

**FINAL
RESTORATION PLAN/
ENVIRONMENTAL ASSESSMENT
FOR THE
AUGUST 10, 1993
TAMPA BAY OIL SPILL**

Volume 2 - Human Use and Recreational Injuries

November 28, 2000

PREPARED BY

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
and
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

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1.0 INTRODUCTION

This document is the second part of a two-volume plan for restoring natural resources and resource services which were injured or lost as a result of the Tampa Bay oil spill of August 10, 1993. The first volume of the restoration plan, known as the Damage Assessment and Restoration Plan, Volume I (DARP Vol. I) was released in June 1997. DARP Vol. I dealt solely with natural resource injuries and service losses of an ecological nature caused by the spill. This document presents the restoration plan approved by the State and Federal Trustees to address natural resource recreational services which were also lost.

Following the spill incident, area waterways were obstructed, shoreline beaches were oiled and shell fishing areas were closed, temporarily preventing access to and use of these resources by both residents and tourists for a variety of recreational activities, including swimming, fishing, boating and sunbathing. The lost access to or use of these resources for recreation was a direct result of the spill and/or response operations. Federal and Florida laws establishing natural resource damage liability for lost recreation allowed the Trustees to seek compensation for the loss of these public resources and to plan and implement restoration actions which are appropriate to address such losses.

In April 1999, the United States, the State of Florida and the parties responsible for the spill achieved a final settlement resolving all the governments' claims arising from this spill incident, including claims for natural resource damages held by the Federal and State Trustees. Under the terms of that settlement, the Trustees jointly received \$2.5 million to compensate for these recreational service losses. The Trustees are required by law to use these recovered damages to plan and implement actions to restore, replace or acquire resource services comparable to those lost. These funds are being held in a federal account pending the development of a restoration plan appropriate to address these losses, i.e., to increase or enhance opportunities for recreational use of these resources, in accordance with the public losses incurred. The Trustees are responsible for the development of this plan. The Trustees are required to identify a reasonable range of restoration alternatives, to evaluate these alternatives according to the restoration objective and other applicable criteria, and to seek public review and comment on preferred restoration alternatives prior to finalizing the restoration plan.

1.1 Statutory Authority

This Restoration Plan/Environmental Assessment (RP/EA) has been developed and prepared jointly by the Florida Department of Environmental Protection (DEP), and the National Oceanic and Atmospheric Administration (NOAA) (collectively, "the Trustees"), in accordance with their respective authorities as Trustees for natural resources injured as a result of the August 1993 Tampa Bay oil spill, including under the Oil Pollution Act of 1990 (OPA), 33 U.S.C. § 2701 *et seq.*, the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*, and the Florida Pollutant Discharge and Control Act (1992), Fla. Stat. 376.011 - 376.21. The Trustees are authorized under these authorities to act on behalf of the public to assess and recover natural resource damages resulting from the discharge of oil into marine environments, and to plan and implement appropriate restoration actions.

1.2 Public Participation

On July 12, 1999, the Trustees published a notice in the *St. Petersburg Times* entitled “Notice of Intent to Develop Restoration Plan for Lost Recreational Use of Natural Resources from the August 10, 1993 Tampa Bay Oil Spill.” That notice sought input from the public on the restoration alternatives which should be considered in the development of this RP/EA. The notice identified the spill event, the Trustee agencies involved, the recreational service losses to be addressed in developing this restoration plan and the criteria to be applied in evaluating and choosing from among available restoration options.

In addition to publication of that general notice, the Trustees also sent letters to the beach municipalities in the spill area and to Pinellas County, inviting each entity to provide a current list of potential restoration projects in their community which could be considered by the Trustees in the development of this restoration plan, consistent with the objectives of restoration for the recreational losses and the selection criteria.

The Trustees received numerous public submissions in response to these requests for restoration proposals and all information received, including all restoration project proposals, was considered by the Trustees in preparing a Draft RP/EA. The Draft RP/EA provided information on the recreational service losses that occurred, the objectives of restoration for these losses, evaluated a range of restoration alternatives and, based on that evaluation, identified those alternatives which the Trustees preferred for use in this restoration plan. The Draft RP/EA also included a preliminary restoration project list at Appendix A which identified all the restoration project proposals submitted to the Trustees for funding consideration as of March 2000. The list identified the project proposals which the Trustees viewed as eligible for further funding consideration under the proposed restoration plan. The Draft RP/EA was released for public review and comment on March 17, 2000. Public review of the Draft RP/EA was required by or consistent with all federal or state laws applicable to the development of this restoration plan, including Section 1006 of OPA, federal regulations at 15 C.F.R. Part 990 guiding restoration planning under OPA, and the National Environmental Policy Act (NEPA), 42 U.S.C. § 4371 *et seq.*

The Draft RP/EA was available for public review for 45 days. In addition, the Trustees held a public workshop March 30, 2000 to provide an overview of the Draft RP/EA and answer questions regarding its content during the public review period. The Trustees received a number of comments on the Draft RP/EA as a result of its public review. These comments related either to the restoration planning framework or criteria, to one or more of the restoration alternatives proposed therein, or to the restoration projects eligible for further funding consideration under each of the preferred alternatives (Appendix A). The comments on Appendix A included withdrawals, new proposals, updates or additional information with respect to projects which could be funded under each of the preferred restoration alternatives. All comments received were considered by the Trustees prior to finalizing this RP/EA. A summary of comments received and the Trustees’ responses thereto is included in Appendix B of this RP/EA.

1.3 NEPA Compliance

Actions undertaken by the Trustees to restore natural resources or resource services under OPA and other federal laws are subject to NEPA, 42 U.S.C. § 4321, *et seq.*, and the regulations guiding its implementation at 40 C.F.R. Part 1500. In accordance with NEPA and its implementing regulations, this RP/EA summarizes the current environmental setting, describes the purpose and need for the restoration actions considered, assesses their applicability and environmental consequences, identifies the selected actions, and summarizes the opportunities for public participation in the decision process used to develop this restoration plan.

NOAA has reviewed this RP/EA for consistency with NEPA requirements, and the impact of the selected restoration actions on the quality of the human environment. The result of that review is contained in Section 8.0.

1.4 Administrative Record

NOAA and FDEP have each maintained records documenting actions taken or information considered in developing this RP/EA, including information from activities undertaken in assessing recreational service losses. These records are available for review by interested members of the public. These records facilitate public participation in the restoration planning process and will be available for use in future administrative or judicial review of Trustee actions, to the extent permitted by federal or state law. The administrative record is comprised of documents at the following two locations:

National Oceanic and Atmospheric Administration
Restoration Center – Southeast Region
9721 Executive Center Drive North, Suite 114
St. Petersburg, FL 33702
727-570-5391

Florida Department of Environmental Protection
Bureau of Emergency Response
8402 Laurel Fair Circle, Suite 110
Tampa, FL 33610
813-744-6462

2.0 OVERVIEW OF THE AUGUST 1993 TAMPA BAY OIL SPILL

This section contains a general description of the spill incident, the affected environment and the activities undertaken by the Trustees to assess the extent of the recreational service losses caused by the spill. The information in this section supplements information on the Trustees' assessment activities which is found in the DARP Vol. I. This section contains additional information which is appropriate to consideration of the recreational service losses which occurred as a result of this spill.

2.1 Description of the August 10, 1993 Spill Incident

At about 5:45 a.m. on Tuesday, August 10 1993, the tank barge "B-155" and the tank barge "OCEAN 255" collided with the freighter "BALSA 37" just south of Mullet Key near the entrance to Tampa Bay, Florida. Both barges were damaged in the collision. As a result of damage to the B-155, approximately 330,000 gallons of #6 fuel oil were discharged into lower Tampa Bay. The OCEAN 255 caught fire upon impact and burned for close to 18 hours. During that period, the barge released approximately 32,000 gallons of Jet A fuel, diesel, and gasoline in the same vicinity.

The surface waters of lower Tampa Bay and shoreline areas at Ft. De Soto Park and Egmont Key were affected almost immediately. Oiling of the shoreline along Fort De Soto Park (Mullet Key) and Egmont Key, including sandy beaches, occurred within the first day of the spill. Over the next few days, winds and outgoing tides carried much of the oil out of the lower bay and into the Gulf of Mexico about 15 to 20 miles offshore. The oil remained offshore for several days, until an approaching storm system with strong westerly winds quickly pushed the oil back toward shore. Most of the oil came ashore on August 14 and 15, stranding on the sand beaches along Pinellas County barrier islands. About 12.5 miles of beaches on the barrier islands were affected across the six municipalities from Redington Shores to St. Pete Beach. Oil also entered Boca Ciega Bay through tidal inlets, collected in finger canals, oiled seawalls and stranded in fringing estuarine habitats.

As a result of the collisions, fire, oil spills and necessary response activities, the main shipping channel into Tampa Bay was closed beginning August 10. Closure restrictions continued in varying forms until August 19. Commercial navigation in Tampa Bay was affected by these restrictions. During the response phase, public recreational access or use of both Boca Ciega Bay and Tampa Bay was restricted by waterway closures, the placement of absorbent booms, and other necessary response actions. The removal of oil stranded on area recreational beaches was another major component of the response. The oiling of these beaches, together with the actions undertaken to effect the clean up, resulted in actual or de facto closure of these beaches to public use for several weeks. These response activities continued through September 2. Following the spill, the State of Florida also acted to close shellfish beds in lower Tampa Bay and Boca Ciega Bay for public health reasons based on hydrocarbon levels detected in shellfish in exposed areas. Prior to the spill, periodic, limited recreational shellfish harvesting from beds in these areas was known to occur.

Response to the oil discharges included source control, containment, diversion, and cleanup of the oil from surface waters and affected shorelines. While effective, the response

actions could not prevent losses of natural resources due to oil exposure, including significant losses of certain resources for public recreation.

2.2 The Affected Environment

This subsection provides information on the physical, biological and cultural environments in the region affected by the spill (Figure 1). It is intended to supplement the description of the affected environment found in Section 2.2 of DARP Vol. I by providing additional information relating to the use of natural resources for public recreation and the environmental setting for potential restoration actions to address such losses.

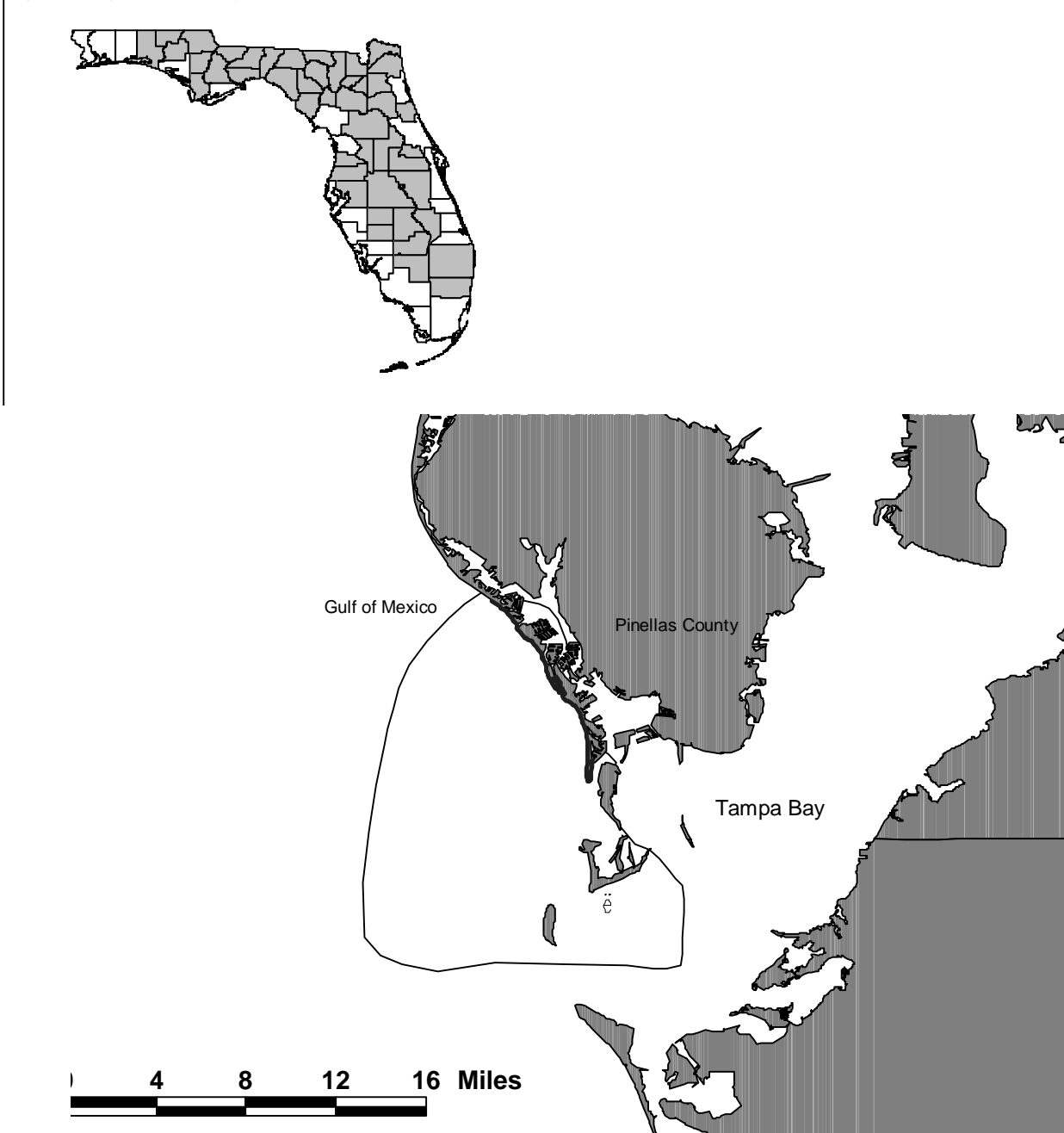
Lower Tampa Bay and Boca Ciega Bay are both part of Tampa Bay, the state's largest open water estuary. Tampa Bay covers almost 400 square miles and its watershed encompasses about 2,300 square miles on Florida's west central coast. The health of the bay is related to activities occurring in this watershed.

