

Huguenot Memorial Park Federal Land Lease Renewal Jacksonville, Duval County, Florida

Draft Environmental Assessment & Proposed Finding of No Significant Impact



**US Army Corps
of Engineers**®
Jacksonville District

December 2012

This page intentionally left blank.

**PROPOSED FINDING OF NO SIGNIFICANT IMPACT
FEDERAL LAND LEASE RENEWAL, HUGUENOT MEMORIAL PARK
JACKSONVILLE, DUVAL COUNTY, FLORIDA**

I have reviewed the Environmental Assessment (EA) for the proposed action. This Finding incorporates by reference all discussions and conclusions contained in the EA enclosed hereto. Based on information analyzed in the EA, reflecting pertinent information obtained from agencies having jurisdiction by law and/or special expertise, I conclude that the proposed action will not significantly impact the quality of the human environment and does not require an Environmental Impact Statement. Reasons for this conclusion are, in summary:

1. The proposed action represents the opportunity to lease federal lands to the COJ, Duval County, Florida to be managed for the protection of natural resources. The preferred alternative provides the opportunity to protect natural resources while providing recreational benefit to residents and tourists of Duval County, Florida.
2. The proposed action is in full compliance with the Endangered Species Act, the Coastal Barrier Resources Act, and the Fish and Wildlife Coordination Act.
3. Pending the State's concurrence with the Coastal Zone Management Act (CZMA) Federal Consistency Determination (Appendix B of the EA), the action is consistent with the State's Coastal Management program.
4. The proposed action is being coordinated with the Florida State Historic Preservation Officer (SHPO) in accordance with the National Historic Preservation Act and the Archaeological and Historic Preservation Act. Pending completion of coordination with the SHPO, the project will be in compliance with these Acts and will not affect sites of cultural or historical significance.
5. The USACE coordinated a consistency determination under the guidelines of the CZMA in this EA. Pending completion of coordination with the State of Florida, the project will be in compliance with the CZMA.
6. The goal of the federal land lease renewal is protection of natural resources.

In view of the above and after consideration of public and agency comments received on the project, I have concluded that the proposed action for the lease renewal of the federal lands at Huguenot Memorial Park will not result in a significant adverse effect on the human environment. This Finding incorporates by reference all discussion and conclusions contained in the EA enclosed herewith.

Alan M. Dodd
Colonel, U.S. Army
District Commander

Date

This page intentionally left blank.

**Draft Environmental Assessment
Federal Land Lease Renewal
Huguenot Memorial Park
Jacksonville, Duval County, Florida**

Table of Contents

TABLE OF CONTENTS i

1 Project Purpose and Need..... 1

 1.1 Project Authority 1

 1.2 Project Location 1

 1.3 Project Need or Opportunity. 1

 1.4 Agency Goal or Objective 1

 1.5 Related Environmental Documents 4

 1.6 Decision to be Made..... 4

 1.7 Scoping and Issues 4

 1.8 Permits, Licenses, and Entitlements 5

2 Alternatives 7

 2.1 Description of Alternatives..... 7

 2.1.1 Alternative 1: Lease Renewal with Proposed Management Plan 7

 2.1.2 Alternative 2: Lease Renewal with Proposed Management Plan with Additional Provisions 7

 2.1.3 No Action Alternative / No Lease Renewal 7

 2.2 Preferred Alternative(s) 7

 2.3 Comparison of Alternatives..... 7

3 Affected Environment..... 9

 3.1 General Environmental Setting 9

 3.2 Vegetation 9

 3.3 Fish and Wildlife Resources 9

 3.3.1 Threatened and Endangered Species 9

 3.3.2 Essential Fish Habitat 11

3.4	Hardgrounds	12
3.5	Coastal Barrier Resources	13
3.6	Water Quality	13
3.7	Hazardous, Toxic, and Radioactive Waste	13
3.8	Air Quality	13
3.9	Noise	13
3.10	Aesthetic Resources	14
3.11	Recreation Resources	14
3.12	Navigation	14
3.13	Cultural and Historic Resources	14
3.14	Socio-Economics	15
4	Environmental Effects	16
4.1	General Environmental Effects	16
4.2	Vegetation	16
4.2.1	Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan	16
4.2.2	Alternative 2: Lease Renewal with Proposed Management Plan and Provisions	16
4.2.3	No Action Alternative / No Lease Renewal	16
4.3	Fish and Wildlife Resources	16
4.3.1	Threatened and Endangered Species	16
4.3.1.1	Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan	16
4.3.1.2	Alternative 2: Lease Renewal with Proposed Management Plan and Provisions	17
4.3.1.3	No Action Alternative / No Lease Renewal	17
4.3.2	Essential Fish Habitat Assessment	17
4.3.2.1	Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan	17
4.3.2.2	Alternative 2: Lease Renewal with Proposed Management Plan and Provisions	17
4.3.2.3	No Action Alternative / No Lease Renewal	17
4.4	Hardgrounds	17
4.4.1	Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan	17
4.4.2	Alternative 2: Lease Renewal with Proposed Management Plan and Provisions	17
4.4.3	No Action Alternative / No Lease Renewal	17
4.5	Coastal Barrier Resources	18
4.5.1	Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan	18
4.5.2	Alternative 2: Lease Renewal with Proposed Management Plan and Provisions	18
4.5.3	No Action Alternative / No Lease Renewal	18
4.6	Water Quality	18
4.7	Hazardous, Toxic, and Radioactive Waste	18
4.8	Air Quality	18

4.9	Noise	18
4.10	Aesthetics	18
4.10.1	Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan	18
4.10.2	Alternative 2: Lease Renewal with Proposed Management Plan and Provisions	19
4.10.3	No Action Alternative / No Lease Renewal	19
4.11	Recreation	19
4.11.1	Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan	19
4.11.2	Alternative 2: Lease Renewal with Proposed Management Plan and Provisions	19
4.11.3	No Action Alternative / No Lease Renewal	19
4.12	Navigation	19
4.13	Cultural and Historic Resources	19
4.13.1	Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan	19
4.13.2	Alternative 2: Lease Renewal with Proposed Management Plan and Provisions	20
4.13.3	No Action Alternative / No Lease Renewal	20
4.14	Socio-Economic	20
4.15	Public Safety	20
4.15.1	Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan	20
4.15.2	Alternative 2: Lease Renewal with Proposed Management Plan and Provisions	20
4.15.3	No Action Alternative / No Lease Renewal	20
4.16	Native Americans	20
4.17	Drinking Water	20
4.18	Cumulative Impacts.....	20
4.19	Irretrievable and Irreversible Commitment of Resources.....	22
4.20	Unavoidable Adverse Environmental Effects.....	22
4.21	Relationship between Short-Term Use and Long-Term Productivity	22
4.22	Uncertain, Unknown, or Unique Risks	22
4.23	Compatibility with Federal, State, and Local Objectives	22
4.24	Conflicts and Controversy.....	22
4.25	Precedent and Principle for Future Actions	23
4.26	Environmental Commitments	23
5	Compliance with Environmental Requirements	24
5.1	National Environmental Policy Act of 1969.....	24
5.2	Endangered Species Act of 1973.....	24
5.3	Fish and Wildlife Coordination Act of 1958	24

5.4	National Historic Preservation Act of 1966, As Amended	24
5.5	Clean Water Act of 1972.....	24
5.6	Clean Air Act of 1972.....	24
5.7	Coastal Zone Management Act of 1972	24
5.8	Farmland Protection Policy Act of 1981	25
5.9	Wild and Scenic River Act of 1968	25
5.10	Marine Mammal Protection Act of 1972.....	25
5.11	Estuary Protection Act of 1968.....	25
5.12	Federal Water Project Recreation Act	25
5.13	Submerged Lands Act of 1953.....	25
5.14	Coastal Barrier Resources Act and Coastal Barrier Improvement Act of 1990.....	25
5.15	Rivers and Harbors Act of 1899.....	25
5.16	Anadromous Fish Conservation Act	25
5.17	Migratory Bird Treaty Act and Migratory Bird Conservation Act	26
5.18	Marine Protection, Research, and Sanctuaries Act	26
5.19	Magnuson-Stevens Fishery Conservation and Management Act and Fishery Conservation and Management Act of 1976.....	26
5.20	E.O. 11990, Protection of Wetlands	26
5.21	E.O. 11988, Flood Plain Management	26
5.22	E.O. 12898, Environmental Justice.....	26
5.23	E.O. 13112, Invasive Species	27
5.24	E.O. 13186 Migratory Birds.....	27
6	List of Preparers	28
6.1	Preparers	28
6.2	Reviewers.....	28
7	Public Involvement.....	29
7.1	Scoping and Draft EA	29

7.2 Agency Coordination	29
7.3 List of Recipients	29
7.4 Comments Received and Responses	30
REFERENCES.....	32
APPENDIX A – Species Identified at Huguenot Memorial Park	35
APPENDIX B - COASTAL ZONE MANAGEMENT CONSISTENCY.....	41
APPENDIX C – BIOLOGICAL ASSESSMENT.....	46
APPENDIX D – PERTINENT CORRESPONDENCE: SCOPING PROCESS.....	48
APPENDIX E – PERTINENT CORRESPONDENCE: DRAFT EA	50
APPENDIX F – DEPARTMENT OF THE ARMY.....	51

LIST OF FIGURES

Figure 1. Location Map.....	2
Figure 2. Federal Lands Map.....	3
Figure 3. Corps Lands.....	6
Figure 4. Piping Plover Critical Habitat	12

LIST OF TABLES

Table 1. Confirmed Occurrences of T&E Species at HMP	9
Table 2. HMP Fee Schedule	14
Table 3. List of Recipients	28
Table 4. Comments and Responses	29

**DRAFT ENVIRONMENTAL ASSESSMENT
FEDERAL LAND LEASE RENEWAL
HUGUENOT MEMORIAL PARK
JACKSONVILLE, DUVAL COUNTY, FLORIDA**

1 Project Purpose and Need

1.1 Project Authority

The federal lands of Huguenot Memorial Park (HMP) are part of the authorized Jacksonville Harbor Navigation Project as per continually updated resolutions. One of the first recorded legislations concerning Jacksonville Harbor was House Document 663-59-1, on March 2, 1907, which authorized a 24 foot deep channel from Hogan Creek to F.E.C. Railroad. Ensuing legislation has authorized the deepening and widening of the channel, maintenance and extension of the jetties, and defined various other harbor project details and studies.

The federal lands are leased to the City under authority of Section 4 of the Act of Congress approved 22 December 1944, as amended (16 U.S.C. 460d). The U.S. Army Lease Number DACW-17-1-80-2 is the document which grants the COJ use of federal lands subjects to its specific conditions.

1.2 Project Location

HMP is located in Jacksonville, Florida, east of Interstate 95 and State Road 9A, off of Heckscher Drive. HMP is surrounded by the St. Johns River, Ft. George Inlet, and Atlantic Ocean (**Figure 1-1**). The federal lands encompass approximately 206 acres and are east of the state owned lands (**Figure 1-2**).

1.3 Project Need or Opportunity.

Since 31 May 2005, the U.S. Army Corps of Engineers (Corps) has issued extensions to the COJ's (COJ) federal land lease (DA Lease No. DACW17-1-80-2). The current extension expires 31 December 2012.

1.4 Agency Goal or Objective

The purpose of this environmental assessment (EA) is to review the proposed HMP (Duval County, Florida) federal land lease renewal (DA Lease No. DACW17-1-80-2) in sufficient detail to determine whether renewing the federal land lease to the COJ under their 2009 Management Plan may affect any of the threatened, endangered, proposed, candidate species, or critical habitat listed below. The main objective of the federal land lease to the COJ is managing the lands for public recreation and natural resources.



Figure 1. Location of Huguenot Memorial Park, Jacksonville, Florida.



Figure 2. Corps Lands (within yellow rectangle) at Huguenot Memorial Park, Jacksonville, Florida.

The COJ prepared a Management Plan, dated 30 January 2009 to protect the natural resources occurring at HMP. The COJ proposes to manage the natural resources at HMP while providing recreational opportunities to the community. This updated Management Plan was a major consideration of this NEPA document prepared in evaluation of the lease renewal and is used as reference material for this EA.

The electronic version of the 30 January 2009 Management Plan can be found on this website at: <http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx>

1.5 Related Environmental Documents

United States Army Corps of Engineers. October 1996. Huguenot Memorial Park Master Plan and Guidelines for Federal Lands, Final Draft.

United States Army Corps of Engineers. September 1998. Final Environmental Impact Statement for Navigation Channel Improvements, Jacksonville Harbor.

United States Army Corps of Engineers. October 2002. Navigation Study for Jacksonville Harbor: Final General Reevaluation Report and Environmental Assessment, Duval County, Florida – 008410.

1.6 Decision to be Made

The purpose of this Environmental Assessment is to evaluate the potential effects of renewing the lease of federal lands to the COJ. The COJ has proposed to manage the federal land using their 30 January 2009 version of the Management Plan for HMP.

1.7 Scoping and Issues

1.7.1 Previous Coordination

Consultation with the U.S. Fish and Wildlife Service (USFWS) is in progress. Interagency participation with USFWS, Environmental Protection Agency (EPA), FDEP, and the Corps is ongoing. A scoping letter was sent out to interested agencies and individuals on 4 November 2008. The following issues were identified be relevant to the proposed action and appropriate for detailed evaluation:

- Protection of natural resources, including migrating birds and nesting sea turtles
- Public access to the beach, including driving and camping, and the effects on the natural resources

The main conflict occurring at the Park involves the use of the Federal lands for recreation by the public and the interaction with the natural resources, such as critical habitat and threatened, endangered, and special concern species (see **Table 3-1**). The COJ has signed a lease with the Corps to use the lands as a recreational resource available to the public. The recreating public has come to use the HMP area for fishing, sunbathing, swimming, camping, boating, and other water activities. The Corps owns the land in fee for access and maintenance associated with the

north jetty. The Corps claims no ownership to any accreted lands north of the property (see Figure 3).

1.7.2 Issues Eliminated From Detailed Analysis

The following issues were not evaluated in detail to the proposed action:

- Impacts to marine species
- Section 402 and 404(b) of the Clean Water Act

The proposed action involves the lease of federal lands to the COJ for recreation and access to recreational lands of Duval County, Florida. Effects to species and related protection and management strategies are discussed in the COJ's HMP Management Plan. In addition, if the City proposed work to be completed that would require a 402 or 404(b) permit, it would be the responsibility of the City, as the lessee, to obtain and complete all permit applications and required coordination.

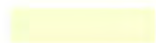
1.8 Permits, Licenses, and Entitlements

The Corps is not required to obtain permits, licenses, or entitlements for the proposed federal land lease renewal. If the lessee proposes work, the lessee will be required to obtain all required permits, licenses, and entitlements to complete the proposed work. Further, the lessee will be required to provide the Corps with construction plans of the proposed work. Refer also to **Section 4.33 – Environmental Commitments.**

Figure 3. Corps Lands (within yellow rectangle) and accreted shoals.



Legend

 Corps Land

0 0.5 1 Miles

2 Alternatives

This section describes in detail the no-action alternative, the proposed action, and other reasonable alternatives that were studied in detail.

2.1 Description of Alternatives

2.1.1 Alternative 1: Lease Renewal with Proposed Management Plan

Alternative 1 would result in the renewal of the lease of the Federal lands to the COJ under their Management Plan dated 30 January 2009. The COJ Management Plan outlines a shorebird protection/management plan, a marine turtle protection/management plan, a site master plan, and management goals for public access, recreation, resource protection and conservation, ecosystem maintenance and protection, and protection of threatened and endangered species. The full management plan provided by the COJ can be found at the website referenced in **Section 1.4** of this document.

2.1.2 Alternative 2: Lease Renewal with Proposed Management Plan with Additional Provisions

Alternative 2 would result in the renewal of the lease of the Federal lands to the COJ under their Management Plan dated 30 January 2009 with additional provisions/requirements added to the lease. In accordance with the City's 2006 consultation with the State Historic Preservation Officer (SHPO) and the Corps' no effect to historic properties determination consultation with SHPO; ground disturbing activities on Corps land will require prior consultation in accordance with Section 106 of the National Historic Preservation Act. Upon receipt of the Biological Opinion (BO) from USFWS, detail may be added to the description of this alternative.

2.1.3 No Action Alternative / No Lease Renewal

The No Action Alternative would result in the lease of the Federal land at HMP not renewed to the COJ (COJ), Department of Parks and Recreation. As a result of not renewing the lease with the COJ, the Corps would need to lease the Federal land to another management entity or close the Federal lands to recreational activities with a wall or fence.

2.2 Preferred Alternative(s)

While impacts to listed species and critical habitat have not been completely eliminated, renewal of the lease would appear preferable to not having the City to manage the property. It appears that some level of recreational benefit must be maintained for the COJ, Department of Recreation and Community Services to justify continuing to manage the property. Therefore, Alternative 2 was selected as the preferred alternative.

2.3 Comparison of Alternatives

No alternatives were eliminated from detailed analysis. The effects of the three alternatives are described in **Section 4.0 - Environmental Effects**. A summary of the comparison of alternatives is below.

Alternative 1, Lease Renewal with the Proposed Management Plan, does not completely eliminate impacts to listed species and critical habitat, but it allows a management presence to

remain on the property. It appears that some level of recreational benefit must be maintained to allow the COJ to justify continuing to manage the property.

Alternative 2, Lease Renewal with the Proposed Management Plan with Provisions, further decreases the potential for negative impacts to listed species and critical habitat, and allows a management presence to remain on the property. The provisions are a result of the receipt of the BO of the USFWS and compliance with consultation with the State Historic Preservation Officer (SHPO). As with Alternative 1, it appears that some level of recreational benefit must be maintained to allow the COJ to justify continuing to manage the property.

The No Action Alternative (No Lease Renewal) could create the possibility of negative impacts to the natural resources at HMP. If the lease was not renewed, the federal lands could be fenced or gated to prevent access since active management of the lands by the Corps is not funded. In addition, there would most likely be no enforcement personnel on site to manage the natural resources. There would be the potential of increased levels of damage to the ecosystem without an enforcement presence on the federal lands.

3 Affected Environment

Water resources, wetlands, threatened and endangered species, state listed species, socio-economics, cultural resources, recreation, hazardous, toxic, and radioactive wastes (HTRW), noise, air quality, and aesthetics are discussed in this section. It is anticipated that impacts from the proposed action will be isolated to these environmental resources. This section does not present effects, but puts forth the baseline environment for comparisons in **Section 4 – Environmental Effects**. The affected environment is discussed in detail within the COJ’s Management Plan for HMP referenced in **Section 1.4** of this document.

3.1 General Environmental Setting

The federal lands are located in northeast Florida on the Atlantic Ocean at 10980 Heckscher Drive (A1A), north of the mouth of the St. Johns River. They include lands adjacent to and north of the north jetty at the Jacksonville Harbor entrance channel, Ward’s Bank east of State lands, and the sand spit at Fort George Inlet (see **Figure 1-2**). The HMP lands have been preserved from construction and commercialization and remain a natural coastal community including coastal shoreline and beach dunes.

3.2 Vegetation

Vegetation found at HMP is consistent with coastal environment plant material. Beach pioneer plant species occurring include sedges, railroad vines, sea oats, spartina, needlerush, and purslane. Plant material found along the fringe of the Ft. George Inlet includes seashore salt grass, salt jointgrass, rushes, and cordgrasses. Marine/estuarine tidal marsh and associated vegetation can be found within the western portions of HMP. Coastal interdunal swale wetland species can be found along the landward side of the beach dunes fronting the Atlantic Ocean. Sea oats are a protected species (F.S. 370.41) and are found on all dunes in the Park. Trees found in the forest zone of the Park include sand pine, slash pine, sand live oak, wax myrtle, cabbage palm, southern magnolia, redbay, and southern red cedar.

3.3 Fish and Wildlife Resources

The Critical Wildlife Area (CWA) consists of the dune along the Atlantic Ocean beach, south of the Fort George Inlet to the north side of the dune crossover. Please reference the COJ HMP Management Plan dated 30 January 2009. The CWA was designated by the City in 1986, fenced, and posted to prevent access and disturbance in 1989. Huguenot has been identified as a top birding site in Duval County. In addition to providing habitat for nesting shorebird and seabird species, Huguenot provides an opportunity for migrating and wintering seabird and shorebird species.

3.3.1 Threatened and Endangered Species

The COJ HMP Management Plan dated 30 January 2009 discusses the presence of the American alligator (*Alligator mississippiensis*), West Indian manatee (*Trichechus manatus*), northern right whale (*Eubalaena glacialis*), and avian species listed (threatened, endangered, special concern) by the Florida Fish and Wildlife Conservation Commission. The table in the COJ HMP Management Plan is reproduced below (**Table 3-1**).

Table 1. Confirmed occurrences of state and federally listed species and their habitats within HMP (from COJ Management Plan).

Species	Federal Status	State Status	FNAI Presence	Habitat
Reptiles				
American Alligator <i>Alligator mississippiensis</i>	T(SA)	SSC	C	Marine/estuarine tidal marsh
Atlantic Loggerhead Turtle <i>Caretta caretta</i>	T	T	N	Atlantic Ocean, estuaries
Atlantic Green Turtle <i>Chelonia mydas</i>	E	E		Atlantic Ocean, estuaries
Gopher Tortoise <i>Gopherus polyphemus</i>	C	SSC		
Birds				
Piping Plover <i>Charadrius melodus</i>	T	T	C	Coastal strands
Least Tern <i>Sterna antillarum</i>	-	T	C	Beach dunes, tidal marshes
American Oystercatcher <i>Haematopus paaliatus</i>	-	SSC	C	Beach dunes and mollusk reefs
Brown Pelican <i>Pelecanus occidentali</i>	-	SSC	P	Marine/estuarine , tidal marshes, open water
Black Skimmer <i>Rynchops niger</i>	-	SSC	P	Beach dunes, marshes, large lakes
Little Blue Heron <i>Egretta caerulea</i>	-	SSC	C	Tidal marshes, ponds, swamps
Snowy Egret <i>Egretta thula</i>	-	SSC	C	Tidal marshes, ponds, swamps
Tricolored Heron <i>Egretta tricolor</i>	-	SSC	C	Tidal marshes, ponds, swamps
White Ibis <i>Eudocimus albus</i>	-	SSC	C	Estuarine tidal marsh
Wood Stork <i>Mycteria americana</i>	E	E	C	Marshes, ponds, and cypress swamps
Reddish Egret <i>Egretta rufescens</i>	-	SSC	-	Tidal marshes, ponds, swamps
Osprey <i>Padion haliatus</i>	-	SSC		Open water, estuarine tidal marsh
Roseate Spoonbill <i>Platalea ajaja</i>	-	SSC		Estuarine tidal marsh
Peregrine Falcon <i>Falco peregrinus</i>	-	E		Coastal grasslands

Red Knot <i>Calidris canutus</i>	C	-	-	Coastal sandy beaches, shoals, and mudflats. Nests on arctic tundra
Mammals				
West Indian Manatee <i>Trichechus manatus</i>	E	E	C	Atlantic Ocean, St. Johns River, Intracoastal Waterway, Fort George River, and nearby estuaries
Northern Right Whale <i>Eubalaena glacialis</i>	E	E		Atlantic Ocean

The Corp’s environmental assessment will focus on the following species. Threatened, migrating piping plovers (*Charadrius melodus*) return to HMP as early as July, and over-winter on or near the park’s coastal beaches, mudflats, and sandflats. Three sea turtle species have been confirmed nesters in Duval County. The three species are the threatened loggerhead sea turtle (*Caretta caretta*), and the endangered leatherback (*Dermochelys coriacea*) and green sea turtles (*Chelonia mydas*).

The red knot (*Calidris canutus rufa*) is a shorebird currently designated as a candidate species under the Endangered Species Act of 1973, as amended (published in *Federal Register*, 6 December 2007). The red knots frequent intertidal regions within and adjacent to HMP during their biannual migration.

The USFWS has identified Critical Habitat Unit FL-35 for the piping plover in Duval County from HMP north to Nassau Sound, incorporating the beaches of Little Talbot and Big Talbot Island State Parks (50 CFR Part 17, published in *Federal Register*, July 10, 2001). **Figure 4**, obtained from the USFWS website at <http://crithab.fws.gov/>, depicts the Duval County piping plover critical habitat.

3.3.2 Essential Fish Habitat

Habitats within HMP which include essential fish habitat (EFH) include estuarine and marine water column and submerged bottom, marine nearshore and offshore habitats, and estuarine emergent wetlands. The National Marine Fisheries Service (NMFS) provided a letter on 19 May 2006 listing federally managed fishery resources associated with these habitats. These species include: postlarval and juvenile red drum (*Sciaenops ocellata*), white shrimp (*Litopenaeus setiferus*), pink shrimp (*Farfantepenaeus duorarum*), and brown shrimp (*F. aztecus*). In addition, NMFS stated nursery and forage habitat for black drum (*Pogonias cromis*), Atlantic menhaden (*Brevoortia tyrannus*), blue crab (*Callinectes sapidus*), and other species that serve as prey for fisheries may be located within HMP.

