Deepwater Horizon Oil Spill Natural Resource Damage Assessment

Florida Trustee Implementation Group

Final Phase V.4 Florida Coastal Access Project: Restoration Plan and Supplemental Environmental Assessment

JULY 2022

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Executive Summary

In the spring of 2010, the *Deepwater Horizon* (DWH) mobile drilling unit exploded, resulting in loss of life and a massive release of oil from the BP Exploration and Production Inc. (BP) Macondo well. Extensive response actions to prevent the oil from reaching sensitive resources were undertaken; however, many of these response actions had collateral impacts on the environment and natural resource services. The oil and other substances released from the well, in combination with the extensive response actions, together make up the DWH oil spill. Pursuant to the Oil Pollution Act (OPA), Title 33 United States Code (U.S.C.) § 2701 *et seq*., and the laws of individual affected states, federal and state agencies, Indian tribes, and foreign governments act as trustees on behalf of the public to assess injuries to natural resources and their services[1] that result from an oil spill incident, and to plan for restoration to compensate for those injuries. Under OPA, the Trustees conducted a natural resource damage assessment (NRDA) to assess the impacts of the DWH oil spill on natural resources and the services those resources provide and determine the type and amount of restoration needed to compensate the public for these impacts. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship (hereafter collectively referred to as "restoration").

Phase V.4 Florida Coastal Access Project: Restoration Plan and Supplemental Environmental Assessment

The Florida Trustee Implementation Group (FL TIG) is responsible for restoring natural resources and their services within the Florida Restoration Area that were injured by the DWH oil spill. The FL TIG includes Trustees from two state and four federal agencies: the Florida Department of Environmental Protection; the Florida Fish and Wildlife Conservation Commission; the United States Department of Commerce, represented by the National Oceanic and Atmospheric Administration; the United States Department of the Interior, represented by the United States Fish and Wildlife Service, National Park Service, and Bureau of Land Management; the United States Department of Agriculture; and the United States Environmental Protection Agency.

The FL TIG has prepared this Final Phase V.4 Florida Coastal Access Project: Restoration Plan and Supplemental Environmental Assessment (herein referred to as Phase V.4 RP/SEA, or "this document") to address, in part, recreational use losses in the Florida Restoration Area resulting from the DWH oil spill. The purpose of restoration, as discussed in this document, is to make the environment and the public whole by implementing restoration actions that return injured natural resources and their services to baseline conditions to compensate for interim losses, in accordance with OPA and consistent with associated OPA NRDA regulations. This document serves as the restoration plan (RP) under OPA and contains the associated Supplemental Environmental Assessment (SEA) for the fourth phase of the

[1] Services (or natural resource services) means the functions performed by a natural resource for the benefit of another natural resource and/or the public (15 C.F.R. § 990.30).

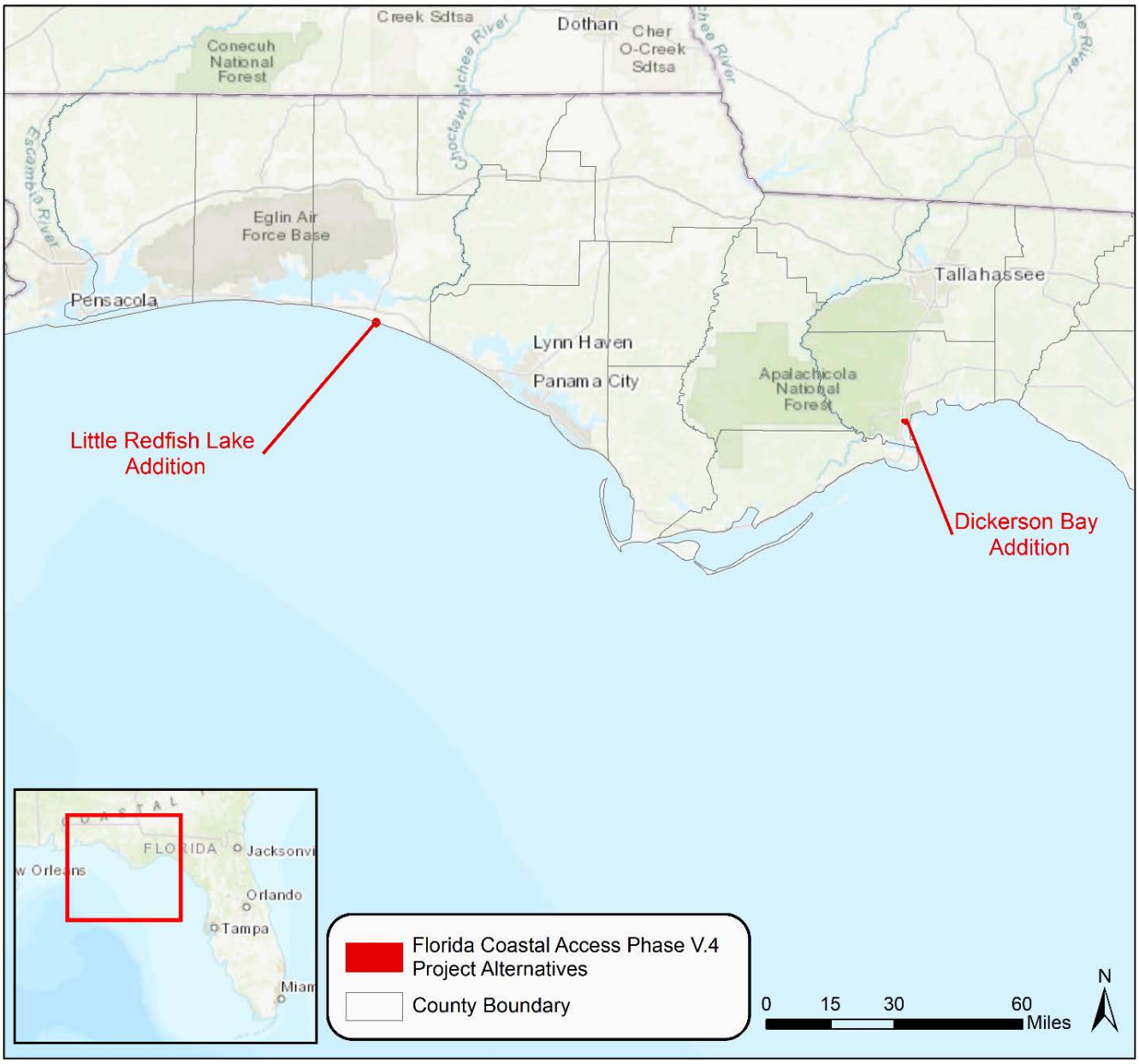
Florida Coastal Access Project under the National Environmental Policy Act of 1969 (NEPA), continuing the restoration planning process begun prior to the settlement of the DWH oil spill NRDA.

Analyses of alternatives were conducted in the previous phases of the Florida Coastal Access Project and are incorporated by reference and summarized herein. In this document, the FL TIG evaluates two action alternatives, the Little Redfish Lake Addition and the Dickerson Bay Addition (Figure ES-1), as well as the No Action alternative. The preferred action alternative, the Dickerson Bay Addition, includes the acquisition of an undeveloped coastal inholding parcel in Wakulla County within the St. Marks National Wildlife Refuge's approved acquisition boundary, which will enhance the public's access to the surrounding natural resources and increase recreational opportunities. Additional details are provided in Chapter 2, the OPA NRDA evaluation is provided in Chapter 3, and the NEPA supplemental environmental assessment is provided in Chapter 4. Based on the OPA and NEPA evaluations, the FL TIG identified the implementation of the proposed action, the Dickerson Bay Addition, as the preferred alternative and has selected this alternative for funding.

Public Participation in This Document

The draft Phase V.4 RP/SEA was available to the public for a 32-day comment period from April 18, 2022 to May 20, 2022. During the comment period, the Trustees hosted a virtual public meeting on May 10, 2022, and an in-person public meeting in Panacea, Florida on May 12, 2022. Public comments were accepted verbally during the public meetings, and comments were also accepted through U.S. Mail and a web-based comment submission site. Chapter 1 of this Phase V.4 RP/SEA provides further detail on the public comment process and Chapter 5 provides a summary of the public comments received and the FL TIG's responses to those comments.

Figure ES-1. Location of the proposed action alternatives



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List of Abbreviations and Acronyms

Acronym	Definition
AR	Administrative Record
BMPs	Best Management Practices
BP	BP Exploration and Production Inc.
CEQ	Council on Environmental Quality
CH	Critical Habitat
CWA	Clean Water Act
DOI	United States Department of the Interior
DWH	*Deepwater Horizon*
EA	Environmental Assessment
EFH	Essential Fish Habitat
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FDEP	Florida Department of Environmental Protection
FEMA	Federal Emergency Management Agency
FL TIG	Florida Trustee Implementation Group
FONSI	Finding of No Significant Impact
FWC	Florida Fish and Wildlife Conservation Commission
GEBF	Gulf Environmental Benefit Fund
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act of 1969
NFWF	National Fish and Wildlife Foundation
NHPA	National Historic Preservation Act of 1966, as amended
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NPS	National Park Service
NRDA	Natural Resource Damage Assessment
OPA	Oil Pollution Act
PDARP/PEIS	*Deepwater Horizon* Oil Spill: Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement
Phase III ERP/PEIS	Final Programmatic and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement
Phase V ERP/EA	Phase V Early Restoration Plan and Environmental Assessment
Phase V.2 RP/SEA	Phase V.2 Florida Coastal Access Project: Final Restoration Plan and Supplemental Environmental Assessment
Phase V.3 RP/SEA	Phase V.3 Florida Coastal Access Project: Final Restoration Plan and Supplemental Environmental Assessment
Phase V.4 RP/SEA	Final Phase V.4 Florida Coastal Access Project: Restoration Plan and Supplemental Environmental Assessment
RESTORE	Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States
ROD	Record of Decision
RP	Restoration Plan
SEA	Supplemental Environmental Assessment
TPL	Trust for Public Land
U.S.C.	United States Code
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

Chapter 1. Introduction and Background

The Florida Trustee Implementation Group (FL TIG) has prepared this restoration plan and supplemental environmental assessment and finding of no significant impact (FONSI) analyzing a reasonable range of alternatives that would implement the fourth phase of the Florida Coastal Access Project,[2] which was selected as part of Phase V of Early Restoration (Phase V.4 RP/SEA). Through this document, the FL TIG continues restoration planning to address a portion of the lost recreational use in the Florida Restoration Area that occurred as a result of the *Deepwater Horizon* (DWH) oil spill and informs the public about the DWH Natural Resource Damage Assessment (NRDA) restoration planning efforts and the reasonable range of alternatives evaluated in this phase of the Florida Coastal Access project. Upon consideration of public comment, the FL TIG selects its preferred alternative, the Dickerson Bay Addition, for funding and implementation. This document was prepared in accordance with the *Deepwater Horizon* Oil Spill: Programmatic and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement (Phase III ERP/PEIS; DWH Trustees 2014)[3], the *Deepwater Horizon* Oil Spill: Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS; DWH Trustees 2016a) and the Record of Decision (ROD)[4], the Oil Pollution Act of 1990 (OPA), the OPA NRDA regulations, and the National Environmental Policy Act of 1969 (NEPA).

1.1 Background and Summary of Settlement

On April 20, 2010, the DWH mobile drilling unit exploded, caught fire, and eventually sank in the Gulf of Mexico (Gulf), resulting in a massive release of oil from BP Exploration and Production, Inc.'s (BP) Macondo well. Initial efforts to cap the well were unsuccessful and oil spread from the deep ocean to the surface and nearshore environment from Texas to Florida, coming into contact with and injuring a diverse array of natural resources. Extensive response actions, including cleanup activities and actions to prevent the oil from reaching sensitive resources, were undertaken; however, many of these activities had collateral impacts on the environment and natural resource services. The breadth of injuries incurred from the incident are described in Chapter 4 of the PDARP/PEIS.

Under the authority of OPA, a council of federal and state trustees (Trustees[5]) was established to assess natural resource injuries resulting from the DWH incident and to work to make the environment and public whole for those injuries. On April 20, 2011, BP agreed to provide up to $1 billion toward Early

[2] Information on the Florida Coastal Access Project is available at www.gulfspillrestoration.noaa.gov/project?id=65
[3] Phase III ERP/PEIS and the ROD are available at www.gulfspillrestoration.noaa.gov/restoration/early-restoration/phase-iii
[4] The PDARP/PEIS is available at: www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan.
[5] The Trustees are the entities authorized under OPA to act on behalf of the public to assess the natural resource injuries resulting from the DWH oil spill and to develop and implement project-specific restoration plans to compensate for those injuries. Together with the members of the FL TIG, state Trustees authorized by the governors of Alabama, Louisiana, Mississippi, and Texas compose, as a whole, the Trustees.

Restoration projects in the Gulf to address injuries to natural resources caused by the DWH oil spill.[6] In accordance with OPA NRDA regulations, in February 2016, the Trustees issued the PDARP/PEIS and subsequent ROD detailing a specific proposed plan to fund and implement restoration projects across the Gulf with available restoration funds over a 15-year period. In April 2016, the United States District Court for the Eastern District of Louisiana entered a Consent Decree resolving civil claims by the Trustees against BP arising from the DWH oil spill. The PDARP/PEIS sets forth the process for DWH restoration planning to select specific projects for implementation, including outlining programmatic Restoration Goals and Restoration Types (see Figure 5.4-1 of the PDARP/PEIS). The PDARP/PEIS also establishes a distributed governance structure that assigns a TIG for each of the eight Restoration Areas.[7] The FL TIG makes all restoration decisions for the funding allocated to the Florida Restoration Area. The FL TIG comprises Trustees from two state and four federal agencies: the Florida Department of Environmental Protection (FDEP) and the Florida Fish and Wildlife Conservation Commission (FWC); the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of the Interior (DOI), U.S. Department of Agriculture (USDA), and U.S. Environmental Protection Agency (EPA). Chapter 7 of the PDARP/PEIS provides detailed information on the Trustees and the TIG governance structure. The PDARP/PEIS, ROD, and Consent Decree can be found on the DWH Trustee website.[8]

1.2 Restoration Planning by the Florida Trustee Implementation Group

Restoration planning for the DWH oil spill began in Florida on April 20, 2011, as part of the Early Restoration Framework Agreement. The Phase III ERP/PEIS was prepared in 2014 by the DWH Trustees to analyze the environmental impacts from the implementation of a suite of Early Restoration projects (DWH Trustees 2014). There were five phases of Early Restoration planning, and the Florida Coastal Access Project, continued in this Phase V.4 RP/SEA, was selected for implementation as part of Phase V of Early Restoration.

The 2016 *Deepwater Horizon* Oil Spill Phase V Early Restoration Plan and Environmental Assessment (Phase V ERP/EA; DWH Trustees 2016b), Phase V.2 Florida Coastal Access Project: Final Restoration Plan and Supplemental Environmental Assessment (Phase V.2 RP/SEA; FL TIG 2018), and Phase V.3 Florida Coastal Access Project: Final Restoration Plan and Supplemental Environmental Assessment (Phase V.3 RP/SEA; FL TIG 2019a) include analyses and funding for the first three phases of the Florida Coastal Access Project, and are all incorporated herein by reference, and summarized in Chapters 3 and 4.[9] The

[6] The Early Restoration Framework Agreement can be found at www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/2011/05/framework-for-early-restoration-04212011.pdf

[7] Restoration Areas: Unknown Conditions, Regionwide, Open Ocean, Alabama, Florida, Louisiana, Mississippi, and Texas.

[8] DWH Trustee website: www.gulfspillrestoration.noaa.gov

[9] 40 C.F.R. §1502.21 states "Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described." The Phase V ERP/EA contains information on the Early Restoration process and the first phase of the Florida Coastal Access Project,

NEPA analysis of the first action of the Florida Coastal Access Project in the Phase V ERP/EA was tiered[10] from the Phase III ERP/PEIS.

The Florida Coastal Access Project was allocated approximately $45.4 million in Early Restoration funds. The first three phases of the project involved the acquisition and/or enhancement of six coastal project locations. This document fulfills the Trustees' intent to describe and evaluate any additional restoration utilizing funds in the same manner and using the same criteria as described in the Phase V ERP/EA and in accordance with OPA, NEPA, and other applicable laws (Table 1-1).