The Tampa Bay estuary contains a diverse array of wildlife and habitats that are sub-tropical and temperate in nature. The lower portion of Tampa Bay is an environmentally high-quality water body with extensive seagrass beds, mangrove-forested islands and fringing salt marshes. Shoreline areas in lower Tampa Bay also include sand beaches and several nature preserves, including Egmont Key and areas within Fort De Soto Park.

The Tampa Bay region is a large and growing urban center, with an estimated population of 2.4 million in 1998. The economic base in the region is diverse. Agriculture, commercial fishing, port activities and tourism are substantial contributors. The estuary itself supports commercial fishing and many industries are dependent on commercial shipping into and out of the Bay. Tourism in the Tampa Bay region is supported by many kinds of recreational or leisure activities in the area, including but not limited to boating, fishing, sunbathing, wildlife viewing, sight-seeing, shopping, dining, and professional sports. The climate in the region is conducive to outdoor recreation year round.

Tampa Bay and its surrounding waters and shores are used extensively by the public for a variety of recreational activities, including boating, fishing, swimming, diving, windsurfing, and wildlife viewing. Several areas within the system are subject to special management, including Ft. De Soto Park and Egmont Key. Ft. De Soto Park is a popular site for beachgoing, biking, picnicking, swimming, fishing and boating. It features a camping area that is open year round and is the site of the largest public boat ramp in Florida that is used by more than 2 million visitors annually. While Egmont Key is only accessible by boat, it is also a popular public destination for recreation. Both Ft. De Soto Park and Egmont Key are wildlife preserves and encompass historical sites.

Figure 1: Region Affected by the Spill



The shoreline areas from Egmont Key and Ft. De Soto Park to Redington Shores include a mix of beach types, including isolated beaches in regional park settings, community beaches lined with homes, and beaches lined with hotels and other commercial businesses. However, regardless of location, all beaches in this area are considered high quality recreation sites within the state. These beaches are used by the public for a variety of saltwater beach activities, including swimming, sunbathing, fishing, and windsurfing. They are easily reached from the region's largest cities - Tampa, St. Petersburg, and Clearwater - but also draw visitors from other areas of the state, other parts of the United States and many foreign countries, thus providing both residents and tourists with easily accessible, high quality beaches.

2.3 Summary of Preassessment Activities

As noted in DARP Vol. I, the Trustees acted quickly following the spill to initiate investigations and other data gathering activities needed to assess the potential for injuries to natural resources, including any interim lost services, and to preserve data that might be needed to fully quantify such resource injuries or losses in later stages of the damage assessment process. The primary goal of this "preassessment" phase was to determine the need for further assessment action by the Trustees to address natural resource injuries or losses attributable to the spill.

With respect to the spill's effects on human uses of natural resources, the Trustees' initial investigations focused on documenting the waterways and areas of shoreline exposed to oil, documenting the waterway, park, beach, and shellfish bed closures and their duration, documenting any immediately observable changes in human use of resources in closed areas, and obtaining information on baseline human uses of affected resources. These initial investigations continued for several months and included the following activities:

- Documentation of the oil trajectory and pathways of resource exposure;
- Documentation by professional land surveyors of shoreline areas oiled;
- Aerial and ground photography of the oiling of shorelines and waterways;
- Documentation of closures and/or limitations on access to waterways, parks, shellfish beds and beaches;
- Consultations with appropriate local agencies to determine the typical types and levels of human use of natural resources which may have been affected by the spill; and,
- Collection of local records providing information on typical types and levels of the public's use of natural resources in affected area.

Based on information obtained in this initial assessment phase, the Trustees decided to proceed with a formal assessment of natural resource damages for the Tampa Bay spill. This decision to proceed with a formal assessment encompassed interim recreational uses or services lost to the public. The decision to proceed is documented in the "Preassessment Screen and

Determination for the August 10, 1993 Tampa Bay Oil Spill," dated November 2, 1993, which is included in DARP Vol. I at Appendix A.

2.4 Summary of Natural Resource Service Losses to Humans

Information available to the Trustees as a result of preassessment investigations indicated the spill resulted in significant losses of resource uses and services to humans. Three categories or types of lost resource services to humans initially identified by the Trustees were retained for further consideration in the assessment process:

- 1) Lost Use of Shoreline for Recreation - The initial oiling of shorelines and associated cleanup activities impeded access to beach areas on Egmont Key and within Ft. De Soto Park and to most of the public beaches from Redington Shores to Egmont Key. Some periodic and limited re-oiling of beaches due to storms (which re-mobilized offshore deposits of submerged oil) occurred after September 2, the date when initial beach cleanup activities were considered complete. These events resulted in a significant loss of public access and use of these beaches for recreation and other shoreline activities, such as fishing and swimming.
- 2) Lost Use of Surface Water for Recreation - The presence of oil in surface waters over large areas of Tampa Bay, the Gulf of Mexico and Boca Ciega Bay, along with associated cleanup and response activities, resulted in a loss of public access and use of those waters for recreational activities, such as boating and fishing.
- 3) Lost Use of Shellfish Beds for Recreational Harvest - The spill prompted DEP to close shellfish beds known to be used by recreational shellfishers in lower Tampa Bay and Boca Ciega Bay. These closures were initiated and continued, due to petroleum hydrocarbon levels detected in shellfish from within these areas.

Another category or type of lost resource use by humans was initially identified by the Trustees - the lost use of Tampa Bay surface waters for commercial navigation due to the waterway closures and restrictions imposed for the main shipping channel following the incident. However, this category of loss was not retained by the Trustees for further consideration in the assessment process due to the limited period within which public losses associated with commercial use restrictions could have occurred, the substantial information required to reliably assess public claims in this area (particularly given the expanded opportunity for related private claims under OPA), and the anticipated high cost of collecting and analyzing the necessary information.

For the three categories of loss retained for further consideration, additional details or information from the preassessment phase are included in Section 3.0 of this RP/EA, as necessary, to summarize the Trustees' further actions or determinations for these losses in the assessment process.

3.0 ASSESSMENT OF RECREATIONAL SERVICE LOSSES

The Trustees made substantial progress in their assessment of recreational service losses and in the identification of potential restoration options appropriate to address losses of this nature, prior to the settlement of natural resource damage claims. Information available from the ongoing assessment was important in determining acceptable monetary compensation for these lost recreational services, with due consideration given to the funds needed to support meaningful restoration of resource access or services like those lost due to the spill. This section summarizes the assessment activities which were undertaken by the Trustees to assess the lost access to or use of affected shoreline beaches, surface waters and shellfish beds for public recreation, and the information from that assessment process which has been used by the Trustees in developing this RP/EA.

3.1 Shoreline Recreation

3.1.1 Injury Determination

Based on data and information available from preassessment phase activities, the Trustees determined that approximately 13 miles of shoreline characterized as recreational beaches were oiled and the site of significant response actions disrupted public access or use of these natural shorelines for recreation. This included beach areas on Egmont Key and on Mullet Key in Ft. De Soto Park and a total of about 12.45 miles of recreational beaches across six municipalities bordering the Gulf of Mexico: St. Pete Beach - 4.05 miles; Treasure Island - 3.5 miles; Madeira Beach - 2 miles; Redington Beach - 1 mile; North Redington Beach - .8 miles; and Redington Shores - 1.1 mile.

The public's use of beach areas at Egmont Key and in Fort De Soto Park (Mullet Key) was substantially disrupted beginning on August 10, 1993, the first day of the spill. The oiling of beaches and response actions at St. Pete Beach, Madeira Beach, Treasure Island, Redington Beach, North Redington Beach, and Redington Shores began on August 14. Oiling of these beaches alone limited the public's opportunity to use and enjoy these beaches, as it immediately rendered them unsuitable for continued recreational uses. Further, all these beaches were either officially closed or de facto closed to the public as a result of the hazardous conditions created by the oil and necessary response actions. As a result of response actions undertaken, all beach areas were designated as clean and reopened to the public by September 2, 1993.

3.1.2 Summary of Assessment Activities

To quantify the lost recreational use of these shoreline areas due to the spill, data was needed regarding the normal level of recreational use of these beaches under non-spill conditions. Unfortunately, the Trustees found that no data or information indicating the baseline recreational use levels on the affected beaches existed. DEP's Division of Recreation and Parks periodically collects summary information on the use of public beaches and other recreation areas within the state. This information is published about every 5 years in a Statewide Comprehensive Outdoor Recreation Plan (SCORP). However, the recreation information is only compiled on a regional basis and data collected encompassed the entire Tampa Bay region including Hillsborough,

Pinellas, Manatee, and Pasco Counties. The Trustees found it was not possible to deconstruct the collective SCORP data to individually determine the affected beaches. Therefore, the Trustees found it necessary to undertake site specific data collection a year later to quantify the baseline recreational use levels of the relevant beaches during this period under non-spill conditions.

To estimate baseline beach use levels, the Trustees implemented ground and aerial surveys to produce counts of beach users on the spill zone beaches during August and September 1994, one year after the spill. These surveys were designed to quantify the level of normal recreational use that would have occurred at the same time of year as the spill occurred. Analyses of data from these surveys indicated that approximately 280,000 "beach user days" normally occur in the spill zone beaches at this time of year and during the period affected by the spill. Aerial photography of oiled beach areas during the incident indicate that beach use levels were substantially impacted, to the point of having virtually no recreational use during the affected period. Studies to further evaluate these losses were initiated, but not complete at the time of settlement.

3.2 Recreational Boating

3.2.1 Injury Determination

Based on data and information available from preassessment phase activities, the Trustees determined that the spill and associated response actions resulted in a loss of access to and use of area surface waters in lower Tampa Bay, Boca Ciega Bay, and adjacent waters of the Gulf of Mexico. The U. S. Coast Guard restricted access to portions of lower Tampa Bay and Boca Ciega Bay for a total of 9 days due to hazardous conditions and necessary response actions in these areas. Boats were prevented from moving through closed or boomed areas or were otherwise unable to access waters open to boating. Absorbent boom placed in parts of Boca Ciega Bay to contain and collect oil entering the bay through John's Pass limited ingress and egress to portions of the Bay, and in some instances precluded use of boats altogether. Many boats located at marinas or docks were prevented from leaving dockside. Additionally, popular boat ramps in the spill area that provide access to surface waters were either closed from normal usage or only allowed limited use by the public due to response activities.

3.2.2 Summary of Assessment Activities

As with the lost recreational use of the shoreline beaches, estimating the recreational boating losses caused by this spill required data on the normal level of boating that occurred under non-spill conditions and the changes in boat use in area waters as result of the spill and response activities. The Trustees searched for and found only limited, usable data from existing sources. The Trustees obtained information from the U. S. Coast Guard to document the limitations on access to the waterways caused by the closures and placement of oil booms. Various state agencies, including DEP, provided estimates of the number of berths available in Pinellas County public marinas. The Trustees found that significant additional data would be needed to reliably quantify recreational boating losses, including data on the total number of public and private berths; berth occupancy rates during the spill period; the daily percentage of boats usually leaving berths; the number of additional boats launching at public and private launch ramps; and the

average number of persons on a boating trip. The collection of such additional data would have required a substantial, spill-specific assessment study. The Trustees eventually concluded this additional work was not justified, given facts that indicate boating losses were limited and this further work would be costly.

Even though the Trustees did not proceed to specifically quantify recreational boating losses in the assessment, the Trustees found evidence sufficient to establish that recreational boating losses did occur. This factual determination is relevant to the development of this RP/EA. In evaluating different approaches to restoring resource services which the public lost, it is appropriate to consider the nature of all documented service losses and the extent to which restoration alternatives will benefit more than one resource or resource service. This is consistent with guidance applicable to restoration planning under OPA found in 15 C.F.R. 990.54 as well as NEPA. Therefore, the Trustees have considered recreational boating losses in identifying the restoration actions selected for use to address the recreational services of natural resources lost due to the Tampa Bay oil spill, as outlined in Section 5.0 of this RP/EA.