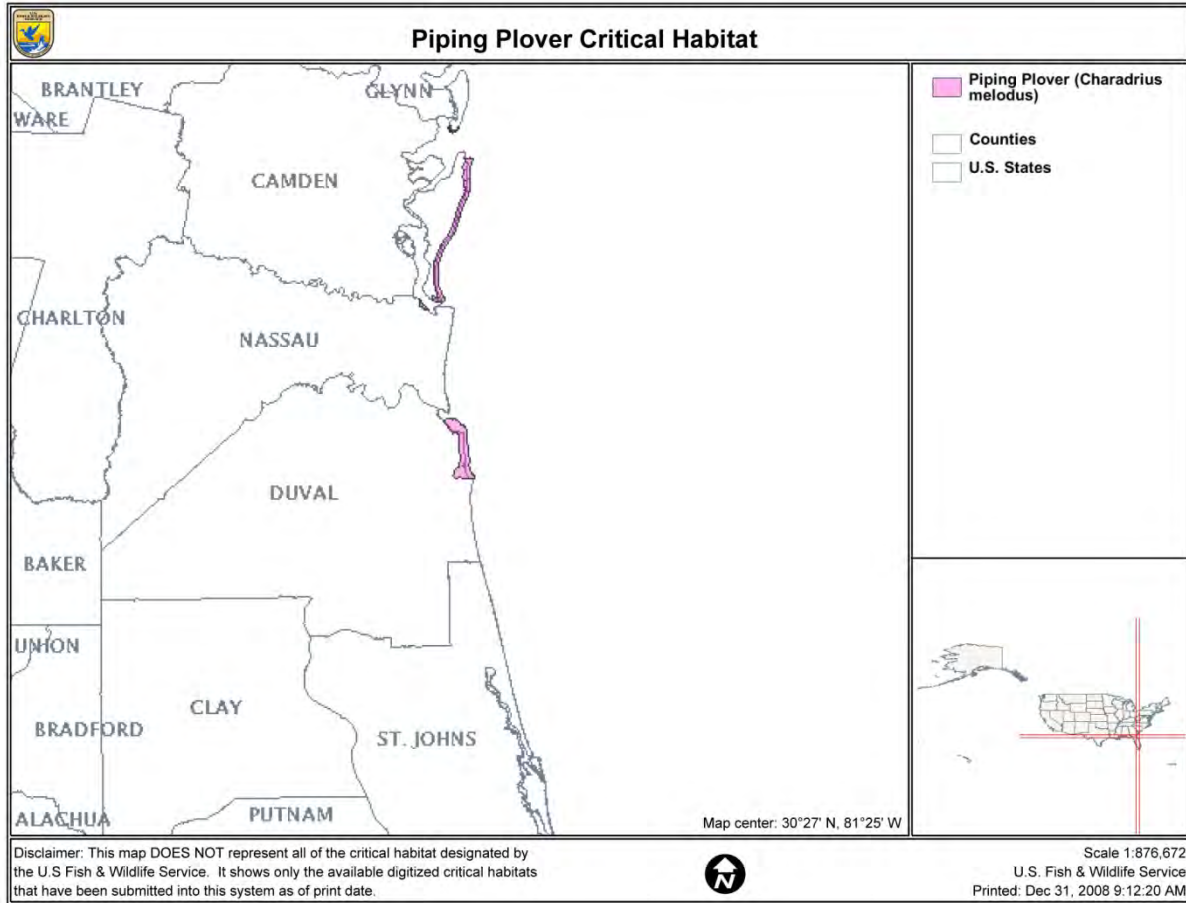


Figure 4. Piping plover critical habitat in Duval County, Florida.

3.4 Hardgrounds

Topography of the Federal lands is characteristic of the dynamic peninsula which is shifting dunes and coastal shoreline. Beach buildup in the late summer tends to increase the beach slope on the Atlantic Ocean. The Fort George Inlet area is generally flat with little elevation change and does not experience much erosion except at the mouth and in the southeastern shoreline. Soils found in the back-dune comprise a mixture of Fripp, Aquic (dredged) sands, and Argents from man-made earth moving operations.

Shoreline erosion of the federal lands continues to occur. The greatest erosion problem is on the Ward's Bank area of the Park, along the north shore of the St. Johns River, just west of the exposed north jetty (see **Figure 1-2**). Most of the shoreline of HMP is federal land. Erosion is a concern due to its effects on the adjacent navigation channel, Park access road, and jetty integrity. The shoreline erodes very quickly in the fall months when high winds and tides occur in combination with a full moon.

3.5 Coastal Barrier Resources

The Coastal Barrier Resources Act of 1982 (Public Law 97-348) encouraged implementation of conservation measures on largely undeveloped coastal barrier islands along the Atlantic and Gulf of Mexico coasts. These conservation measures were designed to help conserve critical habitat for a variety of island flora and fauna. Both the state and federal lands of HMP are within the Coastal Barrier Resources System. Due to their designation as a part of the Coastal Barrier Resource System, ecological resources within HMP are maintained and protected under State authority.

3.6 Water Quality

HMP is a part of the Nassau River/St. Johns River Marshes Aquatic Preserve and the Timucuan Ecological and Historic Preserve. The State of Florida has classified on site surface waters and areas below mean high water as an Outstanding Florida Water. The Fort George River and Inlet are designated Class II (shellfish propagation or harvesting) and Class III (recreation, propagation, and maintenance of a healthy, well-balanced population of fish and wildlife) waters which are protected by Florida Law 17-300.100. These classifications occur in the Fort George River and the Fort George Inlet respectively. The water quality in these areas is a valuable asset to wildlife, Park, and preserve visitors. The Atlantic Ocean and the St. Johns River surround the Park lands to the east and south. The St. Johns River is wide and deep adjacent to Ward's Bank and is influenced by winds, waves, tides, and vessel traffic. It is classified as a Class III water body. The Atlantic Ocean waters possess a large seasonal change in turbidity, current, and wave force; it does not carry a water quality classification.

3.7 Hazardous, Toxic, and Radioactive Waste

The Environmental Baseline Survey prepared for the COJ by Heilman & Associates, Incorporated on February 25, 2009, did not reveal any hazardous, toxic, or radioactive waste (HTRW) concerns on HMP. The water treatment system for potable water at the Park includes a small chlorine tank and is inspected by Florida Department of Environmental Protection. The Corps of Engineers is unaware of any HTRW concerns on the federal lands.

3.8 Air Quality

All of Duval County is classified by the FDEP as an Ozone Attainment/Maintenance Area. The 2006-2008 Ozone compliance map (http://www.dep.state.fl.us/Air/new_ozone_standard.htm) shows that ozone in Duval County has a compliance average of 75 parts per billion (ppb) which does not exceed the Dec. 2008, revised Clean Air Act Ozone standard of 75 ppb.

3.9 Noise

Land use in the project area is mainly recreational in nature. While these activities generally do not generate significant levels of noise, jet skis and motor boats are used in the waters surrounding HMP. In addition, noise results from aircraft associated with the U.S. Naval Station Mayport located south of HMP across the St Johns River. The St. Johns River is an important navigation channel allowing access from the Atlantic Ocean to the Port of Jacksonville, the Intracoastal Waterway, and Mayport Naval Station.

3.10 Aesthetic Resources

HMP is located in the Nassau River-St. Johns River Marshes Aquatic Preserve. This area is also designated as an “Outstanding Florida Water” by the State of Florida. HMP is linked to several local, state, and Federal parks and conservation areas by surrounding waterways. HMP allows for opportunities to view natural coastal and inter-tidal habitat as well as large populations of native and migrating bird species. The eastern coast of HMP allows for a panoramic view of the Atlantic Ocean. The southern coast of HMP allows for viewing of Mayport Naval Station and its associated ship and jet traffic across the mouth of the St. Johns River. Cruise ships and container ships use the St. Johns River to access the Jacksonville Port Authority and can be viewed from HMP.

3.11 Recreation Resources

The Recreation Use Fee Program has been developed to provide the COJ, Department of Parks and Entertainment, and the Division of Park Maintenance funding for daily operation and maintenance of the Park lands. The existing Park entrance fee also tends to limit the number of visitors to those willing to pay (see **Table 3-2**). The entrance fee station helps to alleviate Park overcrowding during peak use days of the year. Recreational opportunities include swimming, camping, surfing, fishing, and other beach-related activities.

3.12 Navigation

The St. Johns River (to the south of HMP) is an important navigation channel allowing access from the Atlantic Ocean to the Port of Jacksonville, the Intracoastal Waterway, and Mayport Naval Station. In addition, the Mayport Ferry transports pedestrian and vehicular traffic from Mayport Naval Station west to Fanning Island (Heckscher Drive) using the St. Johns River.

3.13 Cultural and Historic Resources

The Corps of Engineers started construction on the St. Johns River Jetty (8DU14055) in 1880. Prior to its construction, at its entrance the St. Johns channel was constantly shifting occasionally consisting of two channels. The Jetties trapped down drift of sand as well as funneling the river’s flow into a permanent scoured channel. This allowed further developments of the Port of Jacksonville (Buker 1980). Because of innovative designs and its importance in the development of the Port and COJ the St. Johns River Jetty (8DU14055) is eligible for listing on the National Register of Historic Places. The Jetty is part of the leased property. A late 19th century shipwreck (8DU11520) has been identified in the shallows the HMP near the Corps land. Two prehistoric sites (8DU7520 and 8DU18978) have been identified in the western portions of the HMP. The prehistoric sites are located in areas that, according to 19th century maps, were marsh uplands. In addition to the recorded shipwreck a chart from 1853 indicates a shipwreck near the center of what is now the HMP lagoon. Prior to the construction of the St. Johns River Jetty the Fort George Inlet was connected to the St. Johns through the Corps property. There is minimal potential for prehistoric sites on the leased property; however, there is a reasonable potential for historic shipwrecks to be under the accreted lands.

In 2006 the COJ consulted with the State Historic Preservation Officer in accordance with Chapter 234 Florida Statutes. The SHPO’s office identified the presence of the St. Johns River Jetties (8DU14055), the shipwreck (8DU11520) and one of the prehistoric sites (8DU7520). The

consultation stated that “should the County’s administration of the Corps’ property involve ground-disturbing activities at these sites, further consultation will be necessary”.

3.14 Socio-Economics

The project site is the Federal land at HMP. The State of Florida leases the remainder of the land to the COJ to manage for natural resources and public access. Therefore, HMP is located on publicly owned land.

Table 2. HMP Fee Schedule, including previous fee for services.

Service/Program	Previous Fee	New Fee
Admission per Person per Entry	\$0.50	\$3.00/ vehicle/entry
Motorcycle, Walk-In, Bicycle, Each Additional Person in Vehicle (over 6 people)	\$0.50	\$1.00
Early Bird Individual Pass: per person, 8am to 10am	\$0.50	\$1.00 (up to 3 per car, 3-6 people charged \$3/car rate)
Early Bird Pass Booklet of 10	\$5.00	\$10.00
Tent 10% Discount to Duval County Residents	\$5.09	\$10.17
Tent	\$5.65	\$11.30
RV or Water Camp Site 10% Discount to Duval County Residents	\$7.12	\$15.26
RV or Water Camp Site	\$7.91	\$16.95
Employee Overtime Charges (for special event requests)	N/A - New	\$35.00 / hour (min 4 hours)
Shelter Daily	\$21.40	\$38.52
Individual Annual Pass	\$42.80	Delete
Group Annual Pass	\$85.60	Delete
Annual Vehicle Pass	N/A - New	\$85.60

4 Environmental Effects

This section discusses potential impacts to the existing environment, including direct and indirect effects that may result from renewal of the federal land lease to the COJ compared to the No Action Alternative (no lease renewal). This section is organized by resource topics, with the impacts of the alternatives combined under each resource. The environmental effects of Alternative 1 (Lease Renewal with Proposed Management Plan) are discussed in detail (including protection and management strategies) within the COJ's (COJ) Management Plan for HMP referenced in **Section 1.4** of this document.

4.1 General Environmental Effects

Overall impacts to the general environment are not expected to be significant. The federal lands are currently managed by the COJ for recreation. These impacts are specific to the alternative selected, and are discussed in greater detail below.

4.2 Vegetation

4.2.1 Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan

The vegetative community would remain the same as the general condition discussed in **Section 3 – Affected Environment**. Management of the federal lands by the COJ would occur as described in the COJ HMP Management Plan. The management of the land would allow for control of exotic vegetation as well.

4.2.2 Alternative 2: Lease Renewal with Proposed Management Plan and Provisions

The effects to vegetation would be the same as discussed in Alternative 1.

4.2.3 No Action Alternative / No Lease Renewal

The vegetative community would remain the same as discussed in **Section 3 – Affected Environment**. In addition, vegetation should spread into the driving lanes within the dune area after the federal land is gated and vehicles are excluded from the area.

4.3 Fish and Wildlife Resources

4.3.1 Threatened and Endangered Species

4.3.1.1 Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan

Protection strategies for critical habitat and protected species are described in detail within the Management Plan provided by the COJ. While impacts to listed species and critical habitat have not been completely eliminated, renewal of the lease would appear preferable to not having the City to manage the property.

4.3.1.2 Alternative 2: Lease Renewal with Proposed Management Plan and Provisions

The effects to critical habitat and protected species would be the same as discussed in Alternative 1 except that the additional provisions should further reduce incidental take and other impacts. While impacts to listed species and critical habitat have not been completely eliminated, renewal of the lease would appear preferable to not having the City to manage the property.

4.3.1.3 No Action Alternative / No Lease Renewal

If the lease is not renewed, there will not be resources available to enforce the requirements necessary to manage the protected species and the critical habitat. Therefore, the protected species and critical habitat could be negatively impacted.

4.3.2 Essential Fish Habitat Assessment

4.3.2.1 Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan

The tidal flats located at HMP will be cordoned off from vehicular traffic using bollards strung with rope to protect the habitat and associated EFH. Protection strategies can be found within the COJ HMP Management Plan dated 20 January 2009.

4.3.2.2 Alternative 2: Lease Renewal with Proposed Management Plan and Provisions

The effects to EFH within HMP would be the same as discussed in Alternative 1.

4.3.2.3 No Action Alternative / No Lease Renewal

If the lease is not renewed, there will not be resources available to enforce the requirements necessary to protect the tidal flats and associated EFH. Therefore, EFH would be negatively impacted.

4.4 Hardgrounds

4.4.1 Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan

Topography of the federal lands should remain as described in **Section 3 – Affected Environment**. Shoreline erosion of the federal lands will continue to occur. Daily management by the COJ will allow for a faster response to erosion problems and subsequent corrective measures. Erosion is a concern due to its effects on the adjacent navigation channel, Park access road, jetty integrity, and Ft. George Inlet.

4.4.2 Alternative 2: Lease Renewal with Proposed Management Plan and Provisions

The effects to hardgrounds would be the same as discussed in Alternative 1.

4.4.3 No Action Alternative / No Lease Renewal

Topography of the federal lands should remain as described in **Section 3 – Affected Environment**. Shoreline erosion of the federal lands will continue to occur. Erosion is a concern due to its effects on the adjacent navigation channel, Park access road, jetty integrity, and Ft. George Inlet. Without daily management, the no action alternative may cause a greater level of detrimental effects to hardgrounds due to a slower response time to erosion issues.

4.5 Coastal Barrier Resources

4.5.1 Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan

There would be no effects to coastal barrier resources with this alternative. Protection strategies can be found within the COJ HMP Management Plan dated 30 January 2009.

4.5.2 Alternative 2: Lease Renewal with Proposed Management Plan and Provisions

The effects to coastal barrier resources would be the same as discussed in Alternative 1.

4.5.3 No Action Alternative / No Lease Renewal

The lack of personnel to manage the natural resources would allow the potential for negative impacts to coastal barrier resources if the federal land lease was not renewed.

4.6 Water Quality

There would be no change in water quality as a result of any of the alternatives.

4.7 Hazardous, Toxic, and Radioactive Waste

The project conditions assume that any hazardous, toxic, and radioactive waste (HTRW) found during any phase of the lease agreement period would be remediated in accordance with local, state and Federal laws. None of the alternatives would change the HTRW conditions at the project site. Soil contamination that is present would continue to present little to no threat to human or wildlife resources. Therefore, it can be assumed that conditions in the future will be contamination free or of low levels, which would include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment.

4.8 Air Quality

There would be no change to the air quality in the vicinity of the project area due to any of the alternatives. Duval County is classified by the FDEP as an Ozone Attainment/Maintenance Area. The Ozone compliance map (http://www.dep.state.fl.us/Air/new_ozone_standard.htm) for the 2006-2008 time period shows that ozone in Duval County has a compliance average of 75 parts per billion (ppb) which does not exceed the December 2008, revised Clean Air Act Ozone standard of 75 ppb.

4.9 Noise

Noise levels in the area would not change with any of the alternatives. Jet skis and motor boats would still be using the waters surrounding HMP. In addition, noise resulting from aircraft associated with the U.S. Naval Station Mayport would still fly over HMP. The St. Johns River is an important navigation channel allowing access from the Atlantic Ocean to the Port of Jacksonville, the Intracoastal Waterway, and Mayport Naval Station.

4.10 Aesthetics

4.10.1 Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan

HMP is located in the Nassau River-St. Johns River Marshes Aquatic Preserve. This area is also designated as an “Outstanding Florida Water” by the State of Florida. HMP is linked to several

local, state, and Federal parks and conservation areas by surrounding waterways. HMP allows for opportunities to view natural coastal and inter-tidal habitat as well as large populations of native and migrating bird species. The eastern coast of HMP allows for a panoramic view of the Atlantic Ocean. The southern coast of HMP allows for viewing of Mayport Naval Station and its associated ship and jet traffic across the mouth of the St. Johns River. Cruise ships and container ships use the St. Johns River to access the Jacksonville Port Authority and can be viewed from HMP.

4.10.2 Alternative 2: Lease Renewal with Proposed Management Plan and Provisions

The effects to aesthetics would be the same as discussed in Alternative 1.

4.10.3 No Action Alternative / No Lease Renewal

Aesthetics would be negatively impacted if the federal land lease was not renewed. The federal lands would need to be gated to restrict access. Views of HMP from the water would be obscured by fencing and possibly the accumulation of debris. Views of the Atlantic Ocean would be unavailable to those standing on the state lands.

4.11 Recreation

4.11.1 Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan

No impacts to recreation are expected as a result of this alternative.

4.11.2 Alternative 2: Lease Renewal with Proposed Management Plan and Provisions

No impacts to recreation are expected as a result of this alternative.

4.11.3 No Action Alternative / No Lease Renewal

Recreation would be negatively impacted if the lease of Federal lands was not renewed. Recreation would not be possible without funds to manage and enforce the protection strategies needed for the natural resources.

4.12 Navigation

Navigation would not be affected by any of the alternatives. The Corps would still have access to the jetty and would maintain navigation channels as required.

4.13 Cultural and Historic Resources

4.13.1 Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan

The COJ Management Plan for HMP states, "Current park rules prohibit climbing or walking on the jetty." In addition, the Management Plan states, "Any proposed park improvements will ensure that structure, which is beneath ground, will be protected." This plan only addresses protection of known cultural resources it does not include provisions for new or proposed ground disturbing activities on the Corps' property.

4.13.2 Alternative 2: Lease Renewal with Proposed Management Plan and Provisions

By adding the provision that all ground disturbing activities on Corps' land will require prior consultation in accordance with Section 106 of the National Historic Preservation Act. A no effect to historic properties determination can be made for Alternative 2.

4.13.3 No Action Alternative / No Lease Renewal

Under the No Action alternative historic properties on Corps land would be managed in accordance with Federal and Corps land management laws and guidance.

4.14 Socio-Economic

The project area is located entirely on publicly owned land. None of the alternatives are expected to affect private property or local businesses.

4.15 Public Safety

4.15.1 Proposed Action/Alternative 1: Lease Renewal with Proposed Management Plan

Though lifeguards are not stationed at HMP, City employees are present and assist Florida Fish and Wildlife Conservation Commission in the enforcement of the protection strategies of the natural resources. There would be no effects to public safety with the implementation of Alternative 1.

4.15.2 Alternative 2: Lease Renewal with Proposed Management Plan and Provisions

The effects on public safety would be the same as discussed in Alternative 1, above.

4.15.3 No Action Alternative / No Lease Renewal

If the lease is not renewed, there would be no consistent presence at HMP to ensure public safety. Therefore, public safety would be negatively affected.

4.16 Native Americans

No impacts to Native Americans are expected under any of the proposed alternatives.

4.17 Drinking Water

No significant effects to drinking water are expected under any of the proposed alternatives.

4.18 Cumulative Impacts

Cumulative impact is the "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 CFR 1508.7).

The time bounds for this cumulative effects analysis are from the mid-1800s through the expiration of latest proposed lease extension (December 2012). Federal interest in navigation on the St. Johns River started as early as 1869 (USACE 1998). Interest in improving the St. Johns River from Jacksonville to the Atlantic Ocean for deep draft commercial vessels has been a

continued effort since that time and includes, in part, the construction and maintenance of St. John's River jetty and Jacksonville Harbor navigation channel.

Should the lease be granted, the public will be provided access to recreational beaches which are also ideal shorebird and sea turtle habitat. Trampling, lighting, and other human uses may decrease shorebird and sea turtle nesting habitat and interfere with nesting, foraging, parent care, and hatchling behavior. Behavior modification and displacement from preferred nesting and foraging areas may occur. Conversely, the presence of these species may cumulatively impact some beach recreation by limiting access to these areas. However implementation of the HMP Management Plan, including conditions during the nesting seasons, should mitigate these cumulative effects.

Other past, present, and future activities that may stress environment resources that occur in the vicinity of the project area include the beneficial use of dredged material and offshore disposal in Jacksonville Offshore Dredged Material Disposal Site (ODMDS). Coastal development and urbanization, commercial and recreational fishing, recreational boating, shipping, and homeporting and naval exercises associated with the Naval Station Mayport have historically and will continue to contribute to onshore and offshore impacts within the project area. Other future actions potentially contributing to environmental effects include channel deepening, artificial reef creation, adjacent beach nourishment projects in Duval and St. Johns County, and beneficial use of dredged material along the beach. Because the relatively small footprint of effect and short-duration of or reversibility of effects attributable to nearshore placement operations, the proposed action contributes a small to negligible incremental effect to cumulative impacts when added to the impacts of other past, present, and reasonably foreseeable actions affecting the project area.

4.19 Irretrievable and Irreversible Commitment of Resources

An irreversible commitment of resources is one in which the ability to use and/or enjoy the resource is lost forever. Irreversible resources committed to this project would include government funds used to purchase labor, energy and project materials to complete the environmental assessment. Local (COJ) monetary resources would be expended to provide labor, energy, materials and equipment to maintain the recreational facilities and manage/protect the natural resources.

An irretrievable commitment of resources is one in which, due to decisions to manage the resource for another purpose, opportunities to use or enjoy the resource as they presently exist are lost for a period of time. When the COJ implements Master Site Plan described in their HMP Management Plan, resources may be temporarily unavailable during the associated timeframe.

4.20 Unavoidable Adverse Environmental Effects

The implementation of the COJ's Management Plan should minimize any potential adverse effects to the natural resources at HMP.

4.21 Relationship between Short-Term Use and Long-Term Productivity

Long-term benefits and short-term adverse environmental impacts represent tradeoffs between the local short-term use and the long-term benefits of a project. The project land's short-term use and long-term use/productivity involve multi-use management of natural resource protection and outdoor recreation.

4.22 Uncertain, Unknown, or Unique Risks

There are no expected uncertain, unique or unknown risks associated with the renewal of the federal land lease to the COJ.

4.23 Compatibility with Federal, State, and Local Objectives

The objectives for this project are conservation of natural resources, promotion of public recreation, and elimination of conflict associated with the interaction of the public and the natural resources located at HMP. The COJ HMP Management Plan presents a protection strategy consistent with federal, state, and local objectives in relation to the above objectives.

4.24 Conflicts and Controversy

HMP is the last beach area in Duval County allowing driving and this has caused a controversy between conserving natural resources and allowing continued recreational use of the park. The COJ HMP Management Plan describes a plan to eliminate the conflict between the recreational public and the natural resources. The COJ has proposed to close portions of the beach to driving and pedestrian use to protect wildlife. These closures are described in detail within the Management Plan. The COJ will post signs to mark closed areas and staff will monitor these areas to ensure compliance. Many of the recreational public are wildlife proponents and are involved in these protective strategies. The use of interpretative information (signs, flyers) is discussed in the COJ Management Plan.

4.25 Precedent and Principle for Future Actions

Renewal of this federal land lease sets no precedent for future actions. An environmental assessment will be prepared at the end of the lease to analyze alternative actions for future actions on the federal land.

4.26 Environmental Commitments

The Corps commits to avoiding, minimizing or mitigating for adverse effects during construction activities. This environmental assessment analyzes the impacts of leasing the federal lands to the COJ. If the COJ proposes any construction on the federal lands during the lease agreement, the following commitments will be required:

1. The COJ will be required to obtain all necessary permits and fulfill consultation requirements as required under the Endangered Species Act
2. Section 404 of the Clean Water Act requires a permit from the Corps for any activity involving the discharge of dredged or fill material into waters of the United States. At the Corps' lands on the HMP, this would include essentially any activity along the shoreline at or below Spring High Tide or ordinary high water. The City must obtain a permit from the Regulatory Branch, Corps for activities subject to this Act. The COJ's proposals should indicate what activities are subject to this Act and their intent to apply for a permit. Prior to the application for a Corps' permit, the Corps must determine the activity is otherwise acceptable.
3. Section 401 of the Clean Water Act requires certification of water quality by the State for activities subject to a Federal license or permits which may adversely affect the quality of waters of the United States. The COJ's proposal should indicate any activities subject to this requirement and their intent to apply to the State for certification of water quality.
4. Section 10 of the Rivers and Harbors Act of 1899 requires a permit from the Corps for any structures or work in "navigable waters of the United States." All waters along the shoreline at the Park below mean high tide or ordinary high water mark are subject to this law. Activities subject to this requirement should be indicated along with the COJ's intent to apply for a permit from the Regulatory Branch, Corps.
5. Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing guidance 36 CFR Part 800, requires consultation by the Corps with the Advisory Council on Historic Preservation and the State Historic Preservation Officer and other interested parties.
6. USACE will comply with all requirements of any consultation documents provided under the Endangered Species Act from either USFWS or NMFS associated with this project.

5 Compliance with Environmental Requirements

5.1 National Environmental Policy Act of 1969

Environmental information on the project has been compiled and this Environmental Assessment has been prepared. The project is in compliance with the National Environmental Policy Act.

5.2 Endangered Species Act of 1973

Consultation was initiated with USFWS on 23 January 2009, and is ongoing (see **Appendix D**). The Corps Biological Assessment can be found in **Appendix C** and the endangered species determination is “may affect.” This project is being coordinated under the Endangered Species Act and is therefore will be in full compliance with the Act.

5.3 Fish and Wildlife Coordination Act of 1958

This project has been coordinated with the USFWS. The Corps Biological Assessment can be found in **Appendix C** and the endangered species determination is “may affect.” This project will be in full compliance with the Act.

5.4 National Historic Preservation Act of 1966, As Amended

(PL 89-665), the Archeology and Historic Preservation Act (PL 93-291), and executive order 11593. Consultation with the Florida State Historic Preservation Officer (SHPO) is in process. Once completed the lease will be in compliance with these laws.

5.5 Clean Water Act of 1972

No water quality permits would be required for this project. This project has been coordinated with the Florida Department of Environmental Protection. The project is in compliance with this Act.

