



**Gulf Coast Ecosystem Restoration Council
Categorical Exclusion Determination Form**

This form is to be completed before the Gulf Coast Ecosystem Restoration Council (Council) uses one or more Categorical Exclusions (CEs) to comply with the National Environmental Policy Act (NEPA) for a specific action or group of actions, as appropriate. More information on the Council's NEPA compliance and use of CEs can be found in the Council's [NEPA Procedures](#).

Proposed Action Title:

Proposed Action Location: *(State, County/Parish)*

Proposed Action Description:

Categorical Exclusion(s) Applied:

Council Use of Member Categorical Exclusion(s)

If the Categorical Exclusion(s) was established by a Federal agency Council member, complete the following. If not, leave this section blank and proceed to the segmentation section.

Member with Categorical Exclusion(s)

Has the member with CE(s) advised the Council in writing that use of the CE(s) would be appropriate for the specific action under consideration by the Council, including consideration of segmentation and extraordinary circumstances (as described below)?

Yes No

Segmentation

Has the proposed action been segmented to meet the definition of a Categorical Exclusion? (In making this determination, the Council should consider whether the action has independent utility.)

Yes No

Extraordinary Circumstances

In considering whether to use a Categorical Exclusion for a given action, agencies must review whether there may be extraordinary circumstances in which a normally excluded action may have a significant environmental effect and, therefore, warrant further review pursuant to NEPA. Guidance on the review of potential extraordinary circumstances can be found in Section 4(e) of the Council's NEPA Procedures. The potential extraordinary circumstances listed below are set forth in the Council's NEPA Procedures.

The Council, in cooperation with the sponsor of the activity, has considered the following potential extraordinary circumstances, where applicable, and has made the following determinations. (By checking the "No" box, the Council is indicating that the activity under review would not result in the corresponding potential extraordinary circumstance.)

- | | | |
|-----|----|---|
| Yes | No | 1. Is there a reasonable likelihood of substantial scientific controversy regarding the potential environmental impacts of the proposed action? |
| Yes | No | 2. Are there Tribal concerns with actions that impact Tribal lands or resources that are sufficient to constitute an extraordinary circumstance? |
| Yes | No | 3. Is there a reasonable likelihood of adversely affecting environmentally sensitive resources? Environmentally sensitive resources include but are not limited to: |

- a. Species that are federally listed or proposed for listing as threatened or endangered, or their proposed or designated critical habitats; and
- b. Properties listed or eligible for listing on the National Register of Historic Places.

Yes	No	4. Is there a reasonable likelihood of impacts that are highly uncertain or involve unknown risks or is there a substantial scientific controversy over the effects?
Yes	No	5. Is there a reasonable likelihood of air pollution at levels of concern or otherwise requiring a formal conformity determination under the Clean Air Act?
Yes	No	6. Is there a reasonable likelihood of a disproportionately high and adverse effect on low income or minority populations (see Executive Order 12898)?
Yes	No	7. Is there a reasonable likelihood of contributing to the introduction or spread of noxious weeds or non-native invasive species or actions that may promote the introduction, or spread of such species (see Federal Noxious Weed Control Act and Executive Order 13112)?
Yes	No	8. Is there a reasonable likelihood of a release of petroleum, oils, or lubricants (except from a properly functioning engine or vehicle) or reportable releases of hazardous or toxic substances as specified in 40 CFR part 302 (Designation, Reportable Quantities, and Notification); or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan in accordance with the Oil Pollution Prevention regulation?

Supplemental Information

Where appropriate, the following table should be used to provide additional information regarding the review of potential extraordinary circumstances and compliance with other applicable laws. The purpose of this table is to ensure that there is adequate information for specific findings regarding potential extraordinary circumstances.

Supplemental information and documentation is not needed for each individual finding regarding the potential extraordinary circumstances listed above. Specifically, the nature of an activity under review may be such that a reasonable person could conclude that there is a very low potential for a particular type of extraordinary circumstance to exist. For example, it would be reasonable to conclude that the simple act of acquiring land for conservation purposes (where

there are no other associated actions) does not present a reasonable likelihood of a release of petroleum, oils, lubricants, or hazardous or toxic substances.