3.3 Recreational Shellfishing

3.3.1 Injury Determination

As a result of concern about public consumption of shellfish exposed to oil, DEP closed shellfish beds in Boca Ciega and lower Tampa Bay to recreational harvesting on August 11, 1993. The shellfish beds in Tampa Bay were reopened on September 23, 1993, and those in Boca Ciega Bay were reopened on November 30, 1993. The use of these resources for recreational shellfishing was lost for 109 days in Boca Ciega Bay and for 42 days in lower Tampa Bay.

3.3.2 Summary of Assessment Activities

To quantify the lost recreational use of these shellfish beds required information on the level of recreational harvesting which would normally occur at these locations. At the time of the spill, DEP's Division of Marine Resources periodically estimated the number of people shellfishing in these areas and the Trustees relied on these estimates to assess the recreational losses which occurred when these areas were closed. These estimates indicate that approximately ten (10) persons per day recreationally shellfish at beds in Boca Ciega Bay and that approximately five (5) persons per day shellfish at beds in lower Tampa Bay. Based on this information, the Trustees calculated that the closure of these beds due to the spill resulted in a loss to the public of approximately 1300 recreational shellfish harvesting days.

4.0 OVERVIEW OF THE RESTORATION PLANNING PROCESS

State and Federal laws establishing liability for natural resource damages share a common objective -- to provide for expeditious restoration of natural resources and resource services following their injury or loss due to discharges of oil or other contaminants. Under these laws, the Trustees are responsible for determining what, if any, actions are needed to return injured natural resources to their pre-injury condition (termed 'primary restoration'), and to compensate for interim lost uses of such resources pending their restoration (termed 'compensatory restoration'). Compensable interim losses include the loss of uses or services of natural resources normally provided to humans as well as to other natural resources. The goal of restoration under these laws is to make the environment and public whole for natural resource injuries and service losses resulting from discharges. OPA requires that funds recovered as natural resource damages be used to plan and implement restoration actions appropriate to restore, replace, rehabilitate or acquire resources or services equivalent to those lost.

The Trustees initiated work to identify potential restoration opportunities to address the lost recreational use of natural resources during the assessment process. This early focus on restoration assisted the Trustees in determining an appropriate level of compensation for these recreational service losses, achieved through settlement, i.e. that funds recovered for these losses would provide an adequate opportunity to implement restoration to offset these losses post-settlement. This RP/EA identifies the restoration alternatives and projects which the Trustees have selected for use to address the lost access to and use of the shoreline beaches, waterways, and shellfishing areas for public recreation caused by the spill.

This RP/EA focuses only on compensatory restoration alternatives, i.e., alternatives that are appropriate to address the interim recreational service losses. Primary restoration planning seeks to determine the restoration actions appropriate to return natural resources, including their services, to pre-injury conditions. In this instance, the opportunity to use spill zone beaches, waterways, and shellfish beds for public recreation was restored within a fairly short period of time following the spill, largely due to effective response actions. Therefore, in developing this restoration plan, further consideration of primary restoration alternatives was unnecessary.

4.1 Trustees' Strategy in Restoration Planning

In forming their restoration planning strategy, the Trustees considered the various sources of guidance currently available, including OPA, state law, and federal regulations guiding restoration planning under OPA at 15 C.F.R. Part 990. The strategy used to develop this restoration plan is consistent with all applicable statutes and guidelines.

The Trustees' goal in the restoration planning process, outlined in this RP/EA, is as follows:

GOAL: To identify restoration actions appropriate to address the lost access to and use of the shoreline beaches, waterways, and shellfishing areas for public recreation attributable to the Tampa Bay spill.

To accomplish this goal, the Trustees developed the following restoration strategy:

STRATEGY: Identify projects which would increase or enhance opportunities for recreational access or use of these same resources, in accordance with the public losses which were documented.

Restoration actions can compensate for lost recreational opportunities in various ways, such as by increasing access to existing resource recreation sites; increasing the capacity of existing resource recreation sites; increasing the quality of existing resource recreation sites; or creating new resource sites for recreation. Each of these approaches can result in two effects - increasing the quantity or improving the quality of the recreational use of the relevant natural resources.

In developing this plan, the Trustees have sought to identify a reasonable range of alternatives for consideration, including those with the potential to restore recreational services through actions to effectively restore, preserve or enhance the amount, quality or availability of the affected natural resources. Where available, these actions are believed by the Trustees to represent the best means of restoring natural resource services. Where options of this nature do not exist or are insufficient alone to address the public's losses, restoration options capable of providing services of the same type and quality as those lost are generally preferred. Where in-kind service replacement options are not available, restoration alternatives providing services comparable to those lost may be considered. When restoration alternatives provide dissimilar services, the appropriate trade-off between the services lost and those provided by restoration must be considered to ensure the benefits of such restoration will be sufficient to offset public losses.

In developing this plan, the Trustees have also sought to rely on restoration options capable of providing or benefitting multiple resources or services, particularly those serving multiple recreational resource uses. This approach ensures restoration actions undertaken provide the greatest overall benefit to the public, consistent with the primary goal of this restoration plan. Actions with multiple benefits also have the potential to reduce administrative oversight, procedural requirements, permitting needs, and construction logistics, which makes accomplishing restoration more cost-efficient.

4.2 Framework for Identifying Preferred Restoration Alternatives

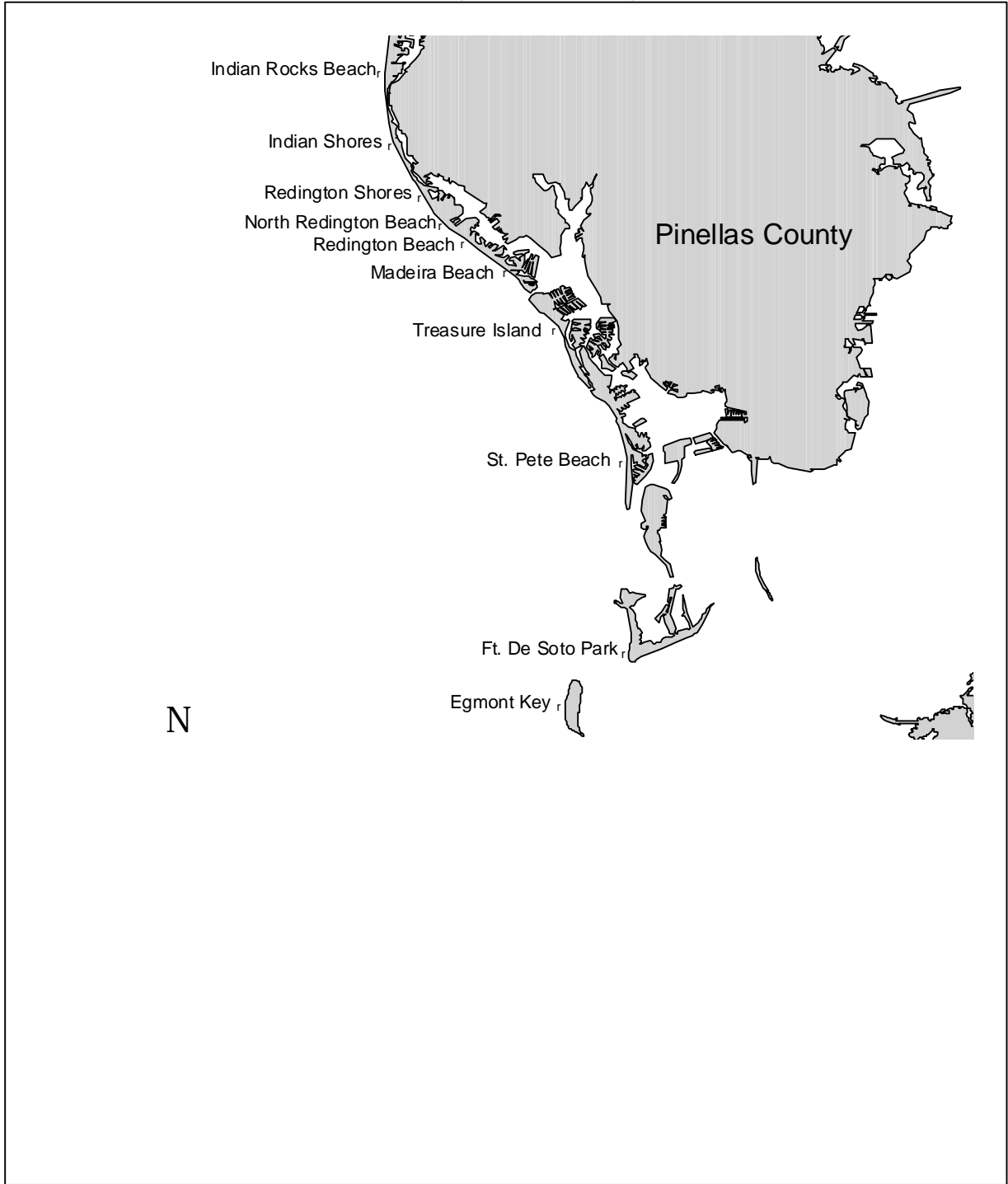
The restoration alternatives considered in this RP/EA were identified and evaluated using a three-step process. First, the Trustees sought to identify a reasonable range of project opportunities in the spill area with the potential to increase or enhance the relevant resources or access to or use of these resources for public recreation. This restoration scoping process was initiated during the assessment phase and continued through the drafting of the Draft RP/EA. The Trustees' earliest efforts in this regard included consultations and discussions with representatives of beach municipalities in the spill area, Pinellas County and the parties responsible for the spill. As recently as March 2000, each of these beach municipalities and Pinellas County were

requested to provide a current list of potential restoration projects in their community which could be considered by the Trustees in the development of this restoration plan, consistent with the objectives of restoration for the recreational losses and the selection criteria. Table 4-2 lists the local governments and parks contacted throughout the restoration planning process, and Figure 2 their approximate locations.

Table 4-2 Local Governments and Parks Contacted During Restoration Planning

City of Indian Rocks Beach	Pinellas County
City of Madeira Beach	Town of Indian Rocks Beach
City of St. Pete Beach	Town of Indian Shores
City of Treasure Island	Town of North Redington Beach
Egmont Key State Park	Town of Redington Beach
Fort De Soto Park	Town of Redington Shores

Figure 2: Local Governments and Parks Contacted During Restoration Planning



The Trustees also invited the public to submit restoration options for Trustee consideration through a “Notice of Intent to Develop Restoration Plan for Lost Recreational Use of Natural Resources from the August 10, 1993 Tampa Bay Oil Spill” published in the *St. Petersburg Times* on July 12, 1999. That notice identified the spill event, the Trustees involved, the recreational service losses to be addressed in the development of this restoration plan and the criteria to be applied in evaluating and selecting preferred restoration options. Through these efforts, the Trustees identified a broad list of forty-six (46) possible restoration projects. These included proposals for acquisition of real property, development or expansion of various facilities or physical structures, vegetation planting and maintenance, vehicle acquisition and ecosystem development. The property acquisition proposals were primarily for creation of new parkland or shoreline access, but also included the development of a wildlife refuge. Proposals relating to facilities or structures encompassed boardwalks, piers, marinas, boat ramps, near shore and offshore reefs, beach groins, dune walkovers, and various other municipal structures.

Second, the Trustees screened this broad list of proposals based on the restoration selection criteria outlined below at 4.3. A threshold consideration in this initial screening process was the relationship of the action proposed to the resources or service losses which are to be addressed in this restoration plan, i.e., the lost access to or use of the shoreline beaches, waterways, and shellfishing areas for public recreation. This is a threshold criterion as it embodies the primary objective of this restoration plan. Only proposals capable of increasing or enhancing the relevant resources, or of increasing or enhancing use of these resources for public recreation in the areas where such public losses occurred were evaluated further in the screening process. This initial screening process resulted in the identification of five broadly defined restoration alternatives, that in the judgment of the Trustees could reasonably be expected to achieve the objectives of this restoration plan in light of all the criteria to be applied. At the time of release of the Draft RP/EA, these five restoration alternatives encompassed twenty-two (22) restoration project proposals (Draft RP/EA, Appendix A). As noted in Section 1.2, however, public comments on the Draft RP/EA included withdrawals, new proposals, updates or additional information with respect to projects eligible for funding under these alternatives. Appendix A was revised to reflect these comments and, in this final RP/EA, these five restoration alternatives encompass nineteen (19) restoration project proposals. These restoration alternatives are categorized as: (1) Acquisition of Waterfront Property; (2) Construction of Fishing Piers; (3) Construction of Public Trails and Walkways; (4) Enhancement of Boating Opportunities; and 5) Enhancement of Natural Resource Amenities. Each of these alternatives include projects that would serve one or both of two general purposes - improving access to shoreline beaches for related recreational activities or the protection of shoreline habitats which support recreation.

These alternatives were then considered more carefully by the Trustees based on the criteria outlined below. That evaluation was presented to the public for comment in the Draft RP/EA and is finalized herein after considering all public comments on that proposed plan. Each of these alternatives and the result of that evaluation, with selected restoration alternatives identified, are presented in Section 5.0 of this RP/EA.

