

## ***Appendix A – Correspondence***

A-1 - Letter to Mr. A. Stanley Meiburg, Acting Regional Administrator, US EPA Region 4 from Michael W. Sole, Secretary of Florida Department of Environmental Protection, March 7, 2009.

A-2 – Recorded conservation easement for Robinson Bayou Archaeological Site (Florida Master Site File (FMSF) No. 8BY935, recorded April 1, 2011.

A-3 – In-water standard construction measures for West Indian manatee, sea turtles, and small tooth sawfish

A-4 – Letter to Ms. Virginia Lane, FAA, from Laura A. Kammerer, Deputy State Historic Preservation Officer for Review and Compliance, April 15, 2010.

A-1 - Letter to Mr. A. Stanley Meiburg, Acting Regional Administrator, US EPA Region 4 from Michael W. Sole, Secretary of Florida Department of Environmental Protection, March 7, 2009.



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

March 7, 2009

Mr. A. Stanley Meiburg  
Acting Regional Administrator  
United States Environmental Protection Agency -Region 4  
Atlanta Federal Center  
61 Forsyth Street  
Atlanta, Georgia 30303-8960

Dear Mr. Meiburg:

On behalf of Governor Charlie Crist, I am responding to your December 19, 2008, letter regarding recommendations for the designation of "attainment," "nonattainment," or "unclassifiable" areas in Florida with respect to the 2008 revised national ambient air quality standard (NAAQS) for ozone.

The period 2006-2008 serves as the most recent three consecutive years of quality-assured, certified air quality data for Florida to determine the compliance status with respect to the new ozone standard. Based on the 2006-2008 ozone data, Florida currently has six counties exceeding the ozone standard: Escambia, Santa Rosa, Bay, Hillsborough, Manatee and Sarasota. The data for these monitors and all ozone monitors in Florida are provided in the enclosed Table 1.

According to the guidance document you provided, the U.S. Environmental Protection Agency (EPA) recommends the Core Based Statistical Area (CBSA) as the "presumptive" boundary for an ozone nonattainment area. In Florida, four separate CBSAs contain the exceeding ozone monitors:

- 1.) Pensacola-Ferry Pass-Brent CBSA, consisting of Escambia and Santa Rosa Counties;
- 2.) Panama City-Lynn Haven CBSA, consisting of Bay County;
- 3.) Tampa-St.Petersburg-Clearwater CBSA, consisting of Hernando, Pasco, Pinellas and Hillsborough Counties; and
- 4.) Sarasota-Bradenton-Venice CBSA, consisting of Sarasota and Manatee Counties.

Mr. A. Stanley Meiburg  
Page Two  
March 7, 2009

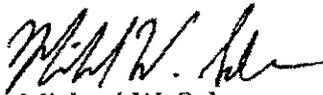
These areas can be seen on the enclosed map, Figure 1.

I have no objection to the use of EPA's presumptive boundaries that would designate the four CBSAs with the exceeding monitors as ozone nonattainment areas, with the rest of the counties in the state designated as attainment. The Florida Department of Environmental Protection (DEP) has received comments and information from several counties within some of these CBSA's providing a different point of view. I have enclosed these letters for your consideration in making the final determination. In developing an ozone control strategy, DEP will consider the contributions of sources located both within and outside of the nonattainment area boundaries.

I realize that, in making your final determination, the air quality data for 2009 may be considered. Florida has a number of counties that are bordering on the level of the ozone standard, both above and below, and the 2009 data could change their attainment status. DEP will work closely with your agency to assure these data are timely reviewed and that the appropriate designations are made.

Thank you for your continued support of our efforts to fully implement the Clean Air Act in Florida. If you have any questions regarding this letter, please contact Joe Kahn, Director of DEP's Division of Air Resource Management, at (850) 488-0114.

Sincerely,



Michael W. Sole  
Secretary

Enclosures

cc: Mimi A. Drew, Deputy Secretary, Regulatory Programs, DEP  
Joseph Kahn, Director, Division of Air Resource Management, DEP

Table 1: Design values based on 2006-2008 data for all ozone monitors in Florida. Monitors with 2006-2008 ozone design values above the 2008 standard of 0.075 ppm are highlighted in red.

