



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 - 2733

June 29, 2018

Mr. Joseph A. Ranson
Field Supervisor
U.S. Fish and Wildlife Service
Louisiana Ecological Services Office
646 Cajundome Blvd., Suite 400
Lafayette, LA 70506



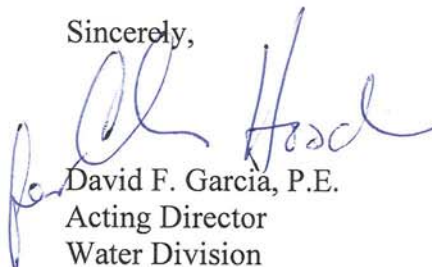
SUBJECT: Caminada Headlands Back Barrier Marsh Creation project (BA-171) funded by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), Endangered Species Act, Section 7 Determination

Dear Mr. Ranson:

The Environmental Protection Agency Region 6 requests the U.S. Fish and Wildlife Service's concurrence on our determination that the Caminada Headlands Back Barrier Marsh Creation project (BA-171) "may affect, but is not likely to adversely affect" the West Indian manatee (*Trichechus manatus*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Loggerhead sea turtle (*Caretta caretta*), Red Knot (*Calidris canutus rufa*), and the Piping Plover (*Charadrius melodus*) or its designated critical habitat.

A description of the project, as well as information related to potential impacts to threatened/endangered species or critical habitat, is enclosed. If you require further assistance or have questions regarding our determination, please contact Dr. Sharon L. Osowski (214-665-7506; Osowski.sharon@epa.gov) of my staff.

Sincerely,


David F. Garcia, P.E.
Acting Director
Water Division

Enclosures

This project has been reviewed for effects to Federal trust resources under our jurisdiction and currently protected by the Endangered Species Act of 1973 (Act). The project, as proposed,
☐ Will have no effect on those resources
☒ Is not likely to adversely effect those resources


Supervisor
Louisiana Ecological Services Office
U.S. Fish and Wildlife Service

Date
12 Jul 18

Project Description

BA-171 is a backbarrier marsh creation project funded through CWPPRA where EPA is the federal sponsor and CPRA is the State partner. The Caminada Headland is defined as the area south of Louisiana Highway 1 between Belle Pass and Caminada Pass (Figure 1). The project is located directly behind the Caminada headland beach covering areas in and around Bay Champagne and areas east of Bayou Moreau, in Lafourche Parish, Louisiana. The Caminada Headland consists of a sand dune, beach berm, barrier marshes, and chenier ridges interspersed with mangrove thickets, coastal dune shrub thickets, lagoons, and small bayous.

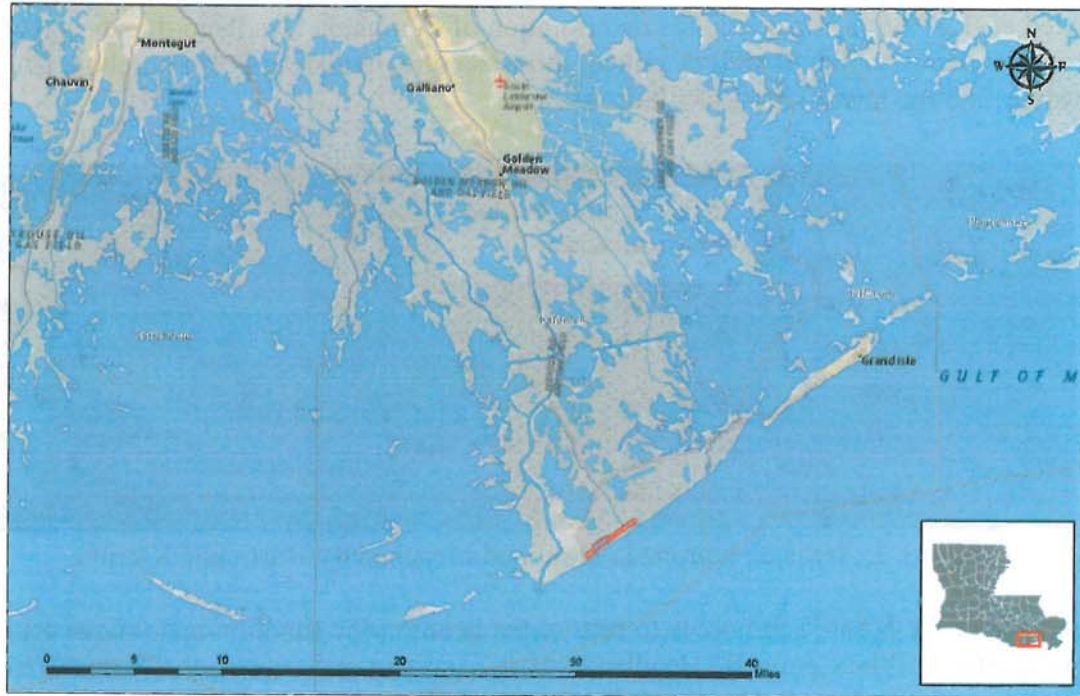


Figure 1. BA-171 project location.

Caminada Beach and Dune Restoration Increment 1 (BA-45), funded through a combination of State Coastal Impact Assistance Program (CIAP) and State surplus funds was completed in 2014. It is expected that the restored beach will greatly reduce the likelihood of breaching and reduce historical shoreline migration rates. BA-171 (Figure 2) is designed to work synergistically with BA-45 further decreasing the likelihood of breaches and improving the longevity of the shoreline.

BA-171 is located in an especially dynamic area of the Louisiana Coast. The landward shoreline migration of the beach will significantly impact the project area over the 20-year life of the project. Historic shoreline migration rates average 41.4 ft/year over the last century (Williams et al. 1992; Penland et al. 2005; and Martinez et al. 2009).

The Caminada Headland has experienced some of the highest shoreline retreat rates in Louisiana, measuring between 55 and 65 ft per year from 1998-2010. Historically the shoreline has migrated landward at about 40 ft per year (Penland et al. 2005). Between 2006 and 2011

shoreline migration increased dramatically, exceeding 80 ft per year near Bay Champagne and 110 ft per year in the Bayou Moreau area (CEC 2012). The increased losses occurred in the wake of Hurricanes Katrina and Rita in 2005 as the breaches remained open for an extended length of time (Figure 2). The losses were exacerbated by Tropical Storm Fay and Hurricanes Gustav and Ike in 2008 (CEC 2012; USACE 2012). Significant prolonged breaches greatly increase the net export of sediment from the headland (CEC 2012).