4.3 Selection Criteria

The following criteria have been used by the Trustees to screen and further evaluate the listed restoration alternatives:

Relationship of Restoration Alternative to Type and Quality of Resource Services Lost (Consistency with Restoration Goal)- Considers the nature and extent to which a given restoration alternative would address the lost access to or use of the shoreline beaches, waterways, and shellfishing areas for public recreation attributable to the Tampa Bay oil spill. This includes the extent to which benefits of the alternative would effectively restore, preserve or enhance resource services in-kind or would otherwise be comparable in nature, scope, and location to the recreational service losses that occurred.

Consistency with Restoration Strategy - Considers the degree to which a restoration alternative relates to the restoration planning strategy outlined in Section 4.1, i.e., is capable of increasing the quantity or improving the quality of the recreational use of the affected beaches, waterways, and shellfish beds and, to the extent practicable, also provides or benefits multiple natural resources or services, particularly recreational resource uses.

Consistency with Community Objectives - Considers the degree to which a given restoration alternative is consistent with known or anticipated community objectives, particularly with respect to the use and enjoyment of natural resources. Community objectives are derived from relevant community goals or planning documents as well as from information provided by county and local governments and the public.

Multiple Benefits - Considers the extent to which a given restoration alternative will address more than one natural resource or service, particularly recreational resource use.

Technical Feasibility - Considers both the likelihood that the opportunity to implement a given restoration alternative exists and that it can be successfully implemented within a reasonable period of time. Consideration of this factor includes but is not limited to the availability of expertise, programs or contractors required to implement such an action and prior experience with methods or techniques proposed for use, availability of equipment and materials, site availability and logistical difficulty.

Restoration Site Requirements - Considers the extent to which the scientific, engineering or legal requirements of proposed restoration alternatives can be met by available implementation sites.

Potential for Additional Natural Resource Injury - Considers the extent to which implementation of a restoration alternative may adversely affect other natural resources.

Restoration is Self-Sustaining - Considers the degree to which further human intervention or support is necessary to achieve success or to sustain the function of a restoration action over time.

Consistency with Applicable Laws and Policies - Considers the extent to which a restoration alternative is otherwise consistent with relevant State, Federal and County policies or could be implemented in accordance with State, Federal and County laws.

Potential Effects on Human Health and Safety - Considers the potential that a restoration alternative may adversely impact human health and safety in the community.

Cost Effectiveness - Considers the relationship of costs associated with a given restoration alternative to that alternative's ability to achieve the restoration objectives. Among those alternatives achieving the restoration objectives, a less costly restoration approach is preferred. Relevant cost considerations include but are not limited to costs associated with conceptual design, engineering specifications, site acquisition, permitting, and other applicable procedural requirements, project construction, necessary performance monitoring, future maintenance and restoration oversight.

While all factors have been considered by the Trustees, these criteria are not necessarily afforded equal weight in identifying preferred restoration alternatives. As previously noted, for instance, the first criterion listed is a primary consideration, since it is key to ensuring restoration objectives for the recreational service losses are met. Further, the application of these criteria often involve a balancing of interests in order to identify the best approach to meeting the restoration goal. Accordingly, the Trustees are afforded and exercise substantial discretion in evaluating restoration alternatives based on these criteria. The identified selection criteria and the discretion afforded the Trustees in developing this restoration plan based thereon are consistent with the restoration planning guidance outlined in the OPA regulations at 15 C.F.R. Part 990.

It is important to note that the Trustees recognized early in the restoration scoping process that the expected benefits of potential projects would be a key factor in planning for restoration actions appropriate to address the resource services lost. Therefore, during the scoping process, the Trustees actively sought data or other information which could be used in evaluating possible projects on that basis. This included specifically requesting county and city representatives to provide supporting data or information indicating, for example, the increases in swimming, fishing, boating, or shellfishing anticipated to occur as a result of the projects submitted for consideration. The Trustees' own search for usable data and the responses received, however, indicate that there is little quantitative data or information existing to support such estimates without initiating further studies at substantial additional cost to the public. Therefore, in evaluating restoration alternatives, the expected benefits of projects considered are described or characterized largely based on the general knowledge, experience, or expertise within the community with similar projects and other information or inferences drawn from the assessment and restoration scoping processes.

Finally, in evaluating costs, the Trustees have sought to take into account costs associated with similar projects in the Tampa Bay area, cost information accompanying proposals, government estimates, and other sources of information to the extent available.

5.0 RESTORATION PLAN

As noted in Section 4.2, the preferred means to restore natural resource services is through actions to restore, preserve, or enhance the amount, quality or availability of the affected natural resources themselves. During the restoration scoping process, however, the Trustees found that opportunities to restore surface waters, beaches or shellfish beds as a means of increasing the services of these resources for public recreation were very limited, in large part due to the highly developed nature of the area. As a result, the restoration plan identified herein includes some actions which preserve or conserve natural resources, but also includes actions which will increase or enhance recreational access to or use of the affected resources.

The Trustees selected the following five restoration alternatives for use to compensate the public for the recreational service losses caused by the Tampa Bay spill. These alternatives, in alphabetical order, are:

- Acquisition of Waterfront Property
- Construction of Fishing Piers
- Construction of Public Trails and Walkways
- Enhancement of Boating Opportunities
- Enhancement of Natural Resource Amenities

The range of restoration alternatives evaluated by the Trustees and the rationale supporting the selection of the above alternatives is summarized in subsections 5.1-5.7. In accordance with NEPA, the “no-action” alternative is also considered but is rejected for reasons stated.

5.1 Selected Alternative: Acquisition of Waterfront Property

This alternative encompasses the acquisition of one or more parcels or interests in land which include or border recreational shorelines affected by the spill. Ownership and/or future use of such lands is placed in the public domain, thereby expanding and preserving public access to or opportunities for use of shorelines, for such activities as beach recreation, fishing, and nature viewing, in the area where these resource services were lost due to the spill. Acquired lands would be managed by local, county or state authorities, as appropriate.

5.1.1 Evaluation of Alternative

During the restoration scoping process and as a result of public review of the Draft RP/EA, a number of property sites of this nature have been identified for which public acquisition would be consistent with the objectives of this restoration plan, including some with evidence of public support. All parcels so identified have been privately owned, with little to no public access or use, and available for purchase at the time proposed for consideration in this restoration plan. Some have been adjacent to existing public lands, with natural shoreline recreation areas. For all parcels identified, the Trustees recognized that they may not be available for purchase in the near future due to existing zoning, which would allow development of these parcels for private residential or commercial purposes, and development pressures and patterns in the expanding Tampa Bay/St. Petersburg region. Marketing or plans for some of the properties proposed for consideration have

been directed to these uses. The Trustees further recognized that private development of these parcels could also result in construction or other property alterations which detract from public use of adjacent shorelines, including environmental quality, viewing enjoyment and access. Indeed, many of the acquisition projects originally proposed for consideration in developing this restoration plan have already been purchased and are pending development at this time.

Waterfront property acquisition serves both resource conservation and access enhancement objectives. New opportunities for the public to access and use natural shorelines for recreation are provided where property is acquired in areas with limited or no current public access. Acquiring parcels adjacent to existing public shorelines expands public access while also allowing public recreation to be spread over a greater area. Spreading recreational use over a greater area decreases the environmental burden of recreational activities in any one place. That many of the parcels originally available for funding consideration have since been purchased underscores the potential utility of acquiring such land as a means of preserving or enhancing public access to and recreational use of the beaches and nearshore waters.

Not all properties for potential acquisition would necessarily provide the same opportunities for or support multiple recreational uses. Further, some sites may be more suitable than others for post-acquisition enhancements which would increase either their utility for public recreation or their benefits to natural resources in these areas (e.g., such as by creation of dunes or planting of native vegetation). Properties with the potential to serve multiple restoration objectives and with low potential to negatively affect the quality of natural resources would be given a higher preference in the selection process. Property acquisition and planned uses would be coordinated with appropriate local, county, state or federal agencies to ensure consistency with any regional resource management plans or other community planning documents.

5.1.2 Environmental and Socio-Economic Impact

Acquiring property is likely to preempt the development of environmentally unsound projects or remove existing infrastructure to create access, so that the environmental impact of this alternative would be positive. Any development activities to enhance public access at the sites would fall under one of the remaining restoration alternatives; environmental impacts associated with those activities would be considered under the heading of other appropriate alternatives. This alternative will not have any significant socio-economic impacts.

5.2 Selected Alternative: Construction of Fishing Piers

This alternative encompasses the construction of one or more new pier structures for use for public fishing. The lost access to area shorelines and surface waters during the spill included lost access for recreational fishing by both residents and tourists. The construction of one or more new fishing piers will address this lost public use by expanding the public areas available for use by fishermen and enhancing fishing access.

5.2.1 Evaluation of Alternative

During the restoration scoping process, suggestions from the affected communities included requests or recommendations for new fishing piers at several locations. New piers would create new opportunities for the public to fish and attract anglers from other sites, some with no dedicated infrastructure. Fishing at other sites, such as vertical seawalls or riprap shorelines, is typically less safe than pier fishing, especially for children, the elderly, and the physically handicapped. New fishing piers may also attract fishermen from other sites not appropriate for heavy use, such as vegetated shorelines, and thus have the potential to reduce the impact of angler activities on natural environments.

Projects under this alternative would require state or local authorities to assume responsibility for any long-term maintenance and upkeep.

5.2.2 Environmental and Socio-Economic Impact

The construction of a fishing pier is expected to have minimal environmental impact. Some disturbance to the sea floor will occur during construction. Further, a pier will shade areas under or adjacent to the structure, which could potentially affect any marine vegetation present in the immediate area, such as sea grasses. These impacts are typically addressed during the project permitting process and are minimized through design features or during construction.

Fishing piers assist in focusing angling activities in areas equipped to accommodate recreational traffic, which alleviates the environmental harm at other sites. However, this same concentration of angling activity could increase pressure on fish species that are already overfished. The addition of fishing piers in selected areas will not have significant socio-economic impacts.

5.3 Selected Alternative: Construction of Public Trails and Walkways

This alternative encompasses such projects as the construction of boardwalks, sidewalks, dune walkovers and biking or hiking trails. The boardwalk, sidewalk or public trail projects considered would generally run parallel to and behind public beaches, facilitating public use and access to the full length of these adjacent recreational public shorelines. Dune walkovers are elevated pedestrian walkways traversing dune habitats, including stabilizing dune vegetation. The creation of such public trails or walkways addresses the lost access to recreation shorelines during the spill event by providing increased or improved opportunities to access recreational shorelines and beaches in the future. These projects also contribute to the preservation of the natural habitats associated with these shorelines.

5.3.1 Evaluation of Alternative

During the restoration scoping process, sidewalk or elevated beach boardwalk projects were proposed by communities with beaches with moderate to heavy public recreational use. Boardwalk or sidewalk projects in these areas would enhance public access to these areas and provide a degree of protection to shoreline resources. Where beach use is high, such projects would constitute an additional amenity which would encourage additional recreational use and distribute recreational use

across the full expanse of available beach. This has the potential to attract visitors or centralize pedestrian traffic away from other more sensitive or vulnerable shoreline environments. It also can increase the quality or value of these beaches as recreation sites.

Dune walkovers provide access to public beaches in a manner that protects dune habitats. Dunes themselves provide important ecological services within the beach environment, including protection from storms, protection from erosion, and habitat for birds and sea turtles. Dunes and shoreline vegetation also contribute aesthetically to the use of recreational shorelines. While ecologically desirable, dune habitats require protection from recreational traffic in order to prevent losses of vegetation or losses of other resources. The presence of dunes along a stretch of beach can also restrict beach access, especially for the elderly and physically disabled. Signs designed to protect dune vegetation may discourage public use of adjacent beaches. Therefore, the addition of dune walkovers can increase the public's opportunity to use beaches in these areas and protect this component of the beach environment. In addition to protecting resources at these access points, the location of these specified access points can also be selected to move pedestrians away from more pristine or vulnerable landscapes and to alert passers by to the presence of a public shoreline.

A viable system of public recreational trails is an integral and evolving part of the Pinellas County area, where outdoor recreation helps define many of the local communities. In extending existing public trails, the Trustees intend to strike a balance between resource conservation and additional development as a means of enhancing access to recreational shorelines. Therefore, project location and selection will seek to emphasize the value of leaving relatively pristine stretches of beach undisturbed while fulfilling restoration objectives of increasing access. Such public trails will exclude motorized vehicles. Walking trails encourage low-impact use of beach resources. Bike trails have the added benefit of improved public safety where cyclists are drawn away from roads and automobile traffic.

For projects under this alternative, choice of material will be considered in determining the degree to which the project is considered self-sustaining. Wooden structures will generally require more maintenance in the long term than cement or composite structures.

5.3.2 Environmental and Socio-Economic Impact

The Trustees have determined that the construction of public trails and walkways will have minimal environmental impact. Some disturbance to the beach landscape will occur due to the presence of equipment and crews during construction. Trails and walkways may serve to concentrate recreational activities in areas equipped to accommodate heavy recreational traffic, thereby alleviating environmental harm at other sites. Walking trails may encourage low-impact use of beach resources. Dune walkovers protect shoreline environments from erosion. In the event of medical emergencies, dune walkovers, sidewalks and elevated walkways provide quick and easy access to emergency personnel. Similarly, bike trails may improve safety if they draw cyclists away from roads and automobile traffic. The addition of trails and walkways in selected areas will not have significant socio-economic impacts.