AIRS ID	Monitor Name	County	Design Value
			(ppm) 2006-2008
001-3011	Paynes	Alachua	0.074
003-0002	Osceola	Baker	0.068
005-0006	St. Andrews	Bay	0.076
009-0007	Melbourne	Brevard	0.069
009-4001	Freedom 7	Brevard	0.071
011-0031	Sawgrass	Broward	0.062
011-2003	Pompano	Broward	0.063
011-8002	John U. Lloyd	Broward	0.068
021-0004	Laurel Oaks	Collier	0.070
023-0002	Veterans	Columbia	0.070
031-0077	Sheffield	Duval	0.075
031-0100	Mayo Clinic	Duval	0.073
033-0004	Ellyson	Escambia	0.079
033-0018	Pensacola	Escambia	0.079
055-0003	Archbold	Highlands	0.073
057-0081	Simmons	Hillsborough	0.081
057-1035	Davis Island	Hillsborough	0.075
057-1065	USMC	Hillsborough	0.079
057-3002	Sydney Road	Hillsborough	0.076
059-0004	Airport	Holmes	0.071
069-0002	Lost Lake	Lake	0.074
071-2002	Rotary Park	Lee	0.068
071-3002	Bay Oaks	Lee	0.069
073-0012	TCC	Leon	0.070
073-0013	Miccosukee	Leon	0.072
081-3002	Port Manatee	Manatee	0.077
081-4012	Bray Park	Manatee	0.078
083-0003	YMCA	Marion	0.072
083-0004	County Sheriff	Marion	0.072
086-0027	Miami U	Miami-Dade	0.074
086-0029	Perdue Medical	Miami-Dade	0.072
095-0008	Winegard	Orange	0.075
095-2002	Lake Isle	Orange	0.075
097-2002	Fire Street	Oseola	0.072
099-0009	Waste Water	Palm Beach	0.067
099-0020	Hospital	Palm Beach	0.067
099-2101	FL Sugar	Palm Beach	0.064
101-0005	San Antonio	Pasco	0.075
101-2001	Holiday	Pasco	0.072
103-0004	St. Petersburg	Pinellas	0.071
103-0018	Azalea Park	Pinellas	0.071
103-5002	East Lake	Pinellas	0.072
105-6005	Sikes	Polk	0.074
105-6006	Baptist Home	Polk	0.075
111-1002	911 Center	St. Lucie	0.065
113-0015	Woodlawn	Santa Rosa	0.081
115-1005	Lido	Sarasota	0.076
115-1006	Paw Park	Sarasota	0.075
115-2002	Jackson Road	Sarasota	0.074
117-1002	Seminole CC	Seminole	0.072
127-2001	Port Orange	Volusia	0.066
127-5002	Blind Services	Volusia	0.066
129-0001	St. Marks Refuge	Wakulla	0.072