Table 1-1. Summary of Florida Restoration Area DWH settlement funds for the Provide and Enhance Recreational Opportunities Restoration Type, including funds allocated to Early Restoration and Post Settlement projects

Restoration Type	Total FL TIG Settlement Funds	Funds Allocated to Restoration Planning	Funds Allocated to Early Restoration Projects	Funds Allocated to RP1 & RP2 Projects	Funds Proposed in this Phase V.4 RP/SEA	Funds Remaining
Provide and Enhance Recreational Opportunities	$183,817,680	$328,444	$105,456,446	$60,799,228	$685,000	$16,548,562

1.3 Oil Pollution Act and National Environmental Policy Act Compliance

As an oil pollution incident, the DWH oil spill is subject to the provisions of OPA (33 U.S.C. § 2701 *et seq*.). A primary goal of OPA is to make the environment and public whole for injuries to natural resources and services resulting from an incident involving an oil discharge or substantial threat of an oil discharge.

Federal trustees must comply with NEPA, 42 U.S.C. § 4321 *et seq*., its regulations, 40 C.F.R. § 1500 *et seq*., and agency specific NEPA procedures when proposing restoration projects. NEPA requires federal agencies to consider the potential environmental impacts of planned actions.

DOI is the lead federal Trustee for preparing this Phase V.4 RP/SEA pursuant to NEPA (40 CFR § 1501.5). The other federal and state Trustees of the FL TIG are acting as cooperating agencies for the purposes of compliance with NEPA in the development of this document (40 CFR §1501.6 and 1508.5). Each federal cooperating agency reviewed the analysis for adequacy in meeting the standards set forth in its own

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available at www.gulfspillrestoration.noaa.gov/restoration-planning/phase-v; the Phase V.2 RP/SEA contains information on the second phase and is available at www.gulfspillrestoration.noaa.gov/sites/default/files/2018_02_FL_TIG_Final%20Phase%20V.2%20RP-SEA.pdf; the Phase V.3 RP/SEA contains information on the third phase and is available at www.gulfspillrestoration.noaa.gov/sites/default/files/2019-09%20FL%20Final%20Phase%20V.3%20Navarre%20Addition%20RPSEA%20and%20FONSI.pdf.

[10] When a federal agency prepares a programmatic NEPA analysis, such as a PEIS, the agency may "tier" subsequent, narrower environmental analyses on site-specific plans or projects from the programmatic analysis (40 C.F.R. § 1502.4(b); 40 C.F.R. §1508.28).

NEPA implementing procedures and subsequently adopts the NEPA analysis (40 CFR §1506.3). Adoption of the SEA is completed via signatures on the FONSI (Appendix C).

This document provides NEPA analysis for the fourth phase of the Florida Coastal Access Project by supplementing the NEPA analyses for the first, second, and third phases of the project discussed in the Phase V ERP/EA, Phase V.2 RP/SEA, and Phase V.3 RP/SEA, respectively. The CEQ and DOI regulations (40 C.F.R. § 1502.9(c) and 43 C.F.R. §§ 46.120, 46.320(b and c)) provide that, when a proposed action differs from the proposed action described in an existing EA, an agency may augment the EA to make it consistent with the proposed action. The supplemental NEPA analysis provided in this document augments the applicable analyses in the Phase V ERP/EA, Phase V.2 RP/SEA, and Phase V.3 RP/SEA, which are also incorporated by reference. This supplemental analysis considers any additional environmental impacts that would result from this phase that were not described and analyzed in the previous restoration plans.

More information about OPA and NEPA, as well as their application to DWH oil spill restoration planning, can be found in Chapters 5 and 6 of the PDARP/PEIS[11]; applications to Early Restoration can be found in Chapters 1 through 3 of the Phase V ERP/EA.

1.4 Restoration Purpose and Need

The FL TIG has undertaken this restoration planning effort as an additional step toward meeting the purpose of contributing to the compensation for and restoration of natural resources and their services injured in the Florida Restoration Area as a result of the DWH oil spill. The purpose of the proposed action alternative is to restore a portion of the lost recreational use in Florida due to the DWH oil spill, consistent with the Phase V ERP/EA (DWH Trustees 2016b) and the PDARP/PEIS (DWH Trustees 2016a). A summary of the DWH oil spill-related recreational use losses is provided in Section 2.1 of this document and in Section 4.10 of the PDARP/PEIS. The Trustees initiated recreational use restoration under the Framework Agreement with an emphasis on infrastructure and improving fishing access. In Phase V, Phase V.2, and Phase V.3, access to natural resources was increased through land acquisition including recreational infrastructure improvements in Florida.

1.5 Proposed Action: Fourth Phase of the Florida Coastal Access Project

To meet the above stated purpose and need, the FL TIG proposes to implement the fourth phase of the Florida Coastal Access Project through its preferred alternative, the Dickerson Bay Addition, to provide partial compensatory restoration of lost recreational use in Florida. The preferred alternative consists of the acquisition of one approximately 114-acre undeveloped coastal inholding parcel in Wakulla County and minor restoration and recreational enhancement activities within the approved acquisition boundary of the St. Marks National Wildlife Refuge (St. Marks NWR; Figure 1-1). The proposed action

[11] Chapters 5 and 6 of the PDARP/PEIS are available at www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-5_Restoring-Natural-Resources_508.pdf and www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf

continues implementation of the Florida Coastal Access Project that was described, analyzed, and approved in Phase V of Early Restoration to continue to fulfill the commitment made to the public in Phase V of Early Restoration. The proposed action is also consistent with the PDARP/PEIS programmatic goal to "Provide and Enhance Recreational Opportunities" through the restoration approach "Enhance public access to natural resources for recreational use."

The FL TIG has selected the preferred alternative for funding and implementation. This alternative will be co-implemented by the FDEP and DOI FL TIG Trustees. As with the previous phases of the Florida Coastal Access Project, the purchase of the Dickerson Bay Addition parcel will be achieved via a partnership between the FL TIG and The Trust for Public Land (TPL). TPL is a non-profit organization working to create parks and protect land for the benefit of the public. TPL holds an option agreement to purchase the parcel and TPL will purchase the land on behalf of the FL TIG. The property will then be donated to St. Marks NWR and managed as such. Implementation of minor restoration and recreational enhancement activities (described in detail in Chapter 2) will be coordinated with St. Marks NWR staff. The proposed purchase and addition to St. Marks NWR will provide the public with greater access to the natural resources in and near Dickerson Bay for recreational purposes such as hiking, wildlife viewing, and biking. The approximate project cost is $685,000. The proposed action will increase the current budget for the Florida Coastal Access Project from $46.5 million to $47.2 million.

Additional details on the proposed action are provided in Chapter 2. The analyses of alternatives from the earlier projects of the Florida Coastal Access Project are incorporated by reference herein and are summarized in Chapter 3 (OPA NRDA Evaluation) and Chapter 4 (NEPA Analysis).

1.6 Alternatives to the Proposed Action

1.6.1 Little Redfish Lake Addition

The FL TIG also evaluated a non-preferred alternative, the Little Redfish Lake Addition. This 7.06-acre property in Walton County was evaluated in previous phases of the Florida Coastal Access Project and remains a viable alternative.

1.6.2 Natural Recovery/No Action

Under the Natural Recovery/No Action Alternative, the FL TIG would not select and implement either of the action alternatives, and this phase of the project would not be implemented. The privately owned properties could ultimately be sold for other purposes. The funds not utilized on these action alternatives would remain for future restoration opportunities.

In the PDARP/PEIS, the Trustees analyzed the Natural Recovery/No Action Alternative programmatically (Section 3.7, DWH Trustees 2016a) and found that it would not meet the purpose and need of restoring lost natural resources and their services. Pursuant to NEPA, a No Action Alternative is included as "a benchmark, enabling decision-makers to compare the magnitude of environmental effects of the action alternatives (40 C.F.R. § 1502.14(d)).

Figure 1-1. Location of the preferred alternative, Dickerson Bay Addition

1.7 Coordination with Other Gulf Restoration Programs

As discussed in Section 1.5.6 of the PDARP/PEIS, coordination with other Gulf restoration programs promotes successful implementation of restoration projects and optimizes ecosystem recovery. During the course of the restoration planning process, the FL TIG has coordinated and will continue to coordinate with other DWH oil spill and Gulf restoration programs, including the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) program and the National Fish and Wildlife Foundation (NFWF) Gulf Environmental Benefit Fund (GEBF). The FL TIG hopes to develop synergies with these programs to ensure effective use of funds and to achieve maximum benefit to natural resources in Florida.

For example, two other restoration projects are being conducted in the area to improve habitats in Wakulla County. The St. Marks NWR Saltmarsh Restoration – Phase 1 project[12], funded through the NFWF GEBF, is developing the engineering and design plans to restore up to 28 acres of salt marsh habitat along the St. Marks River and within St. Marks NWR by removing leftover dredge island materials. The FL TIG's St. Marks NWR Coastal Trail Connection, Spring Creek to Port Leon project[13] aims to improve access to and complete the Florida National Scenic Trail that runs through St. Marks NWR and will provide connectivity, infrastructure, access, and educational benefits to the surrounding ecosystem and the people using the trails.

1.8 Public Involvement

1.8.1 Public Involvement in the Florida Coastal Access Project

The public comment period for the first action of the Florida Coastal Access Project proposed in the draft Phase V ERP/EA opened on December 1, 2015 and closed on December 31, 2015 (80 Fed. Reg. 75126-75128; December 1, 2015). During that time, the DWH Trustees (the TIGs had not been established yet) hosted one public meeting in Panama City, Florida on December 14, 2015. At the public meeting, the Trustees accepted written and oral comments that were recorded by a court reporter. In addition, the Trustees hosted a web-based comment submission site and provided a P.O. Box and email address as other means for the public to provide comments. A summary of the comments and Trustee responses can be found in Chapter 4 of the Phase V ERP/EA (DWH Trustees 2016b).

The public comment period for the second action of the Florida Coastal Access Project proposed in the draft Phase V.2 RP/SEA opened on November 8, 2017 and closed on December 8, 2017 (82 Fed. Reg. 51858-51860; November 8, 2017). On November 16, 2017, the FL TIG hosted a public meeting in Port St. Joe, Gulf County. As with the draft Phase V ERP/EA, the FL TIG accepted written and oral comments at the public meeting, hosted a web-based comment submission site, and provided a P.O. Box for

[12] Information on the St. Marks NWR Saltmarsh Restoration – Phase 1 project is available at www.nfwf.org/sites/default/files/2020-04/fl-st-marks-i-19.pdf

[13] Information on the St. Marks NWR Coastal Trail Connection project is available at www.gulfspillrestoration.noaa.gov/project?id=207

comments submitted through U.S. Mail. A summary of the comments and FL TIG responses are provided in Chapter 6 of the Phase V.2 RP/SEA (FL TIG 2018).

The public comment period for the third action of the Florida Coastal Access Project proposed in the draft Phase V.3 RP/SEA opened on June 21, 2019 and closed on July 22, 2019 (84 Fed. Reg. 29231-29232; June 21, 2019). During that time, the FL TIG hosted a public meeting in Navarre, Florida. The FL TIG accepted written and oral comments at the public meeting, hosted a web-based comment submission site, and provided a P.O. Box for comments submitted through U.S. Mail. A summary of the comments and FL TIG responses are provided in Chapter 6 of the Phase V.3 RP/SEA.

1.8.2 Public Involvement in this Final Phase V.4 Florida Coastal Access Project: Restoration Plan and Supplemental Environmental Assessment

The draft Phase V.4 RP/SEA was available for public review and comment from April 18, 2022 to May 20, 2022. During the public comment period, the FL TIG accepted written comments through a web-based comment submission site (www.gulfspillrestoration.noaa.gov/restoration-areas/florida) and through U.S. Mail. The FL TIG also hosted two public meetings, one virtual meeting on May 10, 2022 and an in-person meeting at the Panacea Community Center in Panacea, Florida on May 12, 2022 to facilitate the public review and comment process. The FL TIG accepted verbal comments at both public meetings and also accepted written comments at the in-person meeting. The presentation from the public meeting is available on www.gulfspillrestoration.gov.

The FL TIG received nine comments on the draft Phase V.4 RP/SEA. The FL TIG considered the public comments received in finalizing this document. Chapter 5 of this document provides a summary of the public comments received on the draft Phase V.4 RP/SEA and the FL TIG's response to those comments. This document reflects revisions to the draft Phase V.4 RP/SEA based on updates from the FL TIG on compliance with other laws and regulations; no changes were necessary from the public comments.

1.9 Administrative Record

The Trustees opened a publicly available Administrative Record (AR) for the DWH oil spill NRDA,[14] including restoration planning activities, concurrently with publication of the 2010 Notice of Intent (NOI; pursuant to 15 C.F.R. § 990.45). DOI is the lead federal Trustee for maintaining the AR.

Information about restoration project implementation is being provided to the public through the AR and other outreach efforts, including the Florida DWH and DWH Trustee websites.

[14] The AR can be found at www.doi.gov/deepwaterhorizon/adminrecord.

Chapter 2. Restoration Planning Process and Restoration Alternatives

As described in Chapter 1, this Phase V.4 RP/SEA continues the restoration planning process begun prior to the settlement of the DWH oil spill NRDA. Previous steps in this process included evaluating natural resource injuries and service losses resulting from the DWH oil spill, selecting and implementing pre-settlement restoration projects as part of Early Restoration undertaken jointly by the DWH Trustees and BP, and planning for programmatic restoration as part of the PDARP/PEIS (DWH Trustees 2016a). Upon completion of the settlement with BP, the DWH Trustees created the FL TIG to implement comprehensive DWH restoration planning in the Florida Restoration Area.

2.1 Summary of Recreational Use Injury Addressed

The proposed alternative considered in this document is intended to partially compensate for DWH oil spill-related recreational use losses in Florida. The DWH oil spill resulted in losses to the public's use of natural resources for outdoor recreation, such as boating, fishing, going to the beach, and generally using and enjoying the Gulf's environment. Recreational losses in Florida have been partially addressed through Early Restoration projects, which includes the funding allocated to the Florida Coastal Access Project in Phase V of Early Restoration. In addition to the Early Restoration projects selected in Florida, the FL TIG has selected several recreational use projects to restore a portion of the recreational use losses in Florida in the FL TIG's first and second post-settlement restoration plans.[15] Additional detail on the injury assessment for recreational use losses is provided in Chapter 4 of the PDARP/PEIS.

