

**United States Department of the Interior  
Bureau of Land Management**

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**Finding of No Significant Impact  
Environmental Assessment  
EA-020-20013-05-JFO**

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**June 2013**

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**Walton County Recreation and Public Purposes (R&PP)  
Land Conveyance  
Walton County Board of Commissioners**

**Location:** Public lands addressed in this Environmental Assessment (EA) are lands currently leased by Walton County Board of Commissioners and actively managed by South Walton County Tourism Development Council (SWTDC), under the Recreation and Public Purposes Act.

The public lands are located in T. 3 S., R. 18 W., Sec. 36, Lots 193-200 and Lots 225-233; T. 3 S., R. 20 W., Sec. 4, Lot 37; T. 3 S., R. 18 W., Sec. 19, Lot 34; T. 3 S., R. 19 W., Sec. 24, Lot 24; Tallahassee Meridian, Walton County, Florida.

**Applicant/Address:** **Walton County Board of Commissioners  
76 N. 6<sup>th</sup> Street  
Defuniak Springs, FL 32433**

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Southeastern States Field Office  
411 Briarwood Drive, Suite 404  
Jackson, Mississippi 39206  
601-977-5400  
601-977-5440



**Environmental Assessment**  
**ES-020-2013-05-JFO**

**Walton County Recreation and Public Purposes (R&PP) Land Conveyance**  
**Walton County Board of Commissioners**

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**FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD**

Based on the analysis of potential environmental impacts contained in the attached Environmental Assessment (EA) No. **ES-020-2013-05**, prepared by the Bureau of Land Management (BLM), Southeastern States Field Office (SSFO). I have determined that the proposed action with the Conditions of Approval (COA) and additional patent provisions (Exhibit A) imposed for the protection of federally listed species and their habitat, as described in the attached EA is not expected to have an adverse effect on the federally listed species or a significant effect on the human environment. An Environmental Impact Statement (EIS) is therefore not required.

**DECISION**

It is my decision to authorize the Recreation and Public Purposes (R&PP) conveyance. The COAs identified for the proposed action in the EA have been formulated into patent provisions (Exhibit A). This decision also incorporates by reference those measures, and in addition, includes the standard patent provisions that will be imposed in the deed of conveyance.

**RATIONAL FOR DECISION**

The area analyzed in Environmental Assessment No. **ES-020-2013-05** is covered by the Florida Resource Management Plan. The decision to allow the conveyance will not result in any undue or unnecessary environmental degradation and is in conformance with the BLM's resource management goals and objectives. Additionally, with the proposed conditions of approval, the patenting of these tracts is expected to affect, but not adversely affect nesting sea turtles, Choctawhatchee beach mouse and non-breeding piping plover. No new construction activities are authorized under this permit and site management is not expected to be altered in ways that could affect these federally listed species in the foreseeable future.

Bruce Dawson (Acting For)  
Authorized Officer  
Bruce Dawson, Field Manager

6-28-2013  
Date

## **EXHIBIT A**

### **Patent Provisions**

The patent conveying the tracts of lands to the Walton County Board of Commissioners will include the following reservations and be subject to the following conditions:

#### **EXCEPTING AND RESERVING TO THE UNITED STATES:**

All mineral deposits in the lands so patented, and the right of the United States, or persons authorized by the United States, to prospect for, mine and remove such deposits from the same under applicable laws and regulations as the Secretary of the Interior may prescribe.

#### **SUBJECT TO:**

The patentee, or its successor in interest, shall comply with all the provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations and relevant orders of the Secretary of Labor. Neither patentee nor patentee's subcontractors shall maintain segregated facilities. The patentee may not restrict or permit restriction on the use of any of the lands conveyed or facilities thereon because of race, creed, color, sex, age or national origin.

The patentee, or its successor in interest, shall comply with all the provisions of the American with Disabilities Act of July 26, 1990, the Architectural Barriers Act of 1968 and section 504 of the Rehabilitation Act of 1973, as amended. These Acts require that programs and public facilities constructed or renovated be accessible to and usable by person with disabilities.

Provided, the above described property, along with the rights, title and interest, shall immediately revert to the United States, after notice and opportunity for a hearing, upon a finding that:

- I. the patentee, or its successor in interest, attempts to transfer title to or control over the lands to another without the approval of the authorized officer;
- II. the lands is devoted to a use other than that for which it was conveyed without the consent of the Bureau of Land Management;
- III. the lands has not been used for the purpose for which it was conveyed for a 5-year period;
- IV. the patentee, or its successor in interest, has failed to follow the approved development plan or management plan including the following provisions of these plans:

1. All beachfront lighting will be in compliance with the Florida's Wildlife Friendly Lighting Program.
2. Vehicle access at Dune Allen I, including maintenance equipment, should be restricted to the minimum corridor needed for safe operation.
3. During the sea turtle nesting season (May 1 through August 31) maintenance vehicles are permitted on the beach only after the sea turtle nesting survey has been completed and new nests marked.
4. Predator-proof trash receptacles shall be installed and maintained at all beach access points to minimize the potential for attracting predators of sea turtles and beach mice.
5. Walton County is encouraged to coordinate with BLM and the U.S. Fish and Wildlife Service on the potential re-introduction of Choctawhatchee beach mouse at Phillips Inlet.
6. Walton County is encouraged to remove invasive, exotic plants and non-native wildlife, including feral cats, from the tracts to support native vegetation communities and endemic wildlife.
7. All vehicles drive above or below the primary wrack-line to preserve sensitive habitat for the sea turtles, Choctawhatchee beach mouse, and non-breeding piping plover.

Provided further, that the Secretary of the Interior may take action to revest title in the United States if the patentee directly or indirectly permits its agents, employees, contractors, or subcontractors (including without limitation lessees, sublessees, and permittees) to prohibit or restrict the use of any part of the patented lands or any of the facilities thereon by any person because of such person's race, creed, color, sex, national origin, or handicap.

The grant of the herein described lands will also be subject to the following reservations, conditions, and limitation:

1. The patentee or any successor in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 241), and requirements of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant thereto (43 CFR 17) for the period that the lands patented herein are used for the purpose of which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits.
2. If the patentee or any successor in interest does not comply with the terms or provisions of Title VI of the Civil Rights Act of 1964, and the requirements imposed by the Department of the Interior issued pursuant to the title, during the period during which the property described herein is used for the purpose for which the patent was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits, the Secretary of the Interior or his delegate may declare the terms of the patent terminated in whole or in part

3. The patentee, by acceptance of this patent, agrees for itself and its successors in interest that a declaration of termination in whole or in part of this grant shall, at the option of the Secretary or his delegate, operate to re-vest in the United States full title to the land involved in the declaration.
4. The United States shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964, and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI, in the event of their violation by the patentee.
5. The patentee or its successor in interest will, upon request of the Secretary of the Interior or his delegate, post and maintain on the property conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area of facility conveyed.
6. The reservations, conditions, and limitations contained in paragraphs (1) through (5) shall constitute a covenant running with the land, binding on the patentee and its successors in interest for the period for which the land described herein is used for the purpose for which this grant was made, or for another purpose involving the provision of similar services or benefits.
7. The assurances and covenants required by sections (1) through (6) above shall not apply to ultimate beneficiaries under the program for which this grant is made; "Ultimate beneficiaries" are identified in CFR 17.12(h).

