APPENDIX B

Environmental Compliance

ENVIRONMENTAL ASSESSMENT
ADDITIONAL OFFSHORE BORROW AREAS –
ST. JOHNS COUNTY, FLORIDA SHORE PROTECTION PROJECT AND
ST. JOHNS COUNTY, FLORIDA COASTAL STORM RISK
MANAGEMENT PROJECT
(SOUTH PONTE VEDRA BEACH AND VILANO BEACH REACHES)

US Army Corps
of Engineers®
Jacksonville District

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ENVIRONMENTAL ASSESSMENT
ADDITIONAL OFFSHORE BORROW AREAS –
ST. JOHNS COUNTY, FLORIDA SHORE PROTECTION PROJECT AND ST. JOHNS COUNTY, FLORIDA COASTAL STORM RISK MANAGEMENT PROJECT (SOUTH PONTE VEDRA BEACH AND VILANO BEACH REACHES)

COMPLIANCE WITH ENVIRONMENTAL LAWS, STATUTES AND EXECUTIVE ORDERS This Environmental Assessment (EA) requires compliance with specific Federal acts, Executive Orders (E.O.) and other applicable environmental laws. The following provides a summary of environmental compliance with each Act, E.O. or applicable law.

National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 *et seq.*)
This Act requires the opportunity for public participation and comment on Federal projects, and requires agencies to cooperate with other Federal agencies, State, and local governments, and to involve public stakeholders. This EA has been prepared pursuant to NEPA and its implementing regulations. A Notice of Availability for the proposed Finding of No Significant Impact (FONSI), draft EA, and associated appendices was coordinated with pertinent agencies and interested stakeholders for 30 calendar days to allow for review and comment. The Corps is complying with the NEPA process and will be in full compliance with the Act at the time of construction. The Corps has updated NEPA documentation as appropriate following public review/comment.

Anadromous Fish Conservation Act (16 U.S.C. §§ 757A-757G)
The Preferred Alternative would not adversely affect anadromous fish species because the project does not occur in an anadromous fish river or stream therefore no anadromous fish species are expected to be present.

Archaeological Resources Protection Act (ARPA) (16 U.S.C. § 470aa *et seq.*)
This Act works to protect and preserve historical and cultural resources of Federal lands, including Indian lands through a permit system authorizing scholarly study and excavation of cultural properties, as well as provide sanctions for unauthorized use, removal, or damage to any archaeological resource. 16 U.S.C. §§ 470cc, 470ee-470ff; 36 CFR Part 296. The term resource includes human remains, pottery, basketry, bottles, weapon projectiles, rock carvings and paintings, tools, structures or portions thereof, graves, skeletal remains 16 U.S.C. § 470bb(1). Resources of 'recent' origin (less than 100 years) are not protected by ARPA. *U.S. v. Shivers*, 96 F.3d 120 (5th cir. 1996). This Act is not applicable because the Preferred Alternative does not anticipate the need to excavate or in any way disturb potentially significant cultural resources existing on Federal lands.

American Indian Religious Freedom Act (42 U.S.C. §§ 1996 and 1996a)
The policy of the U.S. is to protect and preserve for American Indians, Alaska Native Groups and Native Hawaiians, their inherent rights of Freedom to believe, express, and exercise traditional religions. These rights include, but are not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremony and traditional rites. The Preferred Alternative does not impede access to sites, prevent possession of sacred objects, or deny freedom to worship through ceremony or traditional rites and is in compliance with this Act

Clean Air Act (42 U.S.C. § 7401 *et seq.*)
The existing air quality within North Florida is considered good. The Clean Air Act requires that Federal agencies assure that their activities are in conformance with the federally approved Clean Air Act state implementation plans for geographical areas designated as "non-attainment" and "maintenance" areas under the Act. The project is exempt from the Clean Air Act conformity requirements because it is located in a Federal attainment area (F.A.C. 62-204.340(1-4)). The State of Florida does not regulate emissions from off-road equipment or marine vessels; however, it can be assumed that insignificant emissions will be produced by the dredge and construction equipment during construction activities. The Corps' contractor will obtain any air quality permits, if required. The project is in compliance with this Act.

Clean Water Act, Section 401 and Section 404(b) (33 U.S.C. §§ 1341 and 1344(b))
Section 404(b)(1) of the Clean Water Act addresses the discharge of dredged or fill material into the navigable waters of the U.S. The act of discharging and the location of the discharge is not changing and has already been evaluated. Effects of using the S-1 and N-3 sand borrow sources are substantially similar to the effects and determinations described in the prior 404(b)(1) Guidelines Evaluation (USACE 1998, USACE 2017); therefore, this EA incorporates by reference the previously completed 404(b)(1) St. Johns County Shore Protection Project (SJC SPP) dated March 1998 (USACE 1998) and St. Johns County Coastal Storm Risk Management (SJC CSRM) Project March 2017 (USACE 2017).