2.2 Restoration Context and Current Status of the Florida Coastal Access Project

Early Restoration funds included $45.4 million allocated to the Florida Coastal Access Project. The first phase of the project provided for the acquisition and/or creation and enhancement of four waterfront parks: Innerarity Point Park, Captain Leonard Destin Park, Lynn Haven Bayou Park and Preserve, and Island View Park. The second phase of the project provided for the acquisition and enhancement of one waterfront parcel, the Salinas Park Addition, and the third phase provided for the acquisition of one waterfront parcel, the Navarre Beach Marine Park Addition. The acquisitions (and recreational enhancements, where applicable) for each of the first three phases of the project have been completed; however, operations and maintenance continue for some of the parks. The locations of each of the sites from the previous phases of the Florida Coastal Access Project are shown in Figure 2-1. Information on the status and a summary of funds obligated and expended on the Florida Coastal Access project can be found on the DWH Trustee website.[16]

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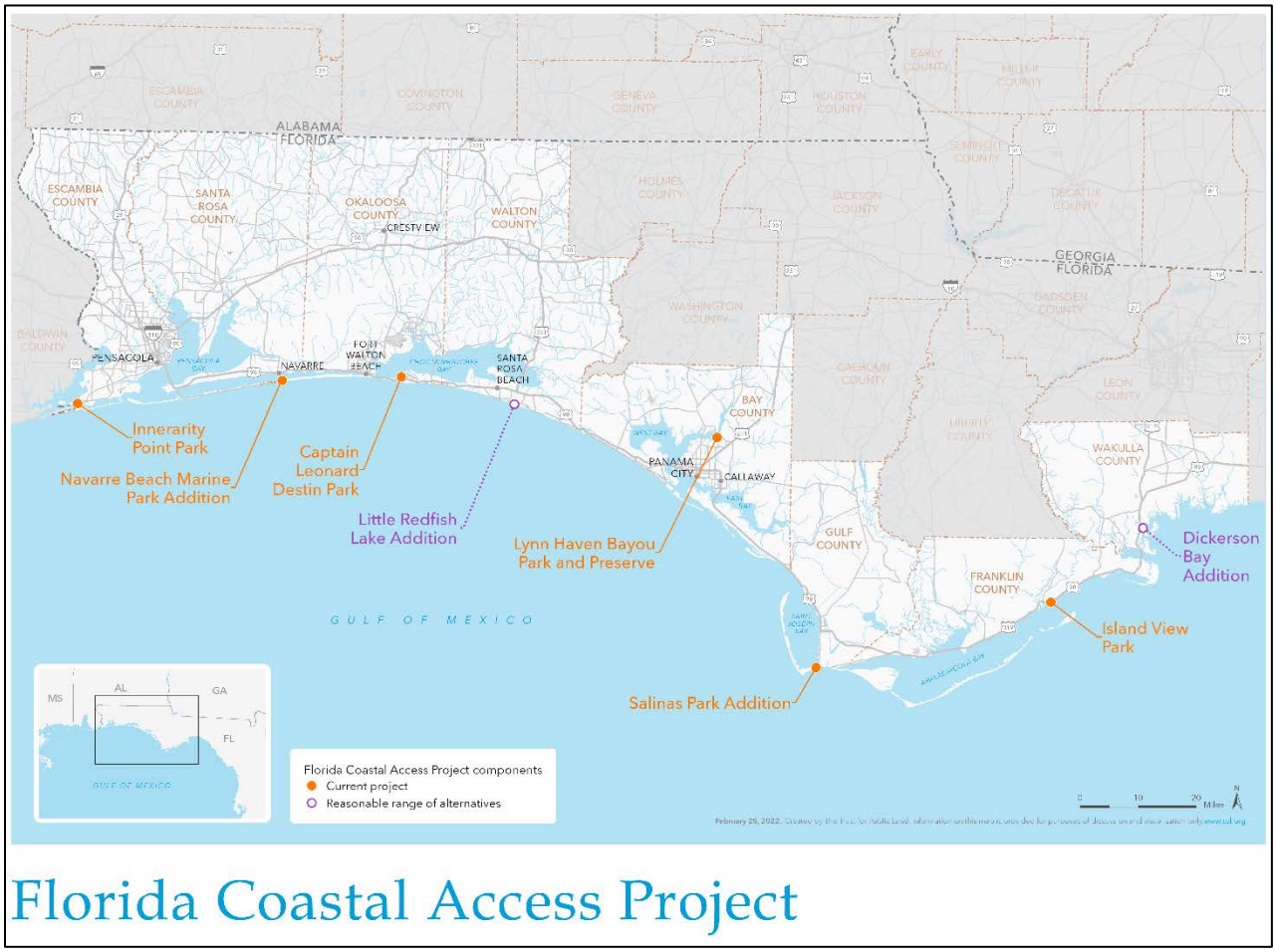
[15] The FL TIG's first and second post-settlement restoration plans are available at www.gulfspillrestoration.noaa.gov/2019/03/florida-trustees-approve-final-restoration-plan-1 and www.gulfspillrestoration.noaa.gov/2021/06/florida-trustee-group-approves-18-projects-62-million-restoration-plan respectively.

[16] Available at www.gulfspillrestoration.noaa.gov/project?id=65

For this fourth phase of the Florida Coastal Access Project, the FL TIG is evaluating two action alternatives, the Little Redfish Lake Addition and the Dickerson Bay Addition (Figure 1-1), and the No Action alternative.

Figure 2-1. Location of existing Florida Coastal Access projects (orange font) and the alternatives evaluated in this document (purple font)



2.3 Screening Process for Alternatives

The Early Restoration project selection process included project solicitation and screening in addition to negotiations with BP, evaluation, and environmental reviews of proposed projects under OPA and NEPA, and public review and comment. This process resulted in the Trustees and BP agreeing to the Florida Coastal Access Project for incorporation into the Phase V ERP/EA for public review and comment.

As part of planning for the Florida Coastal Access Project, the Trustees identified potential alternatives from many sources, including but not limited to: project submissions to the state project portal; and Gulf restoration reports, research, management plans, and related efforts. FDEP and FWC hosted meetings to inform the public about the DWH NRDA process, and in particular, the Early Restoration process. As part of these meetings, the Trustees solicited specific ideas that could be implemented as

part of the Early Restoration process. In addition to the public meetings, FDEP also set up a website, where members of the public could submit and view restoration proposals.[17] When identifying potential Early Restoration projects, the Trustees only considered projects within the limited geographic area of the eight coastal counties of the Panhandle region (Escambia – Wakulla County), the area that was impacted by response and Shoreline Cleanup Assessment Technique activities related to the DWH oil spill. This process led to the selection of the alternatives considered in each phase of the Florida Coastal Access Project.

To select the specific alternatives for consideration in this phase, the FL TIG evaluated the compiled list of proposals for properties for potential acquisition and assessed the willingness of property owners to sell; the cost; political and civic conditions; approximate property value, size, and configurations; habitat conditions; and proximity to existing parks. Through this process, the FL TIG identified three action alternatives for consideration in this document, one that was considered but not evaluated further (see Section 2.4) and two action alternatives evaluated as part of the reasonable range of alternatives (see Section 2.5).

The screening process to select specific alternatives for this project is also described in the Phase V ERP/EA, Phase V.2 RP/SEA and Phase V.3 RP/SEA and is incorporated by reference herein.

2.4 Alternative Not Considered for Further Evaluation in this RP/SEA

Through the screening process described above, the FL TIG identified one property as a potential alternative that was not evaluated further in this document. The property is a 12-acre parcel near Panacea, Florida locally known as the Bottoms Seineyard. The parcel contains approximately 2,300 feet of marsh shoreline with bay access and the parcel is currently used for traditional fishing. The Trustees gathered information on this parcel; however, after initial discussions, the property was eliminated as an alternative because there was no willing seller.

2.5 Reasonable Range of Restoration Alternatives

Based on the screening process described above, the FL TIG identified a reasonable range of alternatives: Little Redfish Lake Addition and Dickerson Bay Addition. The Little Redfish Lake Addition was analyzed but not selected for funding in the Phase V.2 RP/SEA and is still considered a viable alternative. That analysis is incorporated by reference into this document and summarized below. The Dickerson Bay Addition is a new action alternative evaluated by the FL TIG is this document. The reasonable range of alternatives are described below.

2.5.1 Little Redfish Lake Addition

The FL TIG analyzed the Little Redfish Lake Addition alternative (Figure 2-2) as part of the reasonable range of alternatives for previous phases of the Florida Coastal Access Project. Although not selected for implementation, it remains a viable alternative. This alternative would involve acquiring 7.06 acres, on

[17] Florida DWH website: www.deepwaterhorizonflorida.com

the west side of Little Redfish Lake and adjacent to Grayton Beach State Park, in Walton County for approximately $4.7 million. The acquisition would be left in its natural state and the habitat managed as part of Grayton Beach State Park. In accordance with the OPA NRDA regulations, this alternative was identified as non-preferred in previous phases of the Florida Coastal Access Project. The evaluation of the Little Redfish Lake Addition provided in the Phase V.2 RP/SEA is incorporated herein by reference. In the Phase V.2 RP/SEA, the FL TIG contemplated this project with the connected action of adding recreational amenities at Grayton Beach State Park. The funding for those amenities is no longer available and therefore the amenities are not reasonably foreseeable (and no longer considered a connected action under NEPA). As such, this document does not include a summary of the impacts from implementing recreational amenities.

Figure 2-2. Location of the Little Redfish Lake Addition alternative

2.5.2 Dickerson Bay Addition

The Dickerson Bay Addition includes the acquisition of an approximately 114-acre undeveloped parcel off the northern point of Dickerson Bay in Wakulla County (Figure 2-3) and minor restoration and recreational enhancement activities for approximately $685,000. The parcel is within St. Marks NWR's approved acquisition boundary and consists of a mixture of upland, wetland, and open grassland habitats (see Figures 2-4a, b).

The FL TIG proposes to purchase this privately owned parcel and donate the property to St. Marks NWR. The Implementing Trustees would be FDEP and DOI. The proposed purchase would be achieved via a partnership between the Implementing Trustees and TPL. TPL, as an agent for the State of Florida, would oversee the donation of the property to St. Marks NWR to be operated as a new addition to the NWR. The property would be managed, in accordance with applicable St. Marks NWR management protocols (including the NWR's Comprehensive Conservation Plan, USFWS 2006)[18], for passive outdoor recreation.

If selected, once the Dickerson Bay Addition parcel is acquired and donated to St. Marks NWR, the following minor restoration and recreational enhancement activities would be conducted:

- Boundary signs would be installed in upland habitat every approximately 0.25 mile surrounding the parcel to indicate where NWR property begins;
- A gate would be installed at the entrance to the property to restrict vehicle access;
- The existing parking area would be enhanced to improve the public's access to the parcel and surrounding natural resources by removing a tree to provide more space for parking and placing parking markers around the parking area; and,
- Hurricane debris would be manually removed from the parcel via community cleanup efforts separately from the scope of this restoration project; however, this project would include disposal costs for the removed debris.

The parcel is currently privately owned with restricted public access. As part of St. Marks NWR, a gate would be added to the parcel to restrict vehicular access, but the parcel would be accessible to the public via foot traffic from the existing St. Marks NWR property, on the east and northeast sides, and via non-motorized watercraft from Dickerson Bay. This alternative would provide the public with access to and use of the natural resources in and near Dickerson Bay for recreational purposes. The parcel would be left in its natural state, with the minor enhancements listed above. Recreational visitors would be able to access the natural resources for passive recreational use such as hiking, wildlife viewing, kayaking, and biking. The proposed purchase of the property would be consistent with the Early Restoration goals to "Enhance Public Access to Natural Resources for Recreational Use" and "Enhance

[18] The St. Marks NWR Comprehensive Conservation Plan is available at www.fws.gov/refuge/St_Marks/what_we_do/planning.html

Recreational Experiences" as well as the goal of the PDARP/PEIS to "Provide and Enhance Recreational Opportunities."

Figure 2-3. Location of the Dickerson Bay Addition alternative

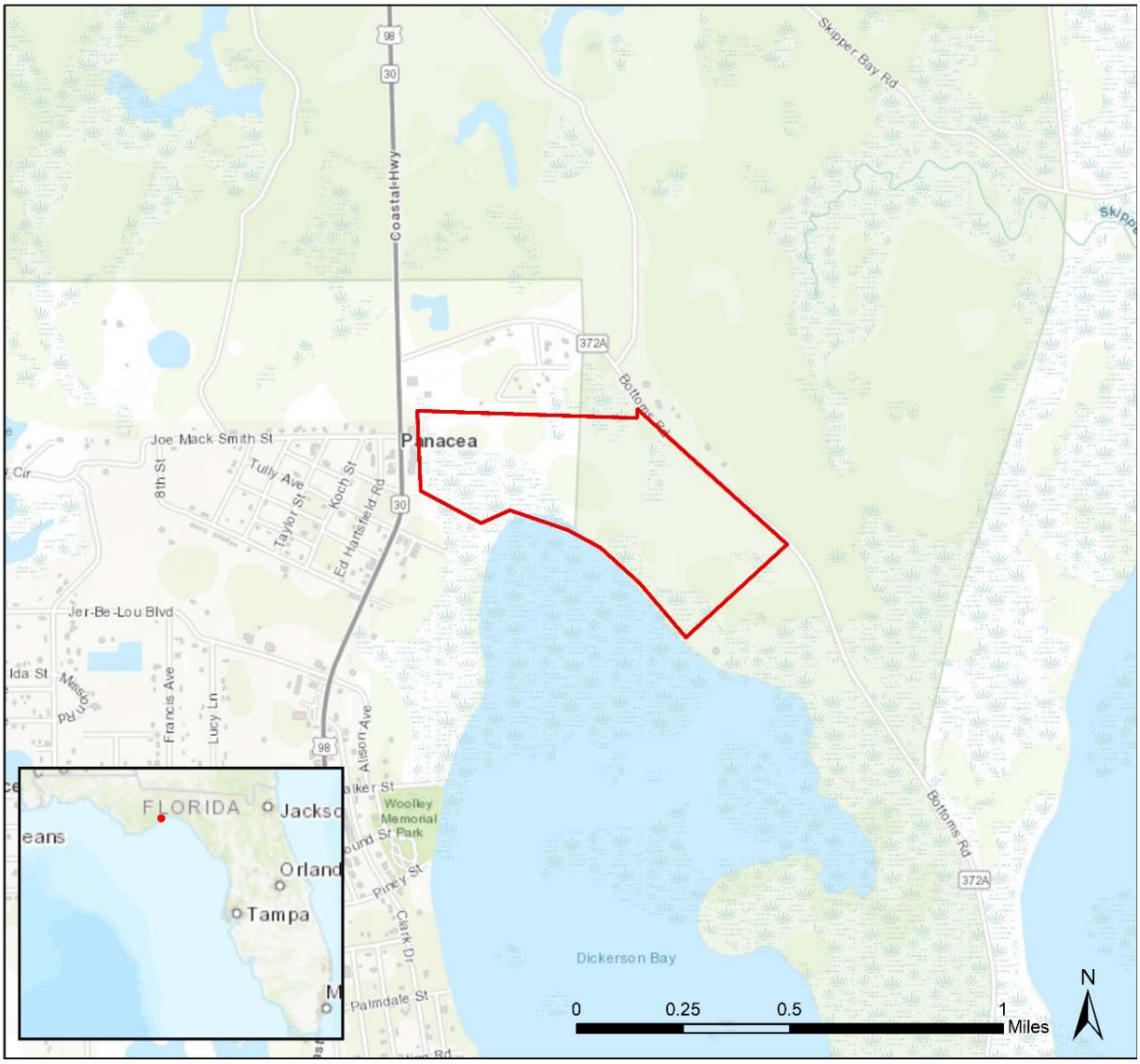


Figure 2-4a. Dickerson Bay Addition upland habitat

Figure 2-4b. Dickerson Bay Addition wetland/open grassy habitat

Chapter 3. Oil Pollution Act (OPA) NRDA Evaluation

3.1 Introduction

According to the OPA NRDA regulations, trustees are to consider a reasonable range of restoration alternatives (15 C.F.R. § 990.53(a)(2)) and evaluate the alternatives according to the OPA NRDA evaluation standards (15 C.F.R. § 990.54(a)). Chapter 2 describes the screening and identification of a reasonable range of alternatives for evaluation under OPA. The following section describes the considerations the FL TIG included when performing the OPA NRDA evaluation of these alternatives based on the NRDA evaluation standards and criteria found in the PDARP/PEIS.

Each alternative in the reasonable range of alternatives is evaluated based on the NRDA evaluation standards. The FL TIG then identified preferred restoration alternatives based on those evaluation standards (15 C.F.R. § 990.54(b)) and additional FL TIG criteria. This section provides the following: (1) a summary of the considerations and questions evaluated under each of the OPA evaluation criteria, and (2) a narrative summary of each alternative's evaluation with respect to those criteria.

3.2 OPA Evaluation of the Reasonable Range of Alternatives

The OPA criteria considered by the FL TIG when evaluating each alternative are:

- The cost to carry out the alternative ("Cost-Effectiveness");
- The extent to which each alternative is expected to meet the FL TIG's goals and objectives in returning the injured natural resources and services to baseline and/or compensating for interim losses ("Restoration Goals and Objectives");
- The likelihood of success of each alternative ("Likelihood of Success");
- The extent to which each alternative will prevent future injury as a result of the incident, and avoid collateral injury as a result of implementing the alternative ("Prevent Future Injury and Avoid Collateral Injury");
- The extent to which each alternative benefits more than one natural resource and/or service ("Benefits Multiple Resources"); and
- The effect of each alternative on public health and safety ("Public Health and Safety").

These criteria, and how the FL TIG evaluated them, are described in the table below.

