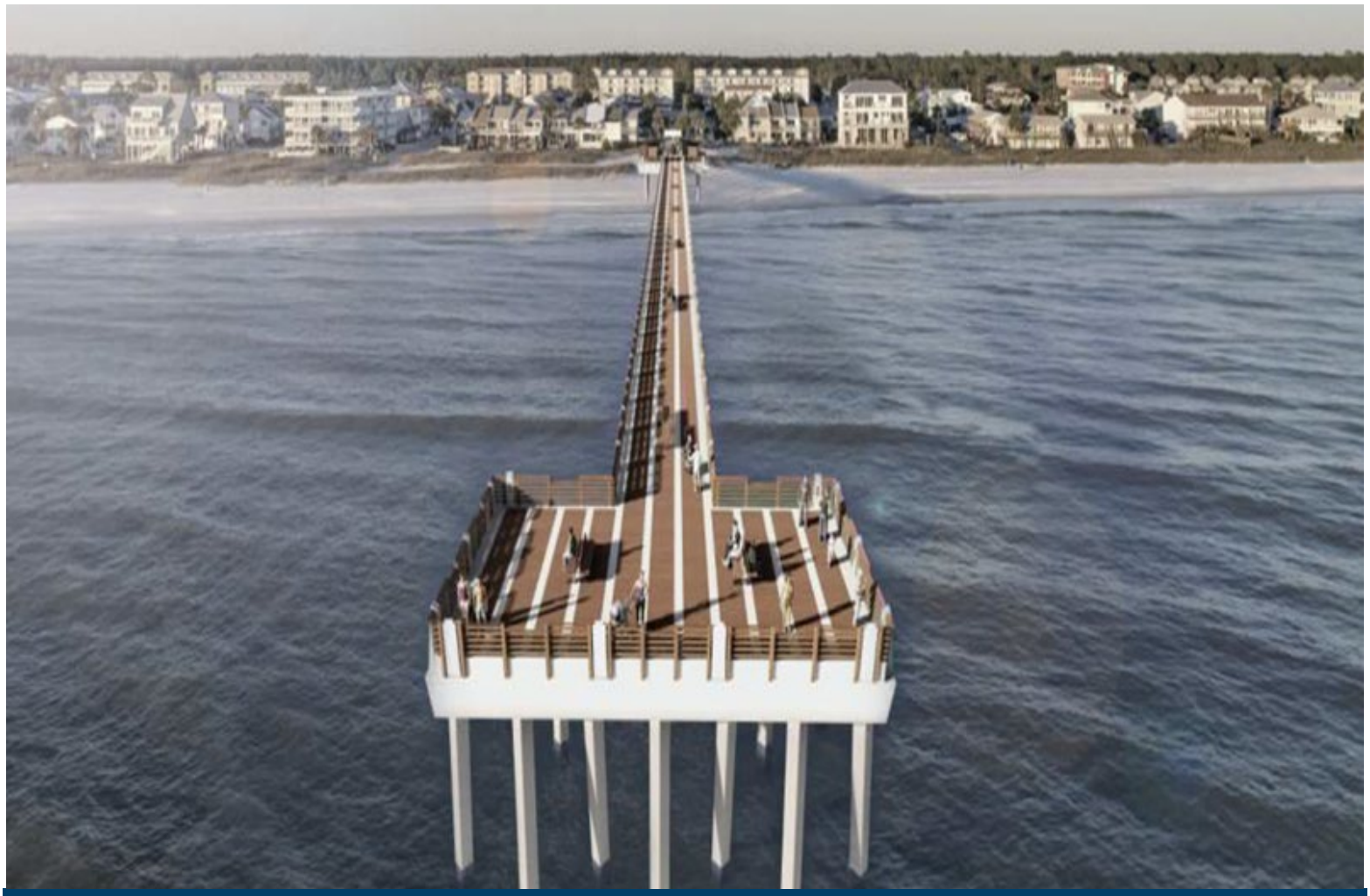

# Draft Environmental Assessment

**Mexico Beach Municipal Pier Reconstruction and Improvements**
***FEMA – PA-04-FL-4399-PW-02300***
**City of Mexico Beach, Bay County, FL**

Month 2025

Prepared for
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| Acronym | Definition |
|---|---|
| ADA | Americans with Disabilities Act |
| APE | Area of Potential Effect |
| BCC | Birds of Conservation Concern |
| BCG | Biome Consulting Group |
| BFE | Base Flood Elevation |
| BMP | Best Management Practice |
| BO | Biological Opinion |
| CAA | Clean Air Act |
| CATEX | Categorical Exclusion |
| CBRA | Coastal Barrier Resource Act |
| CBRS | Coastal Barrier Resource System |
| CBIA | Coastal Barrier Improvement Act |
| CEQ | Council on Environmental Quality |
| CERCLA | Comprehensive Environmental Response Compensation and Liability Act |
| CFR | Code of Federal Regulations |
| CHHA | Coastal High Hazard Area |
| COMB | City of Mexico Beach |
| CWA | Clean Water Act |
| CY | Cubic Yards |
| CZMA | Coastal Zone Management Act |
| CZM | Coastal Zone Management |

| | |
|---|---|
| DHS | Department of Homeland Security |
| EA | Environmental Assessment |
| EFH | Essential Fish Habitat |
| EIS | Environmental Impact Statement |
| EO | Executive Order |
| EO 11990 | Executive Order 11990 Protection of Wetlands |
| EO 11998 | Executive Order 11998 Floodplain Management |
| EPA | United States Environmental Protection Agency |
| ESA | Endangered Species Act |
| FAC | Florida Administrative Code |
| FBC | Florida Building Code |
| FCMP | Florida Coastal Management Program |
| FDEP | Florida Department of Environmental Protection |
| FEMA | Federal Emergency Management Agency |
| FGS | Florida Geological Society |
| FIRM | Flood Insurance Rate Map |
| FMSF | Florida Master Site File |
| FONSI | Finding of No Significant Impact |
| FPPA | Farmland Protection Policy Act |
| FT | Feet |
| FWC | Florida Fish and Wildlife Conservation Commission |
| FWRI | Florida Fish and Wildlife Conservation Commission-Fish and Wildlife Research Institute |
| GHG | Greenhouse gas |

| | |
|---|---|
| GIS | Geographic Information System |
| GPS | Geographic Positioning System |
| HBC | Habitat Conservation Commission |
| HW | High Water |
| IPaC | Information for Planning and Consultation |
| JCP | Joint Coastal Permit |
| MBTA | The Migratory Bird Treaty Act of 1918 |
| MSA | Magnuson–Stevens Fishery Conservation and Management Act of 1976 |
| MHW | mean high water |
| NAAQS | National Ambient Air Quality Standards |
| NAVD | North American Vertical Datum |
| NCA | Noise Control Act |
| NEPA | National Environmental Policy Act |
| NHPA | National Historic Preservation Act |
| NMFS | National Marine Fisheries Service |
| NOAA | National Oceanic and Atmospheric Administration |
| NOI | Notice of Intent |
| NRCS | National Resources Conservation Service |
| NRHP | National Register of Historic Places |
| OHW | Ordinary High Water |
| OPA | Otherwise Protected Area |
| PA | Public Assistance |
| PL | Public Law |
| RCRA | Resource Conservation and Recovery Act |

| | |
|---|---|
| RHA | Rivers and Harbors Act |
| SAV | Submerged Aquatic Vegetation |
| SFHA | Special Flood Hazard Area |
| SHPO | State Historic Preservation Office |
| Stafford | Robert T. Stafford Disaster Relief and Emergency Assistance Act |
| SOW | Scope of Work |
| SSA | Sole Source Aquifer |
| THPO | Tribal Historic Preservation Office |
| USACE | United States Army Corps of Engineers |
| USC | United States Code |
| USDA | United States Department of Agriculture |
| USFWS | United States Fish and Wildlife Service |
| US | United States |
| VOC | Volatile Organic Compounds |
| WOTUS | Waters of the United States |
| WSRA | Wild and Scenic River Act |
| WSR | Wild and Scenic Rivers |

# 1. Introduction

Hurricane Michael impacted the State of Florida between October 7, 2018, and October 19, 2018, bringing strong winds, storm surge, and flooding. On October 11, 2018, President Donald Trump declared a major disaster declaration (FEMA-DR-4399-FL) authorizing the Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) to provide federal assistance for Public Assistance (PA) to the designated areas of the State of Florida (Recipient). This assistance is provided pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Public Law (PL) 93-288, as amended. Section 406 of the Stafford Act authorizes FEMA's Public Assistance (PA) Program to repair, restore, and replace state and local government and certain private nonprofit facilities damaged as a result of the event.

The city of Mexico Beach (COMB or Applicant), Florida was designated as a municipality eligible to receive federal assistance. The COMB has applied through the PA Program to receive funding to reconstruct and expand the hurricane-damaged fishing pier and restroom facilities located at the end of 37th Street South (29.94891, -85.42472). The Applicant has requested funding in the amount of $7,019,365 to complete the proposed project.

The Preferred Alternative presented by COMB extends and improves the pier and associated facilities over 0.51 acres, which exceeds the thresholds for use of DHS Categorical Exclusion DHS Categorical Exclusion (CATEX) (N5). N5 allows for federal assistance with repair, restoration, and hazard mitigation actions of less than one-half acre in coastal areas subject to moderate wave action or within V zones.

This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, DHS Directive 023-01-01, Rev. 01, DHS Instruction 023-01-001- 01, Rev. 01, FEMA Directive 108-1, and FEMA Instruction 108-1-1. As a federal agency FEMA is required to comply with NEPA and all other applicable laws, regulations, policies, and executive orders. To achieve this level of compliance, FEMA is required to consider potential environmental impacts of major federal actions before funding or approving them. By preparing this EA, FEMA has analyzed the potential environmental impacts associated with the alternatives described in this EA.

# 2. Purpose and Need

FEMA's PA Program seeks to assist communities in responding to and recovering from disasters and reduce future losses from natural disasters. Its objective is to support community recovery efforts following natural disasters by providing financial assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of public facilities and infrastructure. This project seeks to rebuild and mitigate potential future damages caused by storm surge flooding from

coastal storms, tropical storms, and hurricanes, potentially impacting the COMB Pier facilities and its emergency response, functional, and recreational uses. The project seeks to protect against damages from storms like Hurricane Michael, which hit Mexico Beach in October 2018 with winds of 155 mph and storm surges of 8 to 14 feet (ft) and substantially damaged the pre-existing wooden pier and associated restroom.

The purpose of this project is to rebuild and improve the pier and restroom facilities with a structure capable of withstanding storm surge and high winds for the safe use by the citizens and visitors of COMB, and to contribute to the City's long-term financial/economic recovery from Hurricane Michael.

The pier, built in 1965, has been a community hub for beach walkers, sunset watchers, and fishers. Besides locals using it for recreation, tourists also visit, boosting the local economy. The pier facility has also provided a safe and accessible public restroom for this area of the beach. During peak tourist season, the population increases from approximately 1,200 residents up to 10,000 residents. The COMB has stated that it has not financially recovered since Hurricane Michael due to the drop in tourism to the area. COMB has also stated that replacing the pier and restroom is vital to the City's long-term financial/economic recovery from Hurricane Michael.

The improved pier would be extended seaward which would allow adequate water depth for fishing following decades of the natural sand accretion along the beach. The primary need is to address damage that the COMB Pier sustained during tidal surges and waves associated with Hurricane Michael, improve the resiliency of the COMB Pier facilities to withstand future flooding and coastal storms and maintain recreational access. There is also a need to improve the safety and security of the pier, including utility upgrades to bring them up to current codes, and to address the American with Disabilities Act (ADA) regulatory requirements for both the pier and associated restroom.

# 3. Project Location and Background

The proposed COMB pier project is located within the limits of the city of Mexico Beach, which is in southeastern Bay County, Florida, and is situated on the Gulf of America in the vicinity of the entrance to St. Joseph's Bay (29.949635, -85.424147). The City is located approximately 22 miles to the southeast of Panama City and has an approximate population of 1,060 people (2020 U.S. Census). The proposed pier and restrooms project site (Appendix A) is located at 29.94891, -85.42472, in Mexico Beach, Bay County, FL.

The pier structure, owned and maintained by COMB since 1998, was substantially damaged by Hurricane Michael. The original pier was a wooden structure measuring 14 ft wide, 16 ft high, and 840 ft long. In 2003, two extensions were added seaward, and in 2010, a terminal tee measuring 16 ft by 14 ft was added. The pier had a continuous wooden handrail, a sign over the entrance, and light bollards built to 1956 standards.