In addition to the shoreline migration, the area is also experiencing high loss rates of interior marshes. As the beach and dune continue to migrate landward, overwashed sediment will be lost into newly formed open water and land loss rates will increase. The subunit land loss rate is estimated at -1.47%/yr. The continued deterioration of Caminada Headland threatens thousands of acres of wetland habitat as well as critical infrastructure, including Port Fourchon, LA Highway 1, and the lower Lafourche levee system.



Figure 2. Areas of Caminada Headland breached by Hurricane Katrina.

The purpose of the BA-171 project is to restore the geomorphic function and unique critical and essential habitats of the Caminada Headland's barrier system and reverse the current trend of degradation on the Caminada Headland. Restoration efforts would target ecologically distinct, critical, high priority areas that would increase sustainability with essential form and function of the natural barrier ecosystem. The goals and objectives for the BA-171 project restoring the Caminada Headland back barrier marsh include:

- Create 248 acres and nourish 137 acres of emergent back barrier marsh by pumping sediment from a borrow site approximately 1.5 miles offshore
- Create a platform upon which the beach and dune can migrate, reducing the likelihood of breaching, increasing the retention of overwashed sediment, improving the longevity of the barrier shoreline, and protecting wetlands and infrastructure to the north and west.
- Slow the current trend of degradation in the headland.

The marsh creation and nourishment cells were designed to minimize impacts on existing marsh and mangroves. Assuming that there would be some natural recruitment, vegetative plantings are not planned until years 1 and 3 and will be at a density of 50%. Containment dikes will be degraded or gapped by year 3, as needed, to allow access for estuarine organisms. The marsh creation design was broken into four (4) components: the marsh creation fill area, the earthen containment dikes, the dredge borrow area, and the dredge pipeline alignments (Figure 3).

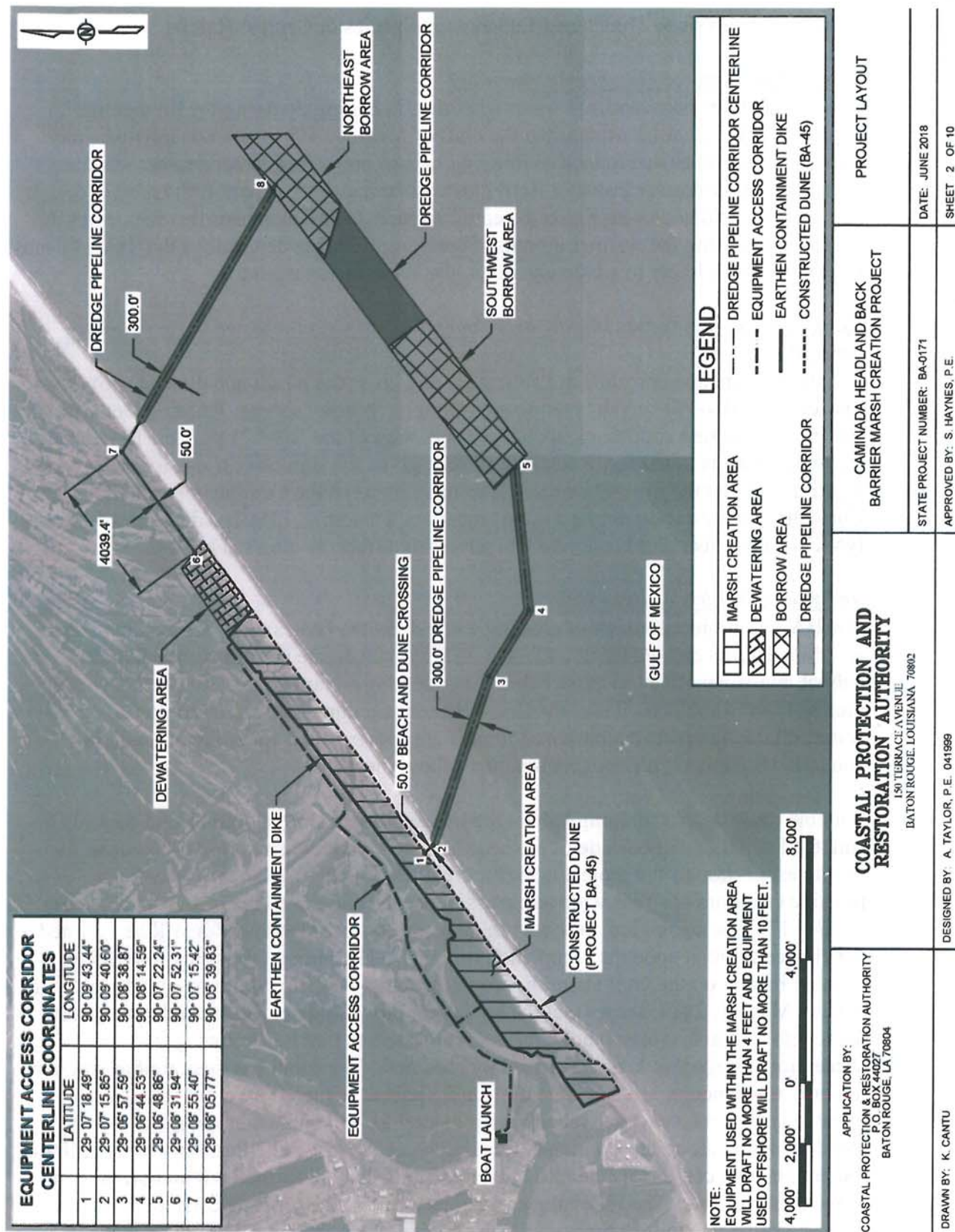


Figure 3. BA-171 Project layout, June 2018.

