

FINDING OF NO SIGNIFICANT IMPACT
OFFICE OF RISK MANAGEMENT
COASTAL PROTECTION RESTORATION AUTHORITY
BEACH REPAIRS – WEST BELLE HEADLAND REPAIR PROJECT, TE-0176
FEMA-4577-DR-LA-00337

BACKGROUND

Hurricane Zeta made landfall in Louisiana (LA), approximately 25 miles west of the West Belle Headland (WBH) as a Category 3 hurricane on October 28, 2020. The President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law (PL) 93-288, as amended, on January 12, 2021, with an Incident Period from October 26 to October 29, 2020. That declaration authorized the Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) to provide federal assistance in designated areas of LA (FEMA DR-4577-LA). Section 406 of the Stafford Act authorizes FEMA's Public Assistance (PA) Program to assist with funding the repair, restoration, reconstruction, or replacement of public facilities damaged as a result of the declared disaster.

FEMA has received an application, through the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), from the LA Office of Risk Management (LORM, Grantee) for the proposed Coastal Protection and Restoration Authority (CPRA, Grantee) - West Belle Headland Repair Project (TE-0176) described in a draft Supplemental Environmental Assessment (SEA). Because FEMA is providing federal financial assistance, it is serving as the lead agency for the overall project. FEMA has determined that LORM, CPRA, and TE-0176 are eligible for federal disaster Public Assistance.

Hurricane Zeta caused extensive damage to a nearly (approximately 80 percent) completed barrier headland restoration project (TE-0143/0118) that was being constructed to provide dune, beach and salt-marsh habitat and a buffer to reduce the forces and effects of wave action, saltwater intrusion, storm surge and tidal currents on the West Belle Headland estuary and interior coastal wetlands. The proposed project (TE-0176) is to reestablish the geomorphic and ecological form and function of West Belle Headland being constructed by CPRA under the TE-0143/0118 project when damaged from erosion caused by Hurricane Zeta, through beach, dune, and intertidal marsh habitat creation and shoreline reinforcement by means of fill placement utilizing Gulf of Mexico offshore (Outer Continental Shelf [OCS]) sand sources. The project location center is at the following coordinates: latitude 29.09727°, longitude -90.24871°.

As defined by the President's Council on Environmental Quality's (CEQ) Regulations for Implementing the National Environmental Policy Act (NEPA) § 1508.5, cooperating agencies may participate in the preparation of environmental documentation, including assisting with developing the purpose and need. Involvement as a cooperating agency is related to each agency's jurisdiction and special expertise including: (1) identifying issues to be addressed in an SEA; (2) arranging for the collection and/or assembly of necessary resource, environmental, social, economic, and institutional data; (3) analyzing data; (4) developing alternatives; (5) evaluating alternatives and estimating the effects of implementing each alternative; and (6) carrying out other tasks necessary for the development of an SEA. Because TE-0176 involves development of a Non-competitive Negotiated Agreement (NNA) between the Bureau of Ocean Energy Management (BOEM) and the State of Louisiana that addresses potential use of OCS sand and gravel resources in federal waters, BOEM is serving as a joint consulting (Cooperating) agency. Because of their permitting authority and wetlands expertise, the US Army Corps of Engineers (USACE) is also serving as a joint consulting (Cooperating) agency.

Prior to Hurricane Zeta, CPRA, conducted a NEPA analysis and prepared for BOEM an Environmental Assessment (EA) for the East Timbalier Island Restoration Project (TE-0143/0118) – Final EA for Issuance of a NNA for the Use of OCS Sand – Lafourche Parish, LA, dated February 2019 (2019 EA). A portion of that EA included coastal restoration efforts on West Belle Headland. On June 3, 2019, CPRA, in coordination with BOEM, issued a Finding of No Significant Impact (FONSI), Final EA, and Statement of Findings for that 2019 EA, and work on TE-0143/0118 commenced in March 2020.

Any federal agency may adopt another federal agency's EA when such adoption would save time and money (40 Code of Federal Regulations ([CFR]) Sections 1500.4[n], 1500.5[h], and 1506.3), provided the original document satisfies the adopting agency's NEPA requirements. FEMA has adopted the 2019 EA prepared for CPRA/BOEM and is providing supplemental information through this SEA.