In 2003, a restroom facility was constructed at the northeast end of the pier, near the parking lot (29.949581, -85.424061). This building was 12 ft x 12 ft with men's and women's restrooms. It was

a wood-framed, vinyl-sided structure with a metal roof, porchway, plumbing, and a 4-inch sewer pipeline.

Damage assessment measurements at the pier location showed a storm surge of over 14 ft. The COMB pier and its restroom facilities were substantially damaged at an elevation of just over 16 ft. The public restroom and its foundation located at the pre-disaster location were no longer present after the event due likely to a combination of high winds and storm surge. The damaged portions of the pier that remained after the hurricane were removed in 2019 and our not included in the Applicant's application for PA funding to rebuild and expand the pier and its restroom facilities.

# 4. Alternatives

The alternatives considered in addressing the stated purpose and need are Alternative 1: No Action, Alternative 2: Replace and Extend Pier (Preferred Alternative) and Alternative 3: Repair Pier to Pre-Disaster condition. Additionally, FEMA considered and dismissed a fourth alternative after determining it to be unfeasible. Alternative 4: Considered and Dismissed is presented in this section only with no further environmental analysis since it is unfeasible.

## 4.1. Alternative 1 - No Action

Under the No Action Alternative, the pier and restrooms facilities would not be rebuilt. Since there was only one ocean pier within the City, the COMB would have no pier for use by community members for recreational purposes and tourists who contribute to the local economy. Under this alternative, fishing would be from the shoreline, along with other traditional beach uses of sunbathing, walking, and swimming. Other pier uses for residents and tourists, such as sight-seeing (sunrise, sunset, and throughout the day), gathering with friends and neighbors, wildlife watching further out from the beach, or providing a point of attraction would not be possible. Additionally, the public would not have a safe and accessible restroom facility for this area. The No Action alternative would not meet the overall purpose and need.

## 4.2. Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

Under Alternative 2, the pier and restroom facilities would be rebuilt to their pre-disaster function and location and improved to incorporate resiliency measures that mitigate the natural hazards and address safety and security requirements for the facility. The proposed action includes utility upgrades to bring them up to current codes and standards and address the ADA regulatory requirements. The following summarizes the City's proposed action (See Appendix B for full design details).

Furnish and install one fishing pier and public restroom facility (Start: (29.949492, -85.424278), End: (29.947076, -85.426074)). The areas of the facility are distributed among 540 ft x 19 ft pier section, 270 ft x 19 ft elevated ADA ramp section of pier, and a 60 ft x 30 ft T-Section with a deck elevation of 26.0 ft (NAVD 88). In addition, there would be an area of 130 ft x 12 ft for the ADA

access (approach) ramp and of 155 ft x 12 ft concrete sidewalk and a 10.66 ft x 22.40 ft restroom facility on a 50 ft x 28 ft concrete pad with a finished first floor elevation of 9.75 ft and the structure will be dry floodproofed to elevation 10.5 ft in its original location.

Improvements include increasing the size, and providing electricity to the restroom facility, extending the pier seaward approximately 230ft due to the construction of an additional approach pier ramp (ADA Compliance) and a concrete sidewalk. Mitigation measures include elevation of the pier to 26.0 ft (NAVD 88), concrete octangular piles, and blow-out panels/decking inserts. Refer to document Appendix B for additional details.

The elevated sections of the pier would be constructed on land, using the newly built elevated sections to extend the pier seaward. In-water work would occur when installing new piles, which would be done using a combination of pressure jetting and impact hammering. The piles would be jetted 10-20 ft before being hammered to their final depth. The construction methods would be decided by the contractor and must comply with permit conditions. Finally, access and staging areas for the project would be on hardened surfaces, located within the existing parking lot at the end of 37th Street South. (GPS coordinates: 29.950475, -85.423444).

## 4.3. Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

Under Alternative 3, the proposed action would be to rebuild the pier back to pre-disaster conditions with minor improvements and upgrades to current codes and standards. The repair to the pier would include construction of an 840 ft x 14 ft pier, with double benches, entrance signage, fencing, outdoor shower, vinyl bait cutting boards and lighting along both sides. Additional components include replacing the 12 ft x 12 ft restrooms located adjacent to the east side of the pier with a finished first floor elevation of 9.75 ft and the structure will be dry floodproofed to elevation 10.5 ft in its original location.

Under this alternative, materials would be modified to meet the current required building code and standards. The restored pier would be constructed using steel reinforced concrete octangular piles. The pre-disaster pier did not meet current standards to accommodate ADA; the ramps were too short and steep to meet current requirements for ADA access. Due to the increased height and elevation also required for the replacement pier, an additional ADA ramp would be required to accommodate the vertical distance from the beach to the pier deck. The increased height/elevation requirement for the COMB replacement pier is required in order to meet Florida Department of Environmental Protection (FDEP)'s permit requirements as follows:

- *Fishing Pier Design Guidance, Part 2: Methodologies for Design and Construction, FDEP, March 2011, Chapter 2 – Selection of Design Storm Conditions Tides and Waves;*
- *Florida Administrative Code, Chapter 62B-33 (4)(k): Rules and Procedures for Coastal Construction and Excavation;*

FDEP's Pier Design Guidance document (Appendix C) provides the specific assumptions and calculations utilized by the City's Structural Engineer to determine the required structural design and substructure height required to meet both Florida Statute regarding design storm event and FDEP's permit requirements for wave conditions, erosion, scour, and structural loads due to hydrostatic/hydrodynamic forces.

The Applicant would construct the elevated sections of the pier on land, using the newly built elevated sections to extend the pier seaward. In-water work would occur when installing new piles, which would be done using a combination of pressure jetting and impact hammering. The piles would be jetted 10 - 20 ft before being hammered to their final depth. The construction methods would be decided by the contractor and must comply with permit conditions. Finally, access and staging areas for the project would be on hardened surfaces, located within the existing parking lot at the end of 37th Street South (GPS coordinates: 29.950475, -85.423444).

The Applicant has determined that the project will not sufficiently serve the public welfare of the community. Even with upgrades to codes and standards, the reconstructed pier would not reach a depth of 15 ft at the terminal end due to sand accretion caused by Hurricane Michael. The FDEP Fishing Pier Design Guidance Manual (Appendix C) recommends the depth of 15ft at the terminal end for the pier to serve its function for fishing. Therefore, the COMB does not believe reconstruction to pre-disaster design would be adequate as a fishing pier, failing to meet its pre-disaster function.

## 4.4. Alternative Considered and Dismissed

In addition to the No Action, Repair to Pre-disaster Condition with upgrades to codes and standards, and the Preferred Alternative of Replacing and Extending the Pier, the Applicant considered another alternative which involved replacing the pier in its current configuration but adding a bait shop, a t-section mid-pier, and a restroom on the pier at the elevated sections over the water. This design was appealing because it placed the restrooms closer to the middle of the pier, making them more accessible to visitors. However, due to regulatory restrictions (44 CFR § 9.11) this alternative was not feasible.

# 5. Affected Environment and Potential Impacts

This section discusses the potential impacts of Alternative 1: No Action, Alternative 2: Replace and Extend Pier (Preferred Alternative), and Alternative 3: Repair the Pier back to Pre-disaster Conditions. This Draft EA presents an evaluation of various environmental resource areas informing an overall finding of significant impacts or a finding of no significant impact. Consequently, resource areas for which impacts are not expected or are expected to be negligible were eliminated from further analysis. When possible, quantitative information is provided to establish potential impacts. Potential impacts are evaluated qualitatively based on the criteria listed in Table 1.

**Table 1: Impact Significance and Context Evaluation Criteria for Potential Impacts**

| Impact Scale | Criteria |
|---|---|
| No Impact/Negligible | The resource area would not be affected and there would be no impact, OR changes or benefits would either be non-detectable or, if detected, would have effects that would be slight and local. Impacts would be well below regulatory standards, as applicable. |
| Minor | Changes to the resource would be measurable, but the changes would be small and localized. Impacts or benefits would be within or below regulatory standards, as applicable. Mitigation measures would reduce any potential adverse effects. |
| Moderate | Changes to the resource would be measurable and have either localized or regional scale impacts/benefits. Impacts would be within or below regulatory standards, but historical conditions would be altered on a short- term basis. Mitigation measures would be necessary, and the measures would reduce any potential adverse effects. |
| Major | Changes to the resource would be readily measurable and would have substantial consequences/benefits on a local or regional level. Impacts would exceed regulatory standards. Mitigation measures to offset the adverse effects would be required to reduce impacts, though long-term changes to the resource would be expected. |

## 5.1. Eliminated Resource Topics Due to No/Negligible Impacts

Certain resource areas or specific regulations relating to resource areas were eliminated from further analysis in this Draft EA if no/negligible impacts were anticipated as a result of the "No Action" or implementation of any of the Proposed Action Alternatives. Table 2 presents the resource areas or regulations eliminated from further evaluation with a brief discussion for the rationale.

**Table 2: No Impact Anticipated**

| Resource Area or Regulation Eliminated | Rationale |
|---|---|
| Coastal Barrier Resource Act (CBRA) | The project is not located within and will not impact a Coastal Barrier Resource System (CBRS) unit. The closest area is CBRS Unit P31 to the west of the project, as shown in the Coastal Barrier Resources Map provided as Appendix M. No impacts anticipated to any coastal barrier resource units or islands from implementation of proposed action alternatives 2 and 3. |
| Farmland Protection Policy Act of 1981 | The soils present in the project area are hydric soils. They are not classified as prime farmland by the National Resources Conservation Service (NRCS) Web Soil Survey soil data, accessed June 26, 2024 (https://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home). No impacts anticipated to prime or unique farmlands from implementation of proposed action alternatives 2 and 3. |
| Sole Source Aquifers/ Safe Drinking Water Act of 1974 | According to EPA's Map of Sole Source Aquifer (SSA) Locations, accessed June 27, 2024, Bay County is not located within an SSA, as confirmed by the EPA, SSA Geographic Information System (GIS) mapping tool (https://www.epa.gov/dwssa/map-sole-source-aquifer-locations). There are no anticipated SSA impacts from implementation of proposed action alternatives 2 and 3. |
| Wild and Scenic Rivers Act of 1968 | Implementation of proposed action alternatives 2 and 3 are not anticipated to affect the designated Wild and Scenic River segments in Florida. Potential actions evaluated in this EA would occur along the coastal shorelines. Presently in the project area, there are no designated Wild and Scenic River segments. |
| Zoning and Land Use | According to the interactive Bay County zoning database, accessed on 7/5/2024 (https://baypa.net)), the project area is designated as "Fishing Pier" on the plat of Mexico Beach - Unit 5, within the city of Mexico Beach. Alternatives 2 and 3 are consistent with existing zoning within the project area. |

Additional resources areas or specific regulations relating to resource areas were eliminated from further analysis if anticipated impacts were considered measurable, but impacts would be small/minor and local. Table 3 presents the resource areas or regulation eliminated from further evaluation based on anticipated minor impact and a brief discussion of the rationale.

**Table 3: Minor Impact Anticipated**

| Resource Area or Regulation Eliminated | Rationale |
|---|---|
| Occupational Health and Safety | Implementation of Proposed Action Alternatives 2 and 3 involves workers on site. To minimize occupational health and safety risks, workers would wear and use appropriate personal protective equipment (PPE) and follow all applicable Occupational Safety and Health Administration (OSHA) standards and procedures. The impacts to occupational health and safety are expected to be minor when compared to the No Action Alternative. |
| Clean Air Act (Air Quality) | The project area is in Bay County, which is designated by the National Ambient Air Quality Standards (NAAQS) as a "attainment" area (https://www.epa.gov/criteria-air-pollutants/naaqs-table). Implementation of proposed action alternatives 2 and 3 would involve the burning of fossil fuels associated with the use of various vehicles and the routine operation of various trucks, and heavy equipment. However, the impacts to air quality are expected to be short-term and minor when compared to the No Action Alternative. |
| Public Services and Utilities | No impacts anticipated to electrical, water, gas, telecom, or other public utilities from actions evaluated in this EA. Electricity would be provided to the improved restroom in alternative 2, as well as turtle friendly lights to the pier. These improvements would not exceed the existing public service and utility capacity in the project area. |
| Traffic and Circulation | The proposed project would not include the construction of any new transportation features under any alternative. Increased traffic during construction activities for Alternatives 2 and 3 would be short-term and limited to the construction period; the completely restored pier would use the existing 37th street access and parking lot used for the pre-disaster site. The pier and restroom facility would also be accessible from the beach by pedestrians. There are no long-term effects predicted to traffic and circulation in the area. |

## 5.2. Physical Environment

### 5.2.1. GEOLOGY, SEISMICITY AND SOILS

According to the Florida Geological Survey (FGS), accessed June 26, 2024 (https://floridadep.gov/fgs), the project area is considered Gulf coastal lowlands, and the Florida Stratigraphic Geology of the project area is from the Holocene, within the Quaternary Period. Per the United States Department of Agriculture's (USDA) NRCS Web Soil Survey soil data, accessed June 26, 2024 (http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx), soils underlying the project area include Arents (National Map Unit brv9), described as rises on marine terraces, 0% to 5% slopes, and Beaches (National Map Unit brvf), described as beaches on marine terraces, Corolla complex, 1% to 3% slopes.

