FINDING OF NO SIGNIFICANT IMPACT

Issuance of a Negotiated Agreement for Use of Outer Continental Shelf Sand from the Flagler County Borrow Area for the Flagler County Beach and Dune Restoration Phase II Project in Flagler County, FL

Pursuant to the National Environmental Policy Act (NEPA) and Department of the Interior (DOI) NEPA Implementing Procedures, Flagler County, Florida (FL) contracted Foth Infrastructure and Environment, LLC to prepare an environmental assessment (EA) for independent evaluation and potential adoption by the Bureau of Ocean Energy Management (BOEM). The EA considers whether authorizing use of Outer Continental Shelf (OCS) sand from a portion of Borrow Area 3A, designated as the Flagler County Borrow Area (FCBA), for the Flagler County Beach and Dune Restoration Project (Project) would have a significant effect on the human environment and whether an environmental impact statement (EIS) should be prepared. BOEM contributed to the preparation of the EA, then conducted its own independent review before adopting the document. The Federal Emergency Management Agency (FEMA) is a cooperating agency due to the potential of federal financial assistance via the Public Assistance Program (Category G) and will conduct its own independent review prior to adoption.

Proposed Action

Flagler County is proposing a beach and dune restoration project to nourish critically eroded sections of its shoreline to protect adjacent infrastructure and improve community resilience. 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 (Figure 1). BOEM's federal action is the issuance of a Negotiated Noncompetitive Agreement (NNA), which would authorize the use of offshore sand from the FCBA (Figure 2). Flagler County requested use of these resources to support their proposed beach nourishment activities. In support of this effort, the County also requested federal financial assistance from FEMA under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Public Law 93-288, as amended. FEMA's consideration and potential provision of financial assistance constitutes the agency's federal action for this Project.

The Flagler County shoreline is sub-divided into four project phases for the purpose of long-term beach management planning and implementation (Table 1).

Table 1. Four phases of completed, proposed, and potential beach and dune restoration projects along the Flagler County shoreline.

Phase	Shoreline Reach	Sponsor	Construction Status
1	R-80 – R-94 R-77 – R-80 R-94 – R-96	USACE Flagler County	Complete Complete
2	R-46 – R-80 R-94 – R-101	Flagler County; FEMA Flagler County	**Proposed** Potential
3	R-14 to R-46	Flagler County; FEMA	Potential
4	R-1 to R-14	Flagler County; FEMA	Potential

The United States Army Corps of Engineers (USACE) constructed the Phase 1 federal Project (R-80 to R-94) and non-federal tapers (R-77 to R-80 & R-94 to R-96, i.e., a small portion of Phase 2) from July to September 2024 using OCS sand resources from the "federal" portion of Borrow Area 3A (BOEM Negotiated Agreement No. OCS-A 0560) (Figures 1 and 2). The next phase of beach management is this Project; Flagler County plans to restore the eroded beach and dune along the Flagler County shoreline from R-46 to R-80. The Phase 2 area from R-94 to R-101 will not be restored at this time; however, the EA analyzed the additional dredged volume required for all of Phase 2. Future potential phases encompass additional shoreline reaches depending on available funding. Each future Phase would require supplemental NEPA if pursued
The current Phase 2 Project includes placement of approximately 1.8 million cubic yards (Mcy) of sand between R-46 and R-80 during the initial nourishment; Flagler County expects a nourishment interval of 6 to 8 years. Dredging volumes are commonly as much as 1.5 times the design fill placement volumes due to losses during dredging; therefore, the total dredge volume may require up to 2.7 Mcy from the Phase 2 FCBA. The EA analyzes dredging up to 3.2 Mcy to account for additional volume required for all of Phase 2 (future placement from R-94 to R-101).

The Project construction template includes both dune and beach berm features. The dune will be constructed along the landward limits of the beach berm and seaward of existing bulkheads, revetments, and/or established dune vegetation. The dune will have a crest elevation that typically varies between +15.0 ft and +22.0 ft (NAVD) and will tie-in to the existing upland. The dune crest will have a variable width, depending on location, and will slope seaward (1V:4H) to an elevation of +9.0 ft (toe of dune). There will be a flat berm between the toe of dune and the landward edge of berm with a width of approximately 50 ft that will function to provide additional space along the beach for

marine turtle nesting activities, among other benefits. The beach berm will have a crest elevation of +9.0 ft and slope gently from onshore to offshore at a slope of 1V:20H to an elevation of +5.0 ft before transitioning to the seaward berm slope of 1V:12H to intersect the existing beach profile at the time of construction. The use of compound slopes (i.e., multiple) is intended to reduce the magnitude of post-placement fill equilibration, and thereby reduce potential scarping of the beach profile that may adversely affect nesting turtles. There will be an approximately 2,000-foot taper into the existing beach at the north end between R-48 and R-46, while the south end will tie-in to the currently permitted project described in Florida Department of Environmental Protection (FDEP) permit 0379716-001-JC and USACE permit SAJ-2019-02065 (SP-TMM) at approximately R-77 (Figure 3).

Dune vegetation and sand fencing will be installed along the restored dune as necessary. The beach berm is expected to equilibrate to a more natural beach shape over the first 12 to 24 months following construction. It is anticipated that the seaward slopes of the equilibrated beach profile will generally replicate those along the existing beach.