5.6 Clean Air Act of 1972

No air quality permits would be required for this project. This project has been coordinated with EPA and will be in compliance with the Act. Correspondence from the EPA can be found in **Appendix D – Pertinent Correspondence: Scoping Process** and discussion of any issues therein can be found in the **Section 7 - Public and Agency Involvement**.

5.7 Coastal Zone Management Act of 1972

A federal consistency determination in accordance with 15 CFR 930 Subpart C is included in this report as **Appendix B – Coastal Zone Management Consistency**. State consistency review was performed during the coordination of the draft and final EA. The Corps has determined that the proposed project is consistent with the Florida Coastal Zone Management Program. The determination of the State based on the Florida Coastal Zone Management Program, Federal Consistency Evaluation included in this environmental assessment will be included in the final EA and located in **Appendix E – Pertinent Correspondence: Draft EA**.

5.8 Farmland Protection Policy Act of 1981

No prime or unique farmland would be impacted by implementation of this project. This Act is not applicable.

5.9 Wild and Scenic River Act of 1968

No designated wild and scenic river reaches would be affected by project related activities. This Act is not applicable.

5.10 Marine Mammal Protection Act of 1972

The renewal of the lease of federal lands for HMP would not impact marine mammals. This Act is not applicable.

5.11 Estuary Protection Act of 1968

The Estuary (Estuarine) Protection Act of 1968 (PL 90-454, as amended et seq. 16 U.S.C. 1221 et seq.) established congressional policy on values of estuaries and the need to conserve their natural resources. Though HMP is located within the boundaries of the Nassau River – St. Johns River Marshes Aquatic Preserve, no designated estuary would be affected by project activities. This Act is not applicable.

5.12 Federal Water Project Recreation Act

The renewal of the federal land lease would encourage non-Federal public bodies (COJ Department of Recreation and Community Services) to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes. The effects of the proposed action on outdoor recreation have been considered and are presented in this EA. The project is in full compliance.

5.13 Submerged Lands Act of 1953

The project would occur on submerged lands of the State of Florida. The project has been coordinated with the State and will be in compliance with the Act.

5.14 Coastal Barrier Resources Act and Coastal Barrier Improvement Act of 1990

The project area is a coastal barrier resource, but the activity does not involve Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers. These Acts are not applicable.

5.15 Rivers and Harbors Act of 1899

The proposed project does not involve work in navigable waters of the United States. This Act is not applicable.

5.16 Anadromous Fish Conservation Act

The Anadromous Fish Conservation Act of 1965 authorizes research, construction, and maintenance of hatcheries and of structures to improve feeding and spawning conditions, and to facilitate the free migration of fish. This Act is not applicable.

5.17 Migratory Bird Treaty Act (MBTA) and Migratory Bird Conservation Act

HMP is an important migratory bird habitat. The Corps believes that implementation of the COJ HMP Management Plan will provide needed protections for the migratory bird populations using the area and will reduce the possibility for take as defined in the MBTA. The Corps recommends continued monitoring of the effectiveness of the provisions of the HMP Management Plan on the migratory bird populations and will work with stakeholders to improve those which prove ineffective in limiting take to these important species. Consultation with the USFWS is ongoing.

5.18 Marine Protection, Research, and Sanctuaries Act

The Marine Protection, Research, and Sanctuaries Act regulates the ocean dumping of waste, provides for a research program on ocean dumping, and provides for the designation and regulation of marine sanctuaries. This Act is not applicable to this project.

5.19 Magnuson-Stevens Fishery Conservation and Management Act and Fishery Conservation and Management Act of 1976

The project is being coordinated with the National Marine Fisheries Service (NMFS) and will be in compliance with the act. Correspondence began in 2006. NMFS recommended not allowing vehicles to be driven through tidal flats, salt marsh, and other emergent areas as these activities are detrimental to EFH. The COJ Management Plan details measures in effect to prevent vehicles from damaging EFH. The COJ's Management Plan and this draft environmental assessment are serving as the Essential Fish Habitat (EFH) Assessment and coordination with the National Marine Fisheries Service (NMFS). The NMFS may reply to the EFH Assessment with recommendations, objections, or other comments.

5.20 E.O. 11990, Protection of Wetlands

No wetlands would be affected by project activities. Bollards are set in HMP to deter vehicles from wetland and inter-tidal areas. If the COJ will impact wetlands during implementation of their Master Site Plan, the COJ will be required to complete all necessary coordination and obtain the necessary permits to complete the work. This project is in compliance with the goals of this Executive Order.

5.21 E.O. 11988, Flood Plain Management

The project is in the base flood plain (100-year flood) and has been evaluated in accordance with this Executive Order. Renewal of the federal land lease would not impact flooding. The project is in compliance.

5.22 E.O. 12898, Environmental Justice

Executive Order 12898 requires the Federal government to review the effects of their programs and actions on minorities and low income communities. The project will not have disproportionate adverse affects on minority or low-income populations, nor will it impact subsistence consumption of fish and wildlife. Therefore, the project is in compliance with this Executive Order.

5.23 E.O. 13112, Invasive Species

Exotic and invasive plant species may be found on the federal lands. However, the project will not contribute to nutrient loading, or otherwise foster the spread of invasive species. Exotic wildlife species are not anticipated to be an effect of this project. The project is in compliance with this Executive Order.

5.24 E.O. 13186 Migratory Birds

HMP is an important migratory bird habitat. Consultation with the USFWS is ongoing. The COJ has prepared and implemented a management plan to protect the natural resources at HMP. The Corps believes that implementation of the COJ HMP Management Plan will provide needed protections for the migratory bird populations using the area and will reduce the possibility for take as defined in the MBTA. The Corps recommends continued monitoring of the effectiveness of the provisions of the HMP Management Plan on the migratory bird populations and will work with stakeholders to improve those which prove ineffective in limiting take to these important species.

6 List of Preparers

6.1 Preparers

Name	Discipline/Expertise	Role in Preparing Document
Angela Dunn	Biologist	Major Author
Paul DeMarco	Biologist	Co-Author
Grady Caulk	Archaeologist	Cultural Resources Coordination
Lawrence Wright	Real Estate Specialist	U.S. Army Lease Considerations

6.2 Reviewers

Name	Discipline/Expertise	Role in Preparing Document
Kenneth Dugger	Supervisory Biologist; Chief, Coastal Section	NEPA Review
Paul Stodola	Biologist	Review of the EA
Steve Ross	Civil Engineer / Project Manager	Consistency Review

7 Public Involvement

7.1 Scoping and Draft EA

A scoping letter dated 4 November 2008 was issued for this action. The draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) will be made available to the public by notice of availability (NOA). Pertinent correspondence received during the scoping process can be found in **Appendix D – Pertinent Correspondence: Scoping Process** of the report. Correspondence and comments received on the draft report will be available in **Appendix E** of the final EA.

7.2 Agency Coordination

The draft EA will be provided to all supporting agencies for review. Any comments received will be addressed in the final EA. Pertinent correspondence with agencies will be available in **Appendix E – Pertinent Correspondence: Draft EA** of this environmental assessment.

7.3 List of Recipients

Copies of the scoping letter and NOA were mailed to the following parties (see **Table 3**). Names were compiled from public meetings held by the COJ during preparation of their Management Plan.

Table 3. List of Scoping and draft EA recipients.

Federal Agencies	Department of the Interior, Office of Environmental Affairs Federal Maritime Commission Florida Integrated Science Center National Park Service NOAA/National Marine Fisheries Service, Office of Habitat Conservation NOAA/National Marine Fisheries Service, Office of Protected Resources U.S. Department of the Interior, Office of Environmental Policy and Compliance U.S. EPA, Region 4, National Environmental Policy Act Program Office U.S. Fish and Wildlife Service U.S. Fish and Wildlife Service, Regional Director United States Coast Guard, 7th District USDA Forest Service, Southern Regional Forester
State, County, Local Agencies	FL Department of Environmental Protection (DEP) FL DEP, Bureau of Beaches & Coastal Systems FL DEP, Bureau of Invasive Plant Management FL DEP, Bureau of Survey & Mapping, Division of State Lands FL DEP, Ecosystem Planning FL DEP, Florida State Clearinghouse FL DEP, Office of Coastal and Aquatic Managed Areas

	FL DEP, Office of Intergovernmental Programs FL Department of Transportation, Environmental Office FL Dept of Agriculture & Consumer Services FL Division of Historic Resources, State Historic Preservation Officer FL Fish & Wildlife Conservation Commission, Policy and Stakeholder Coordination Government Responsibility Council Governor's Office House Environmental Protection Committee COJ Jacksonville Sheriff's Office, Parks Jaxport NE Florida Regional Planning Council St. Johns River Water Management District
Media	Florida Times-Union
Private Organizations	Audubon Audubon of Florida Christian Surfers Association Duval Audubon Florida Wildlife Federation Friends of Huguenot Save the Manatee Club Sea Bull Marine Sierra Club of Northeast Florida

A list of individuals (private citizens) who received the Draft EA is on file in the Jacksonville District of the Corps.

7.4 Comments Received and Responses

Table 4 will summarize the public/agency comments received and the USACE response. Any comments received on the draft EA will be compiled here in the final EA. All public/agency correspondence on the draft EA will be included in **Appendix E – Pertinent Correspondence: Draft EA**.

Table 4. List of Comments Received and Responses.

Letter	Public / Agency Comment	USACE Response
Environmental Protection Agency (EPA) – 1		
Florida Department of Environmental		

Protection (FDEP) – 1		

REFERENCES

Buker, George E. 1980. *Sun, Sand and Water: A History of the Jacksonville District U.S. Army Corps of Engineers 1821 - -1975*.

COJ, Department of Recreation and Community Services. 2008. Management Plan Huguenot Memorial Park, Duval County.

ER 200-2-2, Environmental Quality, Procedures for Implementing NEPA, March 4, 1988.

Federal Register / Vol. 66, No.132 / Tuesday, July 10, 2001, pp. 36038-36143.

Federal Register / Vol. 72, No. 234 / Thursday, December 6, 2007, pp. 69058-69059.

Heilman & Associates. 2009. Environmental Baseline Survey, Huguenot Memorial Park, Jacksonville, Duval County, Florida. Prepared for COJ.

Meylan, A., B. Schroeder, and A. Mosier. 1995. Sea turtle nesting activity in the State of Florida 1979-1992. Florida Marine Research Publication 52:19 pp

United States Army Corps of Engineers. 1996. Huguenot Memorial Park Master Plan and Guidelines for Federal Lands Final Draft.

United States Army Corps of Engineers. September 1998. Final Environmental Impact Statement for Navigation Channel Improvements, Jacksonville Harbor.

United States Army Corps of Engineers. October 2002. Navigation Study for Jacksonville Harbor: Final General Reevaluation Report and Environmental Assessment, Duval County, Florida – 008410.

INDEX

—A—

AESTHETIC RESOURCES, 14
AFFECTED ENVIRONMENT, 9
AGENCY COORDINATION, 29
Air Quality, 24, 45
AIR QUALITY, 13, 18
Alternative, 7
Archeological, 42
Artificial Reef, 21, 42

—B—

Benthic, 42

—C—

COASTAL BARRIER RESOURCES, 25
COASTAL BARRIER RESOURCES, 13
COASTAL ZONE MANAGEMENT CONSISTENCY,
41
COMMENTS RECEIVED, 30
COMPARISON OF ALTERNATIVES, 7
COORDINATION, 24
County, 21
CUMULATIVE IMPACTS, 20

—D—

Dunes, 42

—E—

EA, 24, 29
Economic, 43
Effect, 21, 42
ENDANGERED, 24
Enhance, 43
Environmental Assessment, 4, 5, 24
ENVIRONMENTAL COMMITMENTS, 23
ENVIRONMENTAL EFFECTS, 16
Erosion, 45
ESSENTIAL FISH HABITAT, 11
ESSENTIAL FISH HABITAT ASSESSMENT, 17

—F—

Federal, 20, 25
Fish, 42
Fish and Wildlife, 24
FISH AND WILDLIFE RESOURCES, 16
Flood Plain, 26

—G—

GENERAL ENVIRONMENTAL EFFECTS, 16
GENERAL ENVIRONMENTAL SETTING, 9

—H—

Habitat, 21, 42, 44
HARDGROUNDS, 12, 17
Hazardous, 44
HAZARDOUS, TOXIC AND RADIOACTIVE WASTE,
13
HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE,
18
Historic, 24, 43
Historic Preservation, 24, 43
HISTORIC PROPERTIES, 14, 19

—I—

Impact, 43, 44
INDIRECT EFFECTS, 23
IRREVERSIBLE AND IRRETRIEVABLE
COMMITMENT OF RESOURCES, 22

—L—

LIST OF PREPARERS, 28
LIST OF RECIPIENTS, 29
LIST OF REVIEWERS, 28
LOCAL SHORT-TERM USES AND
MAINTENANCE/ENHANCEMENT OF LONG-
TERM PRODUCTIVITY, 22

—M—

Mitigation, 42

—N—

NATIONAL ENVIRONMENTAL POLICY ACT, 24
National Marine Fisheries Service, 26
NAVIGATION, 14
Nesting, 21, 42
NOISE, 13, 18
Nourishment, 21

—O—

Offshore, 21
Oil, 44

—P—

Petroleum, 44

Preservation, 24, 42, 43
PROJECT LOCATION, 1
PROJECT NEED OR OPPORTUNITY, 1
PROJECT PURPOSE AND NEED, 1
PUBLIC INVOLVEMENT, 29

—R—

RECREATION, 25
RECREATION, 19
RECREATION RESOURCES, 14
Reef, 42
Resources, 9, 21, 22, 25, 42, 43, 44, 45

—S—

Safety, 42
Sea Turtle Nesting, 21, 42
SHPO, 43
Solid Waste, 44
State, 24, 25, 42, 43
State Historic Preservation, 43

—T—

THREATENED AND ENDANGERED SPECIES, 9, 16
Transfer, 44
Turtle, 42

—U—

U.S. Army Corps of Engineers, 23
U.S. Environmental Protection Agency, 24
U.S. Fish and Wildlife Service, 24
UNAVOIDABLE ADVERSE ENVIRONMENTAL
EFFECTS, 22
Unique, 25, 42

—V—

VEGETATION, 9, 16

—W—

WATER QUALITY, 13
Water Quality Certification, 45
Water Resources, 44
Wildlife, 42

APPENDIX A – Species Identified at Huguenot Memorial Park

Table A-1. List of avian and reptilian species identified at HMP and adjacent properties, adapted from the COJ, HMP Management Plan. The complete list can be found in the COJ, HMP Management Plan. Status of species is identified in the third column as: Threatened (T), Endangered (E), Candidate (C), Critical Habitat (CH), Species of Special Concern (SSC), and State-listed (S) species.

Species: Common Name	Scientific Name	Status
<u>Reptiles</u>		
Atlantic Loggerhead Turtle	<i>Caretta caretta caretta</i>	T
American Alligator	<i>Alligator mississippiensis</i>	SSC
Broad-headed Skink	<i>Eumeces laticeps</i>	
Corn Snake	<i>Elaphe quattata quattata</i>	
Cuban Brown Anole	<i>Anolis sagrei sagrei</i>	
Diamondback Terrapin	<i>Malaclemys terrapin tequesta</i>	
Dusky Pigmy Rattlesnake	<i>Sistrurus miliarius barbouri</i>	
Eastern Diamondback Rattlesnake	<i>Crotalus adamanteus</i>	
Eastern Glass Lizard	<i>Ophisaurus ventralis</i>	
Eastern Slender Glass Lizard	<i>O. attenuatus longicaudus</i>	
Florida Box Turtle	<i>Terrapene carolina bauri</i>	
Florida Snapping Turtle	<i>Chelydra serpentina osceola</i>	
Garter Snake	<i>Thamnophis sirtalis</i>	
Gopher Tortoise	<i>Gopherus polyphemus</i>	S
Green Anole	<i>Anolis carolinensis</i>	
Green Sea Turtle	<i>Chelonia mydas</i>	E
Ground Skink	<i>Scincella lateralis</i>	
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	E
Peninsula Ribbon Snake	<i>Thamnophis sauritus sackeni</i>	
Rough Green Snake	<i>Opheochrys aestivus</i>	
Six-lined Racerunner	<i>Cnemidophorus sexlineatus</i>	
Southeastern Five-lined Skink	<i>Eumeces inexpectatus</i>	
Southern Black Racer	<i>Coluber constrictor priapus</i>	
Striped Mud Turtle	<i>Kinosternon baurii</i>	
Yellow Rat Snake	<i>Elaphe obsoleta quadrivittata</i>	
<u>Birds</u>		
American Avocet	<i>Recurvirostra americana</i>	
American Golden-plover	<i>Pluvialis dominica</i>	
American Goldfinch	<i>Carduelis tristis</i>	
American Kestrel	<i>Falco sparverius</i>	
American Oystercatcher	<i>Haematopus palliatus</i>	
American Pipit	<i>Anthus rubescens</i>	
American Redstart	<i>Setophaga ruticilla</i>	
American Robin	<i>Turdus migratorius</i>	
American White Pelican	<i>Pelecanus erythrorhynchos</i>	
American Wigeon	<i>Anas americana</i>	
Anhinga	<i>Anhinga anhinga</i>	

Baird's Sandpiper	<i>Calidris bairdii</i>
Black-And-White Warbler	<i>Mniotilta varia</i>
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Barn Swallow	<i>Hirundo rustica</i>
Bar-Tailed Godwit	<i>Limosa lapponica</i>
Belted Kingfisher	<i>Ceryle alcyon</i>
Black Crowned Night-Heron	<i>Nycticorax nycticorax</i>
Black Skimmer	<i>Rynchops niger</i>
Black Tern	<i>Chlidonias niger</i>
Black Vulture	<i>Coragyps atratus</i>
Black-Bellied Plover	<i>Pluvialis squatarola</i>
Black-Legged Kittiwake	<i>Rissa tridactyla</i>
Black-Throated Blue Warbler	<i>Dendroica caerulescens</i>
Black-Throated Green Warbler	<i>Dendroica virens</i>
Blue Jay	<i>Cyanocitta cristata</i>
Blue-Headed Vireo	<i>Vireo solitarius</i>
Blue-Winged Teal	<i>Anas discors</i>
Blue-Winged Warbler	<i>Vermivora pinus</i>
Boat-Tailed Grackle	<i>Quiscalus major</i>
Bonaparte's Gull	<i>Larus philadelphia</i>
Bridled Tern	<i>Sterna anaethetus</i>
Brown Pelican	<i>Pelecanus occidentalis</i>
Brown Thrasher	<i>Toxostoma rufum</i>
Buff-Breasted Sandpiper	<i>Tryngites subruficollis</i>
Bufflehead	<i>Bucephala albeola</i>
Burrowing Owl	<i>Athene cunicularia</i>
Cape May Warbler	<i>Dendroica tigrina</i>
Carolina Wren	<i>Thryothorus ludovicianus</i>
Carolina Chickadee	<i>Poecile carolinensis</i>
Caspian Tern	<i>Sterna caspia</i>
Cattle Egret	<i>Bubulcus ibis</i>
Cedar Waxwing	<i>Bombycilla cedorum</i>
Chestnut-Sided Warbler	<i>Dendroica pensylvanica</i>
Chimney Swift	<i>Chaetura pelagica</i>
Clapper Rail	<i>Rallus longirostris</i>
Common Eider	<i>Somateria mollissima</i>
Common Grackle	<i>Quiscalus quiscula</i>
Common Ground-Dove	<i>Columbina passerina</i>
Common Loon	<i>Gavia immer</i>
Common Merganser	<i>Mergus merganser</i>
Common Tern	<i>Sterna hirundo</i>
Common Yellowthroat	<i>Geothlypis trichas</i>
Cooper's Hawk	<i>Accipiter cooperii</i>
Double-Crested Cormorant	<i>Phalacrocorax carbo</i>
Downy Woodpecker	<i>Picoides pubescens</i>

Dunlin	<i>Calidris alpina</i>
Eastern Kingbird	<i>Tyrannus tyrannus</i>
Eastern Meadowlark	<i>Sturnella magna</i>
Eastern Phoebe	<i>Sayornis phoebe</i>
Eastern Towhee	<i>Pipilo erythrophthalmus</i>
European Starling	<i>Sturnus vulgaris</i>
Fish Crow	<i>Corvus ossifragus</i>
Forester's Tern	<i>Sterna fosteri</i>
Glaucous Gull	<i>Larus hyperborues</i>
Glossy Ibis	<i>Plegadis falcinellus</i>
Gray Catbird	<i>Dumetella carolinensis</i>
Gray Kingbird	<i>Tyrannus dominicensis</i>
Great Black-Backed Gull	<i>Larus marinus</i>
Great Blue Heron	<i>Ardea herodias</i>
Great Cormorant	<i>Phalacrocorax carbo</i>
Great Crested Flycatcher	<i>Myiarchus crinitus</i>
Great Egret	<i>Ardea alba</i>
Great Horned Owl	<i>Bubo virginianus</i>
Greater Scaup	<i>Aythya marila</i>
Greater Yellowlegs	<i>Tringa melanoleuca</i>
Green Heron	<i>Butorides virescens</i>
Green-Winged Teal	<i>Anas crecca</i>
Gull-Billed Tern	<i>Sterna nilotica</i>
Harlequin Duck	<i>Histrionicus histrionicus</i>
Herring Gull	<i>Larus argentatus</i>
Hooded Merganser	<i>Lophodytes cucullatus</i>
Hooded Warbler	<i>Wilsonia citrina</i>
Horned Grebe	<i>Podiceps grisegena</i>
Horned Lark	<i>Eremophila alpestris</i>
House Wren	<i>Troglodytes aedon</i>
Iceland Gull	<i>Larus glaucoides</i>
Killdeer	<i>Charadrius vociferus</i>
Lapland Longspur	<i>Calcarius lapponicus</i>
Lark Sparrow	<i>Chondestes grammacus</i>
Laughing Gull	<i>Larus atricilla</i>
Least Sandpiper	<i>Calidris minutilla</i>
Least Tern	<i>Sterna antillarum</i>
Lesser Black-Backed Gull	<i>Larus fuscus</i>
Lesser Scaup	<i>Aythya affins</i>
Lesser Yellowlegs	<i>Tringa flavipes</i>
Loggerhead Shrike	<i>Lanius ludovicianus</i>
Long-Billed Curlew	<i>Numenius americanus</i>
Magnificent Frigatebird	<i>Fregata magnificens</i>
Magnolia Warbler	<i>Dendroica magnolia</i>
Mallard	<i>Anas platyrhynchos</i>

Marbled Godwit	<i>Limosa fedoa</i>	
Marsh Wren	<i>Cistothorus palustris</i>	
Merlin	<i>Falco columbarius</i>	
Mockingbird	<i>Mimus polyglottos</i>	
Mourning Dove	<i>Zenaida macroura</i>	
Nelson's Sharp-Tailed Sparrow	<i>Ammodramus nelsoni</i>	
Northern Flicker	<i>Colartes auratus</i>	
Northern Cardinal	<i>Cardinalis cardinalis</i>	
Northern Gannet	<i>Morus bassanus</i>	
Northern Harrier	<i>Circus cyaneus</i>	
Northern Parula	<i>Parula americana</i>	
Northern Waterthrush	<i>Seiurus noveboracensis</i>	
Orange-Crowned Warbler	<i>Vermivora celata</i>	
Osprey	<i>Pandion haliaetus</i>	
Pacific Loon	<i>Gavia pacifica</i>	
Painted Bunting	<i>Passerina ciris</i>	
Palm Warbler	<i>Dendroica palmarum</i>	
Parasitic Jaeger	<i>Stercorarius parasiticus</i>	
Pectoral Sandpiper	<i>Calidris melanotos</i>	
Peregrine Falcon	<i>Falco peregrinus</i>	
Pied-Billed Grebe	<i>Podilymbus podiceps</i>	
Piping Plover	<i>Charadrius melodus</i>	T, CH
Pomarine Jaeger	<i>Stercorarius pomarinus</i>	
Prairie Warbler	<i>Dendroica discolor</i>	
Prothonotary Warbler	<i>Protonotaria citrea</i>	
Purple Martin	<i>Progne subis</i>	
Purple Sandpiper	<i>Calidris maritima</i>	
Red Knot	<i>Calidris canutus</i>	C
Red-Bellied Woodpecker	<i>Melanerpes carolinus</i>	
Reddish Egret	<i>Egretta rufescens</i>	
Red-Eyed Vireo	<i>Vireo olivaceus</i>	
Red-Tailed Hawk	<i>Buteo jamaicensis</i>	
Red-Throated Loon	<i>Gavia stellata</i>	
Red-Winged Blackbird	<i>Agelaius phoeniceus</i>	
Ring-Billed Gull	<i>Larus delawarensis</i>	
Ring-Necked Duck	<i>Aythya collaris</i>	
Rock Dove	<i>Columba livia</i>	
Roseate Spoonbill	<i>Ajaia ajaja</i>	
Royal Tern	<i>Sterna maxima</i>	
Ruby-Crowned Kinglet	<i>Regulus calendula</i>	
Ruddy Turnstone	<i>Arenaria interpres</i>	
Sabine's Gull	<i>Xema sabini</i>	
Saltmarsh Sharp-Tailed Sparrow	<i>Ammodramus caudacutus</i>	
Sanderling	<i>Calidris alba</i>	
Sandwich Tern	<i>Sterna sandvicensis</i>	

Savannah Sparrow	<i>Passerculus sandwichensis</i>
Semipalmated Plover	<i>Charadrius semipalmatus</i>
Semipalmated Sandpiper	<i>Calidris pusilla</i>
Sharp-Shinned Hawk	<i>Accipiter striatus</i>
Short-Billed Dowitcher	<i>Limnodromus griseus</i>
Short-Eared Owl	<i>Asio flammeus</i>
Snow Bunting	<i>Plectrophenax nivalis</i>
Snow Goose	<i>Chen caerulescens</i>
Snowy Egret	<i>Egretta thula</i>
Song Sparrow	<i>Melospiza melodia</i>
Sooty Tern	<i>Sterna fuscata</i>
Sora	<i>Porzana carolina</i>
Stilt Sandpiper	<i>Calidris himantopus</i>
Swamp Sparrow	<i>Melospiza georgiana</i>
Tree Swallow	<i>Tachycineta bicolor</i>
Tricolored Heron	<i>Egretta tricolor</i>
Tufted Titmouse	<i>Baeolophus bicolor</i>
Turkey Vulture	<i>Cathartes aura</i>
Vesper Sparrow	<i>Pooecetes gramineus</i>
Virginia Rail	<i>Rallus limicola</i>
Western Sandpiper	<i>Calidris mauri</i>
Whimbrel	<i>Numenius phaeopus</i>
White Ibis	<i>Eudocimus albus</i>
White-Crowned Sparrow	<i>Zonotrichia leucophrys</i>
White-Eyed Vireo	<i>Vireo griseus</i>
White-Throated Sparrow	<i>Zonotrichia albicollis</i>
Willet	<i>Catoptrophorus semipalmatus</i>
Wilson's Plover	<i>Charadrius wilsonia</i>
Wood Stork	<i>Mycteria americana</i>
Yellow Warbler	<i>Dendroica petechia</i>
Yellow-Bellied Sapsucker	<i>Sphyrapicus varius</i>
Yellow-Billed Cuckoo	<i>Coccyzus americanus</i>
Yellow-Rumped Warbler	<i>Dendroica coronata</i>

E

APPENDIX B – COASTAL ZONE MANAGEMENT CONSISTENCY

**FLORIDA COASTAL MANAGEMENT PROGRAM
FEDERAL CONSISTENCY DETERMINATION**

**FEDERAL LAND LEASE RENEWAL
HUGUENOT MEMORIAL PARK
JACKSONVILLE, DUVAL COUNTY, FLORIDA**

1. Chapter 161, Beach and Shore Preservation. The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The proposed land lease renewal is not a construction project. The land is used for recreation and natural resource management. No work is proposed seaward of the mean high water line in beach areas. The proposed plans and information will be submitted to the state in compliance with this chapter.

