



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FL 32207-8915

FINDING OF NO SIGNIFICANT IMPACT

**PALM BEACH COUNTY, FROM LAKE WORTH INLET TO SOUTH LAKE WORTH INLET,
FLORIDA COASTAL STORM RISK MANAGEMENT PROJECT
MID-TOWN SEGMENT**

This Finding incorporates by reference three (3) National Environmental Policy Act (NEPA) documents prepared by the U.S. Army Corps of Engineers (Corps), Jacksonville District for construction of a separable element of the Palm Beach County Shore Protection Project -- Lake Worth Inlet to South Lake Worth Inlet, Mid-Town Segment, Palm Beach County, FL. The Project includes the construction and periodic nourishment of approximately three (3) miles of protective beach with a northern boundary of Wells Road in Palm Beach and a Southern Boundary of Southern Boulevard in Palm Beach. An initial Environmental Impact Statement (EIS) was completed in 1987 by the Planning Division (PD) under the Civil Works Project authority and evaluated the placement of dredged sand from offshore borrow areas onto the beaches of Palm Beach County including the 3-mile segment at Mid-Town (R-91 to R-106). Subsequently, Environmental Assessments (EA) were completed by Regulatory Division (RD) for Department of the Army Permit SAJ-1995-03779(SP-LCK) in 1995 (R-95 to R-100) and in 2014 (R-89 to R-102) for construction by the local sponsor (Town of Palm Beach).

This Finding of No Significant Impact (FONSI) incorporates by reference all discussions and conclusions contained in these NEPA documents. The proposed action for this FONSI is the Mid-Town separable element, to dredge approximately 1,000,000 cubic yards of beach quality sand from an offshore borrow area between R-65 to R-70 and place the sand on the beach between R-91 to R-102. Based on information analyzed in these NEPA documents reflecting pertinent information obtained from agencies having jurisdiction by law and/or special expertise, I conclude that the proposed action will not significantly impact the quality of the human environment and does not require an EIS. Reasons for this conclusion are below.

The project will be implemented in compliance with Section 7 of the Endangered Species Act (ESA) of 1973, 16 U.S.C. §1531 et seq. as amended. The Corps has reviewed the effects analysis and determinations in the prior NEPA documents and reaffirmed determinations for the threatened Johnson's seagrass (*Halophila johnsonii*), the endangered West Indian manatee (*Trichechus manatus*), the endangered and threatened nesting and swimming sea turtles (*Chelonia mydas*, *Eretmochelys imbricata*, *Lepidochelys kempii*, *Dermochelys coriacea*, *Caretta caretta*), the endangered smalltooth sawfish (*Pristis pectinata*), the threatened piping plover (*Charadrius melodus*), the threatened red knot (*Calidris canutus rufa*), threatened corals: *Acropora palmata*, *Acropora cervicornis*, *Orbicella annularis*, *Orbicella faveolata*, *Orbicella franksi*, *Dendrogyra cylindrus*, and *Mycetophyllia ferox*. Additionally, the Corps reviewed for effects to newly listed species including oceanic white-tip shark (*Carcharhinus longimanus*), Nassau grouper (*Epinephelus striatus*), and the giant manta ray (*Manta birostris*). The Corps concludes the proposed action would have no effect to Johnson's

seagrass, listed corals, oceanic white-tip shark, Nassau grouper, and giant manta ray. In addition, the proposed action may affect, but is not likely to adversely affect the piping plover, red knot, manatee, smalltooth sawfish and Loggerhead designated critical habitat. Finally, the Corps concluded that the proposed action may affect swimming and nesting sea turtles.