Potential Impacts Analysis to Threatened/Endangered Species or Critical Habitat

West Indian manatee (*Trichechus manatus*)

BA-171 includes both land and water activities, including dredging for fill material approximately 1.5 miles offshore in the Gulf of Mexico. EPA does not anticipate any impacts to manatees due to lack of foraging habitat and a freshwater source. Standard Manatee Conditions for In-water Activities will be included as part of the project design and should avoid and/or minimize potential impacts to any manatees that may enter the project area during the warmer months. Therefore, EPA has determined that BA-171 may affect, but is not likely to adversely affect, the West Indian manatee.

Kemp's Ridley sea turtle (*Lepidochelys kempii*) and Loggerhead sea turtle (*Caretta caretta*)

The dredge pipeline corridors are 50 ft wide and cross the beach and dune area of BA-45 to access the BA-171 marsh creation area from the borrow source. This corridor will be returned to existing conditions upon the completion of the BA-171 project. The area of potential impacts to sea turtle nesting is small, given the limited corridor for the dredge pipeline and that the turtles have access to other areas of the Caminada Headland. Currently, sea turtles do not nest in this location. Therefore, EPA has determined that BA-171 may affect, but is not likely to adversely affect, nesting sea turtles.

Red Knot (*Calidris canutus rufa*)

The BA-171 project consists of creating a marsh on the back side of the existing beach and dune habitat created by BA-45. BA-171 will not create additional beach or dune habitat, but is beneficial to those habitats by creating a platform for the beach and dune material to roll back on. Thus, the BA-45 beach and dune material is not lost to open water. Figure 4 depicts the proposed project area where open water areas would be converted to marsh with implementation of the project.

Suitable roosting and foraging habitat are located on the Gulf shoreline, and the only suitable habitat on the bayside of the headland is a relatively small mudflat area in the southwest portion of the project area (Figure 4) (less than 0.25 acres). The dredge pipeline corridors are 50 ft wide and cross the beach and dune area of BA-45 to access the BA-171 marsh creation area from the borrow source. That corridor will be returned to existing conditions upon the completion of the BA-171 project; thus, any impacts to suitable habitat on the Gulf shoreline would be temporary. In addition, a field visit to the area on May 11, 2018, shows that the habitat on the bayside of the created dune (along the length of marsh creation polygon) has vegetated so that it is currently in a successional stage that is not preferred by red knots. The small bayside mudflat would be the only permanently affected area of suitable habitat, which if avoided, would also eventually become vegetated and no longer suitable. Given the abundance of nearby suitable habitat along the Caminada Headland and at West Belle Pass, any birds utilizing the project area could disperse into nearby habitats that are located within normal daily movement patterns. The following conditions exist: 1) the pipeline corridor along the Gulf shoreline would be temporary, 2) the habitat along the bayside of the dune is in a non-preferred successional stage, 3) the small mudflat would eventually become

vegetated (and thus, unsuitable), and 4) birds would not be forced to disperse beyond normal daily movement patterns. Because of these listed conditions, EPA has determined that BA-171 may affect, but is not likely to adversely affect, the red knot.

Piping Plover (*Charadrius melodus*) or its designated critical habitat

The BA-171 project consists of creating a marsh on the back side of the existing beach and dune habitat created by BA-45. BA-171 will not create beach or dune habitat, but is beneficial to those habitats by creating a platform for the beach and dune material to roll back on. Thus, the BA-45 beach and dune material is not lost to open water. Figure 4 depicts the proposed project area where open water areas would be converted to marsh with implementation of the project.

Suitable roosting and foraging habitat are located on the Gulf shoreline, and the only suitable habitat on the bayside of the headland is a relatively small mudflat area in the southwest portion of the project area (Figure 4) (less than 0.25 acres). The dredge pipeline corridors are 50 ft wide and cross the beach and dune area of BA-45 to access the BA-171 marsh creation area from the borrow source. That corridor will be returned to existing conditions upon the completion of the BA-171 project; thus, any impacts to suitable habitat on the Gulf shoreline would be temporary. In addition, a field visit to the area on May 11, 2018, shows that the habitat on the bayside of the dune (along the length of marsh creation polygon) has vegetated so that it is currently in a successional stage that is not preferred by piping plovers. The small bayside mudflat would be the only permanently affected area of suitable habitat, which if avoided, would also eventually become vegetated and no longer suitable. Given the abundance of nearby suitable habitat along the Caminada Headland and at West Belle Pass, any birds utilizing the project area could disperse into nearby habitats that are located within normal daily movement patterns. The following conditions exist: 1) the pipeline corridor along the Gulf shoreline would be temporary, 2) the habitat along the bayside of the dune is in a non-preferred successional stage, 3) the small mudflat would eventually become vegetated (and thus, unsuitable), and 4) birds would not be forced to disperse beyond normal daily movement patterns. Because of these listed conditions, EPA has determined that BA-171 may affect, but is not likely to adversely affect, the piping plover.

The BA-171 project area occurs within Unit LA-5 of designated critical habitat for the piping plover. Piping plover critical habitat consists of primary constituent elements (PCEs) that provide for piping plover life-history processes and are essential for conservation of the species. PCEs of wintering piping plover critical habitat include sand or mud flats (or both) with no or sparse emergent vegetation. Adjacent unvegetated or sparsely vegetated sand, mud, or algal flats above high tide are also important PCEs for roosting piping plovers. PCEs of the beach/dune ecosystem include surf-cast algae, natural wrack, sparsely vegetated back beach and salterns, spits, and over-wash areas. Over-wash areas are broad, unvegetated zones, with little or no topographic relief, that are formed and maintained by the action of hurricanes, storm surge, or other extreme wave action.

As stated in the earlier paragraph, the only mudflat habitat within the project area is a small area (less than 0.25 acres) (Figure 4) in the southwest portion of the BA-171 marsh creation polygon where current conditions demonstrate that it is vegetating into a successional stage that is not preferred piping plover habitat. In addition, other areas of the polygon (as indicated by the earlier paragraph) are currently in transition to a successional stage of non-preferred habitat because of the increase in vegetation. In this case, the PCEs for piping plover habitat do not exist or are in such small amounts that piping plovers would move to other, more preferred areas of the beach and dune to roost and forage. Effects of the pipeline corridor on the Gulf shoreline would consist of the necessary equipment and personnel required to install the dredge pipeline, maintain it during construction, and then remove it post-construction. Disturbance to natural wrack would be kept to a minimum to maintain the beach in natural conditions. The pipeline corridor would then be returned to pre-project conditions to the maximum extent practicable. Thus, any impacts to the beach and dune would be temporary and would not disrupt or permanently affect the natural coastal processes that maintain PCEs of critical habitat. Therefore, EPA has determined that BA-171 may affect, but is not likely to adversely affect, designated critical habitat for the piping plover.