The offshore borrow area is located approximately 10 nautical miles (NM) offshore of the City of Flagler Beach on the OCS in the BOEM South Atlantic Planning Area. The FCBA is in the Daytona Beach Protraction Area (NH17-08), Blocks 6471, 6472, and 6522 and part of a large sand deposit previously delineated by the USACE as part of the Flagler County Hurricane and Storm Damage Reduction Project Feasibility Study (USACE, 2015). This larger area is known as Borrow Area 3A which encompasses a total area of approximately 2,465 acres (998 hectares). The FCBA, a subset of Borrow Area 3A, occupies roughly 1,545 acres (625 hectares) of seabed (Figure 2).

Alternatives to the Proposed Action

The Flagler County Hurricane and Storm Damage Reduction Study and the Final Supplemental EA for the Flagler County Coastal Storm Risk Management Project provides a detailed description of project alternatives (Section 5.2.1). The EA for this Project incorporates the alternatives analysis noted above by reference. Most of the Project falls within the USACE (2015) study area (R-50 to R-101). The portion of the Project area not included from R-46 to R-50 (0.7 mi) is not inherently different from the federal study area south of R-50. The County's preferred alternative for the Project, similar to the federal project, is dune and beach nourishment to ensure a consistent beach profile along the Flagler County shoreline.

Additional alternatives were considered for the Project area. These alternatives included: Relocate SR A1A; Seawalls; Revetments and Sand-Covered Soft Structures; Beach Nourishment (multiple design configurations, beach widths, beach volumes); Groins; Submerged Artificial Reefs; Submerged Artificial Multi-Purpose Reefs; and

Dunes and Vegetation. All hard structure alternatives were removed from consideration and detailed analysis due to uncertainties related to the potential downdrift erosional effects of the structures, as well as impacts to nesting sea turtles. The EA analyzes the preferred dune and beach nourishment and no-action alternatives.

Environmental Effects

USACE and BOEM previously evaluated impacts associated with dredging and placement operations for beach nourishment activities along Flagler County beaches. USACE evaluated the Flagler County Hurricane Protection and Storm Damage Reduction Project in an integrated Feasibility Study and Environmental Assessment in 2014 (revised in 2015). Additionally, USACE (lead agency) prepared a supplemental EA in 2024 to evaluate if the changes in the proposed action and any other new information would result in new or different effects from those previously disclosed. BOEM signed a FONSI on January 10, 2024. The EA for this Project incorporates by reference from the 2015 EA and 2024 SEA given the relevance to the Project and Project area:

- *2014. Flagler County Hurricane Protection and Storm Damage Reduction Project, Final Integrated Feasibility Study and Environmental Assessment (EA), prepared by the US Army Corps of Engineers Jacksonville District (Revised 2015) USACE Finding of No Significant Impact (FONSI) signed January 22, 2016. Accessed at: https://www.boem.gov/marine-minerals/offshore-marine-minerals-leasing*
- *2024. Flagler County Coastal Storm Risk Management Project, Final Supplemental Environmental Assessment (SEA), prepared January 2024. Accessed at: https://www.boem.gov/marine-minerals/offshore-marine-minerals-leasing*
- *2024. Finding of No Significant Impact (FONSI) signed January 10, 2024. Issuance of a Negotiated Agreement for Use of Outer continental Shelf Sand from Borrow Area 3A for the Flagler County Coastal Storm Risk Management Project. Accessed at: https://www.boem.gov/marine-minerals/offshore-marine-minerals-leasing*

Flagler County identified a suite of environmental commitments necessary to avoid, minimize, and/or reduce and track any foreseeable adverse effects that may result from the Project. Flagler County is responsible for implementing all environmental requirements prior to, during, and after construction, as described in the EA.

Significance Review

BOEM analyzed the significance of potential effects of the proposed action 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 2025 EA.

BOEM considered the affected area and resources potentially present in both spatial and temporal contexts. 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 and the FCBA includes sandy submerged 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 then the time interval associated with equilibration of the placement material, recovery of the disturbed borrow area, and any habitat change along the beach. 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 borrow area would be related to physical geomorphologic change due to the removal of OCS sand and limited infilling or reshaping expected. Dredging of the FCBA would temporarily impact benthic infauna. Sediment sources will be left adjacent to and interspersed throughout the borrow area, which may lead to a more uniform infilling process and support benthic invertebrate recovery. Dredging of sand from the borrow area would not alter current patterns or impact wave transformation. The typical range in recovery time of the affected benthic community is months to a few years; therefore, the potential for significant or chronic impact would be avoided.

The FCBA occupies roughly 320 acres of seabed, and the borrow area design allows for a maximum post-dredge cut depth of -64.5 ft NAVD88. The dredge will maintain a consistent cut depth across each section of FCBA to optimize material recovery, as well as improve dredging efficiency. Dredging down to -64.5 ft NAVD88 will not create anoxic depressions or pits since the maximum cut down will be consistent with the surrounding bathymetry (~-62 ft NAVD88). The post dredge cut depths would not impact water circulation or accumulate fine sediments.

Dredging of FCBA will temporarily disturb benthic epifauna and infauna, causing the loss of some species. However, post-dredge sediment characteristics will be the same as pre-dredge conditions to support quick recovery of benthic invertebrate communities (Figures 4 and 5). In addition, benthic species will recruit and recolonize in the short-term after dredging given similar species in surrounding habitat and no additional dredging events are scheduled to occur within FCBA. Recovery of the benthic population is expected within 1 to 2 years after dredging ceases. Similar impacts are

anticipated in the nearshore soft bottom communities of the beach placement site, and intertidal areas would recover through recruitment from surrounding communities.

