

**5.3 APPENDIX B: COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION FOR THE ALTERNATIVE PREFERRED BY THE NATIONAL PARK SERVICE**

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## FEDERAL AGENCY COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION FOR FLORIDA

### INTRODUCTION

Gulf Islands National Seashore (also referred to as the national seashore) was set aside for the purpose of preserving areas possessing outstanding natural, historic, and recreational values for public use and enjoyment. The current authorized acreage of the national seashore is 139,175 acres. Within Florida, the national seashore consists of two mainland and four barrier island portions in the northwest section of Florida's panhandle. The Florida portion of Gulf Islands National Seashore includes the barrier islands of Santa Rosa Island and Perdido Key and mainland sections at the Naval Live Oaks reservation and the land supporting three historic forts within Pensacola Naval Air Station (figure 1). In Mississippi, the national seashore includes a mainland section and six barrier islands. Perdido Key, the proposed project area, is a barrier island located southwest of Pensacola, Florida. This area of the national seashore offers recreational opportunities like swimming, boating, fishing, hiking, and primitive camping. The National Park Service at Gulf Islands National Seashore has prepared the *Environmental Assessment to Improve Barrier Island Habitat and Visitor Access at Perdido Key / Johnson Beach Area* to analyze the effects of altering visitor access at the Perdido Key / Johnson Beach Area, located in Florida.

This document provides the State of Florida with the National Park Services' Consistency Determination under the Coastal Zone Management Act (CZMA) (16 United States Code [U.S.C.] § 1456(c) and 15 Code of Federal Regulations [C.F.R.] Part 930 Subpart C), for the proposed activities. The information in this consistency determination is provided pursuant to 15 Code of Federal Regulations (C.F.R.) § 930.39. The National Park Service has determined that the proposed activities would have reasonably foreseeable effects on coastal resources; therefore, the National Park Service has reviewed Florida's Coastal Management Program in preparing this consistency determination.

### PROPOSED ACTION

Johnson Beach, located within the Perdido Key Area of the national seashore, consists of a 2.3-mile paved road with an entrance station located just inside the west boundary that collects entrance fees and distributes visitor information. The main visitor use parking area contains 323 vehicle parking spaces with additional roadside parking available along both sides of a 1.2-mile stretch of the road. Many visitors park along the road for access to the beach. Natural dune migration is occurring across Perdido Key, and these shifting sands encroach upon the asphalt surface of the road, narrowing the driving surface. While the National Park Service routinely plows and maintains the road surface, the road shoulders are frequently inundated with sand and roadside-parked vehicles have been obstructing the driving lanes and creating safety concerns. The entrance to the national seashore portion of Perdido Key consists of a single lane and fee booth. During the peak summer season, wait times to enter have increased and traffic has been backing up towards Perdido Key Drive.

A total of 11 dune crossovers were constructed in 2001 to provide visitor access to the beaches. These dune crossovers protect the sand dune vegetation, primary habitat for the Perdido Key beach mouse, a state and federally listed endangered species. Since 2001, natural dune migration has engulfed several of the dune crossovers rendering them unusable. Multiple foot trails have developed through sensitive barrier island habitat.

## PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the project is to improve barrier island habitat and improve visitor access and safety along Johnson Beach Road.

The proposed project is needed for the following reasons:

- Currently, visitors are parking along the narrow shoulder of Johnson Beach Road creating safety concerns by partially blocking the travel corridor. This safety concern is heightened by the limited space for motorists, pedestrians, and bicyclists to maneuver around each other.
- While dune crossovers provide visitor access from the road to the beach, the crossovers have been impacted by naturally occurring dune migration and shifting sands rendering some of them unusable.
- Because visitors have been walking through the adjacent dunes, valuable dune habitat along the road corridor has been threatened.
- Wait times at the entrance station have grown and there is a need to reduce wait times to enter the Perdido Key portion of the national seashore.
- Protection of the dune ecosystem is necessary to preserve the natural functions of the barrier island, particularly its function as habitat for numerous wildlife species including the Perdido Key beach mouse and other special status species.

## ACTIVITIES THAT HAVE THE POTENTIAL TO IMPACT FLORIDA'S COASTAL ZONE

To minimize effects to natural resources, the National Park Service avoided wetlands and minimized effects to vegetation and wildlife. The proposed action also considers the need to address resiliency due to the effects of sea level rise, storm damage, and the need to continue to provide visitor access. Alternative 3 is the alternative preferred by the National Park Service. Under this alternative, visitors would be able to park in one of four locations along the drivable portion of Johnson Beach Road (figure 2). This alternative would concentrate the greatest visitor access to lots at either end of the drivable portion of Johnson Beach Road and two smaller lots in between. Concentrating parking to these areas would allow for greater dune habitat protection between the parking lots along the Johnson Beach Road corridor while still allowing for visitor access along the road.

