

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**TYPE 1 CATEGORICAL EXCLUSION
CHECKLIST**

650-050-12
ENVIRONMENTAL MANAGEMENT
06/17

Financial Management No. 438908-3-58-01

FAP No. D320-087-B

CE Number: ☒ (c) (3) or ☐ (d) __

Title: PERDIDO KEY DR FROM ALABAMA ST LINE TO WEST STATE PARK BOUNDARY

Work Mix: BIKE PATH/TRAIL

District: FDOT District 3

County: Escambia County

Project Description:

This project consists of the construction of a concrete, 8-foot-wide multi-use path along the north side of Perdido Key Drive for a project length of approximately 2 miles. In order to construct this path palm trees and other landscaping will be removed. This is a LAP project with Escambia County. The Contract Plans, dated 12/13/2018 were used in the review of this project.

Perdido Key Drive is a county-owned, two-lane paved road with 12' travel lanes and 5' paved shoulders. There are no sidewalks, but there is bike lane along the entire project length. The posted speed limit is 45 mph.

Note: The items below consider the requirements described in 23 CFR § 771.117 (c) and (d) for listed Categorical Exclusions (CEs). The constraints of 23 CFR § 771.117(e) are addressed in this form for CEs identified as 23 CFR § 771.117 (c) (26), (27) and (28) or (d) list projects.

- This action **will not** induce significant impacts to planned growth or land use for the area; travel patterns; involve significant air or water quality impacts; or cause substantial controversy on environmental grounds.

☒ Verified

1. Right of Way (ROW)

Within existing ROW

Comments:

No additional ROW or relocations will be required for the project.

2. Wetland impacts that would require a permit from the U.S. Army Corps of Engineers (USACE) under the Clean Water Act, Section 404, 33 U.S.C. § 1344 and/or section 10 of the Rivers and Harbors Act:

No Wetland(s) Present/ No Impacts

Comments:

No wetland impacts are proposed.

3. Bridge permits required from the United States Coast Guard (USCG):

No Waterway Crossing

Comments:

No waterway crossings or in-water work is proposed. A USCG permit is not needed.

4. The project involves a floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths):

Functionally Dependent Use or Facilitate Open Space Use

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Comments:

The entire project area is within the 100-year floodplain. This project will not involve the replacement or modification of any existing structures, or the addition of any new drainage structures. Thus, this project will not affect flood heights or base floodplain limits. Additionally, the project will not increase flood risks or damage; and there will be no significant change in the potential for interruption or termination of emergency service or emergency evacuation routes. Therefore, it has been determined that this encroachment is not significant.

[\[3 - Maps\]](#)

5a. Does the project involve a Wild and Scenic River or Study River ?

No, the project does not involve a river designated as a Wild and Scenic, or Study River

Comments:

No Wild and Scenic Rivers are identified.

5b. Will the action involve a river on the Nationwide Rivers Inventory (NRI)?

No, the project will not involve a river on the NRI

Comments:

NA

6. Section 7 of the Endangered Species Act (ESA) of 1973, as amended, or Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):

ESA listed species and/or Essential Fish Habitat (EFH) present

☒ Determination of No Effect

Names of Species:

Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*) - federally-listed endangered.

This species is covered by the Perdido Key Programmatic Habitat Conservation Plan (HCP) and the project complies with HCP by obtaining the required permit and providing habitat mitigation.

Comments:

- Wildlife & Habitat and Protected Species: According to the Florida Natural Areas Inventory (FNAI) GIS database search, there were two documented threatened, endangered, or other protected/candidate species occurring within a one-mile radius of the project. Those are Godfrey's goldenaster (*Chrysopsis godfreyi*) and Loggerhead sea turtle (*Caretta caretta*).

Godfrey's goldenaster - state-listed endangered. The project area is a highly disturbed area within the existing ROW. According to the FNAI.org Godfrey's goldenaster primarily occurs within back dunes and along coastal shrubs. No Godfrey's goldenasters were observed during field investigation on May 23, 2018; therefore, this project will have **no anticipated effect** on Godfrey's goldenaster.

Loggerhead sea turtle - federally-listed threatened. The FNAI report lists a record for the Loggerhead sea turtle because the beaches of Perdido Key are potential nesting habitat. These beaches are also designated critical habitat for the species. To prevent impacts to the Loggerhead sea turtles and all other sea turtles during nesting

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season (May 1st to October 31st) from nighttime illumination, any night-time lighting used for construction shall be in accordance with the Escambia County Design Standards Manual, Chapter 2-Environmental, Article 1-6 Barrier Island Lighting. This has been included as a plan note and made a commitment of the project; therefore, this project will have **No Effect** on sea turtles.