All required water quality certifications would be obtained prior to construction activities. All State water quality standards would be met. The SJC SPP and SJC CSRM projects would be performed in compliance with the conditions of the water quality certifications issued by the Florida Department of Environmental Protection (FDEP) (No. 0295429-003-JN (SJC SPP) and No. 0377120-001-JC (SJC CSRM) (and subsequently issued modifications) to ensure State of Florida water quality standards are met. The use of any offshore borrow sites will require a modification for both water quality certifications to incorporate those areas. It is anticipated that FDEP will issue a modification to the above certifications extending it, which will constitute the finding of concurrence for the new borrow areas.

Coastal Barrier Resources Act and Coastal Barrier Improvement Act (16 U.S.C. § 3501 *et seq.* and Public Law 101-591)
The Coastal Barrier Resources Act (CBRA) (16 U.S.C. §3501 *et. seq.*) and the Coastal Barrier Improvement Act (CBIA) of 1990 (Public Law 101-591) limit Federally-subsidized development within the CBRA Units to limit the loss of human life by discouraging development in high risk areas, to reduce wasteful expenditures of Federal resources, and to protect the natural resources associated with coastal barriers. CBIA provides development goals for undeveloped coastal property held in public ownership, including wildlife refuges, parks, and other lands set aside for conservation ("otherwise protected areas," or OPAs). These public lands are excluded from most of the CBRA restrictions, although they are prohibited from receiving federal flood insurance for new structures.

The official U.S. Fish and Wildlife Service (USFWS) Coastal Barrier Resources System (CBRS) maps were reviewed (https://www.fws.gov/CBRA/Maps/Mapper.html). Four CBRS Units classified as OPAs are located adjacent to the project area (**Figure 1**):

- FL-03P (Guana River) is located immediately north of Vilano Beach (SJC CSRM).
- P-04A (Usina Beach) is intersecting the southern portion of SJC CSRM.

- P-05 (Conch Island) is located at the area around St. Augustine Inlet including Porpoise Point on the north side and the northern portion of Anastasia State Park.
- P-05P (Conch Island) is the remaining portion of Anastasia State Park.

