FINDING OF NO SIGNIFICANT IMPACT

Use of Outer Continental Shelf Sand from South Pelto Block 12 and Ship Shoal Block 88 for the Louisiana Coastal Protection and Restoration Authority West Belle Headland Repair (TE-176) Project Lafourche Parish, Louisiana

1. INTRODUCTION

Pursuant to the National Environmental Policy Act (NEPA) and Department of the Interior (DOI) regulations implementing NEPA (43 CFR 46),the Federal Emergency Management Agency (FEMA) (lead agency) in coordination with the Bureau of Ocean Energy Management (BOEM) (joint agency) and the U.S. Army Corps of Engineers (USACE) prepared a Final Supplemental Environmental Assessment for the Office of Risk Management/Coastal Protection and Restoration Authority Beach Repairs -West Belle Headland Repair Project (TE-0176) (2024 FEMA Supplement Environmental Assessment) to analyze the emergency repair of the West Belle Headland (WBH), herein referred to as the "Project", following significant erosion from Hurricane Zeta. The 2024 FEMA Supplement Environmental Assessment (SEA) supplements the Environmental Assessment (EA) for the East Timbalier Island Restoration Project (TE-0143/0118) –Final EA for Issuance of an NNA for the Use of OCS Sand – Lafourche Parish, LA (Stantec 2019). A portion of that EA included coastal restoration efforts on West Belle Headland (WBH). On June 3, 2019, BOEM issued a Finding of No Significant Impact (FONSI) and Final EA for TE-0143/0118, and work on the WBH component of TE-0143/0118 commenced in March 2020. Approximately 80 percent of TE-0143/0118 had been completed when Hurricane Zeta occurred, resulting in major damages to completed work (CECI 2022) (Glassen n.d.).

BOEM contributed to the preparation of the 2024 FEMA SEA, then conducted an independent review before adopting the document. The 2024 FEMA SEA and this Finding of No Significant Impact (FONSI) considers BOEM's decision to use up to four (4) million cubic yards (mcy) of Outer Continental Shelf (OCS) sand resources from Borrow Areas TE-176A and TE-176B (Attachment 1) for the Project. This Project would be reconstructed by FEMA's Public Assistance (PA) Program under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207.

The project area is part of Louisiana's critically important coastal zone, a diverse complex of ecosystems that include highly productive wetlands and fresh to saline estuarine waters and water bottoms that have high value as fish and wildlife habitat (i.e., essential fish habitat, migratory bird habitat, etc.) as well as high commercial and recreational fishery value (i.e., finfish, crustaceans, shellfish, etc.). The barrier islands protect these interior environments from direct assault by tropical and extratropical storms and function to maintain the estuarine conditions that make them so productive. In addition, the barrier islands protect a basin fringed by public and private infrastructure

associated with numerous communities that provide essential services to the offshore oil and gas industry and is also filled with private infrastructure associated with petroleum extraction and distribution. Protection and restoration of these barrier islands would prevent further degradation of these nationally important environmental and economic assets.

2. ENVIRONMENTAL ASSESSMENT

The purpose of the Project is to reestablish the geomorphic and ecological form and function (GEFF) of WBH, that was previously constructed under the TE-118 project (OCS-G 36705). WBH was initially constructed in 2020 and was approximately 80 percent complete when impacted by Hurricane Zeta on October 28, 2020, losing approximately 75 percent of the restoration sediment placed. Replacement of the lost sediment is vital to obtain the GEFF goals of the project area. This would be accomplished through beach, dune, and intertidal marsh habitat creation and reinforcing the shoreline through fill placement utilizing offshore sand resources. Restoration of the GEFF would provide a buffer to reduce the forces and effects of wave action, saltwater intrusion, storm surge and tidal currents on the WBH, as well as adjacent wetlands and WBH estuary, and provide a marsh platform to capture over wash sediments during episodic events. The Project would also provide protection and sustain significant and unique foraging and nesting areas for Threatened and Endangered (T&E) species and migratory birds.