For some types of activities, no supplemental information may be needed to support a finding that there are no extraordinary circumstances. For example, where the activity under review is solely planning (with no associated implementation activity), it may be reasonable to conclude that none of the extraordinary circumstances listed above would apply. In such cases, the table below would be left blank.

In other cases, it may be appropriate to include supplemental information to ensure that there is an adequate basis for a finding regarding a particular extraordinary circumstance. For example, it might be appropriate in some cases to document coordination and/or consultation with the appropriate agency regarding compliance with a potentially applicable law (such as the Endangered Species Act). In those cases, the table below should be used to provide the supplemental information.

Agency or Authority Consulted	Agency or Authority Representative: Name, Office & Phone	Date of Consultation	Notes: Topic discussed, relevant details, and conclusions. (This can include reference to other information on file and/or attached for the given action.)

Additional supplemental information may be attached, as appropriate. Indicate below whether additional supplemental information is attached.

Additional Information Attached: Yes No

If “Yes”, indicate the subject:

Determination by Responsible Official

Based on my review of the proposed action, I have determined that the proposed action fits within the specified Categorical Exclusion(s), the other regulatory requirements set forth above are met, and the proposed action is hereby Categorically Excluded from further NEPA review.

Responsible Official (Name)

Justin R. Ehrenwerth

Responsible Official (Signature)

Justin R. Ehrenwerth

Date

Dec 10, 2015



Categorical Exclusion Form

Project: Land Acquisition Marsh Point

PEPC Project Number: 59199

Project Description:

This project is tiered to the Gulf Islands National Seashore Environmental Impact Statement (EIS) for the General Management Plan (GMP) 2014, # re: page 20.

The National Park Services proposes to purchase Parcel ID Numbers

or other available parcels collectively known as Marsh Point, located in Ocean Springs, Jackson County, MS. Marsh Point is located within the boundaries of Gulf Islands National Seashore (GUIS), and adjacent to and visible from the Davis Bayou Area. The NPS proposes no improvements. Per Public Law 95-625 (Nov. 10, 1978), GUIS was authorized to acquire 1,000 acres along Marsh Point.

PL 95-625 recognized the importance of this land by amending the park boundaries to include it, but it remains in private ownership. As long as it is privately owned, its scenic and ecological values are at risk of loss to development pressure. Waterfront sites, desired as destination resorts and homesites for the expanding affluent population, are quickly being purchased and developed. The Gulfport-Biloxi-Ocean Springs area of the Mississippi Gulfcoast is experiencing explosive development due to the introduction of casino gambling. The 600-acre parcel known as Marsh Point is owned by absentee landlords and possesses desirable attributes for waterfront property. Given the desirable characteristics of the property and the ready availability of development capital, there is a potential threat of Marsh Point purchase by developers.

The view of Mississippi Sound from the Davis Bayou Area of the park includes Marsh Point and is currently unoccupied by any structures. The bayou/marsh and seascape view is integral to the park and would be lost if the site were developed. The site also provides protection of the marsh ecosystem from wind-generated waves of Mississippi Sound, and provides upland habitat and wave protection for the 3rd largest salt marsh in Mississippi. The bayou/marsh area serves as an important nursery for many marine and estuarine organisms and would be significantly altered if Marsh Point were developed resulting in significant economic and ecological loss. In addition, Marsh Point provides important habitat for a number of endangered species and species of special concern. Marsh Point is an integral part of the bayou/marsh ecosystem of the Davis Bayou area of the park. It provides critical nesting and resting habitat needs for various species including: white pelican, black skimmer, many tern species, and the seaside sparrow. It provides key nesting beaches for the diamond-backed terrapin and important nursery habitat for many species of fish and invertebrates, and is a highly productive ecosystem type. NOAA NMFS designated Essential Fish Habitat and Gulf Sturgeon Critical Habitat surround Marsh Point. Acquiring Marsh Point as part of Gulf Islands National Seashore would protect very important viewsheds and habitat at Gulf Islands, and for the Mississippi Coast.

