



**FEMA**

U. S. Department of Homeland Security  
FEMA Region 4  
3005 Chamblee Tucker Rd  
Atlanta, GA 30341

**FINDING OF NO SIGNIFICANT IMPACT**  
**GULF FRONT BEACH RESTORATION; ORANGE BEACH, GULF SHORES,**  
**ADCNR**  
**BALDWIN COUNTY, ALABAMA**  
**FEMA-4349-DR-AL and FEMA-4563-DR-AL**

**BACKGROUND**

Hurricane Nate impacted the State of Alabama between October 6, 2017, and October 10, 2017, bringing strong winds, storm surge, and coastal flooding. President Trump signed a major disaster declaration (FEMA-4349-DR-AL) on November 16, 2017, authorizing the Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) to provide federal assistance to the designated areas in Alabama. Subsequently, Hurricane Sally impacted the State of Alabama between September 14, 2020 and September 16, 2020, also bringing strong winds, storm surge, and coastal flooding. President Trump signed a major disaster declaration (FEMA-4563-DR-AL) on September 20, 2020, authorizing federal assistance in Alabama. The FEMA funding project worksheets (PW) ID for the proposed Federal actions are PA-04-AL-4349-PW-00055, PA-04-AL-4349-PW-00057, PA-04-AL-4349-PW-00075, PA-04-AL-4563-PW-00243, and PA-04-AL-4563-PW-00251. Consistent with 40 CFR 1506.3, FEMA Environmental Planning & Historic Preservation (EHP) will be utilizing, and has adopted, a U.S. Army Corps of Engineers (USACE) Environmental Assessment (EA) that issued a Statement of Findings (STOF) titled CE SAM-RD-A Gulf-Front Beach Renourishment, File Number, SAM -2011-00687-DEM.

As a result of hurricanes Nate and Sally, the engineered shorelines along Orange Beach, Gulf Shores, and Gulf State Park in Baldwin County were heavily eroded. The three Applicants, City of Orange Beach, City of Gulf Shores, and Alabama Department of Conservation and Natural Resources (ADCNR) for Gulf State Park; have legal responsibilities to maintain the beaches and are eligible for funding through the FEMA Public Assistance (PA) Grant Program pursuant to Title 44 of the CFR § 206.223(a)(3). The Applicants have identified the need to restore the capacity of the shoreline to withstand future storm events, reduce erosion, and decrease risk from future events to human life and improved property. The proposed action will reduce the risk to improved property landward of the beach, provide additional habitat for sea turtles, shorebirds, and mammals, and increase recreational values.

The cities of Orange Beach and Gulf Shores and the ADCNR have submitted applications to FEMA for funding under the PA Program to repair damages as a result of FEMA-4349-DR-AL Hurricane Nate and the cities of Orange Beach and Gulf Shores to repair damages as a result of FEMA-4563-DR-AL Hurricane Sally. The proposed project for Hurricane Nate is the placement of approximately 765,200 cubic yards (CY), and for Hurricane Sally, 402,900 CY, of approved sand using four (4) borrow areas ranging from approximately one (1) to two (2) miles offshore. These offshore borrow areas were utilized during the previous 2012-2013 nourishment.

## Finding of No Significant Impact

Orange Beach, Gulf Shores, ADCNR

PA-04-AL-4349-PW-00055, PA-04-AL-4349-PW-00057, PA-04-AL-4349-PW-00075, PA-04-AL-4563-PW-00243, and PA-04-AL-4563-PW-00251.

The sand placement to be reimbursed by FEMA will occur along the exact five (5) primary segments that have been permitted and approved by USACE and the Alabama Department of Environmental Management (ADEM). The five (5) primary segments are: Segment 1 is from 30.2308, -87.8011 to 30.2406, -87.7379; Segment 2 is from 30.2406, -87.7376 to 30.2486, -87.6740; Segment 3 is from 30.2486, -87.6740 to 30.2546, -87.6377; Segment 4 is from 30.2546, -87.6377 to 30.2723, -87.5592; and Segment 5 is from 30.2743, -87.5486 to 30.2805, -87.5183.

An electronic copy of the public notice was posted May 30<sup>th</sup>, 2019 on the USACE website at [SAM-2011-00687-DEM.pdf \(army.mil\)](#).

The EA is available upon request by emailing FEMA at [FEMA-R4EHP@fema.dhs.gov](mailto:FEMA-R4EHP@fema.dhs.gov) or by contacting USACE at [SAM-2011-00687-DEM.pdf \(army.mil\)](#).

## FINDINGS

The permitted action as described in the USACE EA will have no significant impact on the human environment. Therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) is not required. Coordination with the Alabama State Historic Preservation Office (SHPO) and Tribal Historic Preservation Offices (THPOs) has taken place. Concurrence of no adverse effect to historic properties was received.

The permitted action is not expected to have significant adverse cumulative impacts on any resource based on the review conducted when added to past, present, and reasonably foreseeable future actions within the proposed project area.