The proposed nourishment would require dredging utilizing hopper and/or cutterhead dredges to transport up to four (4) mcy of sand from two (2) borrow areas located in the Gulf of America (GOA) approximately 29 nautical miles (nmi) (33.4 miles [mi]; 53.7 kilometers [km]) and 53.4 nmi (61.5 mi; 98.9 km) to the west southwest of the WBH in South Pelto Block 12 and Ship Shoal Block 88. The areas are identified as the TE-176A for the South Pelto Block 12 Borrow Area and the TE-176B for the Ship Shoal Block 88 Borrow Area. The TE-176A and TE-176B were designed based on prior geophysical and geotechnical investigations and located on the east central portion of the Ship Shoal sand body.

For the beach and dune restoration of the WBH, fill material would be placed along approximately 17,500 feet (ft) (5,334 meters [m]) of shoreline. The dune would be constructed to 7.5 ft (2.3 m) North American Vertical Datum of 1988 (NAVD88) with a width of 290 ft (88 m) and typical width of 100 ft (30 m) at the crest with a slope of 1:25 from the berm crest extending seaward to the intersection with the existing grade. The beach fill would be approximately 550-800 ft (168-244 m) wide along the length of the shoreline. A sand fence would be installed to promote trapping of windblown sand to form dunes. The target elevation of the beach would be 5.0 ft (1.5 m) NAVD88 from the beach berm crest extending seaward to the intersection with the existing grade, and a typical width of 292 ft (89 m). The Project marsh feature is approximately 8,500 linear feet in length and involves placement of sand to create intertidal marsh habitat. The marsh platform target elevation is +3.0 ft (0.91 m) NAVD88 with an average width of 1,145 ft (349 m).

BOEM's action is to enter into a Noncompetitive Negotiated agreement (NNA) with the Louisiana Coastal Protection and Restoration Authority (CPRA) and authorize the use of up to four (4) mcy of OCS sand (or a modified volume permissible under 30 CFR 583.345) from two borrow sites, TE-176A and TE-176B, on the Ship Shoal sand body to conduct emergency restoration of the form and function of the WBH.

2.1. ALTERNATIVES TO THE PROPOSED ACTION

USACE, in coordination with CPRA and BOEM, considered and analyzed a wide array of alternatives to address coastal erosion across the State of Louisiana in prior environmental documents. USACE and partner agencies prepared an EIS evaluating the effects associated with the use of the Ship Shoal Sand body for projects as described in the Terrebonne Basin Barrier Shoreline Restoration (TBBSR) Study. The 2010 EIS identified Ship Shoal as a preferred sediment resource for the 50-year project with a total estimated capacity of 86.1 mcy of beach compatible sand to be used for the multiple restoration sites and renourishment events across the State.

In addition, CPRA, in coordination with BOEM, has prepared several EAs/FONSIs to ensure compliance with NEPA for the use of sand from the identified Ship Shoal borrow areas. These EAs were prepared between 2014 and 2018 and evaluated changes to the originally proposed action. The subsequent EA alternatives have narrowed over time due to detailed geological and geophysical information, lack of sufficient volume of sediment resources in specific localized areas, refined project specific scope, sediment quality relative to the native beach sand, the potential for excavations closer to shore to alter wave climate and exacerbate shoreline erosion, and/or the presence of existing pipelines, oil and gas wells, and associated industry structures.

The 2018 EA considered and assessed seven (7) alternatives including the No Action Alternative. Project alternatives were considered in detail during a regional analysis of alternatives for ecosystem restoration on East Timbalier Island, West Belle Headland, Casse Tete Island, and Calumet Island. The alternatives varied in magnitude of beach, dune, and marsh habitat restoration in the various areas, including beach and dune width and height; marsh size, width, height, and length; and density of sediment placed. Various combinations of template scales and island restoration alternatives were evaluated at 5-year intervals for a 20-year project life (Stantec 2018). The details of the alternatives analysis that was conducted are presented in Section 2.2 (Alternatives Analysis) of the 2018 EA were included by reference in the 2024 FEMA SEA.

The No Action Alternative and a modified version of the Preferred Action Alternative that were assessed in the 2018 EA were carried forward for assessment in the 2024 FEMA SEA. The Preferred Action Alternative assessed in the 2018 EA has been modified to address the removal of East Timbalier Island from consideration as well as changes to the WBH that occurred as a result of Hurricane Zeta and the need to redo the components of Project TE-118 that had been completed prior to the Hurricane Zeta.