#### 5.2.1.1 Alternative 1 – No Action

Under the No Action Alternative, no replacement pier would be built in the city of Mexico Beach. This option would keep the current geological, seismic, and soil conditions unchanged. Since there would be no ground disturbance or alterations in the project area, no impacts to geology or soils are expected.

#### 5.2.1.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

The Proposed Alternative includes the replacement of the pier and the restroom with improvements. Alternative 2 would disturb soils during construction and driving of piles. Soils in the area have been previously disturbed during construction of the original pier and facilities, past beach renourishment activities and other development. The new pier would be built top-down, a method where the heavy crane is located on top of the new structure, and it walks seaward as the pier is built. This method of construction minimizes impacts to the beach and surf areas and is not impacted by weather. New ground disturbance would be due to the extension of the pier seaward and the expansion of the restroom facility and would have a localized impact. No material or equipment staging would be allowed on the public beach or dunes. The access and staging areas for the project would be located within the existing parking lot at the end of 37th St. S. (29.950475, -85.423444). Pile driving would be performed using jetting to alignment and driving with a diesel hammer to bearing – usually the last 5-10 ft. Moderate short-term impacts may occur, but the proposed project would not result in any long-term adverse impacts on sediment characteristics to the native beach. No additional fill is proposed for this project. The impact would not be significant.

#### 5.2.1.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

This alternative includes repairing the pier back to pre-disaster conditions with minor upgrades to meet current codes and standards. Alternative 3 would disturb soils during construction and driving of piles. Soils in the area have been previously disturbed during past beach renourishment activities and other development in the area. The new pier would be built top-down, a method where the heavy crane is located on top of the new structure, and it walks seaward as the pier is built. This method of

construction minimizes impacts to the beach and surf areas and is not impacted by weather. New ground disturbance would be minimal due to the pier improvements for codes and standards. This Alternative would not result in any long-term adverse impacts on sediment characteristics to the native beach. No additional fill is proposed for this project. The impact would not be significant.

### 5.2.2. WATER RESOURCES AND WATER QUALITY

The project area is located at the southern end of the 37TH Street of Mexico Beach, continuing over the dunes, onto the beach and into the Gulf of America; waters of the United States (WOTUS). The pier and associated restroom facility are located on the sandy shore of the beach with the new restroom located at the end of the 37th St S parking lot and the sidewalk connecting to the pier ADA approach extending over the beach dunes and connecting to the ADA ramp section of the pier as it extends into the Gulf of America. According to the EPA (2022), this area of the Gulf is categorized as "ocean/near coastal" and the water quality data indicates that this area is "impaired" for recreation (swimming and boating) and is "impaired" for fish and shellfish consumption (https://www.epa.gov/waterdata/hows-my-waterway). The term "impaired" means that the waters are waterbodies not fully supporting their designated uses under the Clean Water Act (CWA). This classification is part of the EPA's efforts to monitor and manage water quality and to inform the public about potential health risks associated with contaminated water bodies. For more detailed information, you can visit the [EPA's water quality standards page] (https://www.epa.gov/surf).

The Safe Water Drinking Act, passed in 1974, authorizes the Environmental Protection Agency (EPA) to set national health-based standards for drinking water to protect against both naturally occurring and man-made contaminants that may be found in drinking water.

The U.S. Army Corps of Engineers (USACE) Regulatory Program involves the regulating of discharges of dredged or fill material into WOTUS and structures or work in navigable waters of the United States, under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899.

Under Section 401 of the CWA, a federal agency may not issue a permit or license to conduct any activity that may result in any discharge into WOTUS unless a Section 401 water quality certification is issued, or certification is waived. States and authorized tribes where the discharge would originate are generally responsible for issuing water quality certifications.

#### 5.2.2.1 Alternative 1 – No Action

Under the No Action Alternative, a replacement Pier would not be built; therefore, the No Action Alternative would have no impact on surface waters and WOTUS.

#### 5.2.2.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

The Proposed Alternative includes the replacement of the Pier with improvements. There would be minor short-term impacts on surface waters and WOTUS due to construction. However, levels would

be expected to return to baseline levels rapidly and within 24 hours with a tide change. Short-term impacts due to construction activities would be minimized by implementing Best Management Practices (BMP) and by following the conditions of all applicable permit requirements.

The city of Mexico Beach submitted a permit application to FDEP in December of 2021 for the proposed project. On October 3, 2022, FDEP issued Joint Coastal Permit (JCP) No. 0206187-004-JC for the Mexico Beach Pier; in addition to providing regulatory and proprietary authorizations, this permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the CWA, 33 U.S.C. 1341 and constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act. On October 7, 2024, FDEP confirmed that the change to the SOW from 2022 to the current Alternative 2 SOW is a reduction in scope and as a result the changes are within the scope of the currently valid permit. A copy of the FDEP permit with confirmation letter is provided as Appendix D. Currently, the preparation of this EA is a prerequisite to complete the review of the submitted USACE permit application. Short-term impacts due to construction activities would be minimized by implementing BMP and by following the conditions of all applicable permit requirements. Alternative 2 would have minor impact on surface waters and WOTUS.

#### 5.2.2.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

Under this alternative the pier would be replaced back to pre-disaster conditions with upgrade required by codes and standards. Under this alternative, materials would be modified to meet the current FBC 7th edition and the COMB local codes and standards. Alternative 3 would have short-term minor impacts on surface waters and WOTUS due to the temporary use of equipment during construction. Short-term impacts due to construction activities would be minimized by implementing BMP and by following the conditions of all applicable permit requirements.

### 5.2.3. FLOODPLAIN MANAGEMENT (EXECUTIVE ORDER 11988)

Executive Order 11988 requires federal agencies to take action to minimize occupancy and modification of the floodplain. Specifically, EO 11988 prohibits federal agencies from funding construction in the 100-year floodplain unless there are no practicable alternatives. FEMA's regulations for complying with EO 11988 are promulgated in 44 CFR Part 9; Section 9.6 outlines the 8-step Decision-Making Process applied to proposed actions ensuring consistency with EO 11988. A copy of the 8-Step Decision-Making Process as required by 44 CFR Part 9 has been provided in Appendix E.

The project area is located within FEMA FIRM, panel number 12005C0508J, effective on 10/24/2024. FIRM maps generated from the FEMA Flood Map Service Center (https://msc.fema.gov/portal/home) are provided in Appendix F. The project area is located in the Special Flood Hazard Area (SFHA), which is defined as an area designated by FEMA as having a heightened risk of flooding. The project area falls within Zone AE (BFE 9) (restroom and portions of the sidewalk and ADA approach ramp) and Zone VE (BFE 14 ft and 16 ft) (ADA ramp section of pier

and pier with t-section). A Coastal Hight Hazard Area (CHHA) is identified as Zone V or Zone VE on FEMA flood maps. CHHA are areas along the coasts subject to inundation by the 1% annual chance flood event with additional hazards associated with wind and wave action.

#### 5.2.3.1 Alternative 1 – No Action

Under the No Action Alternative, no construction activities to restore the pier and associated facilities would take place; therefore, there are no impacts on floodplain.

#### 5.2.3.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

The Proposed Alternative includes the replacement of the pier and the restroom with improvements. The pier would be built at an elevation of 26.0 ft (NAVD 88), This elevates the sections of the pier above the Zone VE, BFE of 14ft and 16ft therefore providing protection to the pier and the floodplain. The restroom would be built in an AE zone (BFE 9), at the same place it was located before the storm with a finished first floor elevation of 9.57 and dry-proofed to 10.5 ft per codes and standards. Under the proposed action, the structural improvements would occur within the floodplain. An 8-Step Decision Making Process checklist, as required by 44 CFR Part 9 (Appendix E), has been completed for Alternative 2 (Preferred Alternative). Based on the review conducted, Alternative 2 would have minor impacts on the floodplain.

#### 5.2.3.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

Under this alternative the pier would be replaced back to pre-disaster conditions with upgrades and improvements required by codes and standards. The restroom would be built in an AE zone (BFE 9), at the same place it was located before the storm with a finished first floor elevation of 9.57 and dry-proofed to 10.5 ft per codes and standards. The Pier would be built within multiple Zone VEs (BFE 14 ft and 16 ft), also known as the CHHA on FIRM panel number 12005C0508J with an effective date of 10/24/2024 and protected against damage from a 100-year flood event by elevation of the structure above the BFE. Under the proposed action, the structural improvements would occur within the floodplain. An 8-Step Decision Making Process checklist, as required by 44 CFR Part 9 (Appendix E), would be completed for Alternative 3. Alternative 3 would be expected to have minimal impacts on the floodplain.

### 5.2.4. COASTAL ZONE MANAGEMENT

The Coastal Zone Management Act (CZMA) is administered by the National Oceanic and Atmospheric Administration (NOAA) and provides for the management of the nation's coastal resources. The CZMA defines the coastal zones where development must be managed to protect areas of natural resources unique to coastal regions. States are required to define the area that will comprise coastal zone and develop management plans that will protect these unique resources through enforceable policies of state coastal zone management (CZM) programs.

The Florida Coastal Management Program (FCMP) was developed under Chapter 380, F.S., Part II, Coastal Planning and Management; approved by NOAA in 1981. The federally approved FCMP coordinates a number of coastal management activities with FDEP programs, state agencies, water management districts and local governments that have responsibilities for managing coastal resources. The FCMP has two fundamental goals: protecting coastal resources and helping Floridians maintain vital communities. The FCMP consists of a network of 24 Florida Statutes administered by eight state agencies and five water management districts. This framework allows the State to make integrated, balanced decisions that ensure the wise use and protection of the State's water, property, cultural, historic, and biological resources; protect public health; minimize the State's vulnerability to coastal hazards; ensure orderly, managed growth; protect the state's transportation system; and sustain a vital economy. The State of Florida's coastal zone includes the area encompassed by the State's 67 counties and its territorial seas.

As the designated lead coastal agency for the State, FDEP communicates the agencies' comments and the State's final consistency decision to federal agencies and Applicants for all actions other than permits issued under CWA Section 404 and Section 10 of the Rivers and Harbors Act. The State's consistency decisions on those permits are made through the approval or denial of the wetland resource or environmental resource permits issued under Chapter 373, Part IV, F.S.

On October 3, 2022, FDEP issued JCP No. 0206187-004-JC for the Mexico Beach Pier; in addition to providing regulatory and proprietary authorizations, this permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341 and constitutes a finding of consistency with Florida's CZM Program, as required by Section 307 of the CZMA. On October 7, 2024, FDEP confirmed that the change to the SOW from 2022 to the current Alternative 2 SOW is a reduction in scope and as a result the changes are within the scope of the currently valid permit. A copy of the FDEP permit with confirmation letter is provided as Appendix D.

#### 5.2.4.1 Alternative 1 – No Action

Under the No Action Alternative, no construction activities to restore the pier and associated facilities would take place; therefore, there are no impact on the Coastal Zone.

#### 5.2.4.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

The Proposed Alternative includes the extension and replacement of the Pier and restroom with improvements. Under Alternative 2, activity and construction would occur in the coastal zone. COMB has obtained FDEP JCP and Sovereign Submerged Lands Lease Authorization from FDEP's Beaches, Inlets, and Ports Program (Permit No. 0206187-004-JC). In addition to providing regulatory and proprietary authorizations, this permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the CWA, 33 U.S.C. 1341 and constitutes a finding of consistency with Florida's CZM Program, as required by Section 307 of the CZMA; therefore, there would be minimal impact to coastal resources.

#### 5.2.4.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

Under this alternative the pier would be replaced back to pre-disaster conditions with upgrades and improvements required by codes and standards and construction would occur in the coastal zone. There would be minor temporary impacts to the coastal zone, but turbidity would be monitored during construction in compliance with any and all permit requirements. Based on the review conducted, Alternative 3 would have minimal impacts to coastal resources.

## 5.3. Biological Environment

### 5.3.1. TERRESTRIAL AND AQUATIC ENVIRONMENT

Mexico Beach is in southeastern Bay County, Florida, and is situated on the Gulf of America and in the vicinity of the entrance to St. Joseph's Bay. Figure 1 in Appendix A shows the location of the project location at the seaward end of 37th Street in Mexico Beach.