5.4 Selected Alternative: Enhancement of Boating Opportunities

This alternative encompasses the placement, construction or enhancement of one or more structures providing access to or supporting use of area waters by the recreational boating public. At least two projects capable of increasing or improving recreational boating access were identified during the restoration scoping process: construction or enhancement of boat ramps and installation of mooring buoys at recreational boating destinations.

5.4.1 Evaluation of Alternative

The lost access to area waters during the spill resulted in their lost use for recreational boating by both residents and tourists. Projects which increase or improve boater access to public waterways, whether for fishing or other recreational purposes, will serve to address this component of the public loss.

New or improved boat ramps have the potential to increase access to and use of area waters for water-based recreation such as boating, fishing, diving, water skiing, and recreational harvesting of shellfish. Additionally, both new and improved ramp facilities facilitate safety by improving access or use by emergency response or rescue personnel.

Mooring buoys would enhance recreation but also serve to protect natural resources from boating disturbances or long term damage. They permit boaters to stop and tie up in desired recreational locations without anchoring. Anchoring release and retrieval can impact seagrass beds or other sensitive habitats. Popular boating destinations can suffer chronic impacts from anchoring. These effects can be prevented through the use of mooring buoys. Mooring buoys also have the potential to entice boaters from areas where the risk of other boating impacts is greater, such as from shallower waters where prop scarring is a known problem. During holidays and other periods of heavy boat use, mooring buoys are often shared by multiple boats, allowing more boaters to access popular recreational areas while minimizing impacts. Mooring buoys, however, are viewed as having high maintenance requirements, as they must be frequently cleaned and repaired.

5.4.2 Environmental and Socio-Economic Impact

Boating in Tampa Bay has resulted in propeller scarring in seagrass beds and propeller injuries to the West Indian Manatee (*Trichechus manatus*). Increasing or expanding boat launching opportunities may contribute to these problems particularly if new facilities are installed in waterways with poorly marked channels. On the other hand, the addition of boat ramps could also have beneficial effects to human safety through improvement of ocean access by marine rescue and assistance crews, oil spill response personnel, and environmental organizations. New boat launching opportunities facilitate and support recreational uses important to the boating public and which benefit the local economy. No other socio-economic impacts are expected.

Mooring buoys have the potential to reduce damage to sensitive habitats, such as seagrass beds. No other socio-economic impacts are expected.

5.5 Selected Alternative: Enhancement of Natural Resource Amenities

This alternative encompasses two projects: creation of nearshore reef structure and planting of sea oats at sites along recreational beaches. Both these projects have the potential to improve the quality of recreational use of affected natural resources. Implementation would be limited to areas where public access to shorelines for recreation is assured.

5.5.1 Evaluation of Alternative

The creation of a nearshore reef involves the placement of materials on the sea floor which offer shelter for fish and other marine life and the opportunity for the growth of marine vegetation. Man-made reefs can create a viable habitat for underwater life. The creation or extension of nearshore reefs can provide additional fishery habitat and, to the extent that they concentrate fish benefit recreational fishermen, by increasing the opportunity to catch fish at these sites. A flourishing reef can also be popular with swimmers and boaters for snorkeling, diving and the general viewing of marine life. Strategically placed reefs can also serve as shoreline protection structures. Several nearshore locations have been identified as appropriate sites for viable reef creation.

Planting sea oats along beaches would help develop and stabilize sand dunes. Sea oats are the long stemmed grasses that grow on sand dunes. These plants help to capture sand, promote the development of and stabilize dunes, and prevent their erosion. The reeds capture windblown sand and deposit it back onto the dunes and beach. They also contribute to the natural landscape which is aesthetically pleasing to recreational beach goers. Planting sites would include areas where new vegetation is required to replace that lost due to pedestrian traffic or other recreational uses. Planting sites could also be selected to be undertaken in conjunction with dune walkover projects.

Both projects would be considered self-sustaining after implementation. County authorities would have responsibility for any necessary maintenance or further action at reef sites following implementation.

5.5.2 Environmental and Socio-Economic Impact

As noted above, positive environmental impacts for this alternative include the creation of beneficial fish habitat through reef construction and preservation of shoreline habitat. There is the potential for some adverse impacts from reef creation due to the conversion of one habitat type to another and the effects of, or adding to, fishing pressure for any species that may be overfished. However, some potential impacts are likely to be minimal due to the anticipated project scale or may be minimized in design and implementation. Some on-site environmental disturbance could occur during construction, such as short-term local increases in turbidity. No significant socio-economic impacts are expected to occur as the result of either constructing nearshore reefs or planting sea oats.

5.6 Non-Selected Alternative: No Action Alternative

In developing restoration plans pursuant to the Oil Pollution Act of 1990 and other federal laws, the National Environmental Policy Act requires the "no action" alternative be considered as a means of minimizing potential consequences to the human environment. Under the "no action" alternative, no action would be taken to provide for resources or services which would compensate

for the lost access to or use of resources for recreation caused by the spill. Only natural recovery of resources or services occurs under this option. Interim losses are not addressed.

Under laws applicable to this incident, it is the Trustees' responsibility to seek compensation for the lost use of or access to natural resources for public recreation and, further, to use funds recovered for these losses to restore, replace or acquire services equivalent to those lost. Where such losses are significant and feasible and cost-effective restoration alternatives are available, the "no action" alternative cannot satisfy these responsibilities and must be rejected on that basis. Further, while the restoration alternatives identified above include some development activities, they are part of an overall plan that will enhance environmental quality.

5.7 Other Non-Selected Alternatives

A number of alternatives proposed during the public comment process were determined by the Trustees to be less appropriate in fulfilling restoration objectives. In particular, the benefits of most of these projects are only indirectly related to the human use losses associated with the spill.

The creation or expansion of artificial offshore reefs as identified during the scoping process would only indirectly benefit the shoreline resources or recreational sites where the most significant harm or losses occurred. Nearshore reefs are included as a selected restoration alternative in this restoration plan because they would occur and provide services within the spill affected environment. The enhancement of offshore resources or uses would not address the Trustees' primary objectives in this restoration plan.

Improvements to existing access sites which do not preserve resources or create new opportunities for access, are also not adopted under this plan. Some of the projects considered by the Trustees involved plans to redesign or rehabilitate existing recreational sites. Such activities include enhanced lighting, changes to outdoor furniture, increased parking, better shade facilities and other improvements. While such amenities might be beneficial to the public and potentially improve the recreational experience, the Trustees found sufficient opportunities available to increase access directly.

The creation of additional parking facilities at existing access points is also a rejected alternative. Driving to the beach is certainly a popular choice for many people, but it is not the objective of the Trustees to relieve traffic congestion or to favor driving over other modes of transportation. While walking or cycling along the beach can be considered part of a shoreline recreational experience, planning decisions about automobile access to a beach site properly lie with regional authorities using locally controlled funding.

6.0 Restoration Projects Identified for Funding

As noted in the Draft RP/EA, in making project selections under the selected alternatives the Trustees exercise discretion, as they are required to balance many factors in determining the set of projects providing the greatest overall benefit to the public consistent with the primary objective of this restoration plan. The Trustees must also take into account practical considerations, such as anticipated costs, timing and feasibility.

This section of the RP/EA summarizes the Trustees' project selection decisions, based on the restoration proposals available for current consideration under the selected restoration alternatives (Appendix A, as revised). Selected projects are described, including the anticipated cost to implement each, based on the proposals submitted. The anticipated funding levels identified do not in every instance reflect the full cost of the projects submitted to the Trustees for consideration¹. The anticipated funding levels reflect the elimination of individual project elements which the Trustees found to be inconsistent with the selected restoration alternatives or the legal and policy framework underlying this restoration plan. Final funding for each project will be determined by the Trustees on a case by case basis, but is not expected to be higher than the anticipated cost identified herein. Using the previously discussed planning concepts, the Trustees have selected fourteen (14) projects for implementation using settlement funds.

6.1 Acquisition of Waterfront Property

Although a selected restoration alternative, the Trustees did not select a property acquisition project for funding under this alternative. This decision reflects two primary considerations: the anticipated cost of acquiring such property in the affected area and the public comments received. Several commentors opposed the use of settlement funds for land acquisitions as costly, requiring too large portion of the available funds, and as redundant of an existing grant program in Florida for acquiring such lands. There was also concern expressed that the cost of acquiring even one parcel would severely limit the opportunity to implement restoration actions in communities which were critically impacted by the spill. After reviewing the available projects under this alternative, the Trustees found the anticipated cost of such an acquisition would, in this instance, require a significant portion of the funds available to implement restoration and severely limit the Trustees' ability both to restore and enhance a broad array of recreational services and to maximize benefits the public will gain under this plan. The Trustees believe the public interest under this plan is better served by a larger array of restoration projects over a larger geographic area.

6.2 Construction of Fishing Piers

The Trustees have selected two fishing pier projects. Both projects are located in the City of St. Pete Beach. The first involves the construction of a new fishing pier at the existing public park at 9300 Blind Pass Road, Blind Pass Park. This project will provide increased access to recreational

¹ As an example, the Trustees anticipate the funding level for both the Sunset Vista Trailhead Park Development and Gulf Way Beach Walkway projects does not include funds to provide new irrigation systems for newly planted or transplanted native dune vegetation as, if planted correctly, irrigation is unnecessary and may actually be harmful to achieving self-sustaining native dune vegetation.

anglers who fish in Blind Pass. The second project involves rehabilitation of the fishing pier which currently exists at 7th Avenue and Pass-a-Grille Way. This fishing pier will be rehabilitated by replacing the existing deck and expanded to increase the amount of available fishing space. Both projects will provide the public with quality recreational fishing access. They are both to be constructed with lumber made of recycled plastic.

6.2.1 Anticipated Level of Funding

Based on the best available information, the Trustees anticipate the level of funding for the pier at 9300 Blind Pass Road at approximately \$85,000 and the fishing pier at 7th Avenue and Pass-a-Grille Way at approximately \$134,000.

Table 6.2. Anticipated Funding Level for Fishing Pier Projects

Project Name	Anticipated Level of Funding
Blind Pass Park Fishing Pier	\$85,000
7th Avenue and Pass-a-Grille Way Pier	\$134,000
Total	\$219,000

6.3 Construction of Public Trails and Walkways

There are nine (9) projects under this selected alternative. This is the highest number of projects of all selected restoration alternatives. Some of the projects described below contain features that could be categorized easily under other restoration alternatives such as fishing piers and natural resource amenities. The projects are categorized under Public Trails and Walkways because the primary component of each project is a boardwalk, walkway or dune walkover. The order in which the projects are presented is from north to south.

The Trustees selected to fund the construction of a boardwalk at the Indian Rocks Beach Nature Preserve. The project will construct approximately 1,020 linear feet of boardwalk which will meander through mangrove habitat. There will be four circular platforms and four rectangular extensions off of the boardwalk. The end of the boardwalk will overlook the Intracoastal Waterway (ICWW). The project will create recreational access to preserved habitats as well as provide an educational experience to people who use the Nature Preserve.

Also in Indian Rocks Beach, the Trustees selected the construction of a new walkway and walkover at the existing beach access point at Central Avenue as a means of enhancing pedestrian and emergency vehicle beach access at this location. The Trustees selected this location out of three sites submitted by the City of Indian Rocks Beach because public access would be enhanced here more than other proposed access locations. A new concrete walkway will connect the existing parking lot to a new dune walkover. The improved access for emergency vehicles will benefit public beach goers throughout Indian Rocks Beach, including those using other public beach access points.

In Indian Shores, the Trustees selected the replacement and improvement of four (4) dune crossover boardwalks at the following sites to enhance public beach access: 197th Avenue, 196th Avenue, 193rd Avenue, and 190th Avenue. Existing dune crossovers (currently in need of repair or replacement) will be removed and new, higher and wider crossovers will be constructed. The higher crossovers will allow for the formation of more stable, protective dune habitat at these locations. At the 193rd Avenue beach access, the dune crossover will be specifically designed to also serve as a vehicle ramp for the Town of Indian Shores' fire department to enhance emergency vehicle and rescue boat access at this location. Replacement of the degraded boardwalks will create a safer access point for pedestrians, including those with physical disabilities.

A new boardwalk will be constructed at a Pinellas County park. The park is called the Park Street Boat Ramp. This project will be a new 470 foot elevated boardwalk terminating at a new fishing pier under the Park Street Bridge. The boardwalk will extend from the north side of the ramp and proceed northward to underneath the Park Street Bridge. The new boardwalk and pier will provide new public access to a safe and shaded fishing location in the waters of upper Boca Ciega Bay underneath the bridge.

In the Town of Redington Beach, the Trustees selected to replace three public beach access boardwalks leading from Gulf Boulevard to the beach. These beach accesses are located at 163rd Avenue, 162nd Avenue, and 158th Avenue. The existing boardwalks are warped and buckled, making access for the physically disabled difficult. Replacement of the boardwalks will enhance pedestrian recreational access to the beach at these locations. The new boardwalks at these locations will be elevated dune walkovers, to allow increases in the formation of protective dune habitat at these site. All three new walkovers will be constructed with lumber made of recycled plastic.

