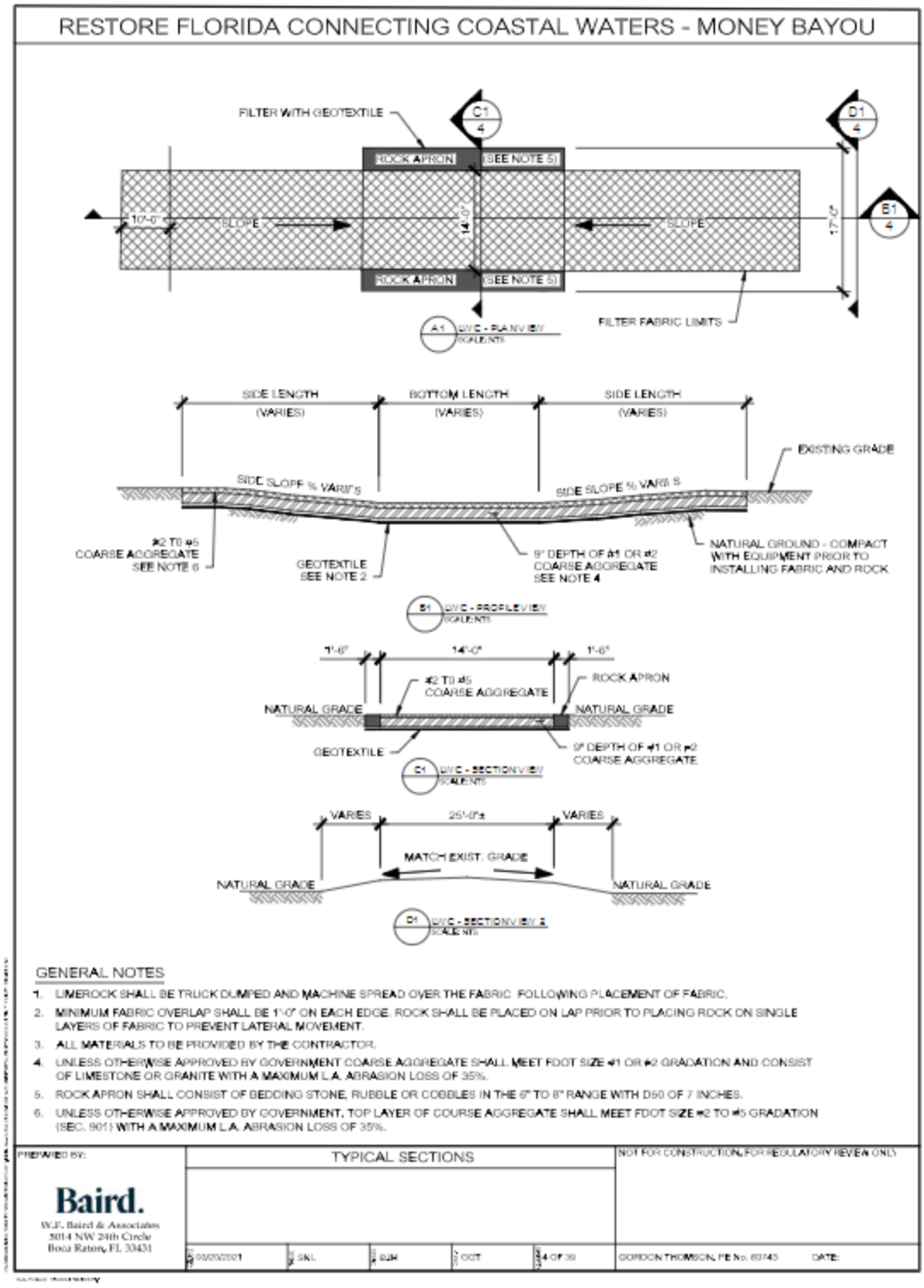

Figure 3. Typical section for a low water crossings (LWC).

D. 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:
-TIG Restoration Plan/EA or EIS (draft or final)
-USACE programmatic NEPA analysis
-USACE Clean Water Act individual permit for the project
-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES☒ NO☐ Permit Number and Type: 404 permit (issued by state) 0405325-002-SFG/23

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

YES☐ NO☒ Permit Number and Type: Click or tap here to enter text.

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

NOAA RC has had numerous technical assistance discussions with USACE regarding this project. This project had been determined by USACE to fall within the Nationwide Permit 27 but the State of Florida has since taken over Section 404 permitting responsibilities. Florida DEP issued Environmental Resource Permit as well as 404 permit coverage.

NOAA RC will coordinate directly with NOAA NMFS for ESA, EFH, and MMPA as needed. USFWS has completed review under their statutes and the USFWS ESA consultation is complete.

Existing NEPA documents that cover this project include the NOAA Restoration Center Programmatic Environmental Impact Statement and The RESTORE Council's Initial FPL Review.

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

Name of Person Completing this Form: Eric Vichich
Name of Project Lead: Eric Vichich
Date Form Completed: 7/9/21
Date Form Updated: 7/30/21, 4/28/22

E. Description of Action Area

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

a. Waterbody

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

The buffer preserve includes Money Bayou - an unusual tidal creek that flows directly into the Gulf of Mexico instead of an intervening bay or sound. Money Bayou drains directly to the Gulf of Mexico between Cape San Blas and St. Vincent Island.

Does the project area include a river or estuary?

YES☒ NO☐

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

The project location is approximately 2 kilometers from the Bay San Blas/Gulf of Mexico.

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.

The preserve road is the only existing structure on site.

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.

NA

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.