Current sea turtle nesting opportunities along the Project area are diminished because of long-term chronic beach erosion and frequent storm damage, resulting in lower-quality nesting habitat. Despite this, loggerhead, green, and leatherback sea turtles continue to nest. Hawksbill and Kemp's ridley sea turtles occur in coastal waters of Flagler County, but do not currently nest within the Project area. Nesting habitat may be affected over the short-term, until the beach and dune system equilibrates post-construction to the natural slope. Migratory birds may experience minor, short-term interruptions to foraging or resting activities linked to prey smothering or turbidity increases. Flagler County will implement measures to avoid effects to migratory birds, hatchlings, or eggs. The expanded beach should provide for improved nesting habitat since the FCBA sand composition meets the State of Florida's sediment criteria for native beach compatibility. 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. A consistent cut depth will optimize hopper dredge material recovery, improve dredging efficiency, and reduce sea turtle entrainment risk by the trailing suction hopper dredge. Flagler County will avoid and/or minimize effects to protected species and designated critical habitat in accordance with requirements outlined the U.S. Fish and Wildlife Service (USFWS) Statewide Programmatic Biological Opinion for beach placement activities (2015), the USFWS Programmatic Piping Plover Biological Opinion (2013), and the National Marine Fisheries Service (NMFS) South Atlantic Regional Biological Opinion (SARBO) (2020).

The Project falls under NMFS and the South Atlantic Fisheries Management Council (SAFMC) jurisdiction. The borrow area and surrounding 150-m turbidity mixing zone are located within Essential Fish Habitat (EFH) for Spiny Lobster and Snapper/Grouper. The marine water column and soft bottom (subtidal) habitats are located within the Project area. There are no Habitat Areas of Particular Concern (HAPC) and no charted fishing grounds or rock-bottom habitats within the Project area. The nearest charted fish havens are located approximately 6 miles to the east, and 4 miles to the south, while the locally known 'Flagler rock' and "Flagler original bottom" areas are situated about 3 miles to the south of the FCBA. Flagler County will implement avoidance and minimization measures to minimize effects on those fish species and fish habitat, including but not limited to adherence to the State Water Quality conditions at the edge of a 150-meter mixing zone, avoiding/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 impacting local socioeconomics, recreation, and aesthetics include: beach access closures in active construction zones and pump out locations, restricted boating navigation and increased turbidity at the

dredge and placement sites, localized and minor noise level increases at the dredge and placement sites, 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.

Flagler County developed a borrow area use plan for FCBA to optimize the use of sand and avoid and/or minimize unnecessary environmental effects. Nonetheless, some coastal sand dependent species (*e.g.*, native and migratory shorebirds, sea turtles) may experience temporary disruptions to foraging and nesting during and following construction. However, the birds and sea turtles that use the beach for foraging or nesting should benefit in the long-term from higher quality habitat. Flagler County plans to implement standard shorebird and sea turtle monitoring protocols (as required by the SPBO and P3BO) if the Project timing overlaps with the nesting season. Dune vegetation would help create higher quality habitat to improve ecosystem function.

Dredging activities within FCBA overlap 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). Placement of sediment on the beach may affect nesting sea turtles (loggerhead, leatherback, and greens), piping plovers, and rufa red knots. The sand placement area and nearshore waters of the Project area are included under both USFWS terrestrial and NMFS neritic (marine) critical habitat areas for the loggerhead sea turtle: Terrestrial Critical Habitat Unit LOGG-T-FL-03 and Neritic Critical Habitat Unit LOGG-N-15. The sand placement and nearshore areas in the Project area are located within the proposed green sea turtle nearshore (FL01) and sargassum (NA01) critical habitat marine environments and the proposed terrestrial critical habitat Unit FL-02. FCBA is located within the proposed green sea turtle nearshore (FL01) and sargassum (NA01) marine critical habitat units. Loggerhead and green sea turtles regularly nest and leatherback sea turtles occasionally nest within the Project area. The Project has the potential to adversely affect nesting loggerhead, green, and leatherback sea turtles and their hatchlings. Given the large size of designated critical habitat and temporary nature of short-term turbidity elevations during dredging within the borrow area, the Project may affect but is not likely to adversely affect neritic nearshore reproductive critical habitat within Unit LOGG-N-15 for the loggerhead sea turtle, terrestrial proposed unit (FL-02), nearshore proposed Unit FL01, and proposed sargassum Unit NA01 for the green sea turtle.

Smalltooth sawfish and giant manta rays may occur within the Project area. However, adverse effects are not expected considering their mobile nature and limited distribution. North Atlantic right whales occur offshore of Flagler County during the winter months from December through March. The borrow area is located outside of designated critical habitat (Unit 2). The transit corridor from FCBA to the pump out stations will extend through Unit 2; however, dredging operations will not affect the primary biological features. The Project would not occur in “optimal” piping plover habitat and is not likely to adversely affect the piping plover. The threatened West Indian manatee occurs in coastal and estuarine habitat within Flagler County where they primarily use inlet estuaries and shallow coastal waters to migrate and forage. Dredge and support vessels will operate in deeper waters offshore and not in these migratory and foraging habitats. Therefore, the Project will not adversely affect the West Indian manatee.

