FINDING OF NO SIGNIFICANT IMPACT

Issuance of a Negotiated Agreement for Use of Outer Continental Shelf Sand from Borrow Area S-1 for the St. Johns County, Florida Shore Protection Project

Pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), and Department of the Interior (DOI) regulations implementing NEPA (43 CFR 46), the U.S. Army Corps of Engineers Jacksonville District (Corps) (lead agency), with the Bureau of Ocean Energy Management (BOEM) serving as a cooperating agency, prepared an Environmental Assessment (EA) in April 2022 that considers the use of Outer Continental Shelf (OCS) sand for two adjacent beach renourishment projects along shorelines of St. Johns County (SJC), Florida. BOEM contributed to the preparation of the 2022 EA, then conducted an independent review before adopting the document. This Finding of No Significant Impact only considers the next construction cycle of the SJC Shoreline Protection Project (hereafter referred to as the Project) despite the scope of the 2022 EA (Attachment 1).

Proposed Action

The purpose of the Project is to reduce future storm damages to coastal infrastructure, increase and maintain recreational opportunities, and improve environmental habitat along SJC. The Project would dredge up to 3.5 MCY of OCS sand for placement along the SJC shoreline. The Project area starts about 2.7 miles south of St. Augustine Inlet in Anastasia State Park and extends south for 2.5 miles (13,200 feet) along the shoreline of the City of St. Augustine Beach, from FDEP reference monument R-137 to R-150 in St. Augustine Beach, SJC, Florida.The northern boundary of the Project would tie into the pending Corps' Coastal Storm Reduction Project (SJC CSRM) in Vilano Beach. In the SJC CSRM Project, the Corps separately proposes to dredge a nearby borrow area to construct Vilano Beach and South Ponte Vedra Beach; that proposed action is considered in a separate FONSI given different scope, funding, and timing. Directly north of the SJC CSRM Project at Vilano Beach is the recently completed North and South Ponte Vedra Beach Restoration Projects (2021).

Since 2016, the SJC beaches have been severely impacted by coastal storms (most notably Hurricanes Matthew, Irma, Dorian, Ian, and Nicole). In 2021, BOEM issued two leases to SJC for 1) the North Ponte Vedra Beach Restoration Project (not yet constructed) and 2) the South Ponte Vedra Beach Restoration Project (constructed in 2021). In 2022, Hurricanes Ian and Nicole impacted the entire SJC SPP area, resulting in further erosion. This led the Corps and SJC to revise the SPP Project and increase the volume requested earlier this year (from 3 MCY to 3.5 MCY) from Borrow Area S-1. This 2022 EA analyzes the use of Borrow Area S-1 for up to three scheduled renourishments during its remaining authorized project lifecycle. The Project calls for the placement of periodic nourishment of approximately 1,625,000 cy of beach compatible fill every 5 years, however dredge frequency or sand volume increases may

occur sporadically for emergency use. BOEM only proposes to authorize the use of Borrow Area S-1 for the next construction cycle.

BOEM's action is to enter into a three-party Non-competitive Negotiated Agreement (NNA) with the Corps and SJC to authorize the use of up to 3.5 MCY of OCS sand from offshore borrow area, S-1 for the SJC SPP. Borrow Area S-1 is located about 6 miles offshore the St. Augustine Beach fill area (SJC SPP). The previous sand borrow source for the SJC SPP was the St. Augustine Inlet and Ebb Shoal Complex. After the most recent (2018) construction of the SJC SPP, the Corps determined that there is limited remaining volume (200,000 - 400,000 cy) within former borrow areas. In addition to the limited quantity, the sand exists in a very thin layer, so removal would be inefficient and likely lead to diminished quantities of beach compatible sand.

The Project features an authorized design beach template which includes a 60-foot berm extension of the pre-project + 12-foot mean low water (MLW) contour, with a foreshore slope of 1 vertical on 20 horizontal (1V:20H) from the berm to MLW and 1V:30H thereafter to intersection with the existing beach.

