

## FINDING OF NO SIGNIFICANT IMPACT

### **Issuance of a Negotiated Agreement for Use of Outer Continental Shelf Sand from the Weaver Shoal W-C Borrow Area for the Atlantic Coast of Maryland Shoreline Protection Project**

Pursuant to the National Environmental Policy Act (NEPA) and Department of the Interior (DOI) NEPA Implementing Procedures, the United States Army Corps of Engineers Baltimore District (Corps) (lead agency) prepared a supplemental Environmental Assessment (EA) for independent evaluation and potential adoption by the Bureau of Ocean Energy Management (BOEM), a cooperating agency under NEPA. The 2026 EA considers whether authorizing use of Outer Continental Shelf (OCS) sand from the Weaver Shoal W-C borrow area for nourishment of the Atlantic Coast of Maryland Shoreline Protection Project (Project) would have a significant effect on the human environment and whether an environmental impact statement (EIS) should be prepared. The 2026 EA supplements a 2008 Supplemental Environmental Impact Statement (2008 SEIS) and a 2020 EA, both of which BOEM served as a cooperating agency.

The initial feasibility report and EIS prepared by the Corps, entitled “Atlantic Coast of Maryland and Assateague Island Virginia Feasibility Report and EIS (1980),” considered a suite of structural (e.g., seawall) and non-structural alternatives (e.g., beach nourishment and associated offshore borrow areas) to reduce storm related damages. The Corps selected beach nourishment as one component of the preferred alternative. Initial construction, regularly scheduled nourishments, and emergency nourishments conducted between 1994 and 2017 significantly reduced the previously identified offshore sand resources within State waters. To address the need for additional offshore sand for the remaining years of the 50-year life of the Project through 2044, the Corps and BOEM (Minerals Management Service at the time) prepared a SEIS in 2008. BOEM did not adopt the SEIS or issue a ROD in 2008 as the timing and nature of the Corps’ request to use OCS sand was unclear. In 2020, the Corps prepared an EA to determine whether new information or changes in the proposed action since 2008 would result in significantly different environmental effects not previously analyzed. BOEM contributed to its development, conducted its own independent review, and adopted this document. The 2020 EA tiered to the 2008 SEIS. BOEM signed an independent ROD on April 14, 2021, to support its decision at the time to authorize use of OCS sand from the Weaver Shoal W-C borrow area for the 2021/2022 nourishment cycle. The ROD assumed additional requests for OCS sand resources to support future nourishment intervals.

The following NEPA documents previously prepared by the Corps and/or BOEM are incorporated by reference:

- *2008. Atlantic Coast of Maryland Shoreline Protection Project. Final Supplemental Environmental Impact Statement, General Reevaluation Study: Borrow Sources for 2010-2044. U.S. Army Corps of Engineers Baltimore District*

(Lead Agency) and Minerals Management Service (Cooperating Agency). August 2008. <https://www.boem.gov/sites/default/files/documents/marine-minerals/mmp-your-state/MD-SEIS-Final-Atl-Coast-MainBody.pdf>

- 2020. *Atlantic Coast of Maryland, Shoreline Protection Project Offshore Shoals in Federal Waters as Sand Sources for Ocean City. Supplemental Environmental Impact Statement.* U.S. Army Corps of Engineers Baltimore District (Lead Agency) and Bureau of Ocean Energy Management (Cooperating Agency). February 2020. <https://www.boem.gov/sites/default/files/documents/marine-minerals/mmp-your-state/AC-FONSI-EA.pdf>
- 2021. *Use of Outer Continental Shelf Sand Resources in the Atlantic Coast of Maryland Shoreline Protection Project (Ocean City, Maryland). Record of Decision.* Bureau of Ocean Energy Management. Signed April 14, 2021. <https://www.boem.gov/sites/default/files/documents/marine-minerals/mmp-your-state/ACMD-BOEM-ROD-Signed.pdf>

## **Proposed Action**

The Corps and Maryland Department of Natural Resources (MD DNR) propose to use up to 1,250,000 cubic yards (CY) of OCS sand resources from the Weaver Shoal W-C borrow area for the next scheduled periodic nourishment of the Project in 2026/27. The Project is intended to reduce risks to life, property, infrastructure, and natural resources by improving the resiliency of the coastal system against continued erosion and future storm events.