Public access to the beaches would be directed to nine elevated dune crossovers. Roadside parking areas along Johnson Beach Road would be eliminated and concentrated in specific areas, thereby reducing the number of visitors cutting through the sensitive dune habitat along the road corridor. Removal of motor vehicle access at the end of Johnson Beach Road would also further protect dune habitat along this stretch of road by reducing the number of visitors to this area of the park. Foot traffic on the dunes damages vegetation by trampling and routine foot traffic destroys it permanently. Once the vegetation is gone, the chances of dune erosion are greatly enhanced as the stabilization benefits provided by their roots systems are lost. Focusing foot traffic to the proposed crossovers through the use of split rail fences and the removal of parking along Johnson Beach Road would reduce visitor traffic through sensitive habitats and lead to long-term beneficial impacts to the ecosystem.

Under the alternative preferred by the National Park Service, the main visitor facility parking lot would be expanded to include additional 25-30 parking spots and two new smaller parking lots

would be constructed along the road corridor. The limit of new disturbance for the expanded main visitor facility parking area would be approximately 12,915 square feet (about 0.3 acres). The approximate size of each of the smaller lots would be 12,550 square feet (0.29 acres), 25,100 square feet (0.58 acres) combined. Combined with the parking lot at the end of the drivable surface, the total area of the proposed new parking lots would be approximately 58,915 square feet (1.35 acres) under alternative 3.

Stormwater management measures at the expanded portion of the main visitor facility parking lot and the new proposed parking lot would be implemented pending coordination with the Florida Department of Environmental Protection and identification of appropriate measures. Stormwater would be treated by sheetflow and directed off the paved surface. An alternative paving surface would be considered for all, or portions of, the proposed lot. If constructed with asphalt, surface materials would continue to convey sheetflow into surrounding areas during precipitation events. If constructed with an alternative paving surface, though it may not be considered permeable, it would likely increase the surface roughness of the parking lot. Roughness is an important variable in measuring a surface's ability to convey water across the surface. A smoother surface, such as asphalt, would convey water faster than a rough surface. Therefore, an alternative paving surface would continue to convey sheetflow into surrounding areas during precipitation events, but at a much slower rate than a paved asphalt surface. In addition, reduced sheetflow rates would reduce the risk of sedimentation and erosion. The addition of impervious surface area would result in adverse impacts to the floodplain but, given their inland location away from immediately adjacent waterways, these impacts would be slight. Additionally, the easternmost half mile of road would be closed to motor vehicles (with the exception of emergency/administrative use) and converted to a 10-12 foot wide multiuse path. A 10-foot wide swath of asphalt would be removed along this stretch. Resurfacing of Johnson Beach Road would only occur on a 10-12 foot wide stretch of this last half mile. As a result, this would reduce the amount of asphalt within the Perdido Key Area. Returning this area to natural conditions would restore floodplain functions as this area reverts from an impervious surface to a permeable one. Precipitation and overwash during storms would have the opportunity to penetrate back into the ground along this half mile stretch. Finally, returning a portion of this stretch to a more natural condition would allow for the return of natural processes of dune formation and migration to occur.

Construction of the new parking areas would require the use of mechanized equipment and could require the need for minor recontouring. Best management practices would be in place during construction to control erosion and runoff impacts to protect adjacent habitats during construction. Because best management practices would be in place, the localized nature of the construction activities, and the recoverability after disturbance, long-term adverse consequences to floodplains would not be expected to result from construction activities associated with minor recontouring of the new parking areas.

## **ENFORCEABLE POLICIES**

The Florida Coastal Management Program (Florida Department of Environmental Protection 2011) is based on a network of agencies implementing 24 policies that protect and enhance the state's natural, cultural, and economic coastal resources. The National Park Service reviewed the Florida Coastal Management Program to identify which enforceable policies are applicable to the proposed action. Policies were evaluated for their applicability based first on whether the proposed action is similar to the type of activity mentioned in the policy. For example, policies directed at oil and gas activities were found not applicable to this type of proposed action. Secondly, policies were evaluated based on whether the proposed action could have an impact on the coastal use or resource

identified in the policy. For example, the study area does not include any private development. Therefore, any policies directed at private development would not be applicable to the proposed action. The following table lists the policies of the Florida Coastal Management Program and their applicability to the proposed action.