Table 3-1. Description of OPA Evaluation Criteria

OPA Evaluation Criteria	Description of Evaluation Considerations
Cost-Effectiveness	The FL TIG considered the anticipated costs of the alternative, including the costs for land acquisition and monitoring. The FL TIG also considered whether the costs were reasonable and comparable to other equivalent restoration alternatives.
Restoration Goals and Objectives	The FL TIG considered how well the alternative addresses the recreational use injuries described in the PDARP/PEIS. The FL TIG also evaluated the nature, magnitude, and distribution of recreational use benefits expected to be provided to the public. This evaluation includes each alternative's nexus to injury; nature and scale of anticipated benefits from the alternative; and the alternative's location and accessibility to the public.
Likelihood of Success	In determining the likelihood of success, the FL TIG considered the approach to implementing each alternative including whether the alternative utilizes techniques previously implemented successfully by the FL TIG or other Trustees. The FL TIG also considered the local community and landowners support for the project, willingness of the landowner to sell, and the suitability of the site for public use.
Prevent Future Injury and Avoid Collateral Injury	The FL TIG evaluated whether the alternative has direct or indirect collateral environmental impacts and whether those impacts are positive or negative. Additional information on these considerations is provided in Chapter 4.
Benefits Multiple Resources	The FL TIG considered whether the alternative provided benefits to multiple resources or multiple resource services that may make the alternative more valuable to the public (e.g., by providing both recreational and non-use (ecological) values, storm-protection benefits, or habitat improvements that may benefit ecological resources injured by the DWH oil spill).
Public Health and Safety	The FL TIG considered whether there are any aspects of the alternative that could negatively affect public health and safety that cannot be mitigated.

Additional criteria:

- **Geographic location**: The geographic location of the alternative was a consideration. The FL TIG evaluated whether the proposed alternative would occur within the limited geographic area of the eight coastal counties in the Florida Panhandle (as discussed in Section 2.2), the distribution of existing projects along the Florida Panhandle planned for during Early Restoration, and the locations of the sites in the earlier phases of the project.

- **Complementing and enhancing existing public access:** The FL TIG considered whether the proposed alternative would complement or enhance existing public access points (e.g., public parks). In particular, the FL TIG considered whether each proposed alternative was near or adjacent to any existing parks, the distribution of existing public access points, and whether the alternatives were in areas where the public may be more likely to benefit from expanded public access to the natural resources.

3.2.2 Little Redfish Lake Addition OPA Evaluation (Non-Preferred Alternative)

The FL TIG evaluated the Little Redfish Lake Addition alternative in the Phase V.2 and V.3 RP/SEAs using the criteria established by the OPA regulations in 15 C.F.R. § 990.54(a) and those analyses are incorporated by reference. The FL TIG's OPA evaluation of the Little Redfish Lake Addition alternative for this Phase V.4 RP/SEA (using the criteria established by the OPA regulations and the additional FL TIG specific criteria described in Section 3.2) is provided below.

Cost-Effectiveness

The estimated land acquisition cost for the Little Redfish Lake Addition would be approximately $4.7 million. This estimate was established during development of the Phase V.2 RP/SEA and represents the seller's original asking price. This cost estimate is consistent with the FL TIG's past experience acquiring comparable properties at appraised values. However, this alternative is less cost-effective given the size of the parcel (7 acres) and the benefits that would be provided compared to the Dickerson Bay Addition alternative being evaluated by the FL TIG (which is 114 acres).

Restoration Goals and Objectives

This proposed alternative meets the following restoration goals identified in the Phase III ERP/PEIS: the "Enhance Public Access to Natural Resources for Recreational Use" and "Enhance Recreational Experiences" which can include providing or improving access to natural resources in publicly owned areas. This proposed alternative is also consistent with the PDARP/PEIS and the goal of the "Provide and Enhance Recreational Opportunities" Restoration Type, to "increase recreational opportunities such as fishing, beach-going, camping, and boating with a combination of ecological restoration and creation of infrastructure, access, and use opportunities." The purchase of the property would enhance public access to natural resources for recreational purposes by providing additional lands along the coast where the public can access Gulf-side habitats and Little Redfish Lake.

This project has a clear nexus to the injuries described in the PDARP/PEIS because it would provide recreational use benefits to the public by enhancing public access to the coastal natural resources and recreational opportunities.

Likelihood of Success

The parcel proposed for acquisition has a willing seller and the FL TIG has successfully implemented similar land acquisition projects. This land acquisition as currently considered would enhance public access to natural resources for recreational use.

Prevent Future Injury and Avoid Collateral Injury

This proposed alternative is not expected to contribute to preventing future injury from the DWH oil spill. The PDARP/PEIS indicates that recreational uses have recovered (DWH Trustees 2016a). The purpose of the alternative is only to provide compensatory restoration for losses that occurred between April 2010 and November 2011, after which the Trustees concluded that recreational use returned to baseline levels (DWH Trustees 2016a). Implementation of the alternative is also not expected to cause collateral damage to the environment. In fact, acquisition of the parcel would prevent future development and construction on Gulf of Mexico coastal habitat and would also provide additional

protection for natural resources. Chapter 4 of this document provides additional analyses of the environmental consequences of this alternative.

Benefits Multiple Resources

The primary NRDA benefit of this proposed alternative is to provide and enhance recreational use. However, the purchase of the property would provide protection of the Little Redfish Lake natural outfall and the adjacent beach and dune systems.

Public Health and Safety

Adverse impacts on public health and safety are not expected from this proposed alternative. The land acquisition would be managed to prevent impacts to health and safety. To minimize public health impacts, existing trash receptacles within Grayton Beach State Park are regularly maintained, restrooms are connected to sanitary sewer and maintained regularly, and parking areas have lighting to improve safety after sundown.

Additional FL TIG Criteria

The FL TIG evaluated the alternative against two specific criteria in addition to the OPA criteria described above: 1) geographic location and 2) complementing and enhancing existing public access. The proposed Little Redfish Lake Addition alternative would occur within the limited geographic area of the eight coastal counties in the Florida Panhandle. The proposed alternative is in Walton County, separate from the existing sites implemented in earlier phases of the project, and therefore projects would be well distributed across the Florida Panhandle. The proposed alternative would also complement and enhance existing public access within Grayton Beach State Park.

Summary of Evaluation of Little Redfish Lake Addition

The land acquisition cost of this alternative is consistent with past experience acquiring comparable properties at appraised values. However, the cost is relatively high given the small size of the parcel. The alternative has a strong nexus to the recreational injury caused by the DWH oil spill. The alternative would provide new public access to the natural resources adjacent to Grayton Beach State Park. The alternative is located within the Florida Panhandle and would protect habitat and resources from future development along Little Redfish Lake. Public safety issues are not expected to be a concern.

3.2.1 Dickerson Bay Addition OPA Evaluation (Preferred Alternative)

The FL TIG's OPA evaluation of the proposed Dickerson Bay Addition alternative (using the criteria established by the OPA NRDA regulations and the additional FL TIG specific criteria described in Section 3.2) is provided below.

Cost-Effectiveness

The estimated cost for the land acquisition, planning, minor restoration activities, recreational enhancements, and monitoring and maintenance of the Dickerson Bay Addition parcel is approximately $685,000 with the land acquisition accounting for over 98 percent of the cost. TPL currently holds an option agreement with the landowner to purchase the property. This is a preliminary cost estimate based on the contract between TPL and the landowner on parcel acquisition and estimated costs for

similar enhancements based on past projects. The land acquisition cost estimate is consistent with FDEP's and DOI's experience acquiring comparable properties and is reasonable and cost-effective given the size of the parcel. The restoration and recreational enhancement cost estimate is also consistent with FDEP's and DOI's experience implementing similar enhancements at other locations. Based on these estimates, the project activities could be conducted at a reasonable cost.

Restoration Goals and Objectives

This proposed action alternative meets the following restoration goals identified in the Phase III ERP/PEIS: "Enhance Public Access to Natural Resources for Recreational Use" and "Enhance Recreational Experiences." Restoration approaches to meet these goals can include enhancing or constructing infrastructure and providing or improving access to natural resources in publicly owned areas. This proposed alternative is also consistent with the PDARP/PEIS, specifically the goal of the "Provide and Enhance Recreational Opportunities" Restoration Type, to "increase recreational opportunities such as fishing, beach-going, camping, and boating with a combination of ecological restoration and creation of infrastructure, access, and use opportunities." The purchase of the property would enhance public access to natural resources for recreational purposes by providing additional lands along the coast where the public can access the upland and bayside habitats along Dickerson Bay. The parcel would be accessible by vehicle from the existing St. Marks NWR on the east and northeast sides, with a parking area at the entrance to the parcel, and via non-motorized watercraft from Dickerson Bay (e.g., kayaks or canoes could access the parcel from the Bay although there is no formal ramp or launch). The parcel would provide additional public access to natural resources for recreational use such as wildlife viewing and hiking and would enhance the public's recreational experiences such as nature exploration and non-motorized boating in the area.

This project has a clear nexus to the injuries described in the PDARP/PEIS because it would provide recreational use benefits to the public by enhancing public access to coastal natural resources and recreational opportunities.

Likelihood of Success

The parcel proposed for acquisition has a willing seller. TPL holds an option agreement to purchase the parcel and, if this alternative is selected, TPL would purchase the land on behalf of the FL TIG. The property would then be donated to St. Marks NWR. The parcel could be acquired and donated to St. Marks NWR as soon as late summer 2022. Further, St. Marks NWR is willing to accept and manage the parcel as part of the NWR. FDEP and DOI have successfully implemented similar acquisition projects as part of their day-to-day natural resource management responsibilities at public parks, federal lands, and other state-owned properties along the Florida coast. Finally, based on conversations with local leaders, the local community supports the acquisition of the proposed parcel within St. Marks NWR. Therefore, the alternative's goal of enhancing public access to natural resources for recreational use and enhancing recreational experiences has a high likelihood of success.

Prevent Future Injury and Avoid Collateral Injury

This proposed alternative is not expected to contribute to preventing future injury from the DWH oil spill. The PDARP/PEIS indicates that recreational uses have recovered (DWH Trustees 2016a). The

purpose of the alternative is only to provide compensatory restoration for losses that occurred between April 2010 and November 2011, after which the Trustees concluded that recreational use returned to baseline levels (DWH Trustees 2016a). Implementation of the alternative is also not expected to cause collateral damage to the environment. In fact, acquisition of the parcel would prevent future development and destruction of the habitat along Dickerson Bay and would conserve the natural resources on the parcel since the parcel would be managed as part of the St. Marks NWR according to its Comprehensive Conservation Plan (USFWS 2006). Chapter 4 provides additional analyses of the environmental consequences of this alternative.

Benefits Multiple Resources

The primary NRDA benefit of this proposed action is to provide and enhance recreational uses. The property proposed for acquisition is adjacent to Dickerson Bay and would enhance public access to natural resources in and near the Bay. It would also maintain and protect the natural resources adjacent to the Bay and provide habitat benefits to species that utilize the upland habitat and adjacent wetland/grassland areas since the property would be managed as part of St. Marks NWR.

Public Health and Safety

Adverse impacts on public health and safety are not expected from this proposed action. To minimize public health impacts, restrooms and trash receptacles at the parking lots across the NWR would be maintained regularly. St. Marks NWR has at least one full-time law enforcement officer who regularly patrols the NWR to maintain public safety. Finally, implementation of this project would be managed to prevent impacts to health and safety, according to the St. Marks NWR Comprehensive Conservation Plan (USFWS 2006).

Additional FL TIG Criteria

The FL TIG evaluated the alternative against two specific criteria in addition to the OPA criteria described above: 1) geographic location and 2) complementing and enhancing existing public access. The proposed Dickerson Bay Addition alternative would occur within the limited geographic area of the eight coastal counties in the Florida Panhandle. The proposed alternative is in Wakulla County, separate from the existing sites implemented in earlier phases of the project, and therefore projects would be well distributed across the Florida Panhandle. The proposed alternative would also complement and enhance existing public access within St. Marks NWR.

Summary of Evaluation of Dickerson Bay Addition

The estimated costs for the Dickerson Bay Addition are well documented, reasonable, and appropriate, and cost-effective given the size of the parcel. The alternative has a strong nexus to the recreational injury from the DWH oil spill and can reasonably be expected to provide benefits to the public over an extended timeframe. The alternative is located within the Florida Panhandle, would provide enhanced public access to resources that were injured by the DWH oil spill, and would expand existing public lands within St. Marks NWR. This alternative would protect valuable upland and wetland habitat from future development and provide for the effective management of ongoing recreational use. Public safety issues are not expected to be a concern. Finally, this alternative has a high probability of success given TPL holds an option agreement to buy the property and intends to donate the property to St Marks NWR,

the FL TIG has successfully implemented similar acquisition and recreational projects, and the alternative has local community support.

3.3 Natural Recovery

Pursuant to the OPA regulations, the PDARP/PEIS considered a "natural recovery alternative in which no human intervention would be taken to directly restore injured natural resources and services to baseline" (40 C.F.R. § 990.53[b][2]). Under a natural recovery alternative, no additional restoration would be done by the FL TIG to accelerate recovery of injured natural resources or to compensate for lost services in the Florida Restoration Area using DWH NRDA funding at this time. The FL TIG would allow natural recovery processes to occur, which could result in one of four outcomes for injured resources: (1) gradual recovery, (2) partial recovery, (3) no recovery, or (4) further deterioration.

According to Section 4.10.3.3.4 of the PDARP/PEIS recreational injury assessment (page 4-657), the recreational use injury began in May 2010 and lasted through November 2011. The entire recreational use injury quantified in the PDARP/PEIS includes interim loss that occurred during this period. Because visitation returned to pre-spill levels by the end of November 2011, future natural recovery is not available to provide compensation for remaining interim losses. The PDARP/PEIS (Section 5.8.2, page 5-92) also notes that interim losses of natural resources would not be compensated under a natural recovery alternative. Based on this determination, the FL TIG did not further evaluate natural recovery as a viable alternative under OPA, and natural recovery is not considered further in this document.[19]

3.4 Project Costs

The total estimated cost for each restoration alternative evaluated in this document is provided below. Estimated costs reflect all costs associated with implementing the project, including but not limited to planning, restoration and recreational enhancement activities, monitoring, management, and maintenance. The cost estimates also reflect the most current information available to the FL TIG at the time of drafting this document.

- Little Redfish Lake Addition: $4.7 million.
- Dickerson Bay Addition: $685,000.

3.5 OPA Evaluation Conclusion

The FL TIG completed its OPA NRDA evaluation of the reasonable range of alternatives and concluded that the Dickerson Bay Addition alternative best meets the goals of the Phase V ERP/EA, Phase III ERP/PEIS, and the PDARP/PEIS, at this time, and is therefore identified as the FL TIG's preferred alternative.

[19] Evaluation of a "no action" alternative differs from the natural recovery alternative under OPA. The environmental consequences of the No Action Alterative under NEPA are considered separately and described in Chapter 4 of this document.

The OPA analysis indicates that the Dickerson Bay Addition alternative would provide recreational benefits with a strong nexus to the recreational use injuries caused by the DWH oil spill. The alternative occurs within the Florida Panhandle and provides recreational benefits from land acquisition of the coastal parcel, which protects valuable habitat and creates additional public access to coastal natural resources. These benefits would be available to the public in perpetuity since the parcel would be donated to and managed as part of St. Marks NWR. The Dickerson Bay Addition alternative would also benefit other natural resources and services. Specifically, land protection prevents the negative environmental impacts of development (e.g., habitat loss, impaired water quality). This approach would also ensure that any collateral damage to the environment is minor and mitigated. Furthermore, no adverse impacts on public health are anticipated from the alternative.

Based on similar experience in Florida acquiring and managing federal lands, the FL TIG determined that the preferred alternative could be implemented at a reasonable cost and would have a high probability of success. As described above, the FL TIG also incorporated by reference the evaluation of one additional alternative as part of the reasonable range of alternatives: Little Redfish Lake Addition. The OPA NRDA evaluation indicates that this non-preferred alternative has the potential for providing the public natural resource benefits but is less cost-effective than the FL TIG's preferred alternative.

