

# FEDERAL BEACHES 101

## A Primer on Coastal Storm Risk Management Projects

1. History, Feasibility, and Authorization
2. Economic Considerations
3. Design and Implementation
4. Sediments
5. Environmental Considerations

U.S. Army Corps of Engineers  
Jacksonville District  
September 2020





# ENVIRONMENTAL CONSIDERATIONS

## AGENDA



- Overview of Applicable Federal Laws
  - Civil Works/Non-Federal Projects
- National Environmental Policy Act (NEPA)
- Endangered Species Act (ESA)
- Marine Mammal Protection Act (MMPA)
- Coastal Barrier Resources Act (CBRA)
- Clean Water Act (CWA)
- Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA)

AESTHETICS



CULTURAL RESOURCES



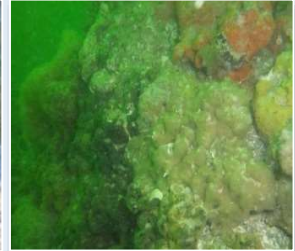
ESSENTIAL FISH HABITAT



THREATENED & ENDANGERED SPECIES



HARDGROUNDS



TURBIDITY



NAVIGATION



WILDLIFE RESOURCES







# ENVIRONMENTAL CONSIDERATIONS

## Federal Laws, Regulations, Executive Orders



- National Environmental Policy Act (USEPA)
- Clean Water Act (USEPA)
  - §404(b) delegated to Army
  - §401 delegated to the State of Florida
- Endangered Species Act (Dept. of Interior – USFWS and DOC –NOAA)
- Coastal Zone Management Act (Dept. of Commerce – NOAA)
  - Delegated to the State of Florida
- Magnuson-Stevens Fishery Conservation and Management Act (NOAA)
- Marine Mammal Protection Act (USFWS)
- Coastal Barrier Resources Act (USFWS)
- Executive Orders

FEDERAL WATER POLLUTION CONTROL ACT  
(33 U.S.C. 1251 et seq.)

AN ACT To provide for water pollution control activities in the Public Health Service of the Federal Security Agency and in the Federal Works Agency, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—RESEARCH AND RELATED PROGRAMS  
DECLARATION OF GOALS AND POLICY

SEC. 101. (a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act—

- (1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;
- (2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983;
- (3) it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited;
- (4) it is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works;
- (5) it is the national policy that areawide treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State;
- (6) it is the national policy that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants into the navigable waters, waters of the contiguous zone and the oceans; and
- (7) it is the national policy that programs for the control of nonpoint sources of pollution be developed and implemented in an expeditious manner so as to enable the goals of this Act to be met through the control of both point and nonpoint sources of pollution.

(b) It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act. It is the policy of Congress that the States manage the construction grant program under this Act and implement the permit programs under sections 402 and 404 of

3





# ENVIRONMENTAL CONSIDERATIONS

## Civil Works and Non-Federal Projects



### CIVIL WORKS CSRM PROJECTS

- USACE ensures compliance with all Federal laws:
  - National Environmental Policy Act (NEPA)
  - Endangered Species Act (ESA)
  - Clean Water Act (CWA)
  - Coastal Zone Management Act
  - Magnuson-Stevens Fishery Conservation and Management Act (NOAA)
  - And others...

### NON-FEDERAL BEACH PROJECTS

- Local government ensures compliance with Federal and state laws
  - USACE permit under CWA
    - Federal nexus prompts coordination with other Federal agencies
  - FDEP permit to comply with State Laws





# ENVIRONMENTAL CONSIDERATIONS

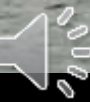
## National Environmental Policy Act (NEPA)



- Enacted in 1970 to establish a “national policy for the environment, provide for the establishment of the Council on Environmental Quality (CEQ), and for other purposes.”
  - Requires Federal agencies to assess the environmental effects of proposed major Federal actions prior to making decisions

Levels of NEPA analysis:

1. **Categorical Exclusion**
2. **Environmental Assessment (EA)**
  - No significant effect on the human environment
  - Leads to a Finding of No Significant Impact (FONSI)
3. **Environmental Impact Statement (EIS)**
  - Significant effect on the human environment
  - Leads to Record of Decision (ROD)







# ENVIRONMENTAL CONSIDERATIONS

## Protected Species: ESA and MMPA



### Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA)

- Two different Federal agencies: U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA)
- Consult with the appropriate Federal Agency to identify species in the project area

#### ENDANGERED SPECIES ACT

USACE determines level of effect under ESA:

- No effect/no adverse modification
- May affect, but is not likely to adversely affect (MA/NLAA)
- May affect, and is likely to adversely affect (MA/LAA)

#### MARINE MAMMAL PROTECTION ACT

**No Take** authorized in MMPA

- Incidental Harassment Authorization required for actions that affect marine mammals





# ENVIRONMENTAL CONSIDERATIONS

## Endangered Species Act (ESA)



### U.S. FISH AND WILDLIFE SERVICE

- Sea turtles, manatees, piping plover and red knot
- Critical habitat for the above species
- Marine Mammal Protection Act (MMPA)

### Statewide Programmatic Biological Opinion (SPBO)

- Impacts to nesting sea turtles and manatees resulting from beach placement of sediments
- Activities anywhere in Florida

### Piping Plover Programmatic Biological Opinion (P<sup>3</sup>BO)

- Impacts to piping plover resulting from beach placement of sediments
- Activities in the North Florida Ecological Services Office and the Vero Beach Ecological Services Office Areas of Responsibility





# ENVIRONMENTAL CONSIDERATIONS

## Endangered Species Act (ESA)

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### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

- Sea turtles in the water, all Federally protected fish, protected corals
  - Critical habitat for the above species
  - Hopper dredging
  - Effects on corals
- Several Programmatic Biological Opinions in place for species in Florida:
    1. **Gulf Regional Biological Opinion (GRBO)**
    2. **South Atlantic Regional Biological Opinion (SARBO)**