**Table 1: Enforceable Policies of the Florida Coastal Management Program and Applicability to the Proposed Action**

Enforceable Policies	Explanation
Chapter 161 – Beach and Shore Preservation	Applicable.
Chapter 163, Part II, Intergovernmental Programs – Growth Policy, County and Municipal Planning; Land Development Regulation	Not applicable. This policy is directed toward the implementation of comprehensive planning processes by the state related to future development.
Chapter 186 – State and Regional Planning	Not applicable. This policy directs state and regional planning.
Chapter 252 – Emergency Management	Not applicable. This policy directs state emergency management.
Chapter 253 – State Lands	Not applicable. This policy directs the Board of Trustees of the Internal Improvement Trust Fund with protecting lands owned by the state for preservation, conservation, and recreation and serve the public interest by contributing to the public health, welfare, and economy. The proposed project will not impact these goals.
Chapter 258 - State Parks and Preserves	Not applicable. The statute addresses the state’s administration of state parks, aquatic preserves, recreation areas, and state managed wild and scenic rivers. The proposed project will not impact these goals.
Chapter 259 – Land Acquisition for Conservation or Recreation	Not applicable. This statute focuses on public ownership of natural areas to protect or restore their natural resource values, and provide the greatest benefit, including public access, to Florida citizens. The proposed project will not impact these goals.
Chapter 260 – Florida Greenways and Trails Act	Not applicable. This policy pertains to the establishment of greenways and trails by the state.
Chapter 267 - Historical Resources	Applicable.
Chapter 288 -Commercial Development and Capital Improvements	Applicable.



Figure 1: Gulf Islands National Seashore Perdido Key Area



Primitive beach camping permitted at least 0.5 mile east of the existing road terminus.

Add additional Driving Lane and Station (See Figure 5)

Main Visitor Use Parking Area 323 spots

25-30 Parking Spots

30 Parking Spots

30 Parking Spots

50-54 Parking Lot and Turnaround

No Parking Last 0.5 Mile

**Legend**

- Dune Crossover Proposed Location
- Existing Parking Area
- Project Area
- 10-12 Foot Wide Multiuse Trail
- Expanded Parking
- Gulf Islands National Seashore Boundary

Note: No parking or driving allowed along Multiuse Trail

**Figure 2: Alternative 3 / the Alternative Preferred by the National Park Service**

Gulf Island National Seashore - Perdido Key Area

United States Department of Interior / National Park Service

**Table 1: Enforceable Policies of the Florida Coastal Management Program and Applicability to the Proposed Action, continued**

Enforceable Policies	Explanation
Chapter 334 – Transportation Administration	Not applicable. This policy establishes responsibilities for state, the counties, and the municipalities in the planning and development of the transportation systems within the state for transportation.
Chapter 339 – Transportation Finance and Planning	Not applicable. This policy addresses the state finance and planning needs for transportation.
Chapter 373 - Water Resources	Applicable.
Chapter 375, F.S., Outdoor Recreation and Conservation Lands	Not applicable. This policy addresses the development of a recreation plan by the state.
Chapter 376 – Pollutant Discharge Prevention and Removal	Not applicable. The proposed activities will not involve the transfer, storage, or transportation of pollutants.
Chapter 377 – Energy Resources	Not applicable. This policy addresses regulation, planning, and development of energy resources (oil and gas, and other petroleum products) of the state.
Chapter 379, F.S., Fish and Wildlife Conservation	Applicable.
Chapter 380 – Land and Water Management	Not applicable. This policy is protects natural resources and the environment and to guide and coordinate local decisions relating to growth and development and would not be applicable to land under federal control. The project would not impact the five designated Areas of Critical State Concern.
Chapter 381 – Public Health: General Provisions	Not applicable. This policy establishes public policy on state public health system.
Chapter 388 – Mosquito Control	Not applicable. This policy is directs the state’s action for mosquito control.
Chapter 403, F.S., Environmental Control	Applicable.
Chapter 553 – Building and Construction Standards	Not applicable. This policy establishes a unified building code for the state.
Chapter 582, F.S., Soil and Water Conservation	Applicable.
Chapter 597 – Aquaculture	Not applicable. This policy addresses cultivation of aquatic organisms in the state.

The following seven policies are applicable to the proposed action and are analyzed further against the proposed action. The analysis of the policies below is only for those portions of the policies that are applicable to the proposed action.

