Gulf Coast Ecosystem Restoration Council
Categorical Exclusion Determination Form

This form is to be completed before the Gulf Coast Ecosystem Restoration Council (Council) uses one or more Categorical Exclusions (CEs) to comply with the National Environmental Policy Act (NEPA) for a specific action or group of actions, as appropriate. More information on the Council's NEPA compliance and use of CEs can be found in the Council's NEPA Procedures.

Proposed Action Title:

Apalachicola Bay Oyster Restoration (FL_RESTORE_002_006_Cat1)

Proposed Action Location: *(State, County/Parish)*

Franklin County, Florida

Proposed Action Description:

Planning -- Oyster reefs are important to Apalachicola Bay's future; Beck et al. (2011) estimated that 85% of oyster reefs have been lost globally, with Apalachicola Bay being one area with significant remaining reefs. Placing substrate or "cultch" in bays where natural reproduction occurs, is among the most effective technique used to: 1) create reef infrastructure, 2) stimulate spat setting, 3) sustain oyster fisheries, 4) enhance community functions, 5) increase natural productivity, and 6) accelerate the recovery process. The objective of this activity is to extend the Deepwater Horizon Natural Resource Damage Assessment Early Restoration Phase III oyster cultch project by completing all applicable environmental compliance and permitting needed to restore approximately 219 additional acres of natural oyster reefs through the addition of approximately 43,858 cubic yards of cultch material.

Categorical Exclusion(s) Applied:

This activity is covered by the Council's NEPA Categorical Exclusion for planning, research or design activities (Section 4(d)(3) of the Council's NEPA Procedures).

Council Use of Member Categorical Exclusion(s)

If the Categorical Exclusion(s) was established by a Federal agency Council member, complete the following. If not, leave this section blank and proceed to the segmentation section.

Member with Categorical Exclusion(s) N/A

Has the member with CE(s) advised the Council in writing that use of the CE(s) would be appropriate for the specific action under consideration by the Council, including consideration of segmentation and extraordinary circumstances (as described below)?

☐ Yes ☐ No

Segmentation

Has the proposed action been segmented to meet the definition of a Categorical Exclusion? (In making this determination, the Council should consider whether the action has independent utility.)

☐ Yes ☑ No

Extraordinary Circumstances

In considering whether to use a Categorical Exclusion for a given action, agencies must review whether there may be extraordinary circumstances in which a normally excluded action may have a significant environmental effect and, therefore, warrant further review pursuant to NEPA. Guidance on the review of potential extraordinary circumstances can be found in Section 4(e) of the Council's NEPA Procedures. The potential extraordinary circumstances listed below are set forth in the Council's NEPA Procedures.

The Council, in cooperation with the sponsor of the activity, has considered the following potential extraordinary circumstances, where applicable, and has made the following determinations. (By checking the "No" box, the Council is indicating that the activity under review would not result in the corresponding potential extraordinary circumstance.)

☐ Yes ☑ No 1. Is there a reasonable likelihood of substantial scientific controversy regarding the potential environmental impacts of the proposed action?

☐ Yes ☑ No 2. Are there Tribal concerns with actions that impact Tribal lands or resources that are sufficient to constitute an extraordinary circumstance?

☐ Yes ☑ No 3. Is there a reasonable likelihood of adversely affecting environmentally sensitive resources? Environmentally sensitive resources include but are not limited to:

a. Species that are federally listed or proposed for listing as threatened or endangered, or their proposed or designated critical habitats; and

b. Properties listed or eligible for listing on the National Register of Historic Places.

☐ Yes ☑ No 4. Is there a reasonable likelihood of impacts that are highly uncertain or involve unknown risks or is there a substantial scientific controversy over the effects?

☐ Yes ☑ No 5. Is there a reasonable likelihood of air pollution at levels of concern or otherwise requiring a formal conformity determination under the Clean Air Act?

☐ Yes ☑ No 6. Is there a reasonable likelihood of a disproportionately high and adverse effect on low income or minority populations (see Executive Order 12898)?

☐ Yes ☑ No 7. Is there a reasonable likelihood of contributing to the introduction or spread of noxious weeds or non-native invasive species or actions that may promote the introduction, or spread of such species (see Federal Noxious Weed Control Act and Executive Order 13112)?

☐ Yes ☑ No 8. Is there a reasonable likelihood of a release of petroleum, oils, or lubricants (except from a properly functioning engine or vehicle) or reportable releases of hazardous or toxic substances as specified in 40 CFR part 302 (Designation, Reportable Quantities, and Notification); or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan in accordance with the Oil Pollution Prevention regulation?

Supplemental Information

Where appropriate, the following table should be used to provide additional information regarding the review of potential extraordinary circumstances and compliance with other applicable laws. The purpose of this table is to ensure that there is adequate information for specific findings regarding potential extraordinary circumstances.

Supplemental information and documentation is not needed for each individual finding regarding the potential extraordinary circumstances listed above. Specifically, the nature of an activity under review may be such that a reasonable person could conclude that there is a very low potential for a particular type of extraordinary circumstance to exist. For example, it would be reasonable to conclude that the simple act of acquiring land for conservation purposes (where

there are no other associated actions) does not present a reasonable likelihood of a release of petroleum, oils, lubricants, or hazardous or toxic substances.

For some types of activities, no supplemental information may be needed to support a finding that there are no extraordinary circumstances. For example, where the activity under review is solely planning (with no associated implementation activity), it may be reasonable to conclude that none of the extraordinary circumstances listed above would apply. In such cases, the table below would be left blank.

In other cases, it may be appropriate to include supplemental information to ensure that there is an adequate basis for a finding regarding a particular extraordinary circumstance. For example, it might be appropriate in some cases to document coordination and/or consultation with the appropriate agency regarding compliance with a potentially applicable law (such as the Endangered Species Act). In those cases, the table below should be used to provide the supplemental information.

Agency or Authority Consulted	**Agency or Authority Representative: Name, Office & Phone**	**Date of Consultation**	**Notes: Topic discussed, relevant details, and conclusions.** (This can include reference to other information on file and/or attached for the given action.)

Additional supplemental information may be attached, as appropriate. Indicate below whether additional supplemental information is attached.

Additional Information Attached: ☐ Yes ☑ No

If "Yes", indicate the subject:

Determination by Responsible Official

Based on my review of the proposed action, I have determined that the proposed action fits within the specified Categorical Exclusion(s), the other regulatory requirements set forth above are met, and the proposed action is hereby Categorically Excluded from further NEPA review.

Responsible Official *(Name)*	Justin R. Ehrenwerth
Responsible Official *(Signature)*	
Date	Dec 10, 2015