Flagler County will adhere to all applicable conservation measures, Project Design Criteria (PDC), Reasonable and Prudent Measures (RPMs), and Terms and Conditions (T&Cs) outlined in the revised 2020 NMFS SARBO, the 2013 USFWS P3BO, and the 2015 USFWS SPBO. 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. USACE sponsored a cultural resource survey and investigation of the southern Flagler County beach between R-50 and the Flagler/Volusia County line. Additionally, USACE completed a remote sensing survey of Borrow Area 3A in July 2019. No magnetic anomalies, sonar contacts, or paleo-features were identified (Panamerican Consultants Inc., 2019). The results were coordinated with the Florida State Historic Preservation Office (SHPO) in August 2019. The SHPO concurred in a letter dated September 26, 2019 stating that dredging activities in Borrow Area 3A would have no effect on historic properties (DHR Project No. 2019-5234). On October 18, 2019, Tidewater Atlantic Research completed a remote sensing survey of the four pipeline corridors in the nearshore overlapping the Project area. No significant cultural resources were identified, and the SHPO concurred with the no effect determination for historic properties by letter dated March 13, 2020. Chronicle Heritage conducted an additional terrestrial and nearshore cultural resources survey in April 2024 in support of the Project. Chronicle Heritage identified four targets in the nearshore survey area and recommended avoidance buffers. The SHPO concurred with the finding of no adverse effect to historic properties (contingent upon avoidance of targets) by letter dated June 23, 2025. USACE initiated consultation with Tribal Historic Preservation Officers (THPOs) on April 14, 2025, and no comments were received following a 30 day-review period.

There are no hard-bottom resources in the borrow area, placement area, and pipeline corridors, as verified by resource surveys. Beach placement would not directly bury pre-construction onshore coquina outcroppings, or indirectly bury nearshore hard bottom

inshore of the Equilibration Toe of Fill (ETOF) through beach profile equilibration and along-shore/ cross-shore transport of sediment. Project construction activities are required to meet all state Water Quality Certification conditions, including turbidity monitoring, in accordance with FDEP Joint Coastal Permit (JCP) requirements (Permit No: 0379716-003-JM).

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 Flagler County 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 County will mitigate this risk with signage, fencing, and construction management personnel. Construction of the beach would provide protection of existing infrastructure as well. 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 would return to ambient levels after project completion. The construction equipment at the beach placement site could pose a minor public safety risk.

No evidence of bombing targets or ordinance dump sites occur within the Project area (USACE, 2015). In June 2024, USACE conducted a Probability Assessment (PA) for munitions and explosives of concern for the nearby federal project and determined there was a “low probability” of encountering MEC. However, munitions (including 20mm practice rounds and .50 caliber full rounds) were recovered within the munitions screening at the beach placement pump out during construction. Ordnance and Explosives Safety Specialists (OESS) located on-site collected, logged, and properly disposed of all munitions. The federal project remained at a “low probability” based on the type of munitions identified and no further mitigation was recommended. Based on regional encounters, this Project will also implement munitions screening at the beach fill pump out and include a trained OESS technician during construction, consistent with the federal project. BOEM will require a detailed plan of action in the agreement.

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

The dredging and placement activities associated with the Project are within scope of the NMFS SARBO (2020). The Project is within scope of the USFWS SPBO (revised

2015) and the P3BO (2013). Flagler County will comply with all relevant PDC, RPMs, and T&Cs.

The Project complies with the Magnuson-Stevens Fishery Management and Conservation Act. NOAA's National Marine Fisheries Service (NMFS) reviewed the Project as described in the public notice, dated August 27, 2024, issued by USACE. NMFS provided an email response on September 22, 2024, indicating that the Habitat Conservation Division would not be providing comments or objections to the provided EFH analysis and effects conclusions.

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 project construction (*e.g.*, vessel speed requirements, protected species observers, etc.) would also protect non-listed marine mammals in the area.

Migratory birds may experience minor, short-term interruptions to foraging or resting activities linked to prey smothering or turbidity increases. Flagler County will implement measures to avoid effects to migratory birds, hatchlings, or eggs along with pre- and post-project monitoring requirements.

As previously indicated, USACE and Flagler County conducted cultural resource surveys within FCBA, the beach placement area, nearshore pump out stations, and pipeline corridor locations. USACE and BOEM coordinated with the SHPO and THPOs, as required by Section 106 of the National Historic Preservation Act. The SHPO concurred with the determination that the Project would have no adverse effect to historic properties listed, eligible, or potentially eligible for listing in the National Register of Historical Places provided avoidance of any nearshore targets. USACE transmitted consultation letters on April 14, 2025. No THPOs responded within the review period. Flagler County will immediately cease operations and notify BOEM and SHPO if an unexpected discovery occurs.

Flagler County obtained a JCP from FDEP (0379716-003-JM) on March 10, 2025 and must adhere to the construction conditions and monitoring requirements. The JCP constitutes a finding of consistency with Florida's Coastal Management Program, as required by Section 307 of the Coastal Zone Management Act (CZMA); the JCP also constitutes certification of compliance with Florida water quality standards pursuant to Section 401 of the Clean Water Act (CWA) (33 U.S.C. 1341).

(v) Economic Impacts

Beach nourishment projects in Flagler County, Florida, play a vital role in supporting the local economy by enhancing coastal resilience, driving tourism and recreation, and

restoring valuable habitat. The Project reduces the potential for significant economic damage to large and high-value residential and commercial structures from coastal storms and erosion. A study by the FDEP indicates that for every dollar spent on beach restoration, there is an estimated $8 return in tourism revenue and reduced storm damage. Ongoing recreational usage of the nearshore environment includes fishing, boating, diving, snorkeling, and beach recreation activities.