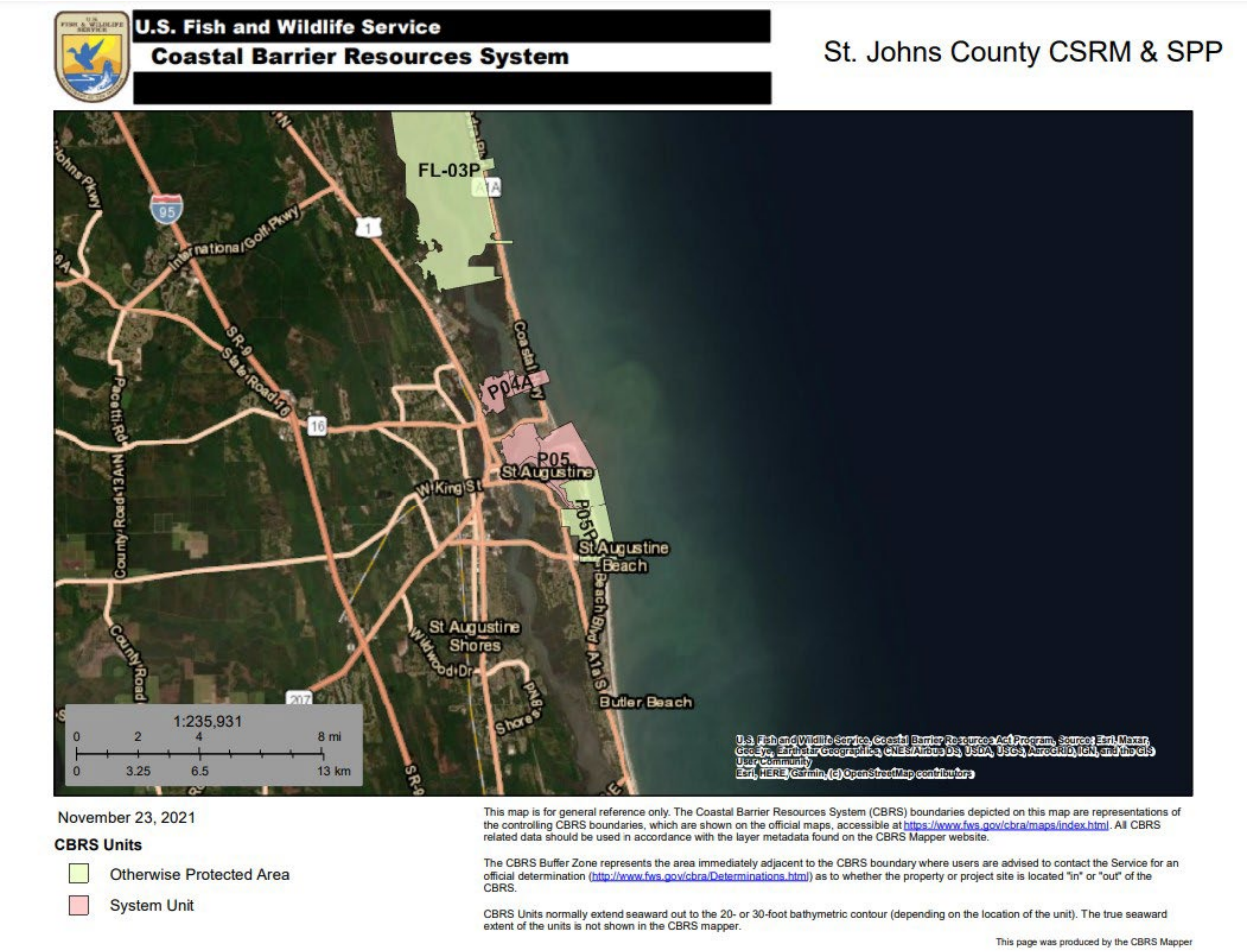

Figure 1. Location of CBRS Units OPA-Guana River Unit FL-03P, Usina Beach Unit P04A, Conch Island Unit P05, and OPA Conch Island Unit P05P in the vicinity of SJC CSRM (Vilano Beach) and SJC SPP (St. Augustine Beach).

The borrow areas are located offshore in water depths greater than the 30-foot contour and are not within CBRS units. Dredging of N-3 and S-1 sand borrow sites would not occur in designated CBRA units; however, placement will restore and stabilize the beaches in the designated CBRS units. SJC provided a letter and supporting documentation dated March 30, 2022, detailing the whole segment of State Road A1A (SRA1A) that falls in the P04A CBRS is vulnerable due to the proximity to the shoreline. SRA1A was breached within this CBRA Zone during Hurricanes Matthew, Irma and Dorian. In one event, Florida Department of Transportation (FDOT) had to bring in sand to hold the water back from further road erosion under an emergency order. SRA1A is a bottleneck in this area, and it is a critical roadway for emergencies, hurricane evacuation, life/limb, and safety. Previous consultation for the placement of sand from the St. Johns County projects within CBRS units was completed with USFWS via letter dated October 25, 2016 (USACE 2017). The Corps has completed consultation for CBRS Unit P04A with USFWS and in a letter dated April 19, 2022, the Corps

received a General Exemption for the protection of SRA1A as an essential link; 16 U.S.C. 3505(a)(3): The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system. Additional details on the consultation and supporting documentation can be found in Appendix A of the EA. The project is in compliance with these Acts.

Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*)
Pursuant to Subpart D of the implementing regulations for the Coastal Zone Management Act (CZMA) (15 CFR Part 930) the State of Florida previously concurred with the Corps' federal consistency determination that the SJC SPP and SJC CSRM projects are consistent with the enforceable policies of the Florida Coastal Zone Management Program. This concurrence was provided through FDEP's issuance of the Water Quality Certificates No. 0295429-003-JN and No. 0295429-002-JC for the St. Augustine Beach portion (issued September 26, 2011 and expires September 26, 2026) and Water Quality Certificate No. 0377120-001-JC for the South Ponte Vedra and Vilano Beach portion (issued March 26, 2020 and expires March 26, 2035).

The new borrow areas are located outside of state waters and dredging of the borrow areas is not subject to state authorization. A water quality certification modification will be required to indicate that the material from that borrow areas complies with the state sand rule and therefore, can be used to renourish the certified beach projects. No new effects from placing material from the S-1 and N-3 sand borrow areas are expected to occur; therefore, this EA incorporates by reference the previously completed CZMA determinations. In a letter dated March 18, 2022, the Florida State Clearinghouse staff reviewed the draft EA and based on the information submitted and minimal project impacts, the state has no objections to the subject project and therefore, it is consistent with the Florida Coastal Management Program (FCMP).

Endangered Species Act (16 U.S.C. § 1531 *et seq.*)
The proposed project has been coordinated with the USFWS and National Marine Fisheries Service (NMFS). The projects will be conducted in accordance with the Endangered Species Act, as amended, (ESA) and specifically in compliance with the NMFS 2020 South Atlantic Regional Biological Opinion for Dredging and Material Placement Activities in the Southeast United States, as amended (SARBO), and the USFWS Biological Opinions (Statewide Programmatic Biological Opinion (SPBO), Programmatic Piping Plover Biological Opinion (P3BO), and individual consultations). The placement of beach quality sand on the authorized projects has been evaluated through previous NEPA documents described in Section 1.4 of the EA. The SPBO and P3BO are not applicable to the proposed dredging of borrow areas S-1 and N-3; therefore, these Biological Opinions are not discussed in this NEPA evaluation; however, the projects' plans and specifications will include all applicable Terms and Conditions of the SPBO and P3BO for the placement activities. A discussion on the existing conditions and potential effects to threatened and endangered (T&E) species are included in the EA's Sections 3 and 4, respectively (Table 1). Correspondence with the agencies are included in the EA's Appendix A. A summary of the effect determinations are as follows:

Table 1. Corps' effect determinations for T&E species listed under the ESA (May Affect, but is not Likely to Adversely Affect (MANLAA), Not Likely to Adversely Affect (NLAA), Not Likely to Adversely Modify (NLAM)) and corresponding coordinating agency and associated biological opinion.