Alternatives to the Proposed Action

Previous environmental documents identified beach nourishment as the preferred alternative to address coastal erosion and storm damage in SJC. In the 2022 EA, the Corps considered four alternatives to the Project: 1) no action, 2) beach nourishment with one of the new borrow areas, S-1, 3) beach nourishment with unproven offshore borrow areas, and 4) beach nourishment with upland sand sources. Alternatives 3 and 4 were considered but eliminated from further evaluation. Alternative 3 (unproven offshore borrow areas) was not carried forward because the closest unproven area (SJ1-R134) is undeveloped and would require significant bathymetric, geotechnical, and cultural investigations that would not align with the timeline for the SJC need. Alternative 4 (upland sand sources) was not carried forward due to the lack of known available sources and availability of access points to the beach. The no action alternative represents the conditions if no future beach nourishment occurred and is a comparison for other alternatives. The preferred alternative in the 2022 EA is to use the currently proven borrow area S-1 (SJC SPP) to obtain beach compatible fill material for the renourishment of the St. Augustine Beach project shoreline.

Environmental Effects

Project sponsors previously evaluated impacts associated with dredging and placement operations for beach nourishment activities along St. Augustine Beach in the following environmental documents:

- SJC and BOEM 2020. *Environmental Assessment: Use of Outer Continental Shelf Sand from Borrow Area N-3 for the South Ponte Vedra Beach Restoration Project.* This EA evaluates the use of OCS sand from N-3 and placement at specified areas in a FEMA-funded project at South Ponte Vedra. (2022 construction completed)

- FEMA 2019. *Environmental Assessment: St. Johns County Emergency Beach Berms, St. Johns County, Florida*. This EA evaluates placement impacts to South Ponte Vedra Beach, SJC. (2022 construction completed)
- Corps 2017. *St. Johns County Coastal Storm Risk Management Project, Final Integrated Feasibility Study and Environmental Assessment (EA) and Findings of No Significant Impact (FONSI). South Ponte Vedra Beach, Vilano Beach, and Summer Haven Reaches St. Johns County, Florida.* This EA evaluates placement impacts along Vilano Beach, directly adjacent to the SJC SPP.
- Corps 1998. *General Reevaluation Report (GRR) with Final EA and FONSI, St. Johns County, Florida, Shore Protection Project.* This EA includes the authorized St. Augustine Beach project area and evaluates placement impacts along the SJC SPP.
- Corps 1979. *Feasibility Report for Beach Erosion Control, Appendix 3, Environmental Impact Statement (EIS), St. Johns County, Florida.* This EIS includes a detailed evaluation of SJC SPP and potential impacts. The EIS identified beach nourishment as the preferred alternative, but did not disclose significant effects with the preferred alternative of beach nourishment.

The Corps and BOEM prepared the 2022 EA to evaluate the potential environmental effects associated with dredging the new OCS borrow area (S-1) and transporting sand for placement along the St. Augustine coast. This EA incorporates by reference the aforementioned documents to address placement impacts. The *1998 General Reevaluation Report (GRR) with Final EA and FONSI* evaluates placement impacts across the entire Project reach. However, the 2020 SJC and BOEM EA, 2019 FEMA EA, and 2017 SJC CSRM EA also evaluate placement impacts along the shoreline close to the SJC SPP placement area. After reviewing these documents, the Corps and BOEM concluded that there was no potential for unique or significantly different impacts that would occur in the SJC SPP placement area that would warrant new and additional analysis.

The Corps and BOEM identified a suite of environmental commitments necessary to avoid, minimize, and/or reduce and track any foreseeable adverse effects that may result from the Project. The Corps and SJC are responsible for implementing all environmental requirements prior to, during, and after construction, as described in the 2022 EA (for dredging and conveyance) and the 1998 EA (for placement).

Significance Review

Pursuant to 40 CFR 1501.3(b), BOEM analyzed the significance of potential effects of the proposed action considering both the potentially affected environment and the degree of effects. Connected actions (defined per 40 CFR 1501.9(e)(1)), including on-and-off site mobilization and beach placement activities, were considered in previous NEPA analyses and those analyses were incorporated by reference in the 2022 EA.

BOEM considered the affected area and resources potentially present in both spatial and temporal contexts. The proposed action is considered site-specific. The area of

direct fill placement includes dry sandy beach, intertidal flat/surf zone, and shallow subtidal habitat. Borrow Area S-1 includes similar sandy submerged habitat. Effects would be limited to the placement site (including the pipeline corridors for conveying sediment to the beach) and the immediate dredging area, both of which are dominated by storms and physical processes of waves and currents. Effects of the Project would generally be limited to the 3-month to 6-month construction window and the time interval associated with equilibration of the placement material, recovery of the disturbed borrow area, and any habitat change along the beach. BOEM evaluated the following when evaluating the degree of effects:

(i) Short- and long-term effects

Potential effects associated with the Project would be localized, short-lived, and generally reversible as described below. The only long-term effect within the borrow area would be related to physical geomorphologic change due to the removal of OCS sand and limited infilling or reshaping expected. Borrow Area S-1 has not been dredged previously. The removal of sand from Borrow Area S-1 over multiple dredging cycles could change the shape and characteristics of the bottom habitat in that limited area. The effects would not be significant, as there is comparable, undisturbed habitat adjacent to the dredge area.