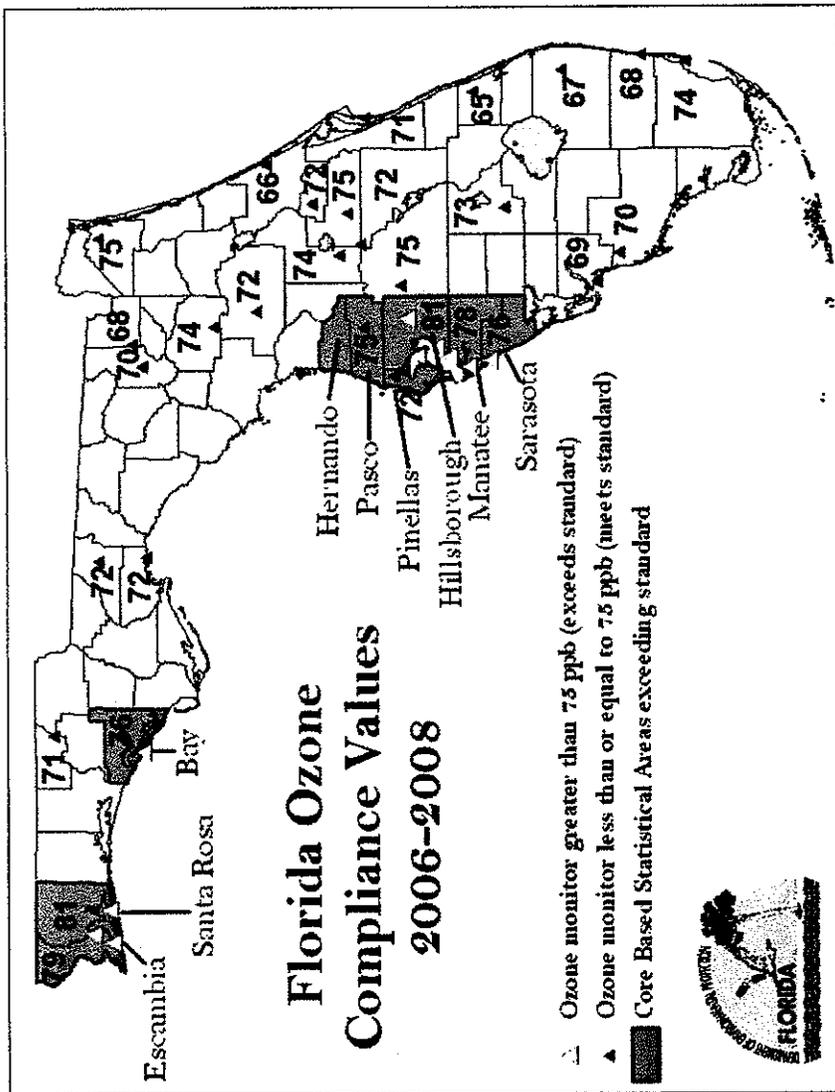


Figure 1: EPA presumed boundaries for Florida nonattainment areas for the 2008 ozone standard. The bolded boundaries for the areas shaded in red represent the Core Based Statistical Area (CBSA) boundaries for areas with a monitor that is exceeding the standard. The numbers in each county represent the highest reported 2006-2008 ozone design value from the monitors in that county. The triangles in yellow represent the monitors exceeding the 2008 ozone standard.

A-2 – Recorded conservation easement for Robinson Bayou Archaeological Site (Florida Master Site File (FMSF) No. 8BY935, recorded April 1, 2011).

**CONSERVATION EASEMENT**

THIS CONSERVATION OF EASEMENT is granted this 31 day of March, 2011 by **Panama City-Bay County Airport and Industrial District**, an independent special district under the laws of Florida as "Grantor," whose office is located at 6300 West Bay Parkway, Box A, Panama City Beach, FL 32409 jointly to **The City of Panama, City**, which maintains offices at 9 Harrison Avenue, Panama City, Florida, 32402, and **The Historical Society of Bay County, Inc.**, with a principal address of 2515 Frankford Avenue, Panama City, FL 32405, as "Grantees." As used herein, the term "Grantor" shall include any successor or assignee of Grantor, and the term "Grantees" shall include any respective successor, assignee or lessee of either Grantee.

**PURPOSE OF EASEMENT**

THE PURPOSE OF THIS CONSERVATION EASEMENT is to preserve and protect all historical remains of indigenous peoples that are located at the property described by the attached Exhibit 1 (the "Property"), which has frequently been referred to as 8BY935, and any subsurface archaeological deposits on the Property by permanently preserving and protecting the Property as a green space.

**WITNESSETH**

WHEREAS, Grantor is the owner of certain lands situated in Bay County, Florida and, more specifically described by Exhibit 1 attached hereto and incorporated herein by reference; and

WHEREAS, Grantor and Grantees desire to preserve and protect historical human remains of indigenous peoples and subsurface archaeological deposits on the Property by permanently preserving and protecting the Property as a green space; and

WHEREAS, Grantor, in consideration of Ten Dollars, other good and valuable consideration from Grantees, agrees to grant and secure to the Grantees a perpetual Conservation Easement, as defined in Section 704.06, Florida Statutes (2009) over the Property.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, Grantor hereby grants, creates and establishes a perpetual Conservation Easement in favor of Grantees upon the Property which shall run with the land and which shall be binding upon Grantor, his heirs, successors and assigns and shall remain in full force and effect forever.