A project providing for development of the Madeira Beach Causeway Shoreline Restoration Park has also been selected for funding. The park is located on the west side of the Tom Stuart Causeway and on the north side of SR 666. The project incorporates a number of features primarily intended to encourage and support a variety of passive recreational activities at this site. The project includes boardwalks that take visitors through connecting outdoor interpretive and educational displays and the park's shoreline. The project also calls for restoring some mangrove vegetation along the shoreline and constructing two new fishing piers for use by anglers. Finally, the project establishes some other native vegetation throughout the site such as live oaks and cabbage palms. Development of the park represents a new access to natural resources and new recreational amenities for the public.

The Trustees considered and selected two major walkways in Treasure Island as a single project. The Treasure Island Boardwalk Trail North Branch and Treasure Island Boardwalk South Branch projects will extend the existing beach sidewalk trail to the north by approximately 3800 feet and to the south by approximately 4000 feet. The new North Branch walkway will extend from 127th Avenue to 119th Avenue. The new South Branch walkway will extend from 104th Avenue to 97th Avenue. The new walkways will be made of concrete and will meander around existing sand dune communities. These walkways will expand public access to the beach and increase the opportunity for both passive and active recreational by connecting the new walkways with existing, widely-used walkways.

The final two projects selected under this restoration alternative are in St. Pete Beach. The first involves construction of a new boardwalk at Upham Beach, located at the beach access at Beach Plaza and 68th Avenue. This new boardwalk will be parallel to the beach and connect the seaward ends of three existing dune walkovers. The second is the Gulf Way Beach Walkway project in Passe-a-Grille. Like the Treasure Island projects above, this concrete walkway will tie into an existing beach walkway system and extend the existing walkway system to the north from 9th Avenue to 23rd Avenue, approximately 3400 feet. The walkway will be similar in design and width to the existing walkway. Both projects will enhance public access to the beach and provide greater opportunity for passive and active use of the beach.

6.3.1 Anticipated Level of Funding

Because there are a number of projects under this alternative, the anticipated level of funding is presented in a table format. The Trustees do not anticipate increasing the level of funding because detailed cost estimates were requested and used in the evaluation and selection of projects. However, there may be cases where unforeseen circumstances may justify modest funding increases.

Table 6.3. Anticipated Funding Level for Public Trails and Walkways Projects

Project Name	Anticipated Level of Funding
Indian Rocks Beach Nature Preserve Boardwalk	\$185,000
Indian Rocks Beach Central Ave. Beach Access Improvements	\$40,500
Town of Indian Shores - Dune Crossover Boardwalks at 197th Ave., 196th Ave., 193rd Ave. and 190th Ave. Beach Access Replacement	\$32,000
Pinellas County Park Street Boat Ramp - Boardwalk and Pier	\$94,000
Town of Redington Beach -Boardwalks and Dune Walkover replacement at 163th Ave.,162th Ave and 158th Ave	\$69,600
Madeira Beach Causeway Shoreline Restoration Park	\$400,000
Treasure Island Boardwalk Trail - North Branch and South Branch	\$380,000
St. Pete Beach - Upham Beach Boardwalk	\$181,500
St. Pete Beach - Gulf Way Beach Walkway	\$232,000
Total	\$1,614,600

6.4 Enhancement of Boating Opportunities

The Trustees selected one project under this category - the replacement of the City of St. Pete Beach boat ramp near the Don Cesar Hotel. This public boat ramp is deteriorating and is in need of major rehabilitation. Boat owners risk damage to their trailers if they use the ramp in its present condition. The project involves replacement of the current cement boat ramp with a pre-fabricated ramp, featuring a non-slip surface. Replacement of this ramp will ensure and encourage continued use of this ramp to access area waters for recreational boating and fishing.

6.4.1 Anticipated Level of Funding

The cost to replace the existing boat ramp with a pre-fabricated boat ramp is approximately \$120,000.

Table 6.4. Anticipated Funding Level for Boating Enhancement Projects

Project Name	Anticipated Level of Funding
St. Pete City Boat Ramp Replacement	\$120,000
Total	\$120,000

6.5 Enhancement of Natural Resource Amenities

Two projects have been selected under this category. Both projects involve direct restoration of natural resources, which is a preferred means of restoring lost recreational services. Restoring natural resources provides the public with an on-going opportunity to utilize these same natural resources for recreation for as long as they exist.

The first project is located at 97th Avenue and Gulf Boulevard in Treasure Island and is known as the Sunset Vista Trailhead Park Development. The City of Treasure Island recently purchased this property as a new public beach access site. The project includes the restoration of beach dune communities and the creation of a beach access with a passive park. Native dune vegetation will be planted to help establish a protective dune. Observation decks and limited paths and walkways will be integrated into the dune restoration to provide beach access and passive recreation opportunities.

The second project involves the creation of new oyster habitat in shallow, nearshore waters in Boca Ciega Bay, adjacent to the shoreline of Pinellas County's War Veterans' Memorial Park. Fossilized oyster shell will be placed in strategic locations by shallow barge. The creation of this new habitat at this location provides services appropriate to address the recreational fishing losses. This type of habitat is a critical supporting habitat for fish, including several recreationally important species; providing for increases in such habitats in areas where it is currently limited, as in Boca Ciega Bay, can support increased numbers of these fish. Further, the addition of the physical habitat itself represents a new fishing site for recreational anglers. The creation of this new oyster bar will also benefit other natural resources in this area by reducing wave energy, thereby protecting the

adjacent shoreline from erosion, and by sheltering shallow submerged areas behind the bar, which would be expected to increase and enhance seagrass growth in that location.

6.5.1 Anticipated Level of Funding

The anticipated level of funding for the Treasure Island Sunset Vista Trailhead Park Development is \$225,000. The anticipated level of funding for the oyster habitat at the Pinellas County War Veteran's Memorial Park is \$300,000.

Table 6.5. Anticipated Funding Level for Natural Resource Amenities Projects

Project Name	Anticipated Level of Funding
Sunset Vista Trailhead Park Development	\$225,000
War Veteran's Memorial Park Oyster Reef	\$300,000
Total	\$525,000

6.6 Summary of Selected Projects/Anticipated Funding

A total of fourteen (14) recreational projects were selected for funding. The anticipated funding levels for projects selected under each restoration alternative approved in this RP/EA is presented below in Table 6.6.

These 14 projects account for approximately \$2,478,600 of the \$2,500,000 of settlement funds available for restoring recreational injuries. The remaining restoration funds, including interest, is being reserved by the Trustees at this time to address cost issues which may arise as implementation of the selected projects proceeds and to reimburse costs the Trustees have and will continue to incur in the development and implementation of this restoration plan as may be appropriate.

As noted above, final funding for each project will be determined by the Trustees on a case by case basis, but is not expected to be higher than the anticipated cost. There may be instances, however, where unforeseen circumstances or unanticipated costs in project implementation may justify approval of increased funding for particular projects. The decision whether to approve increased funding will be a case-by-case decision by the Trustees, taking into account the nature of the cost issue, the funds remaining for use and the public interests to be served in making final appropriate allocations of the settlement funds. If the actual level of funding for selected projects proves to be substantially lower than anticipated herein, the Trustees may reconsider funding for non-selected projects identified in Section 6.7 or may seek additional project proposals which are consistent with this restoration plan.

Table 6.6 Restoration Funding Summary

Restoration Alternative	Anticipated Level of Funding
Acquisition of Waterfront Property	\$0
Construction of Fishing Piers	\$219,000
Construction of Public Walkways and Trails	\$1,614,600
Enhancement of Boating Opportunities	\$120,000
Enhancement of Natural Resource Amenities	\$525,000
Total	\$2,478,600

6.7 Non-Selected Restoration Projects

Several projects considered for funding were not selected. The Redington Long Pier became ineligible between the public comment period and the selection of restoration projects because it was purchased by a private individual. Two beach access improvement projects contained within the City of Indian Rocks Beach's proposal (located at 5th Avenue and Whitehurst Avenue) were not selected due to several considerations. Both beach access improvement projects were relatively expensive and did not appear likely to enhance public access much more than already exists. Beach dune walkovers at Ft. De Soto Park were also not considered because the Trustees lacked adequate project information sufficient to evaluate the project proposal against selection criteria. The Trustees recognize that dune walkovers are important at Ft. De Soto Park, however, and will keep this project open for consideration in the event there are residual funds.

A vacant lot at 19804 - 19806 Gulf Boulevard in the Town of Indian Shores was the only waterfront property acquisition project which remained to be considered by the Trustees at the end of the restoration project selection process. This property was not selected for the reasons outlined above in Section 6.1. The cost of this acquisition was estimated at \$500,000.00. In addition, the property was too small to be considered for a Pinellas County beach access point and was, therefore, unlikely to qualify for match funding. Five other property acquisitions were originally proposed to the Trustees for funding and were identified in the Draft RP/EA, at Appendix A, for funding consideration. However, these were acquired by others before finalization of this restoration plan and accordingly were removed from further consideration.

Although not specifically submitted by any municipality or member of the public, restoration of sea oats or other dune vegetation (as a stand alone project) has not been identified for funding at this time. Sea oat planting projects require up-front planning to be feasible. Only limited planning has taken place, so the project is not ready for funding. The Trustees believe that sea oat or other dune vegetation planting is appropriate for future funding consideration in the event recreational restoration funds become available. Installation of mooring buoys at recreational boating destinations was not selected. Mooring buoys require high maintenance because they must be

cleaned and repaired. Such maintenance is expensive because it must take place from a boat. Again, the Trustees believe this alternative would merit future funding consideration, but at this time has not selected any projects of this type.

A public comment suggested that the Trustees fund a public trail to connect the Pinellas BayWay to Ft. De Soto, but the project was not selected. A trail of this type would provide a safer travel corridor for alternative forms of transportation such as bicyclists. However, the Trustees determined that because of the complexity of property ownership issues, the high cost of planning and engineering studies, and the cost of construction this project was not cost effective.

Finally, two fishing pier projects were withdrawn from consideration. The City of St. Pete Beach submitted two fishing pier proposals, along with several other restoration project proposals, to the Trustees for funding consideration. Following the Draft RP/EA, the City of St. Pete Beach submitted a revised package of restoration project proposals, in priority order, which did not include these two fishing piers. Consequently, the Trustees considered the two fishing pier projects withdrawn.

7.0 COMPLIANCE WITH OTHER KEY STATUTES, REGULATIONS, AND POLICIES

Oil Pollution Act of 1990 (OPA), 33 U.S.C. § 2701 *et seq.*; 15 C.F.R. Part 990.

OPA consolidated provisions from several previous statutes dealing with prevention, response and compensation for oil spills. OPA provides authority for Trustee agencies to seek restoration to compensate for interim losses of natural resources or services, including the lost human uses of resources that occur pending the recovery of affected resources or services.

Under OPA and its implementing regulations, the natural resource damage assessment process consists of three phases: preassessment, restoration planning, and restoration implementation. In the preassessment phase, Trustees make a preliminary determination whether losses have occurred involving natural resources or the services they provide, and whether feasible restoration options exist to address the losses. During the restoration planning process, the losses are evaluated, the type and scale of necessary restoration actions is determined, and the proposed restoration actions are presented for public review in a Restoration Plan. In the implementation phase, selected restoration actions are carried out by the parties responsible for the spill or by the Trustees using recovered funds. This RP/EA was developed in accordance with the requirements of OPA, particularly those bearing on the use of recovered damages and public participation in the restoration planning process, and in accordance with the restoration planning guidance found in 15 C.F.R. Part 990.

National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*; 40 C.F.R. Part 1500

NEPA requires the federal government to perform an Environmental Assessment with respect to any federal action with potential environmental consequences. In considering and identifying the restoration actions described herein, the elements of an Environmental Assessment (EA) were integrated into this RP/EA, in accordance with NEPA. Thus, the effects of the restoration actions identified herein were evaluated prior to selection. This evaluation was found to support a Finding of No Significant Impact (FONSI), which finding is incorporated into this document in Section 8.0

Federal Water Pollution Control Act, commonly called the Clean Water Act (CWA), 33 U.S.C. § 1251 *et seq.*

Section 311 of the CWA is also a source of authority for seeking natural resource damages and for implementing restoration actions to address natural resource injuries and service losses. Like OPA, this statute provides for damage claims based on appropriate restoration actions.

Section 404 of the CWA requires a permit for the disposal of material into navigable waters. The Army Corps of Engineers administers the program. A restoration project that moves significant amounts of material into or out of waters or wetlands requires a 404 permit. A CWA Section 404 permit will be obtained, if required, prior to implementing any restoration action under this RP/EA.