The Project includes nourishment along 8.3 miles of shoreline in the Town of Ocean City, Worcester County, Maryland and along 1,500 feet of shoreline in Sussex County, Delaware. The Corps and State of Maryland have obtained a Subaqueous Lands Permit through 2029 from the State of Delaware permitting placement of up to 95,000 cubic yards of sand immediately north of the Maryland/Delaware State Line. BOEM's proposed action is the issuance of a Negotiated Noncompetitive Agreement (NNA), which would authorize the use of offshore sand from the Weaver Shoal W-C borrow area located approximately 7 miles offshore on the OCS in the BOEM Mid Atlantic Planning Area (Attachment 1).

## **Alternatives to the Proposed Action**

The Corps and BOEM evaluated the use of four OCS sand resource alternatives in the 2008 SEIS and 2020 EA including: Weaver Shoal, Isle of Wight Shoal, Shoal "A," and Bass Grounds (also known as First Lump, or Shoal "B"). Since the 2021 nourishment cycle, new information pertaining to Weaver Shoal has become available, including 2023 bathymetric survey data to evaluate the efficacy of mitigation measures. The 2026 EA considers this new information and reevaluates the potential effects on resource categories relevant to proposed dredging of Weaver Shoal including bathymetry and physiography, air quality, natural seafloor habitats, benthic invertebrates, and cultural

resources. The 2026 EA recommends Weaver Shoal as the offshore sand source for the 2026-2027 nourishment cycle and up to one more additional cycle.

Because the Corps already identified the Weaver Shoal W-C borrow area as the preferred alternative, BOEM considered two practical alternatives: (1) entering into a negotiated agreement for the Weaver Shoal W-C borrow area and (2) not entering into a negotiated agreement (No Action).

#### Action Alternative – Enter into a Negotiated Agreement

BOEM would negotiate a one-time agreement with the Corps and MD DNR that would allow for the use of up to 1,250,000 CY of OCS sand from the Weaver shoal W-C borrow area for placement within the Project footprint in the 2026/2027 nourishment cycle. The Corps, as lead agency, committed to continued implementation of the relevant mitigation measures and monitoring requirements described in previous environmental documents. Sand would be dredged in accordance with the established Weaver Shoal dredging guidelines and constraints intended to maintain the integrity of offshore shoal habitats.

The proposed action could cause short-term environmental effects. Principal effects are related to benthic invertebrates and fisheries over the short-term recovery period following dredging. Within several years following dredging, benthos in the Weaver Shoal W-C borrow area and associated fishing opportunities are expected to largely recover to pre-dredge conditions. All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the mitigation suite described in the 2026 EA. Additionally, fishers consulted with during preparation of the 2026 EA did not provide any new information or otherwise object to continued use of Weaver Shoal for future nourishment, compared to other borrow area alternatives considered higher value fishing grounds.

BOEM finds that the potential adverse environmental effects of the proposed action are generally reversible or recoverable over the long-term when considering implementation of the comprehensive suite of mitigation measures and ground truthing compliance through continued bathymetric surveys of the Weaver Shoal W-C borrow area. Potential longer-term beneficial effects include a reduction of coastal storm risk to infrastructure, improved recreational opportunity, and increased beach and dune habitat. Restoration of eroded beach and dune habitat could benefit multiple species of shorebirds.

#### No Action Alternative – Deny Request for Use of OCS Sand

BOEM would not negotiate an agreement for use of OCS sand. OCS sand would not be used to support the Project, and future nourishments would be jeopardized as all available sand resource alternatives in State waters have been exhausted. With the absence of continued nourishment provided by the Project, the beach can be expected to continue to erode, and coastal infrastructure would be increasingly vulnerable to storm damage.