2.2. SUPPORTING ENVIRONMENTAL DOCUMENTS

The following environmental documents previously evaluated potential effects of the project:

- 2010 FEIS - U.S. Army Corps of Engineers Integrated Feasibility Study and Final Environmental Impact Statement for the Terrebonne Basin Barrier Shoreline Restoration, Terrebonne Parish, Louisiana. October 2010.

- 2010 Chief's Report – U.S. Army Corps of Engineers the Report of the Chief of Engineers for Louisiana Coastal Area, Louisiana, Ecosystem Restoration, Six Projects Authorized by Section 7006(e)(3) of Water Resources Development Act of 2007. December 30, 2010.

- 2014 EA - Caillou Lake Headlands Restoration Project (TE-0100) Environmental Assessment for Issuance of a Non-Competitive Negotiated Agreement for the Use of Outer Continental Shelf Sand. Prepared for BOEM on Behalf of CPRA by Coastal Engineering Consultants INC. September 24, 2014.

- 2015 SEA - Caillou Lake Headlands Restoration Project (TE-0100) Supplemental Environmental Assessment for Issuance of a Non-Competitive Negotiated Agreement for the Use of Outer Continental Shelf Sand. Prepared for BOEM on Behalf of CPRA by Coastal Engineering Consultants INC. January 13, 2015.

- 2018 EA - East Timbalier Barrier Island Restoration Project (TE-0118) Environmental Assessment for Issuance of a Non-Competitive Negotiated Agreement for the Use of Outer Continental Shelf Sand. Prepared for BOEM on Behalf of CPRA by Stantec. (Since there were no changes to the Draft EA, the publicly available Draft EA was considered Final when BOEM signed the FONSI on June 3, 2019.)

FEMA and BOEM prepared the 2024 FEMA SEA to update the potential environmental effects given new circumstances, information, and minor changes in the proposed action. The 2024 FEMA SEA incorporates by reference the aforementioned documents. Minor changes in the Project, including updated air emissions estimates, clearance of avoidance areas, two additional listed species and increased dredging frequency and cumulative volume over the remaining life have occurred. FEMA, USACE, and BOEM 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. CPRA is responsible for implementing all environmental requirements prior to, during, and after construction as described in the 2024 FEMA SEA or incorporated by reference from the 2018 EA.

2.3. MITIGATING MEASURES

CPRA is responsible for complying with all mitigation measures and monitoring requirements engendered by Federal, State, Tribal, and local laws, including those identified in the prior NEPA documents and related consultations, and those listed in the FEMA FONSI for the 2024 FEMA SEA. CPRA will prepare an environmental compliance matrix (ECM) to document and track all environmental mitigation requirements and identify roles and responsibilities for implementation to ensure compliance prior to, during, and after construction. The ECM will identify the specific requirements that apply during activities that occur on the OCS. The ECM will identify roles and responsibilities to ensure adherence to all environmental compliance measures prior to, during, and after construction.

Additionally, CPRA or 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 would ensure effects are not significant. CPRA will instruct its contractor(s) to implement all environmental compliance measures, as required by the USFWS, NMFS, LADNR, USACE, and BOEM pursuant to applicable Federal and State laws and regulations prior to commencement of activities authorized under this Lease, including extraction, transportation, and placement of sand resources from the borrow areas.

During all phases of the Project, CPRA will ensure that the dredge and any bottom-disturbing equipment is outfitted with an onboard global positioning system (GPS) capable of maintaining and recording location within a horizontal accuracy range of no more than plus or minus three (3) meters (10 feet).

CPRA will prepare for and take all necessary precautions to prevent discharges of oil and releases of waste and hazardous materials that may impair water quality.

If CPRA discovers any previously unknown historic or archeological resources, all dredge and/or pump-out operations will be halted immediately and avoid the resource. CPRA will immediately report the discovery to the Regional Supervisor, Resource Evaluation, Bureau of Ocean Energy Management, Gulf of America OCS Region at (504) 736-2411 and the designated BOEM Gulf of America OCS Region, Marine Minerals Program’s point of contact, electronically. CPRA will coordinate with BOEM on the measures needed to evaluate, avoid, protect, and, if needed, mitigate adverse impacts from an unanticipated discovery.