References

- Coastal Engineering Consultants, Inc. (CEC) 2012. Caminada Headland Beach and Dune Restoration (BA-45), Headland Restoration Template Alternatives Analysis Report. CPRA Contract No. 2503-10-16. Submitted to the Office of Coastal Restoration and Protection, Jan. 27, 2012.
- Martinez, L., S. O'Brien, M. Bethel, S. Penland, & M. Kulp. 2009. Louisiana Barrier Island Comprehensive Monitoring Program (BICM). Vol. 2: Shoreline Changes and Barrier Island Land Loss 1800's – 2005. USGS and Pontchartrain Institute for Environmental Sciences, University of New Orleans. 32 pp.
- Penland, S., P. F. Connor, Jr., A. Beall, S. Fearnley, & S. J. Williams. 2005. Changes in Louisiana's Shoreline: 1855 – 2002. *J. Coastal Research, Special Issue* (44): 7-39.
- U.S. Army Corps of Engineers. (USACE) 2012. "Integrated Construction Report and Final Environmental Impact Statement for the Barataria Basin Barrier Shoreline Restoration" Marsh (BBBS Report). 2012. p3-71
- Williams, S. J., S. Penland, & A. H. Sallenger, Jr., (eds.), 1992. Atlas of Shoreline Changes in Louisiana. Reston, Virginia. US Geological Survey, Miscellaneous 1-2150-A. 103 pp.



Figure 4. BA-171 Marsh Creation Polygon. The green circle indicates the approximate location of the mudflat under current conditions as of May 11, 2018.



Endangered Species Act (ESA) Project Review and Guidance for Other Federal Trust Resources Report

Instructions

Based on the information provided, this project requires further review. You may submit your project information to lafayette@fws.gov.

Please include the following information with your submission:

- a copy of this report
- project contact name and number
- project location in latitude and longitude, including staging areas if appropriate
- approximate date for project to begin and end
- full project description of work to be completed
- any other information that may be helpful for our review process

Contact the Louisiana Ecological Services Office at (337) 291-3100 for further assistance.

Project Description: Caminada Headlands Back Barrier Marsh Creation #1 (BA-171)

Requesting Agency: Environmental Protection Agency (EPA)

Project Coordinates: Latitude: Longitude:

Point of Contact: Sharon Osowski

Address: 1445 Ross Ave

City: Dallas

State: Texas **Zip Code:** 75202

Phone Number 1: 214-665-7506 **Phone Number 2:** _____

Email Address: osowski.sharon@epa.gov

Does the proposed action only involve telecommunication structure(s)?

No

Would the proposed action occur entirely within an existing footprint or rights-of-way (ROW)?

No

Would any portion of the proposed action occur within one of these areas of interest?

Yes

Red Knot

Would the proposed action involve human disturbance or ground disturbance (such as foot traffic, vehicles, tracked equipment, excavating, grading, placing fill material, etc.)?

Yes

Would the proposed action result in impacts to foraging habitat (sandy beaches, tidal mudflats, salt marshes, and peat banks) or roosting habitat (for example reefs, high sand flats, or sites protected from high tides)?

Yes

Would the proposed action result in long-term impacts (effects lasting up to 6 months or more) to foraging or roosting habitat?

Yes

Conclusion:

May affect, send project in for further review

West Indian Manatee

Does the proposed action fall within the manatee consultation zone, excluding the Mississippi River (see map), and involve in-water activities, with depths of at least 2 feet, during the months of June through November?

Yes

Is the proposed action's footprint entirely on land?

No

Would the proposed action involve in-water activities, with depths of at least 2 feet, during the months of June through November?

Yes

Would the following Standard Manatee Conditions for in-Water Activities be included within the project design?

Yes

Standard Manatee Conditions for In-water Activities

During in-water work in areas that potentially support manatees all personnel associated with the project should be instructed about the potential presence of manatees, manatee speed zones, and the need to avoid collisions with and injury to manatees. All personnel should be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. Additionally, personnel should be instructed not to attempt to feed or otherwise interact with the animal, although passively taking pictures or video would be acceptable.

All on-site personnel are responsible for observing water-related activities for the presence of manatee(s). We recommend the following to minimize potential impacts to manatees in areas of their potential presence:

- All work, equipment, and vessel operation should cease if a manatee is spotted within a 50-foot radius (buffer zone) of the active work area. Once the manatee has left the buffer zone on its own accord (manatees must not be herded or harassed into leaving), or after 30 minutes have passed without additional sightings of manatee(s) in the buffer zone, in-water work can resume under careful observation for manatee(s).
- If a manatee(s) is sighted in or near the project area, all vessels associated with the project should operate at "no wake/idle" speeds within the construction area and at all times while in waters where the draft of the vessel provides less than a four-foot clearance from the bottom. Vessels should follow routes of deep water whenever possible.
- If used, siltation or turbidity barriers should be properly secured, made of material in which manatees cannot become entangled, and be monitored to avoid manatee entrapment or impeding their movement.

- Temporary signs concerning manatees should be posted prior to and during all in-water project activities and removed upon completion. Each vessel involved in construction activities should display at the vessel control station or in a prominent location, visible to all employees operating the vessel, a temporary sign at least 8½ " X 11" reading language similar to the following: "CAUTION BOATERS: MANATEE AREA/ IDLE SPEED IS REQUIRED IN CONSTRUCTION AREA AND WHERE THERE IS LESS THAN FOUR FOOT BOTTOM CLEARANCE WHEN MANATEE IS PRESENT". A second temporary sign measuring 8½ " X 11" should be posted at a location prominently visible to all personnel engaged in water-related activities and should read language similar to the following: "CAUTION: MANATEE AREA/ EQUIPMENT MUST BE SHUTDOWN IMMEDIATELY IF A MANATEE COMES WITHIN 50 FEET OF OPERATION".
- Collisions with, injury to, or sightings of manatees should be immediately reported to the Service's Louisiana Ecological Services Office (337/291-3100) and the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225/765-2821). Please provide the nature of the call (i.e., report of an incident, manatee sighting, etc.); time of incident/sighting; and the approximate location, including the latitude and longitude coordinates, if possible.