## Environmental Effects

The 2026 EA and prior environmental documents incorporated by reference evaluate Project impacts associated with dredging and placement operations. The suite of environmental commitments necessary to avoid, minimize, and/or reduce and track any foreseeable adverse effects that may result from the Project will continue to be implemented by the Corps. The Corps is responsible for implementing all environmental requirements prior to, during, and after construction, as described in the 2026 EA.

BOEM independently reviewed the 2026 EA, considered other environmental documents incorporated by reference, and evaluated the adequacy of the documents. BOEM confirmed that the reliance on the analyses and any underlying assumptions, considering any substantial new circumstances or information about the significance of adverse effects that bear on the analysis, was appropriate. BOEM found that there were no information, circumstances, or changes in the proposed action or its effects that would lead to a finding of significantly different effects.

### *Significance Review*

BOEM analyzed the significance of potential effects of the Project considering both the potentially affected environment and the degree of effects. Connected actions, including on-and-off site mobilization and beach placement activities, were considered in previous NEPA analyses and those analyses were incorporated by reference in the 2026 EA.

BOEM considered the affected area and resources potentially present in both spatial and temporal context. The proposed action is considered site-specific. The area of direct fill placement includes dry sandy beach, intertidal flat/surf zone, and shallow subtidal habitat. Effects would be limited to the placement site (including the pipeline corridors for conveying sediment to the beach) and the immediate dredging area, both of which are dominated by storms and physical processes of waves and currents. Effects of the Project would generally be limited to the 3-month to 6-month construction window and the time interval associated with equilibration of the placement material, recovery of the disturbed borrow area, and any habitat change along the beach. Both the placement and dredging sites are expected to equilibrate in the intervening time. BOEM considered the following when evaluating the degree of effects:

#### *(i) Short- and long-term effects*

Potential effects associated with the Project would be localized, short-term, and generally reversible. The only long-term effect within the Weaver Shoal W-C borrow area would be related to physical geomorphologic change due to the removal of OCS sand and limited infilling or reshaping expected. Dredging in the borrow area will permanently reduce the sand resources, but the habitat type will not change, except for slight change in water depth. Minor hydrodynamic effects related to seafloor disturbance or modification are expected to be limited to the immediate dredging area.

The Corps collected pre-dredge, post-dredge (within 60 days following completion of dredging), and one-year post-dredge multibeam hydrographic survey data across the Weaver Shoal W-C borrow area as part of an ongoing monitoring program. Additional hydrographic survey data will be collected in association with the next nourishment event. Bathymetric records from multiple years will be compared to determine whether current dredging constraints effectively maintain longer-term geomorphologic integrity of the offshore shoals, and thus their habitat value. The Corps will continue to conduct volumetric and depth change analyses, prepare seafloor change maps, and coordinate findings with BOEM, the National Marine Fisheries Service (NMFS), and the Maryland Geological Survey (MGS).

The Weaver Shoal W-C borrow area occupies roughly 360 acres of seabed. The borrow area design includes an avoidance area around the shoal crest in accordance with established dredging guidelines and constraints. Additionally, the design will allow the dredge to maintain a consistent cut depth to optimize material recovery, as well as improve dredging efficiency and reduce entrainment risk. Dredging within the shoal will cut no deeper than ambient seafloor and will not be allowed to create anoxic depressions or pits. The post dredge cut depths would not impact water circulation or quality and would not lead to the accumulation of fine sediments.

Dredging would temporarily impact benthic epifaunal and infaunal organisms and result in the loss of some infaunal species. However, post-dredge sediment characteristics will equilibrate and be the same as pre-dredge conditions to support quick recovery of benthic invertebrate communities. In addition, benthic species will recruit and recolonize in the short-term after dredging given similar species in surrounding habitat. Recovery of the benthic population is expected within 1 to 2 years after dredging ceases. Future dredging activities could introduce another cycle of disturbance and recovery. Impacts are anticipated within the nearshore and intertidal soft bottom communities of the beach placement site; however, they are expected to recover within a similar timeframe through recruitment from surrounding communities.