2. Chapters 163(part II), 186, and 187, County, Municipal, State and Regional Planning. These chapters establish the Local Comprehensive Plans, the Strategic Regional Policy Plans, and the State Comprehensive Plan (SCP). The SCP sets goals that articulate a strategic vision of the State's future. Its purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed project has been coordinated with various Federal, State, and local agencies during the planning process. The project meets the primary goal of the State Comprehensive Plan through preservation and protection of the shorefront development and infrastructure.

3. Chapter 252, Disaster Preparation, Response and Mitigation. This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: This statute is not applicable to the federal land lease renewal.

4. Chapter 253, State Lands. This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The proposed federal land lease renewal would retain recreational beach and potential sea turtle nesting habitat, as well as, critical habitat for the piping plover. The proposed project would comply with the intent of this chapter.

5. Chapters 253, 259, 260, and 375, Land Acquisition. This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: Since the affected property is already in public ownership, this chapter does not apply.

6. Chapter 258, State Parks and Aquatic Preserves. This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The proposed project area is within the vicinity of state parks and aquatic preserves. There will be a management plan in effect to protect and manage the natural resources on federal lands. The project is consistent with this chapter.

7. Chapter 267, Historic Preservation. This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: This project has been coordinated with the State Historic Preservation Officer (SHPO). Historic Property investigations were conducted in the project area. Archival and literature searches were conducted. The SHPO concurred with the Corps determination that the proposed project will not adversely affect any significant cultural or historic resources. The project will be consistent with the goals of this chapter.

8. Chapter 288, Economic Development and Tourism. This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The federal land lease renewal would be compatible with tourism for this area and therefore, is consistent with the goals of this chapter.

9. Chapters 334 and 339, Transportation. This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

Response: The proposed project would not impact the existing public transportation system of the area.

10. Chapter 370, Saltwater Living Resources. This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fishermen and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and, to conduct scientific, economic, and other studies and research.

Response: Nourishment activities are not required at this time. If beach nourishment is required during the duration of the lease, the Corps will initiate consultation and communication with all relevant parties. It is not expected that sea turtles would be significantly impacted by this project under the COJ's enforcement of the HMP Management Plan. Based on the overall impacts of the project, the project is consistent with the goals of this chapter.

11. Chapter 372, Living Land and Freshwater Resources. This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: It is not expected that freshwater aquatic or wild animal life would be significantly impacted by this project. Based on the overall impacts of the project, the project is consistent with the goals of this chapter.

12. Chapter 373, Water Resources. This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This project does not involve water resources as described by this chapter.

13. Chapter 376, Pollutant Spill Prevention and Control. This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: The contract specifications will prohibit the dumping of oil, fuel, or hazardous wastes in the project area and will require that the adoption of safe and sanitary measures for the disposal of solid wastes.

14. Chapter 377, Oil and Gas Exploration and Production. This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This project does not involve the exploration, drilling, or production of gas, oil or petroleum product and therefore, this chapter does not apply.

15. Chapter 380, Environmental Land and Water Management. This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development. This chapter also deals with the Area of Critical State Concern program and the Coastal Infrastructure Policy.

Response: The proposed project will not have any regional impact on resources in the area. Therefore, the project is consistent with the goals of this chapter.

16. Chapters 381 (selected subsections on on-site sewage treatment and disposal systems) and 388 (Mosquito/Arthropod Control). Chapter 388 provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The project will not further the propagation of mosquitoes or other pest arthropods.

17. Chapter 403, Environmental Control. This chapter authorizes the regulation of pollution of the air and waters of the state by the Florida Department of Environmental Regulation (now a part of the Florida Department of Environmental Protection).

Response: A draft Environmental Assessment addressing project impacts has been prepared and will be reviewed by the appropriate resource agencies, including the Florida Department of Environmental Protection. Environmental protection measures will be implemented to ensure that no lasting adverse effects on water quality, air quality, or other environmental resources will occur. Water Quality Certification is not required for the federal land lease renewal. The project complies with the intent of this chapter.

18. Chapter 582, Soil and Water Conservation. This chapter establishes policy for the conservation of the state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both onsite or in adjoining properties affected by the project. Particular attention will be given to projects on or near agricultural lands.

Response: The proposed project is not located near or on agricultural lands; therefore, this chapter does not apply.

APPENDIX C – BIOLOGICAL ASSESSMENT

**ENDANGERED SPECIES ACT
BIOLOGICAL ASSESSMENT
HUGUENOT MEMORIAL PARK FEDERAL LAND LEASE RENEWAL**

1. CONSULTATION HISTORY

U.S. Army Corps of Engineers (USACE) staff coordinated with the U.S. Fish and Wildlife Service (USFWS) and other agencies during the preparation of the October 1996 Huguenot Memorial Park Master Plan and Guidelines for Federal Lands Final Draft Report.

On December 22, 2008, USACE Biologists Paul Stodola and Angela Dunn contacted USFWS Biologist John Milio and left a voicemail message to discuss species determinations for the City of Jacksonville's Huguenot Memorial Park Management Plan.

On December 29, 2008, USFWS Biologist John Milio contacted Paul Stodola and discussed species determinations. Mr. Milio also suggested including the red knot, a candidate species for listing, in the biological assessment and coordination letter.

2. PROJECT AUTHORITY

The Federal lands of Huguenot Memorial Park are part of the authorized Jacksonville Harbor Navigation Project as per continually updated resolutions. One of the first recorded legislations concerning Jacksonville Harbor was House Document 663-59-1, on March 2, 1907, which authorized a 24 foot deep channel from Hogan Creek to F.E.C. Railroad. Ensuing legislation has authorized the deepening and widening of the channel, maintenance and extension of the jetties, and defined various other harbor project details and studies.

The Federal lands are leased to the City under authority of Section 4 of the Act of Congress approved 22 December 1944, as amended (16 U.S.C. 460d).

3. PROJECT LOCATION

Huguenot Memorial Park (HMP) is located in Jacksonville, Florida, east of Interstate 95 and State Road 9A, off of Heckscher Drive. Huguenot Memorial Park is surrounded by the St. Johns River, Ft. George Inlet, and Atlantic Ocean (**Figure 1**). The federal lands encompass approximately 206 acres and are east of the state owned lands (**Figure 2**).



Figure 1. Location of Huguenot Memorial Park, Jacksonville, Florida.



Figure 2. Federal Lands at Huguenot Memorial Park, Jacksonville, Florida.

4. PROJECT DESCRIPTION

The purpose of this biological assessment (BA) is to review the proposed Huguenot Memorial Park (Duval County, Florida) federal land lease renewal (DA Lease No. DACW17-1-80-2) in sufficient detail to determine whether the proposed action may affect any of the threatened, endangered, proposed, candidate species, or critical habitat listed below. The City of Jacksonville prepared a Management Plan, dated September 3, 2008, to protect the natural resources occurring at HMP. The Management Plan was updated in draft form on January 7, 2009 in response to comments from the State of Florida Acquisition and Restoration Council (ARC) meeting on December 12, 2008. The updated Management Plan will be sent to the ARC to finalize their acceptance of the City of Jacksonville's Management Plan for HMP. This updated Management Plan will be a major consideration of the NEPA document to be prepared in evaluation of the lease renewal and is used as reference material for this BA.

The electronic version of the September 3, 2008 Management Plan can be found on the City of Jacksonville's website at:

<http://www.coj.net/NR/rdonlyres/efhbq612xratbsld2vcdxgkob2in2tjc22wwtccdzhiozx6rogrwneonynrdyeu6fe3cwg7qil3hbypgfln32uvhoc/Huguenot+MgmtPlan+09032008.pdf> .

5. IDENTIFICATION OF LISTED SPECIES

5.1 Threatened, Endangered, Proposed Threatened, or Proposed Endangered Species

Threatened, migrating piping plovers (*Charadrius melodus*) return to HMP as early as July, and overwinter on or near the park's coastal beaches, mudflats, and sandflats. Three sea turtle species have been confirmed nesters in Duval County. The three species are the threatened loggerhead sea turtle (*Caretta caretta*), and the endangered leatherback (*Dermochelys coriacea*) and green sea turtles (*Chelonia mydas*).

5.2 Candidate Species

The red knot (*Calidris canutus rufa*) is a shorebird currently designated as a candidate species under the Endangered Species Act of 1973, as amended (published in *Federal Register*, December 6, 2007). The red knots frequent intertidal regions within and adjacent to HMP during their biannual migration.

5.3 Critical Habitat

The U.S. Fish and Wildlife Service has identified Critical Habitat Unit FL-35 for the piping plover in Duval County from Huguenot north to Nassau Sound, incorporating the beaches of Little Talbot and Big Talbot Island State Parks (50 CFR Part 17, published in *Federal Register*, July 10, 2001). **Figure 3**, obtained from the U.S. Fish and Wildlife website at <http://crithab.fws.gov/>, depicts the Duval County piping plover critical habitat.

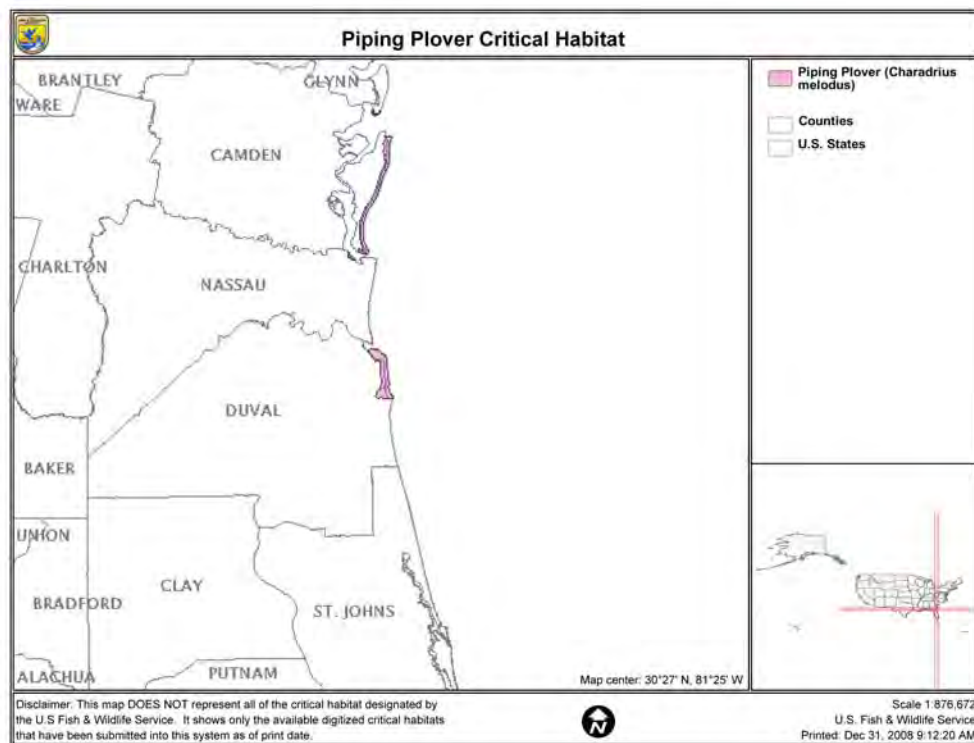


Figure 3. Piping plover critical habitat in Duval County, Florida.

6. DISCUSSION OF POTENTIAL IMPACTS TO LISTED SPECIES

6.1 Sea Turtles

Renewal of the federal land lease for Huguenot Memorial Park to the City of Jacksonville, and subsequent implementation of the COJ Huguenot Memorial Park Management Plan allows continued recreational usage and human disturbance of the lands of Huguenot Memorial Park. The project area is not identified or labeled as critical habitat for sea turtles. Beaches within the project do, however, provide potentially suitable nesting habitat for loggerhead, green, and leatherback turtles (Meylan *et al.*, 1995). This area is occasionally used by the loggerhead sea turtle for nesting. Volunteers at HMP documented four loggerhead turtle nests in 2006 and two in 2007. Green turtles were spotted in 2006 and 2007, but were not observed nesting. Nesting data for 2008 had not been provided at the writing of this biological assessment.

As proposed within the COJ Management Plan, continued driving along the beach could result in sand compaction, nest disturbances, and hatchling mortality. Further restrictions on dogs within the boundaries within HMP are being proposed within the COJ Management Plan such that dogs will only be allowed in the campgrounds and common areas of the park, and not on most of the beaches. These restrictions should allow for protection of nesting females, turtle nests, and hatchlings from dogs within the park.

6.2 Shorebirds and Wading Birds

Renewal of the federal land lease for Huguenot Memorial Park to the City of Jacksonville, and subsequent implementation of the COJ Huguenot Memorial Park Management Plan allows continued recreational usage and human disturbance of the lands of Huguenot Memorial Park. Beaches within the project provide prime foraging, resting, and nesting habitat for many shorebirds, wading birds, and seabirds. Shorebirds and seabirds can be found foraging and nesting at HMP throughout the year. Migratory birds, such as the piping plover and red knot, use HMP as foraging habitat in their extensive travels between breeding and wintering grounds.

As proposed within the COJ Management Plan, continued driving along the beachfront could result in adult and chick mortality, nest disturbance, and habitat loss. Birds may be harmed if entangled in discarded fishing line or ingest trash left by beachgoers. Birds may also be harmed by dogs not properly restrained by owners, though the COJ has proposed further restrictions on dogs within the boundaries within HMP in the September 3, 2008 Management Plan. These restrictions should allow for protection of foraging and resting individuals, nesting females, and chicks from dogs within HMP.

6.3 Critical Habitat – Wintering Piping Plover

Habitat loss, such as piping plover wintering critical habitat, is a result of human-caused disturbances such as: recreational activities (pedestrian and motorized), urbanization, dredging and shoreline stabilization, beach maintenance, and pollution. The COJ Huguenot Memorial Park Management Plan proposes to continue allowing the use of HMP for vehicular beach access and recreational use.

Though the fore-dune and inter-tidal beach area have protection proposals in the Management Plan, increased human disturbance will be difficult to manage and could negatively impact the foraging habitat for the piping plover. The wintering plovers are reliant upon a mosaic of habitat patches along the coastline and move along these patches as weather and tidal conditions allow. Negative impacts to the critical habitat would cause decreases in the population of wintering population numbers of the threatened piping plovers.

7. EFFORTS TO ELIMINATE POTENTIAL IMPACTS ON LISTED SPECIES OR CRITICAL HABITAT

The September 3, 2008 COJ Management Plan contains detailed plans discussing management plans and strategies for protecting and conserving the natural resources at Huguenot Memorial Park. A brief summary as it applies to endangered and threatened species and critical habitat is included below.

7.1 Sea Turtles

The City of Jacksonville (COJ) proposes to continue coordination with USFWS and Florida Fish and Wildlife Conservation Commission (FWC) and has implemented a Sea Turtle Management Plan (see Exhibit V of the September 3, 2008 City of Jacksonville Management Plan). Further, the COJ proposes the following: during nesting season, turtle nests will be marked to prevent motor vehicles from driving over the nest area during daylight. Campfires will not be permitted during nesting season at night on the nesting beach. Fixed campground lighting will be directed away from the beach front and/or meet FWC's sea turtle lighting guidelines.

7.2 Shorebirds and Wading Birds

The City of Jacksonville (COJ) proposes to provide disposal bins for monofilament line in the popular fishing areas for disposal of fishing line and display signage to encourage proper disposal. The COJ proposes to conserve and protect the inter-tidal beach and fore-dune habitats, including piping plover critical habitat (CH) in their management of the shorebirds and seabirds. These protection efforts include the installation of vehicle control structures to shield the tidal flats from vehicular traffic, monitoring of vegetation densities within Critical Wildlife Areas (CWA), and seasonal beach closings on the Atlantic side of the park as needed for threatened shorebirds. An education pamphlet is also distributed to the public upon entry to the park during nesting and migration periods. The COJ has proposed a Shorebird Management Plan for Huguenot Memorial Park which can be found in Exhibit S of the September 3, 2008 City of Jacksonville Management Plan.

7.3 Critical Habitat – Wintering Piping Plover

As mentioned above, the COJ proposes to protect the designated critical habitat with the installation of vehicle control structures to shield tidal flats and managing and monitoring of vegetation densities within the critical habitat and critical wildlife areas. The COJ will continue to work with USFWS if work is required within piping plover critical habitat.

8. REFERENCES

City of Jacksonville, Department of Recreation and Community Services. 2008. Management Plan Huguenot Memorial Park, Duval County.

Federal Register / Vol. 66, No.132 / Tuesday, July 10, 2001, pp. 36038-36143.

Federal Register / Vol. 72, No. 234 / Thursday, December 6, 2007, pp. 69058-69059.

Meylan, A., B. Schroeder, and A. Mosier. 1995. Sea turtle nesting activity in the State of Florida 1979-1992. Florida Marine Research Publication 52:19 pp

United States Army Corps of Engineers. 1996. Huguenot Memorial Park Master Plan and Guidelines for Federal Lands Final Draft.

APPENDIX D – PERTINENT CORRESPONDENCE: SCOPING PROCESS



United States Department of the Interior

U. S. FISH AND WILDLIFE SERVICE

7915 BAYMEADOWS WAY, SUITE 200
JACKSONVILLE, FLORIDA 32256-7517

Dunn

IN REPLY REFER TO:

FWS Log No. 41910-2010-CPA-0010

December 4, 2009

Mr. Eric Summa, Chief
Environmental Branch, Planning Division
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(Attn: Angela Dunn)

Re: Request for Concurrence with Determination on Migratory Bird Impacts from the Proposed Construction of a Day-Use Parking Lot within the Federal Right-Of-Way, Huguenot Memorial Park, Jacksonville, Duval County

Dear Mr. Summa:

Our office has reviewed the Corps' October 30, 2009 correspondence and accompanying information regarding subject construction and its effects on migratory birds and their habitats. The Corps, under Executive Order 13186 and its implementing final Memorandum of Understanding between the Department of Defense and the U.S. Fish and Wildlife Service, has requested our concurrence with its determination that the proposed project will not adversely impact migratory birds or their habitat.

The City of Jacksonville (COJ), the lessee of subject federal property, has proposed the construction of a predominantly pervious, 155-space parking lot within disturbed coastal strand habitat. The total project area is 3.89 acres, with impacts from those spaces and access roads and parking roadways covering 2.16 acres. The remaining 1.73 acres will be preserved in its current state. The parking lot is requested as spatial compensation for the daily, seasonal, and permanent restrictions on vehicular access related to weather and tides, as well as provisions of the state-approved 2008 Huguenot Memorial Park Management Plan (HMP MP). COJ intends to construct the lot and roadways generally through grading, leveling, and redistribution of the

existing sand substrate. No movement of material into or out of the project footprint is anticipated. Given the extent of projected pervious surface, a storm water retention system is not needed.

The existing habitat is best described as a disturbed coastal strand consisting of low sand hummocks and swales dominated by low-growing herbaceous and woody vegetation interspersed among sand roads and walking paths. The area also supports approximately a dozen or so palmetto palms (*Sabal palmetto*). Similar contiguous habitat occurs on either side of the area, with increasing elevations and greater primary and secondary dune habitats east of the area, and tertiary dunes west towards Heckscher Drive. Similar, minimally disturbed and undisturbed habitats occur in abundance within the adjacent Little Talbot Island State Park.

Monitoring of shorebird and other bird species use of Huguenot Memorial Park has been ongoing, and recorded within the HMP MP. Over the course of the monitoring period, little to no use of the proposed project area for nesting, foraging, or loafing has been recorded for either shorebirds or other bird species.

Based on the preceding, it appears that the proposed work is not likely to have any significant adverse effects on migratory birds or their habitat. However, due to the lack of specificity in the proposed project plans, we are concerned that construction of the parking lot and access roads and roadways has the potential to create conditions that may attract birds seeking freshwater, nest sites, and/or loafing areas. Unless properly graded, leveled, and compacted, both lot and roads may allow rainwater to collect within or along their edges that could attract birds seeking drinking water or vegetation-free, sandy substrate in which to nest. In addition, repeated vehicular use likely will create depressions, ruts, and similar features that likewise could hold water. Finally, according to the information provided, some of the palmetto palms are within the planned lot/roadway footprint and will need to be removed. These trees could support nests of certain migratory bird species.

In order to address these concerns, we recommend that the Corps require COJ to undertake the following actions as part of its lease agreement renewal with the Corps.

1. COJ shall submit project plans and specifications that include detailed written descriptions, as-built maps, etc. of the lot and roadways with respect to grading, leveling, compaction, redistribution, and other construction methods that provide technical assurances regarding on and off-site water drainage, and the type of surface texture and hardness needed to support vehicles and not create potential nesting habitat for shorebirds. The surface of the substrate generally should have minimal shell and stone content and of sufficient hardness to both prevent shorebirds from finding nesting material and creating nesting depressions.
2. COJ shall be required to fix any depressions, ruts, and similar features that develop within the lot and/or road surfaces, within 72 hours of their formation.

3. COJ shall be required to inspect any trees marked for removal prior to that action to insure no active nesting by migratory birds. In the event that nesting is occurring, the tree shall not be disturbed until nesting is completed.

The Corps has agreed to incorporate these recommendations into its letter of permission to the City of Jacksonville authorizing COJ to move forward with project design plans and specifications, which the Corps, in accordance with the current lease agreement, will review prior to construction. In addition, the lease agreement requires the lessee to return the lands to "existing conditions" at the end of the lease.

Based on the preceding, we concur with Corps that the project as proposed and conditioned will not adversely affect migratory birds or their habitat. If you have any questions regarding this response, please contact Mr. John Milio of my staff at the address on the letterhead, by e-mail at john_milio@fws.gov, or by calling 904-731-3098.

Sincerely,



David L. Hankla
Field Supervisor



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Planning Division
Environmental Branch

NOV 04 2008

To Whom It May Concern:

The Jacksonville District, U.S. Army Corps of Engineers (Corps) is gathering information to help define issues and concerns that will be addressed in a new National Environmental Policy Act (NEPA) document. The Environmental Assessment (EA) is for the Huguenot Memorial Park (Duval County, Florida) federal land lease renewal (DA Lease No. DACW17-1-80-2). A major consideration will be the Management Plan dated September 3, 2008 prepared by the City of Jacksonville.

The purpose of the City of Jacksonville's Management Plan is to protect the natural resources while providing public recreation for the community. This EA will evaluate the Management Plan in regards to preserving and protecting the natural resources of the property. The Corps will coordinate with state and federal agencies, as well as interested stakeholders, to determine if the Management Plan meets criteria established for the protection and conservation of the natural resources. The coordination includes initiating consultation of Section 7 of the Endangered Species Act (50 CFR 402) with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

The Corps solicits your views, comments and information about environmental and cultural resources, study objectives and important features within the described study area, as well as any suggested improvements. If you know of others who may wish to comment on this activity, please advise them of this request for public comments. Letters of comments or inquiry should be addressed to the letterhead address to the attention of the Planning Division, Environmental Branch and received within thirty (30) days of the date of this letter. If you have any questions or comments, please contact Ms. Angela Dunn by telephone at 904-232-2108, or by e-mail at Angela.E.Dunn@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Rebecca S. Griffith".

Rebecca S. Griffith, Ph.D, PMP
Chief, Planning Division

Federal Agency Letters



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

RECEIVED
25 Nov 2008

November 19, 2008

Dr. Rebecca S. Griffith, Chief
Planning Division
Jacksonville District
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

Subject: Review of the Draft Environmental Assessment (EA)/
Management Plan for the Huguenot Memorial Park
Jacksonville/Duval County, Florida

Dear Dr. Griffith:

Consistent with Section 102(2)(c) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the draft Environmental Assessment (EA) for the 206 acre Huguenot Memorial Park located in Duval County, Florida on a renewable federal land lease (DA Lease No. DAC W 17- 1-80-2). As we were notified in your Public Notice dated November 4, 2008, the Corps is not actually issuing a formal separate EA, and proposes that the Huguenot Memorial Park Draft Management Plan (dated September 3, 2008) prepared by the City of Jacksonville and found on the City's website (which we downloaded and reviewed) will be considered as the Corps' EA.

It is our understanding that the purpose of the City of Jacksonville's 311-page Draft EA/Management Plan is "to protect the natural resources while providing public recreation for the community." The Corps is reportedly coordinating with state and federal agencies, as well as interested stakeholders, to determine if the Management Plan fully meets criteria established for the protection and conservation of the natural resources. The Corps' coordination is to include initiating consultation of Section 7 of the Endangered Species Act (50 CFR 402) with the U.S. Fish and Wildlife Service and, potentially, the National Marine Fisheries Service.

Huguenot Memorial Park is currently a very popular oceanfront park that offers visitors beach access, birding opportunities, and unique scenic views of some of North Florida's remaining natural areas. Huguenot Memorial Park is currently designated as a Great Florida Birding Trail site by the Florida Fish and Wildlife Conservation Commission because of its abundance of various kinds of birds, as well as its unique habitat.