Project Locations:

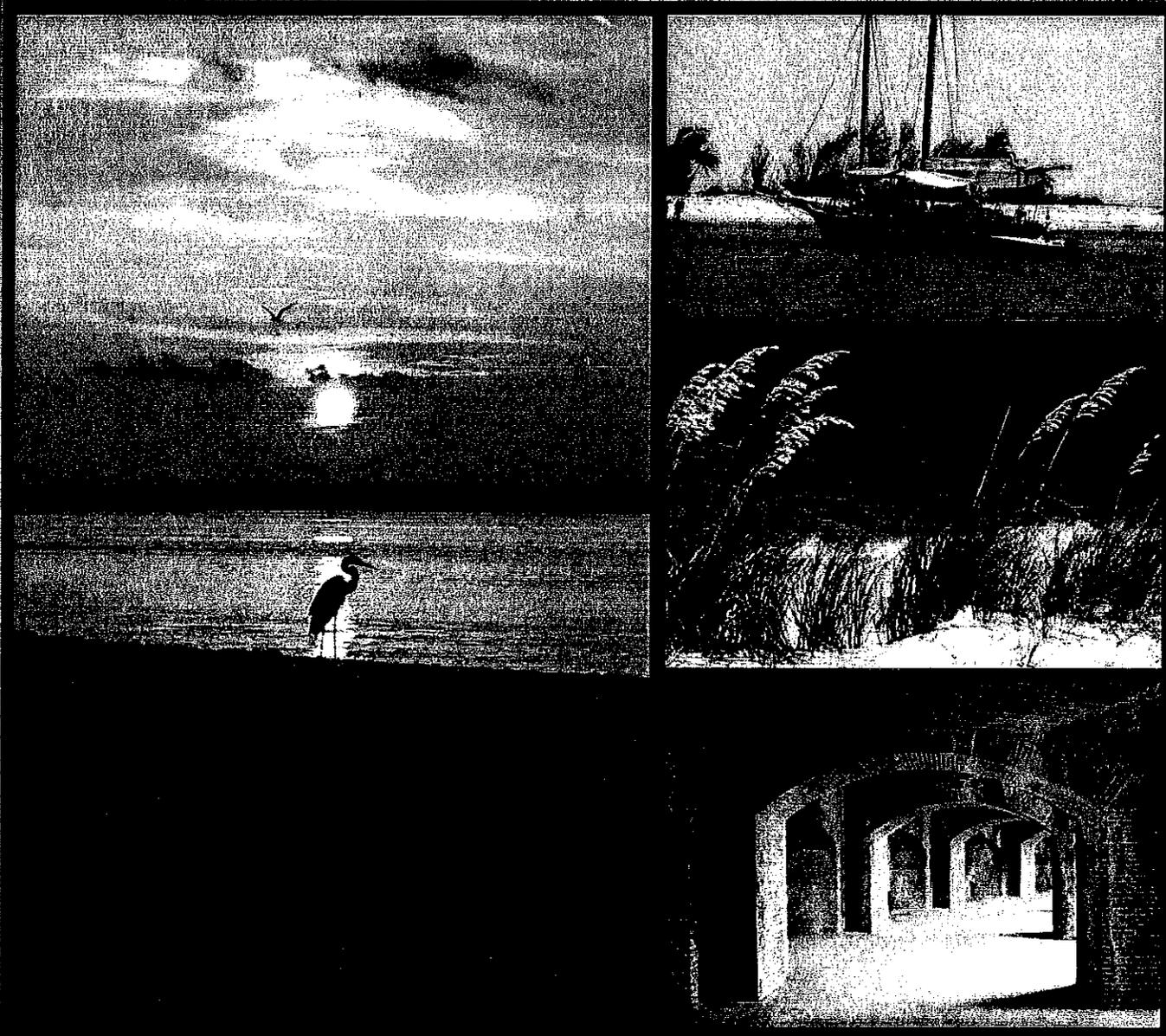
Location

County:	Jackson	State:	MS
District:	Mississippi	Section:	
Geo. Marker:		Other:	Davis Bayou