Sea turtles and shorebirds occurring in the study area are transient and migrate with the seasons. Loggerhead, green, Kemp's ridley hawksbill, and leatherback sea turtles may occur in coastal waters of Maryland. Sea turtles only infrequently nest on ocean beaches north of the mouth of the Chesapeake Bay and don't normally nest in the Project area. Migratory sea turtles and shore birds may experience minor, short-term interruptions to foraging or resting activities linked to prey smothering or turbidity increases. Although construction activities and staging of equipment may affect existing dune vegetation, the Project includes measures to avoid vegetated areas and requires revegetation of areas that are disturbed. Use of a consistent cut depth will optimize trailing suction hopper dredge material recovery, improve dredging efficiency, and reduce sea turtle entrainment risk. The Corps will avoid and/or minimize effects to protected species and designated critical habitat in accordance with requirements established in consultation with the U.S. Fish and Wildlife Service (USFWS) and the NMFS.

The Atlantic Ocean coastal waters and offshore shoals in the vicinity of the Project area are designated essential fish habitat (EFH) for mollusks, bony finfish, and cartilaginous fish species (including several Atlantic highly migratory species (e.g., tunas, sharks, swordfish, and billfishes). The marine water column and soft bottom (subtidal) habitats are located within the Project area. The offshore shoals provide bottom habitat for various life history stages of a variety of benthic (bottom-dwelling) and demersal (bottom-oriented) shellfish and finfish. The Corps will implement previously established avoidance and minimization measures to minimize effects on fish species and fish habitat, including but not limited to adherence to the State Water Quality conditions, avoiding or minimizing construction overlap with peak recruitment windows for benthic infaunal assemblages and federally managed species, and avoidance of hard bottom.

Other expected short-term effects from the Project include beach access closures in active construction zones and pump out locations, restricted boating navigation, increased turbidity at the dredge and placement sites, localized and minor noise level increases at the dredge site, and public safety risks posed by the short-term operations of beach construction equipment. These effects are likely limited to the 3-month to 6-month construction period. The Project would result in improved visual amenity and long-term recreational improvements.

*(ii) Beneficial and adverse effects*

BOEM considered potential effects to the physical environment, biological resources, cultural resources, and socioeconomic resources. Some coastal sand dependent species (e.g., migratory shorebirds and sea turtles) may experience temporary disruptions to foraging and nesting during and following construction (see above). Dredging activities within the Weaver Shoal W-C borrow area overlaps with the distribution of threatened loggerhead (Northwest Atlantic Distinct Populations Segment (DPS)) and green sea turtles (North Atlantic DPS), and endangered leatherback, hawksbill, and Kemp's ridley sea turtles protected under the Endangered Species Act (ESA). Additionally, Atlantic sturgeon may be present but are not expected to occur in high concentrations. As previously noted, dredging offshore and placement of sediment on the beach may affect transient piping plovers and Rufa red knots and to a lesser extent Loggerhead and green sea turtles in the unlikely event they nest within the Project area. The Project may adversely affect in-water sea turtles and Atlantic sturgeon due to the risk of entrainment by trailing suction hopper dredges.

The Corps will adhere to all applicable conservation measures, Reasonable and Prudent Measures (RPMs), and Terms and Conditions (T&Cs) outlined in the NMFS biological opinion. In addition, adherence to other state and federal requirements, including sediment compatibility requirements, dredging operational constraints, standard migratory bird protection protocols, etc. would avoid and/or minimize effects.

Seafloor-disturbing activities (e.g., dredging, anchoring, pipeline placement, etc.) would occur during proposed construction activities. The Corps conducted cultural and hard bottom resource clearance surveys in the Project area, including the Weaver Shoal W-C borrow area, nearshore pipeline corridors, and beach placement area. No significant

archeological or biological targets were identified within the immediate area of the Project.