3.6 Monitoring Requirements

The restoration objective for the Florida Coastal Access Project is to restore a portion of lost recreational opportunities caused by the DWH oil spill by increasing the public's access to the natural resources and enhancing the public's recreational experiences. The specific objectives relevant to project monitoring are 1) to acquire the parcel and 2) to provide visitors with access to St. Marks NWR. The project would be deemed successful once the property has been acquired and the new parcel is incorporated into the St. Marks NWR. As such, a monitoring and adaptive management (MAM) plan with performance criteria has been developed for this project. Project monitoring would be conducted consistent with the MAM plan provided in Appendix B, which is consistent with the monitoring plan provided in the Phase V ERP/EA (DWH Trustees 2016b).

3.7 Best Management Practices

As part of the environmental compliance process, federal regulatory agencies provide guidance on best management practices (BMPs) such as project design criteria, lessons learned, expert advice, and tips from the field. Trustees incorporate appropriate BMPs into planning and design to avoid or minimize impacts on natural resources, including protected and listed species and their habitats. BMPs are identified in required permits, consultations, or environmental reviews, including those described in Appendix 6.A of the PDARP/PEIS (DWH Trustees 2016a).

Chapter 4. NEPA Analysis

4.1 Overview of NEPA Approach

This chapter incorporates by reference and summarizes all relevant NEPA analysis of the Florida Coastal Access Project conducted in the Phase V ERP/EA, and the NEPA analyses of the non-preferred alternative conducted in the Phases V.2 and V.3 RP/SEAs. The NEPA analyses for all phases of the Florida Coastal Access Project tier from the Phase III ERP/PEIS. The NEPA analysis provided below supplements the analysis completed for the first three phases.[20] This chapter describes the environmental impacts of the proposed action (implementation of the preferred alternative) and provides a brief description and summary of impacts from the other action alternative, which was fully analyzed in the Phase V.2 RP/SEA.[21] Pursuant to NEPA, a No Action Alternative is also included below as "a benchmark, enabling decision-makers to compare the magnitude of environmental effects of the action alternatives (40 C.F.R. § 1502.14(d)).

Context and intensity of environmental effects resulting from the action are considered in the NEPA analysis. Context refers to area of impacts (local, statewide, etc.) and duration (i.e., whether they are short- or long-term impacts). Intensity refers to the severity of impacts. Intensity is described in terms of whether the impact would be beneficial or adverse. Impact definitions (minor, moderate, major) are consistent with those used in the Phase III ERP/PEIS and PDARP/PEIS.[22]

"Adverse" is used in this document only to describe the federal Trustees' evaluation under NEPA. That term is defined and applied differently in consultations conducted pursuant to the Endangered Species Act (ESA) and other protected resource statutes. Accordingly, there may be adverse impacts identified under NEPA; however, this does not necessarily mean that an action would be likely to "adversely affect" the same species because that term is defined and applied under protected resources statutes. The results of any completed protected resource consultations are included in the DWH AR.[23]

Consistent with the Phase III ERP/PEIS and the PDARP/PEIS, the FL TIG considered the following physical, biological, and socioeconomic resources:

- **Physical Resources**: Geology and Substrates, Hydrology and Water Quality, Air Quality, Noise.
- **Biological Resources**: Habitats, Wildlife Species (Including Birds), Marine and Estuarine Fauna (Fish, Shellfish, Benthic Organisms), Protected Species.

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[20] CEQ regulations and DOI NEPA implementing procedures provide for supplementing NEPA analyses when a proposed action differs from the proposed action analyzed in a previous document (40 C.F.R. § 1502.9(c) and 43 C.F.R. § 46.320).

[21] Phase V.2 RP/SEA is available at www.gulfspillrestoration.noaa.gov/sites/default/files/2018_02_FL_TIG_Final%20Phase%20V.2%20RP-SEA.pdf.

[22] The resource-specific definitions for determining effects of individual planned actions are provided in the Phase III ERP/PEIS, in Appendix D of the Phase V ERP/EA, and in Chapter 6 of the PDARP/PEIS.

[23] The DWH AR can be found at www.doi.gov/deepwaterhorizon/adminrecord.

- **Socioeconomic Resources**: Socioeconomics and Environmental Justice, Cultural Resources, Infrastructure, Land and Marine Management, Tourism and Recreational Use, Fisheries and Aquaculture, Marine Transportation, Aesthetics and Visual Resources, Public Health and Safety, including Flood and Shoreline Protection.

4.2 Summary of NEPA Analysis for Florida Coastal Access Project Phases V, V.2, and V.3

4.2.1 Phase V ERP/EA

The Trustees selected the Florida Coastal Access Project in Phase V of Early Restoration and conducted site-specific NEPA analysis on the first phase, which involved the acquisition and/or enhancement of four coastal project locations in the Florida Panhandle: Innerarity Point Park, Captain Leonard Destin Park, Lynn Haven Bayou Preserve and Park, and Island View Park. All four locations were ultimately selected for implementation.

The Trustees determined that acquisition of the four Phase V project locations would have no adverse environmental effects, and therefore could proceed independent of and prior to the completion of all compliance reviews required for the final design and construction of proposed recreational enhancements across the locations. NEPA analysis of the environmental consequences determined that the construction of recreational amenities for the Phase V project locations would result in short-term and long-term minor to moderate adverse impacts to many resources (including geology and substrates, water quality and hydrology, noise, biological environment, as well as socioeconomics and cultural resources). Moderate short-term adverse impacts would occur to tourism and recreation, and aesthetics and visual resources; however, long-term benefits were also expected for these resources after the recreational amenities were completed and the locations were managed as public parks. The Phase V ERP/EA Finding of No Significant Impact (FONSI) stipulated that coordination on required compliance reviews would be completed prior to initiating construction at any of the project component sites. After the completion of these reviews, designs for each of the project components were modified as necessary to avoid and/or minimize adverse impacts to natural resources, including protected species, essential fish habitat (EFH), cultural resources, and wetlands. The project components in Phase V are not expected to substantially contribute to adverse cumulative impacts on affected resources.

4.2.2 Phase V.2 RP/SEA and Phase V.3 RP/SEA

The Phase V.2 RP/SEA addressed the second phase of the Florida Coastal Access Project, and the Phase V.3 RP/SEA addressed the third phase; and each supplemented the Phase V ERP/EA. An environmental assessment was conducted to determine the type and severity of potential environmental impacts that could result from implementation of the proposed alternatives (described in Chapter 4 of each document). The NEPA analyses evaluated site-specific impacts including concerns anticipated from implementation of the action alternatives and the No Action Alternative.

In the Phase V.2 RP/SEA, the Salinas Park Addition alternative was selected for implementation. Two other alternatives were evaluated in the Phase V.2 RP/SEA but not selected for implementation: Alligator Point Park and Little Redfish Lake Addition. The Alligator Point Park alternative involved

acquiring 7.4 acres of land in Franklin County and providing recreational use amenities. However, this alternative is no longer viable (refer to Chapter 4 of the Phase V.2 RP/SEA for additional details on Alligator Point Park). In the Phase V.3 RP/SEA, the Navarre Beach Marine Park Addition alternative was selected for implementation. Little Redfish Lake Addition was also evaluated in the Phase V.3 RP/SEA as a non-preferred alternative but was not selected for implementation at that time. Little Redfish Lake Addition remains a viable alternative and is analyzed as an alternative in this document. The NEPA analyses from both the Phase V.2 and Phase V.3 RP/SEA are incorporated by reference and summarized below.

4.2.2.1 Little Redfish Lake Addition

This alternative would involve acquiring 7.06 acres adjacent to the western boundary of Grayton Beach State Park in southern Walton County, Florida, within the Choctawhatchee Bay watershed. The approximate cost for this alternative, which includes the cost for land acquisition, is $4.7 million. No adverse impacts would occur from the acquisition of the Little Redfish Lake Addition. A separately funded connected action that involved providing recreational use amenities in lands within the park area was evaluated in the Phases V.2 and V.3 RP/SEAs, but is no longer reasonably foreseeable, and therefore is not summarized here.[24] The following NEPA analysis summarizes the analysis in the Phase V.2 RP/SEA for the effects associated with the land acquisition only.

The habitat in this parcel consists primarily of flat beaches and sand dunes with some dune vegetation and includes parts of several freshwater lakes. The substrate consists of limestone bedrock with sand and sediment towards the surface (FDEP 2017), and the soil has been classified by the USDA-Natural Resource Conservation Service as predominantly Newhan-Corolla sand, beach, and Kureb sand (USDA NRCS 2020). The acquisition parcel is composed of estuarine and marine and freshwater pond wetlands (USFWS 2017). Parts of the site have been previously developed with roads, trails, boardwalks, beach use, and housing. The parcel provides habitat for a variety of federally protected migratory birds and ESA-listed or candidate species.

No adverse impacts to physical (geology and substrates; hydrology and water quality; air quality and greenhouse gas emissions; noise) or biological resources would be anticipated from the acquisition of this parcel. Long-term benefits to physical and biological (habitat; migratory birds; protected species; EFH; invasive species) resources could accrue from the conservation of the land in a natural state, rather than leaving it available for future development. Long-term benefits to socioeconomic resources (socioeconomics; environmental justice; cultural resources; infrastructure; land and marine management; aesthetics and visual resources; tourism and recreation; public health and safety) are also anticipated as a result of more lands being accessible for public use. However, if local residents consider the increased park use to be a detriment, this minor adverse effect would be long-term.

[24] Connected actions include actions that are closely related to the alternative and therefore should be discussed in the same impact statement or NEPA analysis (40 CFR § 1508.2).

4.3 Dickerson Bay Addition (Preferred Alternative)

The primary goals of this alternative are to (1) acquire the 114-acre parcel within the existing St. Marks NWR approved acquisition boundary and (2) increase and enhance recreational opportunities at the parcel. Project activities most relevant to the assessment of environmental consequences include the following (see Figure 4-1):

- Installing boundary signs every approximately 0.25 miles in upland habitat surrounding the parcel to indicate where NWR property begins;
- Installing a gate at the entrance to the property to restrict vehicle access; and,
- Enhancing the existing parking area to improve the public's access to the parcel and surrounding natural resources by removing a tree to provide more space for parking and placing wooden or plastic barriers around the existing previously disturbed parking area.

Figure 4-1. Conceptual illustration of proposed enhancement activities for Dickerson Bay Addition

4.3.1 Affected Environment

The proposed project area is an approximately 114-acre, privately owned property in Panacea, Wakulla County, located within the St. Marks NWR's approved acquisition boundary along the northern edge of Dickerson Bay (Figure 2-2). Waters within Dickerson Bay are generally shallow and converge with Levy and Apalachee Bays to the south. The parcel sits within Federal Emergency Management Agency (FEMA) designated Flood Zone VE, with flooding depth of 20 feet (FEMA 2014). The project area has marshes adjacent to Dickerson Bay and is otherwise characterized by various estuarine and marine, freshwater forested or shrub, freshwater emergent wetlands, grasslands, or herbaceous habitats (U.S. Geological Survey 2016). The entire project area is predominantly characterized by a mixture of fine sands and flooded soils; 59.5 percent of the area contains Scranton sand, 16.2 percent contains Ridgewood fine sand, 3.8 percent has Rutledge sand, and the rest is composed of a variety of sediments and soils (USDA NRCS 2020).

The existing habitat is of good quality and there are currently no known or documented invasive plant species on the parcel (Peacock, personal communication 2022). The wetlands and forested and shrub uplands provide habitat for different species protected under the ESA, such as the federally threatened red knot (*Calidris canutus*), red-cockaded woodpecker (*Leuconotopicus borealis*), wood stork (*Mycteria americana*), eastern indigo snake (*Drymarchon couperi*), monarch butterfly (*Danaus plexippus*), and gopher tortoise (*Gopherus polyphemus*). The site does not fall within critical habitat (CH) for any of these species. The adjacent waters of Dickerson Bay are home to the West Indian manatee (*Trichechus manatus*) and the Gulf sturgeon (*Acipenser oxyrhynchus desotoi*), but neither species occurs within the action area.

Currently, the property includes a gate on the eastern side near the road. Hurricane debris from storm surge events such as branches and trash are present throughout the property.

4.3.2 Environmental Consequences

4.3.2.1 Physical Resources

Due to minimal ground-disturbing activities and a lack of use of equipment or machinery, the alternative would have negligible adverse impacts on the physical environment. The project would not include any in-water work. Minor hand-digging could occur in upland habitats to place 11 x 14-inch aluminum boundary signs around the parcel if new posts are required. There would also be minor physical disturbance and hand-digging when installing the two 4 - 6-inch metal pipe posts for the gate.

To enhance the existing parking area, one tree may need to be removed to make room for additional cars. The tree planned for removal is a small pine tree, which would be removed manually without the use of heavy machinery. As such, minor to negligible short-term impacts to physical resources are anticipated. Wooden or plastic markers would be placed around the existing parking area to prevent vehicles from proceeding past the parking area. No impacts are anticipated from the placement of these parking markers. The potential for long-term benefits exists as the protection and management of the land via incorporation into St. Marks NWR would ensure the land is conserved in a natural state, free from residential development.

4.3.2.2 Biological Resources

As noted above, this project would not include in-water work. As such, the FL TIG does not anticipate any effects to aquatic habitats, marine and estuarine fauna (including protected species), EFH, or submerged aquatic vegetation. Biological resources in upland habitats, including protected species, could experience minor to negligible temporary adverse impacts due to noise and human presence during the restoration and recreational enhancement activities such as installing the boundary signs and the entrance gate or enhancing the parking area. However, these activities would involve minimal ground-disruption, staging would use existing disturbed areas on the property, and all wildlife species would be avoided during implementation. Boundary signs would be installed by NWR staff on existing trees around the parcel where possible, and also on new posts when necessary. If the signs are installed on new posts, all wildlife including gopher tortoise burrows would be avoided. If the signs are installed on trees, they would be posted to the tree using a hammer and nails but are not expected to adversely impact any trees. When enhancing the parking area, wooden or plastic parking barriers would be placed around the existing previously disturbed parking area and are not anticipated to adversely impact biological resources. One tree may need to be removed to appropriately clear the parking area, which could result in minor short-term adverse impacts to biological resources including any wildlife in the area due to the increased noise during the removal process. The tree is a small pine tree unlikely to provide habitat to loafing, nesting, or roosting wildlife, and therefore long-term adverse impacts to biological resources is not anticipated from the tree removal. Recreational use of the property may result in temporary disturbances to threatened and endangered species due to noise; however, visitation and human use of the site is not expected to increase substantially, and parking can only accommodate up to four vehicles at one time.

The PDARP/PEIS states that conservation of habitat through fee title acquisition, use restrictions, and improved management could have long-term benefits to any habitat on the property acquired or protected.[25] These habitats can be important for food supply and various life stages of some species. These benefits would depend on project-specific goals and the location of acquired land. Consistent with the analyses previously completed in Phases V ERP/EA, V.2 RP/SEA, and V.3 RP/SEA, an important benefit from the acquisition and resulting protection of this site from development is the continuance, in perpetuity, of non-fragmented habitat currently provided by the site. Bringing the parcel under St. Marks NWR ownership in perpetuity would benefit habitats by including it in existing refuge management activities for trash removal, landscape maintenance, and enforcement of prohibited activities.

The FL TIG has completed technical assistance with the USFWS related to compliance with applicable laws and regulations (e.g., ESA).

4.3.2.3 Socioeconomic Resources

Environmental justice is not a factor in this proposed action as there is no potential for adverse environmental, economic, social, or health impacts to communities and groups that meet

[25] The PDARP/PEIS and ROD are available at www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan/.

environmental justice criteria under Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority and Low-Income Populations" (1994). A cultural resource assessment survey has been conducted and DOI is reviewing the survey for resources protected under Section 106 of the NHPA. All reviews under Section 106 of the NHPA would be completed prior to any ground-disturbing activities. However, since the only ground-disturbing activities would be minimal and occur only in existing disturbed areas (except for the few boundary markers around the parcel), effects on cultural resources are not anticipated. Consistent with the analyses previously completed in Phases V ERP/EA, V.2 RP/SEA, and V.3 RP/SEA, placement of the site under the protection of St. Marks NWR in perpetuity would ensure that any yet undiscovered cultural resources would remain protected.

The only adverse impact to socioeconomic resources would be from the removal of the parcel from private ownership contribution to the county tax base, and the potential of those taxes that would be leveed in the future if the property is developed.