The proposed action would be conducted in compliance with the 1997 South Atlantic Division Regional Biological Opinion (SARBO) issued by the National Marine Fisheries Service (NMFS) (swimming sea turtles), the December 3, 2014 individual consultation NMFS concurrence for the 2014 RD EA (nesting turtles and smalltooth sawfish), and the 2015 Statewide Programmatic Biological Opinion (SPBO) (nesting sea turtles and manatee) and 2013 Programmatic Piping Plover Biological Opinion (P3BO) (piping plover and rufa red knot) issued by the U.S. Fish and Wildlife Service (USFWS). The USFWS concurred with the application of the SPBO and P3BO for these species by letter dated August 5, 2019. In addition, the Corps' South Atlantic Division is working with NMFS to revise the SARBO (swimming sea turtles, nesting sea turtles, manatee, and sawfish). The Corps will rely on the updated SARBO for future renourishment once finalized. If the Corps constructs before the SARBO is finalized, it will comply with the requirements of the 1997 SARBO and the December 3, 2014 NMFS individual consultation incorporating the March 23, 2006 sea turtle and smalltooth sawfish construction conditions. The proposed action would not jeopardize the continued existence of any threatened or endangered species or adversely modify critical habitat.

The Corps is coordinating with the Florida Department of Environmental Protection to obtain water quality certification under Section 401 of the Clean Water Act and concurrence with the Corps' determination that the project is consistent to the maximum extent practicable with Florida's Coastal Zone Management Plan. Construction will not commence until that effort is concluded, and all applicable water quality standards will be met.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, 54 U.S.C. 306108, as amended, the Corps has determined that proposed action will not affect historic properties eligible for inclusion in the National Register of Historic Places. Consultation with the Florida State Historic Preservation Office (SHPO) and appropriate federally-recognized Indian Tribes will be concluded prior to construction.

Public benefits will be provided with hurricane and storm damage reduction. Measures will be taken during construction to eliminate, reduce, or avoid impacts below the threshold of significance to fish and wildlife resources including the following:

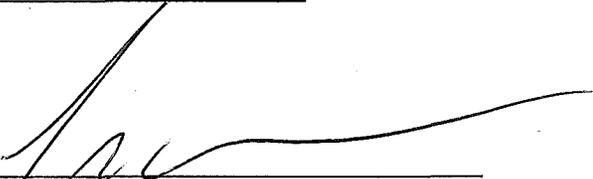
1. Dredging and placement would occur within the footprint of the previously coordinated and permitted borrow area and beach placement areas;
2. All water-based activities would follow standard manatee, sea turtle and smalltooth sawfish protection measures per the conditions of the 1997 NMFS SARBO and the December 3, 2014 individual consultation, and upon finalization the revised SARBO; and

dredged material placement would comply with the conditions of the USFWS SPBO and P3BO;

3. The Jacksonville District's Migratory Bird Protection Plan would be followed during the nesting season.

In view of the above, and the referenced NEPA documents, I conclude that the proposed action for the Federal shore protection project separable element, Lake Worth Inlet to South Lake Worth Inlet, Mid-Town Segment, Palm Beach County, FL, will not significantly affect the human environment and does not require an EIS. This FONSI incorporates by reference all discussions and conclusions contained in the prior NEPA documents enclosed herewith. A copy of these documents will be made available to the public at the following website:

<http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx>.



Andrew D. Kelly
Colonel, U.S. Army
District Commander

10/10/2019

Date



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 San Marco Boulevard
JACKSONVILLE, FLORIDA 32207-8175

CESAJ-PD-EC

10 October 2019

MEMORANDUM FOR THE RECORD

SUBJECT: Palm Beach County Shore Protection Project, from Lake Worth Inlet to South Lake Worth Inlet, Mid-Town Segment, Palm Beach County, FL; Supplemental Endangered Species Act Compliance

1. Location and Description:

The project lies on the southeast coast of Florida and includes placement of sand dredged from a borrow area located approximately 1-mile offshore R-65 to R-70 onto an approximately 3-mile segment of beach at Mid-Town (R-89 to R-102) in Palm Beach County, FL.

2. Endangered Species Act (ESA) Compliance:

As documented in the August 31, 2019 MFR (attached), an updated ESA consultation with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) for the Corps to construct the Mid-Town Segment has been conducted with NMFS in 2014 by RD and with USFWS in 2019 by PD (see attached table). However, three species which could occur in the project vicinity have been newly listed as threatened by the National Marine Fisheries Service (NMFS) since the 2014 NMFS individual consultation. The Corps PD has determined that the proposed action would have no effect on these newly listed species which include Nassau grouper (*Epinephelus striatus*), oceanic white-tip shark (*Carcharhinus longimanus*) and giant manta ray (*Manta birostris*).