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

Economic and recreational opportunities at the Flagler County, FL beaches improve the quality of life of residents and visitors. The Project will reduce the risk of damage to evacuation route state road A1A and maintain accessible and safe evacuation routes for Flagler County residents. Beach nourishment projects in Flagler County protect vital infrastructure and property from storm damage but also preserves 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

USACE published a public notice on August 30, 2024. USACE and BOEM considered all comments and integrated responses, as appropriate, in preparation of the EA. This Finding will be made available to the public on boem.gov.

Mitigation and Monitoring

Flagler County is responsible for complying with all mitigation measures and monitoring requirements engendered by Federal, State, Tribal, and local laws, including those identified in the EA and related consultations (Attachment 2). Flagler County 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 USACE, 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 Flagler County to enforcing agencies, if Flagler County does 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 FCBA in this Project. BOEM contributed to the preparation of the EA and then conducted its own independent review before adopting it (Attachment 2). BOEM finds that the EA complies with NEPA, 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 EA, and previous environmental analyses 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.

Attachments

Attachment 1 – Project Maps
Attachment 2 – Final Environmental Assessment Flagler County Dune/Beach Nourishment Project (July 2025)

GEOFFREY WIKEL

Digitally signed by GEOFFREY WIKEL
Date: 2025.07.02 13:48:39 -04'00'

Geoffrey Wikel
Acting Division Manager, Marine Minerals Division
Bureau of Ocean Energy Management

ATTACHMENT 1

Project Maps

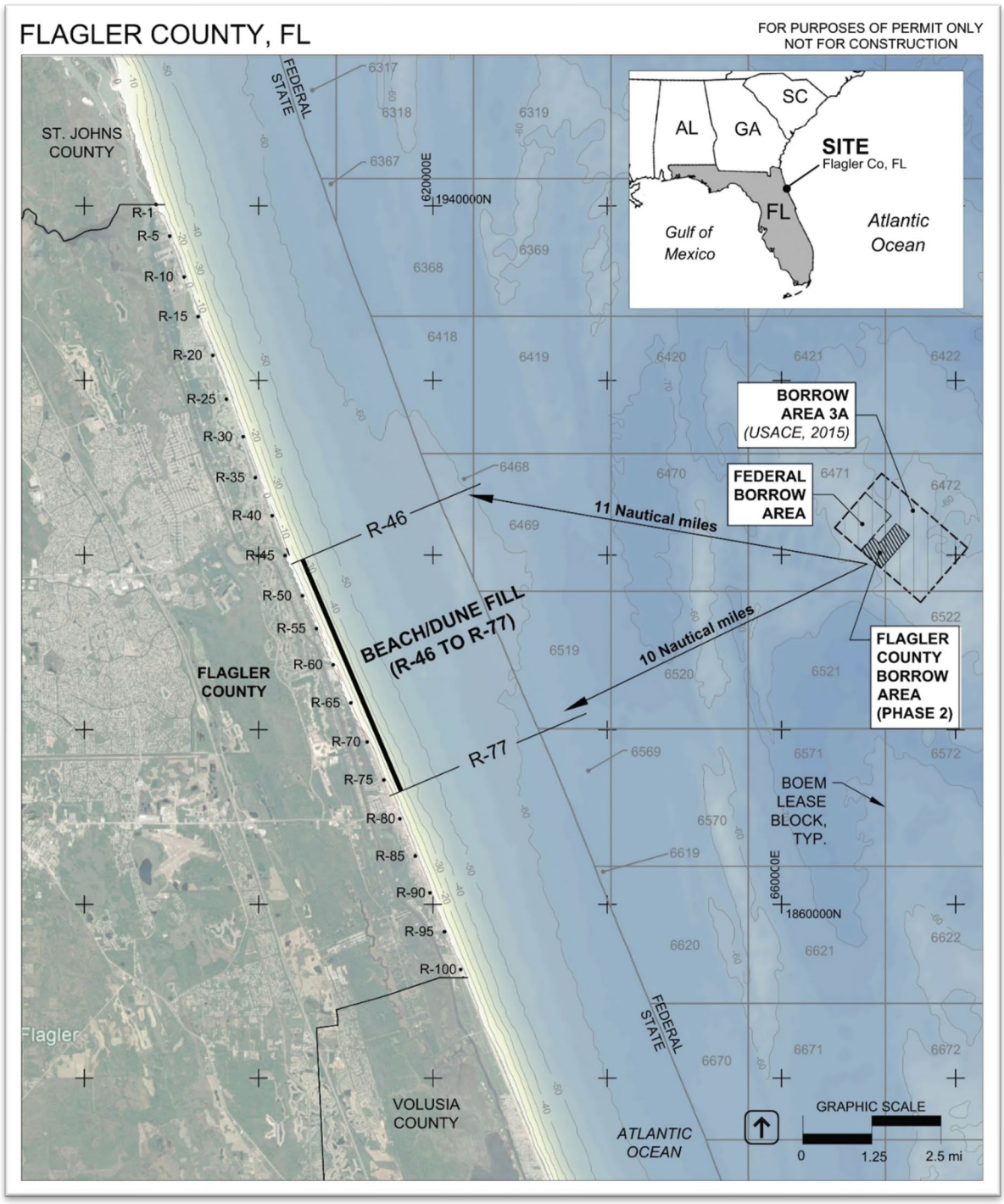

Figure 1. The Flagler County Borrow Area and Flagler County beach placement location.