A draft SEA was prepared in accordance with FEMA Instruction 108-1-1 and DHS Instruction 023-01-001-01, Rev. 1, pursuant to CEQ regulations implementing Section 102 of NEPA (Title 40 of the Code of Federal Regulations [C.F.R.] §§ 1500-1508), and FEMA's regulations implementing NEPA (44 C.F.R. §§ 9-10) (Environmental Considerations 1980; Floodplain Management and Protection of Wetlands 1980). The purpose of the draft SEA is to evaluate the potential impacts of the Proposed Project on the physical and human environment that will be modified or were not considered or previously analyzed in the 2019 EA. That SEA provides additional information and analysis as needed to address changes to baseline conditions or project details that were not analyzed in the 2019 EA. Changed circumstances since the 2019 EA that are relevant to environmental concerns and the proposed scope of work include removal of the East Timbalier Island restoration component from the 2019 EA Preferred Alternative, additionally protected natural resources, and the environmental effects of implementing TE-0176 following damages that were caused to the nearly completed TE-0143/0118 project by Hurricane Zeta. Two alternatives have been proposed and reviewed including 1) the "No Action" alternative, and 2) the West Belle Headland Repair Alternative (Proposed Action).

FINDING OF NO SIGNIFICANT IMPACT

FEMA has evaluated the proposed project for significant adverse impacts to oceanographic and coastal processes, geology, air quality, noise, water quality and resources (surface water, groundwater, and wetlands), floodplains, climate, coastal barrier resources, biological resources (vegetation, benthic, plankton, fisheries, wildlife, essential fish habitat, federally-listed threatened or endangered species and critical habitats), historic and cultural resources, socioeconomics (including minority and low income populations), and hazardous, toxic, and radioactive materials. The results of these evaluations as well as consultations and input from other federal and state agencies are presented in the SEA. During the construction period, short-term impacts to water quality, air quality, and noise are anticipated. All short-term impacts require conditions to minimize and mitigate impacts to the proposed project site and surrounding areas.

The above described action would not result in any significant adverse impacts to/from oceanographic and coastal processes, geology, air quality, noise, water quality and resources (surface water, groundwater, and wetlands), floodplains, climate, coastal barrier resources, biological resources (vegetation, benthic, plankton, fisheries, wildlife, essential fish habitat, federally-listed threatened or endangered species and critical habitats), historic and cultural resources, socioeconomics (including minority and low income populations), or hazardous, toxic and radioactive materials. Based on the information analyzed, FEMA, BOEM, and USACE have determined that implementation of the proposed action would not result in significant adverse impacts to the quality of the natural and human environment. The proposed alternative is not anticipated to have the potential for significant cumulative

effects when combined with past, present, and reasonably foreseeable future actions in accordance with 44 CFR Part 10.8 (d)(3)(x). As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10) and the proposed action as described in the SEA may proceed.

CONDITIONS AND MITIGATION MEASURES

The following conditions must be met as part of implementation of the project. Failure to comply with these conditions may jeopardize federal funds.

Based upon the studies, reviews, and consultations undertaken in the SEA, several conditions must be met and mitigation measures must be taken by LORM and CPRA prior to and during project implementation:

- Access to the OCS borrow areas for the purpose of sand mining is dependent upon issuance of a NNA by BOEM which will include stipulations required to be implemented as part of the terms of that agreement.
- Grantees are required to obtain and comply with all applicable local, state, and federal permits, laws, regulations, approvals, and requirements prior to initiating work on this project.
- Grantees shall ensure that all contractors and workers on this project are made fully aware of the limits of the authorized work, adhere to and comply with all state and regional conditions. Grantees shall also ensure that all contractors and workers comply with all general conditions listed in the PGP Special Conditions, as well as the permit's special conditions. Non-compliance with permit terms and conditions may result in permit suspension or revocation.
- Grantees shall limit clearing, excavation and the placement of fill material to areas essential to the project. The jurisdictional remainder of the property shall be left in its natural state. If the authorized project requires any additional work not expressly permitted herein, the Grantees must obtain an amendment to this authorization prior to commencement of work.
- Grantees shall assure that all material used during construction shall be pollutant free in accordance with the EPA Guidelines for Discharge of Dredged or Fill Material, found in 40 CFR 230. The material may be obtained offsite or from site preparation. Offsite material shall not be obtained from wetlands or from areas that may adversely affect adjacent wetlands. Any excess material shall be placed in an upland area and property contained or stabilized to prevent entry into adjacent wetlands of other waters.
- Grantees that discover any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the permitted activity must immediately notify USACE, New Orleans District Regulatory Division (CEMVN-RG) and their PA contacts at FEMA, who will in turn contact FEMA Environmental and Historic Preservation (EHP) staff, halt all construction activity at the location of discovery, and avoid construction activities within a fifty 50-foot buffer zone of the location of discovery until the required coordination has been completed. FEMA and CEMVN-RG will initiate the Federal, Tribal, and state (SHPO) coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. The Grantees will not proceed with work until the SHPO completes review and all consultation as appropriate (Inadvertent Discovery Clause).
- If abandoned cemeteries, unmarked graves, or human remains are discovered during the permitted activity, the Grantees will stop work immediately and comply with the Louisiana Unmarked Human Burial Sites Preservation Act (La. R.S. 8:671 et seq.). The Grantees will notify local law enforcement, CEMVN-RG, their PA contacts at FEMA, who will in turn contact FEMA EHP, and the Louisiana Division of Archaeology (LDOA), within the Louisiana Department of Culture, Recreation and Tourism, Office of Cultural Development, by telephone at 225-342-8170 to assess the nature and age

of the human skeletal remains within twenty-four (24) hours of the discovery of unmarked human remains and will accompany local law enforcement personnel during all field investigations. If the appropriate local law enforcement official determines that the remains are not a crime scene, and the remains are more than 50 years old, LDOA has jurisdiction over the remains. In no instance will human remains be removed from the discovery site until jurisdiction is established. In cases where the LDOA assumes jurisdiction and the remains are determined to be American Indian, LDOA will consult with Tribes, FEMA, CEMVN-RG, and the Grantees to determine the appropriate course of action.

- The work will be performed in accordance with the submitted application and drawings. Any changes in the project configuration as a result of local approvals must be documented and appropriate drawings provided to FEMA and CEMVN-RG for incorporation into the permit file.
- Grantees are aware that future site visits and inspections of the project site may be conducted by personnel of CEMVN-RG and/or other resource agencies in order to assess project compliance with the requirements of this authorization.
- Grantees shall adhere to the special conditions contained in the enclosed US Fish and Wildlife (USFWS) document, titled “*Standard Manatee Conditions for In-Water Activities*” to help avoid and/or minimize project related adverse effects to the West Indian manatee. As part of the USACE and USFWS compliance, all personnel conducting any work in or near water in areas that potentially contain manatees will observe the “*Standard Manatee Conditions for In-Water Activities*” as described in USACE Permit MVN 2015-00895-CQ, November 8, 2023. Specifics of these activities are included in Appendix B of the SEA.
- This project is in waters known to be utilized by Sea Turtles and Giant Manta Ray, which are protected species under the jurisdiction of NOAA Fisheries Southeast Regional Office (SERO). The Grantees shall adhere to the “*Protected Species Construction Conditions*” and “*Vessel Strike Avoidance Measures*” as required by the SERO Protected Resources Division for these species. “*Vessel Strike Avoidance Measures*” will be observed for all species and critical habitat protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). Those measures are published by the SERO and specifics can be found in USACE Permit MVN 2015-00895-CQ, November 8, 2023, located in Appendix B of the SEA.
- Any damage to the channels and/or banks resulting from the Grantees’ activities will be repaired at the Grantees’ expense and to the satisfaction of the USACE.
- The USACE contract to repair the east and west jetties at Belle Pass is expected to be awarded in September 2023. The estimated time to construction completion is 9 months. The Grantees’ proposed conveyance channel lies along the Government’s proposed flotation channel. The Grantees’ sediment pipeline crosses the western jetty. The Grantees shall not interfere with the Government Contractor’s repair operations. Any damage to the west jetty must be repaired by the Grantees.
- There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.
- The Grantees will, at its expense, install and maintain any safety light, signals, and signs prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on authorized facilities or on equipment used in performing work under the authorization.
- If the proposed project involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.) in the waterway, the Grantees are advised to notify the appropriate Captain of the Port so that a Notice to Mariners, if required, may be provided about one month before you plan to start work. Contact information for the local Captain of the Port’s offices may be located at: <https://homeport.uscg.mil> under “port directory”. In addition, a copy of your permit approval and drawings should be mailed to

the Commander, Eight Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Room 1230, New Orleans, Louisiana 70130, or emailed to D08-DG-District-DPW@uscg.mil. Telephone inquiries can be directed to the Eighth Coast Guard District, Waterways Management at (504) 671-2330.