Of the three newly listed species, Nassau grouper are most likely to occur in vicinity of the project. "It is mostly a shallow water insular species, preferring clear water with high relief coral reefs or rocky substrate (Sadovy & Eklund 1999)." However, in the late 1980's Nassau grouper reached commercial extinction, a fishery moratorium was implemented in the 1990s, but commercial fishing continued in Florida and the U.S. Atlantic despite initial moratoriums (Frias-Torres, 2008). In addition, the NMFS stated in the 2017 Jacksonville District's Programmatic BO (JAXBO): "We believe the current functional range of Nassau Grouper is limited to the Florida Keys and the U.S. Caribbean (NMFS 2017)." Therefore, the no effect determination for this overfished species is based on the anticipated low likelihood of occurrence within the project area

CESAJ-PPD-EC (ER 200-2-2)

SUBJECT: Palm Beach County Shore Protection Project, Mid-Town Segment, Palm Beach County, FL; Determination of Appropriate Endangered Species Act Compliance

and the mandatory buffer distances between construction activities and suitable habitat (coral reef/hardbottom).

Both the giant manta ray and oceanic white-tip shark are considered to be migratory species that are commonly found offshore in the open ocean and on the outer continental shelf. The project area includes sand borrow and placement activities within 1-mile of and along the coast. Therefore, the no effect determinations for these species is based on their anticipated low likelihood of occurrence in the project area which is not suitable habitat.

3. The POC is Paul DeMarco at 904-232-1897.

A handwritten signature in black ink that reads "Angela E. Dunn". The signature is written in a cursive, flowing style.

Angela E. Dunn
Chief, Environmental Branch

2019 PALM BEACH MID-TOWN ESA TABLE

Common Name	Scientific Name	Status	Determination	1997 SARBO	2015 SPBO	2013 P3BO	Individual Consultation
Marine Mammals							
West Indian manatee	<i>Trichechus manatus</i>	E	MANLAA		8/5/19		
Sea Turtles							
Loggerhead sea turtle NW Atlantic DPS	<i>Caretta caretta</i>	T	MA	*	8/5/19		12/3/14
<i>Designated</i>	Terrestrial LOGG-T-FL-12		NLAM		8/5/19		
<i>Critical Habitat</i>	Nearshore Reproductive DCH LOGG-N-19		NLAM	*			
Hawksbill sea turtle	<i>Eretmochelys imbricata</i>	E	MA	*	8/5/19		
Leatherback sea turtle	<i>Dermochelys coriacea</i>	E	MA	*	8/5/19		
Green sea turtle South Atlantic DPS	<i>Chelonia mydas</i>	T	MA	*	8/5/19		
Fish							
Nassau grouper	<i>Epinephelus striatus</i>	T	NE	Included in draft 2019 SARBO			
Smalltooth sawfish	<i>Pristis pectinata</i>	E	MANLAA	*			12/3/14
Oceanic white-tip shark	<i>Carcharhinus longimanus</i>	T	NE	Included in draft 2019 SARBO			
Giant manta ray	<i>Manta birostris</i>	T	NE	Included in draft 2019 SARBO			
Plants							
Johnson's seagrass	<i>Halophila johnsonii</i>	T	NE				12/3/14
Invertebrates							
Elkhorn coral	<i>Acropora palmata</i>	T	NE	*			
Staghorn coral	<i>Acropora cervicornis</i>	T	NE	*			
Pillar coral	<i>Dendrogyra cylindrus</i>	T	NE	*			
Lobed star coral	<i>Orbicella annularis</i>	T	NE	*			
Mountainous star coral	<i>Orbicella faveolata</i>	T	NE	*			
Boulder star coral	<i>Orbicella franksi</i>	T	NE	*			
Rough cactus coral	<i>Mycetophyllia ferox</i>	T	NE	*			
Birds							
Piping plover	<i>Charadrius melodus</i>	T	MANLAA			8/5/19	
Red knot	<i>Calidris canutus rufa</i>	T	MANLAA			8/5/19	



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CESAJ-PD-EC

MEMORANDUM FOR THE RECORD

SUBJECT: Palm Beach County Shore Protection Project, Mid-Town Segment, Palm Beach County, FL; Determination of Appropriate Endangered Species Act Compliance

1. Location and Description:

The project lies on the southeast coast of Florida and includes placement of sand dredged from an offshore borrow area onto an approximately 3-mile segment of beach at Mid-Town (R-89 to R-102) in Palm Beach County, FL.