It is EPA's understanding that numerous improvements to the park will be implemented over the next 10 years depending on the availability of funding, including stabilization and/or relocation of the park entrance road, campground improvements, replacement of the park fee station, renovating the campground store, and installation of bollards with ropes to control vehicle traffic.

EPA Region 4 concurs with the use of the Huguenot Memorial Management Plan as the Corps' EA if the following statements (of findings) are added to the document:

- "The proposed action will not adversely affect any threatened or endangered species."
- "The proposed action will not adversely impact cultural resources."
- "The proposed action will not adversely impact air quality."
- "The proposed action complies with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."
- "The proposed action will not cause any significant long term adverse impacts to wetlands."
- EPA does have concerns that the numerous improvements will raise the number of visitors to the park (370,000 visitors in 2007), and thereby increase beach driving traffic. It is important that the final EA/Management Plan demonstrates (and states) that "no unacceptable adverse cumulative or secondary impacts will result from the implementation of the proposed actions (e.g., park improvements)," which will tend to draw larger numbers of visitors.
- EPA is also concerned about the compatibility of vehicular access to the beach without adequate water quality protection.

Finally, EPA recommends that the final EA/Management Plan include information on the impairment status (303d List) and TMDLs of the adjacent waterbodies. Best Management Practices (BMPs) that will be implemented to control sediment runoff during road construction/stabilization should also be made part of the final EA/Management Plan.

We appreciate the opportunity to review the project. Should you have questions, feel free to coordinate with Paul Gagliano, P.E., of my staff, at 404/562-9373 or at gagliano.paul@epa.gov.

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
(727) 824-5317; FAX (727) 824-5300
<http://sero.nmfs.noaa.gov/>

December 3, 2008

F/SER4:GG/pw

Rebecca Griffith, Ph.D.
Planning Division
Jacksonville District, Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Attention: Angela Dunn

Dear Dr. Griffith:

NOAA's National Marine Fisheries Service (NMFS) reviewed your letter, dated November 4, 2008, requesting information on issues and concerns regarding the Environmental Assessment (EA) that the Jacksonville District is preparing for renewal of the federal land lease of Huguenot Memorial Park, Duval County, Florida (DA Lease No. DACW17-1-80-2). A major consideration during this evaluation will be the Management Plan dated September 3, 2008, prepared by the City of Jacksonville.

NMFS, specifically the Southeast Region's Habitat Conservation Division, has not received the Management Plan referenced in your letter. To facilitate the essential fish habitat (EFH) consultation that would be included with the interagency review of the EA, we suggest the District or City of Jacksonville provide us with a copy of the plan so that we may develop specific comments that will focus the EA's discussion of EFH. The Management Plan should be sent to George Getsinger at the address below. Also, please note that on May 19, 2006, NMFS responded to a scoping request from the Jacksonville District for this action (a copy of the letter is attached for your convenience). That letter provides general recommendations that may assist your evaluation of the Management Plan until specific recommendations can be offered.

Thank you for providing the opportunity to provide comments early in the evaluation process. Mr. George Getsinger, at our Jacksonville Office, is available if further assistance is needed. He



may be reached at 9741 Ocean Shore Drive, St. Augustine, Florida 32080, by telephone at (904) 461-8674, or by email at George.Getsinger@noaa.gov.

Sincerely,



/ for

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

Enclosure: NMFS letter to CESAJ from May 19, 2006

cc: (via electronic mail)

COE, (Angela.E.Dunn@usace.army.mil)
EPA, (Eric.H.Hughes@usace.army.mil)
FWS, (John_Milio@fws.gov)
F/SER4



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5511
(727) 824-5317; FAX (727) 824-5300
<http://sero.nmfs.noaa.gov/>

May 19, 2006

F/SER4:GG/pw

Ms. Marie Burns
Planning Division, Environmental Branch
Jacksonville District, Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Ms. Burns:

NOAA's National Marine Fisheries Service (NOAA Fisheries) has reviewed the scoping letter from the U.S. Army Corps of Engineers Jacksonville District (District) regarding the environmental assessment that the District is preparing in connection with the proposed renewal of a lease to Duval County for administration of the federal property at Huguenot Park, Duval County. Your letter requests views, comments, and suggestions from NOAA Fisheries. Actions under consideration include maintaining the status quo (*i.e.*, Duval County continues to manage Huguenot Park) and changing park management or operations.

Huguenot Park is an accreting peninsula located on the St. Johns River. Habitats within the park include essential fish habitat (EFH), specifically estuarine and marine water column and submerged bottom, marine nearshore and offshore habitats, and estuarine emergent wetlands. Federally managed fishery resources associated with these habitats include postlarval and juvenile red drum (*Sciaenops ocellata*), white shrimp (*Litopenaeus setiferus*), pink shrimp (*Farfantepenaeus duorarum*), and brown shrimp (*Farfantepenaeus aztecus*). Detailed information concerning federally managed fisheries and their EFH is provided in the 1998 comprehensive amendments of the Fishery Management Plans for the South Atlantic Fishery Management Council (SAFMC). The 1998 amendment was prepared in accordance with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (P.L. 104-297). Areas in the park may also provide nursery and forage habitat for black drum (*Pogonias cromis*), Atlantic menhaden (*Brevoortia tyrannus*), blue crab (*Callinectes sapidus*), and other species that serve as prey for fisheries managed by the SAFMC (*e.g.*, mackerels, snappers, and groupers) or by NOAA Fisheries (*e.g.*, billfishes and sharks).

Given that the District is currently evaluating several dredging and sand by-pass projects within the general area, NOAA Fisheries recommends that any new lease be conditioned to facilitate completion of the studies and enactment of management practices that those studies recommend. Further, NOAA Fisheries notes that current management practices allow vehicles to be driven through tidal flats, salt marsh, and other emergent areas; these activities are detrimental to EFH and should not be allowed under the new lease.

NOAA Fisheries requests that any documents prepared in accordance with the National Environmental Policy Act include an EFH assessment that evaluates how each proposed alternative might directly or indirectly impact EFH and federally managed species. Specific requirements can be found at 50 CFR 600.920, the regulation that implements the EFH provisions of the Magnuson-Stevens Fishery



Conservation and Management Act. Descriptions and locations of EFH within and near the park can be found at the South Atlantic Fishery Management Council website (www.safmc.net).

Thank you for providing the opportunity to provide comments early in the planning process. Mr. George Getsinger, at our Marineland Office, is available if further assistance is needed. He may be reached at 9741 Ocean Shore Blvd, St. Augustine, Florida 32080, or by telephone at (904) 471-8674.

Sincerely,



/ for

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

cc: (via electronic mail)

EPA, ATL
FWS, JAX
DEP, JAX
FFWCC, TAL
F/SER4
SAFMC

State Agency Letters

Dunn, Angela E SAJ

From: Milligan, Lauren [Lauren.Milligan@dep.state.fl.us]
Sent: Thursday, November 06, 2008 3:26 PM
To: Dunn, Angela E SAJ
Subject: DA Lease No. DACW17-1-80-2 for Huguenot Memorial Park - State of Florida comments

Attachments: 06-2059C (USACE Huguenot Park).pdf



06-2059C (USACE
Huguenot Park)...

Dear Angela:

RE: Department of the Army, Jacksonville District Corps of Engineers (USACE)
- Scoping Notice - Evaluate Renewal of Duval County's Lease to Administer USACE Property at Huguenot Park - Jacksonville, Duval County, Florida.
SAI # FL200603212059C

The Florida State Clearinghouse recently received a scoping notice signed by Dr. Griffith regarding the renewal of DA Lease No. DACW17-1-80-2 for Huguenot Memorial Park. Please see the attached state comment letter, dated May 12, 2006, for a previous requests for comments on the lease renewal. If you have any questions or need additional information, please don't hesitate to call me at (850) 245-2170. Thank you!

Lauren

Lauren P. Milligan, Environmental Manager Florida State Clearinghouse Florida Department of Environmental Protection 3900 Commonwealth Blvd, M.S. 47 Tallahassee, FL 32399-3000 ph. (850) 245-2170 fax (850) 245-2190

The Department of Environmental

Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and

improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of

service you received. Copy the url below to a web browser to complete the DEP

survey: <http://survey.dep.state.fl.us/?refemail=Lauren.Milligan@dep.state.fl.us> Thank you in advance for completing the survey.



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

May 12, 2006

Ms. Marie G. Burns, Chief
Environmental Branch
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: Department of the Army, Jacksonville District Corps of Engineers (USACE) –
Scoping Notice – Evaluate Renewal of Duval County's Lease to Administer
USACE Property at Huguenot Park – Jacksonville, Duval County, Florida.
SAI # FL200603212059C

Dear Ms. Burns:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the referenced scoping notice.

The Florida Department of Environmental Protection (DEP) notes that Wards Bank has been accreting since the north jetty of the St. Johns River was sand-tightened in 1934. This has influenced the migration of the Ft. George Inlet to the north, resulting in increased erosion along the southern shoreline of Little Talbot Island State Park – causing loss of a parking area, relocation of restroom facilities, destruction of an ocean fishing pier, and threatening the A1A bridge abutment and roadway. Continued bank accretion would eventually close the Ft. George Inlet and impact water quality and salt marsh habitat within the adjacent Nassau River - St. Johns River Marshes Aquatic Preserve. DEP staff recommends development of an inlet management plan, review of the existing inlet studies, and establishment of a regional sediment budget with the goal of maintaining the Ft. George Inlet, reducing the erosional stress on Little Talbot Island State Park, and adequately bypassing sand to the Duval County beaches. The effects of beach driving and other recreational activities on sea turtle nesting, shorebirds, and coastal management projects should also be addressed. Continued coordination with Bureau of Beaches and Coastal Systems, Office of Coastal and Aquatic Managed Areas, and Division of Recreation and Parks staff is recommended to resolve the above issues. Please refer to the enclosed DEP comments for additional information and contact Ms. Roxane Dow in the Bureau of Beaches and Coastal Systems at (850) 922-7852 for further assistance.

"More Protection, Less Process"

Printed on recycled paper.

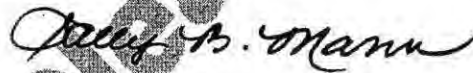
Ms. Marie G. Burns
May 12, 2006
Page 2 of 2

The Florida Fish and Wildlife Conservation Commission (FWC) requests that potential impacts to manatees and right whales be addressed in detail in the Environmental Assessment. Please refer to the enclosed FWC letter.

Based on the information contained in the public notice and the enclosed state agency comments, the state has determined that, at this stage, the proposed federal action is consistent with the Florida Coastal Management Program (FCMP). The federal agency must, however, address the concerns identified by the reviewing agencies prior to project implementation. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews. The state's final concurrence of the project's consistency with the FCMP will be determined during the environmental permitting stage.

Thank you for the opportunity to review this proposal. Should you have any questions regarding this letter, please contact Ms. Lauren P. Milligan at (850) 245-2170.

Sincerely,



Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/lm
Enclosures

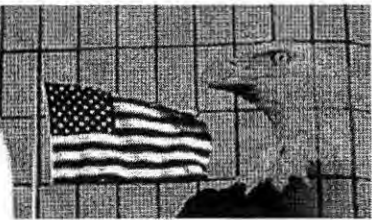
cc: Ellen McCarron, DEP, CAMA
Nicole Robinson, DEP, CAMA, Jacksonville
Roxane Dow, DEP, BBOS
Mark Latch, DEP, DRP
Mary Ann Poole, FWC



Florida

Department of Environmental Protection

"More Protection, Less Process"



Categories

[DEP Home](#) | [OIP Home](#) | [Contact DEP](#) | [Search](#) | [DEP Site Map](#)

Project Information	
Project:	FL200603212059C
Comments Due:	04/21/2006
Letter Due:	05/15/2006
Description:	DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - SCOPING NOTICE - EVALUATE RENEWAL OF DUVAL COUNTY'S LEASE TO ADMINISTER USACE PROPERTY AT HUGUENOT PARK - JACKSONVILLE, DUVAL COUNTY, FLORIDA.
Keywords:	ACOE - RENEW DUVAL COUNTY'S LEASE TO ADMINISTER USACE PROPERTY AT HUGUENOT PARK
CFDA #:	99.997
Agency Comments:	
NE FLORIDA RPC - NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL	
No Comment	
DUVAL - DUVAL COUNTY	
No Comment	
COMMUNITY AFFAIRS - FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS	
FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION	
Based on the information provided, the potential effects of the proposal on marine species cannot be determined. FWC recommends that potential impacts to manatees and right whales be addressed in detail in the Environmental Assessment.	
STATE - FLORIDA DEPARTMENT OF STATE	
No Comments Received	
TRANSPORTATION - FLORIDA DEPARTMENT OF TRANSPORTATION	
No Comment	
ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	
DEP notes that Wards Bank has been accreting since the north jetty of the St. Johns River was sand-tightened in 1934. This has influenced the migration of the Ft. George Inlet to the north, resulting in increased erosion along the southern shoreline of Little Talbot Island State Park - causing loss of a parking area, relocation of restroom facilities, destruction of an ocean fishing pier, and threatening the A1A bridge abutment and roadway. Continued bank accretion would eventually close the Ft. George Inlet and impact water quality and salt marsh habitat within the adjacent Nassau River - St. Johns River Marshes Aquatic Preserve. DEP staff recommends development of an inlet management plan, review of the existing inlet studies, and establishment of a regional sediment budget with the goal of maintaining the Ft. George Inlet, reducing the erosional stress on Little Talbot Island State Park, and adequately bypassing sand to the Duval County beaches. The effects of beach driving and other recreational activities on sea turtle nesting, shorebirds, and coastal management projects should also be addressed. Continued coordination with Bureau of Beaches and Coastal Systems, Office of Coastal and Aquatic Managed Areas, and Division of Recreation and Parks staff is recommended to resolve the above issues. Please refer to the enclosed DEP comments for additional information and contact Ms. Roxane Dow in the Bureau of Beaches and Coastal Systems at (850) 922-7852 for further assistance.	
ST. JOHNS RIVER WMD - ST. JOHNS RIVER WATER MANAGEMENT DISTRICT	
Released Without Comment	

For more information please contact the Clearinghouse Office at:

3900 COMMONWEALTH BOULEVARD MS-47
TALLAHASSEE, FLORIDA 32399-3000
TELEPHONE: (850) 245-2161

Florida Department of
Environmental Protection

Memorandum

DATE: May 12, 2006

TO: Lauren Milligan, Office of Intergovernmental Programs

THROUGH: Paden E. Woodruff, Bureau of Beaches and Coastal Systems

FROM: Roxane Dow, Bureau of Beaches and Coastal Systems

SUBJECT: USACE Jacksonville District – Scoping Notice – Huguenot Park Lease

Wards Bank is an accretional spit created due to the impoundment of sand north of the north jetty of the St. Johns River entrance in Duval County. The USACE owns 500 feet of the accretion north of the centerline of the jetty (see attached copy of deed), and leases the property to Duval County to operate as a park.

The bank has been accreting since the jetty was sand-tightened in 1934. It has influenced the migration of the Ft. George Inlet to the north, resulting in increased erosion along the southern shoreline of Little Talbot Island State Park – causing loss of a parking area, relocation of restroom facilities and the destruction of an ocean fishing pier. This erosion has also threatened the A1A bridge abutment and roadway. A rock revetment has been placed, and will likely have to be extended. The revetment translates the erosional forces further along the shoreline. It is possible that continued accretion would close the Ft. George Inlet completely, changing the water quality and habitat in the marshes to the west.

The State's Strategic Beach Management Plan (2000) calls for development of an inlet management plan to analyze sand transfer or sand bypassing downdrift to the Duval County beaches, as this would be the natural movement of sand if the jetty did not impound it. This Plan is mandated by Chapter 161, Florida Statutes – part of the State's Coastal Zone Management Program. A management plan of the combined Ft. George Inlet/St. Johns River entrance would provide for more natural and cost-effective regional sediment management and protect water quality and habitat for a variety of listed and non-listed species.

It is recommended that the USACE review the numerous studies of the complex and propose a regional sediment budget with the goal of maintaining the Ft. George Inlet, reducing the erosional stress on Little Talbot Island State Park, and adequately bypassing sand to the Duval County beaches. The Bureau is not opposed to leasing portions of the bank to Duval County, but is concerned that the recreational interests may override proper coastal management. We also recommend that this activity resolve the confusion regarding the entity responsible for managing the other portion of Wards Bank not owned by the USACE.

cc: Mike Barnett
Robert Brantly
Mark Latch
Ellen McCarron



Department of Environmental Protection

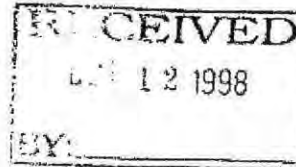
Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

October 7, 1998

Mr. Erik J. Olsen, P.E.
Olsen Associates, Inc.
4438 Herschel Street
Jacksonville, Florida 32210



Dear Mr. Floyd:

Re: Wards Bank
Ft. George Inlet

This is in response to your recent letter, requesting a determination of any title interest the Board of Trustees of the Internal Improvement Trust Fund (TIITF) may have in your subject site, as depicted on the site maps attached with your request, being that portion of Wards Bank lying northward of the north jetty, located in Section 37, Township 1 South, Range 29 East, Duval County.

A search of records on file in the Title and Land Records Section of the Bureau of Survey and Mapping indicates that the lands lying outside of the boundary of TIITF Deed No. 18471 to the United States of America, dated December 28, 1938, at your subject site, are state owned by virtue of sovereignty.

Since the accuracy and completeness of the title information reviewed may vary and rely only on records we have currently in our central repository, the conclusions and determinations set forth herein do not constitute a legal opinion of title and should not be relied upon as such.

Should you have questions regarding this determination, please contact Ray Greer, Planner II, mail station 108 at the above letterhead address, or by telephone at (850)488-8123.

Sincerely,

A handwritten signature in black ink that reads "T. E. Wilkinson".

Terry E. Wilkinson, Chief
Bureau of Survey and Mapping
Division of State Lands

TEW/rwg
CC: Don Gerteisen, Rec. & Parks
g:\title\ray\4qtr98\claim23.doc

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Internal Improvement Fund, State of Florida

DEED NO. 18,471.

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, the Trustees of the Internal Improvement Fund of the State of Florida, under and by virtue of the authority of Section 1061 of the Revised General Statutes of Florida, and according to the provisions and procedure provided for in Section 1062 of the Revised General Statutes of Florida, and for and in consideration of the sum of one and 00/100 (\$1.00) and other good and valuable consideration/
Dollars, to them in hand paid by United States of America
whose permanent address is Washington, D. C.

County, Florida, receipt of which is hereby acknowledged, have granted, bargained, sold and conveyed to the said United States of America
and its ~~trustees~~ assigns, forever, the following described lands, to-wit:

A certain tract or area lying and being in the southeastern part of Little Fort George or Xalvia Island in Township One (1) South, Range Twenty-Nine (29) East, Tallahassee Meridian. A portion of said tract or area being a part of Little Fort George or Xalvia Island.

Said tract or area being further described as:

Beginning at a point 2,439 feet easterly from the West line of Section 20, measured perpendicular to said section line, from a point in said section line 2,396.6 feet southerly from the northwest corner of Section 20. Said "Point of Beginning" being 850 feet easterly from a United States Engineer Department Survey mark called Station VII., measured along the axis of the North Jetty, whose bearing is S. 72° 55' 20" East;

thence northerly 500 feet measured perpendicular to the axis of the North Jetty to a point;
thence easterly parallel with and 500 feet distant from the axis of the North Jetty, a distance of 6,450 feet, more or less, to a point;
thence easterly, parallel with and 500 feet distant from the axis of the North Jetty whose bearing is S. 84° 18' 20" E., a distance of 6,450 feet, more or less, to a point 500 feet northerly from the axis of the North Jetty, in a line drawn at right angles to said axis, at the East end of the North Jetty;

thence, southerly along said line 1,500 feet to a point 1,000 feet distant from the axis of the North Jetty;
thence, parallel with and 1,000 feet distant from the axis of the North Jetty a distance of 6,600 feet, more or less to a point;
thence, parallel with and 1,000 feet distant from the axis of the North Jetty a distance of 6,600 feet, more or less, to a point 1,000 feet southerly from the point of beginning measured perpendicular to the axis of the North Jetty;
thence, northerly 1,000 feet to the point of beginning.

Containing 449.5 acres, more or less, and lying and being in the County of Duval, State of Florida.

TO HAVE AND TO HOLD the said above mentioned and described land and premises, and all the title and interest of the Trustees therein as granted to them by Section 1061 of the Revised General Statutes of Florida,

unto the said United States of America

and its
 heirs and assigns, forever.

SAVING AND RESERVING unto the Trustees of the Internal Improvement Fund of Florida, and their successors, an undivided three-fourths interest in and title in and to an undivided three-fourths interest in all the phosphate, minerals and metals that are or may be in, on or under the said above described lands, and an undivided one-half interest in and title in and to an undivided one-half interest in all the petroleum that is or may be in or under the said above described land, with the privilege to mine and develop the same.

IN WITNESS WHEREOF, The Trustees of the Internal Improvement Fund of the State of Florida have hereto subscribed their names and affixed their seals, and have caused the seal of the DEPARTMENT OF AGRICULTURE OF THE STATE OF FLORIDA, to be hereto affixed, at the Capitol, in the City

of Tallahassee, on this the 28th, day of December, A. D. Nineteen

Hundred and Thirty-Eight.

Fred P. Cone (SEAL)
Governor.

J. M. Lee (SEAL)
Comptroller.

W. V. Knott (SEAL)
Treasurer.

George Couper Gibbs (SEAL)
Attorney-General.

Nathan Mayo (SEAL)
Commissioner of Agriculture.

(SEAL)

Sent to
District Engineer
U. S. Engineer Office
War Department
P. O. Box 4970
Jacksonville, Fla.
December 30, 1938.



Department of Environmental Protection

Jeb Bush
Governor

Office of Coastal and Aquatic Managed Areas
Northeast Florida Aquatic Preserves
13802 Pumpkin Hill Road
Jacksonville, Florida 32226
(904) 696-5944; SC 842-5944
FAX (904) 696-5946

Colleen Castille
Secretary

DATE: May 1, 2006

TO: Lauren Milligan, Environmental Consultant
Office of Intergovernmental Programs

THRU: Ellen McCarron, Assistant Director
Office of Coastal and Aquatic Managed Areas

THRU: Ken Berk, Environmental Administrator
CAMA, Guana Tolomato Matanzas National Estuarine Research Reserve

FROM: Nicole Robinson, Manager
CAMA, Northeast Florida Aquatic Preserves

RE: Consistency Review of SAI # FL06-2059C – USACOE, Jacksonville
District – Scoping Notice – Evaluate Renewal of Duval County's Lease to
Administer USACOE Property at Huguenot Park – Jacksonville, Duval
County, Florida

Thank you for the opportunity to provide comments to the State of Florida's Consistency Review with the Federal Coastal Management Program (FCMP) of, SAI # FL06-2059C, USACOE, Jacksonville District – Evaluation of Renewal of Duval County's Lease to Administer USACOE Property at Huguenot Park.

Huguenot Park is located within the boundaries of the Nassau River - St. Johns River Marshes Aquatic Preserve. The preserve is managed by the Florida Department of Environmental Protection's (DEP) Office of Coastal and Aquatic Managed Areas (CAMA) and is included in the Florida Coastal Management Program in Chapter 258, F.S. The Nassau River - St. Johns River Marshes Aquatic Preserve was designated on November 24, 1969, for the "primary purpose of preserving the biological resources of the Nassau Sound area marshes and associated waters."

It is the intent of the aquatic preserve "To preserve, promote, and utilize indigenous life forms and habitats, including but not limited to: sponges, soft coral, hard corals, submerged grasses, mangroves, salt water marshes, fresh water marshes, mud flats, estuarine, aquatic, and marine reptiles, game and non-game fish species, estuarine, aquatic and marine invertebrates, estuarine, aquatic and marine mammals, birds, shellfish, and mollusks" [Rule 18-20.001(f), F.A.C.]. On Huguenot Park, there are concerns for the protection of sea turtles and nesting shorebirds in regards to beach driving. It is recommended that protection plans for these species be addressed and reviewed in the Huguenot Park Management Plan to be drafted by the lessee (i.e.; Duval County).

Memorandum
May 1, 2006
Page 2 of 2

The other area of concern for the aquatic preserve is the Fort George Inlet. The Fort George Inlet is an important source of saltwater to the salt marshes of the aquatic preserve. Between 1885 and the current year, many studies have documented that the inlet has experienced major changes due to anthropogenic events (Kojima and Mehta 1979, Mehta and Marino 1987, Devine and Mehta 1995, Olsen 1999, Gosselin et al. 2000, Gosselin et al. 2002). Due to massive accretion of sand, it is suspected that over a period of time the inlet will completely close in. If this occurs, the Nassau River - St. Johns River Marshes Aquatic Preserve will be negatively impacted. Although the inlet is not part of the leased property in this review, the USACOE and Duval County should be aware of the situation and understand that steps may need to be taken in the future to prevent the closing of this inlet.

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



RODNEY BARRETO
Miami

SANDRA T. KAUPE
Palm Beach

H.A. "HERKY" HUFFMAN
Enterprise

DAVID K. MEEHAN
St. Petersburg

KATHY BARCO
Jacksonville

RICHARD A. CORBETT
Tampa

BRIAN S. YABLONSKI
Tallahassee

KENNETH D. HADDAD, Executive Director
VICTOR J. HELLER, Assistant Executive Director

MARY ANN POOLE, DIRECTOR
OFFICE OF POLICY AND STAKEHOLDER COORDINATION
(850)488-6661 TDD (850)488-9542
FAX (850)922-5679

April 20, 2006

Ms. Lauren Milligan
Environmental Consultant
Florida State Clearinghouse
Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, FL 32399-3000

RECEIVED

APR 25 2006

OIP / OLGA

Re: Duval County, SAI #FL200603212059C,
Scoping Notice – Evaluate Renewal of Duval
County's Lease to Administer USACE Property
at Huguenot Park

Dear Ms. Milligan:

The Division of Habitat and Species Management, Imperiled Species Management Section, of the Florida Fish and Wildlife Commission has reviewed the referenced proposal, and provides the following comments and recommendations under the Coastal Zone Consistency Act/Florida Coastal Management Program and the National Environmental Policy Act.