NA

e. Corals

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

location of the corals in the action area. Click here to enter text.

NA

f. Uplands

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

The existing forest roads where works will occur are mowed and maintained dirt and gravel roads. Some upland ruderal species are present along the road and the ROW including pasture grasses such as Bahia grass *(Paspalum notatum),* carpet grass*, (Axonopus* spp.*)* and centipede grass *(Eremochloa ophiuroides).* Various ruderal species including dog fennel *(Eupatorium capillifolium),* shiny cudweed *(Gnaphalium spicatum)* and goldenaster *(Chrysopsis sp.)* are also common. Prickly pear cactus (*Opuntia humifusa)* is also present in some areas. Upland natural communities that are within 300ft of the project area include the following: Mesic Flatwoods (FLUCFCS 411 – pine flatwoods) Pine Plantation (FLUCFCS 441 [pine flatwoods - altered]) Ruderal (FLUCFCS 800 – transportation) Sandhill (FLUCFCS 412 – longleaf pine – xeric oak) Scrubby flatwoods (FLUCFCS 411 - pine flatwoods or 419 - other pines)

g. Marine Mammals

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

Dolphins YES☐ NO☒
Whales YES☐ NO☒
Manatees YES☐ NO☒

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

The wetlands involved in this project are very shallow surface water flows across the existing roads.

h. Soils and Sediments

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

Soils located at the project site include Leon fine sand, 0 to 2 percent slopes; Pickney-Pamlico complex, depressional; Pickney and Rutlege soils, depressional; and Scranton fine sand, 0 to 2 percent slopes.
The surface layer is loose to medium dense fine SAND with varying fines content. Four feet below surface is medium dense fine SAND with varying fines content

i. Land Use

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

The project site includes public lands that make up the St. Joseph Bay State Buffer Preserve. Previous uses included cattle grazing, silviculture, and turpentine production.

j. Essential Fish Habitat

If applicable. Describe any designated Essential Fish Habitat within the project area

N/A. The EFH mapper indicated no EFH in the area.

F. Project Description

I. *Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.

***If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

The purpose of the Project is to restore wetlands in Money Bayou by improving hydrologic flow through reconnecting wetlands that have been impacted by various land management alterations (e.g. roads, ditches, undersized LWCs). Reconnecting the wetlands in Money Bayou will involve constructing twenty-three (23) appropriately sized LWCs that allow water to flow across roads without being funneled down to an undersized passageway or culvert. This has several ecological benefits such as maintaining a slower velocity to reduce potential for erosion, balancing the hydroperiod of wetlands on either side of the road by keeping water from ponding on one side or the other, and promoting sheet flow rather than channelized flow across the road.

Project engineers performed a hydrologic evaluation to determine the flow paths through the Buffer Preserve and determine design flow rates at each existing LWC. The evaluation included review of 2017 LiDAR elevation data, a conventional topographic survey conducted in 2020 that covered 21 of the existing LWC locations, historic and current The purpose of the Project is to restore wetlands in Money Bayou by improving hydrologic flow through reconnecting wetlands that have been impacted by various land management alterations (e.g. roads, ditches, undersized LWCs). Reconnecting the wetlands in Money Bayou will involve constructing twenty-three (23) appropriately sized LWCs that allow water to flow across roads without being funneled down to an undersized passageway or culvert. This has several ecological benefits such as maintaining a slower velocity to reduce potential for erosion, balancing the hydroperiod of wetlands on either side of the road by keeping water from ponding on one side or the other, and promoting sheet flow rather than channelized flow across the road.

Project engineers performed a hydrologic evaluation to determine the flow paths through the Buffer Preserve and determine design flow rates at each existing LWC. The evaluation included review of 2017 LiDAR elevation data, a conventional topographic survey conducted in 2020 that covered 21 of the existing LWC locations, historic and current aerial imagery, and geotechnical soil boring data to determine the design of the length, width, depth, and material suitable for each LWC and whether additional LWCs would assist in facilitating drainage in the Buffer Preserve.

Additional records of anthropogenic alterations go back to the early 1900s to 1940s when ditches were dug to connect wetlands to expedite the flow of water off the land to facilitate cattle operations to more recent activities associated with potential development in the 1970s. Since all LWCs will be constructed within existing right of way (ROW) of forest roads, the construction may require leveling the road to a specific elevation. This can be achieved by elevating the road with loose rock or in some cases lowering the road by excavating soil within the footprint of the LWC for a length designed to maximize hydrologic flow in that location. The LWC includes graded sides that are gently sloped to allow for vehicles to enter and exit the LWC without a steep incline. The bottom of each LWC will consist of a combination of #1, #2, and #5 coarse aggregate rock underlain by geotextile fabric placed at elevations consistent with surrounding habitats to encourage

successful hydrologic flow. The 30% engineering design drawings include elevational information displayed as existing grade and proposed grade. A small apron of coarse aggregate rock will be placed in specific areas to minimize the potential of high flows to erode the LWC or render it unpassable.

When the existing road is excavated, excess soil or spoil material will be placed along the roadway and manmade ditches beginning at the LWC endpoints (on either side) and extending for a length approximately equivalent to the total LWC length. When spoil is placed adjacent to upland roads, the contractor is advised to place material a maximum of one (1) foot in thickness. Filling the adjacent ditches to the level or elevation of the new LWCs will promote sheet flow across the road and decrease the flow velocity that can be increased by channelized ditches.

All 23 proposed LWCs have been designed; however, current funding availability allows for 14 priority LWCs to be built at this time. The remaining 9 LWCs may be constructed once funding becomes available. This consultation covers all 23 proposed LWCs.