Common Name	Scientific Name	Coordinating Agency/Biological Opinion	Corps' Effect Determination
Green sea turtle	*Chelonia mydas*	NMFS/SARBO 2020	May Affect
Hawksbill sea turtle	*Eretmochelys imbricata*	NMFS/SARBO 2020	May Affect
Leatherback sea turtle	*Dermochelys coriacea*	NMFS/SARBO 2020	May Affect
Loggerhead sea turtle	*Caretta caretta*	NMFS/SARBO 2020	May Affect
Kemp's ridley sea turtle	*Lepidochelys kempii*	NMFS/SARBO 2020	May Affect
Florida manatee	*Trichechus manatus latirostris*	USFWS/SPBO 2015	MANLAA
Blue whale	*Balaenoptera musculus*	NMFS/SARBO 2020	MANLAA
Fin whale	*Balaenoptera physalus*	NMFS/SARBO 2020	MANLAA
Humpback whale	*Megaptera novaeangliae*	NMFS/SARBO 2020	MANLAA
North Atlantic right whale	*Eubalaena glacialis*	NMFS/SARBO 2020	MANLAA
Sei whale	*Balaenoptera borealis*	NMFS/SARBO 2020	MANLAA
Sperm whale	*Physeter macrocephalus*	NMFS/SARBO 2020	MANLAA
Smalltooth sawfish	*Pristis pectinata*	NMFS/SARBO 2020	MANLAA
Oceanic whitetip shark	*Carcharhinus longimanus*	NMFS/SARBO 2020	MANLAA
Giant manta ray	*Manta birostris*	NMFS/SARBO 2020	MANLAA (May affect (if relocation trawling is implemented)
Scalloped Hammerhead Shark	*Sphyrna lewini*	NMFS/SARBO 2020	MANLAA

Atlantic Sturgeon	*Acipenser oxyrinchus oxyrinchus*	NMFS/SARBO 2020	MANLAA (May affect (if relocation trawling is implemented)
Critical Habitats			
Loggerhead Sea Turtle - LOGG-N-14	*Caretta caretta*	NMFS/SARBO 2020	NLAM
North Atlantic Right Whale - Southeastern U.S. Calving Area Unit 2	*Eubalaena glacialis*	NMFS/SARBO 2020	NLAM

<u>Effect determinations for species under NMFS jurisdiction:</u>
May Affect: Swimming sea turtles (green sea turtle, hawksbill sea turtle, leatherback sea turtle, loggerhead sea turtle, Kemp's ridley's sea turtle).

May Affect, Not Likely to Adversely Affect (MANLAA):
Florida manatee, North Atlantic right whale, sei whale, humpback whale, sperm whale, fin whale, blue whale, Atlantic sturgeon, smalltooth sawfish, giant manta ray, oceanic whitetip shark, and scalloped hammerhead shark

Designated Critical Habitat:
Not Likely to Adversely Modify (NLAM)
Loggerhead Sea Turtle - LOGG-N-14 and North Atlantic Right Whale - Southeastern U.S. Calving Area Unit 2

For potential effects to federally listed T&E species under the NMFS jurisdiction, the project meets the eligibility criteria to be covered by the NMFS' 2020 South Atlantic Regional Biological Opinion for Dredging and Material Placement Activities in the Southeast United States (SARBO), as amended. The SARBO covers dredging (e.g., maintenance, advance maintenance, minor channel modifications, borrow area dredging, and muck dredging), transportation of dredged material, dredged material placement, geotechnical and geophysical (G&G) surveys, and species handling in the southeast U.S., specifically from North Carolina/Virginia border through and including Key West, Florida and the islands of Puerto Rico and the U.S. Virgin Islands. The following types of dredges and dredging methods are covered by the SARBO: mechanical (e.g., clamshell and backhoe), hydraulic (e.g., cutterhead suction/pipeline dredging and hopper), side-cast/split hull, and agitation (e.g., bed leveling, water injection dredging) as well as dredging pipelines and support vessels. The SARBO also covers relocation trawling, ESA-listed species handling, and aerial surveys. The use of equipment and/or methods not covered by the SARBO may require additional coordination and/or consultation with NMFS.

The project will adhere to applicable SARBO Project Design Criteria (PDC). PDCs are the specific criteria, including the technical and engineering specifications, indicating how an individual project must be sited, constructed, or otherwise carried out to avoid or minimize

adverse effects to ESA-listed species or designated critical habitat (DCH). PDCs help protect species and critical habitat and ensure that the actions covered by the SARBO are sufficiently similar so that their effects can be analyzed together. In designing the PDCs, conditions are established that avoid adverse effects on listed species or DCH or, where the adverse effect cannot be avoided, to limit effects to predictable levels that will not jeopardize the continued existence of listed species or destroy or adversely modify critical habitat either at the individual project level or in aggregate. Additionally, NMFS' sea turtle and smalltooth sawfish construction conditions will be implemented.

