

EPA CWPPRA NEPA Inclusion Analysis

I. IDENTIFYING PROJECT INFORMATION

Project Name

Project State

Project Federal Contact

II. OTHER FEDERAL PARTNERS AND LEVEL OF NEPA ANALYSIS

Has another Federal agency completed NEPA?	Yes	Is EPA the lead federal agency for this NEPA analysis?	Yes
	No		No

III. PROJECT DESCRIPTION / SCOPE OF ACTIVITIES FOR ANALYSIS

I have all information needed to complete the final analysis of impacts for the entire project

Summarize the proposed action, including historic/ geographic/ ecological context, the type of restoration, and how it will be conducted.

Check the types of activities being conducted in this project:

Technical Assistance

Implementation and Effectiveness Monitoring	Environmental Education Classes, Programs, Centers, Partnerships and Materials; Training Programs	Fish and Wildlife Monitoring
Planning, Feasibility Studies, Design Engineering, and Permitting --->	Check the specific project planning activities being analyzed in this checklist	Feasibility Studies Engineering and Design Permitting and Consultations

Riverine and Coastal Habitat Restoration

Beach and Dune Restoration	Bank Restoration and Erosion Reduction	Water Conservation and Stream Diversion
Debris Removal	Coral Reef Restoration	Levee & Culvert Removal, Modification, Set-back
Dam and Culvert Removal & Replacement	Shellfish Reef Restoration	Fringing Marsh and Shoreline Stabilization
Technical and Nature-like Fishways	Artificial Reef Restoration	Sediment Removal
Invasive Species Control	Road Upgrading/Decommissioning; Trail Restoration	Sediment/Materials Placement
Prescribed Burns/Forest Management	Signage and Access Management	Wetland Planting
Species Enhancement	SAV Restoration	
Channel Restoration	Marine Algae Restoration	

Conservation Transactions

Land Acquisition	Water Transactions	Restoration/Conservation Banking
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IV. PROJECT IMPACT ANALYSIS

1. Are the activities to be carried out under this project fully described in Section 2.2 of the NOAA RC PEIS?	Yes	No
2. Are the specific impacts that are likely to result from this project fully described in Section 4.5.2 of the NOAA RC PEIS?	Yes	No
3. Does the level of adverse impact for the project exceed that described in Table 11 of the NOAA RC PEIS for any resource, including significant adverse impact?	Yes	No

EPA CWPPRA NEPA Inclusion Analysis

Describe the public comment process, including opportunities for the public to comment.

Describe comments received (including scientific, environmental, and public).

Summarize the project impacts to resources (including beneficial and cumulative impacts) and any mitigating measures being implemented.

Resource	Type of Impact	Duration	Extent	Intensity	Quality	Attachment
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V. NEPA DETERMINATION

The action is completely covered by the impact analysis within the NOAA RC Programmatic EIS (PEIS). The project and its potential impacts may be limited through terms or conditions placed on the recipient of EPA CWPPRA funds. It requires no further environmental review.

The action or its impacts are not covered by the analysis within the PEIS. It will require preparation of an individual EA, a supplemental EIS, adoption of another agency's EA or EIS, or will be covered by a Categorical Exclusion.