The Jacksonville District office of the U.S. Army Corps of Engineers (Corps) is beginning to gather information to define issues to be addressed in an Environmental Assessment to renew Duval County's lease to administer Corps property at Huguenot Park in Duval County. Based on the information provided, it is unclear as to the potential impacts to marine species, but we recommend that impacts to manatees and right whales be addressed in detail in the Environmental Assessment.

At this early point in project development, it is not clear whether the project itself would be consistent with Chapters 370 and 372, Florida Statutes; however, we conclude that the development of the Environmental Assessment is consistent. If you or your staff would like to coordinate further on the recommendations contained in this letter, please contact me at 850-488-6661 or email me at maryann.poole@MyFWC.com, and I will be glad to help make the necessary arrangements. If your staff has any specific questions regarding our comments, please contact Mary Duncan (mary.duncan@MyFWC.com) or Melissa Hughes (Melissa.hughes@MyFWC.com) at 850-922-4330.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Poole".

Mary Ann Poole, Director
Office of Policy and Stakeholder Coord.

map/mh
ENV 1-3-2
FL200603212059C

COUNTY: DUVAL

DATE: 3/21/2006

COMMENTS DUE DATE: 4/21/2006

CLEARANCE DUE DATE: 5/5/2006

SAI#: FL200603212059C

MESSAGE:

STATE AGENCIES	WATER MNGMNT. DISTRICTS	OPB POLICY UNIT	RPCS & LOC GOVS
COMMUNITY AFFAIRS	ST. JOHNS RIVER WMD		
ENVIRONMENTAL PROTECTION			
FISH and WILDLIFE COMMISSION			
STATE			
X TRANSPORTATION			

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - SCOPING NOTICE - EVALUATE RENEWAL OF DUVAL COUNTY'S LEASE TO ADMINISTER USACE PROPERTY AT HUGUENOT PARK - JACKSONVILLE, DUVAL COUNTY, FLORIDA.

To: Florida State Clearinghouse

AGENCY CONTACT AND COORDINATOR (SCH)
 3900 COMMONWEALTH BOULEVARD MS-47
 TALLAHASSEE, FLORIDA 32399-3000
 TELEPHONE: (850) 245-2161
 FAX: (850) 245-2190

EO. 12372/NEPA Federal Consistency

- | | |
|--|---|
| <input checked="" type="checkbox"/> No Comment | <input checked="" type="checkbox"/> No Comment/Consistent |
| <input type="checkbox"/> Comment Attached | <input type="checkbox"/> Consistent/Comments Attached |
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Inconsistent/Comments Attached |
| | <input type="checkbox"/> Not Applicable |

From:

Division/Bureau: FDOT - District 2 Planning / EMO

Reviewer: [Signature]

Date: 4/11/06

RECEIVED
 APR 14 2006
 OIP / OLGA

RECEIVED
 MAR 24 2006
 [Signature]
 DEPARTMENT OF TRANSPORTATION
 OFFICE OF POLICY PLANNING



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

June 8, 2006

Ms. Marie G. Burns, Chief
Environmental Branch
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: Department of the Army, Jacksonville District Corps of Engineers (USACE) –
Scoping Notice – Evaluate Renewal of Duval County's Lease to Administer
USACE Property at Huguenot Park – Jacksonville, Duval County, Florida.
SAI # FL200603212059C

Dear Ms. Burns:

The enclosed comments provided by the Florida Department of State (DOS) were received after our previous letter, dated May 12, 2006, was mailed. Please be advised that these comments do not change our finding that, at this stage, the proposed federal action is consistent with the Florida Coastal Management Program. Please continue to coordinate with the DOS Division of Historical Resources to ensure protection of the recorded historic properties in Huguenot Park.

If you have any questions or need further assistance, please don't hesitate to contact me at (850) 245-2170.

Sincerely,

Lauren P. Milligan
Environmental Consultant
Office of Intergovernmental Programs

LPM/vh
Enclosure

cc: Laura Kammerer, DOS



FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF HISTORICAL RESOURCES

RECEIVED
JUN 07 2006
OIP / OLGA

June 2, 2006

Ms. Lauren Milligan
Director, Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, Florida 32399-3000

RE: DHR No. 2006-2261/ Date Received by DHR: March 23, 2006
SAI #: FL200603212059C/ Jacksonville Corps of Engineers
*Scoping Notice-Evaluate Renewal of Duval County's Lease to Administer
USACE Property at Huguenot Park – Jacksonville, Duval County, Florida*

Dear Ms. Milligan:

Our office received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties* and the *National Environmental Policy Act of 1969, as amended*. The State Historic Preservation Officer is to advise Federal agencies as they identify historic properties (archaeological, architectural, and historical) listed, or eligible for listing, in the *National Register of Historic Places* (NRHP), assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

Our review of the Florida Master Site File indicates that three sites are recorded within the Huguenot Park; including, two historic resources, the St. Johns River Jetties (8DU14055) and the Scott Hayes Osprey Wreck Site (8DU11520), and a prehistoric resource, the Huguenot Parking Lot Site (8DU7520). This office has never evaluated the potential eligibility of any of these sites for listing in the NRHP; however, the *Mayport Villiage Historic Site Survey* considers it likely that the St. Johns River Jetties are eligible for NRHP-listing. The location of USACE's leased property at Huguenot Park is unclear from the information provided; however, should the County's administration of the Corps' property involve ground-disturbing activities at these sites, further coordination with this office will be necessary.

If there are any questions concerning our comments, please contact Janice Maddox, Historic Sites Specialist, by electronic mail at jmaddox@dos.state.fl.us, or by telephone at 850/245-6333. Thank you for your interest in protecting Florida's historic properties.

Sincerely,

Frederick P. Gaske, Director, and
State Historic Preservation Officer

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
(850) 245-6300 • FAX: 245-6436

Archaeological Research
(850) 245-6444 • FAX: 245-6452

Historic Preservation
(850) 245-6333 • FAX: 245-6437

Historical Museums
(850) 245-6400 • FAX: 245-6433

Southeast Regional Office
(954) 467-4990 • FAX: 467-4991

Northeast Regional Office
(904) 825-5045 • FAX: 825-5044

Central Florida Regional Office
(813) 272-3843 • FAX: 272-2340



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

November 19, 2008

RECEIVED
25 Nov 2008

Dr. Rebecca S. Griffith
Chief, Planning Division
Department of the Army
Jacksonville District Corps of Engineers
P. O. Box 4970
Jacksonville, Florida 32232-0019

Re: Environmental Assessment for the Huguenot Memorial Park

Dear Dr. Griffith:

We have received notice that you are soliciting information to help define issues and concerns that will be addressed in a new National Environmental Policy Act document relating to renewing the lease and determining if the Management Plan meets criteria established for the protection and conservation of the natural resources.

The Division of State Lands, Office of Environmental Services, has completed its review of the City of Jacksonville's management plan for the Huguenot Memorial Park pursuant to the requirements of Chapter 18-2.021, Florida Administrative Code, and Sections 253.034 & 259.032, Florida Statutes. It appears to be in compliance, and is scheduled to be reviewed and considered by the Acquisition and Restoration Council (ARC) in December. The ARC will vote to modify and approve, approve, or deny this management plan on the December 12, 2008.

If you have comments of your own that the ARC should consider in their deliberations, or have received comments from others that should be considered by ARC, please forward them to us as soon as possible. We will share with you any comments related to this plan that we receive during the ARC public hearing on December 11.

Dr. Rebecca S. Griffith
Page Two
November 19, 2008

Thank you for the opportunity to comment. If you have any questions or comments, contact me by telephone at 850-245-2784, or by e-mail at keith.singleton@dep.state.fl.us .

Sincerely,

A handwritten signature in black ink that reads "Keith Singleton". The signature is written in a cursive style with a large, prominent "K" and "S".

Keith Singleton
Land Acquisition and Management Planner
Office of Environmental Services



**Florida Fish
and Wildlife
Conservation
Commission**

Commissioners

Rodney Barreto
Chair
Miami

Brian S. Yablonski
Vice-Chair
Tallahassee

Kathy Barco
Jacksonville

Ronald M. Bergeron
Fort Lauderdale

Richard A. Corbett
Tampa

Dwight Stephenson
Delray Beach

Kenneth W. Wright
Winter Park

Executive Staff

Kenneth D. Haddad
Executive Director

Nick Wiley
Assistant Executive
Director

Karen Ventimiglia
Deputy Chief of Staff

Rolando Garcia
Regional Director
Office of the
Executive Director
Voice: (386) 758-0525
Fax: (386) 758-0533

*Managing fish and wildlife
resources for their long-
term well-being and the
benefit of people.*

North Central Region
3377 E. US Highway 90
Lake City, Florida
32055-8795
Voice: (386) 758-0525

Hearing/speech impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

November 20, 2008

Department of the Army
Jacksonville District Corps of Engineers
Planning Division, Environmental Branch
P.O. Box 4970
Jacksonville, FL 32232-0019

To Whom It May Concern:

The Florida Fish and Wildlife Conservation Commission (FWC) has been involved in reviewing and providing comments on the Management Plan (Plan) for Huguenot Memorial Park (HMP) since at least 2003, with staff serving as members of the advisory board for most of that time. During that time we have had the opportunity to review and provide comments on many versions of the Plan.

Huguenot Memorial Park encompasses some of the most important habitat for wildlife conservation along the northeast coast of Florida. The dune areas are known to be used for nesting by least terns, gull-billed terns, black skimmers, royal terns, laughing gulls, willets, and American oystercatchers. In fact, the last statewide survey in 2000 showed that these nesting colonies at Huguenot Park are some of the most important in Florida: The royal tern nesting colony is the largest such colony known to occur along the east coast of Florida and one of the 5-6 largest in Florida; Huguenot Park is one of only 3-4 sites in Florida where black skimmers and gull-billed terns are known to nest; the laughing gull colony is one of the 6-7 largest in Florida.

Huguenot Memorial Park also is one of the most important sites in northeast Florida for wintering and migrant shorebirds. In the FWC report summarizing results from a series of winter shorebird surveys, Huguenot Park was ranked as the second most important site along the northeast coast of Florida for these species, behind only Merritt Island National Wildlife Refuge. Huguenot Park is known to support a very high abundance and diversity of shorebird species both during the winter and during the spring and fall migration periods.

Habitats encompassed by HMP are some of the most important in Florida for bird species and that importance should not be underestimated. In addition to the dunes, which are important for nesting birds, the extensive intertidal sand flats are extremely important year round because of their use by many bird species for feeding and resting. There is a need to minimize disturbance to the bird populations that utilize and are dependent upon these diverse habitats present within HMP.

In the 3 September 2008 draft of the Plan (3 September Plan), the City of Jacksonville (COJ) has taken a number of important steps to develop and put in place management activities appropriate for conservation of the wildlife populations that are dependent upon habitats present within HMP. We also understand and acknowledge that HMP is an important area for recreation as well as wildlife and that creating a balance among all user groups is a difficult task. The 3 September Plan incorporates actions to address conflicts between beach goers and wildlife, that are designed to create a balance between all affected user groups. These actions include: creating defined driving lanes, limiting leashed dogs to a "family beach" region, closing the beach during high tide and when sensitive wildlife are present, posting and enforcement of signage outside the FWC-established Critical Wildlife Area to prevent disturbance to important wildlife species by recreational users, and prohibiting of driving on the emergent, intertidal, shoals that are important areas for foraging and loafing for many species of wildlife.

Department of the Army

Page 2

November 20, 2008

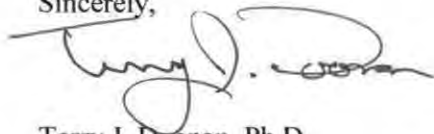
However, implementation and enforcement of the management actions proposed in the 3 September Plan, which we believe are necessary for appropriate protection and management of wildlife species present in HMP, will be a major undertaking. We are concerned that, as well meaning and capable as HMP park staff are, they will not be allocated sufficient resources to implement all of the necessary proposed management activities. For example, up to this time HMP managers have not always had sufficient man-power or other resources to see through required actions considered necessary and appropriate for effective wildlife conservation.

Another area of major concern is the monitoring of the natural resources. The Plan outlines what surveys and monitoring will be done to ensure that the natural resources are not adversely affected by the recreational activities in the Park, but seeing these plans to fruition represents a major manpower hurdle that park staff may not be able to accomplish on their own. As it stands now, the use of volunteers and development of partnerships would be extensively required to accomplish the specified activities. Recruiting and training of volunteers are also time consuming activities. We are uncertain these constraints are being fully considered, with steps planned to ensure those activities could be addressed.

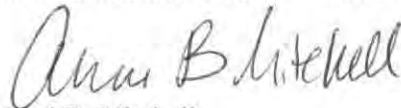
The COJ staff has worked hard to develop the 3 September Plan, which specifies important wildlife management activities, while providing many concessions to accommodate specific needs of recreational users, and has been acceptable to most affected stakeholder groups. The natural resource management activities incorporated into the 3 September Plan should provide for acceptable wildlife conservation within HMP, as long as those activities can be implemented as proposed.

Thank you for the opportunity to comment for the environmental assessment of the Huguenot Memorial Park land lease renewal. If you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,



Terry J. Doonan, Ph.D.
Regional Biologist, Species Conservation Planning Section
Florida Fish and Wildlife Conservation Commission



Anni B. Mitchell,
Assistant Regional Biologist, Species Conservation Planning Section
Florida Fish and Wildlife Conservation Commission

Non-Governmental Organizations



Audubon of FLORIDA
2507 Callaway
Road
Suite 103
Tallahassee, FL
32303
Tel. (850) 224-

December 3, 2008

Angela Dunn
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville FL 32207-8175

Dear Angela Dunn:

Please find the attached Word document containing 626 comments from Audubon of Florida advocates responding to the Army Corps of Engineers' scoping letter regarding the proposed federal land lease renewal for Jacksonville's Huguenot Memorial Park.

Many of our supporters (44) personalized their comments, and those comments appear first in the file. However, all of our supporters submitted or customized some version of the comments below:

Huguenot Memorial Park is home to wildlife populations of national significance. Unfortunately, recreational use at the park has ballooned in the twenty-five years since the Corps first leased the property to the City of Jacksonville. The City's proposed management plan recognizes that resource protections to-date have not kept pace with the impacts of these uses.

The City of Jacksonville has proposed that it will improve protection for these resources and largely maintain the high levels of recreational use at the park. This is a tall-- and expensive-- order, and will require significant funding and staffing increases at a time when the City's budget is dwindling.

*Due to the history of resource neglect at this park, I urge the Corps to condition its lease to the City, to provide assurances that the plan will be fully implemented.
Please:*

- 1) Limit the lease term to eight years instead of the standard twenty-five, to provide accountability for plan implementation.*
- 2) Evaluate the City's plan implementation and Huguenot's resource health every two years, to ensure the City is meeting the resource protection requirements of its lease.*
- 3) Require the City to dedicate to Huguenot the biological and law enforcement staff identified in the plan as necessary to plan implementation. This staffing is currently unfunded.*

Huguenot is not the same park the Army Corps of Engineers leased to the City of Jacksonville twenty-five years ago. Park use has changed radically, and so too should the terms of the property's new lease. With dwindling habitats for imperiled species, and ever-increasing demand from recreational users, it is incumbent upon the Corps to ensure public use is not at the expense of the resource as it has been in the past.

Thank you for your consideration of these concerns.

Please accept our thanks to you and the Corps for your consideration of our advocates' and the public's comments when considering the management of Huguenot Memorial Park. We all want Huguenot Memorial Park to be a safe and sustainable resource for both wildlife and people.

Sincerely,

A handwritten signature in dark ink, appearing to read "Julie Wraithmell". The signature is fluid and cursive, with a large loop at the beginning.

Julie Wraithmell
Audubon of Florida

P.S. Per our conversation on Wednesday, November 26, I may forward to you on Friday any additional comments received between now and that time. Please direct any issue-related inquiries to me. I can be reached by phone at (850) 222-2473 or by email at jwraithmell@audubon.org. Any and all questions about the data can be directed to Brian Chumney. He can be reached at the same number or bchumney@audubon.org.



2507 Callaway Road
Suite 103
Tallahassee, FL 32303
Tel. (850) 224-7546
www.audubonofflorida.org

December 3, 2008

Angela Dunn
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville FL 32207-8175

Dear Ms. Dunn:

Thank you for the opportunity to share our issues and concerns regarding the renewal of the federal land lease for Huguenot Memorial Park (Duval County, Florida). Both Audubon of Florida staff, as well as the president of our local Duval Audubon chapter, served on the advisory committee to the City of Jacksonville, in the development of the management plan submitted September 3, 2008. Defenders of Wildlife, the American Bird Conservancy and the Delmarva Ornithological Society also share the concerns compiled here.

City staff worked very hard to learn about the wildlife resources at their park and improve protections without significantly impacting historical recreational uses at the park. We are encouraged that the proposed plan aims to remedy some of the resource abuses and public safety hazards that, as documented in the plan, have become commonplace at Huguenot.

We applaud the plan's proposals to limit dogs at the park, end nighttime beach driving, exclude parking on the cove-side mudflats, and establish a driving lane on the Atlantic beach on high visitation days. Nevertheless, this plan attempts to increase resource and public safety protections while maintaining intense beach driving. This will be expensive to implement and we have concerns the increased funding and staffing needed for implementation will not be available. The Army Corps of Engineers has an important role to play in ensuring implementation is complete and effective in addressing the following issues.

Protection of wintering, federally threatened Piping Plovers

Huguenot is part of a federally designated critical habitat unit for threatened Piping Plovers and Audubon members have documented these birds' use of the park from July through May, concentrated in the cove area as well as along the inlet and Atlantic frontage of the park. Sightings include birds from the Great Lakes population, listed as federally endangered on their nesting grounds. These birds are subject to disturbance by beach driving, pedestrians, watersports enthusiasts, and dogs on or off leash, and this disturbance may affect their survivorship. By allowing recreational uses at the park that result in repeated disturbance of these birds, the Corps may be at risk of facilitating take of a listed species. Because of the volume of visitors to Huguenot and the cryptic nature of these birds, recreational uses need to be managed to provide protection from disturbance, rather than relying on education of park visitors alone. Specifically:

Cove-side driving: The City's plan proposes the installation of a bollard system on the cove side of the park to allow traffic to access the Point without stopping on the mudflat habitat. This measure will improve protection for plovers on the cove side but likely will be problematic: the traffic lane is narrow at points, making two-way traffic difficult without encroachment onto the dunes; sand is deep in places, making travel difficult for two-wheel drive vehicles; and Piping Plovers also use these higher beach habitats to rest and have been frequently documented roosting in tire tracks. The best solution for plovers would be the closure of this cove side to driving altogether. For the bollard system to work, the park must have sufficient staffing to maintain the bollards, direct traffic, assist with vehicles which become mired in the sand, and monitor for impacts to plovers and other shorebirds.

Disturbance by dogs: Dogs are perceived by birds as predators and even leashed dogs are known to cause disturbance. Early versions of the plan banned dogs from the beach. Now the City proposes to exclude dogs from all parts of the park except for the campground, the river frontage and the "free beach" area. This compromised rule will require extra staff and enforcement presence to ensure visitors' compliance. Although Huguenot currently has a leash law in effect, dogs running off leash, flushing birds for lack of enforcement, is common.

Disturbance by kitesurfing and other watersports: The plan currently does not place limitations on areas in which watersports may occur; it would be appropriate to limit kitesurfing to the Atlantic frontage of the park away from the Point to protect both the birds on the cove's mudflats, as well as those utilizing the productive intertidal and shoal areas in the mouth of the inlet.

Protection of migrating Red Knots, a candidate species under the Endangered Species Act

Audubon members have documented more than 1,000 Red Knots utilizing the beach and inlet shoal habitats at Huguenot on peak migration days, with several of these individuals being traced to the Southwest Florida wintering population as well as the population that winters in extreme southern Chile and Argentina. This number represents a significant proportion of the Eastern United States' remaining Red Knots. These long distance migrants are obliged to meet strict metabolic budgets if they are to survive their migrations and breed successfully in the Arctic. Accordingly, they are especially susceptible to repeated disturbance events, which deprive them of the opportunity to feed and force them to expend energy fleeing the source of disturbance. Red Knots at Huguenot are excluded from the beachfront by vehicular traffic on high visitation days, and on lower visitation days are repeatedly disturbed by vehicles, pedestrians, dogs and watersports enthusiasts. Additionally, Huguenot visitors access the inlet shoals and sovereignty submerged lands contiguous with the park in the inlet and disturb birds foraging there. Because beach driving provides easy access to remote areas of the park, the volume of users at Huguenot, and the sensitivity of these birds, recreational uses need to be managed to provide the birds with a buffer from disturbance. Specifically:

Disturbance by traffic and pedestrians on Huguenot's beachfront and Point: The City's plan proposes to create temporary protected areas based on the presence of knots in the inlet during migration. These temporary areas would be portable, established by staff at appropriate tide stages with the placement of sandwich board signs to delineate the extent of the closed areas. This is a creative solution to provide protection to the birds as well as continue to allow unlimited beach driving at the park's Point area. Audubon is supportive of these efforts and will work to provide volunteers to help staff educate parkgoers about the significance of the protected areas and the plight of the birds. Nevertheless, the implementation of this plan will require staff with biological expertise to establish and remove the protected area signs at appropriate tide stages, and enforcement staff to ensure compliance with the closed area.

Disturbance by traffic and pedestrians on emergent inlet shoals and sovereignty submerged lands accessed by Huguenot visitors: The shoals in Ft. George Inlet which are revealed at low tide have proven to be vital foraging habitat for these migrant knots. Such inlets are very scarce on Florida East Coast. Previously these shoals were separated from Huguenot by a shallow but fast-running channel. Nevertheless, despite prohibitions against swimming off the Point, people regularly waded or swam across the channel, often with their dogs, or in some cases drove across in their cars and trucks, to access the shoals, causing significant disturbance to the knots foraging there. In some cases, swimmers have struggled with the current and required rescue; in others, cars on the shoals or attempting to access the shoals have been swept out by the tide. The new management plan proposes to ban swimming at the Point and to place “no driving beyond this point” signs to limit vehicular access to the shoals. In order to protect public safety and the knots on the shoals, we feel it will be necessary to station a lifeguard at the point as well as law enforcement staff to change this historical recreational use pattern.

This scenario is currently compounded by the fact that the dynamic inlet is shifting and the majority of the inlet’s shoals are now contiguous with the park at low tide. Accordingly, the knots no longer benefit from the modest isolation previously provided by the channel separating Huguenot from the shoals. The management plan currently proposed does not consider this scenario because the shoals were not accreted onto the Point at the time the plan was drafted. In this new configuration, the modest portable closure areas and “no driving beyond this point” signs will likely be insufficient to provide the knots with sufficient foraging habitat. We anticipate the “no cars beyond this point” area will actually prove very attractive to pedestrians and it will be necessary to establish larger protected areas to allow the migrant shorebirds to forage. This will additionally require staff to post the areas and enforcement to ensure compliance.

Disturbance by watersports enthusiasts: Watersports enthusiasts, particularly kitesurfers and personal watercraft (PWC) operators, frequently disturb the birds, often inadvertently. Kites in particular affect the birds due to their similarity to aerial predators. While these sovereignty submerged lands are not technically within the park’s boundaries, because visitors access them from Huguenot, the plan recognizes the City has some responsibility for minimizing the impacts of its users on these sensitive resources. While kite surfing is not addressed specifically in the plan, it would be appropriate to close the Point to kitesurf launching during knot migration. Similarly, personal watercraft users currently launch from the inlet side of the Point. The plan currently includes improvements to the PWC launch at Alimacani, which would be able to accommodate a greater volume of PWC launches without the need for operators to drive their vehicles and trailers along the narrow, sandy cove-side route at Huguenot. This Alamacani launch is also further removed from the inlet shoal habitats prone to disturbance. When this launch site is improved, we suggest that PWC launching at the Point be redirected to Alimacani, to further buffer the Piping Plover and Red Knot habitats in the inlet.

Nesting Seabirds and Shorebirds in the Park’s Interior Colony: The Florida Fish and Wildlife Conservation Commission has identified Huguenot as the largest remaining Royal Tern colony on Florida’s Atlantic Coast, and the park additionally provides nesting habitat for state-listed Black Skimmers, Gull-billed Terns, as well as Laughing Gulls. Declining Least Terns, American Oystercatchers, and Wilson’s Plovers were also known to nest here historically, and we are optimistic that with improved management, they one day will again. The establishment of the dune interior of the park as a state Critical Wildlife Area (CWA) has helped improve awareness and protection of these species. Still, problems exist and the management plan attempts to remedy several of them.

Abandonment of nests just inside the CWA boundary: In previous years on busy warm-weather weekends, birds such as Black Skimmers nesting just inside the roped boundary abandoned their nests due to proximity of cars/people parked just beyond the boundary. The plan seeks to improve this situation by increasing the extent of the CWA on the point. Audubon hopes to support this establishment with volunteers to provide outreach to the beachgoing public to educate them about the sensitivity of these birds. Enforcement staff will be necessary to ensure compliance however, and depending upon nesting patterns each year, it may be appropriate to establish a buffer zone between parked cars and the CWA boundary similar to the sea turtle conservation zone at the toe of the dunes on the Atlantic side of the park. We hope that resource management will prove adaptive when presented with these kinds of scenarios and will be receptive to recommendations like these from the shorebird management team established in the plan.

Flightless chicks vulnerable to crushing in traffic: Flightless chicks from the interior colony roam the Atlantic frontage in crèches late in the breeding season, and are vulnerable to being crushed by vehicles. The plan mentions that flightless chicks have been found crushed by cars. This is a violation of the Migratory Bird Act and, at the request of USFWS, the city has closed temporarily a portion of the beach to driving. We are glad this recurring, seasonal closure is now written in the plan, as it is necessary to provide a protected area for these young birds. The closed area has largely been accepted by park visitors, and staff have asked those drivers who do not honor the closed area to leave the park. On the cove side, intertidal and upper beach areas would traditionally have been important to precocial Wilson's Plover and American Oystercatcher chicks. We are optimistic that the exclusion of cars from the cove side mudflats may make it possible for nesting of these species to resume at the park, but are concerned the remaining vehicular traffic on the cove side may still prove prohibitive to these nesting species.