**Chapter 161- Coastal areas are among the state’s most valuable natural, aesthetic, and economic resources.** The state is required to protect coastal areas from imprudent activities that could:

- Jeopardize the stability of the beach-dune system
- Accelerate erosion
- Provide inadequate protection to upland structures
- Endanger adjacent properties
- Interfere with public beach access.

Coastal areas used, or likely to be used, by sea turtles are designated for nesting, and the removal of vegetative cover that binds sand is prohibited. This statute provides policy for the regulation of construction, reconstruction, and other physical activities related to the beaches and shores of the state. Additionally, this statute requires the restoration and maintenance of critically eroding beaches.

As indicated above (Purpose and Need for the Proposed Action) in this consistency determination, a goal of the project is to protect the dune ecosystem and preserve the natural functions of the barrier island, particularly its function as habitat for numerous wildlife species including the Perdido Key beach mouse and other special status species. Public access to the beaches would be directed to six elevated dune crossovers and roadside parking along Johnson Beach Road would be eliminated and concentrated in specific areas, thereby reducing the number of visitors cutting through the sensitive dune habitat along the road corridor. Removal of motor vehicle access at the end of Johnson Beach Road would also further protect dune habitat along this stretch of road by reducing the number of visitors to this area of the park. Foot traffic on the dunes damages vegetation by trampling and routine foot traffic destroys it permanently. Once the vegetation is gone, the chances of dune erosion are greatly enhanced as the stabilization benefits provided by their roots systems are lost. Focusing foot traffic to the proposed crossovers through the use of split rail fences and the removal of parking along Johnson Beach Road would reduce visitor traffic through sensitive habitats and lead to long-term beneficial impacts to these dune ecosystems.

The beach area is used for sea turtle nesting by four turtle species [loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), and Kemp’s Ridley (*Lepidochelys kempii*) sea turtles], and the non-breeding piping plover (*Charadrius melodus*), however, they would not be adversely impacted by the proposed activities as there are no activities proposed in their nesting area, no vegetative cover that binds sand is proposed for removal, and in fact, the proposed activities are meant allow the natural processes of dune formation and migration to occur, with beneficial ecosystem impacts. Further information on impacts from alternative 3 on the beach-dune system associated with concerns raised in this enforceable policy can be found in section 3.2 (Floodplains), section 3.3 (Vegetation), section 3.4 (Special Status Species and Wildlife), and section 3.5 (Soils and Sediments) of the environmental assessment.

National Park Service actions will be consistent to the maximum extent practicable with Chapter 161.

**Chapter 267 – Historical Resources.** The management and preservation of the state’s archaeological and historical resources are addressed by this statute. This statute recognizes the state’s rich and unique heritage of historic resources and directs the state to locate, acquire, protect, preserve, operate and interpret historic and archeological resources for the benefit of current and future generations of Floridians. Objects or artifacts with intrinsic historic or archeological value located on, or abandoned on, state-owned lands belong to the citizens of the state. The state historic preservation program operates in conjunction with the National Historic Preservation Act of 1966 to require

**state and federal agencies to consider the effect of their direct or indirect actions on historic and archeological resources. These resources cannot be destroyed or altered unless no prudent alternative exists. Unavoidable impacts must be mitigated.**

At the onset of this environmental assessment process, in accordance with section 800.3(c) of the Advisory Council on Historic Preservation's regulations (36 CFR 800), the national seashore sent a letter to consult with the Florida Division of Historical Resources to notify them that National Historic Preservation Act compliance would be conducted by the national seashore separately but concurrent to the environmental assessment. An archeological survey was conducted from January 19-22, 2016 for the Perdido Key/Johnson Beach Area. Results indicated there are no cultural resources listed on, or eligible for, inclusion in the National Register of Historic Places; there are no cultural landscapes; nor are there any known ethnographic resources located within the study area.

In a letter dated April 11, 2016, the State Historic Preservation Office concurred that there would be no adverse effect by the proposed action and that should future untested areas be impacted by project activities, archeological testing would be conducted prior to subsurface disturbance. The National Park Service will consult with Florida's State Historic Preservation Officer to ensure compliance with section 106 of the National Historic Preservation Act.

The National Park Service routinely avoids locations of known historic and archaeological resources. Furthermore, all construction activities would cease and Park staff would be immediately contacted should any archeological resources be discovered during proposed activities. Park staff would then notify the Florida State Historic Preservation Officer to address the discovery.

National Park Service actions will be consistent to the maximum extent practicable with Chapter 267.

