



**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](#).

Action Title:

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

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*)

Responsible Official (*Signature*)

Date

Categorical Exclusion Instructions and Checklist

Categorical exclusions (CATEXs) are categories of actions that do not individually or cumulatively have a significant effect on the quality of the human environment and that have been found to have no such effect. CATEXs applicable to EPA actions are listed at 40 C.F.R. § 6.204(a).

Determining a project's eligibility for a CATEX is the first step in the environmental review process. As part of the CATEX determination, EPA determines whether there are any extraordinary circumstances that would prevent the project from being eligible for a CATEX. If the proposed project is eligible for a CATEX and no extraordinary circumstances are involved, no further NEPA review is required.

Recipients who believe their project may qualify for a CATEX, should work with EPA—preferably early in the project design stage—to provide sufficient information for EPA to make that determination early in the NEPA environmental review process. EPA has developed a checklist to determine if a project qualifies for a CATEX. You may use this checklist as a tool to assess your project's potential eligibility for a CATEX and to understand what types of information are needed by EPA to support the CATEX determination.

The types of information that recipients should gather and submit to support the CATEX determination include, but may not be limited to, the following:

- 1) Detailed description of the project and/or preliminary engineering report along with any site plan showing the project location and its construction footprint (area of disturbance in acreage or square footage, etc.). Documents should clearly describe the project, including pipe sizes and lengths, pump specifications, etc.
- 2) City or regional maps that show the project in relation to the local area and help demonstrate the physical extent of the project.
- 3) Documentation of coordination or concurrence from the applicable federal cross-cutter environmental agencies. The grant applicant should coordinate with EPA to determine the applicability of federal cross-cutters since EPA may need to participate or take the lead in compliance with these cross-cutters as the federal action agency. For CATEXs, this potentially includes, but is not limited to, those listed below:
 - a. the State's Historical Preservation Office (obtained through National Historic Preservation Act Section 106 consultation),
 - b. the U.S. Fish and Wildlife Service or National Marine Fisheries Service (obtained through Endangered Species Act informal consultation),
 - c. the U.S. Army Corps of Engineers (obtained through coordination with the appropriate District Office and through permit reviews),
 - d. other cross-cutter federal agencies as appropriate.
- 4) A description of the environmental impact(s) (both construction and operational impacts). Impacts may be both beneficial and adverse.
- 5) A description of associated measures to avoid, minimize or compensate for impacts including any Best Management Practices (BMPs), and/or Standard Operating Procedures (SOPs), etc. Provide adequate supporting references and citations.

EPA will independently review the information provided, including that within the following checklist, and will determine whether a project is eligible for a CATEX. If EPA finds that a project meets the qualifications for a CATEX, EPA will prepare a CATEX determination.

Categorical Exclusion and Extraordinary Circumstances Review Form
 United States Environmental Protection Agency
 Region 4

I. General Information

Project Name	Grant Program / Funding Authority	Grant Id Number (if known)
City of Fairhope Sanitary Sewer Overflow Mitigation Project	RESTORE Act – Council Selected Component	N/A
Grant Applicant Organization		
Alabama Department of Conservation and Natural Resources		
Project Location Description (<i>street address/city/state/ZIP code; site characteristics</i>)		
CITY OF FAIRHOPE ALABAMA. SEE ATTACHED MAPS OF THE 22 LOCATIONS FOR MORE DETAILS.		
Project Description (<i>summary of project scope</i>)		
The City of Fairhope plans to install natural gas generators at 22 existing lift/pump stations to reduce sanitary sewer overflows (SSO) during power outages. To improve the local community and avoid direct surface discharge of sewage to receiving waterbodies, the proposed project will allow the lift stations to remain operational during significant storm events, a primary cause of power outages. The proposed project will also involve constructing concrete pads to support the generators.		

II. EPA Contact for Environmental Review on this Project (If different from Responsible Official, EPA Use Only)

Name/Title	Email	Phone Number
Diane Reese / Amanetta Somerville	Reese.Diane@epa.gov Somerville.Amanetta@epa.gov	228-679-5898 404-562-9025

III.A. Categorical Exclusion Eligibility (Check YES or NO) Complete the following questions in their entirety to determine if the project is eligible for a Categorical Exclusion (CATEX) pursuant to 40 CFR § 6.204(a)(1)(ii) or (iii). Additionally, supporting statements and documentation must be included in Attachment 1.