The current borrow area design and proposed dredge cut depths would extract surficial, modern reworked sediment within the Weaver Shoal W-C borrow area and would not impact submerged paleolandforms. No adverse effects to historic or pre-contact resources are expected. As lead agency, the Corps re-initiated consultation under Section 106 of the National Historic Preservation Act (NHPA). Letters were transmitted on November 12, 2024, to the Maryland State Historic Preservation Officer (SHPO) and the Tribal Historic Preservation Officers (THPOs) of Tribal Nations within the Project's Area of Potential Effect. The Maryland SHPO concurred with the prior finding of no adverse effect on historic properties. The Delaware Nation requested to review the prior 2019 archaeological investigation report; however, the Tribe did not provide additional comments. No other comments were received from Tribal Nations.

There are no hard-bottom resources in the borrow area, placement area, and pipeline corridors, as verified by resource surveys. Project construction activities are required to meet all state Water Quality Certification conditions in accordance with MD DNR and Delaware Department of Natural Resources and Environmental Control (DE DNREC) permit requirements [MD Wetlands License No 15-09088; Subaqueous Lands Permit (SP-432/18) Water Quality Certification (WQ-432/18)]. Both DE DNREC and MD DNR determined that the proposed action is consistent with their state coastal zone management programs. The Project will provide indirect recreation benefits (e.g., beach access, surfing, shore fishing, wildlife viewing) by expanding the beach berm and improving overall ecosystem function with the planted dune. The shoreline is already at near maximum capacity, so increased potential for development is not likely.

### *(iii) Effects on public health or safety*

The Project is not expected to cause significant effects to public health and safety. Temporary disruption to recreation would occur in small alongshore stretches as the construction progresses along the beach and could pose a minor public safety risk. The Corps requires signage, fencing, and construction management personnel to mitigate this risk. Construction of the beach would provide storm damage protection of existing infrastructure and help reduce any public safety issues. Emissions from construction equipment may temporarily affect air quality in the immediate vicinity of operations. Noise would temporarily increase at the placement locations during construction and then would return to ambient levels after project completion. The construction equipment at the beach placement site could pose a minor public safety risk.

No Munitions of Explosive Concern (MEC) were discovered while dredging within the Weaver Shoal W-C borrow area during the 2021 nourishment event. The probability of dredging MEC and placing it on the beach is low. To avoid and/or minimize MEC risk, the following measures to manage potential MEC found in the dredge area, as well as guidelines provided by the U.S. Coast Guard for vessel operations will be followed. These measures would lower public safety risk and are common industry practices:

- Screening the intakes at the drag heads on the seafloor to prevent intake of any material with a diameter greater than 1.25 inches.
- Screening outflow onto the beach to prevent discharge of any material with a diameter greater than 0.75 inches.
- Use a robust quality control/quality assurance (QC/QA) program, which includes having an unexploded ordnance (UXO) technician on site during operations.

*(iv) Effects that would violate a Federal, State, Tribal, or local law protecting the environment*

To ensure protection of endangered species (in-water sea turtles being of particular concern), dredging and placement activities would be undertaken in compliance with all RPMs and associated T&Cs outlined in the NMFS biological opinion.

The proposed action complies with the Marine Mammal Protection Act. Marine mammals are not likely to be adversely affected by the Project and incorporation of safeguards to protect threatened and endangered species during construction (e.g., vessel speed requirements, protected species observers, etc.) would also protect non-listed marine mammals in the Project area.

The Corps and BOEM coordinated with the Maryland SHPO and THPOs, as required by Section 106 of the NHPA. The SHPO agreed that the Project will not adversely affect historic properties listed, eligible, or potentially eligible for listing in the National Register of Historical Places provided avoidance of any near-shore targets. The Corps will immediately cease operations and notify BOEM and SHPO if an unexpected discovery occurs.

The MD DNR and DE DNREC provided findings of consistency with the states Coastal Management Program, as required by Section 307 of the Coastal Zone Management Act (CZMA) along with certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act (CWA) (33 U.S.C. 1341).