Other project mitigation is engendered by various authorities, including the vested authority of the 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 the CPRA to enforcing agencies, if CPRA does not comply with mitigation measures (30 CFR 583).

2.4. ENVIRONMENTAL ANALYSIS

BOEM considered the affected area and resources potentially present in both spatial and temporal contexts. The area of direct fill placement includes dry sandy beach, intertidal flat/surf zone, and shallow subtidal habitat. The borrow areas include 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 a 12–18-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 headland.

Potential effects associated with the Project would be localized, short-lived, and generally reversible as described below with the exception of the physical geomorphologic change due to the long-term removal of OCS sand. The total volume of material dredged from Ship Shoal to support coastal restoration efforts is 30.1 mcy with 56.0 mcy remaining for use. Previous dredging events removed sand along the surface of the borrow areas leaving behind compatible sand with suitable habitat for recovery. These morphologic changes and subsequent infilling continue to be monitored by CPRA via the execution of pre- and post- dredge surveys. Implementation of previously established mitigation, such as limiting cut thicknesses to avoid the creation of pits or deep furrows, would further minimize and limit effects to the immediate dredging area. Dredging in the borrow area is likely to permanently reduce the elevation of the shoal in the region that coincides with the borrow areas.

2.4.1 Coastal Processes and Geology

Dredging activities, especially at Ship Shoal, could potentially alter wave dynamics, thereby changing onshore storm-wave impacts, possibly leading to greater shoreline erosion. However, removal of Ship Shoal sands for barrier/coastal restoration efforts would likely not significantly influence wave conditions in the nearshore because the expected increase in wave energy is limited to the leeward flank of the shoal. Other indirect effects could include marine organisms that presently utilize the gulf bottom substrates (especially benthos) would have to adapt to changes in gulf bottom topography; restoration construction activities could cause short-term disruption of commercial and recreational fishing; and alteration of gulf water bottoms may change littoral drift dynamics; creation of depressions, furrows, and pits could impact recolonization by the benthic community. The primary concern is the potential for ridge and shoal type features to deflate or be smoothed out where borrow deposits are accessed on an ongoing basis. This could lead to large-scale impacts to biological communities. Further research into the dynamics of the Ship Shoal complex indicates that removal of Ship Shoal sands for barrier/coastal restoration efforts would not significantly influence wave conditions in the nearshore because the expected increase in wave energy is limited to the leeward flank of the shoal (2010 FEIS).

The Project would provide additional beach, dune, and marsh habitat for marine and estuarine fisheries resources and their forage species, as well as for a wide variety of avian communities including shorebirds, wading birds, colonial nesting birds, and migratory songbirds. Dredging activities could have potential effects to benthic resources, sea turtles, migratory birds, marine mammals, and cultural resources in the vicinity of operations.

2.4.2 Benthic Resources

Benthic resources on the Borrow Areas and at WBH would be disturbed by both excavation and fill placement during construction resulting in the temporary, localized loss of some species. The borrow areas are currently similar sediment types at the bottom of the dredge template ensuring that the sediments exposed by dredging are similar to those previous surface sediments and would therefore remain suitable for expected rapid benthic recolonization. Recruitment and recolonization would occur in the short-term after dredging given similar species in the surrounding habitat. Recovery of the benthic population is expected within 2-3 years after dredging; therefore, the potential for significant or chronic impact would be avoided. 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. These disturbances are unavoidable, and the habitats recover rapidly. The continued removal of sand from the borrow areas could potentially change the shape and characteristics of the bottom habitat in that limited area. However, the effects would not be physically or biologically significant, since the borrow areas are a relatively small area in a larger shoal complex that has similar habitat for species potentially displaced by the alteration of borrow sites. Potential effects associated with the Project would be localized, short-lived, and generally reversible as described below with the exception of the physical geomorphologic change due to the long-term removal of OCS sand. The total volume of material dredged from Ship Shoal to support coastal restoration efforts is 30.1 mcy with 56.0 mcy remaining for use. Previous dredging events removed sand along the surface of the borrow areas leaving behind compatible sand with suitable habitat for recovery. These morphologic changes and subsequent infilling continue to be monitored by CPRA via the execution of pre- and post- dredge surveys. Implementation of previously established mitigation, such as limiting cut thicknesses to avoid the creation of pits or deep furrows, will further minimize and limit effects to the immediate dredging area. Dredging in the borrow area is likely to permanently reduce the elevation of the shoal in the region that coincides with the borrow areas.