If yes to any, proceed to next section.	40 CFR § 6.204(a)(1)(ii). Does the project involve actions relating to existing infrastructure systems (e.g., sewer systems; drinking water supply systems; and stormwater systems, including combined sewer overflow systems) and involve:		
	YES	NO	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minor upgrading
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and its components (such as the sewer collection network and treatment system; the system to collect, treat, store and distribute drinking water; and stormwater systems, including combined sewer overflow systems)
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction of new minor ancillary facilities next to or on the same property as existing facilities

If yes to any, CATEX does not apply. STOP here.	Will the project include actions that:		
	YES	NO	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Involve new or relocated discharges to surface or ground water
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will likely result in the substantial increase in the volume or the loading of pollutant to the receiving water
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will provide capacity to serve a population 30% greater than the existing population
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are not supported by the state, or other regional growth plan or strategy
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purpose of future development	

If yes to any, proceed to next section	40 CFR § 6.204(a)(1)(iii). Actions in unsewered communities involving:		
	YES	NO	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Replacement of existing onsite systems

If yes to any, CATEX does not apply. STOP here.	Will the project include actions that:		
	YES	NO	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Involve relocated discharges
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will likely result in the substantial increase in the volume or the loading of pollutants from existing sources

Project Name		Grant Id Number (if known)
City of Fairhope Sanitary Sewer Overflow Mitigation Project		N/A
III.B. Extraordinary Circumstances (Check YES or NO) Complete the following questions in their entirety to determine if the project involves any of the following extraordinary circumstances which would make it ineligible for a CATEX pursuant to 40 CFR § 6.204(b)(1) through (b)(10). Additionally, supporting statements and documentation must be included in Attachment 1.		
YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1) Is the action known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2) Is the action known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities? Communities Present: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3) Is the action known or expected to significantly affect federally listed threatened or endangered species or their critical habitat? Resources Present: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4) Is the action known or expected to significantly affect national natural landmarks or any property with naturally significant historic, architectural, prehistoric, archaeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places? Resources Present: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5) Is the action known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat? Resources Present: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6) Is the action known or expected to cause significant adverse air quality effects? Is the Project located in a designated nonattainment or maintenance area for air quality pollutants? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7) Is the action known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population, including altering the character of existing residential areas or may not be consistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8) Is the action known or expected to cause significant public controversy about potential environmental impacts of the proposed action?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	9) Is the action known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10) Is the action known or expected to conflict with federal, state, local government, or federally-recognized Indian tribe environmental resource-protection, or land-use laws or regulations?

Title of Project	Grant Id Number (if known)
City of Fairhope Sanitary Sewer Overflow Mitigation Project	N/A

III.C. Extraordinary Circumstances Statement (Check *ONLY ONE* box) If the responses to Section III.A indicate the project is CATEX eligible, and if a **NO** response was recorded for each of the questions in Section III.B, then no Extraordinary Circumstances are present pursuant to 40 CFR § 6.204(b) and one of the following statements should be selected.

<input type="checkbox"/>	1) No extraordinary circumstances apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). This statement is based on either past experience with similar actions at the proposed action site resulting in a CATEX and/or information gathered as part of previous NEPA or environmental due diligence review conducted at the proposed action site . A statement and supporting documentation is attached.
<input checked="" type="checkbox"/>	2) No extraordinary circumstances apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). This statement is based on information gathered as part of this NEPA evaluation. A statement and supporting documentation is attached explaining why no extraordinary circumstances exist or apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b).

IV. NEPA Review Determination and Responsible Official Signature (EPA Use Only)

Sections I through III must be completed to satisfy EPA's documentation requirements for CATEX eligibility. If completion of this form indicates that a CATEX *does apply*, the Responsible Official must sign below.