Coastal Zone Management Act (CZMA), 16 U.S.C. § 1451 *et seq.*; 15 C.F.R. § 923

The goal of the CZMA is to encourage appropriate management of coastal resources by requiring states to develop Coastal Management Plans (CMPs). The planning process is meant to

include preservation, protection and development of resources, with provisions governing the restoration and enhancement of coastal environments. Under Section 1456 of CZMA, federal actions are required to comply with approved state CMPs. Coincident with release of the Draft RP/EA, NOAA reviewed the restoration actions identified herein for consistency with the Florida Coastal Management Program and found them to be consistent with that plan. As required by the CZMA, NOAA submitted its determination to the Florida Department of Community Affairs, the agency responsible for coordinating Florida's review of this determination, by letter dated March 15, 2000. The State's review concluded with a letter dated April 26, 2000 finding that the proposed plan is consistent with the State's CMP.

Endangered Species Act (ESA), 16 U.S.C. § 1531 *et seq.*; 50 C.F.R. Parts 17, 222 & 224.

The ESA directs all federal agencies to assist in the conservation of threatened and endangered species to the extent their authority allows. Protection of wildlife and preservation of habitat are the central objectives in this effort. The Department of Commerce (through NOAA) and the Department of the Interior (through USFWS) publish lists of endangered and threatened species. Section 7 of the Act requires that federal agencies consult with these departments..

The restoration actions described in this RP/EA are not expected to adversely impact any species listed under the ESA. Prior to implementation of any restoration project under this plan, the Trustees will initiate consultation with the appropriate agencies pursuant to the ESA in order to ensure that the restoration actions undertaken under this plan are in accordance with all applicable provisions of the ESA.

Fish and Wildlife Conservation Act, 16 U.S.C. § 2901 *et seq.*

The selected restoration projects will not encourage or discourage the conservation of non-game fish and wildlife.

Fish and Wildlife Coordination Act (FWCA), 16 U.S.C. § 661 *et seq.*

The FWCA requires that federal agencies consult with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and state wildlife agencies regarding activities that affect any aquatic environments. This consultation is generally incorporated into the compliance process associated with other relevant statutes, such as CWA and NEPA. The Trustees have initiated consultation with the appropriate agencies pursuant to this statute. This consultation process will continue as necessary to provide for appropriate implementation of restoration actions under this plan, including the necessary permits that must be obtained.

Magnuson Fishery Conservation and Management Act, 16 U.S.C. § 1801 *et seq.*

The Magnuson Fishery Conservation and Management Act provides for stewardship of the nation's fishery resources within the Exclusive Economic Zone, covering all U.S. coastal waters out to a boundary at 200 miles. The resource management goal is to achieve and maintain the optimum yield from U.S. marine fisheries. The Act also establishes a program to promote the protection of Essential Fish Habitat (EFH) in the planning of federal actions. After EFH has been described and identified in fishery management plans by the regional fishery management councils, federal agencies

are obligated to consult with the Secretary of Commerce with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any EFH.

The Trustees do not believe that the selected restoration alternatives in this plan nor any of the restoration projects identified for implementation thereunder, will adversely impact any EFH designated under the Act, including the oyster habitat creation project at the Pinellas County War Veterans' Memorial Park. To ensure compliance, however, the NOAA Restoration Center will finalize EFH evaluations and initiate appropriate consultation(s) with the National Marine Fisheries Service, Southeast Habitat Protection Division, after details of the selected restoration projects are developed.

Marine Mammal Protection Act, 16 U.S.C. § 1361 *et seq.*

The Marine Mammal Protection Act calls for long-term management and research programs regarding marine mammals. It places a moratorium on the taking and importation of marine mammals and marine mammal products, with limited exceptions. The Department of Commerce is responsible for whales, porpoises, seals, and sea lions under the Act. The Department of the Interior is responsible for all other marine mammals. The selected restoration actions will not have an adverse effect on marine mammals.

Migratory Bird Conservation Act, 126 U.S.C. § 715 *et seq.*

The selected restoration actions will have no adverse effect on migratory birds.

Archeological Resources Protection Act, 16 U.S.C. § 470 *et seq.*

The Florida State Historical Preservation Officer will be consulted pursuant to this Act before selected restoration projects are implemented to ensure that there are no known cultural resources in any project area and no sites listed or eligible for listing on the National Register of Historic Places.

Anadromous Fish Conservation Act, 16 U.S.C. § 757

The selected restoration actions will have no adverse effect on anadromous fish species.

Rivers and Harbors Act of 1899, 33 U.S.C. § 403 *et seq.*

The Rivers and Harbors Act regulates development and use of the nation's navigable waterways. Section 10 of the Act prohibits unauthorized obstruction or alteration of navigable waters and vests the Army Corps of Engineers with the authority to regulate discharges of fill and other alterations. Restoration actions that require Section 404 Clean Water Act permits are likely also to require permits under Section 10 of the Rivers and Harbors Act. A single permit usually serves for both. Any permits under the Act, if required, will be obtained prior to implementing the selected restoration actions.

Executive Order Number 11514 (34 Fed. Reg. 8693) Protection and Enhancement of Environmental Quality

An Environmental Assessment is integrated within this RP/EA and environmental coordination has taken place as required by NEPA.

Executive Order Number 11990 (42 Fed. Reg. 26961) Protection of Wetlands

The selected restoration activities will not adversely effect wetlands or the services they provide.

Executive Order Number 12898 (59 Fed. Reg. 7629) Environmental Justice

This Executive Order requires each federal agency to identify and address any policy or planning impacts that disproportionately affect the health and environment in low-income or minority populations. EPA and the Council on Environmental Quality have emphasized the importance of incorporating environmental justice review into the analyses conducted by federal agencies under NEPA and of developing appropriate mitigation measures. The Trustees have concluded that there would be no adverse impacts on low-income or minority communities due to implementation of any restoration action selected hereunder.

Executive Order Number 12962 (60 Fed. Reg. 30769) Recreational Fisheries

The selected restoration projects will not adversely effect recreational fisheries and the services they provide.

8.0 FINDING OF NO SIGNIFICANT IMPACT

Having reviewed the attached environmental assessment and the available information relative to the Restoration Plan, I have determined that there will be no significant environmental impacts from the selected actions. Accordingly, preparation of an environmental impact statement on these issues is not required by Section 102 (2) of the NEPA or its implementing regulations.

William F. Hogarth

Date *12-19-00*

for Penelope D. Dalton

Assistant Administrator for Fisheries

National Marine Fisheries Service


National Oceanic and Atmospheric Administration


U. S. Department of Commerce

9.0 TRUSTEE COUNCIL SIGNATURES

In accordance with the Memorandum of Agreement between NOAA and the DEP dated May 24, 1999 the following designated members of the Trustee Council for the Tampa Bay Oil Spill indicate by signature below their approval of this Restoration Plan / Environmental Assessment.

The date of final approval for this document shall be the date of the last Trustee Council Member's signature.

For NOAA  Date 12/28/00
John Iliff
Restoration Center
National Oceanic and Atmospheric Administration
9721 Executive Center Drive N., Koger Bldg., Suite 114
St. Petersburg, FL 33702

For FDEP  Date 12/27/00
P. Wiczynski
Bureau of Emergency Response
Florida Dept. of Environmental Protection
3900 Commonwealth Blvd., Annex Bldg., MS 659
Tallahassee, FL 32399-3000

10.0 LIST OF PREPARERS

**National Oceanic and Atmospheric Administration,
U. S. Department of Commerce**

David Chapman
Eric English
Stephanie Fluke
John Iliff
Tom Moore
LT(jg) Mark Sramek

Florida Dept. of Environmental Protection

Maureen Malvern
Chris Rossbach
Nick Stratis
Jane Urquhart-Donnelly
Philip Wieczynski

**Florida Marine Research Institute,
Florida Fish and Wildlife Conservation Commission**

George Henderson

APPENDIX A (REVISED)**SELECTED RESTORATION ALTERNATIVES & PROJECTS
CONSIDERED/IDENTIFIED FOR FUNDING UNDER RP/EA**

Projects Available/Considered	Selected
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ACQUISITION OF WATERFRONT PROPERTY

Waterfront/beach property in Indian Shores to expand nature preserve/park	No
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CONSTRUCTION OF FISHING PIERS

Upgrade existing pier in St. Pete Beach (@ 5 th Ave) to enhance fishing access	Yes
Create fishing pier in St. Pete Beach (@Blind Pass) to enhance fishing access	Yes

CONSTRUCTION OF PUBLIC TRAILS AND WALKWAYS

Walkway creation along Gulf beaches in St. Pete Beach (Gulf Way)	Yes
Walkway creation along Gulf beaches in St. Pete Beach (Upham Beach)	Yes
Dune walkover(s) in Ft. De Soto Park	No
Dune walkovers in Redington Beach	Yes
Create public trail on Pinellas Bay Way to Ft. De Soto Park	No
Walkway creation along Gulf beaches in Treasure Island (Parts A & B)	Yes
Boardwalk at Indian Rocks Beach Nature Preserve	Yes
Dune Walkovers in Indian Rocks Beach	Yes
Dune Walkovers in Indian Shores	Yes
Boardwalk and Pier at Pinellas County Park Street Boat Ramp -	Yes
Madeira Beach Causeway Shoreline Restoration Park	Yes

ENHANCEMENT OF BOATING OPPORTUNITIES

Mooring buoys at Egmont Keys	No
Rehabilitate/enlarge bay side boat ramp in St. Pete Beach	Yes

ENHANCEMENT OF NATURAL RESOURCE AMENITIES

Nearshore artificial reefs in the Gulf of Mexico or Boca Ciega Bay	Yes (@ County Pk)
Plant sea oats along Gulf side beach dunes	No
Sunset Vista Trailhead Park Development	Yes

Projects Removed from Consideration (w/reason noted)	
Bayfront property in Madeira Beach for park (funding for acquisition from another source)	
Acquisition of Redington Long Pier (property sold/acquired)	
Beachfront property in N. Redington Beach to create beach access (property sold/acquired)	
Bayfront property in Treasure Island to create bay access (property sold/acquired)	
Beachfront property in Treasure Island to create beach access (property sold/acquired)	
Cunningham Key property in Pinellas County (funding for acquisition from another source)	
Enlarge and enhance existing pier in St. Pete Beach (withdrawn by City)	
Create fishing pier in St. Pete Beach (withdrawn by City)	

OTHER NON-SELECTED ALTERNATIVES

Replacement of boat ramp in Ft. De Soto Park
Create parking area for boat trailers in Pinellas County
Implement Good Mate boater/marina education program throughout Pinellas County
Create artificial reefs 12 miles offshore of Tarpon Springs

APPENDIX B: SUMMARY OF PUBLIC COMMENTS ON THE DRAFT RESTORATION PLAN AND TRUSTEES' RESPONSE

The public has had an ongoing opportunity to provide input into restoration planning and to provide comments during the public comment period of the Draft RP/EA released to the public on March 17, 2000. The following is a summary of the comments submitted by members of the public during the public comment period on the Draft RP/EA, and a summary (in *italics*) of the Trustees' response to each comment. All comments submitted by the public during this period have been duly considered by the Trustees in this restoration plan.

I. Comments related to Restoration Planning Framework, Criteria or Preferred Alternatives

Comment: The Town of Redington Shores expressed support for the restoration strategy “to identify projects which would increase or enhance opportunities for recreational access or use of these same resources”, as described in the Draft RP/EA. The mayor also agreed that the five restoration alternatives identified as preferred in the Draft RP/EA were appropriate means to restore lost or diminished human recreational services and that the non-preferred alternatives described therein are less appropriate.

Response: *This comment supports the strategic approach by the Trustees in this restoration planning process as well as the restoration alternatives identified by the Trustees as appropriate to provide restoration-based compensation for the public's recreational losses. The strategy was retained without modification and the preferred restoration alternatives were selected as appropriate for use in the final RP/EA.*

Comment: Following the March 30, 2000 public workshop, the City of Indian Rocks Beach expressed concern and disappointment that the Trustees only wished to fund projects that were not previously identified in a long range plan, projects for which no funding source had been identified regardless of how soft that potential funding source might be and projects in communities with direct oil impacts, rather than in communities suffering only adverse economic impacts. This city felt it was inappropriate that projects identified in advance planning processes would be ineligible for funding as this penalized public organizations which used sound management practices to develop public projects. The commentor described the standards used to select projects as “ill advised and inherently unfair”.

Response: *Restoration projects previously identified in a long range or master development planning process have not been excluded from consideration for funding at any time by the Trustees. Nor have the Trustees excluded restoration projects in communities outside heavily oiled areas from consideration for funding. The Trustees have sought to consider a wide range of restoration projects throughout the spill area in an effort to identify restoration projects which will best increase or enhance opportunities for recreational access or use of affected beaches, waterways and shellfishing areas. Although restoration actions in heavily oiled areas may be given more weight in balancing planning considerations, the disruptions in recreation were not confined to the beach communities or to heavily oiled areas. Further, Trustees must balance a number of factors in the course of determining which restoration projects will best serve restoration goals, allow for the best use of settlement funds and serve the public interest in this process.*

The Trustees have sought to consider only restoration actions or projects with no presently committed or anticipated source of funding, however. The fundamental purpose of restoration planning is to make the public whole for its lost use of natural resources for recreation through the use of the settlement funds. To achieve this objective, restoration actions undertaken must represent gains in recreational access to or use of such resources that would not otherwise occur. This gain in resources or services necessary for public compensation to occur is not achieved when funding between existing public projects is only traded or exchanged.