2.4.3 Sea Turtles

Green, loggerhead, and Kemp’s ridley sea turtles are known within the project area. According to the latest status review available, there were 167,424 nesting green sea turtles in the North Atlantic DPS spread out over 73 nesting sites (NOAA NMFS 2015). According to the latest status reviews available, estimated population size of Kemp’s ridley sea turtles (two years or older) was 248,307 individuals (NOAA NMFS and DOI

USFWS 2015). Estimated loggerhead sea turtle nests in the U.S. total more than 100,000 nests per year. Further, since 2022, documented sea turtle nesting has occurred on the Chandeleur Islands in Louisiana. Green, Kemp's ridley, and loggerhead sea turtles have been observed nesting on these islands (LWF 2024). The use of a hopper dredge could impact sea turtles at the borrow areas through entrainment and dismemberment in dredge suction draglines, or collisions with the dredge or service vessels. Hopper dredge drag heads can catch and kill turtles. Historically, sea turtle takes associated with sand mining activities for beach restoration have been few compared to channel dredging, particularly for projects in OCS Waters. Hydraulic cutterhead dredges are unlikely to kill or injure sea turtles because the cutterhead encounters a smaller area of seafloor per unit time, allowing more time for turtles to escape. Hydraulic cutterhead pipeline dredges present discountable risks as they have not been implicated in turtle takes, presumably because the slow-moving cutterhead is readily discerned and easily avoided by these species. Additionally, in numerous previous opinions issued by NMFS to the USACE and BOEM since 1991 in both the South Atlantic and Gulf of Mexico USACE districts, hydraulic cutterhead pipeline dredge use has been determined to be unlikely to adversely affect any listed species under NMFS's purview. There were no lethal takes of sea turtles either by trawling or dredging during the previous construction of WBH under TE-118. The level of lethal and non-lethal take described in Section 7(a)(2)/7(d) is not likely to jeopardize the continued existence of these sea turtle species. Mitigation measures such as turtle observers, paint test inspection, and relocation trawling would minimize the potential for collisions with sea turtles and incidental takes. The level of lethal and non-lethal take described in Section 7(a)(2)/7(d) is not likely to jeopardize the continued existence of these sea turtle species (see Consultations).

2.4.4 Migratory Birds

It is also known that Red Knots and Piping Plovers are regularly found on the spits on the remaining sand spits within the TE-0176 Project Area. However, these sand flats are subject to significant movement of sediment and erosion. Restoration of the island would displace piping plover and red knot during construction. Employment of a cooperatively developed shorebird protection plan (CPRA and USFWS) would address measures to minimize disturbance during construction. The recommendations developed by USFWS for their TBBSR Study Biological Opinion would be adapted for the TE-0176 Project. Following TE-0176 Project completion, the available habitat for wintering piping plover and red knot sheltering and foraging would be increased, to the direct benefit of both species. The construction activities and associated noise would result in disturbance to the avifauna that utilizes the TE-0176 Project footprint areas for nesting, roosting, and foraging, until the work is completed. Depending on the pace of construction, some species may be displaced to the remaining undisturbed marsh, but it is likely that some of the species that inhabit the undisturbed marsh areas would also be displaced to one of the neighboring islands during the construction process. A migratory bird abatement program, developed cooperatively by the CPRA and USFWS, will be established to avoid or minimize impacts to the avifauna that uses the WBH and will include surveys for bird nesting and wintering piping plover.

2.4.5 Marine Mammals

The GOA's marine mammals include members of the taxonomic order Cetacea, including suborders Mysticeti (i.e., baleen whales) and Odontoceti (i.e., toothed whales), as well as the order Sirenia (i.e., manatee). Twenty-one species of cetaceans and one species of Sirenia regularly occur in the GOA. The distribution and abundance of cetaceans within the northern GOA is strongly influenced by various mesoscale oceanographic circulation patterns and other factors influencing feeding behaviors. Considering the wide-ranging movements, behaviors, and distributions of marine mammals in the GOA, in addition to applicable regulatory requirements and PDCs, and the restricted geographic and temporal scope of marine minerals activities in the GOA, BOEM has assessed reasonably foreseeable OCS marine minerals activities in the GOA as having an insignificant effect on marine mammals.