2. National Environmental Policy Act (NEPA) Compliance:

An initial Environmental Impact Statement (EIS) was completed in 1987 by the Planning Division (PD) under the Civil Works Project authority and evaluated the placement of dredged sand from offshore borrow areas onto the beaches of Palm Beach County including a 3-mile segment at Mid-Town (R-91 to R-106). A 1992 supplemental EIS evaluated shortening the Mid-Town segment to 1.5-miles (R-95 to R-102) due to lack of public access along the northernmost mile and reconstruction of a seawall along the southernmost 0.5 mile. Subsequently, Environmental Assessments (EA) were completed in 1995 (R-95 to R-100) and 2014 (R-89 to R-102) by Regulatory Division (RD) for Department of the Army Permit SAJ-1995-03779(SP-LCK).

Per 40 CFR 1506.4, a new PD FONSI is being completed which incorporates by reference all discussions and conclusions contained in these four NEPA documents. Consequently, the scope of this new PD FONSI includes dredging approximately 1,000,000 cubic yards of beach quality sand from an offshore borrow area between R-65 to R-70 and placing the sand on the beach between R-89 to R-102. This action was previously reviewed by RD for Department of Army permit SAJ-1995-03779(SP-LCK) to conduct the exact effects described and considered in this FONSI. As the Corps has already determined the action would not significantly affect the human environment and signed a FONSI, Corps Civil Works will execute the FONSI and then disclose the decision for public consumption. The Corps understands if substantive comments are received post FONSI execution, a re-evaluation of NEPA may be warranted. However, based on a thorough review of the project, environmental site information, and these prior NEPA documents and studies the Corps has determined that there is no new information that would warrant further NEPA analyses.

CESAJ-PPD-EC (ER 200-2-2)

SUBJECT: Palm Beach County Shore Protection Project, Mid-Town Segment, Palm Beach County, FL; Determination of Appropriate Endangered Species Act Compliance

3. Endangered Species Act (ESA) Compliance:

Updated ESA consultation with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) for the Corps to construct the Mid-Town Segment has been conducted as follows:

a. By letter dated 25 June 2019, the Corps requested consultation under the 2015 Statewide Programmatic Biological Opinion (SPBO) and the 2013 Programmatic Piping Plover Biological Opinion (P3BO). The Corps determined that the proposed activity may affect nesting sea turtles and may affect, but is not likely to adversely affect the manatee, piping plover and rufa red knot. The USFWS issued concurrence that the project is covered under the SPBO and P3BO by letter dated 5 August 2019. By abiding by the conditions of these programmatic biological opinions, the proposed action would not jeopardize the continued existence of any threatened or endangered species or adversely modify critical habitat.

b. By letter dated 3 December 2014, NMFS concurred with the Corps' RD no effect determination for listed hard corals and not likely to adversely affect determination for loggerhead, green, hawksbill and leatherback sea turtles, smalltooth sawfish and loggerhead sea turtle designated critical habitat for Department of the Army permit SAJ-1995-03779(SP-LCK). In the letter, NMFS stated that the project was appropriate to apply the 1997 South Atlantic Regional Biological Opinion (SARBO), which analyzed potential routes of effects for the above listed species from hopper dredging for channel construction and maintenance, sand mining, and for beach stabilization/nourishment activities using hopper dredged sand. The Corps PD concurs with the determinations above and in addition has determined that the proposed action would have no effect to newly listed species including scalloped hammerhead and oceanic white-tip sharks and Nassau grouper. The Corps' South Atlantic Division is working with NMFS to revise the SARBO. The Corps will rely on the updated SARBO for future renourishment once ratified but in the meantime will abide by the conditions of the existing SARBO. By abiding by the conditions of this programmatic biological opinion, the proposed action would not jeopardize the continued existence of any threatened or endangered species or adversely modify critical habitat.

4. The POC is Paul DeMarco at 904-232-1897.



Angela E. Dunn
Chief, Environmental Branch