**BUREAU OF LAND MANAGEMENT**  
**Southeastern States Field Office**  
**411 Briarwood Drive, Suite 404**  
**Jackson, Mississippi 39206**

**ENVIRONMENTAL ASSESSMENT (EA) FORM**

**Chapter 1 ES-020-2013-5-JFO**

**Case/Project No.: FL-ES-041956;**  
**FL-ES-041957; FL-ES-041958; and FL-ES-**  
**041958**

**PROJECT NAME:** Applications through Recreation and Public Purposes Act for Patent of four leased beach front tracts in Walton County, Florida

**TECHNICAL REVIEW:**

<input checked="" type="checkbox"/>	Program	Reviewer	Signature	Date
<input checked="" type="checkbox"/>	Air Quality	V. Craft	Victoria P. - Craft	6/25/13
	ACEC			
<input checked="" type="checkbox"/>	Botanical including T&E Spp.	F. Winters	Gary Taylor	
	Communications (Dispatch)			
<input checked="" type="checkbox"/>	Cultural/Paleontology	John M. Fullman	[Signature]	6/25/13
	Energy Policy			
	Environmental Justice			
	Farmlands (Prime & Unique)			
	Fire Management			
	Floodplain			
	Hazardous Material			
<input checked="" type="checkbox"/>	Invasive & Non-Native Spp.	F. Winters	Gary Taylor	6/25/13
<input checked="" type="checkbox"/>	Lands/Realty	V. Craft	Victoria P. - Craft	6/25/13
<input checked="" type="checkbox"/>	Land Law Examiner	V. Craft	Victoria P. - Craft	6/25/13
	Law Enforcement			
	Minerals			
<input checked="" type="checkbox"/>	Native American Religious Concerns	John M. Fullman	[Signature]	6/25/13
	Operations			
	Range Management			
	Recreation	V. Craft	Victoria P. - Craft	6/25/13
	Soils	V. Craft	Victoria P. - Craft	6/25/13
	Surface Protection			
<input checked="" type="checkbox"/>	Visual Resources	V. Craft	Victoria P. - Craft	6/25/13
	Water Rights			
	Water Quality (Surface & Ground)			
	Wetlands/Riparian Zones			
	Wild & Scenic Rivers			
	Wilderness			
	Wild Horse & Burro			
<input checked="" type="checkbox"/>	Wildlife including T&E Spp.	F. Winters	Gary Taylor	6/25/13

Prepared by: Victoria P. Craft  
 Victoria P. Craft, Realty Specialist

Date: 6/25/2013

Reviewed by: Gary Taylor  
 Gary Taylor, NEPA Coordinator

Date: 6/26/2013

Reviewed by: Duane A. Winters  
 Duane A. Winters, AFM, Natural Resources Division

Date: 6/26/2013



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Jackson Field Office  
411 Briarwood Drive, Suite 404  
Jackson, Mississippi 39206

## Environmental Assessment EA-020-2013-5-JFO

Prepared by:  
Bureau of Land Management, Southeastern States Field Office,  
411 Briarwood Drive, Suite 404, Jackson, MS 39206

**Project Name:** Applications through Recreation and Public Purposes Act for Patent of four leased beach front tracts; Phillips Inlet, Dune Allen I, Walton Dunes Eastern Lakes, and One Sea Grove Place

**Locations:** Walton County, Florida

**Legal Description and Map Name:** Public lands addressed in this Environmental Assessment (EA) are lands leased by the Walton County Board of Commissioners and actively managed by South Walton County Tourism Development Council (SWTDC). They are:

Phillips Inlet beach tract (**FLES-41956**) 19.52 Acres  
Description: T. 3 S., R. 18 W., Sec. 36,  
Lots 193-200 and Lots 225-233;

Dune Allen I beach tract (**FLES-41957**) 1.65 Acres  
Legal Description: T. 3 S., R. 20 W., Sec. 4, Lot 37;

Walton Dune/Eastern Lakes beach tract (**FL-ES-41958**) 1.28 Acres  
Description: T. 3 S., R. 18 W., Sec. 19, Lot 34;

One Seagrove Place beach tract (**FL-ES-41959**) .49 Acres  
Legal Description: T. 3 S., R. 19 W., Sec. 24, Lot 24;  
Tallahassee Meridian, FL

Total acreage leased is 22.94 Acres.

**Name of Applicant:** Walton County Board of Commissioners, Defuniak Springs, Florida  
Walton County

## **Chapter 1 – PURPOSE OF AND NEED FOR THE PROPOSED ACTION**

### **Introduction and Background**

On October 29, 2012, patent requests were filed by the Walton County Board of Commissioners under the Recreation and Public Purposes Act (R&PP). The tracts were leased on August 18, 1993 and October 23, 1997 and development to date has included construction of elevated boardwalks, safety signage, perimeter parking, and the installation of restrooms facilities for the recreationists at three of the tracts. The Walton Dunes/Eastern Lake site remains undeveloped and the county has plans for development soon. The action to lease was first analyzed in EA# ES-020-91-08, signed on November 5, 1990 and EA# ES-020-98-37. On behalf of the Commissioners, the Walton County Tourist Development Council (TDC) has provided active on the ground management of the leased properties for a number of years and now the county wishes to exercise their option for patent since development of the lands are in substantial compliance with their plans of development, filed in this office on March 15, 1993.

This Environmental Assessment (EA) is tiered to the Environmental Impact Statement (EIS) prepared for the Florida Resource Management Plan (RMP). The Record of Decision (ROD) for the RMP and related EIS signed, June 21, 1995. Copy of this document may be obtained by contacting:

Bureau of Land Management  
Southeastern States Field Office  
411 Briarwood Drive, Suite 404  
Jackson, Mississippi 39206

### **Need for Proposed Action**

The Bureau of Land Management (BLM), Southeastern States Field Office (SSFO) is processing the Walton County Board of Commissioners request to patent the leased lands as described above, pursuant to the R&PP Act of 1926. The proposed action would allow the public domain lands to leave federal ownership and to be managed by TDC, for recreational opportunities in perpetuity. The proposed actions are consistent with the Florida RMP.

### **Management Objectives of the Action**

Approve the patent requests and allow for the lands to be conveyed out of federal ownership.

### **Land Use Plan Conformance:**

The Recreation and Public Purposes (R&PP) patent proposal conforms to the 1995 Florida Resource Management Plan (RMP) and Record of Decision (ROD) prepared by the Southeastern States Field Office (formally known as the Jackson Field Office). The Florida plan describes the land use decisions for the Walton County Beach Tracts and the management objectives for administering those public land resources in Florida. One of the areas addressed in the RMP is

Surface Tract Alternatives, and the objective is to facilitate the acquisition, exchange, or disposal of public land in order to provide the most efficient management of public resources.

**Remarks:** The proposed action to patent these lands is in compliance with the Florida Resource Management Plan, Recreation and Public Purposes objectives, as seen on page 11 of the Record of Decision. The decision states, “The tracts will be available for Recreation and Public Purposes Act (R&PP) conveyance, provided the proposed use will follow the stated management objectives and land-use allocations.

### **Relationship to Other Statutes, Regulations, EISs, EAs, and Other Relevant Documents**

The BLM decision would authorize the approval to patent the BLM lands to the Walton County Board of County Commissioners that are currently leased under the R&PP Act of 1926. The Federal Land Policy and Management Act of 1976, (FLPMA) was passed to authorize BLM’s management of public lands. Congress, in 1926, passed the Recreation and Public Purposes Act (R&PP) to provide land for the benefit of the public in connection with recreation, public health, safety and welfare. The R&PP Act as amended provides for lease and conveyance of certain public lands to State and local governmental units and agencies, Federal agencies, nonprofit associations, organizations, foundations and corporations for recreation and public uses. Public purpose means for the purpose of providing facilities or services for the benefit of the public in connection with, but not limited to, public health, safety or welfare.

When compatible with local government plans, Federal lands should be made available for state, local government, and private uses. The proposed action and no action alternative do not conflict with any State or local plan or zoning ordinance. The proposed action would be in the public interest.