Dredging of Borrow Area S-1 would temporarily impact benthic infauna; however, long-term benthic effects in the same footprint would be avoided by limiting dredging depths and maintaining consistent pre- and post-dredge sediment characteristics. The typical range in recovery time of the affected benthic community is months to a few years; therefore, the potential for significant or chronic impact would be avoided.

Though current nesting opportunities along St. Augustine Beach are diminished because of severe erosion and lower-quality habitat, Loggerhead, green, and leatherback sea turtles nest within the Project area. Hawksbill and Kemp's ridley sea turtles occur in coastal waters off SJC, but do not currently nest within the Project area. Borrow Area S-1 sand composition meets the State of Florida's sediment criteria for native beach compatibility. Construction activities and staging of equipment may affect existing dune vegetation; however, the Project includes revegetation of areas that would be disturbed. Nesting habitat may be affected over the short-term, until the beach and dune system equilibrate post-construction and provide improved habitat. Loggerhead critical habitat (LOGG-N-14) and North Atlantic Right Whale critical habitat (Unit 2) occur in the Project area, but will not be adversely affected. BOEM and USACE will avoid and/or minimize effects to protected species and designated critical habitat in accordance with requirements outlined the U.S. Fish and Wildlife Service (USFWS) Statewide Programmatic Biological Opinion for beach placement activities (2015), the USFWS Programmatic Piping Plover Biological Opinion (2013), and the National Marine Fisheries Service (NMFS) South Atlantic Regional Biological Opinion (SARBO) (2020).

The Project's area falls under NMFS and the South Atlantic Fisheries Management Council (SAFMC) jurisdiction. NMFS has designated Essential Fish Habitat (EFH) in and adjacent to the Project's area for various demersal, pelagic, and highly migratory

species. The Project will have temporary effects on EFH from dredging and placement activities. The Corps will implement avoidance and minimization measures to minimize effects on those fish species and fish habitat, including but not limited to adherence to the State Water Quality conditions at the edge of a 150-meter mixing zone, avoiding/minimizing construction overlap with peak recruitment windows for benthic infaunal assemblages and federally managed species, and avoidance of hard bottom. The effects would not be significant, as there is comparable, undisturbed habitat adjacent to the borrow area.

Other expected short-term effects from the Project include interruptions of shorebird foraging and resting at the placement site, noise and beach access closure effects on the local socio-economics and aesthetics, impediments to recreational usage at the placement site, restricted boating navigation at the dredge and placement sites, increases in turbidity at the construction sites, localized and minor noise level increases at the dredge site, and public safety risks posed by the construction equipment. These effects are likely limited to the 3-month to 6-month construction period.

(ii) Beneficial and adverse effects

BOEM considered potential effects to the physical environment, biological resources, cultural resources, and socioeconomic resources.

Borrow Area S-1 contains approximately 15 MCY of sand relative to the 3.5 MCY needed for construction of the Project. Some coastal sand dependent species (*e.g.*, native and migratory shorebirds, sea turtles) may experience temporary disruptions to foraging and nesting during and following construction. However, the birds and sea turtles that use the beach for foraging or nesting should benefit in the long-term from higher quality habitat. The Corps and SJC plan to implement standard shorebird monitoring (as required by the SPBO and P3BO if the project timing overlaps with the nesting season) and sea turtle nesting protocols.

Dredging activities within borrow area S-1 overlap with the distribution of threatened loggerhead (Northwest Atlantic Distinct Populations Segment (DPS)) and green sea turtles (North Atlantic DPS), and endangered leatherback, hawksbill, and Kemps Ridley sea turtles protected under the Endangered Species Act (ESA). Placement of sediment within the designated beach placement site may affect nesting sea turtles (loggerhead, leatherback, and greens) and piping plovers. The Conservation Measures outlined in the 1991 NMFS South Atlantic Division Regional Biological Opinion (SARBO; revised 1995 and 1997), the 2013 USFWS Piping Plover Programmatic Biological Opinion (P3BO), and the 2015 USFWS Statewide Programmatic Biological Opinion (SPBO) will be adhered to for these species as appropriate. In addition, adherence to other state and federal requirements, including sediment compatibility requirements, dredging operational constraints, standard migratory bird protection protocols, etc. would avoid and/or minimize effects. The Project would not occur in “optimal” piping plover habitat and is not likely to adversely affect the piping plover. The threatened West Indian manatee occurs in coastal and estuarine habitat within SJC where they primarily use inlet estuaries and shallow coastal waters to migrate and forage. The dredge and