The primary natural community types in the project area include Beach Dune and Marine Unconsolidated Substrate (Dewberry 2018). There is no known seagrass or other submerged aquatic vegetation (SAV), coral, or hardbottom communities within the proposed project area. The St. Joseph Bay Aquatic Preserve contains significant amounts of seagrasses (FWRI). This area is over three miles from the closest limits of the preserve relative to the project area.

The following sections provide an overview of the two primary natural community types present in the project area.

#### Beach Dune

The Beach Dune community includes the swath of land from the vegetated upper beach to the first dune above the beach (or foredune). This community is predominantly made of sea oats (*Uniola paniculate*), which builds up the dune as it traps the sand blown from the beach. Other grasses found in the Beach Dune community include bitter panicgrass (*Panicum amarum*) and saltmeadow cordgrass (*Spartina patens*) in areas with sand burial and camphorweed (*Heterotheca subaxillaris*) in areas with moderate to no sand burial. Seacoast marshelder (*Iva imbricate*) occurs at the seaward base of the foredune, while annuals, trailing species, and salt-tolerant grasses make up the upper beach area seaward at the base of the foredune. In addition to sand burial, the structure of the Beach Dune community is influenced by tides, wind, and salt spray (FNAI 2010).

Native plants and animals depend on the Beach Dune community. The plant species in this community that could occur within the project area include Godfrey's goldenaster (*Chrysopsis godfreyi*) and Gulf coast lupine (*Lupinus westianus*), which are listed as Florida endangered and threatened plants, respectively. The St. Andrews beach mouse, sea turtles, and shorebirds use the Beach Dune community to forage and/or nest. Management measures for the Beach Dune community include control of invasive species, use of dune walkovers, planting only native vegetation for dune restoration projects (FNAI 2010).

### Marine Unconsolidated Substrate

Marine Unconsolidated Substrates include open areas with low abundance of plants and animals that, as relevant to the project area, are primarily composed of mud, mud/sand, sand, or shell. The communities occur in the subtidal, intertidal, and supratidal zones. Large numbers of burrowing species, plankton, and pelagic organisms may occur in this area and may include tube worms, sand dollars, mollusks, isopods, amphipods, burrowing shrimp, and crabs. These areas support the preferred prey of bottom feeding fish, shorebirds, and invertebrates. The Marine Unconsolidated Substrate community may be impacted by vehicular traffic on beaches, disturbances from dredging and low dissolved oxygen levels, and accumulation of pollutants like heavy metals, oils, and pesticides. Toxic levels have the potential to eliminate the food sources for fish, birds, and invertebrates and impact organisms higher up in the food chain (FNAI 2010).

#### 5.3.1.1 Alternative 1 – No Action

Under the No Action Alternative 1, no replacement Pier and restroom would be built. Under this alternative there would be no impact to the terrestrial and aquatic environment.

#### 5.3.1.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

The Proposed Alternative 2 includes the extension of the Pier and the replacement of the restroom. This alternative would include minor temporary impacts to the Beach Dune and Marine Unconsolidated substrate during construction of the replacement Pier and restroom. Under Alternative 2, short-term changes in nearshore and offshore habitat areas may occur. Temporary impacts to migratory birds and surf-zone fishes are likely to occur. Alternative 2 would require implementation of the county's FDEP and USACE permit conditions. During this time species may be unable to access the dunes and marine substrate of the project area for foraging, refuge, and/or nursery habitat due to their avoidance of construction activities, related noise, and physical exclusion from the project area due to blockage by turbidity barriers. However, species excluded from the project area would be able to use surrounding areas with similar available habitat during the project and return to the project site when the activity is complete. Based on the review conducted, Alternative 2 would have short-term minor impacts to the terrestrial and aquatic environment.

#### 5.3.1.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

Under Alternative 3 the pier would be replaced back to pre-disaster conditions with upgrades and improvements required by codes and standards. This alternative would include minor temporary impacts to the Beach Dune and Marine Unconsolidated substrate during construction of the replacement Pier and restroom. Under Alternative 3, short-term changes in nearshore and offshore habitat areas may occur. Temporary impacts to migratory birds and surf-zone fishes are likely to occur. Alternative 3 would require implementation of any and all permit conditions. During this time species may be unable to access the dunes and marine substrate of the project area for foraging, refuge, and/or nursery habitat due to their avoidance of construction activities, related noise, and physical exclusion from the project area due to blockage by turbidity barriers. However, species

excluded from the project area would be able to use surrounding areas with similar available habitat during the project and return to the project site when the activity is complete. Based on the review conducted, Alternative 3 would have short-term minor impacts to the terrestrial and aquatic environment.

### 5.3.2. MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the primary law governing marine fisheries management in U.S. federal waters and is meant to foster long-term biological and economic sustainability of our nation's marine fisheries. Key objectives of the MSA are to prevent overfishing, rebuild overfished stocks, increase long-term economic and social benefits, and ensure a safe and sustainable supply of seafood. The NOAA Essential Fish Habitat (EFH) Mapper online tool has identified designated EFH for species in the project area. However, there are no hardbottom habitats, coral reefs, or seagrass habitats near the project location.

#### 5.3.2.1 Alternative 1 – No Action

Under the No Action Alternative, no replacement Pier and restroom would be built. Under this alternative, there would be no impact to EFH.

#### 5.3.2.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

Under Alternative 2, FEMA sent an MSA-EFH consultation letter to NOAA National Marine Fisheries Service (NMFS) on June 13, 2024, requesting concurrence with the determination that Alternative 2 may adversely affect (MAA) EFH. Concurrence was received on July 11, 2024, from NOAA NMFS, Southeast Region, Habitat Conservation Division (HCD) that any adverse effects that might occur on marine and anadromous fishery resources would be minimal (Appendix G). This satisfies the consultation procedures outlined in 50 CFR Section 600.920, of the regulation to implement the essential fish habitat provisions of the MSA. In order to minimize impacts to EFH the Applicant would adhere to the conservation measures of any required permits, including FDEP's and USACE for Alternative 2. The impact to adjacent fisheries resources is expected to be minor.

#### 5.3.2.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

Under Alternative 3, the Pier and restroom in the COMB would be repaired back to their pre-disaster conditions with improvements to meet Florida codes and standards. This alternative would be within EFH and include minor temporary impacts to EFH during repairs similar to Alternative 2; FEMA's determination of MAA and additional consultation with NOAA may be required. In order to minimize impacts to EFH the Applicant would adhere to the conservation measures of any required permits under Alternative 3, including FDEP's and USACE. The impact to adjacent fisheries resources would be expected to be minor.

### 5.3.3. WETLANDS (EXECUTIVE ORDER 11990)

Executive Order 11990, Protection of Wetlands (EO 11990), requires federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The NEPA compliance process requires federal agencies to consider direct and indirect impacts to wetlands, which may result from federally funded actions. Application of the Eight-Step Decision-Making Process is required to ensure that federally funded projects are consistent with EO 11990 objectives. A copy of the Eight-Step-Decision Making Process as required by 44 CFR Part 9 has been provided in Appendix E as well as Wetland Map of the project area in Appendix F.

#### 5.3.3.1 Alternative 1 – No Action

Under the No Action Alternative, no replacement Pier and restroom would be built. Under Alternative 1 there would be no impact to wetlands in the project area.

#### 5.3.3.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

The Proposed Alternative includes the extension and replacement of the pier and restroom with a new pier built to current standards. Through the permitting process by the State of Florida, FDEP, a standard pier design philosophy has been established to minimize impacts. The essence of this philosophy includes top-down construction, elevating the structure above the potential for storm surge, building the structure out of reinforced concrete, and incorporating storm mitigation into the design including blowout panels, easily replaceable handrails, and turtle-friendly lighting. The Applicant would be required to comply with the FDEP Joint Coastal Permit and Sovereign Submerged Lands Lease Authorization (No. 0206187-004-JC) to minimize impacts from construction. Based on the review conducted, Alternative 2 would have minor impacts on wetlands.

#### 5.3.3.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

The Proposed Alternative includes the replacement of the pier and restroom to pre-disaster conditions with upgrades to current Florida codes and standards. The pier would be constructed using top-down construction. The Applicant would be required to comply with any and all permits to minimize impacts from construction. Based on the review conducted, Alternative 3 would have minor impacts on wetlands.

### 5.3.4. THREATENED AND ENDANGERED SPECIES

In accordance with Section 7 of the Endangered Species Act (ESA) of 1973, the project area was evaluated for the potential occurrences of federally listed threatened and endangered species. The ESA requires any federal agency that funds, authorizes, or carries out an action to ensure that their action is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitats.

Based on a desktop review of the Information for Planning and Consultation (IPaC) database (USFWS, 2024) and project coordination with USFWS and National Marine Fisheries (NMFS), it was determined that the following listed species and their designated critical habitat are likely to occur within the project area:

- Green sea turtle (*Chelonia mydas*)
- Loggerhead sea turtle (*Caretta caretta*), Critical Habitat (LOGG-N-32 Unit)
- Kemp's ridley sea turtle (*Lepidochelys kempii*)
- Gulf sturgeon (*Acipenser oxyrinchus desotoi*), Critical Habitat (Unit 11)
- Smalltooth sawfish (*Pristis pectinata*)
- Giant manta ray (*Manta birostris*)
- St. Andrew Beach Mouse (*Peromyscus polionotus peninsularis*)
- West Indian Manatee (*Trichechus manatus*)
- Eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*)
- Rufa Red Knot (*Calidris canutus rufa*)
- Eastern indigo snake (*Drymarcon corais couperi*)
- Leatherback sea turtle (*Dermochelys coriacea*)

However, the likelihood of the eastern black rail, and eastern indigo snake, being present within the proposed project area is unlikely, as those species do not prefer beach habitats. Leatherback sea turtles, other than traveling nearshore to nest, are a pelagic species and spend most of their lives offshore in open ocean habitat and are also not likely to be present during construction.

#### 5.3.4.1 Alternative 1 – No Action

Under the No Action Alternative, no replacement Pier and restroom would be built; therefore, the No Action Alternative would have no direct impacts to threatened and endangered species.

#### 5.3.4.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

The Proposed Alternative includes the replacement and extension of the Pier and the replacement of the restroom. Alternative 2 is expected to have impacts to species along the shoreline and in the nearshore environment due to driving piles and construction. The proposed project may result in potential short-term, moderate, adverse impacts to Threatened and Endangered species at an individual level due to increased human disturbance, noise, and temporary turbidity levels during construction.

FEMA evaluated potential impact to federally listed threatened and endangered species that may be present in the project area. FEMA determined that the proposed project **may affect but is not likely to adversely affect (MANLAA)** green sea turtles (*Chelonia mydas*), loggerhead sea turtles (*Caretta caretta*), Kemp's ridley sea turtles (*Lepidochelys kempii*), Gulf sturgeon (*Acipenser oxyrinchus*

*desotoi*), the giant manta ray (*Manta birostris*) and the smalltooth sawfish (*Pristis pectinata*), and will have no effect (NE) on leatherback sea turtles (*Dermochelys coriacea*). FEMA also determined for the impacts of in-water construction including the replacement of pilings that the effects from pile removal, repair, and installation that it **MANLAA** the green sea turtles (*Chelonia mydas*), loggerhead sea turtles (*Caretta caretta*), Kemp's ridley sea turtles (*Lepidochelys kempii*), Gulf sturgeon (*Acipenser oxyrinchus desotoi*), the giant manta ray (*Manta birostris*) and the smalltooth sawfish (*Pristis pectinata*). FEMA also determined that the project may affect but is not likely to adversely modify or destroy the existing designated critical habitat for Gulf sturgeon and Loggerhead sea turtle.

FEMA initiated a formal consultation with NMFS Southeast Regional Office on June 11, 2024. NMFS issued a Biological Opinion (BO) on March 11, 2025 (Appendix H). NMFS concludes that the proposed action may affect but is not likely to adversely affect smalltooth sawfish (*Pristis pectinata*), Gulf sturgeon (*Acipenser oxyrinchus desotoi*), designated loggerhead sea turtle critical habitat (Unit LOGG-N-32), and designated Gulf sturgeon critical habitat (Unit 11, Florida Nearshore). NMFS concludes that the proposed action is **likely to adversely affect (LAA)** but is not likely to jeopardize the continued existence of, green sea turtle (North Atlantic Distinct Population Segment (DPS)), Kemp's ridley sea turtle (*Lepidochelys kempii*), loggerhead sea turtle (*Caretta caretta*) (Northwest Atlantic DPS), and giant manta ray (*Manta birostris*). Although the hawksbill sea turtle (*Eretmochelys imbricata*) was not present on the IPaC species list for the project area it did occur in the dataset provided by Sea Turtle Stranding and Salvage Network data for zone 8. NMFS determined that although the species is mentioned in the data set used as part of their determination of present species, it is not likely present in the action area. See Chapter 7 for Project Conditions.