Trespass into the CWA: Currently, beach visitors on high visitation days know that if they drive back to the restrooms at the campground more than a mile away, their space on the beach will be filled upon their return. Accordingly, many beachgoers sneak into the closed nesting area behind the dunes to relieve themselves. This is a difficult situation because Huguenot's dynamic coastal conditions and the closed Critical Wildlife Area do not lend themselves well to the placement of restroom facilities, even portable ones, near the beach. Accordingly, the only solution is to make it easier for people to leave and return to their parking spaces, and provide enforcement to stop trespass into the CWA. We are glad to see the plan provides for an established driving lane which will make transit easier for beachgoers, and that staff will limit the number of cars on the beach based on tide conditions and the presence of imperiled species. Implementing these protections will hopefully make beach ingress/egress more efficient and make it easier for visitors to use the restrooms at the campground. It will hopefully also protect cars from being inundated or even washed into the ocean by the tide as currently occurs at the park on occasion. Early versions of the plan established a beach carrying capacity of 700 cars (one car per 12 feet of beachfront), which would have required less staff to manage a driving lane, monitor tide stages, assess the daily limit of cars that may be accommodated, and other tasks. Huguenot will need to allocate sufficient staff and enforcement personnel to ensure the driving lane, condition-influenced vehicle limits, and CWA boundary effectively protect the resources and public safety.

Recommendations

Audubon originally advocated on the Advisory Group for:

- the establishment of a vehicle carrying capacity for public and resource protection,
- closure of the cove side to vehicles, while allowing pedestrian access,
- seasonal closure of the Point to driving, while Red Knots are present,
- exclusion of dogs from the beaches, Point and cove, and

• continuation of the seasonal limited closure of beachfront for flightless chicks. These measures would have been possible to implement at existing staffing and funding levels, and would not only have improved resource protection and public safety, but would have provided a new recreational experience for passive users at Huguenot.

Due to concerns expressed by beach drivers at the park, the City has tried to provide a compromise plan that will maintain intense levels of beach driving while improving public safety and resource protection. As detailed in the plan, this will require significant funding and staffing increases to establish driving lanes, enforce rules, direct traffic, set up and break down protection areas, monitor tides, determine daily beach capacities, survey and manage wildlife, and more. This plan embodies the good intentions of City staff attempting to allow historical, intense beach driving while trying to better fulfill their mandate to adequately protect the natural resources, but we have grave concerns that given the current economic straits of all local governments including the City, the plan will not be funded sufficiently to be implemented. If staffing is insufficient, the plan does not include provisions for how recreational use will be modified to ensure the resource is not impacted. Accordingly, we feel it is appropriate for the Corps to condition its lease to ensure there is accountability for funding and implementing the plan as proposed. Specifically:

- (1) **Rather than leasing the park for the standard 25-year term, the Corps should limit the lease to expire in 2017, to provide an opportunity for management assessment.** The need for lease renewal was the impetus for the current, long-overdue review of management at Huguenot Memorial Park, and we would like to see lease renewal remain a mechanism of accountability in the City's management of the park. Also, by setting a 2017 term for the lease, the Corps will be able to synchronize its lease renewal with the lease of the State's portion of this property, providing more seamless review of management and renewal of leases for all parties involved.
- (2) **The Corps in conjunction with the USFWS should review a biannual report from the City of Jacksonville on implementation of the management plan, and evaluate if management is in compliance with lease terms** relating to safety and security of the visiting public, as well as the protection of natural resources.
- (3) **The Corps should require the hiring of a biological staff person identified in the plan but not included in the list of staffing needs.** This position is essential to the implementation of monitoring and management of natural resources at the park, and will be necessary to the adaptive management of resources and recreation that the plan proposes.
- (4) **The Corps should require that if the plan is not fully staffed and funded, that reductions in vehicular use will be necessary.** For example, without additional staff to maintain driving lanes, direct traffic and establish daily capacities, a flat beach capacity of 700 cars per day should be established. Without a biological staffperson and staff to post and enforce protected areas, the cove should be closed to cars year-round and the Point should be closed seasonally to cars during Red Knots migration.

Conclusions

Recreational use at Huguenot Memorial Park has kept pace with Jacksonville's dramatic growth since the Corps first leased the park to the City. Resource protection and public safety, however, have lagged behind, and the proposed management plan attempts to improve these inequities. Yet without sufficient staffing, this plan will be little more than an unfunded mandate. The Army Corps as the leasing entity for the park has an important role to play in ensuring the plan is implemented. It is the Corps' obligation to ensure safety and security are provided to the visiting

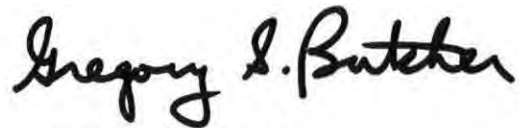
public, and safeguard against violations of the Endangered Species and Migratory Bird Treaty acts.

Thank you for your consideration of our concerns and recommendations. If you have any questions, please do not hesitate to contact me at (850) 224-7546.

Sincerely,



Julie Wraithmell
Wildlife Policy Coordinator
Audubon of Florida



Gregory S. Butcher, Ph.D.
Director of Bird Conservation
National Audubon Society



National Headquarters

1130 17th Street, N.W. | Washington, D.C. 20036-4604 | tel 202.682.9400 | fax 202.682.1331
www.defenders.org

December 3, 2008

Ms. Angela Dunn
Planning Division, Environmental Branch
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

To Whom It May Concern,

Please find attached an Excel file containing 2,767 comments from Defenders of Wildlife supporters in Florida regarding the management plan submitted by the City of Jacksonville regarding the renewal of its lease on Huguenot Memorial Park.

I have encrypted the data to help ensure the privacy of our supporters, so please use the password "defenders" to access the file.

Many of our supporters personalized their comments, and those comments appear first in the file. However, all of our supporters submitted or customized some version of the comments below:

As a Florida resident and a supporter of Defenders of Wildlife, I'm writing to urge the Army Corps of Engineers to condition its lease of Huguenot Memorial Park to the City of Jacksonville in order to help ensure the protection of the magnificent bird and wildlife species that rely on the habitat this park provides.

The City of Jacksonville and the Army Corps of Engineers have a duty to conserve the important, nationally significant wildlife resources that can be found in this natural area and to protect the safety of the people who recreate there. However, despite their best efforts, park managers have not been able to protect this special place.

As you may know, some of the recreational activities that currently take place at Huguenot Park are unsustainable and put unacceptable and avoidable stress on the birds and wildlife that feed, nest, and roost on Park lands -- including the federally protected piping plover and the near-extinct rufa red knot.

Allowing the status quo to continue is an embarrassment, a liability and a real threat to public safety.

Beach drivers have run over and killed baby birds, and off-leash dogs regularly scare birds away from nesting and feeding sites. A camper was caught driving circles around a nesting sea turtle and a child was even run over this past March.

In order for the City of Jacksonville to continue operating Huguenot Park, it must meet the obligations of its leases with the state and federal governments. But the management plan the City has submitted to the Army Corps of Engineers could jeopardize the natural resources that make this Park so special.

In its plan, the City of Jacksonville asserts that it will improve protections for the Park's natural resources while maintaining the high levels of recreational use at the park both of which will require significant funding and staffing increases at a time when the City's budget is dwindling.

Given the City's current budget stresses, it is simply irresponsible to accept an unrealistic and unsustainable plan that will have little chance of being implemented especially when wildlife would likely be the first to lose if budgets are cut.

Due to the history of resource neglect at this park, I urge the Corps to require the City to strengthen its plan and provide assurances that the plan will be fully implemented. Specifically, I hope the Army Corps will:

- Limit the terms of the City of Jacksonville's lease to eight years to ensure the City is held accountable for implementing its management plan;*
- Evaluate the City's progress in implementing its plan every two years to ensure the City is meeting the resource protection requirements of its lease;*
- Require the City to include provisions in its plan that reduce car traffic on the beach and prohibit driving on the cove side of the peninsula; and*
- Require the City to dedicate the funding necessary to hire and support the biological and law enforcement staff identified in the plan.*

With habitats for our imperiled species in decline, and an ever-increasing demand from recreational users, it is incumbent upon the Corps to protect the natural resources that make this area so ecologically important.

I want future generations to be able to enjoy this beautiful natural area and witness the largest colony of seabirds on Florida's Atlantic coast. But if the Army Corps of Engineers approves the plan in its current state, the federal government could play a part in the further decline -- or extinction -- of federally protected imperiled species.

I hope the Army Corps of Engineers will protect the future of wildlife and the future of safe family recreation at Huguenot Park by requiring the City of Jacksonville to take swift and meaningful steps to balance recreational activities with its wildlife conservation responsibilities before it's too late.

Thank you for listening to my concerns.

Finally, please accept our thanks to you and the Army Corps of Engineers staff for ensuring that the voices of concerned citizens are heard during this decision-making process.

Sincerely,

Caroline Kennedy
Senior Director of Field Conservation
Defenders of Wildlife

P.S. Please direct any issue-related inquiries to me. I can be reached by phone at (202) 682-1331, ext. 107 or by email at ckennedy@defenders.org. Any and all questions about the data can be directed to Leslie Magraw in our Online Communications department. She can be reached by phone at (202) 682-1331, ext. 285 or by email at lmagraw@defenders.org.

Private Citizen Letters

To: Dept. of the Army
Jax. District Corps of Engineers
attn. Planning Division

From: Doug Rhatigan
11723 Water Bluff Dr. E. 32218
757-4854, 838-3631

7 Nov. 08

To Whom it may Concern,
Thank You for your attention. I am a surfer and have been enjoying the Huguenot Park/ North Jetty area of Jacksonville since the late 70's. I have seen the area change with time to a more eco-friendly place. There is wildlife abound. There are not junked cars in the breakers anymore! I would guesstimate 90-95% of the park (area wise) is off limits to people, and is reserved for birds and other animals. The sea turtle nests are monitored and protected. Automobiles are only allowed on limited beach/tidal areas and campground areas.

However, there seems to be an ongoing cause to further restrict automobile accessibility to the Park. It is my belief, that to further limit accessibility to the park, would not be right, or fair to the people (the taxpayers and fee payers) of Jacksonville.

A governing official must consider the people (just as you are) that spend the most time there, who see how the Park really is and how wildlife is thriving and how there is a huge bird/ fish population . I have sometimes thought that there is an overpopulation of birds just from the sheer masses of them that can be seen at times. I've wondered if there is enough food/bait to support them all.

There are some who want more access restrictions on the Park, because they feel that the people and cars are encroaching on the birds/animals' space. I think that is inaccurate and somewhat ridiculous considering the land that is already designated to them. I have also heard some say, that automobiles are eroding the beach away. This also sounds ridiculous in that a beach is made of eroded sand, and that a good Northeaster will cause more erosion than 100 years of car traffic.

I listened to some of these “pro less access” arguments of the Audubon Society and the U.S. Fish and Wildlife Service at a public meeting at First Coast High earlier this year.

I came away from the meeting with a big question in my mind as to what is their reasoning? and what will this accomplish? They never explained WHY.

Sure, I can understand when newborn chicks or turtles are on the beach crossing over to the water, the area must be restricted, but that is understandably a temporary restriction. To permanently restrict the area, would not be considering the people.

At the meeting there was a bird scientist who spoke and had done bird studies of the area, and argued that placing further restrictions on the Park, would accomplish very little if anything for the birds.

They want more limits of automobile access on the beach? Why do they want to do this? What will this accomplish?

As you can see, I am against proposed limits of access because I have simply not heard a good reason as to why.

I can enjoy my already pretty eco-friendly Park just fine the way it is.

Thank You, Doug Rhatigan

Other Suggestions:

1. Make the park a biologically recognized preserve that public and private schools could readily utilize for research and teaching and could possibly receive funding from the government.
2. There is a kind of lifeguard tower in place on the beach that is not used and that is not very well built. I might suggest that a modest tower of 20'-30' ++ be professionally built and could be open to the public. It would be an exhilarating and complimentary view to new and old visitors of the Park. Or could be simply for the Lifeguards.
3. A possible Nature Walk/ Dock through the dunes where it is restricted right now.

Thank You

Dunn, Angela E SAJ

From: rex neidlinger [rrn811@yahoo.com]
Sent: Tuesday, November 11, 2008 3:26 PM
To: Dunn, Angela E SAJ
Cc: nic511@yahoo.com
Subject: Environmental Assessment for Huguenot Memorial Park

Ms. Angela Dunn;

My wife and I are sensitive to our environment and respect our natural resources. The following are comments that we would like you to consider for Huguenot.

When migrating birds are present limit the parking on the beach. Our environmental concerns need to be considered along with the beach's popularity for people that visit the park. Hopefully a viable compromise can be worked out.

People are walking on the sand dunes and ignore the signs to stay off. This needs to be enforced.

Riptides are common at Huguenot park and visitors need to know the dangers of this and also how to react if caught in a riptide. Suggest signs be placed on the beach.

Thank You,

Rex and Nicky Neidlinger

Dunn, Angela E SAJ

From: Brian Harrington [bharrington@manomet.org]
Sent: Thursday, November 13, 2008 1:06 PM
To: Dunn, Angela E SAJ; john_milio@fws.gov; Nathan Rezeau
Cc: usherlt@bellsouth.net; Albert.Gregory@dep.state.fl.us; grant.gelhardt@dca.state.fl.us; gary.cochran@fwc.state.fl.us; brownej@doacs.state.fl.us; fgaske@dos.state.fl.us; ecospatial@aol.com; lane@ttrs.org; chris.klena@ch2m.com
Subject: Red Knots and their use of Huguenot Memorial Park at Ft. George Inlet

To: Whomever is concerned
From: Brian Harrington
Re: Red Knots and their use of Huguenot Memorial Park at Ft. George Inlet
13 November 2008

The purpose of this note is to urge protection of "core" coastal habitats used by Red Knots at Huguenot Memorial Park on the Ft. George Inlet near Jacksonville, FL. I offer my thoughts based on 2 decades of research on Red Knots and other shorebirds, as author of The Flight of the Red Knot, and as coordinator of the International Shorebird Surveys.

Huguenot Memorial Park is the southern boundary of Ft. George Inlet and is leased by Jacksonville from the State of Florida and the Army Corps of Engineers. It is essential that the management plan of Huguenot Memorial Park currently under review by ARC and the Army Corps of Engineers provides sufficient protections for these declining birds.

Knots are a highly threatened species. They are a candidate species for listing under the United States Endangered Species Act, and they have been accepted for a listing comparable to Endangered in Canada.

Knots have an extraordinary dependence upon strategic migration stopover areas where they lay on fat needed for continued migration. Lost use of resources at such locations is thought responsible for the dramatic population declines of knots witnessed (and documented) during the last decade.

Simply stated, Ft. George Inlet is a key site for knots during migration. On a national scale, counts of knots from the Inlet have ranked among the highest in the United States. Specifically, based on maximum counts from the International Shorebird Surveys operated from 1975 until the present, the maximum count of knots at St. George Inlet (2250 birds) ranked 27th among the 2250 sites from which counts have been submitted, and 27th among the 516 sites where knots were ever found.

Measures needed to ensure knots' needs at migration areas are ones that will prevent their chronic disturbance at foraging and/or high-tide roosting areas, and ones that will protect the food resources they need. Critical food resources at most of their haunts are small bivalves, and eggs of horseshoe crabs at a few key areas. Research associates in NE Florida have identified and documented critical foraging and roosting habitats there and provided such data to local, state and federal officials and regional land managers. The fate of Red knots in NE Florida is directly related to implementation of effective conservation and protection measures by appropriate authorities. Such measures are already in place and are providing critical protection for knots at many key migratory sites used by knots in North and South America.

I would be glad to provide additional information to interested parties.

Brian Harrington
Manomet Center for Conservation Sciences
PO Box 1770, 81 Stage Pt Rd
Manomet, MA 02345

Email ADDRESS: bharrington@manomet.org
tel 508/224-6521, fax 224-9220

Dunn, Angela E SAJ

From: prlearybellsouth.net [prleary@bellsouth.net]
Sent: Thursday, November 20, 2008 8:46 AM
To: Dunn, Angela E SAJ
Subject: HMP MP Comments

Attachments: ACE HMP comment.doc



ACE HMP
comment.doc (38 KB)

Hi Angela: Attached are our formal comments concerning ACE's pending lease agreement with the COJ for HMP. We hope these assist and support your efforts to evaluate and consider the MP document.

Sincerely, Doris and Patrick Leary

Planning Division, Environmental Branch
Jacksonville District Corp of Engineers

RE: DA Lease No. DACW17-1-80-2
(Huguenot Memorial Park)

“The purpose of the City of Jacksonville’s HMP management plan is to protect the natural resources while providing public recreation for the community”

Comment:

As currently presented, the HMP MP contains conservation elements that could potentially “protect the natural resources”(if) they were fully implemented, adequately funded, strictly enforced by a qualified staff dedicated to the task and universally honored by all park patrons. However, the MP lacks critical and essential specificity regarding conservation objectives and the measures and means required to achieve them. Given the park’s coastal environment, its significant avifauna (including several listed species), its high visitation rates, its accommodation of beach driving, its many conflicts and its appeal to a broad spectrum of recreational activities, it is essential that all environmental conflicts and impacts be thoroughly evaluated and comprehensively addressed before the issuance of a long term lease.

Furthermore, the MP does not address significant, adverse, impacts to natural resources (including listed species: Red knot, Piping plover) critically dependent on coastal habitats adjoining or contiguous with the Park’s GIS boundaries. Due to coastal geography, such habitats are extensive in and near HMP and consequently are persistently accessed and impacted by park patrons, vehicles and pets. More importantly, recent alterations in Ft. George Inlet, associated with shifting channels and persistent shoaling, now exacerbate issues and conflicts directly related to HMP patrons accessing highly sensitive and vulnerable, inter tidal, habitats for listed species.

As currently presented, the HMP MP does not provide sufficient protection / conservation for these habitats and the listed species dependent on them. Current impacts associated with multiple recreational activities (kite surfing, PWC, pedestrians, pets) in these contiguous inlet areas are not addressed in the plan or lack sufficient specificity to assure the continued integrity of these areas. The MP fails to address jurisdiction, oversight, and law enforcement in such areas and does not address how, or if, park patrons will be regulated in these habitats.

The MP fails to address the contingency of adjoining lands accreting onto the park and how such habitats and resources might be managed or how current park activities will be regulated under such circumstances (vehicle, pedestrian, pet access – various forms of recreation).

Note: When queried in the past, JSO LE representatives have asserted that they have no jurisdiction beyond park’s GIS boundaries and they are not equipped to access such inter tidal areas.

On-going observations (Leary & Leary) of regional listed species (Red knot, Piping plover) reveals that coastal habitats in /near HMP provide critical foraging and roosting habitat for these species. The entire park and its environs have been designated by the FWS as Critical Wintering Habitat for **ES** Piping plovers and identified in a similar manner for **E candidate** Red knot. Ft. George Inlet and adjoining Nassau Sound represent the primary spring stop-over site for migratory Red knots. Regional inlet shoals provide essential and, highly restricted, foraging habitat for the species and knots are now persistently impacted by burgeoning recreational activities in these sensitive and vulnerable habitats. Adverse disturbance now includes direct and deliberate harassment (chasing / flushing by pedestrians and pets) and incidental, but significant impacts from other common recreational activities (close approach by pedestrians, passing PWC and kite surfing)

Note: HMP is widely promoted as an ideal and prime location for kite surfing due to the area's windy conditions and shallow (shoal) waters. Access for vehicles and equipment via beach driving is a given. In a similar manner, Ft. George Inlet is a popular PWC venue with direct access to the ocean and its "surf riding / wave jumping" opportunities.

Observations made incidental to bird surveys reveal that HMP is the primary source of recreational activities adversely impacting Red knots and Piping plovers in Ft. George Inlet and environs. Since 2000 such disturbances have increased exponentially and now threaten the specie's continued dependence on local inlets as critical foraging sites. Due to the aforementioned alterations in Ft. George Inlet, the knot habitats have become much more accessible and consequently are now under greater threat of degradation and loss as viable habitats.

Consequently, any long term lease must address these contiguous habitats, public access to them, related disturbances and provide effective protection and conservation measures for natural resources dependent upon them.

Given the park's high attendance, divergent activities and limited staffing - conservation / protection measures that principally depend on public outreach, signage and / or similar passive measures are grossly inadequate to effectively protect sensitive habitats and the listed species dependent on them. There is abundant evidence that the park's existing leash law has been ineffective due to low rates of compliance, lax enforcement, and "traditional use", consequently, any proposed conservation measures that rely on voluntary compliance, similar enforcement effort or a departure from traditional use cannot be trusted to achieve the desired objectives.

It should be noted that, although HMP contains an extensive FWC designated: Critical Wildlife Area within the dune fields of the park's northern peninsula, that area serves no useful function for Piping plovers or Red knots and provides no conservation benefit to these species.

Conversely, **the two listed species are most dependent on unprotected, undesignated, intertidal habitats in the park thus requiring them to compete for space amongst the park's abundant patrons and exposing them to a host of recreational activities with a high potential for adverse disturbance.** The proposed MP does not provide any permanent buffers or designated protection areas for the park's Piping plover population along any of its shorelines.

Although shorelines and habitats of greatest value to PIPL in HMP have been identified and brought to the attention of COJ, beach driving will continue in some of these areas (campground beach, family beach) and pedestrian access and various forms of recreation (kite surfing, shore angling, kite flying, etc.), with a high potential to disturb or usurp the species, remains unrestricted throughout prime PIPL inter tidal habitats in the inner cove area. Likewise, PIPL foraging habitat along the entire ocean and inlet beach is ignored in the MP.

The proposed restriction of dogs to a designated section of the ocean / river shore is a significant measure and (if implemented and strictly enforced) should eliminate a large proportion of the conflicts and impacts previously associated with these pets, but all other recreational activities (pedestrians, kite surfing, angling, bait catching, etc.) with a potential to adversely impact plovers and other shorebird species will remain unrestricted throughout inter tidal habitats in and near (beyond GIS boundary) the park. The MP does not address potential carrying capacities or threshold levels of activity in PIPL habitats within the park or the contiguous inter tidal areas (cove area).

Given the foregoing omissions and oversights of the Huguenot Memorial Park MP, we recommend that ACE not issue a long term (25 year) lease for the park or delay its decision until the MP contains provisions that adequately and effectively protect and conserve listed species impacted by the lease. Should the state issue a short term (1 to 5 year) conditional lease with provisions to periodically review and evaluate the MP's performance and compliance with conservation measures, we urge ACE to include similar conditions in its lease agreement with the city.

Given the park's critical habitats for listed species and the many conflicts and adverse disturbances associated with its: high visitation rates, beach driving and multiple, diverse, recreational activities, the proposed MP requires a high degree of accountability to insure consistent implementation of effective conservation measures. A short term lease with the recommended oversight and review elements is the best means to achieve such objectives.

A short term lease requiring periodic review and performance evaluation will ensure that the COJ provides adequate funding and staffing to fully implement effective conservation measures required to protect listed species and maintain the integrity of their critical habitats in the park and its environs. Conversely, the issuance of a long term lease under the current economic conditions offers no assurance that all elements of the proposed MP will be implemented, funded or staffed.

Doris M. and Patrick R. Leary
1291 S 3rd Street
Fernandina Beach, FL 32034
PRLeary@Bellsouth.net

Dunn, Angela E SAJ

From: Beverly B Wilhite [kf4ibq@comcast.net]
Sent: Thursday, November 20, 2008 6:08 PM
To: Dunn, Angela E SAJ
Subject: Management Plan for Huguenot Memorial Park

Thank you for the invitation to share my concerns for the Huguenot Park.

Upon recent visit to the park, I once again was able to simply ride around and enjoy the beauty of a man-made island and the God-made natural habituate. Together the two can co-exist. The past year has shown a greater increase in the population of the birds, so, evidently what the Planning Division of the Environmental Branch has done to protect the birds has proven to be working. If there had been a significant lost of bird population than one would consider something to be a problem.

Let us not over focus on loud voices that boisterously sound a serenade of bewitchment that demand that everything they say must become the mandate for a "new environmental plan."

My Daddy always said, "Don't try to fix something that is not broken." The only thing broken at Huguenot Park is the fact that the St. Johns dredging for the larger ships to pass through is causing a lot of the hard work that the Army Corps of Engineers has done, to create the park, is being eaten away at this very moment!!!

I rode on the access road of the park and the water is creeping in and chewing away along the sides where at one time families had access. It is my understanding that Huguenot's Park manager, himself, has initiated what he can to preserve the southern shore. In this world of people over-population, crime, economic down turns, families must have places to go to encourage their hearts and lives away from these turbulent times. Some families have extremely limited amounts of income to provide opportunities to raise their children in such a way that will enable them to have a quality of life that does not require a lot

of money. We need to continue to insure these freedoms.

1. Thank you for only charging \$1.00 for the entrance fee before 10:00 a.m.
2. Dogs should be kept on a limited lease such as 8 feet. Children sometimes do not realize the dangers of particular breeds of dogs and the dangers that an extended lease may cause. Even I do not like to be confronted with snarling teeth at what I imagine would normally be a safe distance. Do you?
3. Jet skier, kite boarder need access to enjoy their sport. I enjoy watching the young people have fun. It is more fun to watch them at the beach than to watch their faces move across the TV in the news for committing crimes because they did not have something to do. They must have access to the point. Please!
4. Seasonal limitations for the breeding birds to the inlet sand crabs has not been a problem in the past. It is important to make sure that we don't over encourage and upset the balance that has been established. It is like putting oil in a lawn mower or a car. If you put too much in, it can cause damage. If we put too much emphasis on bird preservation we will destroy the very heart and intent for sharing the use of the land.
5. Stamped, dated passes should be allowed for re-entry to the park. Everyone likes a cold drink on a hot sunny day. Please, let's not charge \$3.00 for re-entry on the same day. Next time you go to get your cold water sip, think how you would feel if you had to pay \$3.00 just to get it. Just one cold sip.
6. If the park's economics is the reason for the \$3.00 charge then selling services is the survival to meet those needs. Maco and mico economics teach us that selling services is the most proficient in producing monies.
 - A. *Canoeing and kayaking classes*
 - B. *Car washes to remove sand*
 - C. *Jet ski and kite boarding riding classes*
 - D. *Renting small 20' X 20' inlet wilderness cabins*
 - E. *In the newly purchased land area to the park have wilderness trails that may lead to the cabins and seasonal pool and bath house.*
 - F. *Renting space for RVs in the newly purchased areas.*

- G. *Bicycle trail*
 - H. *Weekend musical jamboree festival with rent outs available to a small outdoor theater.*
 - I. *Fishing and netting classes*
 - J. *Fishing contest*
 - K. *Scuba classes and underwater observations*
 - L. *Plant and arbor classes perhaps even selling plants or things that jail inmates would grow or make. Let the prisoners start doing something other than play basketball, commit crimes on each other and watch TV. In the state of Maine they keep the prisoners busy so they can even learn a skill so that when they are released they have confidence that they know how to do something and not go back on the streets to commit more crimes. They do it in other states why can't the Good State of Florida, my homeland for 5 generations, realize we can cut back crime if we keep people busy!*
 - M. *Offer special programs to the schools for nature enrichment. Have a place for the Marine Science Center to join in the preservation of marine life.*
 - N. *Offer trail and camping classes or join with the Florida Community College to engage their students to have classes in the newly built "Instructional Building."*
 - O. *Even the Army Corp of Engineers could use the "Instructional Building" to train and discuss environmental issues on an "on site bases."*
- These are just a few ideas to engage one's imagination.*

Thank you again for this opportunity to share with you,

Beverly B. Hartley Wilhite

Beverly B. Hartley Wilhite, previous member of Mayor Peyton's Advisory Blue Print for Jacksonville Board.