Conclusion:

We have determined that the proposed action is not likely to adversely affect the West Indian Manatee.

Project Representative

Date

Piping Plover

Would the proposed action involve human disturbance or ground disturbance (such as foot traffic, vehicles, tracked equipment, excavating, grading, placing fill material, etc.)?

Yes

Would the proposed action result in impacts to foraging habitat (intertidal beaches, sand, mud, or algal flats, between annual low tide and annual high tide) or roosting habitat (unvegetated or sparsely vegetated dune systems, sand, mud, or algal flats above high tide)?

Yes

Would all, or portions of, the proposed action be located in piping plover critical habitat (see map)?

Yes

Would the proposed action result in long-term impacts (effects lasting up to 6 months or more) to piping plover critical habitat?

Yes

Conclusion:

May affect, send project in for further review

Sea Turtles

Would the proposed action result in long-term impacts (effects lasting up to 6 months or more) to nesting habitat (sandy beaches)?

No

Would the proposed action be conducted during the sea turtle nesting season (April 15 – October 31)?

Yes

Conclusion:

May affect, send project in for further review

Migratory Bird Conservation Recommendations

Bald Eagle

The proposed project area may provide nesting habitat for the bald eagle (*Haliaeetus leucocephalus*), which was officially removed from the List of Endangered and Threatened Species as of August 8, 2007. However, the bald eagle remains protected under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.) The Louisiana Department of Wildlife and Fisheries (LDWF) has not collected comprehensive bald eagle survey data since 2008, and new active, inactive, or alternate nests may have been constructed within the proposed project area since that time.

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance," which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at:

<http://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf>

In southern Louisiana parishes, eagles typically nest in mature trees (e.g., baldcypress, sycamore, willow, etc.) near fresh to intermediate marshes or open water. Bald eagles may also nest in mature pine trees near large lakes in central and northern Louisiana. If a bald eagle nest occurs or is discovered within 660 feet of the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at:

<https://www.fws.gov/southeast/our-services/eagle-technical-assistance>. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary.

Colonial Waterbirds

In accordance with the Migratory Bird Treaty Act of 1918 (as amended), please be advised should the project area be located in or near wetland habitats which may be inhabited by colonial nesting waterbirds and/or seabirds, additional restrictions may be necessary.

Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by (1) monitoring previously known colony sites and (2) augmenting point-to-point surveys with flyovers of adjacent suitable habitat. Although several comprehensive coast-wide surveys have been recently conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season because some waterbird colonies may change locations year-to-year. To minimize disturbance to colonial nesting birds please refer to our colonial nesting waterbird guidance on the LESO Webpage https://www.fws.gov/lafayette/Migratory_Birds/MigBird.html.

Additional Migratory Bird Conservation Recommendations

During the project impact analysis process developers should identify project-related impacts to migratory birds and the conservation measures that will be used to mitigate them. For additional Migratory Bird Conservation recommendations, guidance and tools to help reduce impacts to birds and their habitats please visit the LESO webpage https://www.fws.gov/lafayette/Migratory_Birds/MigBird.html and the Service's Migratory Bird Program Webpage (<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/communication-towers.php>).

MEMORANDUM

DATE: July 03, 2018

TO: Caminada Headlands Back Barrier Marsh Creation (BA-171) Project File

FROM: Sharon L. Osowski, Ph.D.; Marine, Coastal, and Analysis Section (6WQ-EC)

SUBJECT: Determination Regarding Sea Turtles Near Water Operations for BA-171

The Environmental Protection Agency Region 6 has made the determination, that the Caminada Headlands Back Barrier Marsh Creation project (BA-171) “may affect, but is not likely to adversely affect the Kemp’s Ridley sea turtle (*Lepidochelys kempii*) and the Loggerhead sea turtle (*Caretta caretta*).

The Caminada Headlands Back Barrier Marsh Creation project proposes to restore the geomorphic function, essential habitats, and reverse the current trend of degradation. The goals and objectives for BA-171 include:

- Create 248 acres and nourish 137 acres of emergent back barrier marsh by pumping sediment from a borrow site approximately 1.5 miles offshore
- Create a platform upon which the beach and dune can migrate, reducing the likelihood of breaching, increasing the retention of overwashed sediment, improving the longevity of the barrier shoreline, and protecting wetlands and infrastructure to the north and west.
- Slow the current trend of degradation in the headland.

The marsh creation design was broken into four (4) components: the marsh creation fill area, the earthen containment dikes, the dredge borrow area, and the dredge pipeline alignments. This memo addresses potential impacts to sea turtles in or near the dredge borrow area and dredging operations (i.e., using hydraulic cutterhead dredges).

Our determination that BA-171 will not adversely affect the two species of sea turtles is based on information that hydraulic cutterhead dredges have never been implicated in sea turtles “takes” and information found in a NOAA Consultation and Biological Opinion (BO) from 2003 (Number F/SER/2003/01247). EPA believes that the proposed activities associated with BA-171 are consistent with the BO and the “may affect, not likely to adversely affect” determination.

The specific section of the BO that applies to the BA-171 project is found on page 36 of the Consultation/Biological Opinion and is cited below:

“The primary direct effect of the proposed action is hopper-dredging activities on sea turtles. Hydraulic cutterhead pipeline dredges have never been implicated in turtle takes, presumably because the slow moving cutterhead is readily discerned and easily avoided by these species. Additionally, numerous previous opinions issued by NMFS to the COE since 1991 in both the South Atlantic and Gulf of Mexico COE districts, hydraulic cutterhead pipeline dredge use has been determined to be unlikely to adversely affect any listed species under NMFS’ purview; therefore, hydraulic cutterhead dredges will not be considered further in this opinion. This opinion will only consider hopper-dredging effects on listed species potentially present during the Ship Shoal proposed action.”³

Footnote 3: “Hopper dredges, which are frequently used in ocean bar channels and sometimes in harbor channels and offshore sand mining areas, move relatively rapidly and can entrain and kill sea turtles, presumably as the drag arm of the moving dredge overtakes the slower moving turtle. In contrast to hopper dredges, pipeline dredges are relatively stationary, and therefore act on only small areas at any given time. In the 1980s, observer coverage was required by NMFS at pipeline outflows during several dredging projects deploying pipeline dredges along the Atlantic coast.