The contractor will be required to obtain coverage under the Florida Construction Generic Permit to discharge storm water from construction activities. This will require the contractor to prepare and follow a Storm Water Pollution Prevention Plan (SWPPP) and implement the appropriate best management practices (BMPs) to prevent the discharge of sediments from the project site.

Staging areas will be on the road before or after the active construction area.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*
Construction is expected to commence in January, 2023, and will last 12 months. There is no in-water work.

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

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

Does this project include in-water work?	YES☐	NO☒
Does this project include terrestrial construction?	YES☒	NO☐
Does this project include construction of an overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒
Will wildlife observation be allowed from this overwater structure?	YES☐	NO☒
Will boat docking be allowed from this overwater structure?	YES☐	NO☒
Will fishing be allowed from this overwater structure?	YES☐	NO☒

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

NA

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

iii. *Use of "Dock Construction Guidelines"?* 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 (sq ft)?*

Roadway Excavation and Placement:

This work will include site restoration and repairs, excavation of material, material transport, spoil placement, staking, and other materials. All material shall be excavated from within the road removal and low water crossings as specified in the Plans. All materials excavated shall be placed within the Project Construction Site limits in designated spoil disposal areas.

Installation of Geotextile Fabric:

This Work consists of supply, shipping, and installation of geotextile fabric.

Installation of FDOT #1 to FDOT #1 Coarse Aggregate:

This Work consists of supply, shipping, and installation of FDOT #1 to FDOT #2 Coarse Aggregate (approximately two inch (2") to four inch (4") diameter).

Installation of FDOT #2 to FDOT #5 Coarse Aggregate:

This Work consists of supply, shipping, and installation of FDOT #2 to FDOT #5 Coarse Aggregate (approximately two inch (2") to five inch (5") diameter).

Installation of 6"-8" Rock Apron:

This Work consists of supply, shipping, and installation of bedding stone rubble or cobbles in the six inch (6") – eight inch (8") with D50 of seven inches (7") Rock Apron.

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

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

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

NA

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.)*

NA

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.*

NA

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) 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.*

No dredging. Digging in the terrestrial environment will involve basic heavy equipment such as excavator or bulldozer.

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.)*

NA

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost fishing gear/debris]), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional Information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

NA

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)).*

NA

G. NOAA Species & Critical Habitat and Effects Determination Requested

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

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

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

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

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.

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)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

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

NLAA = may affect, not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the

Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

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

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

H. USFWS Species & Critical Habitat and Effects Determination Requested

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

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

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

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

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.

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)	**Determinations** (see definitions below)	**For "No Effect", please select justification.**
Piping Plover		Choose an item.	May Affect, Not Likely to Adversely Affect	Select Most Appropriate
Red Knot		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Gulf Sturgeon		Riverine/Freshwater	No Effect	No suitable habitat in action area
Green Sea Turtle		Terrestrial	No Effect	No suitable habitat in action area
Kemp's Ridley		Terrestrial	No Effect	No suitable habitat in action area
Leatherback Sea Turtle		Terrestrial	No Effect	No suitable habitat in action area

Loggerhead Sea Turtle		Terrestrial	No Effect	No suitable habitat in action area
West Indian Manatee		Choose an item.	No Effect	No suitable habitat in action area
Wood stork		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Eastern Indigo Snake		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Gopher Tortoise		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Chapman Rhododendron		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Florida Skullcap		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Godfrey's Butterwort		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
Telephus Spurge		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
White Birds-in-a-nest		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
St. Andrew Beach Mouse		Choose an item.	No Effect	No suitable habitat in action area
Monarch Butterfly		Choose an item.	May Affect, Not Likely to Adversely Affect	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

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

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

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

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

I. Effects of the proposed project to the species and actions to reduce impacts

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

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.

Birds and Insects (Charadrius melodus, Mycteria americana, Calidris canutus, Danaus plexippus)
Potential beneficial impacts include long-term permanent benefits from improved habitat quality in the project area and adjacent wetlands. Potential adverse short-term impacts may include ground disturbance during construction. Other short-term impacts could include disturbances to wildlife due to noise and the presence of equipment at construction sites and staging areas and work crews during construction. It is unlikely that red knots or piping plovers would be in the project area since there is no beach/shoreline habitat.

Reptiles (Drymarchon couperi, Gopherus polyphemus)
The beneficial impacts of this project are related to wetland areas so they are not likely to affect these species. Potential adverse short-term impacts include ground disturbance during construction. Other short-term impacts could include disturbances to wildlife due to noise and the presence of equipment at construction sites and staging areas and work crews during construction.

Flowering plants (Rhododendron chapmanii, Scutellaria floridana, Pinguicula ionantha, Euphorbia telephioides, Macbridea alba)
Potential adverse short-term impacts may include ground disturbance during construction.

II. *Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any conservation measures (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.*

Frequently Recommended BMPs: This checklist provides standard BMPs recommended by NOAA and USFWS. Please select any BMPs that will be implemented:

☐	**USFWS Standard Manatee In Water Conditions**

☐	**NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions**[1]
☐	**NMFS Measures for Reducing the Entrapment Risk to Protected Species**[1]
☐	**NFMS Vessel Strike Avoidance Measures and Reporting for Mariners**[1]

Additional BMPs or Conservation Measures

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

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

The contractor will be required to create a protection plan for all threatened or endangered species that could occur within the project site.

Birds (Charadrius melodus, Mycteria americana, Calidris canutus): The contractor is required to employ personnel familiar with protected birds for identification of species within the work area. No bald eagle nests are known to be within the project area but work will cease if a nest is discovered within 660' of the site.