A review was also conducted for the following protected species:

Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*) - federally-listed endangered. The Perdido Key beach mouse (PKBM) is a subspecies of the Oldfield mouse that burrows within beach dunes along Perdido Key. The project is located within PKBM designated critical habitat. Escambia County developed the Perdido Key Programmatic Habitat Conservation Plan (HCP) that was approved by the U.S. Fish and Wildlife Service (FWS) and delegates the authority to authorize permits to impact PKBM habitat to the county.

The HCP is based on a Section 10 incidental take permit in accordance with the Endangered Species Act. Projects that obtain a permit under the HCP are covered by the incidental take permit. A permit (Permit #TE46592A-0) for this project was obtained on September 24, 2019 from Escambia County as required. The permit authorizes 0.75 acre of permanent PKBM habitat impact and requires 2.03 acres of enhancement/restoration of PKBM habitat. The details of the impact locations and mitigation are provided in the PKBM Habitat Assessment, dated February 2, 2019.

Piping plover (*Charadrius melodus*) - federally-listed threatened. The piping plover is a small, pale-colored North American shorebird. Generally piping plovers favor open sand or gravel beaches for breeding. They are known to nest on Perdido Key beaches. This project area is within the existing, disturbed ROW and this project will not impact any designated critical habitat or any potential habitat of the piping plover; therefore, this proposed project will have **No Effect** on the piping plover.

Wood stork (*Mycteria americana*) - federally-listed endangered. The project is not within a wood stork Core Foraging Area (CFA) according to FWS data. FNAI does not indicate any occurrences of the wood stork within one mile of the project area and no wood storks were identified during the site visit; therefore, the project will have **No Effect** on the wood stork.

Eastern indigo snake (*Drymarchon corais couperi*) - federally-listed threatened. The Eastern indigo snake is found throughout Florida, but is rare in most areas. No Eastern indigo snakes were observed during the field review and none were indicated on the FNAI report. This project will have **No Effect** on the Eastern indigo snake.

Bald eagle (*Haliaeetus leucocephalus*) - FWS has de-listed the bald eagle; however, protection continues under the Bald and Golden Eagle Protection ACT and the Migratory Bird Treaty Act. The Florida Fish and Wildlife Conservation Commission (FWC) Eagle Nest GIS data does not show any eagle nests within one mile of the project site and no eagle nests were observed during the site review.

Gopher tortoise (*Gopherus polyphemus*) - state-listed threatened. The gopher tortoise is a terrestrial tortoise that lives primarily in upland scrub habitats. The FNAI report did not indicate the presence of any gopher tortoises within one mile of the project corridor and the FWC gopher tortoise sighting map did not show any reported tortoises within several miles of the project area. Field survey did not find the presence of gopher tortoises or their burrows. A pre-construction gopher tortoise survey is not warranted. The project will have **no anticipated effect** on the

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gopher tortoise.

Black bear (*Ursus americanus floridanus*)

- The project area falls within the "Rare" area of the West Panhandle Bear Management Unit (BMU) and is not within the former primary or secondary black bear range areas. No publicly reported black bear sightings have been made and no bear road kills have been reported within miles of the project area per the FWC GIS mapping data.

[\[3 - Maps\]](#) [\[5 - FNAI Report\]](#) [\[6 - Perdido Key Habitat Conservation Plan\]](#) [\[7 - Loggerhead critical habitat\]](#) [\[8 - Perdido Key Beach Mouse Habitat Assessment\]](#) [\[9 - Beach Mouse Authorization\]](#) [\[10 - FWS email to Escambia Co approving permit\]](#)
[\[15 - ProjectCommitmentRecordReport\]](#)

7. **Will the action impact any properties protected by Section 4(f) pursuant to 23 CFR § 774?**
Section 4(f) resources present or adjacent, but there is "no use" within the meaning of Section 4(f)

List resources and describe how "no use" determination was made:

There are no parks, recreation areas, or refuges within the project limits. The project ends at the west entrance to Perdido Key State Park. All work occurs within the existing ROW. There will be no work within the Section 4(f) resource.