No turtles or turtle parts were observed in the outflow areas. Additionally, the COE’s South Atlantic Division (SAD) office in Atlanta, Georgia, charged with overseeing the work of the individual COE Districts along the Eastern Seaboard from North Carolina through Florida, provided documentation of hundreds of hours of informal observation by COE inspectors during which no takes of listed species were observed. Additional monitoring by other agency personnel, conservation organizations, and the general public has never resulted in reports of turtle takes by pipeline dredges (NMFS 1991a).”



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

May 17, 2019

Mr. Joseph A. Ranson
Field Supervisor
U.S. Fish and Wildlife Service
Louisiana Ecological Services Office
646 Cajundome Blvd., Suite 400
Lafayette, LA 70506

RE: Modification to the Caminada Headland Back Barrier Marsh Creation project (BA-171) funded by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), Endangered Species Act, Section 7 Determination

Dear Mr. Ranson:

On July 12, 2018 the U.S. Fish and Wildlife Service's concurred with the Environmental Protection Agency's determination that the Caminada Headland Back Barrier Marsh Creation project (BA-171) "may affect, but is not likely to adversely affect" the West Indian manatee (*Trichechus manatus*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), Loggerhead sea turtle (*Caretta caretta*), Red Knot (*Calidris canutus rufa*), and the Piping Plover (*Charadrius melodus*) or its designated critical habitat. Since that date the BA-171 project area has been modified to include an additional 543 acres of back barrier marsh from the adjacent Caminada Headland Back Barrier Marsh Creation, Increment 2 project (BA-193) which currently does not contain any suitable habitat for red knots or piping plovers.

Effects of the pipeline corridor on the Gulf shoreline would consist of the necessary equipment and personnel required to install the dredge pipeline, maintain it during construction, and then remove it post-construction. Disturbance to natural wrack would be kept to a minimum to maintain the beach in natural conditions. The pipeline corridor would then be returned to pre-project conditions to the maximum extent practicable. Thus, any impacts to the beach and dune would be temporary and would not disrupt or permanently affect the natural coastal processes that maintain primary constituent elements of critical habitat. Therefore, the EPA has determined that the modified BA-171 project may affect, but is not likely to adversely affect, critical habitat for the Red Knot and the Piping Plover.

If you require further assistance or have questions regarding our determination, please contact Adrian Chavarria (214-665-3103; Chavarria.adrian@epa.gov) or Dr. Sharon L. Osowski (214-665-7506; Osowski.sharon@epa.gov) of my staff.

This project has been reviewed for effects to Federal trust resources under our jurisdiction and currently protected by the Endangered Species Act of 1973 (Act.) The project, as proposed,

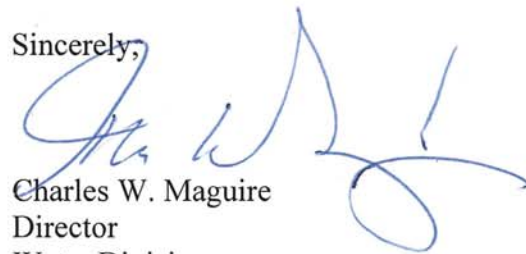
Is not Likely to adversely effect those resources

 20 May 19

Supervisor
Louisiana Ecological Services Office
U.S. Fish and Wildlife Service

Date

Sincerely,



Charles W. Maguire
Director
Water Division

From: [Daniel R. Ragle](#)
To: [Aldridge, Barbara](#)
Subject: RE: Caminada Headland Back Barrier March Creation
Date: Thursday, October 13, 2016 9:56:29 AM
Attachments: [image001.gif](#)
[image002.jpg](#)

Thank you for the correspondence regarding the above referenced project. Although this project has passed the 30 day response limit and may or may not have already been completed, we ask that our office be contacted if any Native American cultural materials or remains are encountered. If you have any questions, please contact me by email.

Daniel Ragle

Compliance Review Officer
Historic Preservation Dept.
Choctaw Nation of Oklahoma
(800) 522-6170 Ext. 2727
dragle@choctawnation.com
www.choctawnation.com
www.choctawnationculture.com



This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you have received this message in error, you are hereby notified that we do not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information. Please note that any view or opinions presented in this email are solely those of the author and do not necessarily represent those of the Choctaw Nation.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

646 Cajundome Blvd.

Suite 400

Lafayette, Louisiana 70506

November 21, 2016



Ms. Barbara Aldridge
NEPA Coordinator
U.S. Environmental Protection Agency
Region 6, 6WQ-EC
1445 Ross Avenue
Dallas, Texas 75202

RECEIVED
EPA REGION VI
16 NOV 28 PM 11:44
U.S. ENVIRONMENTAL PROTECTION AGENCY

Dear Ms. Aldridge:

The Fish and Wildlife Service (Service) received the Environmental Protection Agency's (EPA) October 3, 2016, Solicitation of Views notice on October 11, 2016, regarding the preparation of a draft Environmental Assessment (EA) for the Caminada Headland Back Barrier Marsh Creation – Increment II project (BA-193) in Lafourche Parish, Louisiana. That project is authorized and funded under the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) (104 Stat. 4779; 16 U.S.C. 3951 et seq.). The proposed project would involve creating and nourishing 444 acres of marsh north of and adjacent to approximately 4.5 miles of the Caminada Headland Beach and Dune Restoration Project – Increment II using sediment dredged from an offshore borrow source. The Service has reviewed the information provided and offers the following comments in accordance with the National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.), the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the Coastal Barrier Resources Act of 1982 (CBRA) (96 Stat. 1653, as amended; 16 U.S.C. 3501 et seq.).

The recently constructed Caminada Headland Beach and Dune Restoration Project – Increments I and II has created habitat that supports federally listed species and nesting migratory birds. The Service recommends that the forthcoming draft EA for the subject marsh creation project include a thorough discussion of potential impacts to federally listed threatened and endangered species, migratory birds, and wetlands, as well as any compensatory mitigation and minimization measures that would be implemented for those resources. The Service provides the following information to aid the EPA in preparing their discussion of potential effects (both unfavorable and beneficial) to those resources.