Other Laws and executive orders defining BLM’s responsibilities in the analysis of the potential impacts are:

- Archaeological Resources Protection Act of 1979, 16 U.S.C. 470 aa , et seq.
- National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et. seq.
- National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et. seq.
- Clean Air Act of 1970, as amended, 42 U.S.C. 7401 et. seq.
- Clean Water Act of 1977, as amended, 33 U.S.C. 1251 et. seq.
- Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661-664
- Council on Environmental Quality, Title 40 CFR, part 1500
- Coastal Zone Management Act, 16 U.S.C. 1451-1464
- Coastal Barrier Resources Act of 1982, 16 U.S.C 3501-3509

### **Applicable Regulatory Requirements and Required Coordination**

Applicable Regulatory Requirements and Required Coordination include: National Environmental Policy Act, 1969 (NEPA), Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C 1761), The National Historic Preservation Act, The American Indian Religious Freedom Act, the Native American Graves Protection and Repatriation Act, E.O. 13007, and/ or other statutes and executive orders.

## **Decision(s) That Must Be Made**

The decision to be made is whether to patent the leased lands to Walton County Board of Commissioners. The Southeastern States Field Office Manager is the Deciding Official. The decision and the rationale for that decision will be stated in the Decision Record (which would be attached after the EA is complete). Based on the information provided in this EA, the BLM Manager will decide whether to grant the approval to patent the leased lands or whether to reject the County's applications.

## **Chapter 2 – ALTERNATIVES INCLUDING THE PROPOSED ACTION**

### **Introduction- Description of Project Area(s)**

The patent requests for the public beach tracts in Walton County, Florida are located at Phillips Inlet Beach, Dune Allen I, One Sea Grove Place and Walton Dunes/Eastern Lakes. Phillips Inlet is a 19.52 acre tract, Dune Allen I contains 1.65 acres, Walton Dunes/Eastern Lakes consist of 1.28 acres and One Sea Grove with the least amount of acres contains 0.49 of an acre. All of the tracts are managed by the Walton County Tourist Development Council as public beach access points. The recreational facilities at each site include, boardwalks, parking facilities, trash receptacles and restroom/shower facilities, with the exception of the Walton Dunes/Eastern Lake site.

### **Proposed Action Alternative:**

The proposed action is to transfer title to the previously mentioned tracts to Walton County Board of Commissioners, under the Recreation and Public Purposes (R&PP) Act of 1926. The County has fully implemented most of its development plans for the leased beach tracts and now wishes the exercise the patent option.

### **No Action Alternative**

In the No-Action Alternative, the County would not be granted title to the four beach tracts.

## **Chapter 3 – DESCRIPTION OF THE AFFECTED ENVIRONMENT**

### **Introduction**

This section describes the existing conditions of the environmental components that could be affected by the Proposed Action and alternatives if implemented. It also serves as the baseline for the comparisons within Chapter 4.

A review of the existing environment shows that the following list of critical elements of the human environment are not present or would not be effected by this proposed action(s); therefore they will not be addressed in this EA: Areas of Critical Environmental Concern, Environmental Justice, Farm Lands (Prime or Unique), Floodplain, Hazardous or Solid Waste, Non-Native Invasive Species, Water Quality (Ground or Surface), Wetlands/Riparian Zones, Wild and Scenic Rivers, wilderness.

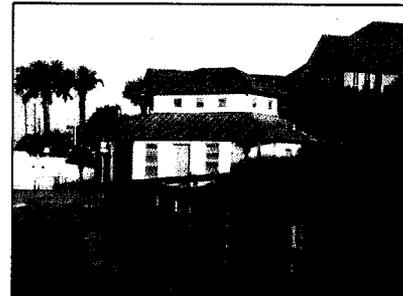
## General Setting- Description of Project Area(s)

Nicknamed "The World's Most Beautiful Beaches," the beaches of South Walton are famous for their white, powder-soft sands and crystal-clear emerald waters.

**Phillips Inlet Beach:** Inlet Beach gets its name from Phillips Inlet, which separates Walton and Bay Counties. Inlet Beach is where Scenic Highway 30-A again meets up with Emerald Coast Parkway. Inlet Beach is a well-established neighborhood, made up of several different types of housing and subdivisions, defined by modest homes inland, new and newly restored homes on the gulf side and expansive lots north of Emerald Coast Parkway. Inlet Beach is the most eastern South Walton County beach. Inlet Beach is just west of Panama City Beach (over the bridge) and next to Rosemary Beach. Surrounding areas in the vicinity of the tracts have been developed to accommodate beach homes and condominiums. A total of 1.82 acres of the tract have been developed with roadways, boardwalks, sidewalks and single vehicle parking facilities. The undeveloped 17.7 acres contains a frontal dune system with scattered sea oats.



**Dune Allen I:** Contains a large, primary dune with vegetation typical of coastal dune systems, including sea oats. This tract is tucked among quiet residential neighborhoods. Dune Allen, one of South Walton's oldest beach communities and the western-most beach town on Scenic Highway 30A, provides public facilities for recreational users that includes, boardwalks to prevent trampling on plants and sensitive dune habitat; safety and disability facilities such as side rails; restroom facilities which provide answers to health issues; and safety signs that are posted at key locations on the tract.



**Walton Dunes/Eastern Lake:** Even though the secluded tract is nestled among hi-rise condos and apartments, it maintains its presence for being a favorite fishing spot. Vehicular parking on the asphalt road serves sufficient parking for the amount of motorized traffic. This site is relatively open with little contour and a very shallow dune system. Sand fences have been installed on the east and west side of the tract and continues to protect and improve the dune status and growth of the seaweed. The site remains undeveloped. However, the facility does allow for roadside parking and walk-on sandy paths at the eastern and western end of the property.



**One Seagrove Place:** Visitors to One Seagrove Beach enjoy unlimited outdoor activities such as biking, walking, shell collecting and fishing, along with a wide variety of water sports. This tract is very heavily traveled and continues to provide beach access to the surrounding condos and apartments and other publics wishing to gain access to the beach. The one

Seagrove Place condo adjoins the driveway with a turnaround including a boardwalk to the beach.

Walton County has a warm, humid-temperate climate. Summers are long, warm, and humid and winters are mild and short. The Gulf of Mexico moderates temperatures during the winter along the coast, but the effect diminishes appreciably a few miles inland. The average annual temperature is 68 degrees F., and rainfall averages 66 inches a year.

### **Land Status/Land Use:**

The project areas are four public beach tracts that are leased by Walton County and actively managed by TDC under the R&PP Act. The tracts are listed in the Walton County records as “park” and have been used as a beach access routes for approximately 18+ years or more.

### **Air Quality**

The Florida Department of Environmental Protection (FDEP) and the Environmental Protection Agency (EPA) are responsible for regulating activities affecting air quality in the project areas. There are no major source(s) of air pollutants. The tracts are in a designated PSD Class II area for all EPA-regulated air pollutants.

The Department of Environmental Protection is the lead agency in state government for environmental management and stewardship and is one of the more diverse agencies in state government, protecting the air, water, and land.

### **Special Status Species**

**Sea turtles (including loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), and Kemp’s ridley (*Lepidochelys kempī*))**

The loggerhead sea turtle is federally listed as a threatened species. The Florida nesting population of green sea turtles is listed endangered. Both the leatherback and Kemp’s ridley sea turtles are listed as endangered with the majority of the nesting occurring on the southeastern beaches along the Atlantic. There are occasional records of nesting leatherback sea turtles in the panhandle, with six records in Franklin County and one successful nest in Walton County in 2007. Kemp’s ridley is not known to have nested in the Florida panhandle. The South Walton Turtle Watch program has been monitoring nesting sea turtles along a 26 miles stretch in Walton County, excluding State Parks, since 1994. The Phillips Inlet Beach because of its larger size and location provides a dark backdrop and is the most suitable for nesting sea turtles. There has been an annual average of 36.5 loggerhead nests in Walton County since 1995. In 2007, the County began recording the monitoring data by four different beach segments, with Inlet Beach being in the eastern most segment. Sea turtle nest records were down in 2007 with only 16 nests recorded. Inlet Beach had 6 of the 16 nests, the highest of the four beach segments monitored. All of the tracts however have suitable sea turtle nesting habitat and could be used during the nesting season.

**Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*)**

Choctawhatchee beach mouse is federally listed as endangered. The last trapping effort for this species at Phillips Inlet Beach was in 1989, when traps were set for two nights, totaling 276 trap nights. No beach mice were captured during that effort. Additional site inspections for beach mouse sign were conducted in 1997 without success. To date there have been no records of the beach mouse at Inlet Beach. The site was not included in the October 12, 2006 critical habitat revision that added 1,629 acres of habitat for the Choctawhatchee beach mouse. Although beach mice have not been recorded on this site, it remains suitable habitat for the species. In the recent critical habitat revision, the importance of coastal scrub habitats was update and clarified. According to the final rule on the critical habitat revision, "More recent research has illustrated that beach mice use interior scrub habitat on a permanent basis, and that this habitat serves an invaluable role in the persistence of beach mouse populations after storm events. Recent studies have also shown no significant difference between the two habitat types in availability of food resources or burrow sites, beach mouse body mass, survival rate, reproductive rate, and home range size." The public uses a system of dune crossovers at Phillips Inlet Beach to access the Beach. Walton County further discourages the public from entering the dune habitat with the use of signage and post and rope to limit access. Phillips Inlet Beach is the only tract that could potentially support Choctawhatchee beach mouse, particularly if connectivity to other areas (such as Camp Helen State Park and adjacent private property) through a vegetated berm were established.

The Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*), is less likely to occur at Dune Allen I, One Sea Grove, or the Walton Dunes/Eastern Lakes tracts due to the small size, isolation and/or lack of suitable habit. However, habitat is suitable and Choctawhatchee beach mouse could occur particularly if connectivity with other dune habitat is established.

### **Piping plover (*Charadrius melodus*)**

All four tracts provide suitable habitat for non-breeding piping plover from any of the three breeding populations (Great Lakes population listed as endangered, and the Atlantic and Great Plains populations which are listed as threatened). These birds could use the fore dunes, supratidal and intertidal areas for loafing and foraging.

### **Other Priority Species**

#### **Cruise's Golden Aster (*Chrysopsis gossypina cruiseana*).**

This perennial herb is state-listed as endangered, but its federal candidate status was dropped in 1996 when the U. S. Fish and Wildlife Service reorganized the candidate species lists. The species occupies a narrow range of backdune habitat along 60 miles of coastline from Escambia County to Walton County. Much of the publicly owned habitat is on Santa Rosa Island within Eglin Air Force Base and Gulf Islands National Seashore. One the mainland it is found at Henderson State Beach, Grayton Beach State Recreation Area, and on Topsail Hill in Walton County.

The BLM tracts were first surveyed for special status plants and animals by Hunter Services in 1989. At that time, Cruise's golden aster (*Chrysopsis gossypina cruiseana*) was "common" on Dune Allen. Since Hurricane Opal, Cruise's gold aster has been restricted to the inland slope of the original back dune. It occurs from the crest of the back dune onto the flats to within about 75

feet of Highway 98. Eighty-three plants in bloom were identified by Lisa Keppner on October 21, 1997.

### **Gulf Coast Lupine** (*Lupinus westianus*)

This perennial herb is state listed as threatened. Its federal candidate status was dropped in 1996. The species occurs from Okaloosa County to Franklin County, in beach dunes and scrub. It is often found in disturbed areas, along roadsides and in dune blowouts. The species has not been recorded at either Dune Allen or Walton Dune tracts since Hurricane Opal, although there is potential for the species at both tracts.

### **Vegetation/Wildlife**

The small beach front tracts generally contain well-developed coastal dunes with sea oats, beach morning glory, beach grass, and sea rocket. Interdunal areas support dune elder, saltgrass, rosemary, and conradina.

**Phillips Inlet Beach:** This entire Inlet Beach tract is 19.52 acres and is managed by the Walton County Tourist Development Council as a public beach access point. The undeveloped acres contains a frontal dune system with scattered sea oats (*Uniola paniucata*) and beach morning glory (*Ipomoea imperati*), a broad (130 feet) interdunal area more heavily vegetated with dune elder (*Iva imbricata*), saltgrass (*Distichlis spicata*), seaside rosemary (*Ceratiola ericoides*), Gulf Coast lupine (*Lupinus westianus*), nailwort (*Paronychia* sp.), bush goldenrod (*Chrysoma pauciflosculosa*) and several species of golden aster, including *Chrysopsis gossypina*, *C. gossypina gossypina* and *C. godfreyi*.

Landward of the interdunal zone is a well-developed coastal scrub with a stunted but dense canopy of sand live oak (*Quercus geminata*), Chapman's oak (*Quercus chapmanii*), and myrtle oak (*Quercus myrtifolia*). Subcanopy species include, yaupon (*Ilex vomitoria*), saw palmetto (*Serenoa repens*), rusty lyonia (*Lyonia ferruginia*), American beautyberry (*Callicarpa americana*), winged sumac (*Rhus copallina*), and wild olive (*Osmanthus americanus*). The ground cover is sparse and includes, false rosemary (*Conradina canescens*), gopher apple (*Licania michauxii*), reindeer lichen (*Cladonia* spp.), silk grass (*Pityopsis graminifolia*), and bracken fern (*Pteridium aquilinum*).

**One Seagrove:** A 1989 survey stated that this small (0.49 acre) tract was second only to Phillips Inlet in vegetative diversity. However, it had no interdunal zone and once contained a disturbed area dominated by exotics and ruderal species, such as black berry (*Rubus flagellaris*) and dog fennel (*Eupatorium capillifolium*). The disturbed area was a result of erosion and drainage problems compounded by and u-shaped beach access road and surrounding development. The construction of a dune walkover and redesign of the access area in 1997 reduced erosion, excluded vehicles, and appears to handle the pedestrian traffic that the site receives. The dunes were stabilized with fabric and sea oats were planted in the late 90's. The plantings have taken well. Drainage problems have been largely solved, but there continues to be limited seepage from un-sloped drainage. The area has stabilized, although there remains the potential for exotics.

**Walton Dunes/Eastern Lakes:** Botanically this 1.28 acre tract is the least diverse of the BLM tracts in Walton County. Prior to multiple hurricanes there were small 6-8 foot dunes dominated by sea oats along the road on the northern boundary of the tract. The location of the dunes against the road limits the potential size of the dune and creates maintenance problems as sand continues to accrete and move across the road. The majority of the tract is flat and without vegetation.

Sand fencing was installed and sea oats planted by Walton County. Sand is accreting in the sand fence on the seaward side of the original shallow dunes. Sand is also accreting and sea oats have recovered naturally in the location the original dune along the road.

**Dune Allen I:** This 1.65 acre beach front tract contains large (approximately 230' X 90') partially stabilized back dune and a more shallow accreting fore dune, which had all but been destroyed in 1995 by Hurricane Opal. The recovering dune system is developing in a pattern similar to the original dunes with an interdunal depression in the center of the tract. Current dune elevations are 25 to 30 feet for the back dune and almost 18 feet for the fore dune. In the spring of 1997, Walton County installed sand fence and planted sea oats in the area of the original fore dune as part of a County-wide dune restoration project.

The back dune is largely stabilized with sand live oak (*Quercus geminata*), and sea oats (*Uniola paniculat*). Vegetative cover is estimated at 60%. The majority of the vegetative cover is on the landward side of the back dune. Species recorded include bush goldenrod (*Chrysoma pauciflosulosa*), Cruise's golden aster (*Chrysopsis gossypina cruiseana*), yaupon (*Ilex vomitoria*), and a few small sand pine (*Panicum amarum*), yellow buttons (*baldwina angustifolia*), ground cherry (*Physalis angustifolia*), and Cruise's golden aster (*Chrysopsis gossypina cruiseana*). The recovering fore dune and the seaward side of the back dune are almost exclusively sea oats, whether planted or naturally occurring.