support vessels may encounter this species and may affect but are not likely to adversely affect the manatee because of slow speeds and relative water depth. In addition, the Corps and BOEM determined that the proposed new borrow area dredging may affect but is not likely to adversely affect whales, Atlantic sturgeon, oceanic whitetip shark, smalltooth sawfish, scalloped hammerhead shark, and the giant manta ray (see EA Table 7). This determination is based on the implementation of species specific protective and avoidance measures.

Seafloor-disturbing activities (*e.g.*, dredging, anchoring, pipeline placement, etc.) would occur during proposed construction activities. The Corps conducted cultural resources surveys in the western half of Borrow Area S-1 in 2017 and identified one cluster of six magnetic targets that could represent a potentially significant historic property. The Corps will adhere to a 300-foot avoidance buffer around the cluster to avoid adverse impacts. The eastern half of the S-1 borrow area was surveyed in October 2021, and no potentially significant cultural resources were identified. The Corps completed cultural resource surveys of proposed pipeline conveyance corridors in August 2022 and found no cultural resource anomalies in any of these areas. No adverse effects to historic or pre-contact resources or hard bottom resources within the borrow area, placement area, or pipeline corridors are expected with implementation of recommended avoidance measures. The Florida SHPO concurred with the Corps' determination of no effect to historic properties in letters dated January 9, 2017 and February 15, 2022 (DHR Project File No.: 2016-3127; DHR Project File No.: 2022-0226).

There are no hard-bottom resources in the borrow area, placement area, and pipeline corridors, as verified by aforementioned resource surveys. Beach placement would not directly bury pre-construction onshore coquina outcroppings, or indirectly bury pre-construction nearshore hard bottom inshore of the Equilibration Toe of Fill (ETOF) through beach profile equilibration and along-shore/ cross-shore transport of sediment. Project construction activities are required to meet all state Water Quality Certification conditions, including turbidity monitoring, in accordance with pending FDEP Joint Coastal Permit (JCP) requirements (Permit No: 0295429-003-JN and subsequent pending modification).

Indirect effects are also likely to occur. The Project could increase the capacity for recreational activity (*e.g.*, beach access, surfing, shore fishing, wildlife viewing). The SJC shoreline is already at near maximum capacity, so increased potential for development is not likely.

(iii) Effects on public health or safety

Significant effects to public health and safety are not expected. The Project would provide for increased recreational opportunity from the improved beach and dune habitat. Temporary disruption to recreation would occur in small alongshore reaches as the construction progresses along the Project area; however, the Project would result in long-term recreational improvements. Construction of the dune and beach profile extension would provide protection of existing infrastructure. Emissions from construction equipment may temporarily affect air quality in the immediate vicinity of operations. Noise would temporarily increase at the placement locations during construction, and then would return to ambient levels after project completion. BOEM used the EPA EJscreen (EJScreen (epa.gov)) to determine that there are no minority or low-income populations in the Project area; therefore, the Project would not disproportionately affect populations outlined in Executive Order 12898.

The 2022 EA did not include a review of the potential for munitions and explosives of concern (MEC) in Borrow Area S-1. However, the 2020 BOEM and SJC EA did include an analysis of the potential for encountering MEC within an adjacent borrow area (N-3). The 2020 EA stated that, in the larger OCS region, the nearest identified MEC areas occurs 80 miles to the east and about 95 miles to the south at Cape Canaveral (NOAA 2019), well beyond the Project area for the St. Augustine Beach Project. BOEM reviewed the unexploded ordnance data layers on the Marine Cadastre website (Marine Cadastre National Viewer) and found no Formerly Used Defense Site Locations or areas/locations of know unexploded ordnance in the St. Augustine Beach Project placement area, borrow area, or pipeline corridors. Since completion of the 2022 EA, the Corps completed a risk assessment specific to the potential for encountering MEC in Borrow Area S-1 and found limited risk for MEC encounter.