1. The purpose of this Conservation Easement is to preserve any historical remains of indigenous peoples that are located at the Property and any subsurface archaeological deposits on the Property. To carry out this purpose, the following rights are conveyed to Grantees by this Easement:

a. to enter upon the Property at reasonable times and reasonable manner to assure compliance with the terms and conditions of this Conservation Easement;

b. to enter upon the Property at reasonable times and reasonable manner to enforce the rights herein granted; and

c. to enjoin any activity on or use of the Property that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

2. The following activities are prohibited in or on the Property, to maintain the sanctity of the historical remains of the indigenous people, unless approved in writing in advance by Grantees:

a. placing of any manmade structures or objects on the Property including but not limited to construction or placing of buildings, roads, signs, utilities or other structures on the Property unless intended to protect the historically valuable aspects of the Property;

b. dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. removal or destruction of trees, shrubs, or other non-herbaceous vegetation, the removal of which would destroy or impair subsurface deposits, with Grantor retaining the right to perform reasonable landscaping of the Property so long as such landscaping is native vegetation indigenous to the area and does not disturb any historical remains of indigenous people or disturb subsurface deposits beyond de minimus effects;

d. excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect subsurface deposits;

e. construction and placement of active recreation facilities, including swing sets, playground equipment, sport courts, dog walks or swimming pools; and

f. any other uses detrimental to the preservation of any features or aspects of the Property having historical, archaeological or cultural significance.

3. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein.

4. No right of access by the general public to any portion of the Property is conveyed by this conservation easement.

5. Grantor shall pay any applicable property taxes on the Property.

6. The Grantees shall have the right to enforce the terms of this easement against the Grantor and any successor Grantor.

7. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest. Any approval by the City of Panama City may either be made by the City Manager or a vote of the City Commission of Panama City. Any approval by the Historical Society of Bay County, Inc. will be made by a vote of its board of directors. Any approval required of Grantees requires the approval of both Grantees unless one no longer exists or is defunct at the time of the approval.

8. Reference to the terms, conditions, restrictions and purpose of this Conservation Easement shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor divests himself of any interest in the Property. Any future holder of Grantor's interest in the Property shall be subject to the terms of this Conservation Easement as Grantor.

9. This Conservation Easement may be released or revoked only by written agreement between the parties hereto or their heirs, assigns and successors-in-interest, which shall be filed in the Public Records of Bay County, Florida.

10. This Conservation Easement shall be governed and construed under the laws of the State of Florida.

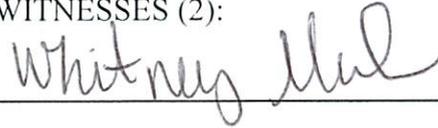
TO HAVE AND TO HOLD unto Grantees, its successors and assigns forever. The covenants, terms, conditions, restrictions and purpose imposed with this Conservation Easement shall not only be binding upon Grantor, but also his respective agents, heirs, successors and assigns, and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS WHEREOF, the undersigned Grantor and Grantees do hereby execute this Grant of Conservation Easement on the day and year set forth above.

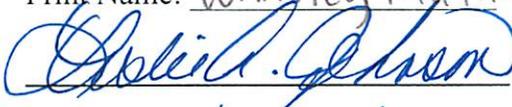
**[Signatures on following pages]**

**GRANTOR:**  
**Panama City-Bay County**  
**Airport and Industrial District**

  
\_\_\_\_\_  
Gerry Clemons, Chairman

WITNESSES (2):  
  
\_\_\_\_\_

Print Name: Whitney Mulholland

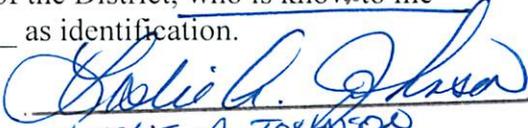
  
\_\_\_\_\_

Print Name: LESLIE A. JOHNSON

STATE OF FLORIDA     )  
  )  
COUNTY OF BAY        )

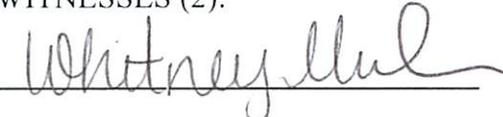
The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of March, 2011, by Gerry L. Clemons, as Chairman of the Panama City-Bay County Airport and Industrial District, on behalf of the District, who is know to me personally or who produced \_\_\_\_\_ as identification.