**Chapter 288 – The framework to promote and develop general business, trade, and tourism components of the state economy are established in this statute. The statute includes requirements to:**

- **Protect and promote the natural, coastal, historical, and cultural tourism assets of the state**
- **Foster the development of nature-based tourism and recreation**
- **Upgrade the image of Florida as a quality destination.**

**Natural resource-based tourism and recreational activities are critical sectors of Florida's economy. The needs of the environment must be balanced with the need for growth and economic development.**

Gulf Islands National Seashore possesses a rare combination of recreational, educational, and scenic opportunities on publicly accessible natural coastal areas. Gulf Islands National Seashore preserves and protects the natural processes of an extensive range and variety of terrestrial and marine ecosystems within a very dynamic and rapidly changing landscape of the northern Gulf Coast. As indicated above (Purpose and Need for the Proposed Action) in this consistency determination, goals of the project are to continue to provide access to the beach and lagoons through additional crossovers and reduce wait times at the entrance station. For tourists, these proposed changes would primarily be related to improved walking/biking conditions, more reliable parking, increased safety, improved infrastructure, and improved beach access via the new dune crossovers. Over the long-term, visitors would benefit from the enhanced scenic resources from the reduction of foot trails through the dunes and resulting improved dune habitat.

National Park Service actions will be consistent to the maximum extent practicable with Chapter 288.

**Chapter 373 – Water Resources.** The waters in the state of Florida are managed and protected to conserve and preserve water resources, water quality, and environmental quality. This statute addresses:

- Sustainable water management
- The conservation of surface and ground waters for full beneficial use
- The preservation of natural resources, fish, and wildlife; protecting public land
- Promoting the health and general welfare of Floridians.

The state manages and conserves water and related natural resources by determining whether activities will unreasonably consume water; degrade water quality; or adversely affect environmental values (such as protected species habitat, recreational pursuits, and marine productivity).

Specifically, under Part IV of Chapter 373, the Department of Environmental Protection, water management districts, and delegated local governments review and take agency action on wetland resource, environmental resource, and stormwater permit applications. These permits address the construction, alteration, operation, maintenance, abandonment, and removal of any stormwater management system, dam, impoundment, reservoir, or appurtenant works (including dredging, filling, and other construction activities in, on, and over wetlands and other surface waters).

To protect water resources, stormwater management measures at the expanded portion of the main visitor facility parking lot and the new proposed parking lot would be implemented pending coordination with the Florida Department of Environmental Protection and identification of appropriate measures. Stormwater would be treated by sheetflow and directed off the paved surface. An alternative paving surface would be considered for all, or portions of, the proposed lot. If constructed with asphalt, surface materials would continue to convey sheetflow into surrounding areas during precipitation events. If constructed with an alternative paving surface, though it may not be considered permeable, it would likely increase the surface roughness of the parking lot. Roughness is an important variable in measuring a surface's ability to convey water across the surface. A smoother surface, such as asphalt, would convey water faster than a rough surface. Therefore, an alternative paving surface would continue to convey sheetflow into surrounding areas during precipitation events, but at a much slower rate than a paved asphalt surface. In addition, reduced sheetflow rates would reduce the risk of sedimentation and erosion. The addition of impervious surface area would result in adverse impacts to the floodplain but, given their inland location away from immediately adjacent waterways, these impacts would be slight.

The easternmost half mile of Johnson Road would be closed to motor vehicles (with the exception of emergency/administrative use) and converted to a 10-12 foot wide multiuse path. A 10-foot wide swath of asphalt would be removed along this stretch. Resurfacing of Johnson Beach Road would only occur on a 10-12 foot wide stretch of this last half mile. As a result, this would reduce the overall amount of asphalt within the Perdido Key Area. Returning this area to natural conditions would restore floodplain functions as this area reverts from an impervious surface to a permeable one. Precipitation and overwash during storms would have the opportunity to penetrate back into the ground along this half mile stretch, protecting water resources. Finally, returning a portion of this stretch to a more natural condition would allow for the return of natural processes of dune formation and migration to occur, with beneficial floodplain impacts to include temporary storage of floodwaters, dissipation of storm water runoff, moderation of peak flows, groundwater recharge, prevention of erosion, and maintenance of water quality.

Construction of the new parking areas would require the use of mechanized equipment and could require the need for minor recontouring. Best management practices would be in place

during construction to control erosion and runoff impacts to protect adjacent habitats during construction. Because best management practices would be in place, the localized nature of the construction activities, and the recoverability after disturbance, long-term adverse consequences to water resources would not be expected to result from construction activities associated with minor recontouring of the new parking areas.