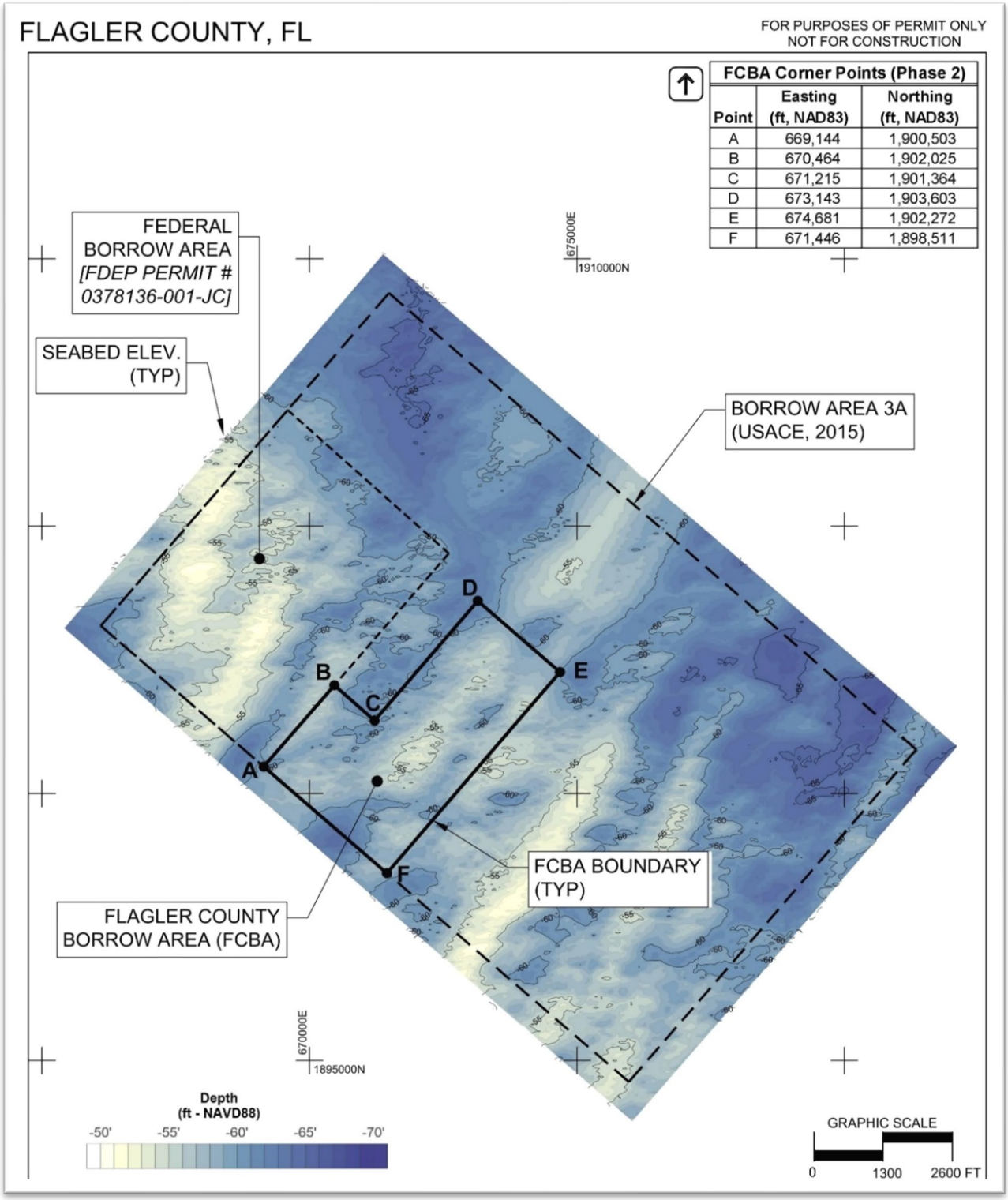

Figure 2. Details of the Flagler County Borrow Area boundary relative to the federal borrow area within Borrow Area 3A.