FEMA initiated an informal consultation with USFWS on June 12, 2024. A revised formal consultation request with a **LAA** determination for the green sea turtle, Kemp's Ridley Sea turtle, Northwest Atlantic Ocean (NWAO) DPS loggerhead sea turtle and a MANLAA determination for the St. Andrew beach mouse, West Indian manatee, and the NWAO DPS loggerhead sea turtle designated critical habitat was submitted on November 14, 2024. USFWS issued a BO received on May 5, 2025 (Appendix I). USFWS concluded that the proposed project is **LAA** but is not likely to jeopardize the continued existence of Green Sea Turtle (*Chelonia mydas*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), and Loggerhead Sea Turtle (*Caretta caretta*)USFWS concluded that the proposed project is **MANLAA** for St. Andrew Beach Mouse (*Peromyscus polionotus peninsularis*) and West Indian Manatee (*Trichechus manatus*) and its designated critical habitat. USFWS has concluded no effect on the Leatherback sea turtle, Eastern black rail, Red knot, and Eastern indigo snake. See Chapter 7 for Project Conditions.

#### 5.3.4.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

The Proposed Alternative includes the replacement of the pier and restroom to pre-disaster conditions with upgrades to current Florida codes and standards. Alternative 3 is expected to have similar impacts as Alternative 2 to species along the shoreline and in the nearshore environment due to driving piles and construction. The proposed project may result in potential short-term,

moderate, adverse impacts to Threatened and Endangered species at individual level due to increased human disturbance, noise, and temporary turbidity levels during construction. However, there is already a level of human presence and activity in the area so wildlife would likely be acclimated to low levels of disturbance.

### 5.3.5. MIGRATORY BIRDS

The Migratory Bird Treaty Act of 1918 (MBTA) protects migratory birds, their parts, nests, and eggs from take, including killing, capture, transport, sale, and several other actions that are detrimental to the species, except when authorized by the USFWS. The MBTA provides protections for a variety of bird species native to the U.S. that are not necessarily listed as threatened or endangered and therefore not protected by the ESA. The entire state of Florida is considered a flyway zone for migratory birds. There are many shorebird species that nest along the Atlantic Ocean and Gulf of America shorelines and dunes. Many of these species are protected by the State of Florida or under review for federal protection. Implementing conservation for these species now may prevent the need to federally protect them in the future. The shorebird nesting season generally, is 1 April to 1 September, but some nesting may occur through September.

The Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668-668d) prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald or golden eagles, including their parts (including feathers), nests, or eggs.

In compliance with the MBTA and the Bald and Golden Eagle Protection Act, searches were conducted using the Audubon EagleWatch interactive map and the IPaC. The IPaC database identifies birds of particular concern that may be present in the search area, including species listed under the USFWS Birds of Conservation Concern (BCC) and species that require special attention in the project location.

According to the EagleWatch interactive nest locator map, there are no bald eagle (Haliaeetus leucocephalus) nests in the project vicinity; the closest nest is located approximately 1.5 miles northeast of the project area (Audubon, 2024). The general nesting season for bald eagles in the southeast is from about October 1 to May 15. Golden eagles inhabit tundra, grasslands, forested habitat and woodland-brushlands, south to arid deserts and avoid nesting in urban habitat. Due to the species habitat being inconsistent with the habitat of the project location, the presence of a golden eagle is unlikely to occur within the project area and no impacts are expected.

Based on a desktop review of the (IPaC) database (USFWS, 2024). it was determined that the following listed species are likely to occur within the project area:

- Eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*)
- Rufa Red Knot (*Calidris canutus rufa*)

However, FEMA has determined, in coordination with USFWS, the likelihood of the Eastern black rail and Rufa Red Knot, being present within the proposed project area is unlikely. The Eastern black rail does not prefer beach habitats. Eastern black rails require dense vegetation cover that allows movement underneath the canopy which the project area does not provide (USFWS 2024). The Red knot nests in High Arctic habitats which are visited by very few people. Migrating and wintering knots use marine habitats, sandy beaches, saltmarshes, lagoons, mudflats of estuaries and bays, and mangrove swamps that contain an abundance of invertebrate prey. With the species wintering grounds spanning the U.S. Gulf and Southeastern U.S. and South America it is not expected for these species to be present in the project area (USFWS, 2024).

#### 5.3.5.1 Alternative 1 – No Action

Under the No Action Alternative, no replacement Pier and restroom would be built; therefore, the No Action Alternative would have no direct impacts to any migratory bird species.

#### 5.3.5.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

The Proposed Alternative includes the extension and replacement of the Pier and restrooms. The proposed project is likely to result in potential short-term, minor, adverse impacts to migratory birds due to increased human disturbance, noise, and temporary turbidity levels that could affect their ability to forage. However, there is already a level of human presence and activity in the area so wildlife would likely be acclimated to low levels of disturbance. Migratory bird species are highly mobile and are thus unlikely to be impacted by project activities. The project would incorporate avoidance and minimization measures (See Other Requirements in Section 8.0), such as maintaining buffers around breeding shorebirds, and shorebird surveys would be conducted in compliance with any and all permits and associated BOs.

On June 12, 2024, FEMA initiated informal consultation with USFWS for the proposed pier repair project. FEMA determined that the Eastern black rail (Laterallus jamaicensis ssp. jamaicensis) and migrating/wintering Rufa red knots (*Calidris canutus rufa*) are not expected to be present in the project area and therefore determined the project would have no effect (NE) on these species. A revised formal consultation request with no changes for migratory bird determinations was submitted on November 14, 2024 with a BO received on May 5, 2025 (Appendix I).

Under Alternative 2 minor impacts can be expected to migratory bird species and since there are no bald eagle nests in the project vicinity, and adults are highly mobile there would be no impacts to bald eagles from this project alternative.

#### 5.3.5.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

The Proposed Alternative includes the replacement of the pier and restroom to pre-disaster conditions with upgrades to current Florida codes and standards. Under Alternative 3, minor short-term impacts to species within the project area could potentially occur due to construction activities (i.e. increased human disturbance, noise, and temporary turbidity levels that could affect their ability

to forage). However, there is already a level of human presence and activity in the area so wildlife would likely be acclimated to low levels of disturbance. Migratory bird species are highly mobile and are thus unlikely to be impacted by project activities. The project would incorporate avoidance and minimization measures (See Other Requirements in Section 8.0), such as maintaining buffers around breeding shorebirds, and shorebird surveys would be conducted in compliance with any and all permits and associated BOs.

On June 12, 2024, FEMA initiated informal consultation with USFWS for the proposed pier repair project. FEMA determined that the Eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*) and migrating/wintering Rufa red knots (*Calidris canutus* rufa) are not expected to be present in the project area and therefore determined the project would have NE on these species. A revised formal consultation request with no changes for migratory bird determinations was submitted on November 14, 2024 with concurrence received on May 5, 2025 (Appendix I).

Under Alternative 3 minor impacts can be expected to migratory bird species and since there are no bald eagle nests in the project vicinity, and adults are highly mobile there would be no impacts to bald eagles from this project alternative.

## 5.4. Socioeconomics

### 5.4.1. SOCIOECONOMIC RESOURCES

The primary factors in assessing the socioeconomic conditions of the community in the area surrounding the Project Site are race, income, education, and employment. The data collected is from the U.S. Census Bureau (USCB, n.d.) for the State of Florida, Panama City-Panama City Beach FL Metropolitan Area, Census Tract (CT) 6, and Mexico Beach (MB) 44300. All data is 5-year estimates unless otherwise noted.

The population of MB 44300 is 1033 with approximately 95.7 percent of the population White; 2.4 percent of the population Black or African American; 0 percent American Indian and Alaskan Native; 0.3 percent Asian; 0 percent Native Hawaiian and Other Pacific Islander; and 1.3 percent two or more races. Additionally, 89.5 percent of the population is over 18 years old, of which 37.3% percent of the population is over 65 years old. Approximately 53.6 percent of the population are men and 46.4 percent of the population are women.

The USCB per capita income for MB 44300 is $50,816 which is higher than the state estimate of $41,055 and the Metropolitan Area estimate of $37,313. The USCB estimated median household income for MB 44300 in 2023 was $64,013 which is lower than the state estimate of $71,711 and lower than the Metropolitan Area estimate of $67,834.

The USCB estimates that 95.9 percent of people over 18 to 24 years of age are high school graduates and approximately 36.6 percent of all ages are college graduates. Employment data is

only available for the CT. For all persons over the age of 16, the employment rate was 49.1 percent with 8.2 percent unemployed, and 50.9 percent not in the labor force.

The 2020 U.S. Census data determined that 95.7% of the population speaks English only, therefore it is not necessary to issue a non-English EA or public notice.

#### 5.4.1.1 Alternative 1 – No Action

Under the No Action Alternative, no replacement pier would be built in the city of Mexico Beach. The status quo would be maintained and there would be no impacts on the community demographics.

#### 5.4.1.2 Alternative 2 –Reconstruct and Extend Pier (Preferred Alternative)

The Proposed Alternative includes the replacement Pier and restrooms. This Preferred Alternative would restore the extensive structural damage to the pier and pier facility created by Hurricane Michael. The proposed pier and pier facility is primarily within the limits of the existing pier site and pier facility site, and the additional seaward extension is proposed within an area that has constantly been in flux with moving sediment from coastal wave activity.

The immediate project area does not include any residential areas and is designated as “Fishing Pier” land within the COMB. During project construction, an increase in construction traffic to the project site may temporarily affect areas adjacent to and immediately landward of the project area designated as “Tourist Residential”, “Townhouse District”, and “Tourist Commercial”, as well as “General Commercial” areas located beyond US HWY 98. It will not have any adverse impacts to those living in MB 44300. Once completed, the project will not alter the demographic characteristics of MB 44300. No displacement or relocation will result from this project for individuals or families. The project will not have impacts on the community demographics.

#### 5.4.1.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

The Proposed Alternative includes the replacement of the pier and restroom to pre-disaster conditions with upgrades to current Florida codes and standards. The immediate project area does not include any residential areas and is designated as “Fishing Pier” land within the COMB. During project construction, an increase in construction traffic to the project site may temporarily affect areas adjacent to and immediately landward of the project area designated as “Tourist Residential”, “Townhouse District”, and “Tourist Commercial”, as well as “General Commercial” areas located beyond US HWY 98. It will not have any adverse impacts to those living in MB 44300. Once completed, the project will not alter the demographic characteristics of MB 44300. No displacement or relocation will result from this project for individuals or families. The project will not have impacts on the community demographics.

### 5.4.2. HAZARDOUS MATERIALS

Two of the main Federal laws that address hazardous and toxic materials issues are the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA; 42 U.S.C. §9601 et seq.) and the Resource Conservation and Recovery Act of 1976 (RCRA; 42 U.S.C. §6901 et seq.). CERCLA, commonly known as Superfund, has the major objectives to identify hazardous and toxic material sites, determine liability, and oversee the cleanup. The Resource Conservation and Recovery Act (RCRA) is the public law that creates the framework for the proper management of hazardous and non-hazardous solid waste. The law describes the waste management program mandated by Congress that gave EPA authority to develop the RCRA program.

Federal hazardous waste regulations can be found at 40 CFR Parts 260 to 271. The State of Florida has adopted by reference portions of the federal regulations into Chapter 62-730 of the Florida Administrative Code (FAC). This part is also known as the Hazardous Waste Rule or Rule 62-730. Florida hazardous waste rules require that certain information be submitted by facilities that generate hazardous waste, transport hazardous waste, or operate a treatment/storage/disposal facility for hazardous waste. Ensuring that hazardous wastes (HW) are handled in accordance with federal and state rules and laws is the responsibility of the Compliance and Enforcement staff at FDEP. This group interacts with the public and with the RCRA branch of the federal EPA to develop policies and guidance, to provide compliance assistance to the public and the regulated community, and to enforce laws regulating the handling of hazardous waste.

Contaminated and toxic sites can be identified in the project vicinity using the EPA NEPAssist mapping tool and the FDEP Contamination Locator Map. No EPA Facilities or FDEP Cleanup sites are located within or in the immediate vicinity of the coastal project area, therefore there would be no impacts to hazardous materials from either alternative.