Chapter 2 of the environmental assessment lists the mitigation measures proposed for the project. The list should not be considered restrictive; if new or additional mitigation measures are identified, they would be considered. Mitigation measures would be applied to the greatest extent possible, given the resources available to park management. Those that apply to water resources are repeated below:

- Specific provisions in construction contract(s) would be identified to prevent stormwater pollution during construction activities, in accordance with the National Pollutant Discharge Elimination System permit program of the Clean Water Act and all other federal regulations, and in accordance with the stormwater pollution prevention plan to be prepared for this project.
- Buffers between areas of soil disturbance and wetlands or waterways would be planned and maintained.
- Soil erosion best management practices such as sediment traps and erosion check screen filters would be used to prevent the entry of sediment into waterways.
- Equipment would be inspected for leaks of oil, fuels, or hydraulic fluids before and during use to prevent soil and water contamination. Onsite fueling and maintenance would be minimized. If these activities could not be avoided, fuels and other fluids would be restricted to a designated area and fueling and maintenance would be performed in designated areas that are bermed and lined to contain spills. Provisions for the containment of spills and the removal and safe disposal of contaminated materials, including soil would be required.
- Actions that would minimize effects on site hydrology and fluvial processes, including flow, circulation, water level fluctuations, and sediment transport would be taken. Care would be taken to avoid any rutting caused by vehicles or equipment.

National Park Service actions will be consistent to the maximum extent practicable with Chapter 373.

**Chapter 379 – Fish and Wildlife Conservation.** The framework for the management and protection of the state of Florida’s wide diversity of fish and wildlife resources are established in this statute. It is the policy of the state to conserve and wisely manage these resources. Particular attention is given to those species defined as being endangered or threatened. This includes the acquisition or management of lands important to the conservation of fish and wildlife.

This statute contains specific provisions for the conservation and management of marine fisheries resources. These conservation and management measures permit reasonable means and quantities of annual harvest (consistent with maximum practicable sustainable stock abundance) as well as ensure the proper quality control of marine resources that enter commerce. Additionally, this statute supports and promotes hunting, fishing and the taking of game opportunities in the State. Hunting, fishing, and the taking of game are considered an important part in the state's economy and in the conservation, preservation, and management of the state's natural areas and resources.

As indicated above (Purpose and Need for the Proposed Action) of this consistency determination, a goal of the project is to protect the dune ecosystem and preserve the natural functions of the barrier island, particularly its function as habitat for numerous wildlife species

including the Perdido Key beach mouse and other special status species. Public access to the beaches would be directed to six elevated dune crossovers and roadside parking along Johnson Beach Road would be eliminated and concentrated in specific areas, thereby reducing the number of visitors cutting through the sensitive dune habitat along the road corridor. Removal of motor vehicle access at the end of Johnson Beach Road would also further protect dune habitat along this stretch of road by reducing the number of visitors to this area of the park. Foot traffic on the dunes damages vegetation by trampling and routine foot traffic destroys it permanently. Once the vegetation is gone, the chances of dune erosion are greatly enhanced as the stabilization benefits provided by their roots systems are lost. Focusing foot traffic to the proposed crossovers through the use of split rail fences and the removal of parking along Johnson Beach Road would reduce visitor traffic through sensitive habitats and lead to long-term beneficial impacts to these dune ecosystems.

Temporary impacts to wildlife could occur during all proposed construction activities due to increased noise and heavy equipment. However, any wildlife displaced during construction activities would likely return to the area and resume normal behaviors after construction activities were completed. Construction would be timed seasonally to avoid impacts to migratory and shoreline bird populations.

The National Park Service has entered consultation with the U.S. Fish and Wildlife Service for six federally-protected species found within the project area at Perdido Key / Johnson Beach area to include the Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*), four nesting sea turtle species [loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), and Kemp's Ridley (*Lepidochelys kempii*) sea turtles], and the non-breeding piping plover (*Charadrius melodus*). Further information on impacts from alternative 3 associated with concerns raised in this enforceable policy can be found in section 3.4 (Special Status Species and Wildlife) of the environmental assessment.

Chapter 2 of the environmental assessment lists the mitigation measures proposed for the project. The list should not be considered restrictive; if new or additional mitigation measures are identified, they would be considered. Mitigation measures would be applied to the greatest extent possible, given the resources available to park management. Specifically, section 3.2.5.2 (Natural Resources) and section 3.2.6 (Proposed Species-Specific Conservation Measures) contain mitigation measures specific to fish and wildlife.

National Park Service actions will be consistent to the maximum extent practicable with Chapter 379.

