SECOND SUPPLEMENTAL FINDING OF NO SIGNIFICANT IMPACT FOR THE IMPLEMENTATION OF THE BARATARIA BARRIER ISLAND COMPLEX PROJECT: PASS LA MER TO CHALAND PASS AND PELICAN ISLAND

National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action on the human environment. Consistent with the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. 1508.27, the significance of an action should be analyzed both in terms of "context" and "intensity." Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others as described in the environmental assessment for this project, Barataria Plaquemines Barrier Island Complex Project CWPPRA Project Fed No./BA-38 Pass La Mer to Chaland Pass and Pelican Island Environmental Assessment (2004 EA). On April 5, 2004, NMFS signed a Finding of No Significant Impact (2004 FONSI) for the proposed action. After reviewing the 2004 EA and 2004 FONSI, a Memorandum for the Record (MFR) and Supplemental FONSI for this project were prepared in April 2010, to document and assess changes in required fill volumes and expected project duration as a result of project implementation delays. Given recent events in the vicinity of the project area, including the Deepwater Horizon oil spill, response actions, and minor modifications to the design of the proposed action, NMFS has prepared an additional MFR to consider whether the foregoing circumstances present new or potentially significant environmental impacts or concerns that would warrant supplementation of the 2004 EA or preparation of a project-specific EIS. Based on its review of the 2004 EA, 2004 FONSI, April 2010 Supplemental FONSI, and MFR (April 2010) for this action, and the additional MFR (December 2010), NMFS is again reaffirming its FONSI for the project. The foregoing documents supporting this determination are hereby incorporated by reference. Our reasoning follows.

The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

1) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson-Stevens Fishery Management and Conservation Act and identified in fishery management plans?

> No. The purpose of the proposed action is to protect and restore a critically eroding section of the Louisiana shoreline for coastal wetland habitat benefits to fish and wildlife. The proposed action is not expected to result in significant adverse impacts to coastal habitats or EFH, although some temporary and localized adverse effects may reasonably be expected to occur. The project may result in short term (e.g., months) and localized increases in turbidity during

project construction in the vicinity of the borrow area. However, due to discharge from the Mississippi River, turbidity levels are very high in the western Gulf of Mexico, and therefore such impacts are expected to be minor.

The proposed action will also result in conversion of some categories of various types of EFH to other EFH categories (i.e., mud and silt water bottoms and estuarine water column to estuarine emergent wetlands and sand water bottoms). This conversion is considered to be overall beneficial to EFH due to the higher value and lower availability of estuarine emergent wetlands and sand water bottoms in the vicinity of the proposed project. Impacts to EFH have been avoided and minimized to the maximum extent practical, are essential to meeting the project goals, and are offset by the overall benefits to EFH resulting from the proposed project (hundreds of acres of wetland creation and protection and restoration of significant estuarine sand bottoms). Such localized short-term impacts are considered insignificant to coastal habitats and EFH in light of the long term project benefits and improvements to various habitat types and functions. In the long term, the proposed action would improve coastal integrity and EFH by re-establishing marsh, protecting existing marsh habitat from erosion, and restoring valuable barrier island habitats. Over 570 acres of marsh, inner marsh, and marsh edge, and Gulf and bay intertidal habitats would be directly benefited by project construction. Without action, project area habitats will continue to erode and are anticipated to disappear within the next twenty years. With action, increases in beach habitat would increase diversity of habitat. The proposed action is anticipated to provide long-term benefits to estuarine dependent life stages of brown shrimp, white shrimp, red drum, and spanish mackerel by restoring and protecting high quality EFH habitats such as estuarine emergent wetlands and estuarine sand bottoms. Some other managed species, including highly migratory species such as coastal sharks, are also likely to benefit from the proposed action.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in incremental impacts to EFH causing a significant impact.

2) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

No. The proposed action will not have a substantial adverse affect on ecosystem structure or function. The proposed project will benefit ecosystem structure by decreasing erosion rates, protecting estuarine mud bottoms and maintaining estuarine gradients in the project area. Barrier island habitat is becoming increasingly limited in coastal Louisiana due to on-going erosion and hurricane impacts. Previous projects have documented the effectiveness of restoring critical habitat components. Project design mimics naturally occurring Louisiana barrier islands, thus providing similar geophysical features for ecosystem development.