Comments:

N/A

[\[3 - Maps\]](#)

8. **Historic and/or Archaeological Resources protected under Section 106 of the National Historic Preservation Act**

No Historic or Archaeological resources present within the APE

Comments:

A Section 106 PA Minimal Impact Determination form was prepared by FDOT and sent to SHPO on April 16, 2018, for review. The SHPO provided no objections to the determination by May 16, 2018, and therefore the project meets the conditions set forth in Stipulation V of the Statewide Section 106 Programmatic Agreement.

[\[1 - Cultural Resource Coordination\]](#)

9. **Noise considerations**

The project does not require a Noise Analysis

Comments:

The referenced project meets the criteria for a Type III project established in 23 CFR 772. Therefore, the project requires no analysis for highway traffic noise impacts. Type III projects do not involve added capacity, construction of new through lanes or auxiliary lanes (except turn lanes), or substantial changes in the horizontal or vertical alignment of the roadway.

10. **Contamination Considerations**

[X] The project was evaluated.

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Comments:

The ETDM Environmental Screening Tool (EST) and the DEP Bureau of Petroleum Systems Storage Tank/Contaminated Facility and Oculus databases identifies two sites near the project area with contamination potential.

- Facility ID #9800115 - Snappy Foods, 17100 Perdido Key Drive, Pensacola, Florida 32507 - No record of contamination at this site.
- Facility ID #8508170 - Tom Thumb Food Store #49, 16789A Perdido Key Drive, Pensacola, Florida 32507 - Cleanup completed 6/27/2014.

No involvement with petroleum contamination is expected. Contamination review was coordinated through Alan Hagans, District Contamination Impacts Coordinator, and concurrence was received on 6/4/2018.

[\[2 - Contamination Coordination\]](#)

11. Planning Consistency

This Project was reviewed for fiscal constraint and determined to have committed, available or reasonably available funds for the implementation of all the phase(s) of the Project within the time period anticipated for completion of the Project. [23 CFR Part 450]

[\[16 - STIP info\]](#)

12. Project Commitment Record

[\[15 - ProjectCommitmentRecordReport\]](#)

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The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

Signature: Amanda Marshall for Joy Swanson Pleas
Environmental Manager or designee

Date: October 5, 2020



The following is a list of any supporting activities (e.g., field reviews, as appropriate, etc.), reports, or technical studies that were prepared and are included in the project file that were necessary to support the conclusions reached on the checklist:

- 1 - Cultural Resource Coordination [43890835801-CE1-D3-Cultural_Resource_Coordination-2018-0516.pdf](#)
- 2 - Contamination Coordination [43890835801-CE1-D3-Contamination_Coordination-2018-0604.pdf](#)
- 3 - Maps [43890835801-CE1-D3-Maps-2018-0516.pdf](#)
- 4 - Site Photos [43890835801-CE1-D3-Site_Photos-2018-0523.pdf](#)
- 5 - FNAI Report [43890835801-CE1-D3-FNAI_Report-2018-0515.pdf](#)
- 6 - Perdido Key Habitat Conservation Plan [43890835801-CE1-D3-Perdido_Key_Habitat_Conservation_Plan-2010-0129.pdf](#)
- 7 - Loggerhead critical habitat [43890835801-CE1-D3-Loggerhead_critical_habitat-2014-0811.pdf](#)
- 8 - Perdido Key Beach Mouse Habitat Assessment [43890835801-CE1-D3-Perdido_Key_Beach_Mouse_Habitat_Assessment-2018-1030.pdf](#)
- 9 - Beach Mouse Authorization [43890835801-CE1-D3-Beach_Mouse_Authorization-2018-0924.pdf](#)
- 10 - FWS email to Escambia Co approving permit [43890835801-CE1-D3-FWS_email_to_Escambia_Co_approving_permit-2019-0611.pdf](#)
- 11 - FWS_EscCo & FDOT Meeting Mins [43890835801-CE1-D3-FWS_EscCo_&_FDOT_Meeting_Mins-2018-0306.pdf](#)
- 12 - FWC_Coordination [43890835801-CE1-D3-FWC_Coordination-2018-0517.pdf](#)
- 13 - FWS_approval_of_PKBM_Habitat_Assessment_Plan_Approach [43890835801-CE1-D3-FWS_approval_of_PKBM_Habitat_Assessment_Plan_Approach-2018-0926.pdf](#)
- 14 - Summary document [43890835801-CE1-D3-Summary_document-2020-1002.pdf](#)
- 15 - ProjectCommitmentRecordReport [43890835801-CE1-D3-ProjectCommitmentRecordReport-2020-1002.pdf](#)
- 16 - STIP info [43890835801-CE1-D3-STIP_info-2020-1002.pdf](#)