

LOUISIANA TRUSTEE IMPLEMENTATION GROUP
DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT
FOR THE POINTE-AUX-CHENES WILDLIFE MANAGEMENT AREA
(PACWMA) RECREATIONAL USE ENHANCEMENT PROJECT

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Appendix A. Preliminary Finding of No Significant Impact

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1 INTRODUCTION

This document, Louisiana Trustee Implementation Group (LA TIG) Draft Supplemental Environmental Assessment for the Pointe-aux-Chenes Wildlife Management Area (PACWMA) Recreational Use Enhancement Project (Draft Supplemental EA), evaluates proposed changes to the PACWMA Recreational Use Enhancement Project located in Terrebonne Parish, Louisiana. The original project was selected for implementation by the LA TIG in the July 2018 Final Restoration Plan/Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use (RP/EA #4) (LA TIG 2018). All applicable analyses and information used by the LA TIG to evaluate and select the original PACWMA project in RP/EA #4 is herein incorporated by reference. The project change involves moving one component of the overall project, the pirogue launch, from one part of the PACWMA to another. All other project components remain the same.

The LA TIG is responsible for restoring the natural resources and services within the Louisiana Restoration Area that were injured by the April 20, 2010, Deepwater Horizon (DWH) oil spill and associated spill response efforts. The LA TIG includes five Louisiana state trustee agencies and four federal trustee agencies: Louisiana Coastal Protection and Restoration Authority; Louisiana Department of Natural Resources; Louisiana Department of Environmental Quality; Louisiana Oil Spill Coordinator's Office; Louisiana Department of Wildlife and Fisheries (LDWF); U.S. Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); U.S. Department of the Interior (DOI), represented by the U.S. Fish and Wildlife Service (USFWS) and National Park Service; U.S. Department of Agriculture (USDA); and U.S. Environmental Protection Agency (EPA).

The RP/EA #4 was prepared pursuant to the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act of 1969 (NEPA) and is consistent with the DWH Trustees' findings in the *Deepwater Horizon Oil Spill Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement* (PDARP/PEIS) and Record of Decision (ROD) and the 2016 Consent Decree resolving civil claims by the DWH Trustees against BP Exploration and Production, Inc., arising from the DWH oil spill. Details on the background and settlement can be found in the PDARP/PEIS (DWH Trustees 2016).

Section 9.4.9 of the Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the Deepwater Horizon Oil Spill (TC SOPs) provides that, if changes are made to any selected project, those changes may require a reevaluation of determinations made in existing environmental compliance documents (Trustee Council 2016). Further, TC SOPs Provision 9.5.2 provides that the LA TIG will conduct a project review to determine: 1) whether any change to the project is consistent with the environmental review in the respective restoration plan/NEPA analysis, or whether there are substantial changes that are relevant to environmental concerns; 2) whether there are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the respective restoration plan/NEPA analysis (40 Code of Federal Regulations [CFR] 1502.9[c]); and 3) whether project changes affect the selection under OPA.

Based on the project review, the LA TIG found that the change to the PACWMA Recreational Use Enhancement Project pirogue launch component would create new circumstances relevant to environmental concerns not addressed in the impact analysis of the RP/EA #4 (LA TIG 2018). The LA TIG has determined that the identified change (described below) to the PACWMA Recreational Use Enhancement Project does not impact the overall goals and objectives of the project described in the RP/EA #4 (LA TIG 2018), nor does it impact the LA TIG's selection of the project under OPA. Consistent with the TC SOPs, the LA TIG has prepared this Draft Supplemental EA in compliance with NEPA to evaluate modifications to the PACWMA project and potential environmental impacts from these modifications that differ from the impact analysis of the original project described in

RP/EA #4. This Draft Supplemental EA will inform the LA TIG's decision regarding proposed modification of the PACWMA Recreational Use Enhancement Project. The project change would be completed within the funds allocated in the RP/EA #4, and no additional funding would be sought from the LA TIG.

1.1 Lead and Cooperating Agencies

In accordance with 40 CFR 1508.12, the LA TIG designated the EPA as the lead federal agency responsible for NEPA compliance for the RP/EA #4 and this Draft Supplemental EA. The federal and state agencies participating on the LA TIG are acting as cooperating agencies for the purposes of compliance with NEPA in the development of this Draft Supplemental EA. In accordance with 40 CFR 1506.3(a), each of the four federal cooperating agencies (NOAA, DOI, USDA, EPA) participating on the LA TIG will review the documents for adequacy in meeting the standards set forth in its own NEPA implementing procedures and make a decision on adoption of the NEPA analysis.

1.2 Purpose and Need

This Draft Supplemental EA falls within the scope of the purpose and need identified in the Final PDARP/PEIS. As described in Section 5.3 of the Final PDARP/PEIS, the five DWH Trustee programmatic restoration goals for restoration work independently and together to benefit natural resources and services injured as a result of the DWH oil spill. This Draft Supplemental EA focuses on the restoration of injuries to Louisiana's natural resources and services—in particular to Restoration Type: "Provide and Enhance Recreational Opportunities," using funds made available in early restoration and through the DWH Consent Decree (see Final PDARP/PEIS [DWH Trustees 2016: Chapter 4]). The purpose and need for the modified PACWMA Recreational Use Enhancements Project is consistent with the purpose and need described in Section 1.5 of the RP/EA #4. The PACWMA project engineering and design work determined that construction and maintenance of the pirogue launch at the original location would have been difficult due to thick vegetation and low water levels, creating the need for a different location.