Reptiles (Drymarchon couperi, Gopherus polyphemus): No burrows were detected during biological surveys of the project area but the contractor will be required to monitor for the presence of burrows. If burrows are detected in or near the project work area, work shall cease until the site can be evaluated for additional compliance/consultation requirements.

Flowering plants (Rhododendron chapmanii, Scutellaria floridana, Pinguicula ionantha, Euphorbia telephioides, Macbridea alba): Surveys of the proposed project locations were conducted February 9-11, 2021. Telephus spurge, Godfrey's butterwort, and Florida skullcap were observed within 300' of the project area but no protected species were observed in the designated project work area. If any of these species are encountered in the project area, work will cease and the area around the plants will be protected with flagging, tape, stakes, or other markings. Project managers will reinitiate consultation if these species are encountered in the project area.

J. Effects to critical habitats and actions to reduce impacts

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

I. *Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).*

Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

NA

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.*

[1] Documents can be found here: http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html

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.

NA

K. Marine Mammals

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

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

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

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

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

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

NA

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

☐	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines[2]
☐	NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions[3]
☐	NMFS Measures for Reducing the Entrapment Risk to Protected Species[3]
☐	NFMS Vessel Strike Avoidance Measures and Reporting for Mariners[3]
☐	Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign[3]

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

L. 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 discovered)

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: permitsR2MB@fws.gov
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: permitsR4MB@fws.gov

M. Request approval for use of NMFS PDCs for this project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic 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. Check "yes" for PDC categories that apply to the proposed project, and request PDC checklist from NMFS.

NO	YES	ACTIVITY
☐	☐	**Oyster Reef Creation and Enhancement**
☐	☐	**Marine Debris Removal**

[2] Documents can be found here: http://sero.nmfs.noaa.gov/protected_resources/outreach_and_education/index.html
[3] Documents can be found here: http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/index.html

☐	☐	**Construction of Living Shorelines**
☐	☐	**Marsh Creation and Enhancement**
☐	☐	**Construction of Non-Fishing Piers**

N. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation
Christy Fellas, National Oceanic Atmospheric Administration
Email: Christina.Fellas@noaa.gov
Phone: 727-551-5714

USFWS ESA § 7 Consultation
Michael Barron, Department of the Interior
Email: michael_barron@fws.gov
Phone: 251-421-7030

In Reply Refer To: June 29, 2022

2022-0037630 CCW FL Money Bayou

Memorandum

To: Marine Habitat Resource Specialist, Restoration Center, Office of Habitat Conservation, NOAA Fisheries, Saint Petersburg, FL

From: Division Supervisor, Environmental Review Catrina Martin Digitally signed by Catrina Martin Date: 2022.07.01 12:16:12 -05'00'

Subject: Informal Consultation for the proposed hydrology restoration project located in the Money Bayou tract of the St. Joseph Bay State Buffer Preserve, Florida

This memorandum acknowledges our receipt of your memorandum on June 24, 2022. This response is in accordance with Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA). We have reviewed your proposed project and concur with your June 24, 2022, determinations for endangered and threatened species, their critical habitat, and at-risk species (should they become listed). We based our concurrence on the justification below. Where more than one justification was applicable, multiple boxes are checked and additional comments are added.

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

Applicant has agreed to the following:

- The contractor is required to obtain coverage under the Florida Construction Generic Permit to discharge storm water from construction activities. The permit requires the contractor to prepare and follow a Storm Water Pollution Prevention Plan (SWPPP) and implement the appropriate best management practices to prevent the discharge of sediments from the project site.
- Staging areas will be on the road before or after the active construction area.
- The contractor will be required to create a protection plan for all threatened or endangered species that may occur within the project site.
- The contractor is required to employ personnel familiar with protected birds for identification of species within the work area.
- The contractor will be required to monitor for the presence of burrows. If burrows are detected in or near the project work area, work shall cease until the site can be evaluated for additional compliance/consultation requirements.

- If an ESA-listed plant species is encountered, work will cease and the area around the plant(s) will be protected with flagging, tape, stakes, or other markings.

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

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

If you have any questions regarding this project, please contact Laura Wright, Fish and Wildlife Biologist, at laura_wright@fws.gov or 850-769-0552.

Eric Vichich - NOAA Federal <eric.vichich@noaa.gov>

CCW Money Bayou - Section 106 Consultation

2 messages

Eric Vichich - NOAA Federal <eric.vichich@noaa.gov> Fri, Mar 5, 2021 at 5:07 PM
To: CompliancePermits@dos.myflorida.com

Good Afternoon,
Attached please find the Section 106 consultation letter and Technical Proposal which describes cultural resources survey plan for the RESTORE Connecting Coastal Waters Money Bayou project. We plan to submit the results of the survey once it is complete.