*(v) Economic Impacts*

Beach nourishment projects along the coast of Maryland play a vital role in supporting the local economy by enhancing coastal resilience, driving tourism and recreation, and restoring valuable habitat. Visitors are drawn to the area for recreational activities such as swimming, boating, and fishing, which support local businesses, including hotels, restaurants, and tour operators. Additionally, waterfront properties contribute to the area's economic landscape, with high-value real estate generating demand for vacation rentals and property tax revenue. The region also benefits from commercial and recreational fishing, with charter services and seafood markets relying on the productive waters offshore. The Project reduces the potential for economic damage to the aforementioned uses of the coast.

#### *(vi) Effects on quality of life of the American people*

Economic and recreational opportunities along the coast of Maryland improve the quality of life of residents and visitors. The Project will reduce risk to evacuation routes and maintain accessible and safe evacuation routes for residents. Beach nourishment projects protect vital infrastructure and property from storm damage but also preserve vital habitats that are part of the beach experience. These projects contribute to the overall well-being of the community by maintaining the natural beauty and function of the coastline, which is integral to the region's lifestyle, aesthetic, and economy.

#### **Consultations and Public Involvement**

Letters were transmitted to federal and state agencies on March 24, 2024, requesting updated information and data to develop the 2026 EA. Pursuant to Section 106 of the NHPA, the Corps and BOEM re-initiated consultation with the Maryland SHPO and THPOs on November 12, 2024. The same letters invited interested Tribes to consult on a government-to-government basis. Letters were also transmitted to re-engage commercial and recreational fishing communities to gather updated information regarding the fishery value of the different shoals; however, no new information was received. The Corps and BOEM reviewed all information received, prepared responses, and integrated new information into the 2026 EA where appropriate. On September 22, 2025, the Corps published a Public Notice announcing availability for 30-day public review of the draft supplemental EA. No significant public or agency comments were received following the 30-calendar day review period warranting significant changes to the 2026 EA and associated effects conclusions.

#### **Mitigation and Monitoring**

The Corps and Maryland DNR are responsible for complying with all environmental mitigation measures and monitoring requirements engendered by Federal, State, Tribal, and local laws, including those identified in the 2026 EA and related consultations (Attachment 2). The Corps will prepare an environmental compliance matrix to document and track all environmental mitigation requirements and identify roles and responsibilities for implementation to ensure compliance prior to, during, and after construction. Additionally, the dredging contractor will be required to provide an environmental protection plan that verifies compliance with relevant environmental requirements. Implementation of mitigation measures and monitoring requirements will ensure effects are not significant.

Any mitigation or monitoring uniquely specified by BOEM in its negotiated agreement is done pursuant to the authority established by the Outer Continental Shelf Lands Act and 30 CFR 583. Other Project mitigation is engendered by various authorities, including the vested authority of the Corps, as well as environmental laws, such as ESA, CWA, and CZMA. Other federal or state agencies shall be responsible for enforcement of other mitigation measures. BOEM may terminate its authorization, or refer the Corps and MD DNR to enforcing agencies, if they do not comply with mitigation measures (30 CFR 583).

## **Conclusion**

BOEM considered the consequences of entering into a negotiated agreement authorizing use of OCS sand from the Weaver Shoal W-C borrow area for this Project. BOEM contributed to the preparation of the 2026 EA and then conducted its own independent review before adopting it. BOEM finds that the 2026 EA complies with Section 108 of NEPA (§4336b), relevant provisions of the Department of the Interior (DOI) NEPA Implementing Procedures, and BOEM Environmental Guidance.

Based on the evaluation of potential effects and associated mitigation measures discussed in the 2026 EA and previous environmental documents incorporated by reference, BOEM finds that entering into a negotiated agreement, with the implementation of the mitigating measures, does not constitute a major Federal action significantly affecting the quality of the human environment, in the sense of NEPA Section 102(2)(C), and would not require preparation of an EIS.