Similar island restoration projects have been completed in coastal Louisiana during the last 20 years and no long-term adverse effects on biodiversity or ecosystem functions have been identified. Overall biodiversity and ecosystem function would be maintained and enhanced through longevity of the island structure that protects area marshes.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in incremental impacts on biodiversity and/or ecosystem function causing a significant impact.

3) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

No. The project area is remote. Few people ever visit the project area other than to fish from boats. The impact to human health would be negligible. During construction, some noise and exhaust fumes would create a temporary localized disturbance, but not a hazard to human health or safety. Since the 2004 EA/FONSI, offshore infrastructure has been impacted by severe storms and hurricanes. Pipelines located in the vicinity of the borrow area may have been moved by strong water currents, and oil and gas production facilities may have been damaged, removed or relocated. The majority of these changes have been reported and repaired. Any safety concerns with the movement of pipelines and potential interactions with dredging activities will be mitigated by requirements in any construction contracts for a survey with towed magnetometer to be performed over the pipeline corridors closest to the borrow areas prior to dredging operations.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in incremental impacts on public health or safety causing a significant impact.

4) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

No. The project will not significantly adversely affect any federal or state listed species. Although brown pelicans and piping plovers occur in the general vicinity of the project area, the project area has not been identified as a nesting area for the brown pelican or as critical habitat for piping plover, although individuals of both species may use the area for feeding. During construction activities, endangered or threatened species may be temporarily displaced to nearby suitable habitats. Individuals of these species may be temporarily displaced during the construction window to similar barrier island habitats that are located immediately adjacent to the project area. Because of the availability of immediately adjacent suitable habitats, no effects on these managed species are anticipated.

Sea turtles do not nest in coastal Louisiana. The proposed project is not anticipated to have any significant adverse affects on either sea turtles or manatees due to their relative scarcity and the highly mobile nature of these species in the western Gulf of Mexico. Options for either a hopper dredge or a hydraulic cutter head dredge are considered for project construction.

To allow optional use of hopper dredges, formal consultation was completed on the project as originally designed. A revised Biological Opinion on the proposed project revisions has also been completed to assess effects of increased dredging quantity and extended construction duration. The resulting January 2010 Biological Opinion includes requirements for dredge observers, relocation trawling, hopper dredge operations and similar measures which will be fully implemented in the event that hopper dredging is to be used in any portion of project construction. Additionally, incidental sea turtle take, which is a reasonable likelihood, is covered by that Biological Opinion. The Southeast Office of Protected Resources has affirmed that this Biological Opinion is still valid.

No long term significant adverse affects to threatened or endangered species, their critical habitats, or marine mammals are anticipated. In the long-term, the preferred alternative would increase the longevity and enhance the quality and quantity of available habitat for protected species.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in incremental impacts to endangered or threatened species, their critical habitat, marine mammals, or other non-target species causing a significant impact.

5) Are significant social or economic impacts interrelated with natural or physical environmental effects?

No. The proposed action would not be expected result in significant social or economic impacts interrelated with environmental effects because the environmental effects are short-term and localized to the barrier island. Communities in the area do not depend on the natural resources of the island for social, cultural or economic purposes.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in incremental impacts to social or economic factors causing a significant impact.

6) Are the effects on the quality of the human environment likely to be highly controversial?

No. The need for the proposed project was identified through CWPPRA's annual public planning process and the project has received support from the State and Federal natural resources agencies and the public. The intent of the proposed project is to protect and enhance barrier islands along the Louisiana coast, which will improve the human environment, and this section of shoreline has been identified as critically eroding. Plaquemines Parish proposed the project with support from local users. Federal, state, and local government agencies have had the opportunity to review and comment on the proposed action since its inception.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in incremental impacts to the human environmental causing a significant impact, or add an additional impacts that would cause any controversy.

7) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, EFH, or ecologically critical areas?