**Chapter 403 – Environmental Control.** Environmental control policies help to conserve state waters; protect and improve water quality; and maintain air quality. This statute provides wide-ranging authority to address various environmental control concerns, including:

- Air and water pollution
- Electrical power plant and transmission line siting
- The Interstate Environmental Control Compact
- Resource recovery and management
- Solid and hazardous waste management
- Drinking water protection; pollution prevention
- Ecosystem management
- Natural gas transmission pipeline siting.

To protect water quality, stormwater management measures at the expanded portion of the main visitor facility parking lot and the new proposed parking lot would be implemented

pending coordination with the Florida Department of Environmental Protection and identification of appropriate measures. Stormwater would be treated by sheetflow and directed off the paved surface. The easternmost half mile of Johnson Road would be closed to motor vehicles (with the exception of emergency/administrative use) and converted to a 10-12 foot wide multiuse path. A 10-foot wide swath of asphalt would be removed along this stretch. Resurfacing of Johnson Beach Road would only occur on a 10-12 foot wide stretch of this last half mile. As a result, this would reduce the overall amount of asphalt within the Perdido Key Area. Returning this area to natural conditions would restore floodplain functions as this area reverts from an impervious surface to a permeable one. Precipitation and overwash during storms would have the opportunity to penetrate back into the ground along this half mile stretch, protecting water resources. Finally, returning a portion of this stretch to a more natural condition would allow for the return of natural processes of dune formation and migration to occur, with beneficial floodplain impacts to include temporary storage of floodwaters, dissipation of storm water runoff, moderation of peak flows, groundwater recharge, prevention of erosion, and maintenance of water quality.

Construction of the new parking areas would require the use of mechanized equipment and could require the need for minor recontouring. Best management practices would be in place during construction to control erosion and runoff impacts to protect adjacent habitats during construction. Because best management practices would be in place, the localized nature of the construction activities, and the recoverability after disturbance, long-term adverse consequences to water resources would not be expected to result from construction activities associated with minor recontouring of the new parking areas.

Chapter 2 of the environmental assessment lists the mitigation measures proposed for the project. The list should not be considered restrictive; if new or additional mitigation measures are identified, they would be considered. Mitigation measures would be applied to the greatest extent possible, given the resources available to park management. Those that apply to water quality are repeated below:

- Specific provisions in construction contract(s) would be identified to prevent stormwater pollution during construction activities, in accordance with the National Pollutant Discharge Elimination System permit program of the Clean Water Act and all other federal regulations, and in accordance with the stormwater pollution prevention plan to be prepared for this project.
- Buffers between areas of soil disturbance and wetlands or waterways would be planned and maintained.
- Soil erosion best management practices such as sediment traps and erosion check screen filters would be used to prevent the entry of sediment into waterways.
- Equipment would be inspected for leaks of oil, fuels, or hydraulic fluids before and during use to prevent soil and water contamination. Onsite fueling and maintenance would be minimized. If these activities could not be avoided, fuels and other fluids would be restricted to a designated area and fueling and maintenance would be performed in designated areas that are bermed and lined to contain spills. Provisions for the containment of spills and the removal and safe disposal of contaminated materials, including soil would be required.
- Actions that would minimize effects on site hydrology and fluvial processes, including flow, circulation, water level fluctuations, and sediment transport would be taken. Care would be taken to avoid any rutting caused by vehicles or equipment.

National Park Service actions will be consistent to the maximum extent practicable with Chapter 403.

**Chapter 582 – Soil and Water Conservation.** It is the state’s policy to preserve natural resources; control and prevent soil erosion, prevent floodwater & sediment damages; and to further the conservation, development and use of soil & water resources. Farm, forest, and grazing lands are among the basic assets of the state; and the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people. These measures help to:

- Preserve state and private lands
- Control floods
- Maintain water quality
- Prevent impairment of dams and reservoirs
- Assist in maintaining the navigability of rivers and harbors
- Preserve wildlife and protect wildlife habitat
- Protect the tax base
- Protect public lands
- Protect and promote the health, safety, and general welfare of the people of this state.