Approver
Signature

Date Signed

**FINAL BS-0043 NEPA Documentation: Project Impact Analysis
February 2024**

Project Information Summary

The Reggio Marsh Creation project area (Figure 1) is located in Region Two of the Breton Sound Basin, in St. Bernard Parish, Louisiana, approximately 21 miles southeast of New Orleans and adjacent to the Reggio community. The Reggio Marsh Creation project area is bounded on the north by an existing tidal levee, on the south by the Reggio Canal, and on the west by the Reggio community, and will serve as an important buffer to protect this coastal community from storm surge. St. Bernard Parish may incur some of the highest wetland loss as a percentage of total parish land area over the next fifty years of any coastal parish (CPRA, 2017). With no further coastal protection or restoration actions, the parish could lose an additional 237 square miles, or 72% of the parish land area over the next fifty years (CPRA, 2017). In this area, coastal wetland loss can be attributed to both anthropogenic and natural factors such as drilling and dredging for oil and gas; flooding marshes from sea-level rise; storm-driven erosion from Hurricanes Katrina (2005), Rita (2005), Isaac (2012), and Ida (2021); and subsidence. The Coastal Protection and Restoration Authority (CPRA) and the 2017 Coastal Master Plan (CMP) use two primary marsh restoration techniques to help offset marshland loss in the Breton Sound basin. These marsh restoration techniques include river diversions and marsh creation projects. Throughout the engineering and design process, adjustments were made to the configuration of the marsh creation areas (MCAs) to avoid deeper areas of open water, which could cause stability issues for the earthen containment dikes (ECDs). The total acreage of the marsh creation and nourishment areas changed from the initial concept of 484 acres to 519 acres. The goal of the project is to address marsh loss in the area east of Reggio by restoring the structural framework of the marsh by filling in open water areas with dredged sediments.

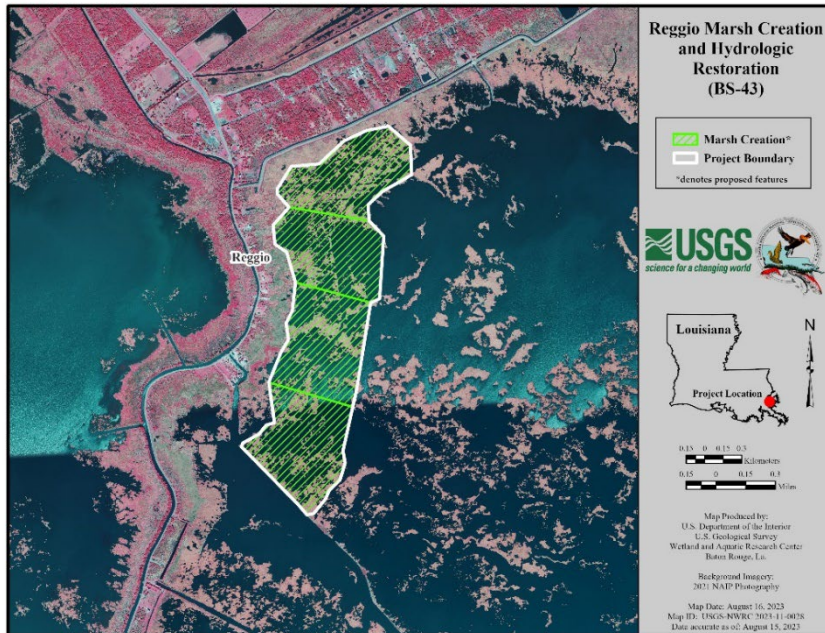


Figure 1. Project Area.

Reference: 95% Design Report Executive Summary, Section 1.0 (Appendix F of this document) (CPRA 2023).

EPA implements wetland restoration such as fringing marsh, sediment removal, and sediment/materials placement through the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) program. These restoration activities create the desired elevation and hydrology for wetland vegetation and habitat. Potential impacts from these restoration activities range from short-term adverse (e.g. use of heavy equipment on site) to long-term beneficial (e.g. creation of wetlands) (NOAA Programmatic Environmental Impact Statement (PEIS) Sections 4.5.2.11.2 and 4.5.2.11.3).

The natural processes of subsidence, habitat change, and erosion of wetlands have been exacerbated by widespread human alterations of sediment delivery and other processes, resulting in marked degradation of the Louisiana coastal area. Without intervention to slow or reverse the loss of marshes, Louisiana's healthy and highly productive coastal ecosystem would not be maintained. This NEPA Inclusion Analysis provides information on the expected impacts from the implementation of the BS-0043 project and the avoidance, minimization, and mitigation measures to be taken. As proposed, the project will create and nourish approximately 519 acres of marsh. EPA concludes that the impacts from this project are within the range and scope of the environmental consequences analyzed in the NOAA PEIS and do not have significant adverse impacts on the environment. No action will be taken for implementation prior to conclusion of all environmental compliance responsibilities.