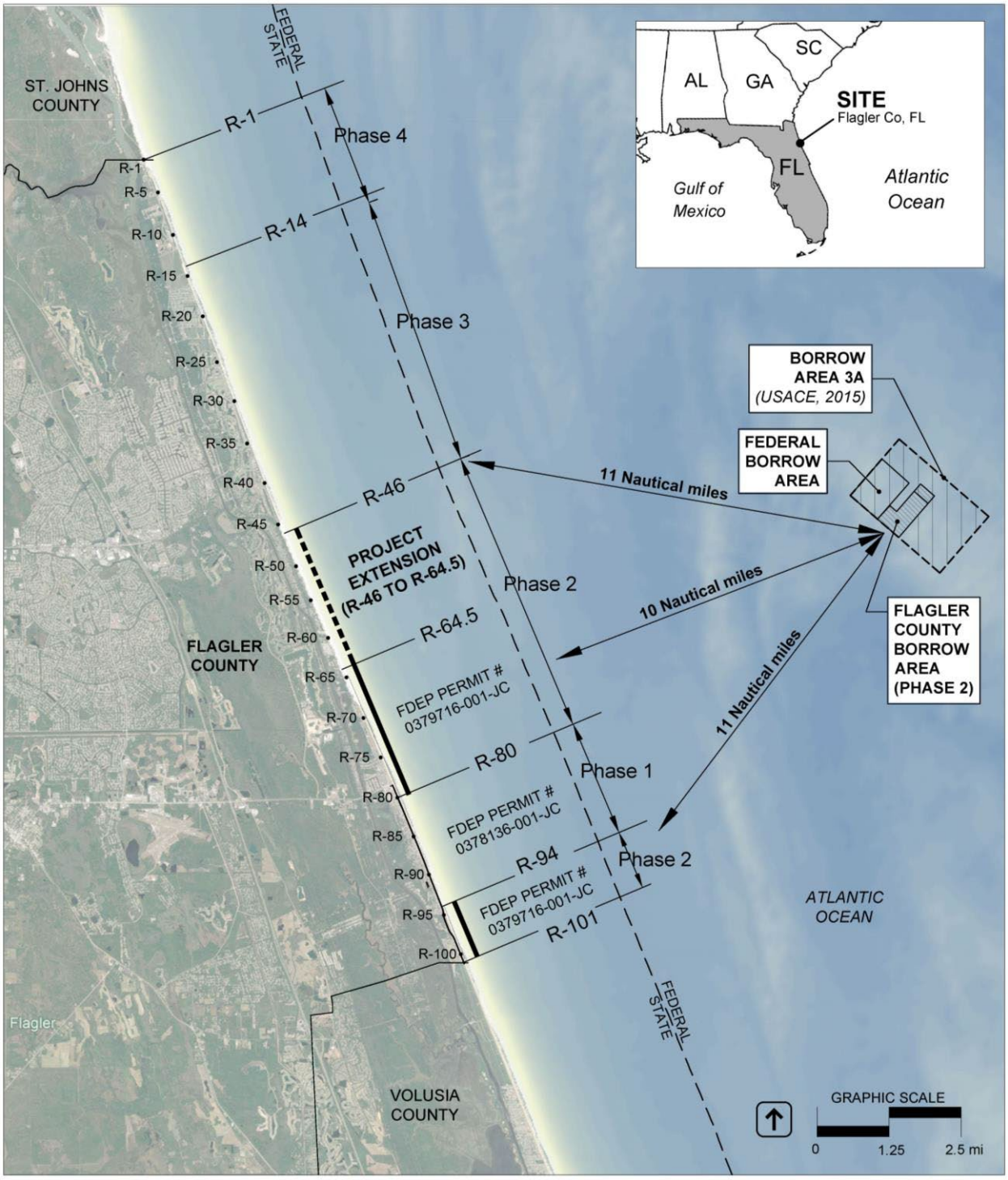

Figure 3. Location of the Project borrow area for the Flagler County, FL Beach and Dune Restoration Project: Phase 2 – relative to other projects along the County's shoreline.