Finally, the Trustees were concerned that some of these comments may have resulted from a misunderstanding or misinterpretation of information which the Trustees presented at the public workshop, particularly with regard to the objectives and criteria applicable to the identification and selection of restoration projects in this planning process. The Trustees provided an early, direct response to the city to provide clarification of these issues early in the public comment period. A copy of this letter is included within the administrative record.

Comment: The Cities of St. Pete Beach, Treasure Island and Madeira Beach commented that the majority of the settlement funds should be spent in the areas that actually suffered oil spill damage and that the communities directly affected by the spill should have priority in project selections. These Cities indicated that community project requests should be considered based on the amount of injury to each city and/or that settlement funds should be allocated in proportion to the damage suffered. The City of St. Pete Beach felt funds should not be allocated on a competitive basis with cities which may have not suffered much direct injury and that factors such as miles of beach, period of impact and continuing impacts should be weighed in apportioning funds. The City of St. Pete Beach noted it continues to suffer adverse effects from the spill, citing the delay and complications associated with the redeposit and clean-up of residual oil during the recent renourishment of Upham Beach. The City of St. Pete Beach felt these ongoing effects should be considered in calculating total impacts to St. Pete Beach. This City also stated that, to be fair, consideration should also be given to the amount of money distributed to each city.

Response: *As noted in the preceding response, the Trustees did not exclude restoration projects in communities outside heavily oiled or impacted areas from consideration for funding. The Trustees considered it important to consider a wide range of restoration projects throughout the spill area for a number of reasons. The disruptions in use of area resources for recreation were not confined to the beach communities or to the most heavily oiled areas. The Trustees' assessment of these losses took into account impacts across the spill area without regard to local political boundaries. Likewise, the anticipated benefits or effects of restoration actions are broader than immediate project locations. The restoration planning process is appropriately focused on the effects or benefits of restoration actions. As such, the Trustees have not sought to apportion settlement funds to projects based solely on political or geographic terms or formulas. Consideration of a wide range of project options allows the Trustees to maximize the benefits of restoration to the public using settlement funds.*

Although the Trustees do not agree that project decisions should be made in the manner suggested by these comments, the project options in areas where disruptions in resource uses were direct and significant, such as in St. Pete Beach, Treasure Island and Madeira Beach, were given greater consideration because the restoration plan needed to provide for replacement of recreational services in these areas.

Comment: The City of Indian Rocks Beach expressed concern and disappointment that the Trustees only wished to fund projects in communities with direct oil impacts, rather than in communities suffering only adverse economic impacts.

Response: *As explained in the preceding response, the Trustees did not exclude restoration projects in communities without direct oil impacts from consideration for funding.*

Comment: Resolutions adopted and submitted by the Cities of St. Pete Beach and Treasure Island indicated the settlement funds were viewed as “essentially equal to punitive damages”.

Response: *The settlement funds only represent compensation for the lost use of natural resources caused by the spill. They are not at all punitive in nature.*

Comment: The Cities of Treasure Island, Madeira Beach and St. Pete Beach indicated the Trustees should not necessarily seek to select only one or at least one project from each restoration alternative category. The comments supported selection of the most worthy and cost-effective projects, regardless of category. The City of Madeira Beach acknowledged the reasonableness of seeking a variety of projects, but indicated it placed the cities in undesirable competition for available funds. The City of St. Pete Beach commented that it does not allow all cities to fairly compete for available funds.

Response: *The Trustees agree that the most worthy and cost-effective projects should be selected regardless of category and the project selections identified in this final RP/EA reflect that approach.*

Comment: The resolution of the City of Treasure Island indicated that projects submitted by other agencies, such as Pinellas County, that do not directly reflect the wishes of the impacted communities should not be given priority for funding simply because of the availability of matching funds. The resolution of the City of St. Pete Beach indicated such projects should not be given priority for funding until the projects of the impacted communities have been considered, regardless of the availability of matching funds.

Response: *The Trustees consider it very important to take into account the project desires of the affected communities in making project selections and have made every effort to do so in this restoration planning process. “Consistency with community objectives” is a stated selection criterion and, in addressing lost human uses of natural resources, is particularly important as success in enhancing or restoring such resource services is dependent on public acceptance, use and enjoyment. The Trustees, however, did not approach project selection decisions in the manner suggested by these comments. Where otherwise consistent with the selection criteria, project proposals were not viewed as less deserving of consideration simply because the project did not originate with a beach municipality. Further, the availability of matching funds helps to maximize the benefits which the public derives from the use of settlement funds.*

II. Comments on Acquisition of Waterfront Property (Preferred Alternative)

Comment: A private citizen indicated the priority for settlement funds should be acquisition of Gulf-front property or expansion of existing beach accesses. Both this commentor and

representatives of a local non-profit environmental organization advocated the acquisition of particular parcels. The Cities of St. Pete Beach, Treasure Island and Madeira Beach, however, each submitted comments opposing the use of settlement funds for land acquisitions. Collectively, these cities opposed such acquisitions as potentially costly, requiring a large portion of the available funds, and redundant of an existing grant program in Florida for acquiring worthy environmental or recreational lands (Preservation 2000). One commenting official recommended the land acquisition alternative be eliminated entirely because the cost of even one acquisition could drain available funds and severely limit the funds available for distribution to communities which were critically impacted by the spill.

Response: *The Acquisition of Waterfront Property was selected as an appropriate restoration alternative in the final RP/EA. However, in weighing and making project selections, none of the identified land acquisition projects were approved for funding at this time.*

The Trustees did not eliminate this alternative from those approved for use in this final RP/EA because land acquisition can conserve natural shorelines and increase or enhance opportunities for recreational access or use by the public. This option for restoring lost services was therefore retained as an approved element of the restoration plan. In selecting projects under the approved plan, however, some of the cities' points were salient. Each of the available acquisition projects represented a significant commitment of settlement funds. The Trustees concluded such a singular commitment of settlement funds to any one project would unduly limit the array of resources and services restored under this plan and would not maximize the benefits the public would derive from the restoration to be implemented with settlement funds.

III. Other comments relating to restoration projects eligible for funding consideration under each of the preferred alternatives (listed in Appendix A)

Comments submitted to the Trustees during the public comment period on the Draft RP/EA also included proposals, updates or additional information with respect to projects which could be funded under each of the preferred restoration alternatives. A preliminary project list appeared in the Draft RP/EA at Appendix A and was based on information available to the Trustees as of March 2000. The project list at Appendix A was revised and updated based on these submissions. The project selections identified in this final RP/EA were based on the revised/updated project list. The following summarizes the comments received and identifies any changes to the Appendix A project list appearing in this final RP/EA based on the new information:

Comment: Representatives of a local non-profit environmental organization recommended that settlement funds be used to purchase Cunningham Key, located in lower Tampa Bay near the entrance to Ft. De Soto Park. The commentors indicated this purchase would preserve native habitats and provide an ideal future site for a marine educational facility center, guided nature walks, canoeing and kayaking accessibility, organized restoration events, and linking the Pinellas Trail to the Fort De Soto Trail.

Response: *Upon reviewing this comment and proposal, the Trustees were prepared to add the acquisition of this parcel to the list of projects eligible for funding consideration under the Acquisition of Waterfront Property restoration alternative. However, the State of Florida has since acted to provide the funds for the purchase of this property under the auspices of another state*

program. Consequently, this acquisition project was not included for further consideration under this restoration plan.

Comment: The City of Indian Shores advised the nature preserve/park project that city had submitted for consideration in 1999 (Draft RP/EA, Appendix A, #2) had since been completed. Two new projects were also identified for consideration - the proposed acquisition of a Gulf-front parcel across from the Indian Shores Town Square Nature Park (to expand the preserve/park) and the rehabilitation/reconstruction of dune crossover/beach access sites. A separate commentor recommended funding the acquisition of the Gulf-front parcel as well as subsequent actions at that site to remove invasive growth, promote growth of native plants and sea oats, build walkways and add picnic tables on this property.

Response: *The project list was revised to remove the completed land acquisition project from the list and to add the two new proposals to the list of projects under the selected restoration alternatives which were eligible for funding consideration. The acquisition of the parcel, however, was not selected as an approved project (see Response above to Comments on Acquisition of Waterfront Property). The rehabilitation/reconstruction of the beach access boardwalks and dune walkovers was selected as an approved project.*

Comment: The City of Treasure Island advised that two land acquisition projects (Draft RP/EA, Appendix A, #s 5 and 6) were no longer candidates for funding as #5 had been sold to a developer and #6 was already funded. The City confirmed its proposed walkway project (Draft RP/EA, Appendix A, #18) was still available for funding and viewed as fitting the criteria for selection perfectly. The City also noted the project could be considered as having two subparts - South Branch would extend the City's existing walkway south from 104th Ave to proposed new Sunset Vista Trailhead Park, and North Branch would extend it north to John's Pass. The City also submitted a new project for consideration - "Phase 1 development of Sunset Vista Trailhead Park". This project was described as including actions to reestablish sand dunes, turtle habitats, sea oats and sea grapes as well as creating a new beach access on newly purchased city property.

Response: *The project list was revised to remove the completed land acquisition projects from the list and to add the new proposal to the list of projects under the selected restoration alternatives which were eligible for funding consideration. The Trustees selected the walkway (North Branch and South Branch) and Sunset Vista Trailhead Park as approved projects.*

Comment: Based on information which clarified the project selection criteria, the City of Indian Rocks Beach revised and resubmitted two projects for funding consideration - the construction of boardwalks/walkways in the city's existing nature preserve/park (Phases II and III of that project) and (b) improvements to existing beach access sites (including sea turtle friendly lighting).

Response: *The project list was revised to add the new proposals to the list of projects under the selected restoration alternatives which were eligible for funding consideration. The boardwalk at the nature preserve park was selected as an approved project, but only one of three existing beach access sites proposed for improvements was selected as an approved project.*

Comment: The City of North Redington Beach advised that property acquisitions previously proposed in North Redington Beach had all since been purchased and developed and, therefore, were

no longer candidates for funding. However, the City expressed support for the purchase and refurbishing of Redington Long Pier as a joint project with Redington Shores and possibly Pinellas County. This project was described as affording the opportunity to prevent private purchase and development of this pier property, to place the associated beach in the public domain and to provide additional beach access to the public. The potential opportunity to leverage settlement funding with funding from other sources was also noted. Commenting separately, the Town of Redington Shores also proposed the public acquisition of Redington Long Pier. In addition to preserving a major recreational resource, the Town of Redington Shores noted that modifications could be made to this property to enhance and increase wildlife habitat, improve turtle nesting opportunities, protect vegetated dunes, increase beach access from Gulf Boulevard, enhance and increase shoreline protection against further degradation, reduce surface water pollution and improve natural drainage. The Town of Redington Shores noted the potential high cost of this proposed acquisition could be problematic. The City of North Redington Beach also expressed support for the addition of amenities at two undeveloped parks within that city. Such amenities were described as including the addition of pavilion(s), walking paths and minor sport facilities.

Response: *The project list was revised to remove the land acquisition project(s) from the list and to add the new proposals to the list of projects under the selected restoration alternatives which were eligible for funding consideration. The Redington Long Pier was acquired during the restoration selection process and therefore removed from further funding consideration. The addition of pavilion(s), walking paths and minor sport facilities at the undeveloped parks was not selected as an approved project.*

Comment: The City of Madeira Beach submitted a revised proposal to provide for development of the Madeira Beach Causeway Shoreline Restoration Park.

Response: *The project list was revised to remove the completed land acquisition project from the list and to add the new proposal to the list of projects under the selected restoration alternatives which were eligible for funding consideration. The Trustees selected the Madeira Beach Causeway Shoreline Restoration Park as an approved project.*

Comment: The City of St. Pete Beach submitted five revised project proposals, in order of priority to the city. The first priority proposal involves construction of a beach walkway on Gulf Way. The second priority proposal involves reconstruction or renovation of the Don Cesar boat ramp. The third priority proposal involves creation of a new fishing pier at Blind Pass Park. The fourth priority proposal involves construction of a boardwalk at Upham Beach. The fifth priority proposal involves renovations to the 7th Avenue pier and canopy. The City noted the number of project proposals from St. Pete Beach were reduced to reflect the most important needs in that community and that other previously submitted projects were to be considered withdrawn. The City also indicated it would match any settlement funds received for these projects on a 1 to 4 basis.

Response: *The list of projects under the selected restoration alternatives which were eligible for funding consideration were revised, as needed, to identify these newly or resubmitted projects. Previously submitted projects which were not on this new list were removed from Appendix A. All of the proposed projects in St. Pete Beach were selected as approved projects.*

Comment: The City of Redington Beach resubmitted its dune walkover projects, with some clarification of why these projects were proposed. An additional project involving the construction of small shelter at a public beach park was also submitted for consideration.

Response: *The project list was revised to add the new proposals to the list of projects under the selected restoration alternatives which were eligible for funding consideration. While the Trustees did select dune walkover projects in Redington Beach as an approved project, the shelter was not selected because the parking at the subject park is restricted to only residents of the City of Redington Beach.*