Federally Listed Species

West Indian manatee

The endangered West Indian manatee (*Trichechus manatus*) is known to regularly occur in Lakes Pontchartrain and Maurepas and their associated coastal waters and streams. It also can be

found less regularly in other Louisiana coastal areas, most likely while the average water temperature is warm. Based on data maintained by the Louisiana Natural Heritage Program (LNHP), over 80 percent of reported manatee sightings (1999-2011) in Louisiana have occurred from the months of June through December. Manatee occurrences in Louisiana appear to be increasing and they have been regularly reported in the Amite, Blind, Tchefuncte, and Tickfaw Rivers, and in canals within the adjacent coastal marshes of southeastern Louisiana. Manatees may also infrequently be observed in the Mississippi River and coastal areas of southwestern Louisiana. Cold weather and outbreaks of red tide may adversely affect these animals. However, human activity is the primary cause for declines in species number due to collisions with boats and barges, entrapment in flood control structures, poaching, habitat loss, and pollution.

During in-water work in areas that potentially support manatees all personnel associated with the project should be instructed about the potential presence of manatees, manatee speed zones, and the need to avoid collisions with and injury to manatees. All personnel should be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. Additionally, personnel should be instructed not to attempt to feed or otherwise interact with the animal, although passively taking pictures or video would be acceptable.

- All on-site personnel are responsible for observing water-related activities for the presence of manatee(s). We recommend the following to minimize potential impacts to manatees in areas of their potential presence:
- All work, equipment, and vessel operation should cease if a manatee is spotted within a 50-foot radius (buffer zone) of the active work area. Once the manatee has left the buffer zone on its own accord (manatees must not be herded or harassed into leaving), or after 30 minutes have passed without additional sightings of manatee(s) in the buffer zone, in-water work can resume under careful observation for manatee(s).
- If a manatee(s) is sighted in or near the project area, all vessels associated with the project should operate at "no wake/idle" speeds within the construction area and at all times while in waters where the draft of the vessel provides less than a four-foot clearance from the bottom. Vessels should follow routes of deep water whenever possible.
- If used, siltation or turbidity barriers should be properly secured, made of material in which manatees cannot become entangled, and be monitored to avoid manatee entrapment or impeding their movement.
- Temporary signs concerning manatees should be posted prior to and during all in-water project activities and removed upon completion. Each vessel involved in construction activities should display at the vessel control station or in a prominent location, visible to all employees operating the vessel, a temporary sign at least 8½" X 11" reading language similar to the following: "CAUTION BOATERS: MANATEE AREA/ IDLE SPEED IS REQUIRED IN CONSRUCTION AREA AND WHERE THERE IS LESS THAN FOUR FOOT BOTTOM CLEARANCE WHEN MANATEE IS PRESENT". A second

temporary sign measuring 8½ " X 11" should be posted at a location prominently visible to all personnel engaged in water-related activities and should read language similar to the following: "CAUTION: MANATEE AREA/ EQUIPMENT MUST BE SHUTDOWN IMMEDIATELY IF A MANATEE COMES WITHIN 50 FEET OF OPERATION".

- Collisions with, injury to, or sightings of manatees should be immediately reported to the Service's Louisiana Ecological Services Office (337/291-3100) and the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225/765-2821). Please provide the nature of the call (i.e., report of an incident, manatee sighting, etc.); time of incident/sighting; and the approximate location, including the latitude and longitude coordinates, if possible.

Should a proposed action directly or indirectly affect the West Indian manatee, further consultation with this office will be necessary.

Piping Plover

Both the threatened piping plover (*Charadrius melodus*) and its designated critical habitat occur along the Caminada headland within and/or in the vicinity of the proposed project area. The piping plover is a small (7 inches long), pale, sand-colored shorebird that winters in coastal Louisiana and may be present for 8 to 10 months annually. Piping plovers arrive from their northern breeding grounds as early as late July and remain until late March or April. They feed on polychaete marine worms, various crustaceans, insects and their larvae, and bivalve mollusks that they peck from the top of or just beneath the sand. Piping plovers forage on intertidal beaches, mudflats, sand flats, algal flats, and wash-over passes with no or very sparse emergent vegetation. They roost in unvegetated or sparsely vegetated areas, which may have debris, detritus, or micro-topographic relief offering refuge to plovers from high winds and cold weather. They also forage and roost in wrack (i.e., seaweed or other marine vegetation) deposited on beaches. In most areas, wintering piping plovers are dependent on a mosaic of sites distributed throughout the landscape, because the suitability of a particular site for foraging or roosting is dependent on local weather and tidal conditions. Plovers move among sites as environmental conditions change, and studies have indicated that they generally remain within a 2-mile area. Major threats to this species include the loss and degradation of habitat due to development, disturbance by humans and pets, and predation.

On July 10, 2001, the Service designated critical habitat for wintering piping plovers (Federal Register Volume 66, No. 132); a map of the seven critical habitat units in Louisiana can be found at <http://criticalhabitat.fws.gov/crithab>. Their designated critical habitat identifies specific areas that are essential to the conservation of the species. The physical and biological features (PBFs) for piping plover wintering habitat are those habitat components that support foraging, roosting, and sheltering and the physical features necessary for maintaining the natural processes that support those habitat components. The PBFs are found in geologically dynamic coastal areas that contain intertidal beaches and flats (between annual low tide and annual high tide), and associated dune systems and flats above annual high tide. Important components of intertidal flats include sand and/or mud flats with no or very sparse emergent vegetation. Adjacent

unvegetated or sparsely vegetated sand, mud, or algal flats above high tide are also important, especially for roosting plovers.

Further consultation with this office will be necessary if the proposed action may directly or indirectly affect the piping plover and/or its designated critical habitat.

Red Knot

The threatened red knot (*Calidris canutus rufa*) also occurs along the Caminada headland within and/or adjacent to the proposed project area. The red knot is a medium-sized shorebird about 9 to 11 inches in length with a proportionately small head, small eyes, short neck, and short legs. The black bill tapers steadily from a relatively thick base to a relatively fine tip; bill length is not much longer than head length. Legs are typically dark gray to black, but sometimes greenish in juveniles or older birds in non-breeding plumage. Non-breeding plumage is dusky gray above and whitish below. The red knot breeds in the central Canadian arctic but is found in Louisiana during spring and fall migrations and the winter months (generally September through May).