GULF ISLANDS NATIONAL SEASHORE

Florida and Mississippi

National Park Service
U.S. Department of the Interior



FINAL GENERAL MANAGEMENT PLAN / ENVIRONMENTAL IMPACT STATEMENT

public interest in improving access to more undeveloped beaches within the national seashore, including improved access to the barrier islands from more mainland locations. *Planning is needed to explore alternatives for enhancing public access to national seashore features.*

Storm Recovery and Sustainability. The national seashore's roads and facilities on barrier islands are often damaged or destroyed by hurricanes and other storms. Storm activity also appears to be increasing in frequency and intensity. Eight major hurricanes (Opal and Erin 1995; Georges 1998; Ivan 2004; Cindy, Dennis, Katrina, and Rita 2005) and a number of tropical storms in the last 10 years have damaged areas in the national seashore. This period of increased storm activity has accelerated the natural phenomenon of barrier island migration that is endemic to the coastal environment. The loss of primary dune formations along Santa Rosa Island and Perdido Key have exposed transportation corridors and facilities to an increased risk of overwash and damage from future storms; at the same time, demand for access by land and water is increasing. *Planning is needed to explore alternatives for recovery actions and strategies such as replacing some roads with other modes of access and modifying the type and level of facilities rebuilt on barrier islands.*

Acquisitions. The National Park Service has identified several areas of land that may be candidates for acquisition during the lifetime of this general management plan. Additionally, Pensacola Lighthouse, which is managed by the nonprofit Pensacola Lighthouse Association under a long-term lease with the U.S. Coast Guard, is a historic structure that may become part of the national seashore in the future. The lighthouse and other identified areas are all within the authorized boundary for the national seashore. Lands that may be acquired include Cat Island, Marsh Point, private lands on Horn Island, land on Santa Rosa Island (currently within Eglin Air Force Base). The acquisition of new lands and the Pensacola Lighthouse would

provide additional protection of natural and cultural resources in the future, in keeping with the enabling legislation and significance of Gulf Islands National Seashore.

For the purposes of this General Management Plan, the national seashore will focus its acquisition efforts on lands that are already within its legislated boundary. However, if agencies or private landowners with lands outside the legislated boundaries are interested in transferring lands to the national seashore, these opportunities will be explored.

Congress passed Public Law 106-554 on December 21, 2000, which authorized the National Park Service to acquire Cat Island property. Upon acquisition, these lands would become part of Gulf Islands National Seashore. The National Park Service purchased 531 acres in 2002, 468 acres consisting of the western half of the island, and 63 acres of the southeast tip known as Goose Point. Goose Point was severely eroded by Hurricane Katrina in 2005, and at present (2013), contains approximately 21 acres. Since 2001, the National Park Service has been working to complete the acquisition of the remaining island property from the Boddie family.

In March 2011, to expedite the cleanup of oil from the Deepwater Horizon oil spill, British Petroleum (BP) purchased 492 acres from the Boddie family consisting of the east face of the island and the middle spit. BP does not intend to retain these properties and has spoken with both the National Park Service and the State of Mississippi about eventual conveyance and/or acquisition of these lands.

In April 2013, the State of Mississippi purchased 217 acres in the center of the island, between the NPS and BP properties. The Boddie family retained 66 acres adjoining these 217 acres. The state's acquisition included access to the canal, the only effective boat access to the island, and a right-of-way on the road crossing the remaining Boddie property. The state has

SPECIAL MANDATES AND ADMINISTRATIVE COMMITMENTS

Special mandates, agreements, and administrative constraints are legal requirements and administrative commitments that apply to a specific unit of the national park system. They are mandated by Congress or by signed agreements with other entities. They are specific to the park unit and are not an inventory of all the laws applicable to the national park system. Often there are special mandates or constraints that direct park planning and management decisions such as mandating hunting within a park unit.

For Gulf Islands National Seashore these special mandates include the following.