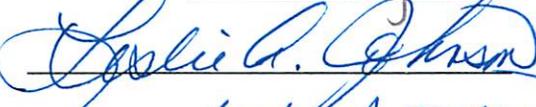
  
\_\_\_\_\_  
LESLIE A. JOHNSON  
EXP. 6-27-14  
Comm# EE 004107

**GRANTEE:**  
**City of Panama City**

  
\_\_\_\_\_  
Scott W. Clemons, Mayor

WITNESSES (2):  
  
\_\_\_\_\_

Print Name: Whitney Mulholland

  
\_\_\_\_\_

Print Name: LESLIE A. JOHNSON

STATE OF FLORIDA     )  
  )  
COUNTY OF BAY        )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of March, 2011, by Scott W. Clemons, as Mayor of the City of Panama City,

on behalf of the City, who is known to me personally or who produced \_\_\_\_\_ as identification.



Leslie A. Johnson  
Notary Public, State of Florida  
Print Name: LESLIE A. JOHNSON  
My Commission Expires: 6-27-14  
Commission Number: EE 004107

**GRANTEE:**  
**Historical Society**  
**of Bay County, Inc.**

Rebecca B. Saunders  
Print name: Rebecca B. Saunders  
Its: President

WITNESSES (2):

Mona A. Lucas  
Print Name: Mona A. Lucas

Nicholas Beninate  
Print Name: Nicholas Beninate

STATE OF FLORIDA     )  
  )  
COUNTY OF BAY        )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of March, 2011, by Rebecca B. Saunders, as PRESIDENT of the Historical Society of Bay County, Inc., on behalf of the corporation, who is known to me personally or who produced Fl. Drivers License as identification.



Leslie A. Johnson  
Notary Public, State of Florida  
Print Name: LESLIE A. JOHNSON  
My Commission Expires: 6-27-14  
Commission Number: EE 004107

A-3 – In-water standard construction measures for West Indian manatee, sea turtles, and small tooth sawfish

## **Preventing Manatee Injuries at Stormwater Outlets or Culverts**

As part of the coordination of wildlife reviews with state regulatory agencies, FWC will typically recommend the following permit or lease condition where new pipes or culverts present an entrapment risk for manatees:

To reduce the risk of entrapment and drowning of manatees, grating shall be installed over pipes greater than 8 inches, but smaller than 8 feet in diameter. Bars or grates no more than 8 inches apart shall be placed on the accessible end(s) to restrict manatee access. The installation of grates applies to submerged or partially submerged pipes and culverts reasonably accessible to manatees.

## **Preventing Manatee Injuries at Ports by Installing Fenders**

As part of the coordination of wildlife reviews with state regulatory agencies, FWC will typically recommend the following permit or lease condition where new Port bulkheads, wharves or docking facilities present a crushing risk for manatees:

To reduce the risk of a vessel crushing a manatee, the permittee shall install wharf fenders with appropriate materials to provide sufficient standoff space of at least four feet under maximum designed compression. Fenders or buoys providing a minimum standoff space of at least four feet under maximum designed compression shall also be utilized between two vessels that are moored together.