During migration and on their wintering grounds, red knots forage along sandy beaches, tidal mudflats, salt marshes, and peat banks. Observations along the Texas coast indicate that red knots forage on beaches, oyster reefs, and exposed bay bottoms, and they roost on high sand flats, reefs, and other sites protected from high tides. In wintering and migration habitats, red knots commonly forage on bivalves, gastropods, and crustaceans. Coquina clams (*Donax variabilis*), a frequent and often important food resource for red knots, are common along many gulf beaches. Major threats to this species along the Gulf of Mexico include the loss and degradation of habitat due to erosion, shoreline stabilization, and development; disturbance by humans and pets; and predation.

If implementation of the proposed action has the potential to directly or indirectly affect the red knot or its habitat, further consultation with this office will be necessary.

Sea Turtles

There are five species of federally listed threatened or endangered sea turtles that forage in the near shore waters, bays, and estuaries of Louisiana. The National Marine Fisheries Service (NMFS) is responsible for aquatic marine threatened or endangered species that occur in the marine environment. Please contact Kelly Shotts (727-824-5312) at the NMFS Regional Office in St. Petersburg, Florida, for information concerning those species in the marine environment.

When sea turtles leave the marine environment and come onshore to nest, the Service is responsible for those species. Two species, the threatened loggerhead sea turtle (*Caretta caretta*) and the endangered Kemp's ridley (*Lepidochelys kempii*) could potentially nest in Louisiana during the summer months (i.e., May through November). Historical records indicate that loggerheads nested on the Chandeleur Islands and recent data indicate rare nesting attempts along Fourchon Beach in Lafourche Parish. The Kemp's ridley is known to nest in coastal Texas and Alabama; thus, nesting attempts could possibly occur in Louisiana as that species achieves recovery. The primary threats to nesting beaches include coastal development and construction,

placement of erosion control structures and other barriers to nesting, beachfront lighting, vehicular and pedestrian traffic, sand extraction, beach erosion, beach nourishment, beach pollution, removal of native vegetation, and planting of non-native vegetation (Service 2007). We recommend that you contact this office if your activities would occur on coastal beaches during the summer months (i.e., May through November).

Migratory Birds

In accordance with the MBTA, please be advised that the project area is located adjacent to and contains habitats which are commonly inhabited by colonial nesting waterbirds and/or seabirds. Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by (1) monitoring previously known colony sites and (2) augmenting point-to-point surveys with flyovers of adjacent suitable habitat. Although several comprehensive coast-wide surveys have been recently conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season because some waterbird colonies may change locations year-to-year. To minimize disturbance to colonial nesting birds, the following restrictions on activity should be observed:

1. For colonies containing nesting brown pelicans, all activity occurring within 2,000 feet of a rookery should be restricted to the non-nesting period (i.e., September 15 through March 31). Nesting periods vary considerably among Louisiana's brown pelican colonies, however, so it is possible that this activity window could be altered based upon the dynamics of the individual colony. Brown pelicans are known to nest on barrier islands and other coastal islands in St. Bernard, Plaquemines, Jefferson, Lafourche, and Terrebonne Parishes, and on Rabbit Island in lower Calcasieu Lake, in Cameron Parish.
2. For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, and roseate spoonbills), anhingas, and/or cormorants, all activity occurring within 1,000 feet of a rookery should be restricted to the non-nesting period (i.e., September 1 through February 15, exact dates may vary within this window depending on species present).
3. For colonies containing nesting gulls, terns, and/or black skimmers, all activity occurring within 650 feet of a rookery should be restricted to the non-nesting period (i.e., September 16 through April 1, exact dates may vary within this window depending on species present).

In addition, we recommend that on-site contract personnel be trained to identify colonial nesting birds and their nests, and avoid affecting them during the breeding season (i.e., the time period outside the activity window).

Given the nature of the project and potential issues with timing and logistics, the Service realizes that the EPA may not be able to ensure that the nesting season is avoided during project construction. If that situation occurs the EPA should develop an abatement plan, in coordination with the Service, to discourage birds from nesting in proposed construction areas. Please note

that the abatement measures would need to begin prior to the nesting season and/or as soon as breeding behaviors are noticed (generally prior to February 15).

Wetlands

While the Service supports the proposed project and marsh creation using dredged material in general, we recommend that every effort be made to minimize impacts to nearby wetlands to the maximum extent practicable when planning the design and location of pipeline corridors, access corridors, and staging areas for construction equipment and personnel. Should unavoidable impacts to wetlands be anticipated, we recommend that the EPA include in the draft EA a discussion of how those unavoidable impacts would be mitigated, whether through additional project acreage onsite or through other methods.

CBRA

The CBRA is intended to protect fish and wildlife resources and habitat, prevent loss of human life, and preclude the expenditure of Federal funds that may induce development on coastal barrier islands and adjacent near-shore areas. The proposed project area would be located in CBRA Caminada Unit S03. We recommend that the EPA submit a request for our determination as to whether the proposed project would qualify for an exemption under the CBRA. The results of that determination should be included in the draft and/or final EA.

We appreciate the opportunity to provide scoping comments on the proposed project, and we look forward to continuing to work with the EPA as the NEPA process continues. If you have any question regarding the content of this scoping letter, please contact Ms. Brigitte Firmin (337-291-3108) of the Service's Louisiana Ecological Services Office.

Sincerely,



Jeffrey D. Weller
Program Supervisor
Alabama, Arkansas,
Louisiana, and Mississippi

cc: NMFS, St. Petersburg, FL (Attn: Kelly Shotts)
NMFS, Baton Rouge, LA (Attn: Rick Hartman)
LDWF, Baton Rouge, LA (Attn: Kyle Balkum)
LDWF, Natural Heritage Program, Baton Rouge, LA (Attn: Beau Gregory)
CPRA, Baton Rouge, LA (Attn: Renee Bennett)

Literature Cited

U.S. Fish and Wildlife Service (Service). 2007. Loggerhead sea turtle (*Caretta caretta*) 5 year review: summary and evaluation. Jacksonville, FL.