Categorical Exclusion Determination. The EPA finds that the proposed action is eligible for exclusion from detailed environmental review under 40 CFR § 6.204(a)(1), and will not involve any of the extraordinary circumstances delineated under 40 CFR § 6.204(b)(1) through (b)(10). Consequently, the EPA will not prepare an environmental impact statement or an environmental assessment for the proposed project. The EPA may revoke this categorical exclusion if changes in the proposed action render it ineligible for exclusion or if new evidence emerges which indicates that serious local or environmental issues exist or federal, state, or local laws would be violated.

As the Responsible Official, I have determined that **this action is eligible for a Categorical Exclusion** per the substantive environmental review requirements under EPA regulations at 40 CFR § 6.204. Section III.C of this form has been completed providing the required Extraordinary Circumstances Statement.

SUSAN PARK Digitally signed by SUSAN PARK
Date: 2023.04.26 19:20:38 -04'00'

Acting Director, Strategic Program
Office, EPA Region 4

Signature of Responsible Official

Title

Date

NOTE: Signed Categorical Exclusion Determinations should be uploaded to the EPA NEPA Compliance Database (through Central Data Exchange (CDX)).

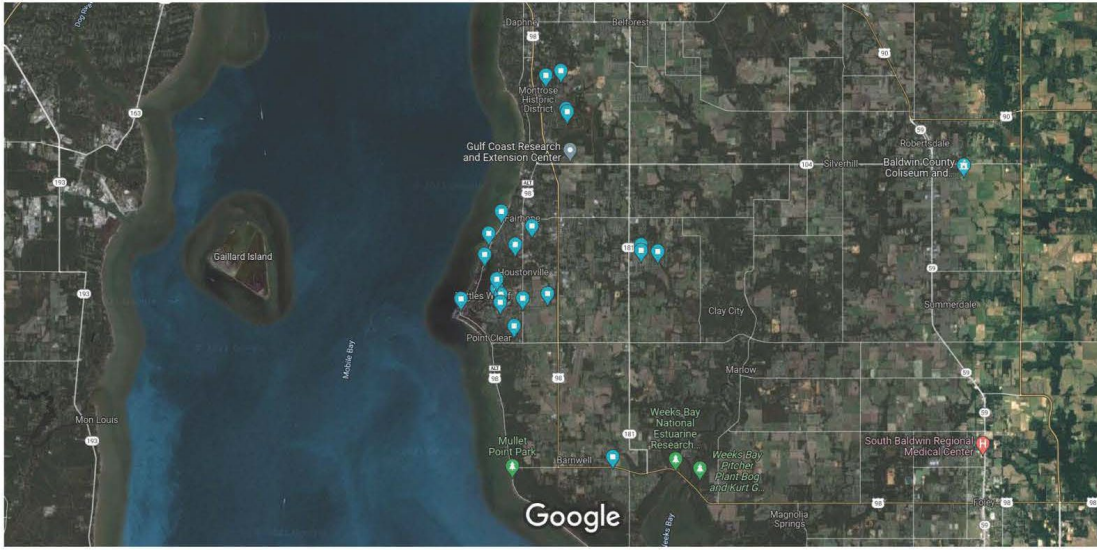
Title of Project	Grant Id Number
City of Fairhope Sanitary Sewer Overflow Mitigation Project	

Attachment 1. CATEX Eligibility and/or Extraordinary Circumstances Statement(s)

The space below may be used for a statement and supporting documentation explaining CATEX eligibility and why no extraordinary circumstances exist or apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). Attach additional pages as needed.

Location of Proposed Lift Stations in the City of Fairhope, Balwin County, AL.

Google Maps SSO project



Station Name	Address	Longitude/Latitude
Grand Hotel	17876 Scenic Hwy 98	30.484062,-87.933102
Covered Bridge	562 Southern Run	30.507429,-87.907192
Carmel Square	01 Carmel Square	30.503959,-87.921713
Bay Winds	210 South Mobile St.	30.520864,-87.913743
Valley	419 Valley St.	30.51498,-87.898652
Magnolia Apt.	710 South Mobile St.	30.511708,-87.919408
Azalea Ridge	6358 Beaver Creek Dr.	30.483524,-87.914634
Rohr	1000 East McGowan Dr.	30.460892,-87.879876
Quail Creek 2	319 Lake Ridge Rd.	30.505081,-87.838747
Point Clear Ct	18400 Twin Beech Rd.	30.492304,-87.920008
Rock Creek 3	109 Sandstone Ct.	30.576576,-87.891041
Rock Creek 4	131 Augusta Ct.	30.578149,-87.885191
Sandy Ford 1	Sandy Ford Rd	30.565266,-87.883109
Pont Clear Tennis	17082 Fox Run Ln.	30.473806,-87.907140
Huntington Sub	7703 Old Battles Rd	30.487337,-87.891520