Effect determinations for species under USFWS jurisdiction:
MANLAA: Florida manatee

For potential effects to federally listed T&E species under the USFWS jurisdiction, the Corps received concurrence from USFWS on the MANLAA determination in a letter dated April 28, 2022. The Corps will implement the USFWS 2011 standard manatee conditions for in-water work. Consultation with USFWS is ongoing. (Pertinent correspondence is included in Appendix A of the EA.)
The Corps is complying with the Act through the NEPA review and ESA consultation processes. The project is in full compliance with the Act.

Estuary Protection Act (16 U.S.C. §§ 1221-1226)
This Act is not applicable. No estuaries of national significance exist in the project area.

Federal Water Project Recreation Act, as amended (16 U.S.C. §§ 460(L)(12)-460(L)(21))
Recreational opportunities as well as the effects of the Preferred Alternative on outdoor recreation have been described in Sections 3 and 4 of the EA. The project is in compliance with this Act.

Fish and Wildlife Coordination Act, as amended (16 U.S.C. §§ 661-666c)
The central objective of the Fish and Wildlife Coordination Act (FWCA) is to allow for equal consideration of wildlife resources. Representatives from USFWS have been involved in project planning, development, and evaluation with particular interests in effects to fish and wildlife resources. A Memorandum for the Record (MFR), signed by USFWS on April 28, 2022, and the Corps, documents an agreement between the agencies to use the NEPA review and ESA consultation processes to complete coordination responsibilities under the FWCA. The MFR can be found in Appendix A "Pertinent Correspondence". The Corps is complying with the Act through the NEPA review and ESA consultation processes and is in full compliance with the Act. Compliance has been previously completed for SJC SPP (see Appendix G of 2017 EA) and SJC CSRM (see Appendix C of 1998 GRR/EA).

Farmland Protection Policy Act (7 U.S.C. § 4201 *et seq.*)
This Act is not applicable. No farmland exists in the project area.

Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. § 1801 *et seq.*)
The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) reflects the Secretary of Commerce and Fishery Management Council authority and responsibilities for the protection of Essential Fish Habitat (EFH). Federal agencies that fund, permit, or carry out activities that may adversely impact EFH are required to consult with the NMFS regarding the

potential effects of their actions on EFH. In accordance with the January 22, 2019 guidance from the Corps and the October 2, 2018 EFH Finding between the Southeast Regional Office of NMFS and the U.S. Army Corps of Engineers, South Atlantic Division, the EFH Assessment for the project is integrated within the EA. EFH consultation is coordinated with the NMFS through the draft report's review period. All pertinent correspondence can be found in Appendix A. EFH consultations regarding the beach placement portion of the previously federally authorized projects (SJC SPP and SJC CSRM) is incorporated by reference (USACE 1998, USACE 2017). The Corps is complying with the Act through the NEPA review and EFH consultation processes and is in full compliance with the Act. In an email between BOEM and NMFS dated January 31, 2022, NMFS stated that they would not be providing comments for this project, and the Corps did not receive any EFH conservation recommendations. This email correspondence can be found in Appendix A "Pertinent Correspondence".

Marine Mammal Protection Act (16 U.S.C. §§ 1361–1362, 1371-1389, 1401-1407, 1411-1418, 1421-1421h, 1423-1423h)
The Marine Mammal Protection Act prohibits harassing, feeding, hunting, capturing, and/or killing (referred to as "take") and importing of marine mammals and marine mammal products. The project area is accessible to marine mammals, such as the Florida manatee and whales. Noise associated with dredging and vessel strikes in transit areas are known to cause impacts. Incorporation of standard protection conditions, BMPs, as well as applicable T&Cs and PDCs of the SARBO, SPBO, and P3BO into the projects' plans and specifications will ensure that the potential adverse effects to these species are reduced to the maximum extent practicable. Implementation of the safeguards used to protect threatened and endangered species during construction and operation would extend protections to marine mammals within the area. No take of marine mammals is anticipated. The project is in compliance with the goals of this Act and will be in full compliance with the Act at the time of construction through implementation of referenced safeguards.

Marine Protection, Research and Sanctuaries Act (16 U.S.C. §§ 1431-1445, 1447-1447f and 33 U.S.C. §§ 1401-1445, 2801-2805)
This Act is not applicable. Ocean disposal of dredged material is not a component of the Preferred Alternative.

Migratory Bird Treaty Act (16 U.S.C. §§ 703-712) and Migratory Bird Conservation Act (16 U.S.C. §§ 715-715D, 715E, 715F-715R)
The Migratory Bird Treaty Act prohibits the take (e.g., killing, capturing, selling, or trading) and/or transporting of protected migratory bird species without prior authorization by USFWS. The Corps will include standard migratory bird protection measures in the project plans and specifications and will require the Contractor to abide by those requirements. The project is in compliance with the goals of this Act and will be in full compliance with the Act at the time of construction through implementation of standard migratory bird protection measures.