### **Invasive and Non-native Species**

The vegetation on these beach front tracts are substantially intact with no evidence of invasive, non-native species. However, feral cats have been an issue and pose a threat to native wildlife including Choctawhatchee beach mice. Dogs and high population of raccoons and red fox in particular artificially high as a result of increased food sources do pose a threat to sea turtle eggs and hatchlings, as well as Choctawhatchee beach mouse. Walton County has been active in animal damage control in the past, authorizing USDA Animal Damage Control to use certain methods for control of targeted species.

### **Soils**

The tracts are located in the coastal lowlands physiographic region and the North Florida Flatwoods Land Resource Area. The tracts have sand soils commonly associated with coastal beach and dunes.

**Phillips Inlet Beach:** The soil association or general map unit is the Kureb – Lakeland - Newhan, which consist of nearly level to very steep, excessively drained soils that are sandy throughout. Slopes in the area ranged from 0-12%. This map unit borders the Gulf of Mexico. Newhan soils are the sand dunes just back of the beaches. Kureb soils are inland from the

Newhan soils, and Lakeland soils are the most inland. These soils are well drained and moderately well drained that have loamy subsoil. The map unit makes up about 6,475 acres, or about 1 percent of the county. It is about 54 percent Kureb soils, 14 percent Lakeland soils, 6 percent Newhan soils, and 26 percent soils of minor extent.

Typically, Kureb soils have a surface layer of gray sand 4 inches thick. The subsurface is white sand to a depth of 17 inches. The subsoil extends to a depth of 68 inches. In the upper part, it is brownish yellow sand that has tongues of white, and below that, it is yellowish substratum is very pale brown sand. Lakeland soils have a surface layer of dark grayish brown sand 4 inches thick. Below that is yellowish brown, brownish yellow, and light yellowish brown sand. Newhan soils have surface layer of light gray sand 5 inches thick underlain by white sand. In most areas, they are well suited to development of recreation sites and urban uses.

**Walton Dunes and Dune Allen I:** Two types of soils may be found on these tracts. Newhan-Corolla sands rolling and Beaches. The Newhan-Corolla sands occur in undulating dune-like areas. Permeability in this soil type is very rapid. The available water capability and organic matter content are very low. The beaches are narrow strips of tide washed sand along the Gulf of Mexico. As much as half of the beach can be covered by saltwater daily by high tide and wave action, and all of it can be covered during storms.

### **Cultural Resources**

Based on consultation with the Florida Department of State, Division of Historical Resources, State historic Preservation Officer, the proposed project will have no effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state or local significance. No significant archaeological and/or historical sites are recorded for or considered likely to be present on these tracts although sites are known within the region.

### **Recreation**

The Walton Beach Tracts (Dune Allen I, One Seagrove, Phillips Inlet Beach and Walton Dunes, are beachfront property located in the Florida panhandle on the Gulf of Mexico. These public tracts have been used for many years for beach access and recreational purposes. Some activities may include but is not limited to recreational fishing, ocean viewing, shell collecting, swimming, and sunbathing. These activities are controlled through the use of boardwalks and dune crossovers that guide the public foot traffic to and from the beach, and through the coastal dune ecosystem.

### **Native American Religious Concerns:**

There are no known concerns of this type relative to the project area.

### **Visual Resource Management VRM:**

The VRM Inventory and Management Classes were designed, to address larger tracts of land then those which comprise of the public domain lands in Florida. VRM classes are managed zones where management actions and controls on proposed actions vary in relation to scenic values.

The Walton Beach tracts have been managed for a Class III objective. These tracts are also classified as Residential Beach Communities and characterized by a substantially modified natural environment. The site and sound of man are readily evident and concentration of user can be moderate to high. Surrounding areas in the vicinity of the tracts have been developed to accommodate beach homes and condominiums. The Dune Allen I, Walton Dunes and One Seagrove and Phillips Inlet beach tracts are currently under the management of TDC. The coastal environment adjacent to the tracts has been substantially modified by road construction and construction of beach houses or condominiums.

#### **Chapter 4 – ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION AND ALTERNATIVES**

This chapter assesses potential environmental consequences associated with direct, indirect and cumulative effects of the Proposed Action and alternatives. Impacts to the following environmental elements have been addressed in the Environmental Consequences section of the RMP or they are not present: Environmental Justice, Federal Minerals and Water Quality – Drinking or Ground.

Impacts to the following cultural and natural resources were addressed in the RMP, but are discussed again since new information has been obtained.

##### **Land Use Status Impacts of the Proposed Action:**

The Proposed Action is in compliance with directives in the RMP and would allow the lands to be patented to the county under the R&PP Act. The proposed action would impact the current land use in a positive manner; thus allowing them to remain vested in the county in perpetuity and utilized by the general public and residents of Walton County for its recreational opportunities. There would also be favorable cumulative impacts since implementation of the proposed action would provide four additional areas, where construction of beach front homes would not occur and beach access would not be restricted to the publics.

##### **Land Use Status Impacts of the No Action Alternative:**

The No Action alternative would have no effect on current land status and the property would continue to manage by the county under their current lease grant until it expires. However, this alternative would not allow the county to exercise their option to receive patents after successfully managing and developing the properties for over eighteen years.

##### **Air Quality Impacts of the Proposed Action:**

The proposed action would not have any impact to air quality because no ground disturbing activities will take place with the proposed action.

##### **Air Quality impacts of the No Action Alternative:**

The No Action alternative would have no effect on air quality.

### **Special Status and Priority Species Impacts of the Proposed Action:**

Patenting the tracts would not change the current management or use of these public beach access points and does not authorize any new construction. It would reduce the BLM compliance checks from every year to every 5 years. No new construction or ground disturbing activities would be permitted without additional review by BLM. Any proposed projects with the potential to affect federally listed species would require additional coordination with Fish and Wildlife Service. Walton County has avoided adverse effects to federally listed species during the construction and maintenance of these public beach access facilities. There are however future uses that could result in adverse effects to special status or priority species. Lighting in these public facilities could disorientate hatchling sea turtles. The use of maintenance and monitoring vehicles on the beach in vegetated areas or in the leading edge of the fore dunes could damage Choctawhatchee beach mouse habitat, burrows or individuals. Driving in the supratidal areas could damage sea turtle nests and/or create rutting that could delay emerging hatchlings. Trash receptacles can attract raccoon, fox or other potential predators of Choctawhatchee beach mouse or sea turtle eggs or hatchlings. The following would be incorporated into the patent to ensure that management and future projects would continue to avoid adverse effects to federally listed and priority species, and their habitat.

1. All actions and management must comply with the Florida's Wildlife Friendly Lighting Program.
2. Vehicle access at Dune Allen I, including maintenance equipment, should be restricted to the minimum corridor needed for safe operation.
3. During the sea turtle nesting season maintenance vehicles are permitted on the beach only after the sea turtle nesting survey has been completed and new nests marked.
4. Predator-proof trash receptacles shall be installed and maintained at all beach access points to minimize the potential for attracting predators of sea turtles and beach mice.
6. Walton County is encouraged to coordinate with BLM and the U.S. Fish and Wildlife Service on the potential re-introduction of Choctawhatchee beach mouse at Phillips Inlet.
5. Walton County is encouraged to remove invasive, exotic plants and non-native wildlife, including feral cats, from the tracts to support native vegetation communities and endemic wildlife.