Thank you,
Eric

Eric J. Vichich
Marine Habitat Resource Specialist
NOAA Fisheries | Office of Habitat Conservation | Restoration Center
263 13th Avenue South, Saint Petersburg, FL 33701
727-452-5595

Money Bayou Section 106 Package signed.pdf
438K

Eric Vichich - NOAA Federal <eric.vichich@noaa.gov> Wed, Jun 9, 2021 at 10:35 AM
To: CompliancePermits@dos.myflorida.com
Cc: "Aldridge, Jason H." <Jason.Aldridge@dos.myflorida.com>

Good Morning,
Attached please find the completed archaeological survey report for the RESTORE Connecting Coastal Waters Money Bayou project location. Based on the survey results we have determined that the project will have no adverse effects on historic properties.
Respectfully,
Eric

Eric J. Vichich
Marine Habitat Resource Specialist
NOAA Fisheries | Office of Habitat Conservation | Restoration Center
263 13th Avenue South, Saint Petersburg, FL 33701
727-452-5595

[Quoted text hidden]

Money Bayou Archaeological Survey Report_5.21.21 small.pdf
13633K

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Florida Division of Historical Resources
Compliance and Review Section
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

Re: Section 106 Consultation – RESTORE Florida Connecting Coastal Waters Money Bayou Project

The National Oceanic and Atmospheric Administration (NOAA), in coordination with the St. Joseph Bay State Buffer Preserve, is proposing the "RESTORE Florida Connecting Coastal Waters – Money Bayou" project which qualifies as a federal undertaking as defined by 36 CFR Part 800.16(v). NOAA would like to initiate consultation under Section 106 of The National Historic Preservation Act with your office. The construction of roads within the Money Bayou tract of the St. Joseph Bay State Buffer Aquatic Preserve disrupted the natural flow of surface water within its wetlands. This has led to the degradation of critical habitats and flooded roads during heavy rain events. The Connecting Coastal Waters program aims to restore wetlands like these to their natural state. NOAA has received funding from the Gulf Coast Ecosystem Restoration Council to modify an existing road within Money Bayou with low water crossings (LWCs). By lowering the road and/or extending the low point of the road, historic surface water flows will be restored thereby improving the health and functionality of the wetlands.

The proposed Area of Potential Affect (APE) for this project will encompass all areas and soils likely to be disturbed during road modification. There are 14 locations being investigated as potential LWC sites. A map is included in the attached technical proposal. Several previous cultural resource surveys have been conducted in this general area. One known cultural resource site, 8GU00131, is located adjacent to the APE for this project. The eligibility of this site for inclusion in the National Register of Historic Places has not been determined. The scope of the archaeological survey is described in the attached technical proposal. Since this project and survey will occur on land owned by the State of Florida, a 1a-32 Department of State Archaeological Research Permit will be obtained prior to conducting the survey.

We look forward to consulting with your office through the development of this project. If you have any questions or would like to discuss the project further, please contact Mr. Eric Vichich, Marine Habitat Resource Specialist, at 727-452-5595 or eric.vichich@noaa.gov.

Sincerely,

VICHICH.ERIC.JON.1285560558 Digitally signed by VICHICH.ERIC.JON.1285560558 Date: 2021.03.05 17:01:18 -05'00'

Eric J. Vichich, Marine Habitat Resource Specialist

TECHNICAL PROPOSAL

for

"Phase I Archaeological Survey
for
RESTORE Florida Connecting Coastal Waters – Money Bayou"

Prepared by:

WSP USA Inc.
1001 Wade Avenue, Suite 400
Raleigh, NC 27605

2/23/2021

I. PROJECT TITLE AND LOCATION

Project Title: RESTORE Florida Connecting Coastal Waters – Money Bayou
Address: St. Joseph Bay State Buffer Preserve
NOAA Contract: WC-133F-17-CQ-0072
Task Order Number: 1305M2-20-F-NFFK-0154

II. PROJECT PURPOSE

A. The purpose of this project is to conduct an Archaeological Identification & Evaluation study at St. Joseph Bay State Buffer Preserve ahead of construction at 14 proposed low water crossings (LWC).
B. In accordance with the terms and conditions of the contract, WSP USA Inc. (WSP) (the contractor) shall perform the work for this Task Order as described herein.

III. PROJECT DESCRIPTION AND BACKROUND INFORMATION

A. Administrative Background

In October 2020 WSP prepared a desktop review of cultural resources located in the Money Bayou tract of the St. Joseph Bay State Buffer Preserve (hereafter "Project Site"). The cultural resource specialist who performed this work satisfies the Secretary of the Interior's Professional Qualifications standards as specified in 36 CFR 66.3(6)(2).

The Money Bayou basin includes over one thousand eight hundred (1,800) acres of estuarine and freshwater marsh interspersed with forested wetlands. Money Bayou drains directly to the Gulf of Mexico between Cape San Blas and St. Vincent Island. Money Bayou basin is now protected within the St. Joseph Bay State Buffer Preserve; however, extensive ditching, road construction, and fire plow lines were constructed across the basin. These alterations disrupt the area's natural hydrology, resulting in degraded wetlands, the loss of aquatic communities, and invasive plant species. The proposed project entails backfilling portions of the existing canals and restoring a more natural hydrological flow regime.

The first task for the cultural resource review was the development of an Area of Potential Effects (APE) for the Project Site. The recommended APE includes all areas and soils in the Money Bayou tract likely to be disturbed during construction of the proposed low water crossings (LWC). The APE consists of 14 locations that are being investigated as potential LWC locations and covers approximately 0.40 discontiguous linear miles (0.20 miles on each side of the roadway). Twelve potential LWCs are situated along Old Apalachicola Highway (referred to variously as Treasure Shores Road, Country Club Road, Buffer Preserve Road, and Port St. Joe Road on maps). The remaining two (2) potential LWCs are situated along Island Road. The proposed archaeological survey work includes shovel testing at each low water crossing.

The Archaeological Identification & Evaluation study of St. Josephs Bay Preserve, Money Bayou Tract, is needed to fulfill Section 106 of the 1966 National Historic Preservation Act, as amended (54 U.S.C. 306108), Executive Order 11593 (Protection and Enhancement of the Cultural Environment), the 1979 Archeological Resources Protection Act, as amended, and the FDHR *Management Procedures for Archaeological and Historical Sites and Properties on State-Owned or Controlled Propertie*s (revised March 2013). This project entails historic and archeological research and systematic scientific field investigation to locate, document, and evaluate archeological resources within the boundaries of the Project Site.

