



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

FINDING OF NO SIGNIFICANT IMPACT

**OPERATIONS AND MAINTENANCE DREDGING
PLACEMENT OF DREDGED MATERIAL ON DADE COUNTY BEACH EROSION CONTROL PROJECT
BAKERS HAULOVER INLET
MIAMI-DADE COUNTY, FLORIDA**

The U.S. Army Corps of Engineers, Jacksonville District (Corps), has prepared a Supplemental Environmental Assessment (EA) in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. §4321 *et seq.*), and the White House's Council on Environmental Quality regulations (40 CFR Parts 1500-1508) to assess environmental effects of continued periodic operations and maintenance dredging of the Atlantic Intracoastal waterway (AIWW) Cut DA-9 in the vicinity of Bakers Haulover Inlet, with placement of the dredged material on the beaches to the north or south of the inlet. The Corps assessed the effects of the following actions in the *EA for Operations and Maintenance Dredging, Placement of Dredged Material on Dade County Beach Erosion Control Project* for the Bakers Haulover Inlet, Miami-Dade County, Florida. The Recommended Plan consists of the following:

- Routine operations and maintenance (O&M) dredging of an estimated 50,000 cubic yards of sand from the 7,200 foot long, 150 foot wide and 12 foot deep Cut DA-9 of the AIWW.
- Routine O&M dredging of the 3,900 foot long, 75 foot wide and 12 foot deep settling basin as needed.
- Shoal material will be placed either in the 5,000 foot long beach placement area to the north of the inlet (Haulover beach placement area), or on the 4,000 foot long beach placement area south of the inlet (Bal Harbour beach placement area).
- The project is expected to be dredged every other year or due to weather related shoaling.

In addition to the No Action Alternative, the Corps evaluated one alternative as the Preferred Alternative. This Cut of the AIWW was authorized by the Rivers and Harbors Act of 14 July 1960, Section 101 (P.L. 86-645). This plan proposed to continue to maintain the AIWW as it has been maintained since at least 1991, based on available records. The Jacksonville District completed an EA for the ongoing periodic O&M dredging in 1997. This had been the only NEPA assessment completed for this cut of the AIWW. This EA updates that analysis. It also incorporates the analysis associated with the issuance of Regional General Permit SAJ-93 to the Florida Inland Navigation District for the periodic O&M of the entire length of the AIWW in April 2016. That permit included the preparation of a Statement of Findings (SOF) under NEPA. This

assessment adopts both the 1997 EA and the 2016 permit SOF where the information is valid and applicable to this evaluation.

I have reviewed the EA for the Preferred Alternative. This Finding incorporates by reference all discussions and conclusions contained in the EA enclosed hereto. Based on the information analyzed in the EA, which reflects pertinent information obtained from agencies having jurisdiction by law and/or special expertise, I conclude that the Preferred Alternative will not significantly affect the quality of the human environment and does not require an Environmental Impact Statement. Reasons for this conclusion are in summary:

- a. The Preferred Alternative is in compliance with the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 *et. seq.*). Pursuant to section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. §1538), the Corps adopted the coordination with the resource agencies from the 2017 MFR as there is no deviation in project scope coordinated from the permit to the civil works project. The Corps completed its coordination with both the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). The USFWS concurred with the Corps determination that the Statewide Programmatic Biological Opinion (SPBO) (41910-2011-F-0170), dated 13 March 2015, covered the proposed action for sand placement activities in Florida for effects to five listed species of sea turtles, the threatened least tern, threatened Rufus Red Knot and threatened Florida manatee and in accordance with the issuance of a Biological Opinion (BO) for activities conducted under SAJ-93. This BO relies on the SPBO previously discussed for beach placement activities associated with O&M dredging of the AIWW, including Cut 9A. The Corps coordinated this project with NMFS through the South Atlantic Regional Biological Opinion (SARBO), dated 25 September 1997. By letter dated 25 October 2007, NMFS instructed the Corps to continue to apply the 1997 SARBO on all O&M dredging projects while NMFS completes the new SARBO. That document is not yet complete. If the Corps (or its duly authorized agent) uses a *Currituck* class dredge for the project, the Terms and Conditions of the 9 March 1999 BO shall also be incorporated.
- b. The project already has a Joint Coastal Permit from the Florida Department of Environmental Protection, 0173188-006-JC, who originally issued the permit on 21 October. FDEP has modified the permit four times, most recently on 27 September 2016 to extend the expiration date from 2017 to 2020. The permit now expires on October 21, 2020. By the issuance of the permit in 2005, and with the subsequent modifications, the State concurred with the Corps' Coastal Zone Management Act (16 U.S.C. §1451 *et. seq.*) consistency determination that the proposed action is consistent with the enforceable policies of the Florida Coastal Management Program.
- c. The Corps coordinated on the Preferred Alternative with the Florida State Historic Preservation Officer and the appropriate federally recognized Tribes in accordance with the National Historic Preservation Act (54 U.S.C. §300101 *et. seq.*) and consideration given under the National Environmental Policy Act. The