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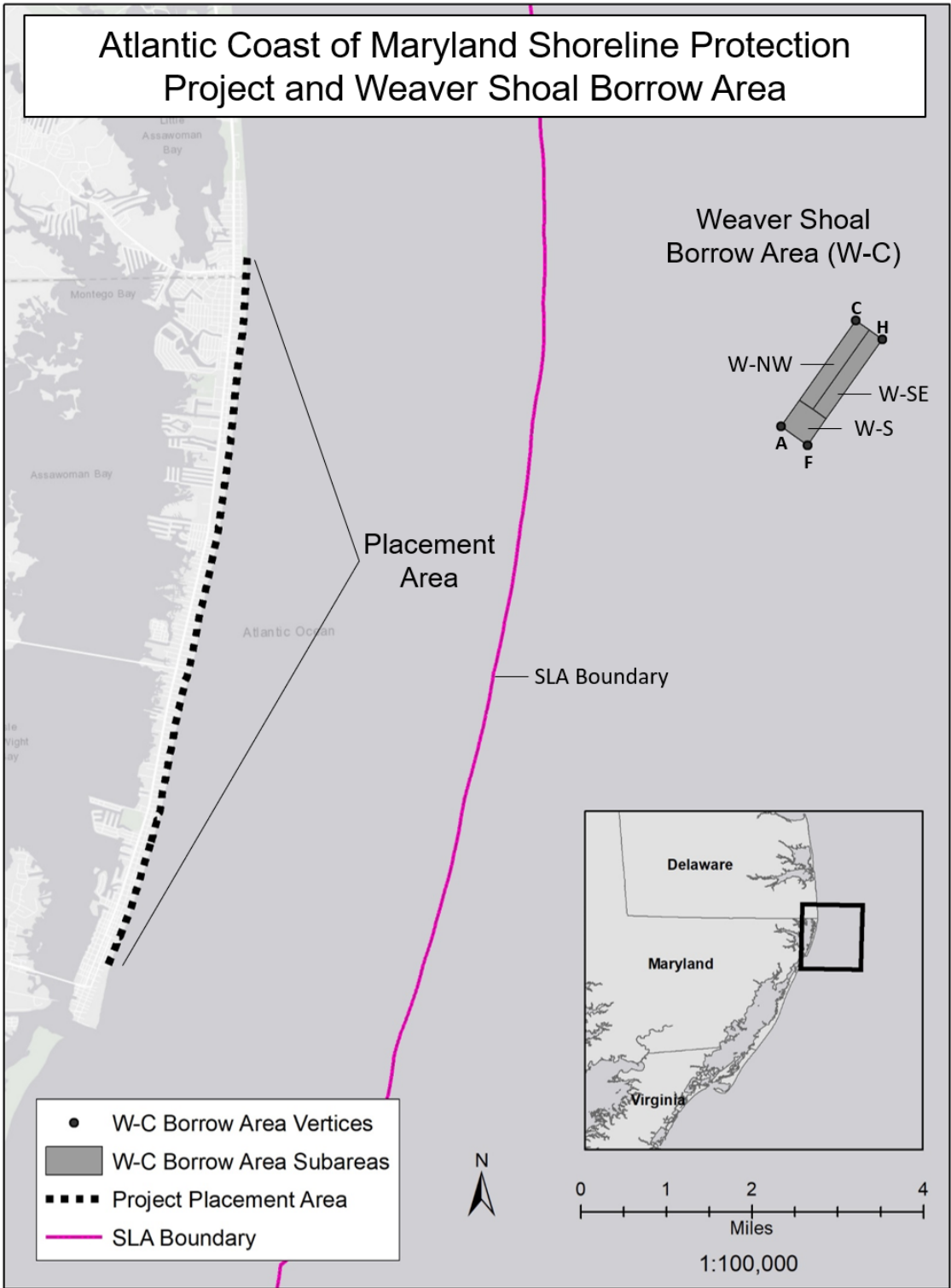
## **Attachments**