Sandy Ford 2	129 Sandy Ford Rd	30.561418,-87.882203
Cottage at the Point	17861 South Section St.	30.485893,-87903109
The Colony	6527 Battles Rd	30.487123,-87911823
Key Allegra Villas	9531 Key Largo	30.418632,-87.858906
Firethorne 1	483 Fortune Drive	30.504328,-87.845797
Firethorne 2	361 Hemlock	30.502033,-87.844685
Camellia	0 Battles Rd	30.487576,-87.915714

Climate Change and Environmental Justice Analysis

The new generators will significantly reduce Sewer System Overflows (SSOs) during power outages. The continued operation of the lift stations via the natural gas-powered generators will avoid direct surface discharge of sewage to downstream receiving coastal waterbodies. The limited and temporary use of the generators will not negatively contribute to the overall area’s greenhouse gas emissions. An analysis of the 22 lift/pump stations in the project area using US EPA EJSCREEN did not identify areas of concentration above the 80th percentile for minorities and low-income within Fairhope. Thus, the proposed project will not incur disproportionately high or negative impacts on the residents in Fairhope.



ALABAMA HISTORICAL COMMISSION

468 South Perry Street
Montgomery, Alabama 36130-0900

Lisa D. Jones
Executive Director
State Historic Preservation Officer

Tel: 334-242-3184
Fax: 334-242-1083

April 20, 2023

Dr. Amy Hunter
DCNR
31115 Five Rivers Boulevard
Spanish Fort, AL 36527

Re: AHC 23-0705
Coastal Alabama Regional Water Quality Program-City of Fairhope SSO Mitigation Project
Baldwin County

Dear Dr. Hunter:

Upon review of the above referenced project, we concur that project activities will have no effect on cultural resources eligible for or listed on the National Register of Historic Places. Therefore, we concur with the determination of no effect to historic properties.

Consultation with the State Historic Preservation Office does not constitute consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public. If archaeological materials are encountered during construction, the procedures codified at 36 CFR 800.13(b) will apply. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal, and glass objects. The federal agency or the applicant receiving federal assistance should contact our office immediately. If human remains are encountered, the provisions of the Alabama Burial Act (*Code of Alabama* 1975, §13A-7-23.1, as amended; Alabama Historical Commission Administrative Code Chapter 460-X-10 Burials) should be followed. This stipulation shall be placed on the construction plans to ensure contractors are aware of it.

We appreciate your commitment to helping us preserve Alabama's historic archaeological and architectural resources. Should you have any questions, please contact Eric Sipes at 334.230.2667 or Eric.Sipes@ahc.alabama.gov. Have the AHC tracking number referenced above available and include it with any future correspondence.

Sincerely,

Lee Anne Wofford
Deputy State Historic Preservation Officer

LAW/EDS/law

Biological Evaluation Form

Gulf Coast Ecosystem Restoration Council (RESTORE Council)

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

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

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

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

For assistance, please contact the compliance liaisons
USFWS: Michael Barron at michael_barron@fws.gov
NMFS: Mike Tucker at michael.tucker@noaa.gov

A. Project Identification

Federal Action Agency(one or more):USFWS NOAA EPA USDA Other: [Click here to enter text](#)

Implementing Trustee(s): Alabama Department Conservation and Natural Resources

Contact Name: Dr. Amy Hunter Phone: 251-422-2055 Email: amy.hunter@dcnr.alabama.gov

Project Name: City of Fairhope SSO Mitigation Project

DIVER ID# N/A TIG: [Choose an item](#) Restoration Plan # [Click here to enter text](#)

B. Project Phase

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

Construction/Implementation Planning/Conceptual Engineering & Design

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

[Click here to enter text.](#)

C. Project Location

I. State and County/Parish of action area

Alabama, Baldwin County, City of Fairhope

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

See attached maps for locations.