National Seashore Legislative Boundary

Gulf Islands National Seashore is composed of a series of barrier islands, mainland, and waters in the Gulf of Mexico, in both Mississippi and Florida, as included on the legislative map NS-GI-7100J (see "Appendix A: Legislation") and on the boundary map included in this chapter. In general, the boundary of the offshore islands in Florida extends on the north to the south boundary of the Intracoastal Waterway and on the south outward to 1 mile beyond the low tide line of the offshore islands. All the water areas adjacent to Santa Rosa Island are included in the boundary, while some of the submerged lands underlying those waters are owned by the State of Florida. In general, the boundary of the Mississippi District extends 1 mile below the low tide line of the offshore islands north and south of the islands. The boundary is contiguous east to west from the Mississippi/Alabama state line to the east boundary of the Gulfport shipping channel. The Pascagoula shipping channel is excluded from the park boundary. All of the submerged lands in Mississippi within this boundary are owned by the United States as part of Gulf Islands National Seashore.

Land Acquisition

Authority: Public Law 106-554 (Dec. 21, 2000)

Within the boundaries of the national seashore, lands, waters, and interests therein may be acquired by donation, purchase with donated or appropriated funds, or exchange, except that property owned by a state or any political subdivision, thereof, may be acquired only with the consent of the owners.

Submerged lands (1 mile buffer zone surrounding lands of Cat Island) can only be acquired by donation from the state of Mississippi.

Authority: Public Law 95-625 (Nov. 10, 1978)

Gulf Islands National Seashore was authorized to acquire 1,000 acres along Marsh Point. Acquisition of this land has not taken place, but the lands would be managed under this plan should a willing seller and funding become available.

Pensacola Naval Air Station

Authority: Public Law 91-660 (Jan. 8, 1971)

The Pensacola Naval Air Station regulates public access to Bateria de San Antonio (Water Battery), Fort Barrancas, the Advanced Redoubt, and the visitor center located within their boundaries. Public access may be restricted during heightened national security level changes.

Wilderness Management

Authority: Public Law 95-625 and Wilderness Act of 1964



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213

July 30, 2015

IN REPLY REFER TO:
2015-I-708

Mr. John Ettinger
Gulf Coast Ecosystem Restoration Council
500 Poydras Street, Suite 1117
New Orleans, Louisiana 70130

Dear Mr. Ettinger:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled “Strategic Land Protection, Conservation, and Enhancement of Priority Gulf Coast Landscapes in Mississippi”. Our comments are in reference to compliance with the Migratory Bird Treaty Act (40 Stat. 775, as amended; 16 U.S.C. 703 et seq.), and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project includes the acquisition of priority parcels of land within the State of Mississippi that will provide direct and indirect ecological benefits to Mississippi’s Gulf coastal landscape, expand conservation areas, and increase connectivity of protected areas. Priority areas for land acquisition include lands under private ownership adjacent to the Gulf Islands National Seashore in Jackson County, Mississippi. The National Park Service has determined that this action was covered under the 2014 Gulf Islands National Seashore General Management Plan/ Environmental Impact Statement.

Numerous federally listed species can be found within Jackson County and potentially within areas proposed for land acquisition. Listed species include: Alabama red-bellied turtle, green sea turtle, gulf sturgeon, Kemp’s ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, Mississippi sandhill crane, piping plover, red knot, West Indian manatee and wood stork. However, the acquisition of private lands near the Gulf Islands National Seashore will result in the permanent protection of potential habitat for these species. Therefore, the proposed acquisition of priority lands near the Gulf Islands National Seashore “may affect, but is not likely to adversely affect” listed species. We anticipate the effects of this action on these species to be completely beneficial.

The proposed land acquisition project will also permanently protect important nesting, resting, and foraging habitat for numerous bird species of special concern such as white pelicans, black skimmers, and seaside sparrows. Therefore, we anticipate the effects of this action on migratory birds protected under the Migratory Bird Treaty Act to be completely beneficial.

Finally, the proposed project is located within the John H. Chaffee Coastal Barrier Resource System (Marsh Point Unit MS-02), which limits new federal expenditures and financial assistance unless the activities qualify for exception under Section 6 of the Coastal Barrier Resources Act (16 U.S.C. §3505). Since the proposed project is for the management, protection, and enhancement of fish and wildlife resources and habitat, the Service has determined the proposed project meets the exceptions listed under Section 6 of the Coastal Barrier Resources Act and is consistent with the purposes of the Act.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen M. Ricks", with a long horizontal flourish extending to the right.

for Stephen M. Ricks
Field Supervisor
MS Field Office