No. In coordination with the State's Historic Preservation Officer, all areas potentially affected by the proposed action have undergone complete assessment of historic and cultural resources and no significant resources were identified; therefore, the proposed action is not expected to impact archeological, cultural, or historic resources. The project is not located in any park, recreational area, and wild or scenic river system. Coordination with the Louisiana State Historic Preservation Officer was previously completed in the 2004 EA and is not expected to change from the original analysis. Coordination with state and federal natural resource agencies throughout project planning and development has revealed no significant environmental or social resources in the project area.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in incremental impacts to historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, EFH, or ecologically critical areas causing a significant impact.

8) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

No. The proposed action is similar to other barrier island restoration projects completed on the coast of Louisiana during the past several years. The project involves risks that are well understood and avoidable. Lessons learned on previous projects are propagated throughout the CWPPRA program through meetings of the technical committees and work groups, and the project sponsor

participates in these meetings. No significant, long-term adverse impacts are known to have resulted from similar projects.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in incremental impacts causing a significant impact and are not expected to introduce any extra uncertainty or involve any unique or unknown risks.

9) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

No. The proposed action would have individually insignificant temporary minor adverse impacts and, in relation to other actions, cumulatively insignificant temporary minor adverse impacts. The proposed and related actions are part of an over-arching effort to restore and project critically eroding areas of south Louisiana. Each project may result in short term localized effects as described herein, but each project is implemented separately over a five to twenty year period. Individually, the proposed action is expected to benefit about 350 acres of critically eroding coastal habitats. In combination with other proposed restoration projects, the proposed action is expected to protect ecologically important resources to over ten miles of eroding coastal areas. Collectively, barrier island projects contribute positively to an ecosystem by providing additional sediment into the system.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in incremental impacts contributing to an overall cumulatively significant impact.

10) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural or historical resources?

No. Complete cultural resource investigations of all affected areas were completed. Consultation with the Louisiana State Historic Preservation Officer under the National Historic Preservation Act has been completed; no objections to project implementation were received. No sites eligible for National Register listing are known to exist in the project area.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in incremental impacts to districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural or historical resources causing a significant impact.

11) Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?

No. The proposed action would not introduce or spread non-indigenous species. The action would increase the ability of the area to support indigenous species by protecting and creating natural habitats.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in an increased likelihood of the introduction or spread of a non-indigenous species.

12) Is the proposed action likely to establish a precedent for future actions with significant effects or does it represent a decision in principle about a future consideration?

No. The proposed action will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. This project is a stand-alone project, similar in context to other barrier island/wetlands restoration activities in coastal Louisiana, with no identifiable funding for future action beyond the scope and funding currently allocated for the preferred alternative. The project is not considered to be an increment of a larger effort and any additional action in this area would need to be re-competed through the CWPPRA, or any other funding vehicle, process.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in setting a precedent for future actions with significant effects.

13) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

No. The proposed action was discussed with appropriate Congressional, Federal, state, and local agencies and other interested parties. All required permits and regulatory approvals have been obtained.

The proposed expansion of the marsh platform restoration component and jetty extension have all been taken into account within the requirements of Federal, State, and local laws imposed for the protection of the environment.

14) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

No. While implementation of this project and similar projects in the vicinity would not result in a greater area of EFH, it would result in the creation of more productive forms of EFH (e.g., beachfront and marsh) from less productive forms

of EFH (water column and water bottoms). The long-term impact would be moderately beneficial.

The proposed expansion of the marsh platform restoration component and jetty extension will not result in incremental impacts to target species or non-target species causing a significant impact.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting 2004 Environmental Assessment prepared for the implementation of the Barataria Barrier Island Complex Project: Pass la Mer to Chaland Pass and Pelican Island, the 2004 FONSI, the 2010 Supplemental FONSI, and the 2010 Memoranda to the Record for this project, all of which have been incorporated by reference, it is hereby determined that the proposed action will not significantly impact the quality of the human environment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an Environmental Impact Statement on this action is not required by the National Environmental Policy Act or its implementing regulations.

P. Montanio Date 12/9/10

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