2.4.6 Cultural Resources

BOEM conducted a review of the sand borrow areas and one area has shown to be an unidentified anomaly within the borrow areas, which will be avoided. Additionally, during the course of the project, CPRA will immediately cease operations and immediately notify BOEM and the State Historic Preservation Officer (SHPO) if an unexpected discovery occurs.

2.5 EFFECTS OF THE ACTION

I have considered the following in my evaluation of the degree of the effects from the proposed action. As noted in the FEMA FONSI for the 2024 FEMA SEA, the effects to sea turtles, marine mammals, nesting and courting shorebirds, and water quality will be monitored and the listed conditions and mitigation measures must be taken by LORM and CPRA prior to and during project implementation. An unexpected finds clause will be implemented in case any potentially significant, unrecorded archaeological/cultural resources are discovered during operations.

2.5.1 Short-term and Long-term Effects

The EA effects analyses indicate that the Proposed Action is not reasonably anticipated to produce significant impacts nor is it anticipated to combine with the effects of other activities such that the incremental effects of the action result in significant impacts. Short-term adverse effects on fish habitat and fishes are expected within the dredged area due to the disturbance of benthic habitat and changes in shoal topography, and in the fill placement area due to the burial of existing benthic habitat. Temporary displacement of birds near the shoal site or beach shoreline/beach could occur. Birds may be attracted to feeding near the dredge, at the borrow area, or near discharge pipelines on the beach. Impacts would be short-term, localized, and temporary, and they should have no lasting effects on bird populations in the area. Temporary reduction of water quality is expected due to turbidity during dredging and placement operations. Small, localized, temporary increases in concentrations of air pollutant emissions are

expected, but the short-term impact by emissions from the dredge or the tugs would not affect the overall air quality of the area. A temporary increase in noise level during construction in the vicinity of the dredging would occur. For safety reasons, navigational and recreational resources located in the immediate vicinity of the dredging operation would temporarily be unavailable for public use. Other expected short-term effects from the Project include noise and beach access closure effects, impediments to recreational usage at the placement site, restricted boating navigation at the dredge and placement sites, increases in turbidity at the construction sites, localized and minor noise level increases at the dredge site, and safety risks posed by the construction equipment. These effects are limited to the 12–18-month construction period and are considered diminished due to the island being detached from the mainland and uninhabited. No archaeological/cultural resources would be affected.

2.5.2 Beneficial and Adverse Effects

Potential adverse effects of the Proposed Action to benthic communities; marine mammals; sea turtles; and cultural, historic, and archaeological resources are not expected to occur. Significant adverse effects are not anticipated for any resource. Therefore, the level of adverse and beneficial effects of the Proposed Action does not render the potential impacts significant. The potential effects to sea turtles, migratory birds, marine mammals, and cultural resources in the vicinity of operations have been reduced through tested mitigation including, but not limited to, surveys for and avoidance of nesting birds, monitoring, and cultural resource buffers.

The cumulative impact of Project implementation would create nearly 953 acres (385.7 hectares) of dune, supratidal, and intertidal marsh habitat. A positive cumulative impact would also accrue to the ecological benefits, including pelagic and benthic estuarine productivity, wildlife habitat, essential fish habitat, migratory bird habitat, and habitat for threatened and endangered species into the future. The Project would also provide sand that would be naturally distributed by wave-generated currents to maintain and enhance downdrift barrier island habitats outside of the project footprint.

2.5.3 Effects on Public Health and Safety

The proposed activities are not expected to significantly affect public health. Construction noise would temporarily increase ambient noise levels, and equipment emissions would decrease air quality in the immediate vicinity of placement activities. The public is typically prevented from entering the segment of beach under construction; therefore, recreational activities would not be occurring in close proximity to operations. Local recreational impacts within the project area would be of short duration and minor. During dredging operations, watercraft access will be restricted in the dredging area in the interest of public safety. These restrictions would be of short duration and are expected to be minor to boat operators. Public access during dredging and placement and the use of the area immediately surrounding the borrow area and in the vicinity of the shore restoration area would be restricted due to public safety. The USACE’s Section

10/404 Permit also requires the CPRA's contractors to coordinate and develop a safety plan with the U.S. Coast Guard.