A biological assessment was submitted to the U.S. Fish and Wildlife Service on May 29, 2013. The U.S. Fish and Wildlife Service responded on June 7, 2013 that they concurred with the finding that the action may affect, but is not likely to adversely affect sea turtles, Choctawhatchee beach mouse, and non-breeding piping plover. The Fish and Wildlife opinion included the suggestion that the patent require that vehicles drive above or below the primary wrack-line to preserve this sensitive habitat.

### **Special Status Species Impacts of the No Action alternative:**

The No Action alternative would have no effect on any special-status species or priority species.

### **Vegetation Impacts of the Proposed Action:**

The will be no new disturbance to the vegetation as a result of the proposed action. Maintenance of the existing structures would encourage regular use by the public and has been effective at avoiding damage to dune areas by the public. At Dune Allen I the vehicle access for beach maintenance is creating a fan of disturbed soft sand, and reducing the potential for sand deposition and establishment of dune vegetation in the frontal dune. Reducing this fan pattern to a single vehicle route across the soft sand and installation of sand fence and dune plantings in the damaged area would promote the establishment of additional dunes at this site. Any sand fencing and dune plantings would comply with current approved protocols and would require coordination with the U.S. Fish and Wildlife Service.

### **Impacts of the No Action Alternative:**

Under the No Action Alternative, no new impacts to vegetation would occur.

### **Invasive and Non-native Species:**

The proposed action would encourage Walton County to control feral cats in particular to protect native species, including Choctawhatchee beach mouse.

### **Impacts of the No Action Alternative:**

Under the No Action alternative, no new impacts would result from the management of Invasive and Non-native species.

### **Soils Impacts of the Proposed Action:**

There would be no ground disturbance activities for the proposed Action.

### **Impacts of the No Action Alternative:**

Under the No action alternative, no new impacts to soils would occur.

### **Cultural Resources Impacts of the Proposed Action:**

The Proposed action would have no direct impacts on any cultural resources. No new construction or ground disturbing activities would be permitted without additional review by BLM. Any proposed projects with the potential to affect cultural resources would require additional coordination with SHPO.

### **Impacts of the No Action Alternative:**

The No Action Alternative would have no new impacts on any known prehistoric or historic cultural resources.

### **Recreation Impacts of the Proposed Action:**

The Proposed Action is expected to result in the continuation of utilizing the property as a public park for recreational uses.

**Impacts of the No Action Alternative:**

Under the No Action Alternative, there would be no change in recreation use of the area.

**Native American Religious Concerns and Consultation:**

There are no known concerns. No new construction or ground disturbing activities are proposed and therefore no consultation is required.

**Impacts of the Proposed Action:**

Impacts to know cultural resources would not occur because the proposed action does not included any ground disturbing activities. Consultation with Native American was solicited for the proposed action and no comments were received.

**Impacts of the No Action Alternative:**

The No Action Alternative would have no negative impact on the resources. However, this alternative would not allow for patenting of the tracts to the county.

**Impacts of the No Action Alternative:**

The No Action Alternative would have a negative impact for recreationists who visit the beach tract

**V. - LIST OF AGENCIES AND PERSONS CONSULTED**

Persons and Agencies Consulted:

**Historical Preservation Office:**

Florida State Historical Preservation Office

**U.S Fish and Wildlife Service**

Panama City Ecological Services Office

**List of Preparers**

**Specialist Name**

Victoria Craft

Faye Winters

Gary Taylor

**Title, Organization**

Realty Specialist, Southeastern States Field Office

Special Status Species/Wildlife Biologist

Planning and Environmental Coordinator

## **VI. References**

*Soil Conservation Service. 1989. Soil Survey of Walton County Florida. USDA.*

*BLM*

*1995 Florida Resource Management Plan and Record of Decision. U.S. Department of the Interior, Bureau of Land Management, Eastern States, Jackson Field Office.*



United States Department of the Interior



Bureau of Land Management

Southeastern States Field Office

411 Briarwood Drive, Suite 404

Jackson, Mississippi 39206

<http://www.es.blm.gov>

IN REPLY REFER TO:

6843 (020) FW

FLES - 41956

FLES - 41957

FLES - 41958

FLES - 41959

*FW  
5/21/13*

May 29, 2013

Memorandum

To: Field Manager, Panama City Ecological Services Office

From: Field Manager, Southeastern States

Subject: Biological Assessment for the Proposed Walton County Recreation and Public Purposes Act Patent of Four Beach Access Point

The Bureau of Land Management is proposing to patent four tracts in Walton County for continued use as public beach access points. A biological assessment addressing the potential effects of this action on federally listed species, including nesting sea turtles, Choctawhatchee beach mouse and non-breeding piping plover, is attached for your review.

The tracts are located at Phillips Inlet Beach (19.52 acres), Dune Allen I (1.65 acres), One Sea Grove Place (0.49 acres), and Walton Dunes/Eastern Lakes (1.28 acres). These tracts have been leased for many years to Walton County under the Recreation and Public Purpose (R&PP) Act of 1926, and managed by the Walton County Tourist Development Council (TDC). The TDC has fully implemented most of its development plans for the leased beach tracts and now wishes the exercise the patent option. Facilities include boardwalks, parking facilities, trash receptacles and restroom/shower facilities at all but the Walton Dunes/Eastern Lake tract. It should be noted that the patent would contain a reversionary clause that would revert title to the United States in the event that the lands are not utilized for the intended purpose.



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Patenting the tracts would reduce the BLM compliance checks from every year to every 5 years, but would not change the current management or use of these public beach access points and does not authorize any new construction. New construction or ground disturbing activities would require further review and authorization by BLM. Any proposed projects with potential to affect federally listed species would require additional coordination with Fish and Wildlife Service. Maintenance of the existing structures encourages regular use by the public and has been effective at avoiding damage to dune areas by the public.

The following conditions are proposed to reduce the potential for adverse effects to federally listed species known or suspected to occur on these tracts.

1. All beachfront lighting will be in compliance with the Florida's Wildlife Friendly Lighting Program.
2. Vehicle access at Dune Allen I, including maintenance equipment, should be restricted to the minimum corridor needed for safe operation.
3. During the sea turtle nesting season (May 1 through August 31) maintenance vehicles are permitted on the beach only after the sea turtle nesting survey has been completed and new nests marked.
4. Predator-proof trash receptacles shall be installed and maintained at all beach access points to minimize the potential for attracting predators of sea turtles and beach mice.
6. Walton County is encouraged to coordinate with BLM and the U.S. Fish and Wildlife Service on the potential re-introduction of Choctawhatchee beach mouse at Phillips Inlet.
5. Walton County is encouraged to remove invasive, exotic plants and non-native wildlife, including feral cats, from the tracts to support native vegetation communities and endemic wildlife.

With these proposed conditions of approval, BLM expects the patenting of these tracts to affect, but not adversely affect nesting sea turtles, Choctawhatchee beach mouse and non-breeding piping plover. Please let us know if you can concur with this determination.



If you have any questions or need additional information, please contact Faye Winters, Wildlife Biologist, at 601.977.5431 or e mail fwinters@blm.gov.

Original signed:BDawson

Attachment (1)  
Biological Assessment

bc:

SSFO CF & RF

ES RF

ES020:FWinters:cg:601-977-5400:5.30.2013:WaltonCtyBeach.AccessPoints.BA.R&PPAct.final





# United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Jackson Field Office

411 Briarwood Drive, Suite 404

Jackson, Mississippi 39206

## Biological Assessment

Prepared by:

Bureau of Land Management, Southeastern States Field Office,

411 Briarwood Drive, Suite 404, Jackson, MS 39206

**Project Name:** Applications through Recreation and Public Purposes Act for Patent of four leased beach front tracts; Phillips Inlet, Dune Allen I, One Sea Grove Place, and Walton Dunes Eastern Lakes

**Locations:** Walton County, Florida

### Legal Descriptions:

Phillips Inlet beach tract (**FLES-41956**) 19.52 Acres

Description: T. 3 S., R. 18 W., Sec. 36,

Lots 193-200 and Lots 225-233;

Dune Allen I beach tract (**FLES-41957**) 1.65 Acres

Legal Description: T. 3 S., R. 20 W., Sec. 4, Lot 37;

One Seagrove Place beach tract (**FL-ES-41959**) 0.49 Acres

Legal Description: T. 3 S., R. 19 W., Sec. 24, Lot 24;

Tallahassee Meridian, FL

Walton Dune/Eastern Lakes beach tract (**FL-ES-41958**) 1.28 Acres

Description: T. 3 S., R. 18 W., Sec. 19, Lot 34;

Total acreage leased is 22.94 Acres.