III. Maps, Drawings, and GIS Data

Please insert any maps, aerial photographs, or design drawings here or attach to the end of this BE form. GIS files may be added to the same folder location as where this BE is filed on Sharepoint . Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings
- Aerial images of project action area and surrounding area, showing state or regional scale
- Map of project area with elements proposed (polygons showing proposed construction elements)
- Map of action area with critical habitat units or sensitive habitats overlaid
- GIS Files to include ARCGIS, KMZ, CAD, or other GIS files are required (WGS 84) for projects with a field component

Please see attached maps.

D. Existing Compliance Documentation

NEPA Documents

Are there any **existing** draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES

NO

Examples:

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

Permits

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

YES

NO

Permit Number and Type: Click or tap here to enter text

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

YES

NO

Permit Number and Type: EPA Categorical Exclusion

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

ADCNR is working with EPA to receive a Categorical Exclusion.

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

Name of Person Completing this Form: Amanetta Somerville / Diane Reese

Name of Project Lead: Amanetta Somerville

Date Form Completed: EPA CatEX Review Form and supporting documentation provided to EPA 2/8/2023

Date Form Updated: N/A

E. Description of Action Area

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

a. Waterbody & Wetlands

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

N/A

Does the project area include a river or estuary?

YES NO

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

N/A

b. Existing Structures

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

N/A

c. Seagrasses & Other Marine Vegetation

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

N/A

d. Mangroves

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

N/A

e. Corals

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed

and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area. [Click here to enter text.](#)

N/A

f. **Uplands**

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

Urban environment in the City of Fairhope

g. **Soils and Sediments**

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

N/A

h. **Land Use**

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

Urban environment.

i. **Marine Mammals**

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

Dolphins YES NO

Whales YES NO

Manatees YES NO

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

[Click here to enter text.](#)

F. Project Description

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

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

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

The City of Fairhope wants to reduce SSO occurrence on 22 lift/pump stations during power outages (typically associated with adverse weather events) by installing natural gas generators to each station to continue operations in the event of a power outage. This project will outfit the lift stations with properly sized generators to meet the mitigation need. The project includes the purchase and installation of generators as well as the construction of the pad on which these will sit.

By outfitting these stations properly, the City of Fairhope can greatly reduce or eliminate SSOs that directly impact the residents in the neighborhoods these stations serve. As important as this is to the quality of life of residents, it is equally important to the quality and health of Mobile Bay. Eliminating the overflows will ensure a healthier environmental future for our area.

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

Once approved, concrete pads will be installed and the generators installed shortly thereafter.

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

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

Does this project include in-water work?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Does this project include terrestrial construction?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Does this project include construction of an overwater structure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Will fishing be allowed from this overwater structure?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Will wildlife observation be allowed from this overwater structure?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Will boat docking be allowed from this overwater structure?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

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

N/A

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

iii. Use of "Dock Construction Guidelines"? <https://media.fisheries.noaa.gov/dam-migration/dockkey2002.pdf>

iv. Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?

- v. Height above Mean High Water (MHW) elevation?
- vi. Directional orientation of main axis of dock?
- vii. Overwater area (sq ft)?

Pre-construction activities: During Phase I, the 22 generators for key lift stations throughout the city will be purchased, in accordance with the City’s purchasing and equipment procurement policies. The lift stations have already been sized and evaluated for HP, pump type, volt/phase required, and cost estimates have been provided by a consulting engineering firm.

Project Construction: During Phase II, the City’s Water and Sewer, Public Works, Electrical and Building departments will work together to provide all the labor and materials necessary for the installation of the 22 generators at the key lift stations. The City has the capacity to provide for the construction of the concrete pads and the complete installation of the generators. The cost of labor and materials has been estimated by a consulting engineering firm.

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

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

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

N/A

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

N/A

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

N/A

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft2) to be dredged, volume of material (yd3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with*

details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.