Potential Impacts and Potential Avoidance, Minimization, and Mitigation Measures

Potential impacts and potential mitigation measures are described for each resource. In addition, coordination and compliance with applicable laws, regulations, and executive orders are summarized. This analysis complies with the National Environmental Policy Act of 1969 through the formal adoption of the NOAA PEIS on June 13, 2023. As described in Section 2.2.2.11 of the NOAA PEIS, wetland restoration projects through sediment removal and placement included in this analysis are designed to restore and maintain ecological function and are planned and designed with those principles in mind. Potential avoidance, minimization, and mitigating measures are described.

Reference: Final NOAA Restoration Center's Programmatic Environmental Impact Statement for Coastal Habitat Restoration.

https://casedocuments.darrp.noaa.gov/southwest/vogetrader/pdf/4005_NOAA_Restoration_Center_Final_PEIS.pdf

Geology and Soils

Potential Impacts Construction impacts from sediment removal and material placement activities are similar, and would cause direct, short-term, localized, minor adverse impacts to geology and soils in the proposed borrow areas and equipment access corridor. Temporary increased water turbidity and temporary decreases in water quality may result from sediment removal, and

materials placement associated with suspension of sediments, which may impact living resources in the localized area. Behavior of species that use wetlands impacted by this restoration activity may be temporarily modified. Sediment materials removal and placement activities would result in long-term, direct, beneficial impacts by restoring and creating wetland and/or shallow-water habitats, as well as nutrient cycling, carbon sequestration and carbon storage.

Potential Mitigation Equipment will be restricted to specified routes. Vegetative recruitment and retention dikes around disturbed areas would stabilize soil and reduce resuspension of recently deposited sediment. The sediment borrow area is located far enough into Lake Lery that no impacts to shorelines are anticipated.

Reference: CPRA 95% Design Report Sections 3.0, 4.0, and 7.0 (Appendix F of this document). Also Appendix A of this report (CPRA 2023).

Air Quality

Potential Impacts Construction and dredging would result in adverse, direct, short-term, minor localized impacts from exhaust diesel fumes and fugitive dust generated by dredging and earthmoving equipment.

Potential Mitigation Best management practices would minimize exhaust fumes and fugitive dust. Primary production through increased marsh productivity would benefit air quality in the long-term.

Clean Air Act of 1970 (CAA) No permanent sources of air emissions are part of the project. No air quality permits would be required for this project.

Reference: See Appendix A and B of this report.

Water Quality

Potential Impacts Construction impacts from sediment removal and material placement activities are similar, and would result in direct and indirect, short-term, localized, minor adverse impacts on water quality associated with (1) increased turbidity and decreased dissolved oxygen in the water column at the dredge site (dredge plume), at the construction location, and at access dredging locations; (2) exhumation of buried debris; (3) discharges from the dredge vessel; and (4) displacement of resources through increased activity in the area. Long-term beneficial impacts would result from increasing wetland habitats that provide fish feeding and shelter areas, nutrient cycling, and carbon sequestration.

Potential Mitigation Best management practices and containment dikes would prevent or minimize turbidity. Best management practices could include staked hay bales, turbidity curtains, and silt fencing if deemed necessary by the Louisiana Department of Environmental Quality (DEQ) permit. Compliance with the Clean Water Act and other regulations would protect water resources. Post-construction dike gapping of ECDs would allow natural surface water flow when regulation of flows is no longer needed for soil retention.