Attachment 1 – Project Map

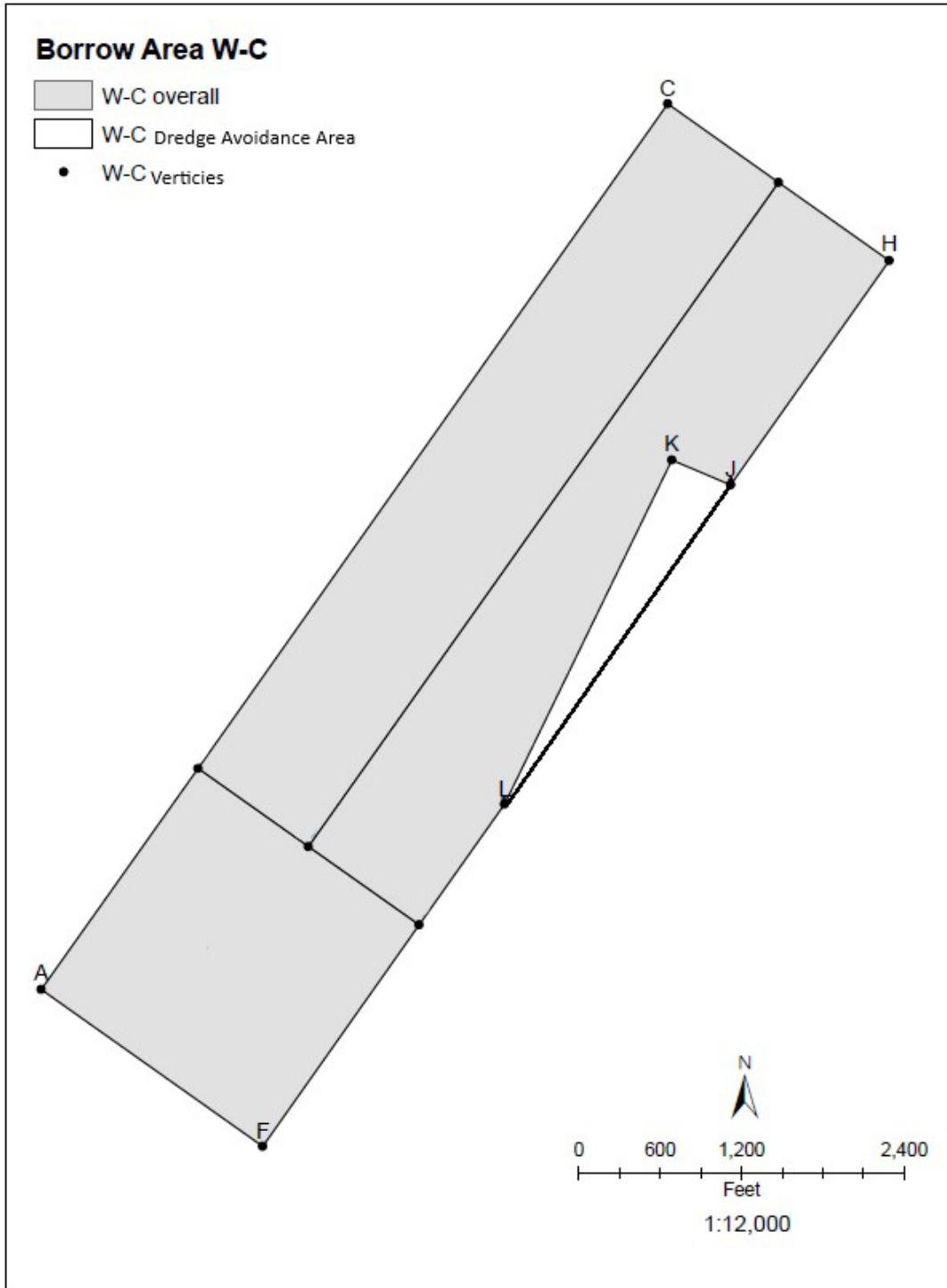
Attachment 2 – Supplemental Environmental Assessment – Atlantic Coast of Maryland, Shoreline Protection Project (2026)

**ATTACHMENT 1**  
**Project Map**

# Weaver Shoal W-C Borrow Area Map and Placement Sites



# Area to be Avoided During Dredging Operations within Weaver Shoal W-C Borrow Area



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**ATTACHMENT 2**  
**Supplemental Environmental Assessment – Atlantic Coast of  
Maryland Shoreline Protection Project (2026)**