N/A

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

N/A

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

N/A

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

N/A

G. NOAA Essential Fish Habitat (EFH)

If applicable, describe any designated Essential Fish Habitat within the project area in the text box and answer the questions below about habitat effects, conversions or benefits. If there is no EFH in your project area, enter N/A in the box below and move to section F.

Depending on the effects of your project, EFH consultation with NMFS may be required:

<https://www.fisheries.noaa.gov/southeast/consultations/essential-fish-habitat-consultations-southeast>

N/Aq

In this table, please use checkboxes to indicate which EFH eco-region(s) and habitat zone(s) in which the project is located. For more information about EFH Eco Regions see the references here:

<https://noaasdd.sharepoint.com/:f:/s/tcover/Euupi2PMtXdEqQtJSdKyq-wBdyb42ubMUUbMy7QsijqK7A?e=oYqSsb>

<https://portal.gulfcouncil.org/EFHreview.html>

<u>Gulf of Mexico EFH Eco-Region</u>	<u>Estuarine</u>	<u>Nearshore</u>	<u>Offshore</u>
<u>Eco-Region 1: South Florida</u> <i>(Florida Keys north to Tarpon Springs, Florida)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Eco-Region 2: North Florida</u> <i>(Tarpon Springs, Florida, north and west to Pensacola Bay, Florida)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Eco-Region 3: East Louisiana, Mississippi, and Alabama</u> <i>(Pensacola Bay, Florida, west to the Mississippi River Delta)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Eco-Region 4: East Texas and West Louisiana</u> <i>(Mississippi River Delta west and south to Freeport, Texas)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Eco-Region 5: West Texas</u> <i>(Freeport, Texas south to the U.S./Mexico border)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effects to EFH

In this section, please indicate if your project has effects on EFH, either beneficial or adverse. For example, whether the project creates, improves, removes or converts habitat. Please describe the types of habitats that will be affected by the project, including number of acres.

<i>Will this project affect EFH?</i>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<i>If no, please proceed to section X. (For example, your project is wholly upland or includes only desktop analysis tasks) If yes, please proceed to additional boxes below.</i>	

Click here to enter text.

<i>Will this project have beneficial effects to EFH?</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
<i>If yes, please describe how your project will have beneficial effects the text box below:</i>	

By outfitting these stations properly, the City of Fairhope can greatly reduce or eliminate SSOs that directly impact the residents in the neighborhoods these stations serve. As important as this is to the quality of life of residents, it is equally important to the quality and health of Mobile Bay. Eliminating the overflows will ensure a healthier environmental future for our area.

<i>Will this project have adverse effects on EFH?</i>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<i>If yes, please describe what type of adverse effects your project will cause to EFH in the text bow below:</i>	

Click here to enter text.

H. NOAA ESA Species and Critical Habitat and Effects Determination Requested

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

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

ESA effects have been accounted for under an existing consultation.

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

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit:

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf

If Gulf sturgeon in marine waters may be affected, include them in the table here. If Gulf Sturgeon in riverine/freshwater may be affected include them in the USFWS table below in Section H. If sea turtles in water may be affected include them in the table here. If sea turtles on land may be affected include them in the USFWS table below in Section H.

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Determinations (see definitions below)	For "No Effect", please select justification.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat listed in the first column.

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

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

detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency’s determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

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

I. USFWS Species and Critical Habitat and Effects Determination Requested

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

- This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.
- ESA effects have been accounted for under an existing consultation.

1. List all species, critical habitat, proposed species and proposed critical habitat **generated by IPaC** that may be found in the action area. For species not included in the drop down menu please add manually to the table. The IPaC website can be found here: <https://ipac.ecosphere.fws.gov/>.

2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

If Gulf sturgeon in riverine/freshwater waters may be affected, include them in the table here. If Gulf Sturgeon in marine waters may be affected include them in the NMFS table above in Section G. If sea turtles on land may be affected include them in the table here. If sea turtles in water may be affected include them in the NMFS table above in Section G.

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Determinations (see definitions below)	For “No Effect”, please select justification.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
Choose an item.		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.
		Choose an item.	Choose an item.	Choose an item.