Clean Water Act An application to USACE for Section 404 permit is pending and will be initiated after a pre-application meeting if a decision to fund the construction of the project is made. Section 404 of the Clean Water Act (33 USC 1344) requires a permit for the discharge of dredged or fill material into waters of the U.S. A Water Quality Certificate (WQC) from LDEQ, is triggered through USACE. This is covered with blanket WQC with Programmatic General Permit (PGP) from USACE. A PGP authorizes activities that result in minimal adverse impacts within the boundaries of the Louisiana Coastal Zone in the New Orleans District under the specific conditions of the issued PGP. See Appendix B.

Rivers and Harbors Act: An application for a Section 10 permit is pending. Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) prohibits the obstruction or alteration of navigable waters of the United States without a permit from the Corps of Engineers. See Appendix B.

Coastal Zone Management Act of Louisiana Executive Order 11998, Floodplain Management. An application for a Coastal Use Permit from OCM is pending, which also fulfills Consistency requirements. See Appendix B.

Reference: See Appendix A and B of this report.

Living Coastal and Marine Resources and Essential Fish Habitat (EFH)

Potential Impacts Construction impacts from sediment removal and material placement activities are similar, and would result in direct and indirect, short-term, localized, minor and moderate adverse impacts to living coastal and marine resources and essential fish habitat (EFH), during the implementation phase of the project. Heavy construction and access machinery has potential to compact soils, leak petroleum products, and increase turbidity at the restoration site. Short-term increases in turbidity may temporarily reduce habitat quality in the borrow areas, the placement areas, and terrace construction areas. Slow-moving or sessile organisms in the borrow areas may be killed during dredging. Sessile organisms in the placement areas may be buried or injured. These species are anticipated to quickly recolonize once dredging ceases. Material placement would convert submerged aquatic vegetation and shallow open water EFH to marsh. The material placement would increase wetland access, acreage, longevity, and quality providing long-term benefits to fish and wildlife resources in the wetlands.

Potential Mitigation Project-specific evaluations and coordination with appropriate federal, state, and local agencies would focus on effective vegetation management and protecting sensitive species such as brown shrimp, white shrimp, and red drum. Best management practices would reduce scour, erosion, turbidity, and sedimentation in the borrow areas. Best management practices could include staked hay bales, turbidity curtains, and silt fencing if deemed necessary by the DEQ permit. This permit satisfies the NPDES requirements. Compliance with the Clean Water Act, Section 404 and Section 301, would protect wetlands from unnecessary disturbance. Non-dredged areas adjacent to the borrow areas would provide source organisms for recolonization. ECDs would be gapped after construction to provide tidal connection.

Magnuson-Stevens Fishery Conservation & Management Act Appendix A of this PEIS Inclusion requests initiation of EFH consultation with the National Marine Fisheries Service (NMFS) Habitat Conservation Division (HCD). However, the document was provided to HCD in advance of its release to the CWPPRA agencies. Consultation was initiated on November 1, 2023 and concluded on November 8, 2023. EFH consultation for SAV, red drum, and white and brown shrimp has been initiated with the NMFS Habitat Conservation Division requesting concurrence with our determination that implementation of the project would result in minimal temporary EFH impacts to submerged aquatic vegetation, estuarine emergent marsh, water bottoms, and water column; however, these impacts will not be substantial.

Fish & Wildlife Coordination Act In compliance, assessed with this document and NEPA Inclusion Form.

Executive Order 11990, Protection of Wetlands In compliance, assessed with this document and NEPA Inclusion Form.

Reference: See Appendix C for EFH Consultation documents. See Appendix J of the CPRA 95% Design report for the Wetland Value Assessment (WVA) (CPRA 2023).

Threatened and Endangered Species & Wildlife Resources

Potential Impacts

Construction and dredging would result in localized, adverse, direct, short-term, minor adverse impacts by construction disturbance that could cause listed species to avoid the site during construction. Species in the project area that may be affected are West Indian manatee and black rail. These species may avoid the construction site but should return once conditions stabilize. There may be benefits to the black rail if suitable habitat will be created. Creation of wetlands would result in beneficial, direct, long-term, minor impacts to any threatened and endangered species should they occur in the same area and increase the longevity of wetland habitat that may be used by such species.