#### 5.4.2.1 Alternative 1 – No Action

The No Action Alternative would not involve any construction activities, therefore, there would be no potential to disturb existing hazardous materials or create any potential new hazardous waste sites within the area. There would be no impact to human health or the surrounding environment from hazardous or solid waste.

#### 5.4.2.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

Alternative 2 would involve the extension and replacement of the Pier and restrooms and would have a minor short-term impact on the beach due to construction activities. Hazardous materials and waste generated during construction activities would be handled in accordance with applicable RCRA and state regulations for managing solid and hazardous waste materials. Potential for spills from construction equipment would be minimized and handled in accordance with applicable regulations. There is no potential for any construction activities related to this project to impact hazardous waste sites designated under CERCLA as there are no Superfund sites at or near the proposed project area

per the Superfund National Priorities List, accessed on July 15, 2024 (https://www.epa.gov/superfund/search-superfund-sites-where-you-live).

#### 5.4.2.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

Alternative 3 would involve the replacement of the pier and restroom to pre-disaster conditions with upgrades to current Florida codes and standards and would have a minor short-term impact on the beach due to construction activities. Hazardous materials and waste generated during construction activities would be handled in accordance with applicable RCRA and state regulations for managing solid and hazardous waste materials. Potential for spills from construction equipment would be minimized and handled in accordance with applicable regulations. There is no potential for any construction activities related to this project to impact hazardous waste sites designated under CERCLA as there are no Superfund sites at or near the proposed project area per the Superfund National Priorities List, accessed on July 15, 2024 (https://www.epa.gov/superfund/search-superfund-sites-where-you-live).

### 5.4.3. VISUAL RESOURCES

Assuring aesthetically pleasing surroundings for all Americans is one of the goals identified in Section 101 of NEPA, and visual impacts are included among environmental effects evaluated by federal agencies prior to making decisions. The project is located at the end of the 37th Street parking lot, on the public beach of the Gulf of America. The city of Mexico Beach has operated the Pier since 1956. Due to the impacts of Category 5 Hurricane Michael the old wooden pier was substantially damaged. The new pier would be higher, made of concrete with blowout panels, and designed to be an attractive addition to the options of residents and visitors of Mexico Beach.

#### 5.4.3.1 Alternative 1 – No Action

Under the No Action Alternative, no replacement Pier and restroom would be built, therefore there would be no impact to visual resources.

#### 5.4.3.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

Alternative 2 would involve the reconstruction and extension of the Pier, and restroom replacement with improvements. The pier and restroom facility would have a minor impact to visual resources. Due to the extension and improvements the new facility would be visually attractive and would offer the COMB community and tourists a viewing station of the Gulf, the beach both east and west, and the City. The Pier would also offer a viewing area for sunset, sunrise, and astrological events (i.e., full moon, star gazing, eclipse).

#### 5.4.3.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

Alternative 3 would involve the replacement of the pier and restroom to pre-disaster conditions with upgrades to current codes and standards and would have a minor impact to visual resources. The pre-disaster design with upgrades for codes and standards would be visually attractive and will offer

the COMB community and tourists a viewing station of the Gulf, the beach both east and west, and the City. The Pier would also offer a viewing area for sunset, sunrise, and astrological events (i.e., full moon, star gazing, eclipse).

### 5.4.4. NOISE

The Noise Control Act (NCA) was enacted in 1972 and established a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The major sources of noise include transportation vehicles and equipment, machinery, appliances, and other products in commerce, climate, or recreation. Sounds that disrupt normal activities or otherwise diminish the quality of the environment are designated as noise. Noise can be stationary or transient, intermittent, or continuous. In general, animals and humans are stressed by noisy environments. The effects of noise on humans include annoyance, sleep disturbance, and health impacts. In animals, high noise can interfere with communication, reproduction, identifying food sources, and can induce fear, forcing species to abandon their habitat. Within the project area, noise primarily comes from local vehicular and construction traffic along US Highway 98 and local construction activities associated with rebuilding homes, condos, and other infrastructure improvements. Vessel traffic consisting of recreational and commercial fishing vessels departing the Mexico Beach Canal is another contributory source of noise. The City also operates a diesel hydraulic suction head dredge just west of the Pier to maintain vessel navigation which emits noise while under operation.

#### 5.4.4.1 Alternative 1 – No Action

Under the No Action Alternative, no replacement would be made to the Pier or restrooms; therefore, there would be no impacts on noise within the project area.

#### 5.4.4.2 Alternative 2 – Reconstruct and Extend Pier (Preferred Alternative)

The Proposed Alternative includes the replacement Pier and restrooms. Minor, adverse impacts may occur due to the increased noise levels from heavy equipment operation in the project area during project construction. Additional during construction piles would be installed by a combination of pressure jetting and impact hammering. The piles would be jetted 10-20 ft, followed by hammering, to be driven to their final depth placement. The work would be conducted within an open, not confined, land and water space. Work would only occur during daylight hours.

These impacts would be minor and short-term in nature. Estimated construction time is one year. After the construction activities are complete, there would be no long-term impacts on noise levels in the area. The proposed action is not expected to substantially increase use of the project area; therefore, no long-term impacts on noise within the project area would occur.

#### 5.4.4.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

Alternative 3 would involve the replacement of the pier and restroom to pre-disaster conditions with upgrades to current codes and standards; therefore, minor short-term impacts on noise levels resulting from the use of construction equipment in the project area. Additional during construction piles would be installed by a combination of pressure jetting and impact hammering. The piles would be jetted 10-20 ft, followed by hammering, to be driven to their final depth placement. The work would be conducted within an open, not confined, land and water space. Work would only occur during daylight hours.

However, after the construction activities are complete, there would be no long-term impacts on noise levels in the area. Based on the review conducted, Alternative 3 would have minor noise-related impacts. The proposed action is not expected to substantially increase use of the project area; therefore, no long-term impacts on noise within the project area would occur.

### 5.4.5. HISTORIC AND CULTURAL RESOURCES

Cultural resources include prehistoric and historic sites, structures, districts, buildings, objects, artifacts, or any other physical evidence of human activity considered important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. The primary federal statutes that apply to cultural resources are NEPA and Section 106 of the National Historic Preservation Act of 1966 (NHPA) as well as its implementing regulations found at 36 CFR Part 800. NHPA created the National Register of Historic Places (NRHP) and criteria to determine if cultural resources are eligible for listing in the NRHP. NHPA defines historic properties as any prehistoric or historic district, site, building, structure, or object that is listed in, or eligible for listing in, the NRHP (36 CFR 800.16(l)). When NRHP-eligible properties are present, federal agencies must assess the effect of the undertaking on them and consider ways to avoid, minimize, or mitigate potential adverse effects.

The area of potential effect (APE) for cultural resources is limited to the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties if any such properties exist (36 CFR 800.16(d)). A literature review of the National Park Service (NPS) NRHP GIS resource and the Florida Master Site Files (FMSF) was conducted. The literature review focused on the APE and included a 1-mile buffer around the APE. Seventeen cultural resource investigations; two archaeological sites listed in the NRHP, 44th Street (BY00938), Salt Creek (BY01088); and two historic resource groups within one mile of the proposed municipal pier project were identified. The Mexico Beach Canal (8BY2046) has been identified and determined to be eligible for listing in the NRHP and State Road 30 (8BY3135) is the other historic resource group identified within portions of the APE.

The construction of the city of Mexico Beach Municipal Pier would likely not impact any known historic structures or archaeological resources. The municipal pier was destroyed because of Hurricane Michael, and this is the most recent time that it has been substantially impacted by storm events. Additionally, the beach in this location has been subjected to repeated erosion and

deposition events greatly reducing the chance of encountering in situ, undisturbed deposits to a minimum. In addition, based on the results of FEMA's historic property identification efforts, no above-ground historic property or archaeological site considered eligible for listing in the NRHP are located within the APE of this undertaking.

The threshold level for significant impacts to cultural resources under NHPA would be those impacts that adversely affect any historic property that is eligible for or listed in the NRHP under Section 106 or has been identified by a federally recognized tribe as a sacred site or traditional cultural property.

#### 5.4.5.1 Alternative 1 – No Action

The No Action Alternative would not involve any construction activities, and no federal undertaking would occur; therefore, there would be no impact to cultural resources or further responsibility under Section 106

#### 5.4.5.2 Alternative 2 – Reconstruct and Extend the Pier (Preferred Alternative)

The Proposed Alternative includes the extension and replacement of the Pier and restrooms. The construction activities associated with Alternative 2 would require new ground disturbance. However, the beach in this location has been subjected to repeated erosion and deposition events greatly reducing the chance of encountering in situ, undisturbed deposits to a minimum. In addition, based on the results of FEMA's historic property identification efforts, no above-ground historic property or archaeological site considered eligible for listing in the NRHP are located within the APE of this undertaking. A literature review of the National Park Service (NPS) National Register of Historic Places (NRHP) GIS resource and the Florida Master Site Files (FMSF) was conducted. The literature review focused on the APE and included a 1-mile buffer around the APE. FEMA submitted a consultation letter to the Florida State Historic Preservation Officer (SHPO) on June 14, 2024, with a finding of No Historic Properties Affected. Concurrence from SHPO was received on August 12, 2024 (Appendix 0), in addition, ten federally recognized tribes were consulted, including the Alabama-Coushatta Tribe of Texas, Alabama-Quassarte Tribal Town, Choctaw Nation of Oklahoma, Jena Band of Choctaw Indians, Miccosukee Tribe of Indians, Mississippi Band of Choctaw Indians, Muscogee (Creek) Nation, Poarch Band of Creek Indians, Seminole Nation of Oklahoma, and the Seminole Tribe of Florida. Muscogee (Creek) Nation responded with concurrence on July 10, 2024. No other responses were received within the allotted timeframe.

Based on the analysis conducted and the conditions required (See Section 7: Consultation Requirements) for unexpected finds or unexpected discoveries, Alternative 2 would have no impact on historic and archaeological resources.

#### 5.4.5.3 Alternative 3 – Reconstruct Pier to Pre-Disaster Conditions

The original pier facility was substantially damaged by Hurricane Michael with only a few remaining pier piles that have since been removed. The Alternative 3 project would take place largely in the original footprints with little new ground disturbance. Consultation with SHPO may be required,

however, since the construction of replacement facilities which would likely require updates to codes and standards.

The project area is subjected to repeated erosion and deposition events greatly reducing the chance of encountering in situ, undisturbed deposits to a minimum. In addition, based on the results of FEMA's historic property identification efforts under Alternative 2, no above-ground historic property or archaeological site considered eligible for listing in the NRHP are located within the APE of this undertaking. FEMA would likely recommend a finding of No Historic Properties Affected with the condition that in the event that an unexpected discovery is found, the Applicant would stop all work and notify FEMA and SHPO.

Based on the analysis conducted and the conditions required for unexpected finds or unexpected discoveries, Alternative 3 would have no impact on historic and archaeological resources.

# 6. Environmental Trends and Reasonably Foreseeable Actions

An assessment of environmental trends and reasonably foreseeable actions takes into consideration the potential effects that future projects may have on the natural and human environment. These potential effects are considered in conjunction with effects resulting from the Proposed Action to identify any additive impacts or future trends that could influence potential impacts from implementation of the Proposed Action. Trends and Future impacts were evaluated based on general descriptions of past, present, and reasonably foreseeable projects in the vicinity of the project area. In accordance with NEPA, this EA considered the combined effect of the Preferred Alternative and other actions occurring or proposed in the vicinity of the proposed project site.

Reasonably foreseeable actions that could occur in the coastal counties of Florida include projects that are already statutorily or categorically excluded from NEPA review under the Stafford Act or DHS Instruction 023-01 Rev 01. Due to the project being in a coastal area, it is inherently susceptible to coastal erosion from tropical storms and hurricanes which may result in future presidentially approved emergency declarations, requiring FEMA funding for repairs, in addition to scheduled maintenance re-nourishments for ongoing erosion. Reasonably foreseeable actions would affect offshore environments due to temporary increases in sedimentation and turbidity from maintenance dredging, and increased noise and human disturbance (e.g., vessel activity) from fishing, boating, and shipping activities. These actions would contribute to onshore and offshore impacts within the Proposed Action area.

The Proposed Action, when taken into consideration with these reasonably foreseeable actions, would result in short-term, negligible adverse impacts on the resources evaluated within this draft EA. Potential impacts could include ground disturbance, erosion and sedimentation, discharges to surface water, increased turbidity, disruptions to aquatic and terrestrial habitat, and temporary displacement of wildlife, including special status species. The incremental effects of the Proposed

Action would be negligible due to the limited duration and frequency of individual projects and the reasonably foreseeable actions. Construction activities would be temporary, and impacts would primarily remain localized to specific project sites. In addition, all appropriate permits and authorizations would be obtained.