(iv) Effects that would violate a Federal, State, Tribal, or local law protecting the environment

Endangered Species Act and Magnuson-Stevens Fishery Management and Conservation Act consultations have been completed. The Corps and BOEM determined that beach placement of sediment associated with the Project is within scope of the USFWS Statewide Programmatic Biological Opinion (revised 2015) and Programmatic Piping Plover Biological Opinion (2013). The Corps and BOEM have determined that dredging activities associated with the Project are within scope and will operate under the NMFS SARBO (2020). The Corps and SJC will comply with all relevant reasonable and prudent measures (RPMs) and associated terms and conditions (T&Cs).

The proposed action complies with the Marine Mammal Protection Act. Marine mammals are not likely to be adversely affected by the Project and incorporation of safeguards to protect threatened and endangered species during project construction (*e.g.*, vessel speed requirements, protected species observers, etc.) would also protect non-listed marine mammals in the area.

Migratory birds may experience minor, short-term interruptions to foraging or resting activities linked to prey smothering or turbidity increases. The Corps and SJC will implement measures to avoid effects to migratory birds, hatchlings, or eggs along with pre- and post-project monitoring requirements.

As previously indicated, the Corps conducted cultural resource surveys within Borrow Area S-1, the beach placement area, nearshore pump out stations, and pipeline corridor locations. The Corps and BOEM coordinated with the Florida Division of Historical Resources and State Historic Preservation Officer (SHPO) and Tribal Historic Preservation Officers (THPOs), as required by Section 106 of the National Historic Preservation Act. The SHPO concurred with the determination that the proposed project (provided the avoidance of 1 cluster that includes 6 anomalies within Borrow Area S-1) would have no adverse effect to historic properties listed, eligible, or potentially eligible for listing in the National Register of Historical Places provided avoidance of any nearshore targets. The Corps will immediately cease operations and notify BOEM and SHPO if an unexpected discovery occurs. The Corps transmitted tribal consultation letters on July 28, 2021. No tribes responded within the review period.

The Corps has requested a modification (for the use of the offshore borrow area) from the FDEP to an existing consolidated JCP associated with a prior project within the same beach placement footprint. The JCP constitutes a finding of consistency with Florida's Coastal Management Program, as required by Section 307 of the Coastal Zone Management Act (CZMA); the JCP also constitutes certification of compliance with Florida water quality standards pursuant to Section 401 of the Clean Water Act (CWA) (33 U.S.C. 1341).

Consultations and Public Involvement

The EA was made available for public review in January 2022. The Corps and BOEM considered all comments and integrated responses, as appropriate (EA App C). This Finding will be made available to the public on boem.gov.

Mitigation and Monitoring

The Corps and SJC are responsible for complying with all mitigation measures and monitoring requirements engendered by Federal, State, Tribal, and local laws, including those identified in the 2022 EA and related consultations (EA Attachment 2). The Corps will prepare an environmental compliance matrix to document and track all environmental mitigation requirements and identify roles and responsibilities for implementation to ensure compliance prior to, during, and after construction. Additionally, the dredging contractor will be required to provide an environmental protection plan that verifies compliance with relevant environmental requirements. Implementation of mitigation measures and monitoring requirements will ensure effects are not significant.

Any mitigation or monitoring uniquely specified by BOEM in its negotiated agreement is done pursuant to the authority established by the Outer Continental Shelf Lands Act and

30 CFR 583. Other Project mitigation is engendered by various authorities, including the vested authority of the Corps, as well as environmental laws, such as ESA, CWA, and CZMA. Other federal or state agencies shall be responsible for enforcement of other mitigation measures. BOEM may terminate its authorization, or refer the Corps and SJC to enforcing agencies, if the Corps and/or SJC does not comply with mitigation measures (30 CFR 583).

Conclusion

BOEM considered the consequences of entering into a negotiated agreement authorizing use of OCS sand from Borrow Area S-1 in this Project. BOEM contributed to the preparation of the 2022 EA and then conducted its own independent review before adopting it. BOEM finds that the EA complies with the relevant provisions of the CEQ regulations implementing NEPA, DOI regulations implementing NEPA, and other Bureau requirements.

Based on the evaluation of potential effects and associated mitigation measures discussed in the 2022 EA, and previous environmental analysis incorporated by reference, BOEM finds that entering into a negotiated agreement, with the implementation of the mitigating measures, does not constitute a major Federal action significantly affecting the quality of the human environment, in the sense of NEPA Section 102(2)(C), and would not require preparation of an EIS.