As the Preserve is on Florida state property, consultation with DHR Compliance and Review staff is needed in order to obtain the required 1A-32 Archaeological Research Permit for Fieldwork on State Lands prior to the start of work. NOAA, as the lead agency for Section 106 on the proposed project, will initiate that consultation and acquire the permit. A DHR consultation letter would contain specific language as to the extent of survey coverage required for this project. Providing DHR with this Scope of Work and Technical Proposal could advance that process. Permit requests must include a completed permit application form, a GIS shapefile of the project area (preferred) or a detailed map, a concise research design, resumes of the Principal Investigator and Field Director, and demonstration that all other required permits and permissions have been obtained.

B. Brief Historical and Archaeological Background

Previous archaeological surveys have resulted in the identification of 18 archaeological sites within the boundary of the Preserve; one site (8GU00006) sits at the periphery of the Preserve and is not included in its boundary. Of the 18 sites identified, 12 historic and prehistoric sites are located in the Money Bayou and Treasure Shores tracts. Of the sites identified, only one, Site 8GU00131, is located adjacent to the APE.

Based on mapping provided to WSP by Preserve staff and information about site location in the 2005 archaeological survey report of the St. Joseph Bay State Buffer Preserve, LWC locations 15b and 15c are situated at the approximate northern extent of Site 8GU00131 (Figure 1) (White 2005:237). The 2005 survey consisted of a pedestrian walkover only, with no subsurface testing; Additionally, management recommendations made by the archaeological consultant included "check the exposed road whenever you go through there" (White 2005:238). Specifically, White was referring to a previous alignment of Treasure Shores Road that veered south just past the location of proposed LWC 15c. The site was identified on the west side of the old road trace. The report further indicates that "turpentine workers lived all around the area of this site" (White 2005:98).

Figure 1. Location of Site 8GU00131 (from White 2005:237)

Prehistoric sites are common at Money Bayou. The majority of these sites contained pottery dating them generally to the Woodland Period. Five of the sites had historic components, and one site produced only historic artifacts. The historic sites date to the late nineteenth and early twentieth centuries. They are likely related to the past turpentine, cattle, and lumber industries that were once present on the land.

No standing structures are present in the APE. Review of available historic maps did not suggest that the land now part of the Preserve has ever been densely occupied. However, previous survey and oral history suggests that subsurface remains of the early twentieth century Turpentine Workers site may be present at the southeastern extent of the project area.

IV. RESEARCH DESIGN

A. Objectives

The purpose of this archaeological investigation will be to locate, identify and assess the eligibility of any archaeological resources within the APE, and evaluate their eligibility for inclusion in the National Register of Historic Places (NRHP) through the application of 36 CFR Part 60.4 criterion {a-d}. Evaluation of archaeological sites typically consists of establishing site integrity; integrity is

defined by the National Park Service (NPS) as "The ability of a property to convey its significance" (Little et al. 2000; Shrimpton and Andrus 1991). In the case of archaeological resources evaluated under 36 CFR Part 60.4 criterion {a-d}, characteristics that convey significance include location, design, materials, and association.

B. Background Research and Assessment

A WSP archaeologist who meets the Secretary of Interior's standards requested and received cultural resource documentation for review from the Florida Department of State Bureau of Historic Preservation, Florida Master Site File and staff from the Preserve in August 2020. Review included state site forms and previous survey reports. In addition, a WSP archaeologist conducted review of historic maps and other online resources.

All archeological fieldwork conducted on Florida state property is held to the highest standards and shall follow FDHR's *Management Procedures for Archaeological and Historical Sites and Properties on State-Owned or Controlled Properties* (revised March 2013) and the Cultural Resource Management Standards & Operational Manual.

C. Field Investigations

1. Property Access and Safety

Assuming that the area to be surveyed is owned by the State of Florida, WSP will ensure that the appropriate 1A-32 Archaeological Research Permit for Fieldwork on State Lands has been obtained prior to the start of work. The permit will be obtained by NOAA and a copy will be provided to WSP staff conducting the fieldwork.

WSP will develop a safety plan for the project that complies with all safety relevant standards specified by the Occupational Health and Safety Administration (OSHA). The plan will be signed by all project personnel and conformity will be monitored by the Principal Investigator and the Project Manager. WSP will provide all appropriate and recommended safety equipment to field personnel.

2. Visual Reconnaissance

The visual reconnaissance of the entire Study Area will be conducted. The objective of the reconnaissance is to assess the potential for archaeological resources in all portions of the APE. Cleared areas with good surface visibility are visually inspected for the presence of surface cultural materials or features. Animal burrows, tree falls, firebreaks, trails and paths, and erosion features also provide good opportunities for site discovery. Specific to this project, visual reconnaissance of the road and trails at the LWC locations will be conducted and the areas will be photographed.