original 1997 EA coordinated with the Florida State Historic Preservation Officer resulting in a determination in January 1995 that the continued O&M dredging of Cut 9A would have no effect on historic properties eligible or potentially eligible for listing in the National Register of Historic Places. Since that time, the Corps has not conducted additional coordination, but the project footprint has not changed and the Corps has not discovered any historic or cultural resources during O&M dredging operations. Additionally, the two beach placement areas are also part of the Dade County Beach Erosion Control Project and in a letter dated September 28, 2015, the State Historic Preservation Officers determined that "no historic properties would be effected" by placement of sand on the beach in Miami-Dade County.

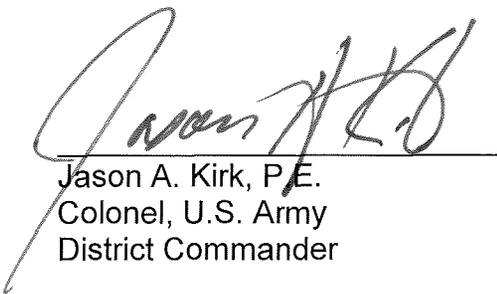
- d. In compliance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §801 *et. seq.*), the Corps fully coordinated the project under the Essential Fish Habitat consultation as part of the Department of Army Regional General Permit, SAJ-93. The Corps provided the Programmatic Essential Fish Habitat Assessment (PEFHA) to NMFS on 27 April 2015. NMFS provided six conservation recommendations by letter dated 5 May 2015. The Corps undertook approximately a year of discussions and assessment in partnership with NMFS under the Act's EFH provisions, making the final determination of compliance with the Act on 18 March 2016. The Corps notified NMFS via letter that they had 10 days to elevate the consultation to higher authority. On 4 April 2016, NMFS requested additional time to respond to the Corps' 10 day letter. The Corps declined, as it would have resulted in a delay issuing the permit and, as a result, delay two scheduled O&M projects. The Corps conducted additional coordination via email, conference call and in person meetings, and on 15 April 2016, the Corps informed the NMFS Regional Administrator that the permit was being issued and all responsibilities under the Act had been met. For the ongoing federal O&M activities at the AIWW DA-9, the Corps completed the last EA in 1997. EFH requirements did not occur until 1999 and NMFS advised the Corps that per the 3 May 1999 interagency finding, where maintenance dredging activities were occurring, EFH consultation would be required when the NEPA document for the project was updated, unless project parameters change. Normally this EA would be the instrument of that coordination. However, due to the PEFHA conducted by the Regulatory Division for the entire length of the AIWW, specifically including dredging completed by the Corps as part of the civil works program, the Corps has completed this effort and the consultation does not need to be updated at this time.
- e. Benefits to the public will be to maintain safe navigation through the AIWW Cut 9A, as well as placement of beach quality sand on critically eroded beaches in Miami-Dade County in association with the federally authorized beach erosion control project.

The Corps incorporated all practicable means to avoid and minimize adverse environmental effects into the Recommended Plan. Measures will be in place during construction to eliminate, reduce, or avoid adverse impacts below the threshold of significance to fish and wildlife resources including the following:

- The Corps or its authorized agent will have a Protected Species Observer present on the project during any clamshell dredging to ensure protection of listed species, with particular attention paid to manatees;
- The Corps or its authorized agent will protect water quality by adherence to the State of Florida water quality criteria for Biscayne Bay Aquatic Preserve;
- Beach placement activities will include protections for nesting sea turtles and migratory birds to include seasonal limitations on beach placement per the requirements of the SPBO; and
- USACE will incorporate the standard migratory bird protection protocols into the project plans and specifications and will require the contractor to abide by those requirements.

In view of the above and the attached EA, I conclude that the Preferred Alternative would not result in a significant effect on the quality of the human environment. This Finding of No Significant Impact incorporates by reference all discussions and conclusions contained in the EA 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>.



Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

21 AUG 2017

Date