2.5.4 Consultations

The USACE and BOEM have completed required ESA and Marine Mammal Protection Act consultations with NMFS and FWS. CPRA will comply with all relevant Project Design Criteria (PDC), Reasonable and Prudent Measures (RPMs), and associated Terms and Conditions (T&Cs). 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. Through USACE's Section 10/404 Permit, monitoring and mitigation efforts with regard to migratory birds have been coordinated with FWS and the Louisiana Department of Wildlife and Fisheries; an approved migratory bird abatement plan will be implemented. The CPRA will implement measures to avoid effects to migratory birds, hatchlings, or eggs along with pre- and post-project monitoring requirements.

Previous National Marine Fisheries Service (NMFS) Biological Opinions (BO) pertinent to GOA OCS sand mining and nourishment activities include:

- In 2003, the NMFS issued the USACE Gulf Regional Biological Opinion (GRBO) which included hopper dredging of navigation channels and sand mining sites (for beach nourishment activities) in the Gulf Region by Southwestern Galveston, Mississippi Valley New Orleans, South Atlantic Mobile District, and South Atlantic Jacksonville Districts. The 2003 GRBO provides specific details of species and critical habitat considered, Incidental Take Statement limits, hopper and relocation trawling requirements, and Protected Species Observer coverage requirements.
- 2003 GRBO, 2005 Revision - The 2005 Revision to the GRBO added new Terms and Conditions. This first revision segmented the take allotment between the four USACE Districts. It also removed the specific coordination for relocation trawling allowing it to be used whenever deemed necessary based on its effectiveness. Recommended windows for hopper dredging in the Gulf (Mexico-Texas border to Key West, Florida and up to one mile into rivers) were also added whenever possible, between December 1 and March 31, when sea turtle abundance is lowest throughout GOA coastal waters. Projects completed outside the recommended window required notification and justification to NMFS.
- In 2005, NMFS issued BOEM a BO titled Hopper and Hydraulic Cutterhead Dredging Associated with Sand Mining for Coastal Restoration Projects Along the Coast of Louisiana Using Sand from Ship Shoal in the Gulf of Mexico Central Planning Area, South Pelto Blocks 12, 13, and 19, and Ship Shoal Block 88 that considered the effects of proposed dredging of the Ship Shoal sand body for species listed under the ESA (Consultation Number: F-SER-2003-01247). The existing BO covers hopper dredging

associated with sand mining at Ship Shoal for restoration projects along the Louisiana coast. The BO states that "the MMS [now BOEM] anticipates a total of 15 projects which will consist of dredging a total of approximately 54 million cubic yards (cy), the utilization of 24 blocks in the Ship Shoal Area, with an estimated projected dredging time of 60 months." The analysis as outlined in the BO are specifically tied to the action of dredging from an OCS borrow area and does not include consideration of other project components such as transportation corridors, nearshore, or onshore related actions. Those related actions are addressed through other permitting processes and/or the GRBO, managed by USACE.

- 2003 GRBO, 2007 Revision - The 2007 Revision to the GRBO further revised the Terms and Conditions. This revision removed the District segmented take allotment and allowed USACE to manage the take limits between Districts and between Civil Works and Regulatory projects initially set at ratio of 80 percent Civil Works:20 percent Regulatory. The 2007 Revision removed the requirement for notifications to deviations for the recommended hopper dredging windows. Other revisions included the ability to use passive integrated transponder (PIT) tag on captured sea turtles and encouraged USACE to "piggyback" research of safely captured sea turtles.

While the GRBO is in consultation, BOEM and USACE prepared analysis to describe that while under consultation, the proposed action (West Belle Headland Repair Project [TE-176]) would not result in jeopardy of any ESA-listed species. On May 7, 2025, the USACE submitted to NMFS the "Section 7(a)(2)/7(d) Evaluation of the Outer Continental Shelf (OCS) Activities for the West Belle Headland Repair Project (TE-176)", and NMFS accepted the evaluation. Overall, the BOEM as the co-lead on the dredging action on the OCS and USACE as co-lead on landside actions has not and will not make any irreversible or irretrievable commitment of resources that would foreclose the formulation or implementation of any reasonable and prudent alternatives necessary to avoid jeopardizing the continued existence of ESA-listed species present in the Gulf Region.