3. Survey and Evaluation

Florida DHR requires that all archaeological High Probability Zones (HPZ) and Moderate Probability Zones (MPZ) are subjected to systematic subsurface testing at 25 meter (m) and 50 m intervals, respectively. In addition, at least 10 percent of the Low Probability Zones (LPZ) are tested at 100 m intervals. One of the factors affecting probability is proximity to a freshwater source: high probability areas consist of elevated land with well drained soils located within 100 meters of a freshwater source and moderate probability area consist of elevated land with well drained soils located within 100 to 300 meters of a freshwater source. Probability for the APE was based on a combination of review of proximity to freshwater sources, soil types present, and on a review of soil types on which previously recorded sites have been identified at the Preserve. Based on that review, it was determined that 64 percent, or nine, of the LWCs have a moderate probability for the presence of archaeological materials, and the remaining five LWCs have a low probability for the presence of archaeological materials (Table 1) (Figure 2). Moderate probability was determined by proximity to the nearest freshwater source, in this case all LWCs were 100 meters or more, and/or soil types (well drained, upland, etc.). Up to 16 shovel tests will be dug at 25 or 50 meter intervals at the moderate probability locations, dependent on their length and width. Based on observed soil conditions at the time of the survey, up to two shovel tests will be dug at each of the low probability crossing locations at 25 meter intervals or judgmentally; the 100 meter interval is too large to cover the size of the majority of the low probability LWC locations. Shovel tests will measure 0.5 meter in diameter and be excavated to a minimum depth of 1 meter. Under certain conditions (i.e., shallow bedrock, saturated soils, or dense modern fill) it may not be possible to penetrate that deeply.

TABLE 1. PROPOSED SHOVEL TEST NUMBERS AND ARCHAEOLOGICAL PROBABILITY IN THE APE

LWC	Approx. distance parallel to road (m)	Approx. Distance across road (m)	No. STPs at 50 m intervals	No. STPs at 25 m intervals	Probability
5	104	28.5	6		Moderate
6	107	34	6		Moderate
12	70	28.5		2	Low
42	61.5	30.5	4		Moderate
45	34	30		2	Low
43	31	30		4	Moderate
44	45	30		4	Moderate
29	210	120	16		Moderate
33	31	33		2	Low, ~130 m to Money Bayou but very poor soils
34	42	33	4		Moderate
35	50	30	4		Moderate
36	40	30		2	Low
15a	30	30		2	Low
15b-15c	190	30	8		Moderate
			48	18	
			+20% radials		
Total	1045.5 meters		79		

The testing interval will be reduced to 10 meters when a positive shovel test in encountered and additional radial shovel tests will be excavated in a cruciform pattern around the positive shovel test.

Site boundaries will be defined based on shovel tests, the distributions of surface artifacts, or natural barriers that would have prevented habitation. Per DHR guidelines site limits are not "chased" far from the project area limits; focus will be on defining the site limits as contained within the APE.

Figure 2. Showing LWC locations (red) and soil locations with moderate probability for the presence of archaeological material (blue) (ESRI Google Earth image dated 4/7/2019)

Should shovel testing be insufficient to make a NRHP eligibility determination and the FL SHPO deems it necessary, archaeological sites will be evaluated by the excavation of 1x1-meter test units to assess subsurface integrity and artifact density at the site. Up to two (2) test units may be excavated. Test units will be excavated by arbitrary four inch (10 centimeter) levels within natural strata until culturally sterile subsoils are encountered or the OSHA-defined excavation limits are reached. Excavated soil from shovel test, test unit, and feature excavations will be screened through 0.25-inch (0.64-centimeter) hardware cloth.

All cultural material recovered during the investigation will be collected and bagged according to provenience (site, test unit, level, feature, etc.). A profile drawing will be completed and digital photographs will be taken from at least one wall of each test unit. All test units will be backfilled upon completion of fieldwork.

Features encountered during excavation will be treated as distinct analytical units. Each feature will be first mapped and photographed in planview, then bisected with one half removed by natural strata. Once this task is completed, the feature's configuration will be mapped in profile and photographed and the remaining half will be excavated. Feature dimensions, shape, soil color and texture, and artifacts recovered will be recorded on WSP standardized feature forms. If features, like refuse pits, are encountered, the fill material will be subjected to fine screening (wet or dry) and samples of the matrix will be taken for flotation processing to recover floral and faunal samples for analysis. WSP will consult with the Project Manager before submitting any samples. The cost of processing flotation samples is not included in this Scope of Work.

While all portions of the APE will be considered, it is anticipated that landscape and soil conditions could dictate that approximately one quarter of the locations (five LWCs) will not be suited to subsurface testing. This will be confirmed through visual inspection and excavation of up to two shovel tests. It is anticipated that no more than two (2) archaeological sites (more or less) will be discovered as a result of the investigation, no more than 79 shovel tests (inclusive of radials [20%]) will be excavated, and up to two (2) 1-meter x 1-meter units may be excavated. Individual or combined 1- meter x 1-meter test units may be placed to assess the subsurface integrity and artifact density on any newly identified sites. It is anticipated that this will be sufficient to fully comprehend the nature of the sites identified during the survey. It is anticipated that no more than 300 artifacts will be collected as a result of the survey. These are maximum anticipated quantities.

4. Site Mapping and Documentation

Investigations will include the preparation of site maps, if sites are encountered, along with testing maps showing the locations and results of shovel tests. These maps will illustrate the boundary of each site, if present, and shovel tests relative to prominent topographic and natural landmarks in the vicinity. The location of site boundaries, shovel tests, and test units will be recorded using a hand-held Global Positioning System (GPS) device with sub-meter accuracy. All shovel tests, test units, features, strata, levels, and sites will be designated uniquely and keyed to all photographs, drawings, and maps.

D. Laboratory Analysis and Artifact Curation

WSP will store and prepare all recovered artifacts according to state guidelines and in accordance with 36 CFR 79. All recovered artifacts, including floral and faunal remains, will be cleaned and conserved in a manner appropriate to assure their stability. Care will be taken to insure that any friable adhesions, including but not limited to eroded decorations, organic materials, pigments,

microfossils, etc., are appropriately treated prior to washing. Flotation samples will be retrieved, processed, and packaged appropriately according to light and heavy fractions. The processed samples will be included in the curated materials.