Benefits to recreational use would occur due to the addition of the site to St. Marks NWR. The public's access to and use of the area for recreational activities would remain unhindered.

4.4 No Action Alternative

Under the No Action alternative, neither of the action alternatives would be implemented. Both the Little Redfish Lake Addition and Dickerson Bay Addition parcels could ultimately be sold for other purposes. Long-term benefits from the preferred alternative, acquisition of Dickerson Bay Addition, to all resources analyzed would not be realized. Not placing the parcel under ownership and management of St. Marks NWR would continue the threat of development or other uses that could ultimately have adverse impacts to natural resources and to the public's use of the area for recreational purposes and access to recreational facilities in the adjacent areas.

4.5 Cumulative Impacts

The CEQ NEPA regulations require the assessment of cumulative impacts in the decision-making process for federal projects, plans, and programs. The CEQ defines cumulative impacts as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 CFR §1508.7).

To properly bound the cumulative impacts analysis, the CEQ handbook recommends determining appropriate spatial and temporal impact boundaries. The alternatives analyzed in this RP/EA would have local, short-term minor adverse impacts. Therefore, the FL TIG considered these impacts in concert with other present actions (i.e., restoration actions with impacts that would overlap with the implementation stage of the alternatives), thus limiting the temporal boundary of the analysis to the construction/implementation phase. In determining the spatial boundary, the FL TIG considered the programmatic analysis of cumulative impacts in the PDARP/PEIS, which analyzed impacts on a regional, ecosystem scale (DWH Trustees 2016a). The spatial boundary of the cumulative impacts analysis in this RP/EA is a local scale. In summary, the analysis boundary for this RP/SEA includes coastal portions of Walton and Wakulla Counties in Florida over 5 years of implementation.

This fourth phase of the Florida Coastal Access Project cumulative impacts analysis tiers from the Phase III ERP/PEIS, Phase V ERP/EA, Phase V.2 RP/SEA, and Phase V.3 RP/SEA analyses of cumulative impacts, which are incorporated herein by reference and summarized below. For past, present, and reasonably foreseeable future actions, past activities that have contributed to the current condition of resources are described and analyzed in Chapter 6 of the PDARP/PEIS and are not repeated in this analysis. The FL TIG identified relevant present and reasonably foreseeable future actions not analyzed in the previous documents and considered their potential impacts in the analysis (Table 4-1). Applicable to the Provide and Enhance Recreational Opportunities Restoration Type, these include restoration related to the DWH oil spill such as barrier island/headland restoration, freshwater diversions, hydrologic restoration, marsh creation, oyster restoration, recreational use, and sediment diversions and other ongoing activities such as military operations, marine transportation, energy activities, dredged material disposal, marine mineral mining, fisheries and aquaculture, tourism and recreation, and coastal development and land use. Where these actions are planned and/or ongoing, they may apply as present and reasonably foreseeable future actions.

Sections 4.2-4.3 of this chapter analyze the environmental consequences analysis for each of the alternatives evaluated in this document. The alternatives evaluated in this document are designed to increase access and enjoyment of natural resources. Adverse effects would not be anticipated to extend beyond the implementation period. Some resource areas would experience long-term benefits with parcels acquired for public protection in perpetuity. None of the projects included in this document would result in any short-term adverse effects that rise above minor effects, or long-term adverse effects. For example, the proposed alternative would result in only minor, short-term adverse impacts to geology and substrates during restoration and recreational enhancement activities, and possibly short-term minor adverse impacts on habitat and wildlife from human disturbance associated with project implementation. Socioeconomic resources may experience minor, long-term adverse impacts to the tax base from the removal of the parcels from private ownership. However, other socioeconomic resources would benefit from improved public access to natural resources. As such, the FL TIG concluded that although the projects may have an incremental contribution to adverse cumulative impacts, the contribution would not be substantial over the long-term. The alternatives have the potential to provide long-term beneficial cumulative impacts to physical, biological, and socioeconomic resources. Thus, the FL TIG concludes that the alternatives would not contribute substantially to adverse cumulative impacts when added to past, present, or reasonably foreseeable future actions.

Table 4-1. Summary of the past, present, and reasonably foreseeable future actions considered in the cumulative impact analysis

Action Description	Key Resource Areas and Potential for Adverse Cumulative Impacts
Restoration Related to the DWH Oil Spill (funded by NRDA, RESTORE Buckets 2 and 3, and NFWF-GEBF)	
Project types funded by DWH would improve living coastal and marine resources (habitat, birds, fish, sea turtles, and marine mammals), water quality, and coastal resilience through shoreline protection, habitat protection, and acquisition. Other projects restore and enhance public access, recreational use opportunities, and infrastructure. Projects that are recently completed, planned, or are in process are listed below. Note that some projects benefit multiple resources. **Wetlands Coastal Nearshore Habitat:** **Beach:** Comprehensive Panhandle Coastal Bird Conservation; Panhandle Dune Restoration. **Multiple/Other:** Franklin County Living Shoreline; Ladson Tract Conservation Easement; Lake Wimico Acquisition and Management; Plant Removal and Habitat Improvement in Walton County's Rare Coastal Dune Lakes; Restoration of Florida's Coastal Dune Lakes – Phase I-II; St. Marks National Wildlife Refuge Saltmarsh Restoration – Phase I; Student-Led Habitat Restoration in Walton County; Walton County Artificial Reef Construction - Miramar/Frangista. **Living Coastal Marine Resources:** **Oyster Restoration:** Apalachicola Bay Oyster Restoration – Phases I and II, RESTORE Apalachicola Bay Oyster Restoration project. **Birds:** Enhanced Management of Avian Breeding Habitat Injured by Response Activities in the Florida Panhandle, Alabama, and Mississippi; Florida Shorebird and Seabird Stewardship and Habitat Management – 5 Years; Florida Shorebird Conservation Initiative; Restoring Florida's Shorebird & Seabird Populations – Phases I and II. **Fish:** Benthic Habitat Mapping, Characterization, and Assessment; Enhanced Assessment of Gulf of Mexico Fisheries – Phase I-IV; Juvenile Gulf Sturgeon – Gulf-Wide Population Dynamics and Habitat Use. **Sea Turtles:** Eliminating Light Pollution on Sea Turtle Nesting Beaches – Phase I-III; Enhancement of Sea Turtle Stranding Response Capacity in Florida; Improving Sea Turtle Hatchling Survivorship through Long-Term Predation Management; Reducing Threats to Sea Turtles through Removal of In-Water Marine Debris along Florida's Gulf Coast; Improving Habitat Injured by Spill Response: Restoring the Night Sky. **Marine Mammals:** Increased Capacity for Marine Mammal Response. **Water Quality (including Hydrologic Restoration, Sediment Diversion):** Apalachicola Regional Restoration Strategies and Money Bayou Wetlands Restoration; Alligator Lake Coastal Dune Lake Hydrologic Restoration; Apalachicola River Slough Restoration – Phase I; Choctawhatchee Bay Septic to Sewer Conversion; Coastal Dune Lakes Hydrologic Restoration Project; Coastal Septic to Sewer Conversion Program; Comprehensive Watershed Improvement Program; MK Ranch Hydrologic Restoration; US 331 Water and Sewer Infrastructure – Phase 1; Walton County Storm Water Projects – Mack Bayou Road; Walton County Stormwater Projects - Palmetto Road and Bay Grove Road Drainage Improvements; Western Lake Drainage Improvement Project; Retrofit of Existing Train 1 at Otter Creek WWTP.	Geology and substrates; Hydrology and water quality; Habitats; Marine and estuarine fauna; Terrestrial wildlife; Protected species; EFH; Land and marine management; Fisheries and aquaculture.

Action Description	Key Resource Areas and Potential for Adverse Cumulative Impacts
Recreational Use: Coastal Public Access Program; Deer Lake State Park Development; Florida Artificial Reef Creation and Restoration – Phases I and II; Florida Coastal Access Project; Scallop Enhancement for Increased Recreational Fishing Opportunity in the Florida Panhandle; St. Marks National Wildlife Refuge Coastal Trail Connection, Spring Creek to Port Leon; Strategically Provided Boat Access Along Florida's Gulf Coast; Shell Point Beach Nourishment; Suwannee River Partnership Irrigation Water Enhancement Program; Topsail Hill Preserve State Park Improvements; Wakulla County Mashes Sands Park Improvements; Walton County Boardwalks and Dune Crossovers. **Planning, Design, Infrastructure, and Other:** Apalachicola Bay Cooperative Dredging Program; Baseline Flow, Gage Analysis, and On-Line Tool to Support Restoration; Canal Management Master Plan Implementation; Centers of Excellence Research Grants; Coastal Environmental Research Network (CERN); Coastal Ocean Monitoring and Prediction System (COMPS); Coastal Watershed Management Plans; Coastal Watershed Program; Comprehensive Plan Commitment and Planning Support Award; Comprehensive Watershed Improvement Plan Project Development and Permitting - Phase 1; Council Monitoring and Assessment Program; Florida Gulf Consortium's Planning State Expenditure Plan; Florida Gulf Environmental Benefit Fund Restoration Strategy; Planning Assistance to Develop a Multiyear Implementation Plan; Gulf Consortium (FL) Planning Grant for State Expenditure Plan; Gulf of Mexico Estuary Program; Gulf of Mexico Habitat Restoration via Conservation Corps Partnership; Post-Secondary Career and Technical Education Program; Manufacturing Career Cluster; Preserve Management Plans; Retrofit of Lift Station #76; Second Chance Outreach Re-Entry and Education Development and Job Skills Training Program; Strategic Conservation Assessment of Gulf Coast Landscapes; Sustainable Economic Matrix and Master Plan (SEMMP) – Project 14; Walton Works Training Center of Excellence	
Military Operations	
The US Air Force and US Navy conduct military operations within federally designated areas of Florida for the purposes of personnel training, research, design, testing, and evaluation. The US Navy facilities are located in Pensacola, Panama City, Key West, Homestead, Mayport, Jacksonville, and some other smaller stations, which conduct training and operations in Florida coastal waters.	Geology and substrates; Hydrology and water quality; Habitats; Marine and estuarine fauna; EFH; Land and marine management; Fisheries and aquaculture.
Marine Transportation	
Marine Highway Corridors are used for port development; shipping and maritime services; and associated navigation, channel construction, and maintenance. Future actions are likely to occur along corridors (M10) or at ports in Florida as maritime traffic is expected to increase.	Hydrology and water quality; Habitats; Marine and estuarine fauna; EFH; Land and marine management; Fisheries and aquaculture.

Action Description	Key Resource Areas and Potential for Adverse Cumulative Impacts
Dredged Material Disposal	
Navigational channels, marinas, and other publicly used water bottoms are dredged as needed to maintain navigability. Dredged materials are either beneficially used as part of another project or deposited in a designated disposal location.	Geology and substrates; Hydrology and water quality; Habitats; Marine and estuarine fauna; Protected species; EFH; Land and marine management; Fisheries and aquaculture.
Marine Mineral Mining, Including Sand and Gravel Mining	
According to USGS, in 2014[26], the value of Florida's nonfuel mineral production was $2.89 billion. Florida is the only state producing staurolite; leads in the production of attapulgite, peat, and phosphate rock; and is a major producer of masonry and portland cements, titanium concentrates (ilmenite), and zirconium concentrates (USGS 2014).	Geology and substrates; Hydrology and water quality; Habitats; Marine and estuarine fauna; Protected species; EFH; Land and marine management; Fisheries and aquaculture.
Fisheries and Aquaculture	
Within Florida state waters, FWC is responsible for regulating recreational and commercial fishing while the Florida Department of Agriculture and Consumer Services (FDACS) oversees aquaculture activities. FWC provides licenses; sets catch limits, quotas, and seasons; regulates harvest and processing; and provides technical assistance, while FDACS certifies aquaculturists and provides aquaculture leases for coastal submerged land.	Geology and substrates; Hydrology and water quality; Habitats; Marine and estuarine fauna; Protected species; EFH; Land and marine management; Fisheries and aquaculture.
Tourism and Recreation	
Examples include park upgrades to walking and biking paths.	Geology and substrates; Habitats; Terrestrial wildlife; Protected species; EFH; Land and marine management.
Coastal Development and Land Use	
Examples of coastal development activities include commercial, residential, and other development; roadway maintenance and improvement; structural and nonstructural risk reduction projects; marsh creation; sediment diversions; and hydrologic and ridge restoration.	Geology and substrates; Hydrology and water quality; Habitats; Marine and estuarine fauna; Terrestrial wildlife; Protected species; EFH; Land and marine management; Fisheries and aquaculture.

[26] The most recent annual report; source: USGS. 2014. 2014 Minerals Yearbook: Florida. Available at www.usgs.gov/centers/nmic/mineral-industry-florida.

4.6 Compliance with Environmental Laws and Regulations

The FL TIG would ensure compliance with all applicable state and local laws and other applicable federal laws and regulations relevant to the proposed restoration alternative. The FL TIG has completed technical assistance reviews with the USFWS for protected species and their habitats under the ESA, consistency with the Coastal Zone Management Act (CZMA), and other federal statutes, where appropriate, for the preferred alternative, Dickerson Bay Addition. No impacts are anticipated to NOAA ESA species or CH, and therefore no further coordination with NOAA is required. The FL TIG will complete a technical assistance review for cultural resources under Section 106 of the NHPA prior to initiating any activities. The compliance status for Dickerson Bay Addition at the time of this document is provided below in Table 4-2.

Implementing Trustees are required to implement mitigation measures (including BMPs) identified in this document, the biological evaluation form, and completed consultations/permits. The Implementing Trustee would provide oversight and conduct due diligence to ensure no unanticipated effects to listed species and habitats would occur, including ensuring that BMPs are implemented and continue to function as intended. Pursuant to the CZMA, federal activities must be consistent to the maximum extent practicable with the federally approved coastal management programs for states where the activities would affect a coastal use or resource. Federal Trustees submitted a consistency determination for state review coincident with public review of this document.

Federal environmental compliance responsibilities and procedures would follow the Trustee Council's SOPs, which are laid out in Section 9.4.6 of that document. Following these SOPs, the Implementing Trustees for the selected alternative would ensure that the status of environmental compliance (e.g., completed, in progress) is tracked through the Trustee Council Restoration Portal.[27] The Implementing Trustees would keep a record of compliance documents (e.g., ESA letters, permits) and ensure that they are submitted for inclusion in the DWH AR.

Table 4-2. Current status of federal regulatory compliance reviews and approvals for the preferred alternative, Dickerson Bay Addition, at release of this document

Relevant Environmental Law or Regulation	Status
Coastal Zone Management Act (CZMA)	Complete
Endangered Species Act – Section 7 (NMFS)	Not applicable
Endangered Species Act – Section 7 (USFWS)	Complete – no effect
Magnuson Stevens Act (EFH; NMFS)	Not applicable
Marine Mammal Protect Act (MMPA; NMFS)	Not applicable
Marine Mammal Protection Act (MMPA; USFWS)	Not applicable
National Historic Preservation Act (NHPA)	In progress
Rivers and Harbors Act/Clean Water Act (USACE permit)	Not applicable
Bald and Golden Eagle Protection Act	Complete – no effect
Coastal Barrier Resources Act	Not applicable

[27] Trustee Council Restoration Portal: www.diver.orr.noaa.org

4.6.1 Additional Laws

Examples of applicable laws or executive orders include, but are not necessarily limited to, those listed below. Additional detail on each of these can be found in the PDARP/PEIS (Chapter 6; DWH Trustees 2016a). Additional federal laws may apply to the preferred alternative considered in this Phase V.4 RP/SEA. Legal authorities applicable to restoration alternative development were fully described in the context of the DWH restoration planning in the PDARP/PEIS, Section 6.9 Compliance with Other Applicable Authorities and Appendix 6.D Other Laws and Executive Orders. That material is incorporated by reference here.