Determination Definitions

Please make the appropriate choice in the drop down menus for both species and designated critical habitat

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

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

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

J. Effects of the Proposed Project to the Species and Actions to Reduce Impacts

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

I. Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.

If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.

Click here to enter text.

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

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

<input type="checkbox"/> USFWS Standard Manatee In Water Conditions
<input type="checkbox"/> NMFS Protected Species Construction Conditions (2021) ¹
<input type="checkbox"/> NMFS Measures for Reducing the Entrapment Risk to Protected Species ¹
<input type="checkbox"/> NMFS Vessel Strike Avoidance Measures (2021) ¹

Additional BMPs or Conservation Measures

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173.

http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf

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

N/A

K. Effects to Critical Habitats and Actions to Reduce Impacts

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

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

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

By outfitting these stations properly, the City of Fairhope can greatly reduce or eliminate SSOs that directly impact the residents in the neighborhoods these stations serve. As important as this is to the quality of life of residents, it is equally important to the quality and health of Mobile Bay. Eliminating the overflows will ensure a healthier environmental future for our area.

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

Click here to enter text.

L. Marine Mammals

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g., whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the

¹ <https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>

Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

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

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

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

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

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

Click here to enter text.

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

<input type="checkbox"/>	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines ²
<input type="checkbox"/>	NMFS Protected Species Construction Conditions (2021) ³
<input type="checkbox"/>	NMFS Measures for Reducing the Entrapment Risk to Protected Species (2012) ³
<input type="checkbox"/>	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners (2021) ³
<input type="checkbox"/>	NMFS Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign ⁴

² <https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines>

³ <https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>

⁴ <https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>

If not listed above, please describe any additional BMPs or conservation measures that may be implemented for marine mammals. [Click here to enter text.](#)

M. Bald Eagles

Are bald eagles present in the action area? NO YES

If YES, the following conservation measures should be implemented:

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

Will you implement the above measures? NO YES

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

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

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

N. Migratory Bird Treaty Act

In accordance with the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703-712), will this project cause the take of any birds covered under this act? NO YES

If YES, please explain and indicate if the pertinent permits will be or have been obtained:

Project proponent will review the appropriate BMPs and CMs found at this website and implement the appropriate measures to the extent practicable:

<https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>

NO YES

If NO, please explain:

O. Request Approval for Use of NMFS PDCs for This Project

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion completed by NMFS on February 10, 2016.

To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. Check "yes" for PDC categories that apply to the proposed project, and [request PDC checklist from NMFS](#).

NO	YES	ACTIVITY
<input type="checkbox"/>	<input type="checkbox"/>	Marsh Creation, Maintenance, or Enhancement
<input type="checkbox"/>	<input type="checkbox"/>	Living Shorelines Construction Maintenance, or Expansion
<input type="checkbox"/>	<input type="checkbox"/>	Removal of Fishing Gear and Other Marine Debris
<input type="checkbox"/>	<input type="checkbox"/>	Oyster Reefs Creation, Maintenance, or Enhancement
<input type="checkbox"/>	<input type="checkbox"/>	Pile-Supported Structures, including Non-fishing Piers, Anchored Buoys, and In-water Sign Posts
<input type="checkbox"/>	<input type="checkbox"/>	Artificial Reefs Construction, Maintenance, or Expansion
<input type="checkbox"/>	<input type="checkbox"/>	Boat Ramps Installation, Repair, Replacement, or Removal
<input type="checkbox"/>	<input type="checkbox"/>	Water Management Outfall Structures and Associated Endwalls Installation, Repair, Replacement or Removal
<input type="checkbox"/>	<input type="checkbox"/>	Establishing or Restoring SAV
<input type="checkbox"/>	<input type="checkbox"/>	Scientific Surveys or Research Projects and the Installation, Repair, or Removal of Equipment

P. Submitting the BE Form

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information.

If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

NMFS ESA § 7 Consultation

Christy Fellas, National Oceanic Atmospheric Administration

Email: Christina.Fellas@noaa.gov

Phone: 727-551-5714

USFWS ESA § 7 Consultation

Michael Barron, Department of the Interior

Email: michael_barron@fws.gov

Phone: 251-421-7030