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

July 2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

**FWC Approved Manatee Educational Sign Suppliers**

**ASAP Signs & Designs**

624-B Pinellas Street  
Clearwater, FL 33756  
Phone: (727) 443-4878  
Fax: (727) 442-7573

**Vital Signs**

104615 Overseas Highway  
Key Largo, FL 33037  
Phone: (305) 451-5133  
Fax: (305) 451-5163

**Wilderness Graphics, Inc.**

P.O. Box 1635  
Tallahassee, FL 32302  
Phone: (850) 224-6414  
Fax: (850) 561-3943  
[www.wildernessgraphics.com](http://www.wildernessgraphics.com)

**Universal Signs & Accessories**

2912 Orange Avenue  
Ft. Pierce, FL 34947  
Phone: (800) 432-0331  
or (772) 461-0665  
Fax: (772) 461-0669

**Cape Coral Signs & Designs**

1311 Del Prado Boulevard  
Cape Coral, FL 33990  
Phone: (239) 772-9992  
Fax: (239) 772-3848

**New City Signs**

1829 28th Street North  
St. Petersburg, FL 33713  
Phone: (727) 323-7897  
Fax: (727) 323-1897

**Municipal Supply & Sign Co.**

1095 Fifth Avenue, North  
P.O. Box 1765  
Naples, FL 33939-1765  
Phone: (800) 329-5366  
or (239) 262-4639  
Fax: (239) 262-4645  
[www.municipalsigns.com](http://www.municipalsigns.com)

**United Rentals Highway  
Technologies**

309 Angle Road  
Ft. Pierce, FL 34947  
Phone: (772) 489-8772  
or (800) 489-8758 (FL only)  
Fax: (772) 489-8757

**CAUTION: MANATEE HABITAT**

**All project vessels**

**IDLE SPEED / NO WAKE**

**When a manatee is within 50 feet of work  
all in-water activities must**

**SHUT DOWN**

Report any collision or injury to:

**1-888-404-FWCC (1-888-404-3922)**

Florida Fish and Wildlife Conservation Commission



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

## SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

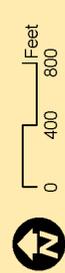
- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



-  Panama City Airport Redevelopment Boundary
-  State Roads
-  County Roads
-  FEMA FIRM 100-Year Floodplain



**GENERAL NOTES**

This map was prepared for the purpose of providing information to the public. It is not intended to be used as a legal document. The user assumes all responsibility for the use of this information. The information is provided as is, without warranty of any kind, express or implied, including but not limited to accuracy, completeness, and reliability. The information is provided for informational purposes only and should not be used as a basis for any decision. For more information, please contact the project manager at 907.234.1234. File Path: I:\projects\2009\060609\_PanamaCity\_Airport\060609\_PanamaCity\_Airport\FIRM\_100\_Year\_Floodplain.mxd, Date: 06/09/2009, 10:52:00 AM.

**FEMA DFIRM  
100-YEAR  
FLOODPLAIN**

PANAMA CITY AIRPORT  
REDEVELOPMENT  
COMPREHENSIVE PLAN  
AMENDMENT  
JUNE 2009



A-4 – Letter to Ms. Virginia Lane, FAA, from Laura A. Kammerer, Deputy State Historic Preservation Officer for Review and Compliance, April 15, 2010.



RECEIVED APR 19 2010

FLORIDA DEPARTMENT OF STATE

**Kurt S. Browning**

Secretary of State

DIVISION OF HISTORICAL RESOURCES

April 15, 2010

Ms. Virginia Lane, A.I.C.P.  
Federal Aviation Administration  
Orlando Airports District Office  
5950 Hazeltine National Drive, Suite 400  
Orlando, Florida 32822

Re: SHPO/DHR Project File No.: 2009-3862B (2006-2589, 2004-11864)  
Robinson Bayou South Site - 8BY935  
Conservation (Historic Preservation) Easement Commitment per the  
2006 Memorandum of Agreement between the Federal Aviation Administration,  
the Florida State Historic Preservation Officer, and the Panama City–Bay County  
International Airport and Industrial District  
**Clarification for all Interested Parties**

Dear Ms. Lane:

As you pointed out in telephone conversations and via electronic mail with me, Deputy State Historic Preservation Officer for Review and Compliance, beginning in early March 2009, there is a contradiction regarding the eligibility and preservation of the Robinson Bayou Site, 8BY935 (see two enclosed location maps) within the abandoned Panama City- Bay County International Airport (PCBCIA) property. This office agrees that this inconsistency needs to be clarified for all current and future interested parties. My intent is to accomplish that in this correspondence with you.