To protect water resources, stormwater management measures at the expanded portion of the main visitor facility parking lot and the new proposed parking lot would be implemented pending coordination with the Florida Department of Environmental Protection and identification of appropriate measures. Stormwater would be treated by sheetflow and directed off the paved surface. An alternative paving surface would be considered for all, or portions of, the proposed lot. If constructed with asphalt, surface materials would continue to convey sheetflow into surrounding areas during precipitation events. If constructed with an alternative paving surface, though it may not be considered permeable, it would likely increase the surface roughness of the parking lot. Roughness is an important variable in measuring a surface’s ability to convey water across the surface. A smoother surface, such as asphalt, would convey water faster than a rough surface. Therefore, an alternative paving surface would continue to convey sheetflow into surrounding areas during precipitation events, but at a much slower rate than a paved asphalt surface. In addition, reduced sheetflow rates would reduce the risk of sedimentation and erosion. The addition of impervious surface area would result in adverse impacts to the floodplain but, given their inland location away from immediately adjacent waterways, these impacts would be slight.

The easternmost half mile of Johnson Road would be closed to motor vehicles (with the exception of emergency/administrative use) and converted to a 10-12 foot wide multiuse path. A 10-foot wide swath of asphalt would be removed along this stretch. Resurfacing of Johnson Beach Road would only occur on a 10-12 foot wide stretch of this last half mile. As a result, this would reduce the overall amount of asphalt within the Perdido Key Area. Returning this area to natural conditions would restore floodplain functions as this area reverts from an impervious surface to a permeable one. Precipitation and overwash during storms would have the opportunity to penetrate back into the ground along this half mile stretch, protecting water resources. Finally, returning a portion of this stretch to a more natural condition would allow for the return of natural processes of dune formation and migration to occur, with beneficial floodplain impacts to include temporary storage of floodwaters, dissipation of storm water runoff, moderation of peak flows, groundwater recharge, prevention of erosion, and maintenance of water quality.

Construction of the new parking areas would require the use of mechanized equipment and could require the need for minor recontouring. Best management practices would be in place

during construction to control erosion and runoff impacts to protect adjacent habitats during construction. Because best management practices would be in place, the localized nature of the construction activities, and the recoverability after disturbance, long-term adverse consequences to water resources would not be expected to result from construction activities associated with minor recontouring of the new parking areas.

Chapter 2 of the environmental assessment lists the mitigation measures proposed for the project. The list should not be considered restrictive; if new or additional mitigation measures are identified, they would be considered. Mitigation measures would be applied to the greatest extent possible, given the resources available to park management. Those that apply to water quality and erosion are repeated below:

- Specific provisions in construction contract(s) would be identified to prevent stormwater pollution during construction activities, in accordance with the National Pollutant Discharge Elimination System permit program of the Clean Water Act and all other federal regulations, and in accordance with the stormwater pollution prevention plan to be prepared for this project.
- Buffers between areas of soil disturbance and wetlands or waterways would be planned and maintained.
- Soil erosion best management practices such as sediment traps and erosion check screen filters would be used to prevent the entry of sediment into waterways.
- Equipment would be inspected for leaks of oil, fuels, or hydraulic fluids before and during use to prevent soil and water contamination. Onsite fueling and maintenance would be minimized. If these activities could not be avoided, fuels and other fluids would be restricted to a designated area and fueling and maintenance would be performed in designated areas that are bermed and lined to contain spills. Provisions for the containment of spills and the removal and safe disposal of contaminated materials, including soil would be required.
- Actions that would minimize effects on site hydrology and fluvial processes, including flow, circulation, water level fluctuations, and sediment transport would be taken. Care would be taken to avoid any rutting caused by vehicles or equipment.

Further information on impacts from alternative 3 on the beach-dune system associated with concerns raised in this enforceable policy can be found in section 3.2 (Floodplains) and section 3.5 (Soils and Sediments) of the environmental assessment.

National Park Service actions will be consistent to the maximum extent practicable with Chapter 582.

## STATEMENT OF CONSISTENCY

Based on the above information, data, and analysis, the National Park Service finds that the alternative preferred by the National Park Service (alternative 3) under the *Environmental Assessment to Improve Barrier Island Habitat and Visitor Access at Perdido Key / Johnson Beach Area* is consistent to the maximum extent practicable with the enforceable policies of the Florida Coastal Management Program.

Pursuant to 15 CFR §930.41, the Florida Coastal Management Program has 60 days from the receipt of this letter in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR §930.41(b). Florida's concurrence will be presumed if its response is not received by the National Park Service on the 60th day from receipt of this determination. The state's response should be sent to:

Dan Brown, Superintendent  
Gulf Islands National Seashore  
Attn: Perdido Key / Johnson Beach EA  
1801 Gulf Breeze Parkway  
Gulf Breeze, FL 32563

## REFERENCES

Florida Department of Environmental Protection

- 2015 Florida Coastal Management Program Guide. Updated September 16th, 2015.  
Tallahassee, FL: Florida Department of Environmental Protection.