National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*)
Consultation with the Florida State Historic Preservation Officer (SHPO), appropriate federally recognized tribes, and other interested parties was initiated on July 29, 2021. (See Appendix A for pertinent correspondence). Due to continued changes to project parameters, SHPO concurrence with a finding of no historic properties affected will not be possible prior to the signing of the EA and Finding of No Significant Impact (FONSI). The Corps will employ Stipulation V of its 2021 *Programmatic Agreement among the United States Army Corps of*

Engineers, the Florida State Historic Preservation Officer, the Bureau of Ocean Energy Management, and the Advisory Council on Historic Preservation Regarding Compliance with Section 106 of the National Historic Preservation Act during Implementation of the United States Army Corps of Engineers, Jacksonville District Operation, Navigation, and Shore Protection Programs in order to meet its Section 106 compliance requirements prior to construction.

Native American Graves Protection and Repatriation Act, as amended (25 U.S.C. § 3001 *et seq.*)
Federal agencies must make an inventory of all Indian human remains and funerary objects in its possession and control, attempt to identify the affiliated tribe, and repatriate the items to the appropriate group. This Act also applies to inadvertent discoveries, in that there is a required delay in the disturbance of a site containing human remains until consultation with affiliated tribes is accomplished. This Act applies to Federal owned lands, including Reservation lands. The project area includes federally owned lands, however cultural resources surveys of those federally owned lands has not resulted in the location of Indian human remains or funerary objects. Tribal consultation was initiated on July 29, 2021 and updated on December 21, 2021. The Seminole Tribe of Florida has provided a response of "no objections or other comments," while the other listed tribes have not provided a response within 30 days, thus implying concurrence.

Outer Continental Shelf Lands Act (43 U.S.C. § 1331 *et seq.*)
This Act defines the Outer Continental Shelf (OCS) as all submerged lands lying 3 miles offshore seaward of state coastal waters which are under U.S. jurisdiction. The Corps is currently coordinating with BOEM to execute a lease agreement for the use of the new borrow areas N-3 and S-1 and will be in full compliance with the Act at the time of construction.

Rivers and Harbors Act of 1899, Section 10 (33 U.S.C. §404)
The Preferred Alternative could temporarily obstruct navigable waters of the U.S. during construction. The proposed action will be subject to the public notice and other evaluations normally conducted for activities subject to the Act. The project is in compliance with the goals of this Act.

Submerged Lands Act (43 U.S.C. § 1301 *et seq.*)
The borrow area dredging would not occur on submerged lands of the State of Florida. The Corps will coordinate the project with the State of Florida through the WQC process, FCD review, and the review process of this EA. The Corps is complying with the Act through the state review processes and will be in full compliance with the Act at the time of construction.

Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. §§ 4601-4655)
No homeowners would be displaced as part of the real estate acquisitions required for this project. The project will be in full compliance with the Act at the time of construction.

Wild and Scenic Rivers Act, as amended (16 U.S.C. § 1271 *et seq.*)
This Act is not applicable. There are no designated wild and scenic river located within the project area.

E.O. 11988, Floodplain Management

E.O. 11988 directs Federal agencies to avoid siting projects in floodplains and to avoid inducing further development of flood-prone areas. To comply with E.O. 11988, the policy of the Corps is to formulate projects that, to the extent possible, avoid or minimize adverse effects associated with the use of the floodplain and avoid inducing development in the floodplain unless there is no practicable alternative.

Per guidance provided in E.O. 11988, the following factors were evaluated:

1. *Determine if a proposed action is in the base floodplain (defined by E.O. 11988 as an "area which has a one percent or greater chance of flooding in any given year").* No activities associated with the Preferred Alternative or the SJC SPP and CSRM projects are located within a floodplain.

2. *Conduct early public review, including public notice.*
   Public and agency coordination is described in Sections 1.6 and 5. This EA will be coordinated with interested stakeholders and the public via the NEPA process.

3. *Identify and evaluate practicable alternatives to locating in the base floodplain, including alternative sites outside of the floodplain.*
   The Preferred Alternative and SJC SPP and CSRM projects are not located in the floodplain. SPP and CSRM projects are inherently located in coastal areas and are often located in Coastal High Hazard Area (CHHAs)[1] based on the problems the project is seeking to alleviate. The primary objective of the SJC SPP and CSRM projects is to reduce infrastructure damage. There is no practicable alternative that could be located outside of the CHHA that would achieve this objective.

4. *Identify impacts of the proposed action.*
   Because the projects and Preferred Alternative do not occur within a floodplain, no impacts to the floodplain are expected. Impacts of the proposed action to the physical, natural, and socioeconomic environment are described in Section 4 and include short-term adverse effects to aesthetics, fish and wildlife, recreation, safety, and water quality. These short-term adverse effects will cease with the completion of construction. Long-term beneficial effects associated with the action are expected to shore erosion and accretion, fish and wildlife, recreation, navigation, safety, and needs and welfare of the people. These long-term benefits would be expected to remain for years following construction.

5. *Minimize threats to life and property and to natural and beneficial floodplain values. Restore and preserve natural and beneficial floodplain values.*
   Renourishment of the beach will continue to provide protection to coastal infrastructure thereby minimizing threats to life and property while restoring and preserving the shoreline. More details on the project's purpose and need are included in Section 1. Details on the environmental commitments and compliance are included in Section 6.