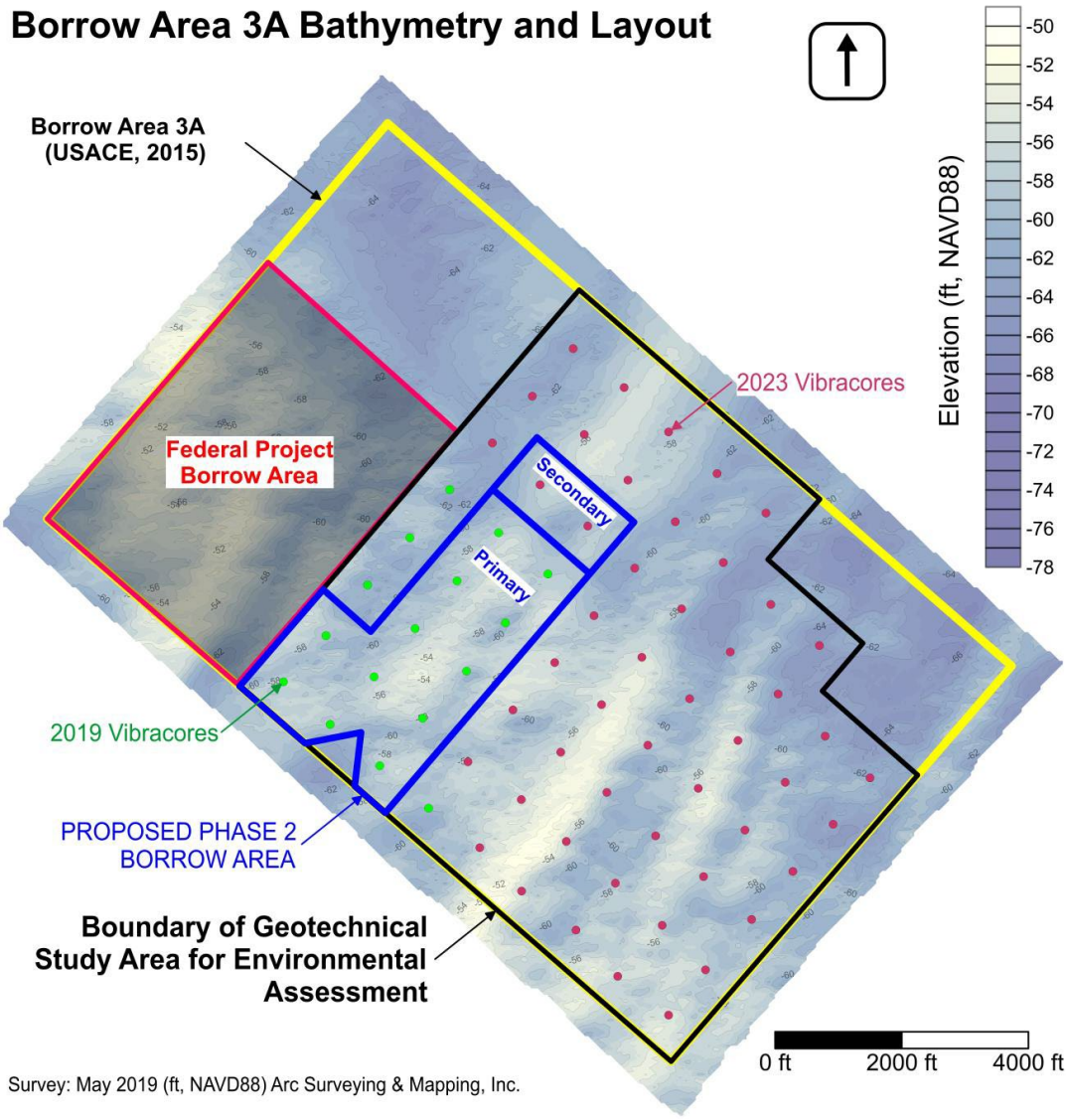

Figure 4. Plan view of the Flagler County Borrow Area with seafloor elevations and 2019 and 2023 vibracore locations. The Proposed Phase 2 Borrow Area occupies about 320 acres of the 2,466 acres within Borrow Area 3A. Bathymetry represents the results of a USACE multi-beam survey collected in May 2019 [ft, NAVD].

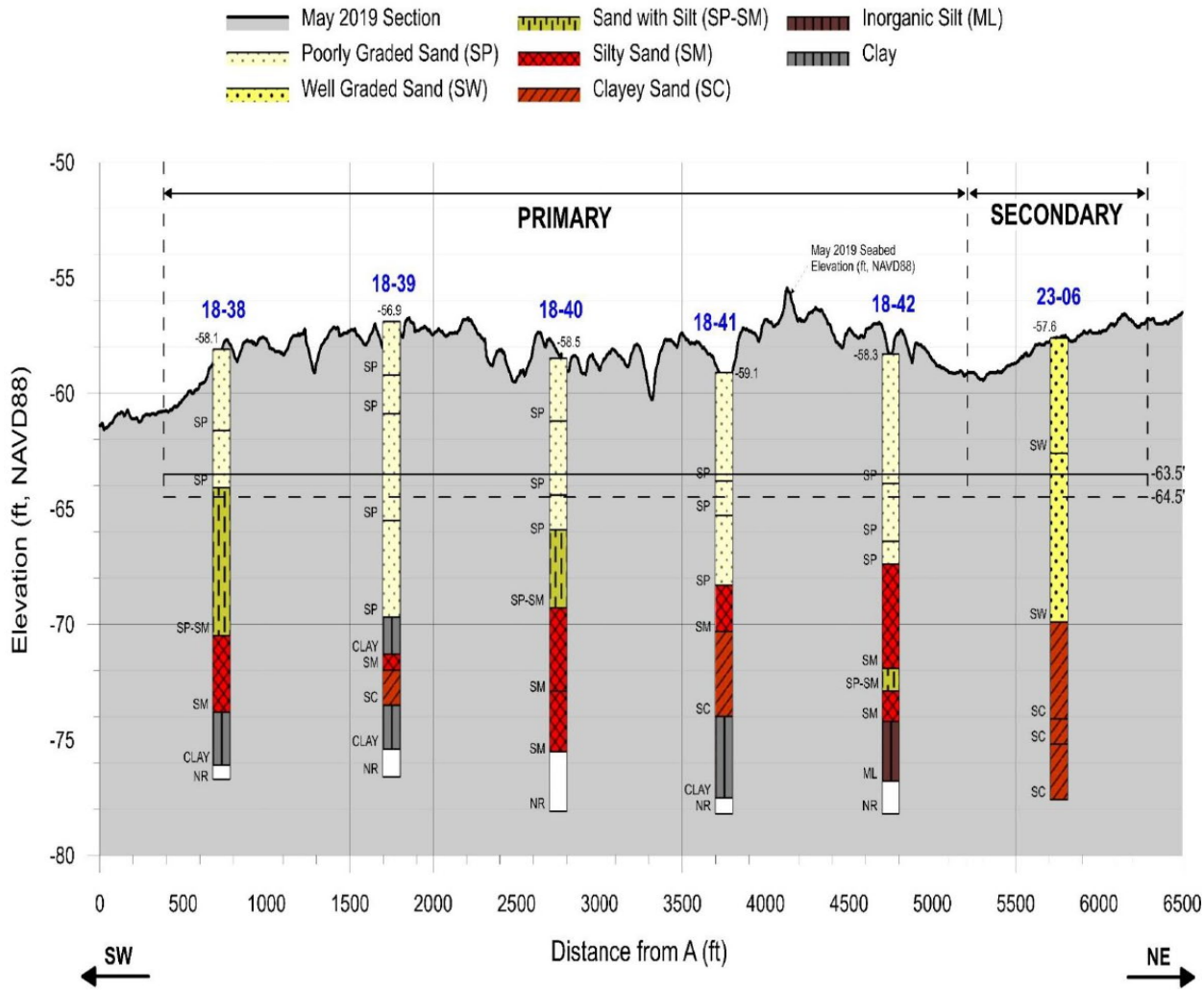

Figure 5. Plot of vibracore detail and seabed elevation demonstrating the makeup of the borrow area material based on the records provided in the vibracore logs.

ATTACHMENT 2

FINAL ENVIRONMENTAL ASSESSMENT FLAGLER COUNTY DUNE/BEACH NOURISHMENT PROJECT (JULY 2025)