As co-leads, the BOEM has jurisdiction over the dredging action on the OCS and USACE has jurisdiction over the landside actions. USACE and BOEM have coordinated with NMFS regarding threatened and endangered marine mammals in the proposed Action Area. NMFS concurs with the assessment that any impacts to these species are not likely to adversely affect any listed species. CPRA will instruct its contractor(s) to implement all environmental compliance measures, as required by the USFWS, NMFS, LADNR, USACE, and BOEM pursuant to applicable Federal and State laws and regulations prior to commencement of activities authorized under this Lease, including extraction, transportation, and placement of sand resources from the borrow areas. Considering the wide-ranging movements, behaviors, and distributions of marine mammals in the GOA, in addition to applicable regulatory requirements and PDCs, and the restricted geographic (e.g., dredging in depths less than 100 feet) and temporal scope of marine minerals activities in the GOA, BOEM has assessed reasonably foreseeable OCS marine minerals activities in the GOA as having an insignificant effect on marine mammals. Overall, the effects of project-related vessel and equipment noise on marine mammals within the Action Area would be negligible. In summary, based on the

description of the activity (i.e., West Belle), the implementation of the mitigation and monitoring measures (again aimed at avoiding all taking), and the conclusions of the NMFS Endangered Species Act consultation, BOEM has determined that marine mammal take, including Level B harassment, is not likely to occur. Therefore, an incidental take authorization is not required pursuant to the MMPA.

USACE and BOEM previously coordinated with the SHPO and Tribal Historic Preservation Officers (THPOs), as required by Section 106 of the National Historic Preservation Act. FEMA re-coordinated with SHPO and THPOs in 2023 on the proposed changes to the Project. The SHPO and THPOs 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. FEMA issued a Notice of Availability to potentially implicated tribes and other interested stakeholders to notify them of the Project and opportunity to comment on the 2024 FEMA SEA.

2.5.5 Effects That Would Violate Federal, State, Tribal, or Local Law Protecting the Environment

There is no indication that the Proposed Action would threaten a violation of Federal, State, or local law or requirement imposed for the protection of the environment.

The U.S. Army Corps of Engineers (USACE) permitted the West Belle Headland Repair Project (TE-176) on November 8, 2023 (MNV 2015-00895-CQ), under Category II of the Programmatic General Permit for activities that result in minimal adverse impacts within the boundaries of the Louisiana Coastal Zone provided all conditions of the permit are met. The USACE's Section 10/404 Permit and Louisiana Department of Natural Resources Coastal Use Permit require that the CPRA comply with all applicable Federal, State, and local laws and requirements.

A Coastal Use Permit and Consistency Determination from the LADNR and a Section 401, Clean Water Act Water Quality Certification from the Louisiana Department of Environmental Quality been issued for the proposed action. A water quality certification has been issued by the LADNR, which requires water quality to be monitored to ensure State water quality standards are not violated.

One area in the sand borrow areas has shown to be an unidentified anomaly within the borrow areas that will be avoided as it has not been investigated or identified, and no documentation on it has been put forth for peer review. During the project, CPRA will immediately cease operations and immediately notify BOEM and SHPO if an unexpected discovery occurs.

2.5.6 Public Involvement

The referenced EISs, EAs, SEAs, and FONSIs were made available for public review and can be found on the CPRA, USACE, and BOEM websites or provided upon request. This FONSI will be made available to the public on boem.gov.

2.6 Conclusion

BOEM has considered the consequences of entering into an NNA to authorize the use of OCS sand from Ship Shoal. BOEM finds that entering into an NNA, 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.

PERRY BOUDREAUX

Digitally signed by PERRY BOUDREAUX
DN: c=US, o=U.S. Government, ou=Department of the Interior, ou=Bureau of Ocean Energy Management, cn=PERRY BOUDREAUX, 0.9.2342.19200300.100.1.1=1400100131 8382
Date: 2025.06.18 14:18:35 -05'00'

June 18, 2025

Perry Boudreaux
Supervisor, Environmental Assessment Unit 2
Office of Environment
Bureau of Ocean Energy Management
Gulf of America OCS Region

Date