Site 8BY935 was originally identified and evaluated in 2004 during a survey of the PCBCIA property for the Federal Aviation Administration (FAA) by Southeastern Archaeological Research, Inc. (SEARCH) as part of the proposed relocation of the PCBCIA and future decommissioning and release for disposal of the airport property for non-aeronautical use. This office concurred at that time that Site 8BY935 appeared to be eligible for listing in the National Register of Historic Places (NRHP) based on the investigations conducted by SEARCH in 2004. In order to fulfill FAA's responsibilities under both the National Historic Preservation Act, as well as the National Environmental Policy Act, it was decided by the FAA to preserve the site in place. To ensure the preservation of the site, FAA agreed to protect it by creation of a conservation (historic preservation) easement to run with the PCBCIA land, binding on all subsequent owners and to be stated in the real property deed as a restriction, easement, covenant, or condition of ownership. This commitment was captured in a formal memorandum of agreement between the FAA, the Panama City–Bay County International Airport and Industrial District and this office for the decommissioning/disposal/redevelopment of the airport land. In addition, the commitment to preserve Site 8BY935 was coordinated with and accepted by the Seminole and Miccosukee Tribes of Florida.

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

Director's Office  
850.245.6300 • FAX: 245.6435

Archaeological Research  
850.245.6444 • FAX: 245.6452

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Ms. Virginia Lane  
SHPO/DHR Project File No. 2009-3862B  
April 15, 2010  
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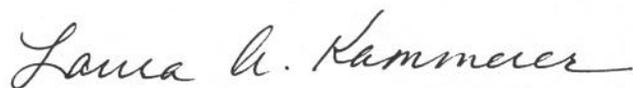
However, in February 2009 Post Buckley Schuh and Jernigan (PBS&J) archaeologists, retained by St. Andrew Bay Land Company, LLC, conducted investigations of three tracts within the PCBCIA property for purposes of a "redevelopment project." These investigations included the relocation and re-evaluation of Site 8BY935. It appears PBS&J was not aware of the prior Section 106 consultation and the resultant 2006 MOA between the FAA and the SHPO, and conservation easement for Site 8BY935. PBS&J concluded at the end of their 2009 investigations of the site that it was not eligible for inclusion in the NRHP. A report of their investigations and findings was submitted to this office with no references to the FAA and the PCBCIA and Industrial District 2006 coordination, or to a prior commitment for the preservation of Site 8BY935. This office does not know if the St. Andrew Bay Land Company was aware of the 2006 site preservation commitment; or why the site was selected for re-evaluation by the company.

When Mr. Rudy Westerman on our staff reviewed the PBS&J cultural resource assessment report in February 2009 he was not aware of the 2006 MOA and the preservation commitments; and I failed to remember the agreement and conservation easement commitment by the FAA when I reviewed Rudy's conclusions and approved the comments to PBS&J. Rudy and I both apologize for this oversight.

Therefore, it is the opinion of this office that regardless of the secondary investigations and our re-evaluation of the eligibility of Site 8BY935 for inclusion in the NRHP, we stand by the existing legal commitment of the FAA and our concurrence to the stipulations of the 2006 MOA – the preservation of Site 8BY935 within and a conservation (historic preservation) easement to run with the land in perpetuity. Otherwise we will all be non-compliant with our federal responsibilities under Section 106 of the NHPA and NEPA. There is no apparent reason why Site 8BY935 cannot be preserved during future redevelopment plans for the former airport tract. As you are aware, removal of the restriction to preserve the site will require an amendment to the 2006 MOA and coordination with the Advisory Council on Historic Preservation in Washington, D.C, as well as with the federally recognized tribes in Florida.

I am deeply sorry for any confusion our oversight may have caused your agency or any other parties involved with the property today. If you or any party has questions, do not hesitate to contact me.

Sincerely,



Laura A. Kammerer  
Deputy State Historic Preservation Officer  
For Review and Compliance

Pc: Mr. Daniel Penton, Post Buckley Schuh & Jernigan (Project No. 100006414)  
Mr. William Cunningham, St. Andrew Bay Land Company, LLC  
Mr. Raymond Greer, WilsonMiller  
Ms. Allara Gutcher, City of Panama City

Enclosures (2)