- Endangered Species Act (16 U.S.C. §§1531 *et seq.*)
- Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§1801 *et seq.*)
- Marine Mammal Protection Act (16 U.S.C. §§1361 *et seq.*)
- Coastal Zone Management Act (16 U.S.C. §§1451 *et seq.*)
- National Historic Preservation Act (16 U.S.C. §§470 *et seq.*)
- Coastal Barrier Resources Act (16 U.S.C. §§3501 *et seq.*)
- Migratory Bird Treaty Act (16 U.S.C. §§703 *et seq.*)
- Bald and Golden Eagle Protection Act (16 U.S.C. §§668 *et seq.*)
- Clean Air Act (42 U.S.C. §§7401 *et seq.*)
- Federal Water Pollution Control Act (CWA, 33 U.S.C. §§1251 *et seq*.) and/or Rivers and Harbors Act (33 U.S.C. §§401 *et seq*.)
- Marine Protection, Research and Sanctuaries Act (16 U.S.C. §§ 1431 *et seq*. and 33 U.S.C. §§ 1401 *et seq*.)
- Estuary Protection Act (16 U.S.C. §§ 1221-1226)
- Archaeological Resource Protection Act (16 U.S.C. §§ 470aa-470mm)
- National Marine Sanctuaries Act (16 U.S.C. §§ 1431 et seq.)
- Executive Order 11988: Floodplain Management (augmented by EO 13690, January 30, 2015), as amended.
- Executive Order 11990: Protection of Wetlands, as amended.
- Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, as amended.
- Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks.
- Executive Order 12962: Recreational Fisheries, as amended by Executive Order 13474, September 26, 2008.
- Executive Order 13112: Safeguarding the Nation from the Impacts of Invasive Species, as amended by Executive Order 13751, Dec. 5, 2016.
- Executive Order 13175: Consultation and Coordination with Indian Tribal Governments, as amended.
- Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds, as amended.
- Executive Order 13693: Planning for Federal Sustainability in the Next Decade, as amended.

Potentially applicable state laws may include but are not limited to:

- Chapter 161, F.S., Beach and Shore Preservation
- Chapter 253, F.S., State Lands
- Chapter 258, F.S., State Parks and Preserves
- Chapters 259, F.S., Land Acquisition for Conservation or Recreation
- Chapter 260, F.S., Florida Greenways and Trails Act
- Chapter 267, F.S., Historical Resources
- Chapter 373, F.S., Water Resources
- Chapter 375, F.S., Outdoor Recreation and Conservation Lands
- Chapter 376, F.S., Pollutant Discharge Prevention and Removal
- Chapter 379, F.S., Fish and Wildlife Conservation
- Chapter 380, F.S., Land and Water Management
- Chapter 381, F.S., Public Health: General Provisions
- Chapter 403, F.S., Environmental Control
- Chapter 553, F.S., Building and Construction Standards
- Title XXXV, F.S., Agriculture, Horticulture, and Animal Industry

Chapter 5. Summary of Public Comments received on the Draft Phase V.4 RP/SEA and FL TIG Responses

5.1 Introduction

The public comment period for the FL TIG draft Phase V.4 RP/SEA opened on April 18, 2022 and ended on May 20, 2022. To present the plan and facilitate public review and comment, the FL TIG held two public meetings. One was a virtual meeting held on May 10, 2022 and the second was an in-person meeting held at the Panacea Community Center in Panacea, Florida on May 12, 2022. The FL TIG also hosted a web-based comment submission site (DOI's Planning, Environment and Public Comment [PEPC] webpage) and provided a P.O. Box address for the public to provide comments. Additional information on the public comment process is provided in Section 1.8.

During the public comment period, the FL TIG received a total of nine comments. Each comment was reviewed in its entirety and considered by the FL TIG prior to finalizing the Phase V.4 RP/SEA. Portions of comments considered to be outside of the scope of this Phase V.4 RP/SEA, such as those related to water quality/water pollution, air pollution, and the Governor's efforts related to the project, are not addressed in Section 5.2 below. All public comments will be included in the Administrative Record.

5.2 Comment Analysis Process

Comment analysis is a process used to compile similar public comments into a format that can be addressed by Trustees. Comments were sorted into logical groups by topic. The process was designed to capture and condense all comments received rather than to restrict or exclude any ideas. This process allows the FL TIG to provide an organized and comprehensive response to public comments, consistent with OPA and NEPA regulations. DOI's PEPC database was used to manage many of the public comments. The database stores the full text of all submissions and allows each comment to be grouped or split by topic.

5.3 Summarized Comments and FL TIG Responses

Below are the comments and FL TIG responses, as summarized during the comment analysis process.

1. **Comment**: Commenters indicated general support for the draft Phase V.4 RP/SEA. In particular, commenter(s) indicated support for acquiring the Dickerson Bay Addition parcel for incorporation into St. Marks National Wildlife Refuge, preventing future development of the parcel, and drawing tourists who may contribute to the local economy.

   Response: The FL TIG acknowledges the support expressed for the proposed restoration project.

2. **Comment**: Commenter suggested including signage in the project that educates the public on the impacts of the DWH oil spill and outcomes from the settlement.

Response: The FL TIG acknowledges the suggestion to add signage to the project. After the parcel is purchased and transferred to St. Marks National Wildlife Refuge, the Refuge would consider opportunities to place educational signage at the site.

3. **Comment**: Commenters suggested the FL TIG consider restoring Mashes Sands Beach in Panacea, rather than acquiring the Dickerson Bay Addition and incorporating the parcel into St. Marks National Wildlife Refuge. In particular, commenters suggested addressing erosion and/or replenishing oysters and fishing habitat.

   Response: The FL TIG acknowledges the suggestion. Restoration has been conducted at Mashes Sands Beach. The Trustees approved and funded the Wakulla County Mashes Sands Park Improvements project in DWH Early Restoration Phase III, which included the construction of new and enhancement to existing recreational amenities such as observation platforms, a boat ramp, and parking and restroom facilities. This project is now in the monitoring phase.

   The restoration objective for the Florida Coastal Access Project, the project addressed in this document, is to restore a portion of lost recreational opportunities caused by the DWH oil spill by increasing the public's access to natural resources and enhancing the public's recreational experiences. This is being achieved through the acquisition of coastal parcels for incorporation into existing parks or the creation of new parks. As such, the Dickerson Bay Addition meets the FL TIG's restoration objectives and is consistent with the goal of the Florida Coastal Access Project. The FL TIG may consider habitat restoration in future restoration planning cycles. The TIG will announce opportunities for members of the public to submit restoration project ideas for consideration in future project screening and evaluation cycles on the Trustees' website (www.gulfspillrestoration.noaa.gov).

4. **Comment**: A commenter requested additional information on the project timeline and anticipated monitoring.

   Response: TPL currently holds an option to acquire the Dickerson Bay Addition property until November 2022. TPL will purchase the parcel prior to this time, then transfer the property to St. Marks National Wildlife Refuge. The Refuge anticipates completing the recreational enhancements at the site within one year of the transfer. Visitor use monitoring will occur for one year following incorporation of the parcel into the Refuge, as outlined in the Monitoring and Adaptive Management Plan provided in Appendix B of this document.

5. **Comment**: A commenter asked whether there would be opportunities for the public to become involved in clean-up of the area affected by the oil spill and/or become involved in clean-up at the project site.

   Response: Clean up from the DWH oil spill has concluded. There may be opportunities for the public to get involved in the hurricane debris clean-up on the Dickerson Bay Addition parcel after the parcel is acquired and transferred to the St. Marks National Wildlife Refuge. As noted in Section 2.5.2, any hurricane debris community cleanup efforts will be conducted outside of

the scope of the NRDA restoration project. The Refuge will notify the public of opportunities to be involved in these cleanup events.

Members of the public can also become involved in the Trustees' restoration planning efforts by submitting restoration project ideas for the Trustees to consider and by providing comments on draft restoration plans and at TIG public meetings. These public engagement opportunities will be announced on the Trustees' website (www.gulfspillrestoration.noaa.gov).

6. **Comment**: A commenter asked about marine, terrestrial, and ESA-listed species that are present in the project area that could benefit from project activities.

   Response: Section 4.3.1 provides a description of wildlife (including protected species) that could be present in the project area. Some ESA-listed species potentially present at the site include red knot, red-cockaded woodpecker, and Eastern indigo snake. Section 4.3.2.2 analyzes the environmental consequences of project activities, including benefits to wildlife anticipated from the addition of more contiguous habitat and increased habitat connectivity.

7. **Comment**: A commenter asked how the FL TIG would measure project success and communicate project results.

   Response: The restoration objective for the Florida Coastal Access Project is to restore a portion of lost recreational opportunities caused by the DWH oil spill by increasing the public's access to the natural resources and enhancing the public's recreational experiences. As described in the project Monitoring and Adaptive Management Plan in Appendix B, the specific objectives relevant to project monitoring are 1) to acquire the parcel and 2) to provide visitors with access to St. Marks NWR. The project will be deemed successful once the property has been acquired and the new parcel is incorporated into the St. Marks NWR. The FL TIG will report on project progress through the Florida page of the Trustees' website (www.gulfspillrestoration.noaa.gov/restoration-areas/florida).

8. **Comment**: A commenter asked if project information would be provided in different languages and/or video forms to accommodate those with special needs.

   Response: The TIG publishes all of its materials (e.g., restoration plans, project factsheets) on its website in accordance with applicable laws and regulations, including Section 508 of the Americans with Disabilities Act. This means that all materials are accessible to the hearing and sight impaired. Information provided on existing kiosks at the refuge includes accommodations for the hearing and sight impaired (braille and audio). The use of additional languages is based on need as determined by an analysis of the surrounding community demographics.

9. **Comment**: A commenter suggested adding trails to the Dickerson Bay Addition parcel to improve public use and environmental education.

   Response: As described in Section 2.5.2, the public will be able to access the Dickerson Bay Addition for passive recreation, including hiking on existing former roadbeds on the site. Once

the parcel is incorporated into St. Marks National Wildlife Refuge, the Refuge may evaluate opportunities for additional designated trails and environmental education.

10. **Comment**: A commenter asked how much of the FL TIG's settlement allocation has been spent on restoration.

    Response: The proposed restoration project considered in this document will be funded using Provide and Enhance Recreational Opportunities Restoration Type funds. The FL TIG settlement funds include approximately $184 million for the Provide and Enhance Recreational Opportunities Restoration Type. The TIG has allocated approximately 88% of these Restoration Type funds to restoration projects.

    The DWH Trustees, including the FL TIG, continue to plan restoration actions using the available funds to compensate for and restore natural resources and their services injured as a result of the DWH oil spill. As of May 2022, the FL TIG Trustees have received approximately $351 million to-date of the approximately $680 million in FL TIG settlement funds from BP. Approximately $250 million have been committed to existing restoration projects and planning initiatives across all Restoration Types. The Trustees will continue to receive settlement funds via annual payments for restoration over the next decade. The most up-to-date financials can be found on the Trustees' website (www.gulfspillrestoration.noaa.gov).

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Appendix A. List of Preparers and Reviewers

Agency/Firm	Name	Position
State of Florida		
Florida Department of Environmental Protection	Lisa Robertson	Program Administrator, DWH Program
Florida Fish and Wildlife Conservation Commission	Gareth Leonard	Gulf Restoration Coordinator
Florida Fish and Wildlife Conservation Commission	Amy Raker	Assistant Gulf Restoration Coordinator
Industrial Economics, Incorporated	Nadia Martin	Principal
Industrial Economics, Incorporated	Emily Mazur	Associate
Industrial Economics, Incorporated	Madeline Latimore	Research Analyst
National Oceanic and Atmospheric Administration		
National Oceanic and Atmospheric Administration	Stella Wilson	Marine Habitat Restoration Specialist
National Oceanic and Atmospheric Administration	Ramona Schreiber	Marine Habitat Resource Specialist
National Oceanic and Atmospheric Administration	Christina Fellas	Marine Habitat Resource Specialist
National Oceanic and Atmospheric Administration	Grant Blumberg	Attorney-Advisor, Office of General Counsel
U.S. Department of the Interior		
U.S. Department of the Interior	Dianne Ingram	DOI DWH Restoration Biologist
U.S. Department of the Interior	Amy Mathis	DOI DWH Restoration Planner
U.S. Department of the Interior	Robin Renn	DOI DWH NEPA Coordinator
U.S. Department of the Interior	Michael Barron	Wildlife Biologist – Compliance Coordinator
U.S. Department of the Interior	Dan Polito	Archaeologist
U.S. Department of the Interior	Lisa Stevens	Attorney-Advisor
U.S. Department of the Interior	Nanciann Regalado	DOI DWH Public Affairs and Outreach Coordinator
U.S. Department of Agriculture		
U.S. Department of Agriculture	Ron Howard	Senior Technical Advisor
U.S. Department of Agriculture	Benjamin Battle	FL TIG Member
U.S. Environmental Protection Agency		
U.S. Environmental Protection Agency	Amy Newbold	FL TIG Member
U.S. Environmental Protection Agency	Amanetta Somerville	NEPA Program Office
U.S. Environmental Protection Agency	Tim Landers	Life Scientist

Appendix B. Phase V.4 Florida Coastal Access Project: Monitoring and Adaptive Management Plan

B.1 Introduction

This monitoring and adaptive management plan identifies the monitoring needed to evaluate progress toward meeting project objectives and to support any necessary adaptive management of the restoration project. Where applicable, it identifies key sources of uncertainty and incorporates monitoring data and decision points that address these uncertainties. As not all projects will have the same sources and degree of uncertainty, this monitoring and adaptive management plan is scaled according to level of uncertainty, scope, scale, and Restoration Type associated with this project.

This monitoring and adaptive management plan is a living document and may be updated as needed to reflect changing conditions and/or new information. Any future revisions to the Phase V.4 RP/SEA will be made publicly available through the Trustee Council Restoration Portal and accessible through the *Deepwater Horizon* (DWH) Trustee website.[28]

B.1.1 Overview of the Proposed Project

The fourth phase of the proposed Florida Coastal Access Project continues the restoration planning process begun prior to the settlement of the DWH oil spill natural resource damage assessment. In this phase, the Florida Trustee Implementation Group (FL TIG) has evaluated the preferred alternative, to implement the proposed action alternative: Dickerson Bay Addition.

The Dickerson Bay Addition alternative includes the acquisition of an approximately 114-acre undeveloped parcel off the northern point of Dickerson Bay in Wakulla County and minor restoration and recreational enhancement activities. The parcel will be acquired through a fee simple purchase by the Trust for Public Land (TPL) and will be donated to the St. Marks National Wildlife Refuge (NWR) to be managed as such. The parcel is a private inholding within the existing St. Marks NWR approved acquisition boundary.

B.1.2 Restoration Goal and Objectives

The overall goal of the Dickerson Bay Addition alternative is to enhance the public's access to the surrounding natural resources in and around Dickerson Bay and increase recreational opportunities to restore a portion of the lost recreation use injuries sustained on lands in Florida. The specific restoration objectives relevant for this monitoring plan are: (1) to acquire the parcel; and (2) to provide visitors access to the natural resources.

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[28] Trustee Council Restoration Portal: www.diver.orr.noaa.org; DWH Trustee website: www.gulfspillrestoration.noaa.gov

B.1.3 Conceptual Setting and Anticipated Outcomes

Table 1 below outlines the conceptual setting for the Dickerson Bay Addition alternative, which forms the basis of this monitoring plan and includes a summary of the proposed activities, the expected outcome, and the desired outcomes.

Table 1. Conceptual Setting for the Dickerson Bay Addition

Activity	Output	Short-term outcome	Long-term outcome
• Acquire the coastal parcel	• The parcel is acquired	• Parcel is donated to St. Marks NWR and managed as part of the NWR	• The public are able to use the area for passive recreation in perpetuity
• Complete restoration and recreational enhancements	• Enhancements are completed	• Parcel is enhanced as part of the NWR	• The public are able to use the area for passive recreation in perpetuity

B1.4 Roles and Responsibilities

The Implementing Trustees from the FL TIG are (Florida Department of Environmental Protection [FDEP] and the Department of the Interior [DOI]).

Through their third-party agent, TPL, DEP will be responsible for acquiring and donating the proposed parcel.

DOI (St. Marks NWR) will accept the donated parcel, document the use of the parcel by the public during the first year following acquisition, and manage the parcel in perpetuity.