Attachments

Attachment 1 – Project Maps
Attachment 2 – Environmental Assessment for Additional Offshore Borrow Areas – St. Johns County, Florida, Florida Shore Protection Project and St. Johns County, Florida Coastal Storm Risk Management Project (South Ponte Vedra Beach and Vilano Beach Reaches)

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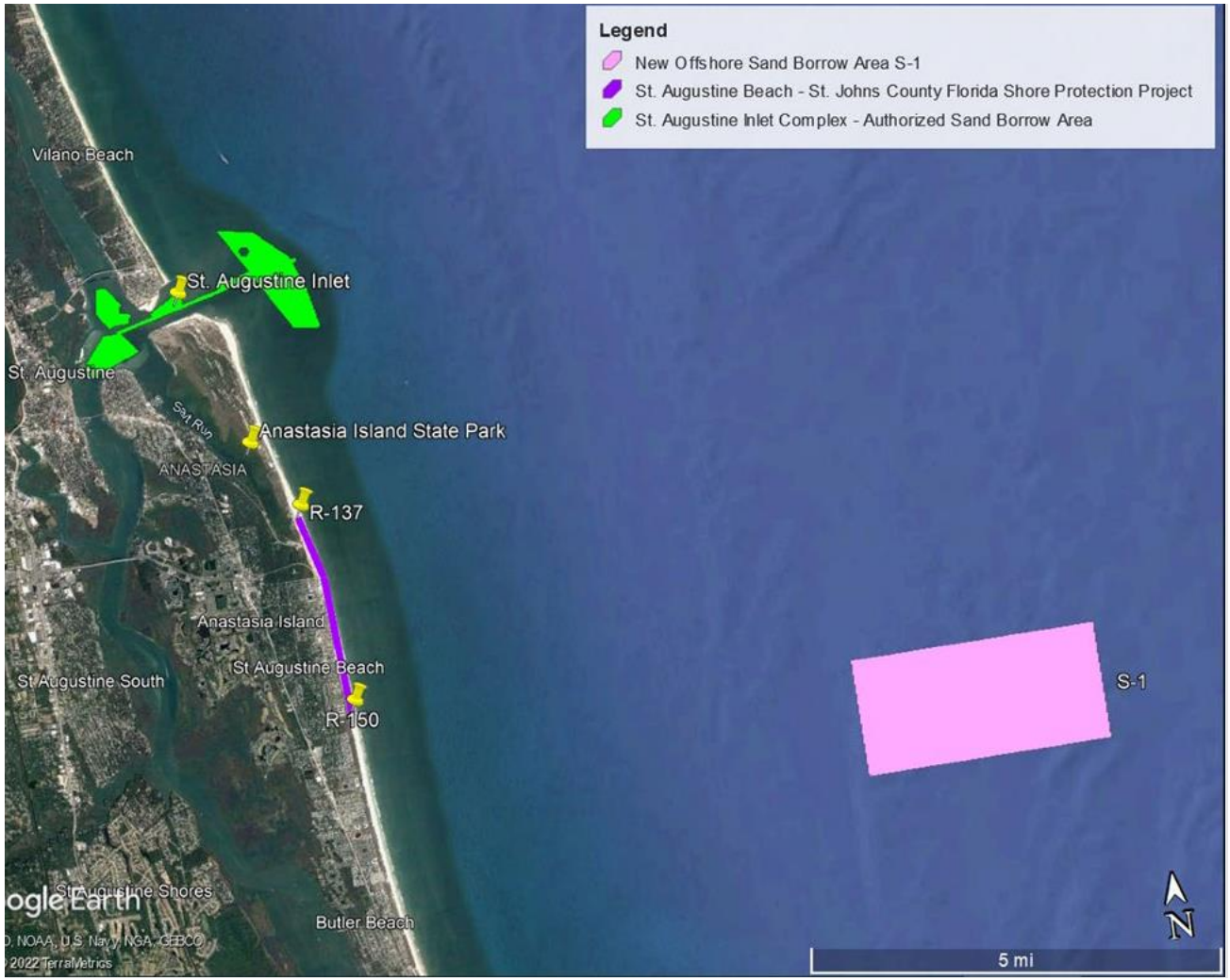
Jeffrey Reidenauer
Chief, Marine Minerals Division

Date

ATTACHMENT 1
Project Maps



Project Location including Borrow Area S-1.

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ATTACHMENT 2

ENVIRONMENTAL ASSESSMENT FOR 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)