- Grantees will coordinate their schedule with the USACE to limit overlapping with our Bayou Lafourche-Port Fourchon East and West Jetty Repair contract. The POC is Operations Manager Ray Newman, (504) 862-2050.
- USACE has the right to require the Grantees remove equipment from the west jetty if critical maintenance is required for emergency repair.
- The above Section 408 special conditions and standard conditions enclosed are enforceable by the USACE Navigation Manager for the Bayou Lafourche as per Appendix G, EC 1165-2-220.
- Grantees shall conduct construction monitoring which will begin with a pre-construction meeting and continue with bi-weekly meetings through the duration of construction.
- Construction activities shall be monitored to ensure that the activities stay within the Project footprint and activities are completed in accordance with all permit conditions and stipulations. Emphasis will be placed on the several cultural resource avoidance buffers along the corridors, including pipeline crossings, and in the borrow areas.
- Pre-construction hazard surveys shall be conducted to verify and mark the location of hazards prior to construction.
- Pre- and post-construction and dredging bathymetric and topographic progress surveys shall be conducted to monitor the borrow areas, conveyance corridors, and fill areas.
- A Bird Monitoring and Abatement Plan will be developed cooperatively by CPRA and USFWS and shall be implemented to avoid or minimize impacts to the avifauna that use the West Belle Headland. This effort will be in place prior to start of any construction activity on the Headland and it will be in effect throughout construction.
- Entry into or disturbance of active waterbird breeding/nesting colonies is prohibited by the Louisiana Department of Wildlife and Fisheries (LDWF). A field visit to the TE-0176 Project Area to look for evidence of nesting colonies of waterbirds should be conducted no more than two weeks before project work begins if work will occur during the nesting season. If no nesting colonies are found within 1000 ft (2000 ft for brown pelicans [*Pelecanus occidentalis*]) of the proposed project, no further consultation with LDWF will be necessary. If active nesting colonies are found in this area, further consultation with LDWF will be required. If present, colonies should be surveyed by a qualified biologist to document species present and the extent of the colonies. A survey report prepared consistent with the guidelines included in Appendix B of the SEA should be prepared and submitted to the LDWF Wildlife Diversity Program (WDP) at the address provided in Appendix B.

To minimize disturbance to colonial nesting birds, the following restrictions on activity should be observed:

- For colonies containing nesting wading birds (e.g., herons [*Ardeidae* spp.], egrets [*Ardeidae* spp.], night herons [*Nyctanassa* spp.], ibis [*Threskiornithidae* spp.], roseate spoonbills [*Platalea ajaja*]) or anhingas (*Anhinga anhinga*) or cormorants (*Nannopterum* spp.), all project activity occurring within 1000 ft of an active nesting colony should be restricted to the non-nesting period (i.e., September 1 through February 15).
- For colonies containing nesting gulls (*Laridae* spp.), terns (*Laridae* spp.), or black skimmers (*Rynchops niger*), all project activity occurring within 650 ft (2000 ft for brown pelicans) of an active nesting colony should be restricted to the non-nesting period (i.e., September 16 through April 1).