**Name of Applicant:** Walton County Board of Commissioners, Defuniak Springs, Walton County, Florida

## PROPOSED ACTION

The proposed action would allow four public domain lands to leave federal ownership and to be managed by the Walton County for recreational use in perpetuity. The subject tracts in Walton County, Florida are located at Phillips Inlet Beach (19.52 acres), Dune Allen I (1.65 acres), One Sea Grove Place (0.49 acres) and Walton Dunes/Eastern Lakes (1.28 acres). All of the tracts are currently managed by the Walton County Tourist Development Council as public beach access points. The recreational facilities at the sites include boardwalks, parking facilities, trash receptacles and restroom/shower facilities. The Walton Dunes/Eastern Lake site has no facilities on the tract at this time.

The proposed action is to transfer title to the previously mentioned tracts to Walton County Board of Commissioners, under the Recreation and Public Purposes (R&PP) Act of 1926. The County has fully implemented most of its development plans for the leased beach tracts and now wishes the exercise the patent option. The patent contains a reversionary clause for title to revert to the United States in the event that the lands are not utilized for the intended purpose.

### Description of Individual Tracts

**Phillips Inlet Beach:** This 19.52 acre beach tract includes the supratidal area, frontal dunes, interdunal area and back dunes surrounded by a well-established neighborhood. A total of 1.82 acres of the tract have been developed with roadways, dune walk-overs, sidewalks, parking lot, and bathroom/shower facilities.

The undeveloped acres contains a frontal dune system with scattered sea oats (*Uniola paniucata*) and beach morning glory (*Ipomoea imperati*), a broad (130 feet) interdunal area more heavily vegetated with dune elder (*Iva imbricata*), saltgrass (*Distichlis spicata*), seaside rosemary (*Ceratiola ericoides*), Gulf Coast lupine (*Lupinus westianus*), nailwort (*Paronychia sp.*), bush goldenrod (*Chrysoma pauciflosculosa*) and several species of golden aster, including *Chrysopsis gossypina*, *C. gossypina gossypina* and *C. gossypina cruiseana*.

Landward of the interdunal zone is a well-developed coastal scrub with a stunted but dense canopy of sand live oak (*Quercus geminata*), Chapman's oak (*Quercus chapmanii*), and myrtle oak (*Quercus myrtifolia*). Subcanopy species include, yaupon (*Ilex vomitoria*), saw palmetto (*Serenoa repens*), rusty lyonia (*Lyonia ferruginia*), American beautyberry (*Callicarpa americana*), winged sumac (*Rhus copallina*), and wild olive (*Osmanthus americanus*). The ground cover is sparse and includes, false rosemary (*Conradina canescens*), gopher apple (*Licania michauxii*), reindeer lichen (*Cladonia spp.*), silk grass (*Pityopsis graminifolia*), and bracken fern (*Pteridium aquilinum*).

**Dune Allen I:** This 1.65 acre tract contains a large, primary dune with vegetation typical of coastal dune systems, including sea oats. This tract provides public facilities including parking, dune walk-overs, and restroom facilities. This tract contains large (approximately 230' X 90') partially stabilized back dune and a more shallow accreting fore dune, which had all but been destroyed in 1995 by Hurricane Opal. The recovering dune system is developing in a pattern similar to the original dunes with an interdunal depression in the center of the tract. Current dune elevations are 25 to 30 feet for the back dune and almost 18 feet for the fore dune. In the spring of 1997, Walton County installed sand fence and planted sea oats in the area of the original fore dune as part of a County-wide dune restoration project.

The back dune is largely stabilized with sand live oak (*Quercus geminata*), and sea oats (*Uniola paniculat*). Vegetative cover is estimated at 60%. The majority of the vegetative cover is on the landward side of the back dune. Species recorded include bush goldenrod (*Chrysoma pauciflosulosa*), Cruise's golden aster (*Chrysopsis gossypina cruiseana*), yaupon (*Ilex vomitoria*), and a few small sand pine (*Panicum amarum*), yellow buttons (*Baldwina angustifolia*), and ground cherry (*Physalis angustifolia*). The recovering fore dune and the seaward side of the back dune are almost exclusively sea oats, whether planted or naturally occurring.

**One Seagrove Place:** This 0.49 acre tract provides beach access for the surrounding condos and apartments and other publics wishing to gain access to the beach. The one Seagrove Place condo adjoins the driveway with a turnaround including a boardwalk to the beach. A 1989 survey found this tract second only to Phillips Inlet in vegetative diversity. However, it had no interdunal zone and once contained a disturbed area dominated by exotics and ruderal species, such as black berry (*Rubus flagellaris*) and dog fennel (*Eupatorium capillifolium*). The disturbed area was a result of erosion and drainage problems compounded by and u-shaped beach access road and surrounding development. The construction of a dune walkover and redesign of the access area in 1997 reduced erosion, excluded vehicles, and appears to handle the pedestrian traffic that the site receives. The dunes were stabilized with fabric and sea oats were planted in the late 90's. The plantings have taken well. Drainage problems have been largely solved, but there continues to be limited seepage from un-sloped drainage. The area has stabilized, although there remains the potential for exotics.

**Walton Dunes/Eastern Lake:** Sand fence has been installed on the east and west side of this 1.28 acre tract and sand is accreting on the seaward side of the original shallow dunes. Sand is also accreting and sea oats have recovered naturally in the location the original dune along the road. The BLM tract is undeveloped. However, the surrounding area does allow for roadside parking and walk-on sandy paths at the eastern and western end of the property. Botanically this 1.28 acre tract is the least diverse of the BLM tracts in Walton County. Prior to multiple hurricanes there were small 6-8 foot dunes dominated by sea oats along the road on the northern boundary of the tract. The location of the dunes against the road limits the potential size of the dune and creates maintenance problems as sand continues to accrete and move across the road. The majority of the tract is flat and without vegetation.

### **Federally Listed Species Known or With Potential to Occur on the Tracts**

The following federally listed species occur or are expected to occur on the tracts.

Sea turtles (including loggerhead sea turtle (*Caretta caretta*) and green sea turtle (*Chelonia mydas*) – The loggerhead sea turtle is federally listed as a threatened species. The Florida nesting population of green sea turtles is listed endangered. Both species nest on Florida's coastal beaches. There are occasional records of nesting leatherback sea turtles (six records in Franklin County and one successful nest in Walton County in 2007), which are federally listed as endangered. The South Walton Turtle Watch program has been monitoring nesting sea turtles along a 26 miles stretch in Walton County, excluding State Parks, since 1994. Inlet Beach provides a dark backdrop apparently attracting nesting sea turtles. There has been an annual average of 36.5 loggerhead nests in Walton County since 1995. In 2007, the County began recording the monitoring data by four different beach segments, with Inlet Beach being in the

eastern most segment. Sea turtle nest records were down in 2007 with only 16 nests recorded. Inlet Beach had 6 of the 16 nests, the highest of the four beach segments monitored.

Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*) is federally listed as endangered. The last trapping effort for this species at Inlet Beach was in 1989, when traps were set for two nights, totaling 276 trap nights. No beach mice were captured during that effort. Additional site inspections for beach mouse sign were conducted in 1997 without success. To date there have been no records of the beach mouse at Inlet Beach. The site was not included in the October 12, 2006 critical habitat revision that added 1,629 acres of habitat for the Choctawhatchee beach mouse. Although beach mice have not been recorded on this site, it remains suitable habitat for the species. In the recent critical habitat revision, the importance of coastal scrub habitats was update and clarified. According to the final rule on the critical habitat revision, "More recent research has illustrated that beach mice use interior scrub habitat on a permanent basis, and that this habitat serves an invaluable role in the persistence of beach mouse populations after storm events. Recent studies have also shown no significant difference between the two habitat types in availability of food resources or burrow sites, beach mouse body mass, survival rate, reproductive rate, and home range size." The Choctawhatchee beach mouse is not expected to occur at the Dune Allen I, Eastern Lakes, One Sea Grove, or Walton Dunes/Eastern Lake tracts due to the small size and isolation from occupied habitat.

Non-breeding piping plover (*Charadrius melodus*), which could include individuals from the endangered Great Lakes population or the threatened Northern Great Plains or Atlantic Coast populations, could occasionally utilize the sandy beaches or front dunes of these tracts.

The gopher tortoise (*Gopherus polyphemus*), is currently a candidate for listing by the U.S. Fish and Wildlife Service.

### **Potential Effects Of The Proposed Action On Federally Listed Species**

Patenting the tracts would not change the current management or use of these public beach access points and does not authorize any new construction. It would reduce the BLM compliance checks from every year to every 5 years. No new construction or ground disturbing activities would be permitted without additional review by BLM. Any proposed projects with the potential to affect federally listed species would require additional coordination with Fish and Wildlife Service. Maintenance of the existing structures would encourage regular use by the public and has been effective at avoiding damage to dune areas by the public.

At Dune Allen I the vehicle access for beach maintenance is creating a fan of disturbed soft sand, and reducing the potential for sand deposition and establishment of dune vegetation in the frontal dune. Reducing this fan pattern to a single vehicle route across the soft sand and installation of sand fence and dune plantings in the damaged area would promote the establishment of additional dunes at this site. Any future installation of sand fencing and dune plantings would comply with current approved protocols.

The following would be incorporated into the patent to ensure that management and future projects would continue to avoid adverse effects to federally listed species and their habitat.

1. All beachfront lighting will be in compliance with the Florida's Wildlife Friendly Lighting Program.

2. Vehicle access at Dune Allen I, including maintenance equipment, should be restricted to the minimum corridor needed for safe operation.
3. During the sea turtle nesting season (May 1 through August 31) maintenance vehicles are permitted on the beach only after the sea turtle nesting survey has been completed and new nests marked.
4. Predator-proof trash receptacles shall be installed and maintained at all beach access points to minimize the potential for attracting predators of sea turtles and beach mice.
6. Walton County is encouraged to coordinate with BLM and the U.S. Fish and Wildlife Service on the potential re-introduction of Choctawhatchee beach mouse at Phillips Inlet.
5. Walton County is encouraged to remove invasive, exotic plants and non-native wildlife, including feral cats, from the tracts to support native vegetation communities and endemic wildlife.

### **Summary**

With the proposed conditions of approval, the patenting of these tracts is expected to affect, but not adversely affect nesting sea turtles, Choctawhatchee beach mouse and non-breeding piping plover. No new construction activities are authorized under this permit and site management is not expected to be altered in ways that could affect these federally listed species in the foreseeable future.



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Field Office  
1601 Balboa Avenue  
Panama City, FL 32405-3721

Tel: (850) 769-0552

Fax: (850) 763-2177

June 7, 2013

RECEIVED

JUN 12 2013

BUREAU OF LAND MANAGEMENT  
SSFO

### Memorandum

To: Field Manager, Southeastern States, Bureau of Land Management

From: Project Leader, Panama City Filed Office, United State Fish and Wildlife Service

Subject: The Proposed Patenting of Four Walton County Public Beach Access Points  
(BLM ref #-6843(020)FW/FLES-41956/FLES-41957/FLES-41958/FLES-41959.  
Service ref # 04EF3000-2013-I-0197)

Thank you for requesting the U.S. Fish and Wildlife Service's (Service) review of the subject project. On May 16, 2013, we conducted a site visit to view and discuss each property with regards to federally protected species. This letter serves as our response and was developed in compliance with the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1351 et seq).

The Bureau of Land Management (BLM) has requested the Service's review while proposing to patent four public access tracts in Walton County Florida. The tracts are located at Phillips Beach, Dune Allen, One Sea Grove Place, and Walton Dunes/Eastern Lakes. These tracts have been leased for several years to Walton County and managed by Walton County Tourist Development Council (TDC). The patent process will reduce the BLM compliance checks but does not change the current management or use of these tracts. New construction or ground disturbing activities will still require authorization by BLM.

The Phillips Beach tract is 19.52 acres and contains suitable habitat for nesting sea turtles (four species - loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), and Kemp's ridley (*Lepidochelys kempii*); Choctawhatchee beach mouse (CBM) (*Peromyscus polionotus allophrys*), and potentially non-breeding piping plover (*Charadrius melodus*). The public uses a dune crossover to access the beach. Walton County discourages the public from entering the dune habitat by the installation of signage and post and rope to limit access. This is the only tract that could potentially support CBM if connectivity to other areas (such as Camp Helen State Park and private property) through a vegetated berm were established. BLM is supportive of the Service's efforts to potentially re-introduce CBM should the science support this decision. BLM has encouraged Walton County to work with the Service in this effort as well. Currently, any sea turtle nests within this tract are marked and monitored by the local turtle watch group in coordination with the Service, Walton County, and the Florida Fish and Wildlife Conservation Commission.

Dune Allen (1.65 acres) and Walton Dunes (1.28 acres) are very similar in habitat characteristics. These are small tracts with some good dune structure. These areas could be used by nesting sea turtles, CBM, and potentially non-breeding piping plover. In order for CBM to use these smaller tracts, connectivity to other larger dune habitat would be necessary (via a linear vegetated berm). Any sea turtle nests found in the area are currently marked and monitored. The Dune Allen tract is an access for beach driving for County vehicles only; no public vehicles are permitted to drive on the beaches.

One Sea Grove Place is 0.49 acre and contains limited dune habitat. It is unlikely that CBM could utilize the area due to lack of structure, small size, and limited connectivity to other suitable habitat. However, nesting sea turtles are likely to use the open beach to lay nests. These will be marked and monitored.

BLM has proposed the following conditions to reduce the potential for adverse effects to federally listed species:

1. All beachfront lighting will be in compliance with Florida's Wildlife Friendly Lighting Program.
2. Vehicle access at Dune Allen I, including maintenance equipment, should be restricted to the minimum corridor needed for safe operation.
3. During the sea turtle nesting season (May 1 through August 31) maintenance vehicles are permitted on the beach only after the sea turtle nesting survey has been completed and new nests are marked.
4. Predator-proof trash receptacle shall be installed and maintained at all beach access points to minimize the potential for attracting predators of sea turtles and beach mice.
5. Walton County is encouraged to coordinate with BLM and the Service on the potential re-introduction of Choctawhatchee beach mouse at Phillips Inlet.
6. Walton County is encouraged to remove invasive, exotic plants and non-native wildlife, including feral cats, from the tracts to support native vegetation communities and endemic wildlife.

The service request that BLM include the following condition to reduce the effect to federally listed species:

All vehicles drive above or below the primary wrack-line to preserve this sensitive habitat.

BLM has determined the patenting of the four public access tracts may affect, but is not likely to adversely affect sea turtles, Choctawhatchee beach mouse, and non-breeding piping plover. The Service concurs with this determination.

Thank you for partnering with us to protect and conserve federally protected species across the coastal landscape. If you have any further questions, please contact Kristi Yanchis, at 850-769-0552 extension 252.