The proposed project is expected to increase the level of storm protection to the improved property along the existing shoreline. It is not expected that the project would increase development along the shoreline, as this area was already developed (i.e restaurants, homes, hotels) prior to Hurricane Michael.

## 6.1. Past, Present, and Reasonably Foreseeable Projects

In 2019, the city of Mexico Beach completed the "Mexico Beach Emergency Dune Project" which consisted of an emergency dune (FEMA Berm) between R-127.6 and R-144 over 16,200 ft. This project was located within the limits of the proposed Pier repair project. No structures were added as part of that project and 95,000 cubic yards of beach compatible sand was imported from an upland mine. In 2021, the "Mexico Beach Inlet Sand Bypassing and Beach Restoration Project" was constructed which including hauling roughly 21,000 cubic yards of stockpiled beach sand dredged from the inlet at R-127.8 into the critically eroded shoreline section (R-132 to R-138).

Two proposed projects were identified that may contribute to reasonably foreseeable impacts of the proposed Pier replacement project. The proposed Mexico Beach Renourishment and Dune Restoration Project will be constructed in the project vicinity, along the shoreline immediately east of the east jetty, and is summarized below. Additionally, the Mexico Beach Jetty that was damaged during Hurricane Michael is currently expected to be completed by November of 2026.

Due to the impacts of Category 5 Hurricane Michael that caused extensive structural damage and beach and dune erosion along the entirety of the Mexico Beach shoreline, Bay County has proposed to restore the entire length of its shoreline and increase the level of storm protection by restoring the dune system. The project consists of the restoration, and subsequent nourishment, of the Mexico Beach shoreline using beach compatible material obtained from an approved offshore borrow area located approximately 2.4 miles offshore and placing up to 1.5 million cubic yards of this sand along approximately 3 miles of Mexico Beach shoreline, including dune restoration only from R-127.8 to R-130 and beach and dune restoration from R130 to R-144. Bay County was issued USACE Permit SAJ-2020-01982 for the project on February 15, 2024. Construction of the Mexico Beach Renourishment and Dune Restoration Project was completed in April 2025.

The proposed project, and anticipated future actions in the area, would have short-term impacts to commercial and recreational usage of the shoreline. However, it is anticipated there would be no long-term significant impacts to commercial fisheries, and there would be beneficial long-term impacts to commercial and recreational usage of the shoreline because of the continued existence of the pier and associated restroom facility. The proposed action is not expected to have any

significant adverse impacts on any resource based on the review conducted when added to past, present, and reasonably foreseeable future actions within the proposed project area.

# 7. Permit and Project Conditions

The city of Mexico Beach is responsible for compliance with all federal, state, and local laws and regulations, including obtaining all required federal, state, and local approvals or permits prior to beginning construction activities and adhering to conditions in this EA. If deviations from the proposed scope of work result in substantial design changes, the need for additional disturbance, or any other unanticipated changes to the physical environment, the subrecipient will contact FEMA so that the revised project scope can be evaluated for compliance with NEPA and other applicable environmental and historic preservation laws.

## 7.1. Permit Condition Requirements:

The following list may not include all approvals or permit(s) required for the Proposed Action.

- Under Alternatives 2 and 3, the Applicant would comply with all conditions in the USACE permit (permit pending) and obtain any permit modifications as needed.
- Under Alternatives 2 and 3, the Applicant would comply with all conditions in FDEP Permit No. 0206187-004-JC (Appendix D) and obtain any additional modifications as needed.
- Under Alternatives 2 and 3, the Applicant would comply with all conditions in FDEP Coastal Construction Control Line (CCCL) Permit No. BA-1231 (Appendix M) and obtain any permit modifications as needed (request to renew on 06/27/2025).

## 7.2. Consultation Requirements:

- Under Alternative 2, consultation letters were sent to the Florida SHPO and ten Tribes with vested interest in Bay County, Florida on June 14, 2024, with the following conditions:
    - If human remains or intact archaeological deposits are uncovered, work in the vicinity of the discovery will stop immediately and all reasonable measures to avoid or minimize harm to the finds will be taken. The Applicant will ensure that archaeological discoveries are secured in place, that access to the sensitive area is restricted, and that all reasonable measures are taken to avoid further disturbance of the discoveries. The Applicant's contractor will provide immediate notice of such discoveries to the Applicant. The Applicant will contact the Florida Division of Historic Resources and FEMA within 24 hours of the discovery. Work in the vicinity of the discovery may not resume until FEMA has completed consultation with SHPO, Tribes, and other consulting parties as necessary. If unmarked human remains are encountered during permitted activities, all work will stop immediately, and the proper authorities will be notified in accordance with Florida Statutes, Section 872.05.
    - Construction vehicles and equipment will be stored onsite during the project on the asphalt parking lot on South 37th street.
- Under Alternative 2, a formal consultation letter was sent to NMFS Southeast Regional Office on June 11, 2024, NMFS issued a Biological Opinion (BO) on March 12, 2025 with the following terms and conditions (T&C):

- The Applicant will adhere to the *SERO Protected Species Construction Conditions*.
- The Applicant will adhere to the *Vessel Strike Avoidance Measures*.
- The existing parking lot or adjacent paved surface will be used for delivery and storage of the majority of construction material and equipment.
- For all in-water activities, work operations will only be completed during daylight hours.
- No more than 3 in-water piles per day will be installed.
- Prior to the onset of construction activities, the Applicant or designated agent will conduct a meeting with all construction staff to discuss identification of protected species, what to do if any are observed within the project area, and applicable penalties that may be imposed if State or Federal regulations are violated. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals.
- When in-water project construction takes place from floating equipment (e.g., barge), prop or wheel-washing is prohibited.
- The Applicant will be required to obtain all applicable Federal, state, and local permits and will comply with conditions set forth in each. These requirements include all State of Florida and USACE permits. Failure to obtain permits or comply with these conditions may jeopardize the Applicant's receipt of FEMA funding.
- The Applicant shall report any injury to any ESA-listed species occurring during the construction phase of the project immediately to both:
  - NMFS SERO PRD via the NMFS SERO Endangered Species Take Report Form (https://forms.gle/85fP2da4Ds9jEL829). The Applicant will include the SERO ECO tracking number in all correspondence, and The following location stranding and rescue organization:
  - FWC Wildlife Alert Hotline: (888) 404-FWCC/(888) 404-3922
- The Applicant shall report any injury or take of any marine mammal during the construction phase to 1-877-WHALE HELP (1-877-942-5343). The Applicant will include the SERO ECO tracking number in all correspondence.
- Report any sightings of giant manta ray to manta.ray@noaa.gov. The Applicant's agent will report during construction; the Applicant will report post-construction.
- The Applicant will coordinate agreements with the Navarre Beach Sea Turtle Conservation Center or the FWC to assist as needed with the rehabilitation of recreational hook-and-line sea turtle captures: FWC Wildlife Alert Hotline: (888) 404-FWCC/(888) 404-3922. Website: https://www.fisheries.noaa.gov/marine-life-distress/statecoordinators-and-state-liaisons-sea-turtle-stranding-and-salvage-network.
- Fish cleaning stations will be clearly marked and have nearby trash receptacles with lids. The Applicants will post signage on the pier asking fishermen to discard their fish carcasses in the trash bins. Receptacles will be clearly marked and will be emptied regularly.
- Monofilament recycling receptacles will be installed and will remain located at mid-pier and the terminal end in order to prevent fishing lines from being disposed of in the water or on the shore. Receptacles are to be clearly marked and emptied regularly to ensure they do not overfill and that fishing lines are disposed of properly. Photographs of the installed bins will be emailed to NMFS's Southeast Regional Office by email

(nmfs.ser.esa.consultations@noaa.gov) with the NMFS tracking number for this Opinion (SERO-2024-01334 City of Mexico Beach Fishing Pier) and date of issuance.

- Install and maintain the following NMFS Protected Species Educational Signs: "Save Dolphins, Sea Turtles, Sawfish, and Manta Ray", "Do Not Catch or Harass Sea Turtles", and "Report a Sturgeon"
  - Signs will be posted at least at the entrance to and terminal end of the pier.
  - Signs will be installed prior to opening the pier for public use.
  - Photographs of the installed signs will be emailed to NMFS's Southeast Regional Office (nmfs.ser.esa.consultations@noaa.gov) with the NMFS tracking number (SERO-2024-01334 City of Mexico Beach Fishing Pier) and date of issuance,
  - Sign designs and installation methods are provided at the following website: https://www.fisheries.noaa.gov/southeast/consultations/protectedspecies-educational-signs.
  - Current photographs of the signs will be included in each annual report required by the T&C.
- The Applicant agrees to conduct in-water pier cleanup on an annual basis. In addition, volunteer groups will hold a minimum of 2 clean ups annually to clear trash and loose debris from pier and adjacent areas to supplement regular pier maintenance. These activities account for a total of at least 3 cleanups per year.
- Submit a record of each cleaning event in the annual report required by T&C.
- The Applicant will use sea turtle friendly pier lighting (i.e., long wavelength amber, orange or red LED lighting) and angle the light towards the ground when possible.
- If and when the Applicant becomes aware of any known reported capture, entanglement, stranding, or other take, the Applicant must report it to NMFS SERO PRD via the NMFS SERO Endangered Species Take Report Form (https://forms.gle/85fP2da4Ds9jEL829).
  - Emails must reference this Opinion by the NMFS tracking number (SERO-2024-01334 City of Mexico Beach Fishing Pier) and date of issuance.
  - This form shall be completed for each individual known reported capture, entanglement, stranding, or other take incident.
  - The form must include the species name, state the species, date and time of the incident, general location and activity resulting in capture (e.g., fishing from the pier by hook-and-line), condition of the species (i.e., alive, dead, sent to rehabilitation), size of the individual, behavior, identifying features (i.e., presence of tags, scars, or distinguishing marks), and any photos that may have been taken.
- Every year, the Applicant must submit a summary report of capture, entanglement, stranding, or other take of ESA-listed species to NMFS SERO PRD by email: nmfs.ser.esa.consultations@noaa.gov.
  - All emails and summary reports must reference this Opinion by the NMFS tracking number (SERO-2024-01334 City of Mexico Beach Fishing Pier) and date of issuance.
  - The summary report will contain the following information: the total number of ESA-listed species captures, entanglements, strandings, or other take that was reported at or adjacent to the piers included in this Opinion.

- The summary report will contain all information for any sea turtles taken to a rehabilitation facility holding an appropriate USFWS Native Endangered and Threatened Species Recovery permit. This information can be obtained from the appropriate State Coordinator for the STSSN (https://www.fisheries.noaa.gov/state-coordinators-sea-turtle-stranding-and-salvage-network).
- The summary report shall be submitted even when there have been no reported take of ESA-listed species.
- The summary report will include current photographs of signs and bins required, and records of the clean-ups required in T&C above.
- The first summary report will be submitted by January 31, 2026, and will cover the period from pier opening until December 31, 2025. Thereafter, reports will be prepared every year, covering the prior rolling three-year time period, and emailed no later than January 31 of any year.

  - Copies of annual summary reports must be submitted to the FEMA at: Federal Emergency Management Agency, Region 4 Environmental and Historic Preservation (EHP) fema-r4ehp-florida@fema.dhs.gov
  - Copies of annual summary reports must be submitted to the USACE at: SAJ-RD-Enforcement@usace.army.mil

- Under Alternative 2, an informal consultation letter was sent to the USFWS on June 12, 2024, and on July 7, 2024 USFWS requested additional information to support the may affect, not likely to adversely affect (MANLAA) ESA section 7 determination for all sea turtles, with an additional meeting occurring on July 15, 2024 to discuss timing requirements to keep the proposed actions as MANLAA. A revised consultation request with a "likely to adversely affect" determination for the green sea turtle, Kemp's Ridley sea turtle, North West Atlantic Ocean (NWAO) Distinct population segment (DPS) loggerhead sea turtle and a MANLAA determination for the St. Andrew beach mouse, West Indian manatee, and the NWAO DPS loggerhead sea turtle designated critical habitat was submitted on November 14, 2024 with concurrence received on May 5, 2025, with the following conditions:
  - Reconstruction of fishing pier and associated structures:
    - The city of Mexico Beach shall establish a designated route for beach access that minimizes impacts to beach and dune habitat features to the extent possible and while avoiding sea turtle and shorebird nests (Migratory Bird Treaty Act provision). Flag, with markers, the existing beach access point for equipment. In the event protected species or
    - All construction operations shall occur during daylight hours.
    - All vehicles/equipment shall be tracked or have tire pressure equal to or less than 10 psi (1.02 kilogram per square m) based on ground loading characteristics.
    - All vehicles/equipment shall be driven at speeds less than 10 miles (16 km) per hour.
    - From May 1 through October 31, all driving along the beach shoreline shall be seaward of the wrack or debris line (previous high tide) or just above it during high tide conditions. city of Mexico Beach shall institute tire track/rut removal actions when ruts greater than 2 inches (5.08 cm) occur seaward of sea turtle nests that are expected to hatch within 10 days and shall be completely removed before sunset, regardless of day of week.
    - Rut removal shall be implemented if the following criteria are met:

- one or more ruts occur within a 20-ft (7 m) wide path between the nest and the Gulf of America,
- at least one of these ruts is greater than 2 inch (5.08 cm) deep,
- any ruts deeper than 2 inches (5.08 cm) are at least 3 ft (0.91 m) in length, and
- ruts deeper than 2 inches (5.08 cm) are oriented in any direction other than perpendicular to the Gulf of America. All rut removal shall be performed in the late afternoon or as soon as the days construction activities is completed.
- Rut removal shall be by hand using a heavy-duty "garden" rake that penetrates no more than 3 inches (7.62 cm) deep into the sand, or by towing a section of weighted chain-link fence or similar material behind a vehicle. The raked area shall encompass a path that is at least 50 ft (15.24 m) wide, centered seaward of the nest from the nest to the previous 28 high tide, taking care that if a vehicle is used to remove the ruts, no ruts are left in the process from the vehicle. Additional hand raking may be required to fill in very deep ruts. At no time should raking be conducted within a marked nest area.