December 1, 2008

U.S. Army Corps of Engineers
Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207-0019

RECEIVED

DEC 08 2008

JACKSONVILLE DISTRICT
USACE

RE Huguenot Memorial Park

I am writing to ask your help on behalf of Huguenot Memorial Park, which is home to wildlife populations of national significance.

It includes some remarkable coastal habitats, supporting the largest remaining seabird colony on Florida's Atlantic coast, and hosting important concentrations of wintering, federally threatened Piping Plovers, as well as a significant proportion of the world's remaining rufa Red Knots on migration.

Overwhelming recreational use at the park has been at the expense of this wildlife. Flightless seabird chicks have been crushed by traffic. Nesting sea turtles have been harassed. Cars crowded on the beach have been lost to high tides.

Recreational use at the park has ballooned in the twenty-five years since the Corps first leased the property to the City of Jacksonville. The City's proposed management plan recognizes that resource protections to-date has not kept pace with the impacts of these uses.

The City of Jacksonville has proposed that it will improve protection for these resources and largely maintain the high levels of recreational use at the park, which is a tall and expensive order, and will require significant funding and staffing increases at a time when the City's budget is dwindling.

Due to the history of resource neglect at this park, I urgently ask the Corps to condition its lease to the City, to provide assurances that the plan implemented will:

- Limit the lease term to eight years instead of the standard twenty-five, to provide accountability for plan implementation.
- Evaluate the City's plan implementation and Huguenot's resource health every two years, to ensure the City is meeting the resource protection requirements of its lease.
- Require the City to dedicate to Huguenot the biological and law enforcement staff identified in the plan as necessary to plan implementation. This staffing is currently unfunded.

Huguenot is not the same park the Army Corps of Engineers leased to the City of Jacksonville 25 years ago. Park use has changed radically, and so too should the terms of the property's new lease.

With dwindling habitats for imperiled species, and ever-increasing demand from recreational users, it is urgent that the Corps ensure public use is not at the expense of the resource as it has been in the past.

Thank you for your consideration and help on behalf of America's irreplaceable lands and wildlife.

Respectfully,



J. Capozzelli
New York

APPENDIX E – PERTINENT CORRESPONDENCE: DRAFT EA

**APPENDIX F – DEPARTMENT OF THE ARMY
LEASE NO. DACW17-1-80-2**

No.

DEPARTMENT OF THE ARMY

**LEASE TO NON-STATE GOVERNMENTAL AGENCIES
FOR PUBLIC PARK AND RECREATIONAL PURPOSES**

(SITE)

(PROJECT NAME)

(COUNTY, STATE)

THIS LEASE is made on behalf of the United States, between the **SECRETARY OF THE ARMY**, hereinafter referred to as the Secretary, and _____, hereinafter referred to as the Lessee,

WITNESSETH:

That the Secretary, by authority of Title 16, United States Code, Section 460d, and for the consideration hereinafter set forth, hereby leases to the Lessee, the property identified in Exhibit(s) _____, attached hereto and made a part hereof, hereinafter referred to as the premises, for public park and recreational purposes.

THIS LEASE is granted subject to the following conditions:

1. TERM

Said premises are hereby leased for a term of _____ years, beginning _____ and ending _____.

2. CONSIDERATION

The consideration for this lease is the operation and maintenance of the premises by the Lessee for the benefit of the United States and the general public in accordance with the conditions herein set forth.

3. NOTICES

All correspondence and notices to be given pursuant to this lease shall be addressed, if to the Lessee, to _____ ;

and, if to the United States, to the District Engineer, ATTN: Chief, Real Estate Division, Post Office Box 4970, Jacksonville, Florida 32232-0019, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope, or wrapper, addressed as aforesaid, and deposited, postage prepaid, in a post office regularly maintained by the United States Postal Service.

4. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary of the Army," "District Engineer," "said officer" or "Lessor" shall include their duly authorized representatives. Any reference to "Lessee" shall include sublessees, assignees, transferees, concessionaires, and its duly authorized representatives.

5. DEVELOPMENT PLANS

The Lessee shall be guided by an annual Plan of Operation and Maintenance in furtherance of the Lessee's implementing Plan of Recreational Development and Management (Development Plan) attached as Exhibit _____ which shows the facilities and services necessary to meet the current and potential public demand and the management and development activities to be undertaken by the Lessee and any sublessees. No later than _____ of each year the Lessee will submit the annual Plan to be mutually agreed on between the Lessee and the District Engineer. Such annual Plan shall include but is not limited to the following:

a. Plans for management, maintenance and development activities to be undertaken by the Lessee and any sublessees.

b. Report of the management, maintenance and development accomplishments of the Lessee for the preceding year.

c. Report on any significant modification of policies or procedures which are planned for the following year as well as those implemented in the preceding year.

d. Minor modifications to the Development Plan. Major modifications are to be accomplished by amendment to the Plan before proceeding to implement any changes in the development or management of the leased premises.

e. Budget of the Lessee for carrying out all activities for the upcoming year.

f. Personnel to be used in the management of the leased premises.

g. Annual certification that all water and sanitary systems on the premises have been inspected and comply with Federal, state and local standards. Lessee will also provide a statement of compliance with the Rehabilitations Act and the Americans with Disabilities Act, as required in the Condition on **NON-DISCRIMINATION**, noting any deficiencies and providing a schedule for correction.

The use and occupation of the premises shall be subject to the general supervision and approval of the District Engineer. During the term of the lease, the District Engineer will notify the Lessee of any updates to the existing project Master Plan affecting the premises and the Lessee may provide comments.

6. STRUCTURES AND EQUIPMENT

The Lessee shall have the right, during the term of the lease, to erect such structures and to provide such equipment upon the premises as may be necessary to furnish the facilities and services authorized. Those

structures and equipment shall be and remain the property of the Lessee, except as otherwise provided in the Condition on **RESTORATION**. However, no structures may be erected or altered upon the premises unless and until the type of use, design, and proposed location or alteration thereof shall have been approved in writing by the District Engineer. The District Engineer may require the Lessee, upon the completion of each of the proposed developments to furnish complete "as built" construction plans for all facilities.

7. APPLICABLE LAWS AND REGULATIONS

a. The Lessee shall comply with all applicable Federal laws and regulations and with all applicable laws, ordinances, and regulations of the state, county, and municipality wherein the premises are located, including, but not limited to, those regarding construction, health, safety, food service, water supply, sanitation, use of pesticides, and licenses or permits to do business. The Lessee shall make and enforce such regulations as are necessary and within its legal authority in exercising the privileges granted in this lease, provided that such regulations are not inconsistent with those issued by the Secretary of the Army or with the provisions of 16 U.S.C. § 460d.

b. The Lessee will provide an annual certification that all water and sanitary systems on the premises have been inspected and comply with Federal, state and local standards. The Lessee will also provide a statement of compliance with the Rehabilitations Act and the Americans with Disability Act, as required in the Condition on **NON-DISCRIMINATION**, noting any deficiencies and providing a schedule for correction.

8. CONDITION OF PREMISES

a. The Lessee acknowledges that it has inspected the premises, knows its condition, and understands that the same is leased without any representations or warranties whatsoever and without obligation on the part of the United States to make any alterations, repairs, or additions thereto.

(DELETE THE FOLLOWING CONDITION IF NOT APPLICABLE)

b. As of the date of this lease, an inventory and condition report of all personal property and improvements of the United States included in this lease shall be made by the District Engineer and the Lessee to reflect the condition of said property and improvements. A copy of said report is attached hereto as Exhibit _____ and made a part hereof. Upon the expiration, revocation, or termination of this lease, another inventory and condition report shall be similarly prepared. This report shall constitute the basis for settlement for property damaged or destroyed. Any such property must be either replaced or restored to the condition required by the Condition on **PROTECTION OF PROPERTY**.

9. FACILITIES AND SERVICES

The Lessee shall provide the facilities and services as agreed upon in the Development Plan referred to in the Condition on **DEVELOPMENT PLANS** either directly or through subleases or concession agreements that have been reviewed and accepted by the District Engineer. These subleases or agreements shall state: (1) that they are granted subject to the provisions of this lease; and (2) that the agreement will not be effective until the third party activities have been approved by the District Engineer. The Lessee will not allow any third party activities with a rental to the Lessee or prices to the public which would give the third party an undue economic

advantage or circumvent the intent of the Development Plan. The rates and prices charged by the Lessee or its sub-lessees or concessionaries shall be reasonable and comparable to rates charged for similar goods and services by others in the area. The use of sub-lessees and concessionaires will not relieve the Lessee from the primary responsibility for ensuring compliance with all of the terms and conditions of this lease.

10. TRANSFERS, ASSIGNMENTS, SUBLEASES

a. Without prior written approval of the District Engineer, the Lessee shall neither transfer nor assign this lease nor sublet the premises or any part thereof, nor grant any interest, privilege, or license whatsoever in connection with this lease.

b. The Lessee will not sponsor or participate in timeshare ownership of any structures, facilities, accommodations, or personal property on the premises. The Lessee will not subdivide nor develop the premises into private residential development.

11. FEES

Fees may be charged by the Lessee for the entrance to or use of the premises or any facilities, however, no user fees may be charged by the Lessee or its sub-lessees for use of facilities developed in whole or part with Federal funds if a user charge by the Corps of Engineers for the facility would be prohibited under law.

12. ACCOUNTS, RECORDS AND RECEIPTS

All monies received by the Lessee from operations conducted on the premises, including, but not limited to, entrance, admission and user fees and rental or other consideration received from its concessionaires, may be utilized by the Lessee for the administration, maintenance, operation and development of the premises. Beginning 5 years from the date of this lease and continuing at 5-year intervals, any such monies not so utilized or programmed for utilization within a reasonable time shall be paid to the District Engineer. The Lessee shall establish and maintain accurate records and accounts and provide an annual statement of receipts and expenditures to the District Engineer. Annual or weekly entrance fees not collected on the project, which also are honored at other recreational areas operated by the Lessee, are excluded from this requirement. The District Engineer shall have the right to perform audits or to require the Lessee to audit the records and accounts of the Lessee, third party concessionaires and sub-lessees, in accordance with auditing standards and procedures promulgated by the American Institute of Certified Public Accountants or by the state, and furnish the District Engineer with the results of such an audit.

13. PROTECTION OF PROPERTY

The Lessee shall be responsible for any damage that may be caused to property of the United States by the activities of the Lessee under this lease and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the Lessee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the Lessee to the satisfaction of the District Engineer, or, at the election of the District Engineer, reimbursement may be made therefor

by the Lessee in an amount necessary to restore or replace the property to a condition satisfactory to the District Engineer.

14. RIGHT TO ENTER AND FLOOD

The right is reserved to the United States, its officers, agents, and employees to enter upon the premises at any time and for any purpose necessary or convenient in connection with Government purposes; to make inspections; to remove timber or other material, except property of the Lessee; to flood the premises; to manipulate the level of the lake or pool in any manner whatsoever; and/or to make any other use of the land as may be necessary in connection with project purposes, and the Lessee shall have no claim for damages on account thereof against the United States or any officer, agent, or employee thereof.

15. LIGHTS, SIGNALS AND NAVIGATION

There shall be no unreasonable interference with navigation by the exercise of the privileges granted by this lease. If the display of lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the Coast Guard or by the District Engineer shall be installed and maintained by and at the expense of the Lessee.

16. INSURANCE

a. At the commencement of this lease, the Lessee, unless self-insured, and its sub-lessees and concessionaires at the commencement of operating under the terms of this lease as third parties, shall obtain from a reputable insurance company or companies contracts of liability insurance. The insurance shall provide an amount not less than that which is prudent, reasonable and consistent with sound business practices or a minimum Combined Single Limit of \$_____, whichever is greater, for any number of persons or claims arising from any one incident with respect to bodily injuries or death resulting therefrom, property damage, or both, suffered or alleged to have been suffered by any person or persons, resulting from the operations of the Lessee, sub-lessees and concessionaires under the terms of this lease. The Lessee shall require its insurance company to furnish to the District Engineer a copy of the policy or policies, or, if acceptable to the District Engineer, certificates of insurance evidencing the purchase of such insurance. The District Engineer shall have the right to review and revise the amount of minimum liability insurance required.

b. The insurance policy or policies shall specifically provide protection appropriate for the types of facilities, services and products involved; and shall provide that the District Engineer be given thirty (30) days notice of any cancellation or change in such insurance.

c. In the event the Lessee is self-insured, the Lessee shall certify such self-insurance in writing in the minimum amount specified above to the District Engineer. The Lessee's insurance status shall not eliminate the requirement for its sub-lessees and concessionaires to have insurance from a reputable insurance carrier as set out above.

d. The District Engineer may require closure of any or all of the premises during any period for which the Lessee and/or its sub-lessees and concessionaires do not have the required insurance coverage.

17. RESTORATION

On or before the expiration of this lease or its termination by the Lessee, the Lessee shall vacate the premises, remove the property of the Lessee, and restore the premises to a condition satisfactory to the District Engineer. If, however, this lease is revoked, the Lessee shall vacate the premises, remove said property therefrom, and restore the premises to the aforesaid condition within such time as the District Engineer may designate. In either event, if the Lessee shall fail or neglect to remove said property and restore the premises, then, at the option of the District Engineer, said property shall either become the property of the United States without compensation therefor, or the District Engineer may cause the property to be removed and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work. The Lessee shall also pay the United States on demand any sum which may be expended by the United States after the expiration, revocation, or termination of this lease in restoring the premises.

18. NON-DISCRIMINATION

a. The Lessee shall not discriminate against any person or persons or exclude them from participation in the Lessee's operations, programs or activities conducted on the leased premises, because of race, color, religion, sex, age, handicap, or national origin. The Lessee will comply with the Americans with Disabilities Act and attendant Americans with Disabilities Act Accessibility Guidelines (ADAAG) published by the Architectural And Transportation Barriers Compliance Board.

b. The Lessee, by acceptance of this lease, is receiving a type of Federal assistance and, therefore, hereby gives assurance that it will comply with the provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); and all requirements imposed by or pursuant to the Directive of the Department of Defense (32 CFR Part 300) issued as Department of Defense Directives 5500.11 and 1020.1, and Army Regulation 600-7. This assurance shall be binding on the Lessee, its agents, successors, transferees, sub-lessees and assignees.

19. SUBJECT TO EASEMENTS

This lease is subject to all existing easements, easements subsequently granted, and established access routes for roadways and utilities located, or to be located, on the premises, provided that the proposed grant of any new easement or route will be coordinated with the Lessee, and easements will not be granted which will, in the opinion of the District Engineer, interfere with developments, present or proposed, by the Lessee. The Lessee will not close any established access routes without written permission of the District Engineer.

20. SUBJECT TO MINERAL INTERESTS

This lease is subject to all outstanding mineral interests. As to federally owned mineral interests, it is understood that they may be included in present or future mineral leases issued by the Bureau of Land Management (BLM), which has responsibility for mineral development on Federal lands. The Secretary will provide lease stipulations to BLM for inclusion in such mineral leases that are designed to protect the premises from activities that

would interfere with the Lessee's operations or would be contrary to local laws.

21. COMPLIANCE, CLOSURE, REVOCATION AND RELINQUISHMENT

a. The Lessee and/or any sub-lessees or licensees are charged at all times with full knowledge of all the limitations and requirements of this lease, and the necessity for correction of deficiencies, and with compliance with reasonable requests by the District Engineer. This lease may be revoked in the event that the Lessee violates any of the terms and conditions and continues and persists in such non-compliance, or fails to obtain correction of deficiencies by sub-lessees or licensees. The Lessee will be notified of any non-compliance, which notice shall be in writing or shall be confirmed in writing, giving a period of time in which to correct the non-compliance. Failure to satisfactorily correct any substantial or persistent non-compliance within the specified time is grounds for closure of all or part of the premises, temporary suspension of operation, or revocation of the lease, after notice in writing of such intent. Future requests by the Lessee to extend the lease, expand the premises, modify authorized activities, or assign the lease shall take into consideration the Lessee's past performance and compliance with the lease terms.

b. This lease may be relinquished by the Lessee by giving six (6) months prior written notice to the District Engineer in the manner prescribed in the Condition on **NOTICES**.

22. HEALTH AND SAFETY

a. The Lessee shall keep the premises in good order and in a clean, sanitary, and safe condition and shall have the primary responsibility for ensuring that any sub-lessees and concessionaires operate and maintain the premises in such a manner.

b. In addition to the rights of revocation for non-compliance, the District Engineer, upon discovery of any hazardous conditions on the premises that presents an immediate threat to health and/or danger to life or property, will so notify the Lessee and will require that the affected part or all of the premises be closed to the public until such condition is corrected and the danger to the public eliminated. If the condition is not corrected within the time specified, the District Engineer will have the option to: (1) correct the hazardous conditions and collect the cost of repairs from the Lessee; or, (2) revoke the lease. The Lessee and its assignees or sub-lessees shall have no claim for damages against the United States, or any officer, agent, or employee thereof on account of action taken pursuant to this condition.

23. PUBLIC USE

No attempt shall be made by the Lessee, or any of its sub-lessees or concessionaires, to forbid the full use by the public of the premises and of the water areas of the project, subject, however, to the authority and responsibility of the Lessee to manage the premises and provide safety and security to the visiting public.

24. PROHIBITED USES

a. The Lessee shall not permit gambling on the premises or install or operate, or permit to be installed or operated thereon, any device which is

illegal, or use the premises or permit them to be used for any illegal business or purpose. There shall not be conducted on or permitted upon the premises any activity which would constitute a nuisance.

b. As an exception, some games of chance, such as raffles, games and sporting events, may be conducted by nonprofit organizations under special use permits issued in conjunction with special events, if permissible by state and local law. Any request to conduct such activities must be submitted in writing to the District Engineer.

c. In accordance with state and local laws and regulations, the Lessee may sell, store, or dispense, or permit the sale, storage, or dispensing of beer, malt beverages, light wines or other intoxicating beverages on the premises in those facilities where such service is customarily found. Bar facilities will only be permitted if offered in connection with other approved activities. Advertising of such beverages outside of buildings is not permitted. Carry out package sales of hard liquor is prohibited.

25. NATURAL RESOURCES

The Lessee shall cut no timber, conduct no mining operations, remove no sand, gravel, or kindred substances from the ground, commit no waste of any kind, nor in any manner substantially change the contour or condition of the premises, except as may be authorized under and pursuant to the Development Plan described in the Condition on **DEVELOPMENT PLANS** herein. The Lessee may salvage fallen or dead timber; however, no commercial use shall be made of such timber. Except for timber salvaged by the Lessee when in the way of construction of improvements or other facilities, all sales of forest products will be conducted by the United States and the proceeds therefrom shall not be available to the Lessee under the provisions of this lease.

26. DISPUTES CLAUSE

a. Except as provided in the Contract Disputes Act of 1978 (41 U.S.C. 601-613) (the Act), all disputes arising under or relating to this lease shall be resolved under this clause and the provisions of the Act.

b. "Claim," as used in this clause, means a written demand or written assertion by the Lessee seeking, as a matter of right, the payment of money in a sum certain, the adjustment of interpretation of lease terms, or other relief arising under or relating to this lease. A claim arising under this lease, unlike a claim relating to that lease, is a claim that can be resolved under a lease clause that provides for the relief sought by the Lessee. However, a written demand or written assertion by the Lessee seeking the payment of money exceeding \$50,000 is not a claim under the Act until certified as required by subparagraph c.(2) below.

c. (1) A claim by the Lessee shall be made in writing and submitted to the District Engineer for a written decision. A claim by the Government against the Lessee shall be subject to a written decision by the District Engineer.

(2) For Lessee claims exceeding \$50,000, the Lessee shall submit with the claim a certification that:

(i) The claim is made in good faith;

(ii) Supporting data are accurate and complete to the best of the Lessee's knowledge and belief; and

(iii) The amount requested accurately reflects the lease adjustment for which the Lessee believes the Government is liable.

(3) If the Lessee is an individual, the certificate shall be executed by that individual. If the Lessee is not an individual, the certification shall be executed by:

(i) A senior company official in charge at the Lessee's location involved; or

(ii) An officer or general partner of the Lessee having overall responsibility of the conduct of the Lessee's affairs.

d. For Lessee claims of \$50,000 or less, the District Engineer must, if requested in writing by the Lessee, render a decision within 60 days of the request. For Lessee-certified claims over \$50,000, the District Engineer must, within 60 days, decide the claim or notify the Lessee of the date by which the decision will be made.

e. The District Engineer's decision shall be final unless the Lessee appeals or files a suit as provided in the Act.

f. At the time a claim by the Lessee is submitted to the District Engineer or a claim by the Government is presented to the Lessee, the parties, by mutual consent, may agree to use alternative means of dispute resolution. When using alternate dispute resolution procedures, any claim, regardless of amount, shall be accompanied by the certificate described in paragraph c.(2) of this clause, and executed in accordance with paragraph c.(3) of this clause.

g. The Government shall pay interest on the amount found due and unpaid by the Government from (1) the date the District Engineer received the claim (properly certified if required), or (2) the date payment otherwise would be due, if that date is later, until the date of payment. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury, as provided in the Act, which is applicable to the period during which the District Engineer receives the claim, and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

h. The Lessee shall proceed diligently with the performance of the lease, pending final resolution of any request for relief, claim, appeal, or action arising under the lease, and comply with any decision of the District Engineer.

27. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties to this lease shall protect the project against pollution of its air, ground, and water. The Lessee shall comply promptly with any laws, regulations, conditions or instructions affecting the activity hereby authorized, if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the leased area is specifically prohibited. Such regulations, conditions, or

instructions in effect or prescribed by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency, are hereby made a condition of this lease. The Lessee shall require all sanitation facilities on boats moored at the Lessee's facilities, including rental boats, to be sealed against any discharge into the lake. Services for waste disposal, including sewage pump-out of watercraft, shall be provided by the Lessee as appropriate. The Lessee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The Lessee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs from the Lessee's activities, the Lessee shall be liable to restore the damaged resources.

c. The Lessee must obtain approval in writing from the District Engineer before any pesticides or herbicides are applied to the premises.

28. ENVIRONMENTAL BASELINE SURVEY

An Environmental Baseline Survey (EBS) documenting the known history of the property with regard to the storage, release or disposal of hazardous substances thereon is attached hereto and made a part hereof as Exhibit _____. Upon expiration, revocation or termination of this lease, another EBS shall be prepared which will document the environmental condition of the property at that time. A comparison of the two assessments will assist the District Engineer in determining any environmental restoration requirements. Any such requirements will be completed by the Lessee in accordance with the Condition on **RESTORATION**.

29. HISTORIC PRESERVATION

The Lessee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archaeological, architectural or other cultural artifacts, relics, remains, or objects of antiquity. In the event such items are discovered on the premises, the Lessee shall immediately notify the District Engineer and protect the site and the material from further disturbance until the District Engineer gives clearance to proceed.

30. SOIL AND WATER CONSERVATION

The Lessee shall maintain in a manner satisfactory to the District Engineer, all soil and water conservation structures that may be in existence upon said premises at the beginning of, or that may be constructed by the Lessee during the term of, this lease, and the Lessee shall take appropriate measures to prevent or control soil erosion within the premises. Any soil erosion occurring outside the premises resulting from the activities of the Lessee shall be corrected by the Lessee as directed by the District Engineer.

31. TRANSIENT USE

a. Camping, including transient trailers or recreational vehicles, at one or more campsites for a period longer than thirty (30) days during any sixty (60) consecutive day period is prohibited. The Lessee will maintain a ledger and reservation system for the use of any such campsites.

b. Occupying any lands, buildings, vessels or other facilities within the premises for the purpose of maintaining a full- or part-time residence is

prohibited, except for employees residing on the premises for security purposes, if authorized by the District Engineer.

32. COVENANT AGAINST CONTINGENT FEES

The Lessee warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessee for the purpose of securing business. For breach or violation of this warranty, the United States shall have the right to annul this lease without liability or, in its discretion, to require the Lessee to pay, in addition to the lease rental or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

33. OFFICIALS NOT TO BENEFIT

No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this lease or to any benefits to arise therefrom. However, nothing herein contained shall be construed to extend to any incorporated company if the lease be for the general benefit of such corporation or company.

34. MODIFICATIONS

This lease contains the entire agreement between the parties hereto, and no modification of this agreement, or waiver, or consent hereunder shall be valid unless the same be in writing, signed by the parties to be bound or by a duly authorized representative; and this provision shall apply to this clause as well as all other conditions of this lease.

35. DISCLAIMER

This lease is effective only insofar as the rights of the United States in the premises are concerned; and the Lessee shall obtain such permission as may be required on account of any other existing rights. It is understood that the granting of this lease does not eliminate the necessity of obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.C.C. § 403), or Section 404 of the Clean Water Act (33 U.S.C. § 1344).

IN WITNESS WHEREOF, I have hereunto set my hand by authority/direction of the Secretary of the Army this _____ day of _____, _____.

THIS LEASE is also executed by the Lessee this _____ day of _____, _____.