Potential Mitigation Project-specific evaluations and coordination with USFWS focused on protecting wildlife and sensitive resources. Consultation with USFWS has been initiated for black rail and completed for West Indian manatee (Appendix B). Impacts to manatees would be avoided by following the USFWS and USACE guidelines. Section 7 consultation for manatee has been completed with USFWS concurring with our determination that the project may affect, but would not likely to adversely affect (NLAA) listed species in the project area. Standard Manatee Conditions for In-Water Activities and measures for Reducing Entrapment Risk to Protected Species would be implemented.

Endangered Species Act of 1973 Initiated consultation with USFWS on November 1, 2023 for West Indian manatee and Eastern black rail and was concluded on November 14, 2023. EPA

made a “no effect” determination for NOAA trust ESA listed species, sea turtles and gulf sturgeon, which are not located in the project area since acceptable habitat does not exist.

Migratory Bird Treaty Act of 1918 Formal consultation, similar to ESA, is not required under MBTA. EPA coordinated with the Gulf of Mexico Migratory Bird Coordinator who recommends the following best management practices be incorporated to the extent practicable:

- Conduct construction-related work in the proposed project area outside the migratory bird nesting season. Nest initiation dates will vary by species and year (see map in Appendix D).
- If practicable, it may be necessary to implement a Bird Abatement Plan (myriad of strategies or techniques that can/may be effective) to prevent birds from nesting in the project area prior to or during construction to eliminate or minimize actual bird nesting activity in the project area. This Plan should be widely shared and understood by the construction contractors, consultants, project personnel, etc.
- If practicable, it may be necessary to implement bird abatement strategies or techniques to prevent birds from nesting in newly (but incomplete) created habitat within the project area prior to actual completion of construction. For example, gulls, terns, and some species of shorebirds may utilize elevated soil/cobble/shell habitat as soon as it becomes available depending on when this habitat is created. Once the birds have initiated nesting, ideally construction would be halted to reduce potential take until after the nesting season (i.e., utilize bird abatement techniques to prevent nesting).
- If work must be conducted during the breeding season, avoid destruction of any/all active bird nests with eggs and/or young.

Marine Mammal Protection Act of 1972 Project is being coordinated with USFWS and NMFS through the ESA Section 7 consultation process and will implement measures to minimize impacts on marine mammals.

Reference See Appendix D for ESA consultation documents, which includes a species list of ESA species. A MBTA species list using the AKN Rail tool is in Appendix D. See Appendix of the CPRA 95% Design Report for the Wetland Value Assessment (WVA) (CPRA 2023).

Cultural and Historic Resources

Potential Impacts Construction impacts from sediment removal, materials placement, and access dredging activities are similar, and would cause indirect, long-term, localized, minor adverse impacts on cultural and historic resources during the implementation phase of the project. Short-term, minor adverse impacts to cultural and historic resources may occur during wetland restoration, if historic structures are present within a project site. Dredging would not occur around cultural resources and placement would not require accessing cultural resource sites.

Potential Mitigation Appropriate section 106 Consultation with the Louisiana State Historic Preservation Office (SHPO) has been completed for MCAs, dredge pipeline corridor (DPC), and the borrow area (BA). Phase I cultural resource investigation found no culturally significant locations along the DPC, MCAs or BA. If artifacts of potential cultural or historical significance

are unearthed, construction or excavation activities would be immediately halted and the Louisiana SHPO consulted.

Archeological & Historic Preservation Act of 1974 Cultural resources assessments were conducted separately for the MCAs, DPC, and BA. The SHPO provided concurrence letter on April 28, 2023 and stating no properties listed in or eligible for the National Register of Historic Places will be affected by the project.

National Historic Preservation Act of 1966 The SHPO provided concurrence letter on April 28, 2023 and stating no properties listed in or eligible for the National Register of Historic Places will be affected by the project.