[1] E.O. 11988 defines CHHAs as an "area subject to inundation by one-percent-annual chance of flood, extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms."

6. *Reevaluate alternatives.*
   Alternatives are described in Section 2 of the EA. The Preferred Alternative, described in detail in Section 2.1.6, best meets the purpose and need for continued coastal storm risk management.

7. *Issue findings and a public explanation.*
   The EA provides a proposed Finding of No Significant Impact (FONSI) and describes the Preferred Alternative in Section 2. Public and agency coordination is described in Sections 1.6 and 5.

8. *Implement the action.*
   Construction will occur after all appropriate documentation (e.g. agreements, permitting, etc.) is completed and funds are received.

The Corps concludes that the Preferred Alternative will not result in harm to people, property, and floodplain values and that the project is in the public interest. For the reasons stated above, the project complies with this E.O.

E.O. 11990 Protection of Wetlands

This E.O. is not applicable. Wetlands are not located within the proposed project footprint.

E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

On February 11, 1994, the President of the U.S. issued E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. This E.O. mandates that each Federal agency make environmental justice (EJ) part of the agency mission and to address, as appropriate, disproportionately high and adverse human health or environmental effects of the programs and policies on people of color and low-income populations. Significance thresholds that may be used to evaluate the effects of a proposed action related to EJ are not specifically outlined. However, Council on Environmental Quality (CEQ) guidance requires an evaluation of a proposed action's effect on the human environment and the Corps must comply with E.O. 12898. The Corps determines if a proposed action or its alternatives would result in significant effects related to EJ if the proposed action or an alternative would disproportionately adversely affect an EJ community through its effects on:

- Environmental conditions such as quality of air, water, and other environmental media; degradation of aesthetics, loss of open space, and nuisance concerns such as odor, noise, and dust;
- Human health such as exposure of EJ populations to pathogens;
- Public welfare in terms of social conditions such as reduced access to certain amenities like hospitals, safe drinking water, public transportation, etc.; and
- Public welfare in terms of economic conditions such as changes in employment, income, and the cost of housing, etc.

The Corps conducted an evaluation of EJ impacts using a two-step process: as a first step, the study area was evaluated to determine whether it contains a concentration of people of color and/or low-income populations. The second step includes evaluation to determine whether the proposed action would result in a disproportionately, high adverse effect on these populations.

As defined in E.O. 12898 and the CEQ guidance, a people of color population occurs where one or both of the following conditions are met within a given geographic area:

- The American Indian, Alaskan Native, Asian, Pacific Islander, Black, or Hispanic population of the affected area exceeds 50 percent; or
- The people of color population percentage of the affected area is meaningfully greater than the people of color population percentage in the general population or other appropriate unit of geographic analysis.

An affected geographic area is considered to consist of a low-income population (i.e., below the poverty level for purposes of this analysis) where the percentage of low-income persons:

- is at least 50 percent of the total population; or
- is meaningfully greater than the low-income population percentage in the general population or other appropriate unit of geographic analysis.

<u>Step 1: Study Area's People of Color and Low-Income Population Average Percentages</u>

Using the USEPA EJAssist Tool, the project area was user-defined (*see* **Figure 2**) and a 0.5-mile buffer was added to calculate the average percentages for the EJ criteria. **Table 2** compares the average percentages for the SJC CSRM (Vilano Beach area) and SJC SPP (St. Augustine Beach area), state of Florida, and U.S.

Figure 2. User-defined project area used for EJ analysis.

Table 2. USEPA EJAssist environmental justice criteria percentages.

	Florida Average %	U.S. Average %
People of Color Population	7%	16%
Low Income Population	22%	32%

Based on the information provided by the USEPA EJAssist tool, the average people of color population is lower in the project areas when compared to the state of Florida and U.S. percentages. The percent of low-income population is lower in the project areas when compared to the state of Florida and U.S. percentages. Therefore, the study area which comprises the project does not constitute an EJ community because the study area does not contain a high concentration of people of color and low-income populations.

Step 2: Recommended Plan's Effect on EJ Community

The study area is not comprised of an EJ community. No subjects or issues were presented evaluation process as possible environmental impacts that may be disproportionate towards people of color and/or low-income populations. The purpose of the new offshore borrow sites is to provide alternative sand sources for the federally authorized shoreline projects in SJC (SJC CSRM and SJC SPP projects). These projects address coastal storm risks that threaten structures and infrastructure from the Atlantic Ocean shoreline. This is driven by storm damages due to erosion and inundation, loss of natural habitat and recreational opportunities, and loss of regional income associated with tourism. In-water construction of the Preferred Alternative is described in detail in Section 2 of the EA. The federally authorized projects' full project description is found the project reports (SJC SPP 1998, SJC CSRM 2017). The projects provide protection to structures and infrastructure as well as ensure the continuation of benefits to socioeconomic resources (e.g., recreation, tourism, etc.).