B.2 Project Monitoring, Performance Criteria, and Potential Corrective Actions

The proposed monitoring for this restoration project was developed to evaluate project performance, key uncertainties, and potential corrective actions, if needed. Performance criteria will be used to determine restoration success or the need for corrective action (15 C.F.R. § 990.55(b)(1)(vii)).

Information on each monitoring parameter is provided below. Note that Table 2 does not include all possible options for corrective actions; rather, it includes a list of potential actions for each individual parameter to be considered if the project is not performing as expected once implemented. Other corrective actions may be identified post-implementation, as appropriate.

Table 2. Monitoring Parameters

Parameter	Monitoring Questions/Purpose of Parameter	Method	Timing, Frequency, Duration	Sample Size and/or Sites	Performance Criteria	Potential Corrective Action(s)
Acquisition of the selected parcel for public use	Has the coastal parcel been acquired? Were the project restoration and visitor enhancement activities completed as designed and contracted?	TPL will exercise option on the property and acquire the coastal parcel	The closing will occur within four months of selecting the alternative	1; at the selected alternative location	The land parcel is acquired	Resolution with seller so the parcel is acquired
Number of acres acquired	Documentation of the number of acres acquired for public use and access	FL TIG will document the number of acres acquired	Transfer document and/or field-based survey	1; at the selected alternative location	114 acres acquired	N/A
Number of public access points provided	Are the public able to access the parcel and are they using the area for passive recreation?	Visual observation	Visual observations conducted once per quarter for one year	4 times; at the selected alternative location	1 new public access point provided, and public are able to use the area	N/A

B.3 Monitoring Schedule

The schedule for the restoration monitoring is shown in Table 3, separated by monitoring activity. Post-implementation monitoring will occur during closing and after the parcel is donated to the St. Marks NWR.

Table 3. Monitoring Schedule

Monitoring Parameters	Monitoring Timeframe Post-Implementation Monitoring
Review the closing documents	X
Observations of visitors	X

B.4 Reporting and Data Requirements

Reporting will occur after the parcel is acquired. The monitoring report will summarize the information collected, document whether the parcel was acquired, and if the parcel is being used by the public for passive recreational uses.

Appendix C. Finding of No Significant Impact (FONSI) from Implementation of the Final Phase V.4 Florida Coastal Access Project: Restoration Plan and Supplemental Environmental Assessment

C.1 Overview and Background

The "Florida Trustee Implementation Group *Deepwater Horizon* Oil Spill Final Phase V.4 Florida Coastal Access Project: Restoration Plan and Supplemental Environmental Assessment" (Phase V.4 RP/SEA) is an integrated restoration plan and supplemental environmental assessment prepared by the Florida Trustee Implementation Group (FL TIG) to address injuries to natural resources and their services caused by the *Deepwater Horizon* (DWH) oil spill, using Natural Resource Damage funds. In the Phase V.4 RP/SEA, the FL TIG analyzed three alternatives, including no action, and selects for implementation the acquisition of a privately owned coastal inholding parcel within the approved boundary of the St. Marks National Wildlife Refuge (NWR) in Wakulla County.

Implementation of the Phase V.4 RP/SEA will continue the restoration planning process begun prior to the settlement of the DWH oil spill natural resource damage assessment (early restoration) as described in the 2016 DWH Oil Spill Phase V Early Restoration Plan and Environmental Assessment (Phase V ERP/EA). The Phase V ERP/EA analyzed the Florida Coastal Access Project and its first phase, which involved the acquisition and/or enhancement of four coastal project locations in Escambia, Okaloosa, Bay, and Franklin Counties in the Florida Panhandle.[29] The second phase was addressed in the *Deepwater Horizon* Oil Spill Phase V.2 Florida Coastal Access Project: Final Restoration Plan and Supplemental Environmental Assessment (Phase V.2 RP/SEA) and analyzed land acquisition and construction of public amenities for three alternatives, located in Walton, Gulf, and Franklin Counties.[30] The third phase was addressed in the *Deepwater Horizon* Oil Spill Phase V.3 Florida Coastal Access Project: Final Restoration Plan and Supplemental Environmental Assessment (Phase V.3 RP/SEA), which analyzed land acquisition for three alternatives located in Santa Rosa, Walton, and Franklin Counties.[31] All three restoration plans are incorporated herein by reference. The primary goal of the Florida Coastal Access Project is to enhance the public's access to the surrounding natural resources and increase recreational opportunities in the Florida Restoration Area.

The FL TIG is comprised of the following state and federal Natural Resource Trustee Agencies: Florida

[29] The Phase V ERP/EA can be found at https://www.gulfspillrestoration.noaa.gov/restoration-planning/phase-v.
[30] The Phase V.2 RP/SEA is available at www.gulfspillrestoration.noaa.gov/2018/02/florida-trustee-implementation-group-releases-phase-v2-final-restoration-plan.
[31] The Phase V.3 RP/SEA is available at https://www.gulfspillrestoration.noaa.gov/sites/default/files/DWH-ARZ003772.pdf.

Department of Environmental Protection (FDEP); Florida Fish and Wildlife Conservation Commission (FWC); United States Department of the Interior (DOI), represented by the National Park Service, United States Fish and Wildlife Service (FWS), and Bureau of Land Management; the National Oceanic and Atmospheric Administration (NOAA), on behalf of the United States Department of Commerce, United States Department of Agriculture (USDA); and United States Environmental Protection Agency (EPA).

Under the Oil Pollution Act of 1990, damages recovered from parties responsible for natural resource injuries are used to restore, replace, rehabilitate and/or acquire the equivalent of the injured natural resources and services they provide (33 U.S.C. § 2706). When federal trustees are involved, these restoration activities are subject to the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321 et seq. Therefore, the FL TIG prepared an integrated SEA to evaluate the potential environmental impacts associated with the fourth phase of the Florida Coastal Access Project. The Phase V.4 RP/SEA supplements the previous NEPA analyses prepared for the first, second, and third phases and is prepared in accordance with the Council on Environmental Quality (CEQ) NEPA regulations, and all applicable federal agency NEPA procedures.

C.1.1 Lead and Cooperating Agencies

Pursuant to NEPA, the FL TIG designated DOI as the lead agency to supervise the preparation of the NEPA analysis for the Phase V.4 RP/SEA (40 CFR § 1501.5(a)). Each of the other federal and state co-Trustees participated as a cooperating agency pursuant to NEPA (40 CFR § 1508.5) and the Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the Deepwater Horizon Oil Spill (SOP, DWH Trustees 2021).

C.1.2 Adoption of the Phase V.4 RP/SEA NEPA analysis by Federal Agency members of FL TIG

Each federal agency member of the FL TIG must make its own independent evaluation of the NEPA analysis in support of its FL TIG decision-making responsibilities. In accordance with 40 CFR § 1506.3(a), each of the three federal agencies participating on the FL TIG has reviewed the Phase V.4 RP/SEA, found it meets the standards set forth in its own NEPA implementing procedures, and accordingly adopts the Phase V.4 RP/SEA NEPA analysis.

C.1.3 Public Participation

The Phase V ERP/EA, Phase V.2 RP/SEA, and Phase V.3 RP/SEA were all noticed in the Federal Register and on the FL TIG websites and included 30-day public comment periods and public meetings. On April 18, 2022, the FL TIG published a notice of availability for the draft Phase V.4 RP/SEA in the Federal Register, encouraging the public to review and comment (87 FR 22937). A Notice of Availability was also published on the FL TIG website and on the DWH Trustees' website. These websites are:

- www.gulfspillrestoration.noaa.gov
- www.deepwaterhorizonflorida.com

The draft Phase V.4 RP/SEA was available for a 32-day public review and comment period on the FL TIG's website beginning on April 18, 2022. During the comment period, the FL TIG held a webinar on May 10, 2022, and an in-person public meeting on May 12, 2022, in Panacea, FL, to facilitate the public review and comment process. In addition to the webinar and public meeting, the public could make comments on the Draft V.4 RP/SEA through U.S. mail and via a web-based comment submission site. The Draft Phase V.4 RP/SEA was finalized after considering input received from the public during the public comment period. Public comments received during the comment period were considered and summarized in this document (see Chapter 5, Summary of Public Comments received on the Draft Phase V.4 RP/SEA and FL TIG Responses).

C.1.4 Purpose and Need

The purpose of the Proposed Action is to restore lost recreational use in Florida due to the DWH oil spill, consistent with the previous phases of the Florida Coastal Access Project and the 2016 *Deepwater Horizon* Oil Spill: Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS).[32] A summary of the DWH oil spill-related recreational use losses is provided in Section 2.1 of the Phase V.4 RP/SEA and in Section 4.10 of the PDARP/PEIS. The proposed action is needed to continue the Florida Coastal Access Project described, analyzed, and approved in Phase V of early restoration. The Proposed Action is needed to fulfill the commitment made to the public in Phase V and is also consistent with the PDARP/PEIS programmatic goal to "Provide and Enhance Recreational Opportunities" through the restoration approach "Enhance public access to natural resources for recreational use."

C.2 Summary of the Proposed Action and Alternatives

C.2.1 Proposed Action and Alternatives

In the Phase V.4 RP/SEA, the FL TIG fully analyzed the Dickerson Bay Addition and incorporated by reference one alternative from the Phase V.2 RP/SEA that is still determined to be a viable alternative. A no action alternative was also analyzed. Based on the analysis, the FL TIG determined that, compared to the other action alternative, implementation of the Dickerson Bay Addition project (Proposed Action) best meets the purpose and need and OPA screening criteria developed by the FL TIG.

1. **Dickerson Bay Addition**: This alternative, which was selected by the FL TIG for implementation, involves acquiring an approximately 114-acre privately owned inholding parcel within the approved boundary of the St. Marks NWR in Wakulla County, and is the FL TIG's preferred alternative. This project consists of land acquisition and minor restoration and recreational enhancement activities (e.g., boundary signage and parking area enhancements). The parcel will be acquired by the Trust for Public Lands (TPL), which is an agent for the state of Florida, and

[32] The PDARP/PEIS and Record of Decision (ROD) are available at www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan.

then donated to St. Marks NWR. St Marks NWR will be responsible for maintaining it as part of the National Wildlife Refuge System in perpetuity.

2. **Little Redfish Lake Addition to Grayton Beach State Park, Walton County**: This alternative was incorporated by reference and summarized in the Phase V.4 RP/SEA. It involves acquiring 7.06 acres; the property would not be improved or developed. It would be left in its natural state and the habitat would be managed as part of Grayton Beach State Park. This project could be further considered by the FL TIG in future restoration plans.

3. **No Action**: The No Action alternative would leave both properties in their current conditions. This means that the parcels would not be acquired for preservation and/or improved for recreational purposes. These privately owned properties could ultimately be sold and developed for other purposes.

C.3 Summary of the Supplemental Environmental Assessment

- Chapter 4 of the Phase V.4 RP/SEA provides the analysis needed to assess the significance of the impacts of the alternatives. The NEPA analysis concluded that the projects are anticipated to result in both beneficial and adverse effects. Potential adverse impacts do not rise above short-term, minor adverse impacts occurring only during minor construction activities for the proposed action and habitat management for the alternative, Little Redfish Lake Addition. Both projects would provide long-term benefits to multiple resources. These adverse effects are determined not significant considering the context and intensity of the projects' scopes and effects on the resources. The following significance factors are considered below. The Proposed Action would not result in significant adverse effects on public health or safety. Land acquisition and minor restoration and recreational improvements would have no adverse impact.

- The Proposed Action would have no significant adverse impacts to unique characteristics of the geographic area, and would have no significant adverse effects on wetlands, floodplains, municipal water sources, ecologically critical areas, wild and scenic river corridors, park lands, wilderness, wilderness research areas, research natural areas, inventoried roadless areas, national recreation areas, or prime farmlands, particularly on a regional basis. No hydrologic activities, construction, or large-scale ground disturbing activities are proposed.

- The effects of the Proposed Action on the quality of the human environment are not controversial. The Proposed Action is in general supported by the public.

- There are no highly uncertain, unique, or unknown risks associated with the Proposed Action. Land acquisition is a successful, well-established, and commonly used practice to meet the goals of restoration for lost recreational use.

- The Proposed Action neither establishes a precedent for future FL TIG actions with significant effects nor represents a decision in principle about a future consideration. Future FL TIG actions will be determined through separate planning processes.

- The Proposed Action would not result in significant adverse cumulative impacts. Land acquisition would not contribute to adverse cumulative impacts.

- The Proposed Action would not threaten a violation of federal, state, or local laws, or requirements imposed for environmental protection. The Proposed Action is expected to be in compliance with all applicable federal laws and regulations.

- The Proposed Action would not adversely affect vulnerable marine or coastal ecosystems. The geographic range and scope of the Proposed Action avoids adverse impacts to these ecosystems. Further, no hydrologic activities, construction, or large-scale ground disturbing activities are proposed.

- The Proposed Action would not adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.). Beneficial impacts are expected from acquisition and preservation of important habitats.

- The Proposed Action is not expected to result in the introduction or spread of a nonindigenous species. Placing the parcel under the NWR system management would ensure best practices to minimize the risk of the introduction or spread of nonindigenous species.

- The Proposed Action will have no effect to Essential Fish Habitat (EFH), managed fish species, or any resources protected by the Magnuson-Stevenson Fishery and Conservation Management Act (MSFCMA). The actions would occur entirely in the terrestrial environment.

- The Proposed Action will have no adverse effect to vulnerable marine or coastal ecosystems. There would be no in-water work associated with the project and no work is anticipated to occur on the shoreline. All activities that could impact the coastal ecosystem in any way (e.g., boundary sign placement and parking lot enhancements) would only cause impacts while they were occurring, and their potential impacts are only minor.

C.4 Agency Coordination and Consultation Summary

Under Section 7 of the Endangered Species Act, the FL TIG, after coordination with USFWS and NOAA, determined the Proposed Action would have “no effect” on threatened, endangered, or candidate species and that no critical habitat would be adversely affected as a result of implementing the Proposed Action.

NOAA has reviewed the Proposed Action for compliance with the Magnuson-Stevens Fishery Conservation and Management Act and determined the project would have no effect on any species or critical habitats under NOAA’s jurisdiction.

Pursuant to the Coastal Zone Management Act, on behalf of the FL TIG federal trustees, DOI submitted a consistency determination for state review coincident with public review of the draft Phase V.4 RP/SEA. The FDEP provided approval to proceed with the proposed activities under the Coastal Area Management Program (see 15 C.F.R. Part 930).

The TIG is seeking concurrence with the FL State Historic Preservation Office and with affected Tribes through Tribal consultations. If through the concurrence/consultation process any cultural resources are identified within the project area, the FL TIG will ensure that all applicable laws concerning the protection of cultural resources are followed.

The status of DWH federal regulatory permits/approvals is maintained online and updated as regulatory compliance information changes at (www.gulfspillrestoration.noaa.gov/environmental-compliance/). All necessary compliance will be completed prior to project implementation.

C.5 Determination

In view of the NEPA analysis contained in the supporting Phase V.4 RP/SEA for implementation of the preferred alternative in the fourth phase of the Florida Coastal Access Project, the FL TIG federal trustees have determined that the proposed action to implement the project will not significantly impact the quality of the human environment. Accordingly, preparation of an environmental impact statement for this action is not necessary.

FOR THE U.S. DEPARTMENT OF THE INTERIOR

MARY JOSIE BLANCHARD

Department of the Interior Natural Resources Trustee Official for the Florida Trustee Implementation Group

Date: July 12, 2022

FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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Principal Representative, National Oceanic and Atmospheric Administration

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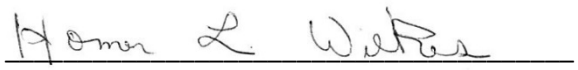
Chief, Assessment and Restoration Division
National Ocean Service

Date: _____

FOR THE U.S. DEPARTMENT OF AGRICULTURE

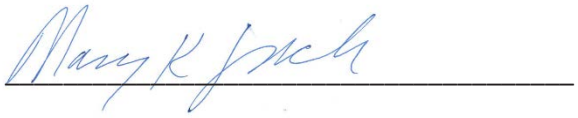


HOMER L. WILKES

Principal Representative, U.S. Department of Agriculture

Date: July 15, 2022

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



MARY KAY LYNCH

Alternate to Principal Representative, U.S. Environmental Protection Agency

Date: July 15, 2022