- Species Protection
  - No construction or related activity (i.e., vehicle parking, equipment, foot traffic, day use staging area, etc.) is to occur within the marked nest area or the 25 ft (7.6 m) buffer.
  - The city of Mexico Beach shall contact permitted sea turtle surveyors and the Service if a sea turtle nest is disturbed or uncovered during construction activity and personnel are to reroute around the newly discovered sea turtle nests. If an unknown nest is discovered, all work shall cease, and the permitted sea turtle surveyor is to be contacted immediately. If a nest(s) cannot be safely avoided during construction, all activity within the affected area shall be postponed until hatching and emerging success monitoring of the nest is completed.
- Species Monitoring
  - Sea turtle surveys and protection measures shall be conducted each morning prior to construction activities including driving or moving equipment on the beach from May 1 through October 31.
- Daily morning sea turtle nest surveys shall be conducted in accordance with established State of Florida Nesting Beach Survey guidelines:
  - Daily early morning sea turtle nest surveys shall be conducted between May 1 and September 1. Frequency of hatching and emerging success monitoring after September 1 shall involve checking nests based on expected nest hatch dates or 70 days incubation, at which time the nest will be evaluated per State guidelines.
  - Nest surveys shall be conducted by individuals with experience and training in nest survey procedures. Surveyors shall be covered by a valid State of Florida FWC permit. Nest surveys shall be conducted daily between half hour before sunrise and 9 a.m. Data gathered during the survey shall be in the form required by the FWC permit. The survey shall include geographic position data collection. 29
  - All nests deposited within the Action Area shall be marked and left in situ unless relocation is in compliance with FWC guidelines for conservation purposes. All sea turtle nests shall be marked. The nest marking shall be in accordance with FWC permit guidelines and conspicuous to drivers accessing or operating vehicles/equipment on the

beach. Once a nest is marked or it is determined that there is no nest and it is a false crawl, the crawl shall be obliterated so that it is obvious that the site has been checked.

- Nest sites shall be inspected daily to assure nest markers remain in place and the nest has not been disturbed.

- Reporting
  - Any collision with (or injury) or upon locating a dead, injured, or sick individual of an endangered or threatened species, shall be reported immediately to the FWC Hotline at 888- 404-3922, and to the FWC at ImperiledSpecies@MyFWC.com. Any collision with (and/or injury to) a marine turtle shall also be reported immediately to the Sea Turtle Stranding and Salvage Network (STSSN) at SeaTurtleStranding@MyFWC.com. Additional notification must be made to the Fish and Wildlife Service Panama City Florida Field Office at fw4flesregs@fws.gov within 48 hours. Care should be taken in handling sick or injured individuals and in the preservation of specimens in the best possible state for later analysis of cause of death or injury.
  - A report describing the actions taken to implement the terms and conditions of this incidental take statement shall be submitted to fw4flesregs@fws.gov (with Service project No. 2024- 0068655), within 60 days of the end of the calendar year for the life of the permit. This report shall include the dates of the outlet openings, assessment and action taken to address impacts to protected species and their habitats including copies of all species surveys reports for the year. If no activities take place, a negative report is still required, with species survey data for the year (See Table 9-2 in Appendix I).
- Conservation Recommendations
  - The city of Mexico Beach shall make a reasonable effort to ensure trash, tackle, or fishing line is not discarded in the gulf, beach, or dune from any part of the pier, access points or facilities. The City of Mexico Beach shall install large trash and recycling receptacles (including receptacle for recycling of monofilament fishing line or other used fishing gear) at key points along the pier to ensure adequate collection and removal to approved upland disposal or recycling sites.
  - The city of Mexico Beach shall install and maintain informational displays on the pier that list the appropriate procedures and wildlife rescue/rehabilitation contact(s), in the event that protected seabirds (pelicans, terns, etc.) are hooked or entangled in fishing line. Equipment designed to safely remove hooked birds from the water shall be made available to pier users at all times.
  - The city of Mexico Beach shall install and maintain informational displays on the pier that list the appropriate procedures and wildlife rescue/rehabilitation contact(s) in the event that turtles are hooked or entangled in fishing line. A minimum of two (2) signs shall be posted, one at each end of the pier. Prior to commencement of construction, design(s) of the informational displays providing guidance on how to respond if a turtle is hooked should be submitted to marineturtle@myfwc.com for review. On review of the designs, FWC will provide information on any deficiencies to be corrected prior to procurement of the signs. Signs shall include the following information:
    - Do not cast your line in areas where turtles are observed at or below the surface of the water.
    - In the event that a turtle is caught on a fishing line:
    - Be careful – turtles bite and their flippers and nails can cause injury.

- Gently lead a hooked or entangled turtle ashore without pulling upward.
- Text seaturtlestranding@myfwc.com immediately to report any turtle incident and follow their instructions. If there is no response, within 15 minutes call FWC (888-404-3922) to speak with a dispatcher.
    - In order to comply with the MBTA and potential for this project to impact nesting shorebirds, City of Mexico Beach should follow FWC's standard guidelines to protect against impacts to nesting shorebirds during implementation of this project during the periods from February 15-August 31.

- In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefiting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.

- Under Alternative 2, a consultation letter was sent to NOAA for Essential Fish Habitat consultation under MSA on June 13, 2024, with concurrence received on July 11, 2024:
    - The Applicant will comply with project conditions outlined in FDEP Permit No. 0416748- 001-JC dated January 26, 2023.
    - The Applicant will comply with the conditions outlined in the NMFS formal consultation letter and LOC received 6/11/2024.
- Under Alternatives 2 and 3, the Applicant will comply with the following conditions from the Standard Manatee Conditions for In-water Work (USFWS, 2011):
    - All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
    - All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
    - Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
    - All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut down if a manatee(s) comes within 50 ft of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 ft of the operation. Animals must not be herded away or harassed into leaving.
    - Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com.
    - Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project.

Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

- Under Alternatives 2 and 3, the Applicant will comply with the following conditions from the NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions (Revised March 23, 2006):
  - The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
  - The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
  - Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
  - All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
  - If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 ft of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
  - Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
  - Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.
  - Handling, storage, and disposal of hazardous materials and waste during construction activities, including measures to prevent releases, must be conducted in accordance with applicable environmental compliance regulations.

## 7.3. Other Requirements:

- Under Alternatives 2 and 3 the Applicant will comply with the following conditions:

- Shorebird surveys should be conducted by trained, dedicated individuals using accepted, appropriate ecological survey procedures (for example, see "Breeding Season Population Census Techniques for Seabirds and Colonial Waterbirds Throughout North America" at URL: http://www.mp2-pwrc.usgs.gov/cwb/manual/).
- Nesting season surveys should begin on April 1 (or February 15 in snowy plover habitat) or 45 days prior to construction commencement, whichever is later, and be conducted daily throughout the construction period.
- Within the project area, a site-specific buffer should be established around any location where shorebirds have been engaged in courtship or nesting behavior, or around areas where piping plovers occur, or winter migrants congregate in significant numbers. Any and all construction activities, including movement of vehicles, should be prohibited in the buffer zone.
- The width of the buffer zone should be increased if birds appear agitated or disturbed by construction or other activities in adjacent areas.
- Designated shorebird buffer zones should be posted with clearly marked signs around the perimeter. These markings should be maintained until nesting is completed or terminated, the chicks fledge, or piping plovers or winter migrants depart.
- No construction activities or stockpiling of equipment should be allowed within the shorebird buffer area.

# 8. Agency, Tribal, and Public Engagement

Interagency and intergovernmental coordination is a federally mandated process for informing and coordinating with other governmental agencies regarding federal proposed actions. This coordination also fulfills requirements under EO 12372, Intergovernmental Review of Federal Programs (amended by EO 12416, and supplemented by EO 13132), which requires federal agencies to coordinate with state and local officials and consider their views in implementing a federal proposal, such as federal financial assistance or direct federal development.

FEMA invited federal, state, and local agencies with jurisdiction or special expertise over the Proposed Action to review the draft EA. A list of agencies contacted, and a record of agency coordination and public involvement are provided in Appendix N. State agency coordination was facilitated through the Florida State Clearinghouse.

**Table 4: Agencies and Organizations Contacted by FEMA**

| | | | |
|---|---|---|---|
| Florida Department of Environmental Protection (FDEP) | Florida Division of Historic Resources (SHPO) | Florida State Clearinghouse | United States Army Corps of Engineers (USACE) |
| U.S. Fish and Wildlife Service (USFWS), Florida Ecological Services Office | National Oceanic and Atmospheric Association, Habitat Conservation Resource Division, National Marine Fisheries Service (NOAA, HCRD, NMFS) | National Oceanic and Atmospheric Association, Protected Resource Division, National Marine Fisheries Service (NOAA, PRD, NMFS) | Alabama-Quassarte Tribal Town |
| Alabama-Coushatta Tribe of Texas | Miccosukee Tribe | Muscogee (Creek) Nation | Poarch Band of Creek Indians |
| Seminole Tribe of Florida | Seminole Nation of Oklahoma | Choctaw Nation of Oklahoma | Mississippi Band of Choctaw |
| Jena Band of Choctaw Indians | | | |

## 8.1. Tribal Nation Consultation

Tribal Nations were invited to participate as Sovereign Nations in accordance with Section 106 of the National Historic Preservation Act of 1966 (Appendix O). The DHS Directive 071-04, DHS Instruction 071- 04-001, FEMA Policy 101-002-02, and FEMA Instruction 101-002-02-01 require government-to-government notification and consultation to ensure meaningful and timely input by tribal officials for federal actions that may have tribal implications.

## 8.2. Public Involvement

FEMA issued a disaster-wide initial public notice for Hurricane Michael on October 30, 2018 (Appendix K), to notify the public of projects under the PA, Individual Assistance, and Hazard Mitigation Grant programs that may be occurring within floodplains or wetlands. The public would be notified of the availability of this EA for review and comment by posting of the public notice (Appendix L) on FEMA's website, city of Mexico Beach's website, and near the proposed project location, and a hard copy of the EA would be made available at the Mexico Beach City Hall, 201 Paradise Path, Mexico Beach, FL 32410 open from 8 AM to 4 PM, Monday thru Friday. The public comment period ends after 30 days from the date of initial posting. This Draft EA will be edited to address all comments and feedback received during the public comment period (see Section 11).

# 9. List of Preparers

| Name | Title | Organization |
|---|---|---|
| Dave Hemphill | Landscape Architect / Chief Author | Baskerville-Donovan, Inc. |
| Sean O'Toole | Environmental Consultant | BIOME Consulting Group |
| Scott Fletcher | Lead Environmental Advisor | FEMA |
| Endia Casley | Environmental Protection Specialist | FEMA |
| Mary Maddox | Environmental Protection Specialist | FEMA PA-EHP TAC |
| Paula Largo | Environmental Protection Specialist | FEMA |
| Steve Wirtz | Historic Preservation Specialist | FEMA |
| Nerida De Jesus-Villanueva | Environmental Protection Specialist | FEMA |

# 10. References

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# 11. Public Comments/Response

Appendices available upon request to

FEMA Region 4 EHP (FEMA-R4EHP-FLORIDA@fema.dhs.gov)