## CONDITIONS

- Coastal Zone Management Act (CZMA): The project is required to follow all conditions of the ADEM permit. The permittees received ADEM's CZMA Consistency Concurrence determination letter and Water Quality Certification letter on May 26, 2020, with an addendum on June 4, 2020. The ADEM tracking code for the Consistency Concurrence is: ACAMP-2011-274.1-FC-FLP-COE-SP and for the Water Quality Certification is: ADEM-2011-274-WQC-COE-SP.
- Endangered Species Act (ESA): The Applicants will comply with the conditions from the USFWS Biological Opinion #04EA1000-2020-F-0048, issued to USACE on March 19, 2020.
- ESA: If manatees are present, the conditions from the Standard Manatee Construction Conditions are recommended for any in-water work occurring between June 1 and December 31.
- ESA: Implementation of the Reasonable and Prudent Measures and Terms and Conditions provided by the NMFS Gulf Regional Biological Opinion (GRBO) will be required by the USACE permit conditions.
- National Historic Preservation Act (NHPA): If human remains or intact archaeological features or deposits (e.g. arrowheads, pottery, glass, metal, etc.) are uncovered, work in the vicinity of the discovery will stop immediately and all reasonable measures to avoid or minimize harm to the finds will be taken. The subrecipient will ensure that archaeological discoveries are secured in place, that access to the sensitive area is restricted, and that all reasonable measures are taken to avoid further disturbance of the discoveries. The subrecipient's contractor will provide immediate notice of such discoveries to the applicant. The subrecipient shall contact the Alabama Historical Commission and FEMA within 24 hours of the discovery.

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Orange Beach, Gulf Shores, ADCNR

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- NHPA: Work in the vicinity of the discovery may not resume until FEMA has completed consultation with SHPO, Tribes, and other consulting parties as necessary. In the event that unmarked human remains are encountered during permitted activities; all work shall stop immediately, and the proper authorities notified in accordance with Alabama Statutes, Section 13A-7-23.1.
- National Historic Preservation Act: If any archaeological or cultural materials are discovered during the project undertaking, neither the construction team nor the Applicant will disclose this information to the public or the media in any manner, including social media. Discoveries of archaeological materials are to be kept private and confidential.
- National Historic Preservation Act: The company conducting the beach renourishment project will contact the archaeologists with Tidewater Atlantic Research, Inc. prior to dredging to confirm the location of these proposed avoidance buffer areas within Pipeline Corridors 5, 7, 11, 16, and 13 prior to work occurring.
- National Historic Preservation Act: Borrow will be restricted to Borrow Areas One, Two, Three, and Five. Borrow Area 4 will not be used for the above undertaking. In Borrow Area One dredging will be restricted to areas outside of the established buffer zone (CR-1, CR-2, CR-3) to avoid identified Cultural Resources located along the southern border of the borrow area. The company conducting the beach renourishment project will contact the archaeologists with Tidewater Atlantic Research, Inc. prior to dredging to confirm the location of this proposed buffer area within Borrow Area One.
- NHPA: Any changes to the approved scope of work will require submission to, and evaluation and approval by, the State and FEMA, prior to initiation of any work, for compliance with Section 106.
- Geology and Geo-morphology: The project is to require implementation and adherence of permitting conditions regarding beach compatible sand placement from the joint issued ADEM and USACE permit (SAM-2011-00687-DEM).
- ESA: The project is to require the implementation of conditions included in the USFWS Biological Opinion #04EA1000-2020-F-0048, issued to USACE on March 19, 2020 including any permit specific conditions in the joint issued ADEM and USACE permit No: SAM-2011-00687-DEM. The following conditions are pertaining to vegetation protection during construction: Every effort will be made to avoid impacting dune features and native vegetation. Native dune vegetation must be planted at the earliest opportunity. Appropriate native salt-resistant dune vegetation should be established on the restored dunes.
- Clean Water Act (CWA): The project requires implementation of the permit conditions as detailed in USACE Permit No: SAM-2011-00687-DEM. Applicant would be responsible for implementing all permit conditions for compliance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ESA: Requires the implementation of permit conditions included in joint ADEM and USACE permit (SAM-2011-0687-DEM) that addresses potential impacts both borrow and nourishment areas.
- Executive Order 11988 Floodplain Protection: Construction to restore the facilities would occur within the floodplain. The reconstructed engineered beached would serve to reduce the flood risk to adjacent improved property. The facility is functionally dependent upon its location within the floodplain and facilitates open space use of the floodplain for recreational value. An 8-step determination checklist, as required by 44 CFR Part 9, has been completed.
- Executive Order 11990 Wetlands Protection: Short-term impacts are anticipated. The action will involve dredging of marine wetlands and placing sand in the near and foreshore environment. Temporary increases to turbidity could be expected due to dredging and sand placement; however, no long-term impacts are expected due to the lack of estuarine or marshy wetlands in the project vicinity. Short-term, negative impacts would also be expected to commercial and recreational fisheries near the shoreline and the dredge area, but impacts are expected to be limited to the construction timeframe.

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Impacts would include the higher turbidity in the habitat causing species to move from the area and reducing the number of catch available for a short period of time. The long-term impacts to the marine wetlands would be beneficial for preserving habitat and recreational value as well as reducing rates of sand loss and erosion from future storms. The Applicant will be required to comply with the joint ADEM and USACE permit (SAM-2011-0687-DEM) to minimize impacts from construction.

## CONCLUSION

Based on the findings of the USACE's EA, coordination with the appropriate agencies, comments from the public, adherence to the project conditions set forth in this FONSI, and FEMA's coordination with the SHPO and interested THPOs; FEMA has determined that the proposed project qualifies as a major federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, and in accordance with FEMA Instruction 108-1-1, an EIS will not be prepared, and the proposed project as described in the attached EA may proceed.

## APPROVAL

Angelika H. Phillips, DrPH (Acting REO)

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Regional Environmental Officer  
FEMA Region 4

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