All diagnostic artifacts will be fully provenienced and labeled. The cultural and temporal affiliation, material of manufacture, style, function, and form of recovered artifacts will be identified to the fullest extent possible. These activities will take place at WSP's laboratory facility in Kansas City, Missouri. Artifacts will be prepared for curation according to the standards of the facility designated by NOAA to receive them. Costs related to curation are not included in this proposal or budget.

E. Additional Provisions

Should unmarked human burials or human skeletal remains be encountered during the investigation, including both non-Indian and Native American remains, the following actions will be taken, consistent with Chapter 872.05, F.S. (Offenses Concerning Dead Bodies and Graves), and the implementing rule for this law, Rule 1A-44, F.A.C. All excavation within the vicinity of human burial remains will be halted until district medical examiner (DME, or coroner) shall be notified. The DME will determine if the remains are the jurisdiction of the ME or the State Archaeologist. The State Archaeologist will designate an archaeologist and human skeletal analyst to examine the remains and report within 15 days as to their cultural and biological characteristics.

F. Technical Documentation

Upon completion of analysis, archaeological documentation conforming to the DHR and the Secretary of the Interior's standards for Intensive Archaeological Survey (*Federal Register* 44739) will be prepared presenting the results of the archaeological fieldwork and laboratory analysis, as well as NRHP eligibility recommendations for all archaeological sites discovered and evaluated, if any. All archaeological sites located during the survey will be given a permanent state site number. Completed FMSF archaeological site forms (Form HR6E06401-97 effective 3-1-97) and FMSF Survey Log Sheets (Form HR6E06610-97, effective 9-1-97) will be provided with the report. Draft and final versions will be prepared.

G. References

White, N. M. and Mary Beth Fitts
2001 Richardson's Hammock Site, 8Gu10, Gulf County, Florida: Report of the 2000 Archaeological Investigations. Report submitted to the Apalachicola National Estuarine Research Reserve, East Point, and to the Bureau of Archaeological Research, Division of Historical Resources, Tallahassee.

White, N. M., N. Rodriguez, C. Smith, and Mary Beth Fitts
2002 St. Joseph Bay Shell Middens Test Excavations, Richardson's Hammock Site, 8Gu10, and

Lighthouse Bayou site, 8Gu114. Gulf County, Florida, 2000-2002. University of South Florida, Department of Anthropology. Report to the Department of State, Division of Historical Resources, Tallahassee. 90 p. [Report ID 7702].

White, Nancy Marie
2005 Archaeological Survey of the St. Joseph Bay State Buffer Preserve, Gulf County, Florida. University of South Florida, Department of Anthropology. Report to the Apalachicola National Estuarine Research Reserve, East Point, and the Division of Historical Resources, Tallahassee.

2010 Archaeological Investigations at Gotier Hammock Mound (8Gu2) on St. Joseph Bay, Northwest Florida. University of South Florida, Department of Anthropology. Report to the St. Joe Company, the St. Joseph State Buffer Preserve, the Apalachicola National Estuarine Research Reserve, and the Florida Division of Historical Resources, Tallahassee.

United States Department of Agriculture, Natural Resources Conservation Service [USDA-NRCS]
Nd Beaufort County, Florida, Soil Survey (SSURGO) Database. United States Department of Agriculture, Natural Resources Conservation Service, Washington, D.C. Accessed online August 0220 at https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

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Section 106 Consultation - CCW Money Bayou Hydrologic Restoration

Danielle Simon <daniellesimon@semtribe.com> Thu, Jul 1, 2021 at 2:17 PM
To: Eric Vichich - NOAA Federal <eric.vichich@noaa.gov>
Cc: THPO Compliance <THPOCompliance@semtribe.com>

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July 1, 2021

Mr. Eric Vichich
Marine Habitat Resource Specialist

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Office of Habitat Conservation
Restoration Center
263 13th Avenue South
Saint Petersburg, FL 33701

Subject: Connecting Coastal Waters (CCW) Money Bayou Hydrologic Restoration

THPO Compliance Tracking Number: 0033321

In order to expedite the THPO review process:

1. Please correspond via email and provide documents as attachments,
2. Please send all emails to THPOCompliance@semtribe.com,

3. Please reference the THPO Compliance Tracking Number if one has been assigned.

Dear Mr. Vichich,

Thank you for contacting the Seminole Tribe of Florida – Tribal Historic Preservation Office (STOF-THPO) Compliance Section regarding *Connecting Coastal Waters (CCW) Money Bayou Hydrologic Restoration*.

The proposed undertaking does fall within the STOF Area of Interest. We have reviewed the documents that you supplied and completed our assessment pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) as amended and its implementing regulations (36 CFR 800). Provided archaeological site 8GU131 is avoided and will not be impacted by ground disturbing activities, we have no objections or other comments at this time. Please notify our office if any archaeological, historical, or burial resources are inadvertently discovered during project implementation and feel free to contact us with any questions or concerns.

Respectfully,

Danielle A. Simon, MA, RPA
Compliance Review Specialist

STOF-THPO, Compliance Review Section

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Email: daniellesimon@semtribe.com

From: Eric Vichich - NOAA Federal <eric.vichich@noaa.gov>
Sent: Wednesday, June 9, 2021 11:49 AM
To: THPO Compliance <THPOCompliance@semtribe.com>
Subject: Section 106 Consultation - CCW Money Bayou Hydrologic Restoration

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