Reference: See Appendix E for cultural resources correspondence.

Land Use and Recreation

Potential Impacts Construction impacts from sediment removal and material placement activities are similar, and would result in direct, short-term, localized, minor adverse impacts on land use and recreation, including minor, localized disruption of fishing during construction due to the unavoidable increased activity. Areas of potential hazard would be avoided and increasing the elevation in the area can help protect area pipelines from future exposure. Long-term, direct and indirect, beneficial impacts to recreation, beyond the project site, would result in improved fisheries nursery habitat. Oil and gas leases and infrastructure would similarly benefit, as pipelines would be better protected from problems associated with erosion.

Potential Mitigation Coordination with appropriate federal, state, and local agencies would focus on maintaining the quality of public recreation in the area. Staging areas used for construction materials or debris would be returned to pre-construction, or better conditions following completion. Construction would avoid derelict pipelines and other oil and gas equipment, which have already been identified by magnetometer surveys and ongoing coordination with the pipeline owners.

Reference: See Appendix B for permit application documents.

Socioeconomic Resources

Potential Impacts No adverse impacts to socioeconomics are expected. Construction activities would have an indirect, short-term, minor, beneficial impact on commercial sales of food and petroleum, and long-term benefit of maintaining the area habitat for eco-tourism and recreational opportunities. It is not expected that the social and economic welfare of minority and low-income populations will be disproportionately impacted by the project.

Potential Mitigation Coordination with appropriate federal, state, and local agencies would ensure that public concerns are addressed. Coordination with community groups in the vicinity of the project would ensure that public concerns are addressed.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations & Low-Income Populations In compliance, assessed with this Project Impact Analysis. See Appendix A for EJScreen results.

Reference: See Appendix A for EJScreen documents.

Cumulative Impacts

The cumulative impact of EPA's participation in CWPPRA and in restoration activities has enabled estuarine habitat creation and protection. Potential negative impacts are minimized as a result of the planning activities, data collection, and analysis. Cumulative impacts of any eventual construction activities would include moderate increases in biological diversity of local coastal ecosystems and living resource communities and improved ecological functions in restored areas. Minor local adverse impacts from construction activities are not expected to pose any cumulatively adverse significant impact. Beneficial impacts include other restoration activities in the immediate project area and basin overall. Restoration projects recently constructed or in the engineering and design phase include East Delacroix Marsh Creation and Terracing (BS-37), North Delacroix Marsh Creation and Terracing (BS-41), Lake Lery Marsh Creation (BS-16), Phase I and II Lake Lery Marsh Creation (BS-17), and Breton West Marsh Creation (BS-38). Cumulative impacts from construction and implementation of the Mid-Breton Diversion (currently planned for future construction) would be beneficial, resulting in increased fine sediment nourishment of marshes west of Bayou Terre aux Boeufs and the basin overall. Cumulative beneficial impacts are expected if this project is built as a component of that larger State Master Plan element. The cumulative beneficial impacts to these resources at the local or regional level would include moderate increases in biological diversity of local coastal ecosystems and living resource communities, and improved ecological functions in the restored areas.

Coordination

Coordination on the proposed project was conducted by e-mailing letters of Solicitation of Views (SoV). Two letters were received in response to the SoV or to the draft NEPA documentation. These email letters are located in Appendix E.

Appendix A: NEPAssist and EJScreen results

Shapefiles of the MCA, DPC, and borrow were uploaded into NEPAssist and EJSCREEN combined with a 0.50 mi buffer.

Appendix B: Draft Permits

Appendix C:
Essential Fish Habitat (EFH) Consultation

Appendix D:
Endangered Species Act Section 7 Consultation
Marine Mammal Act Coordination
Migratory Bird Treaty Act Coordination

Appendix E:
Cultural and Historical Resources Coordination
General Coordination and SoV letters

Appendix F:
CPRA 95% Design Report