Continued implementation of these projects is dependent upon the Preferred Alternative (new borrow areas S-1 and N-3) to provide beach quality material to the federally authorized projects (SJC CSRM and SJC SPP) which would benefit all population groups by reducing the risk of potential damages from waves, erosion, and storm surge caused by coastal storms to structures and infrastructure along the SJC shoreline. Renourishment of the shoreline would improve the quality of human life by providing improved conditions for fish and wildlife, which would also translate into aesthetic and economic benefits. No homeowners would be displaced by the project.

The project would not result in adverse human health or environmental effects. The project would not disproportionately adversely affect any people of color or low-income population. The proposed activity would not (a) exclude persons from participation in, (b) deny persons the benefits of, or (c) subject persons to discrimination because of their race, color, or national origin, nor would the proposed action adversely impact "subsistence consumption of fish and wildlife." Therefore, the project is in compliance with this E.O.

E.O. 13007, Indian Sacred Sites

This E.O. is not applicable. This E.O. is directed towards executive branch agencies with statutory or administrative responsibility for the management of Federal lands. The proposed action would not affect Department of Defense owned or the Corps managed lands.

E.O. 13045, Protection of Children from Environmental Health and Safety Risks

E.O. 13045 requires each Federal agency to "identify and assess environmental risks and safety risks [that] may disproportionately affect children and ensure that its "policies, programs, activities, and standards address disproportionate risks to children that results from environmental health risks or safety risks." The Preferred Alternative does not affect children disproportionately from other members of the population and would not increase any environmental health or safety risks to children. The project is in compliance with this E.O.

E.O. 13089, Coral Reef Protection

This E.O. is not applicable. The proposed action would not occur in areas near coral reefs and hardbottom habitats.

E.O. 13122, Invasive Species

The project's plans and specifications will include conditions to avoid the introduction and/or promotion of non-native species to the region. The Corps will require the Contractor to abide by those requirements as well as submit a plan describing the protection measures to be implemented by the Contractor. The project is in compliance with this E.O

E.O. 13175, Consultation and Coordination with Indian Tribal Governments

E.O. 13175 sets forth fundamental principles to guide agencies in formulating and implementing policies that have tribal implications. The E.O. goes on to set forth policymaking criteria to which agencies must adhere to the extent permitted by law. These principles and policymaking criteria apply to an agency's "regulations, legislative comments or proposed legislation, and other policy statements or actions" that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes" (Sec.1(a)). Consultation with members and representatives of the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Seminole Nation of Oklahoma, the Thlopthlocco Tribal Town, and the Muscogee Creek Nation have been ongoing. (Pertinent correspondence can be found in Appendix A.) Pursuant to E.O. 13175, U.S. Army Corps of Engineers, Headquarters developed the November 1, 2012 Tribal Policy Memorandum, which dictates Federal responsibilities, including Trust Responsibilities, to Federally recognized Tribes. The Corps will continue to consult as required by the E.O. and as specified by the November 1, 2012 Tribal Policy Memorandum. The project is in compliance with this E.O.

E.O. 13186, Responsibilities of Federal Agencies to Protect Migratory Birds

Migratory and resident bird species have been observed within the project area and are likely to use available habitat for foraging, nesting, and breeding. The proposed project is not expected to destroy migratory birds, their active nests, their eggs, or their hatchlings. The proposed project is expected to benefit migratory birds by improving habitat and increasing availability of forage species (e.g., amphibians, fish, aquatic and invertebrates) for wading birds. The project is in compliance with the goals of this E.O.

REFERENCES:

U.S. Environmental Protection Agency (USEPA). 2020. EPA EJScreen Report EPA'S Environmental Justice Screening and Mapping Tool (Version 2020). https://ejscreen.epa.gov/mapper/. Website accessed November 24, 2021.

U.S. Army Corps of Engineers (USACE). 1998. General Reevaluation Report (GRR) with Final Environmental Assessment (EA) and Findings of No Significant Impact (FONSI), St. Johns County, Florida, Shore Protection Project.

U.S. Army Corps of Engineers (USACE). 2017. St. Johns County Coastal Storm Risk Management Project, Final Integrated Feasibility Study and Environmental Assessment. South Ponte Vedra Beach, Vilano Beach, and Summer Haven Reaches St. Johns County, Florida. (St. Johns County, Florida South Ponte Vedra, Vilano Beach and Summer Haven Reaches Coastal Storm Risk Management Project Final Integrated Feasibility Study and Environmental Assessment dated March 2017 and approved by the Chief of Engineers on August 8, 2017).

U.S. Army Corps of Engineers (USACE), April 2021. Programmatic Agreement among the United States Army Corps of Engineers, the Florida State Historic Preservation Officer, the Bureau of Ocean Energy Management, and the Advisory Council on Historic Preservation Regarding Compliance with Section 106 of the National Historic Preservation Act during Implementation of the United States Army Corps of Engineers, Jacksonville District Operation, Navigation, and Shore Protection Programs. Jacksonville District, Jacksonville, FL.