- The Agreement Components and Special Conditions included in the Louisiana Department of Natural Resources (LDNR) Office of Coastal Management (OCM), Coastal Use Permit (CUP)/Consistency Determination (CUP No. P20230206) must be met in order for the TE-0176 Project to meet the requirements of the Louisiana Coastal Resources Program CUP Permit. The CUP Permit including the Agreement Components and Special Conditions is included in Appendix B of the SEA.
- Project construction would involve the use of potentially hazardous materials (e.g., petroleum products, potentially including but not limited to gasoline, diesel, brake and hydraulic fluid, cement, caustics, acids, solvents, paint, electronic components, pesticides, herbicides, fertilizers, and/or treated timber) and may result in the generation of small volumes of hazardous wastes. Appropriate measures to prevent, minimize, and control spills of hazardous materials must be taken and generated hazardous or non-hazardous wastes are required to be disposed in accordance with applicable federal, state, and local regulations. The Grantees' Construction Contractor shall implement a spill contingency plan for hazardous, toxic, or petroleum materials for the construction, transport and borrow areas. Equipment necessary to quickly contain any spills will be present on or in close proximity to project equipment. Construction Contractors will be responsible for the management of hazardous materials and wastes, which will be handled in accordance with federal and state regulations. All wastes and refuse generated by project construction will be removed and properly disposed of and compliance with USEPA Vessel General Permits (VGP) associated with the Vessel Incidental Discharge Act (VIDA) will be ensured, as applicable.
- The Grantees' Construction Contractor shall comply with the maritime Rules of the Road and the USCG regulations regarding vessel operation and obstruction to navigation.
- Grantees shall establish and adhere to a maintenance program involving periodic renourishment of the West Belle Headland with imported sand to preserve the original design or a specific engineered design that is justified and clearly stated in the maintenance program.
- To reduce potential short-term effects to air quality from construction-related activities, the Grantees' Construction Contractor shall be responsible for implementing BMPs to reduce fugitive dust generation and diesel emissions. To reduce these emissions, running times for fuel-burning equipment should be kept to a minimum and engines should be properly maintained.
- Grantees are required to coordinate with the local floodplain administrator, obtain required permits prior to initiating work, and comply with any conditions of the permit to ensure harm to and from the floodplain is minimized. All coordination pertaining to these activities and Grantees' compliance with any conditions must be documented and copies forwarded to the GOHSEP and FEMA for inclusion in the permanent project files.
- Per 44 CFR 9.11(d), mitigation or minimization standards to offset impacts to floodplains or wetlands must be applied, where possible.
- Should the site plans (including drainage design) change, the Grantees shall submit changes to their PA contacts at FEMA, who will in turn contact FEMA Environmental and Historic Preservation (EHP) for review and approval prior to the start of construction.
- All applicable BMPs should be implemented as identified to control and reduce nonpoint source pollution associated with construction activities. The Louisiana Department of Environmental Quality (LDEQ) has stormwater general permits for construction areas greater than or equal to one acre. The Grantees must contact the LDEQ Water Permits Division to determine if the proposed project requires a permit.
- Unusable equipment, debris and material will be disposed of in an approved manner and at a permitted disposal site. If petroleum products, hazardous materials, toxic waste, or soils and/or groundwater contaminated with hazardous constituents (or evidence thereof) are discovered during

implementation of the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Any handling, managing, and disposal of those items shall occur in accordance with LDEQ requirements and OSHA worker exposure regulations covered within 29 CFR 1910 and 1926. All coordination with LDEQ pertaining to these activities should be documented and copies forwarded to GOHSEP and FEMA as part of the permanent project files.

- Upon completion of construction, the Grantees shall document construction activities in a construction completion report.
- All coordination pertaining to project activities and Grantees' compliance with the conditions, conservation measures, and BMPs should be documented, and copies forwarded to FEMA for inclusion in the permanent project files.
- Due to the length of coastal restoration project development, implementation, and construction processes, the USACE (or CPRA acting as the USACE's designed representative) will re-initiate consultation with the USFWS and SERO on an annual basis until construction begins, or at any time if there are changes in the scope or location of the proposed action that would produce project effects not considered in the USACE's determination.

CONCLUSION

Based on the consideration of potential effects in the SEA, as well as consultations and input from other federal and state agencies and the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the implementation of the proposed action would not result in significant adverse impacts to the quality of the natural and human environment. In addition, the proposed project does not appear to have potential for significant cumulative effects when combined with past, present, and reasonably foreseeable future actions. As a result of this FONSI, an Environmental Impact Statement will not be prepared (per FEMA Instruction 108-1-144 [C.F.R. § 10.9]) and the proposed project as described in the SEA may proceed.

APPROVALS

Latoya Leger, Regional Environmental Officer Region VI	Date
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Louisiana Integration and Recovery Office