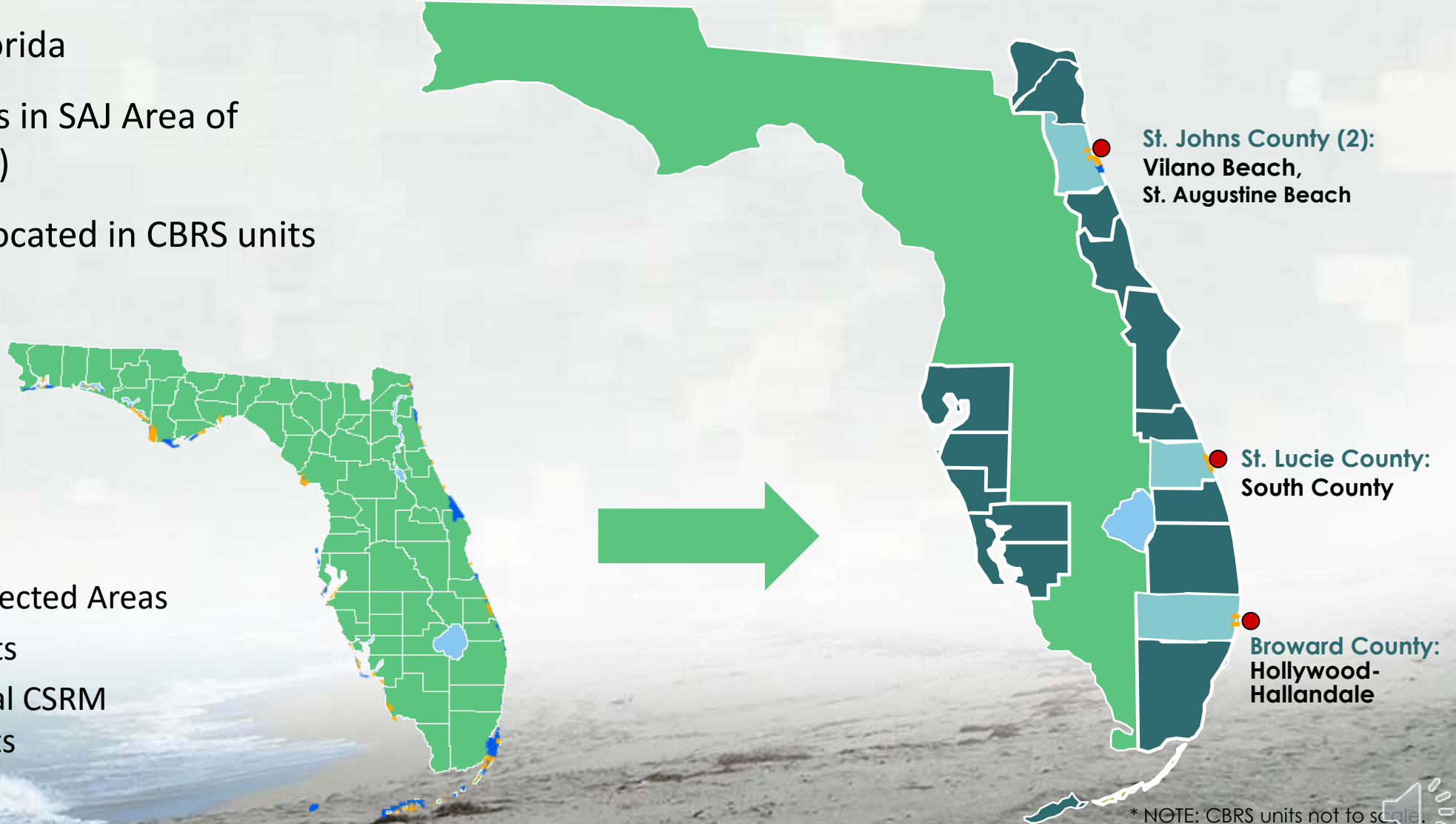
# ENVIRONMENTAL CONSIDERATIONS

## Coastal Barrier Resources Act (CBRA)



- 88 CBRS Units in Florida
- ~40 Federal projects in SAJ Area of Responsibility (AOR)
- 4 Federal projects located in CBRS units

- CBRS Units
- CBRS Otherwise Protected Areas
- Federal CSRM Projects
- Counties with Federal CSRM Projects in CBRS Units





# ENVIRONMENTAL CONSIDERATIONS

## Clean Water Act (CWA)



### §404(b)

- USACE conducts analysis, which is provided in NEPA document for comment

### §401

- USEPA delegated to the State of Florida
- For Civil Works projects, State of Florida and U.S. Army Corps of Engineers agree to use the existing permit process to streamline decision-making



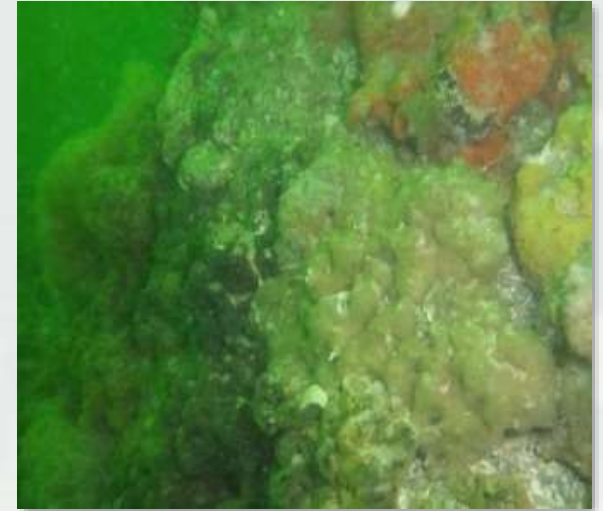


# ENVIRONMENTAL CONSIDERATIONS

## Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA)



- Essential Fish Habitat (EFH)
- Consult with NOAA Fisheries
- Seagrasses
- Hardgrounds
  - Pipeline corridors
  - Sediment sources
- Avoid and minimize impacts through buffers and turbidity monitoring







# QUESTIONS OR COMMENTS?



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