1.3 Preliminary Finding of No Significant Impact

In this Draft Supplemental EA, the LA TIG addresses NEPA requirements by tiering from environmental analyses conducted in the Final PDARP/PEIS, evaluating existing analyses provided in the RP/EA #4, and preparing environmental consequences analyses as appropriate. Based on the programmatic analysis provided in the Final PDARP/PEIS, and with consideration of the environmental consequences in this Draft Supplemental EA, the LA TIG's preliminary findings (see Appendix A) indicate that the project modifications evaluated in this Draft Supplemental EA would not result in any significant impacts on the human environment in accordance with the guidelines for determining the significance of proposed federal actions (40 CFR 1508.27). Following the close of the 30-day public comment period, the LA TIG will consider any comments received. If no substantive comments are received, the LA TIG will finalize the Draft Supplemental EA and Finding of No Significant Impact (FONSI). If, however, substantive comments are received, such comments shall be responded to and/or addressed prior to determining whether to issue a Final Supplemental EA and FONSI.¹

¹ EPA's NEPA implementing procedures at 40 CFR 6.203(b)(1).

1.4 Public Involvement

The LA TIG released the Draft RP/EA #4 (LA TIG 2018) for public comment on April 20, 2018, as published in the Federal Register, the Louisiana Register, and on the NOAA Gulf Spill website. This release also included the announcement of a public meeting in New Orleans, Louisiana, on April 24, 2018. The RP/EA #4 was revised and completed in response to comments received on the Draft RP/EA #4. Section 7 of the RP/EA #4 provides a description of the comment analysis process, a summary of public comments received, and the LA TIG's responses to those comments.

This Draft Supplemental EA and preliminary FONSI will be made available for a 30-day public review. The deadline for submitting written comments is 30 days following the date the Draft Supplemental EA and preliminary FONSI is posted on the Deepwater Horizon Natural Resource Damage Assessment (NRDA) Trustee Council webpage.²

Comments on this Draft Supplemental EA can be submitted during the comment period by one of the following methods:

Online: <http://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>

By mail (hard copy), addressed to:
U.S. Fish and Wildlife Service
P.O. Box 29649
Atlanta, Georgia 30345

Following the close of the 30-day public comment period, the LA TIG will consider any comments received. If no substantive comments are received, the LA TIG will finalize the Supplemental EA and FONSI. If, however, substantive comments are received, such comments shall be responded to and/or addressed prior to determining whether to issue a Final Supplemental EA and FONSI.³

² Trustee Council's website: <https://www.gulfspillrestoration.noaa.gov/>

³ EPA's NEPA implementing procedures at 40 CFR 6.203(b)(1).

2 MODIFICATIONS OF THE PACWMA PROJECT AND ALTERNATIVES CONSIDERED

Section 2 of RP/EA #4 provides a detailed description of the restoration planning process, including the screening of alternatives for the restoration of recreational use. The alternative screening process included in RP/EA #4 is incorporated herein by reference. The goal of the LA TIG's screening process was to identify a set of proposed alternatives that provided a reasonable range of options that would compensate the public for Louisiana's lost recreational use caused by the DWH oil spill. The LA TIG reviewed the RP/EA #4 screening process that was applied to the project universe (consisting of 117 recreational use projects). The screening process was used to identify 23 reasonable alternatives that were carried forward for analysis in RP/EA #4, of which one was the PACWMA Recreational Use Enhancement Project. That analysis is valid and applicable to the consideration of proposed modifications to the PACWMA Recreational Use Enhancement Project in this Draft Supplemental EA.

Three alternatives for the PACWMA Recreational Use Enhancement Project have been identified for analysis in this Supplemental EA. Two of the alternatives are action alternatives; the third alternative is the No Action Alternative. Alternative A is the original project scope and location of the PACWMA Recreational Use Enhancement Project, as defined in RP/EA #4. Alternative B retains the same elements as in the original project, except the pirogue launch feature would change locations. Alternative C is the No Action Alternative. Under both action alternatives, the LA TIG would allocate \$5,012,000 of NRDA funds for the PACWMA Recreational Use Enhancement Project.

2.1 Alternative A: Original Project Scope

The PACWMA Recreational Use Enhancement Project, as described in RP/EA #4 (LA TIG 2018) consists of four discrete elements: 1) pirogue pullovers, 2) a pirogue launch, 3) fishing piers at water control structures, and 4) a boat launch renovation (Figure 1). These activities are planned to occur within the Montegut, Point-aux-Chenes, and Grand Bayou Management Units of the PACWMA, as well as the designated limited access areas. The proposed project elements are primarily intended to enhance recreational access and provide improved recreational facilities for fishing, hunting, and boating.

The original pirogue launch was proposed to be constructed into the Montegut Unit of the PACWMA, near the town of Montegut, Louisiana (Figure 2). Access to the site would be through Wilderness Street (public roadway) in Montegut. The project area is hardwood forest that transitions into intermediate marsh. The original proposed location crosses over a parish levee and canal system that is not influenced by routine tidal exchanges.

As originally proposed, the pirogue launch includes the following features:

- A new 20-foot-wide × 270-foot-long graveled access road. This access road would extend eastward from Wilderness Street to a new gravel parking lot. This would require clearing approximately 3,240 square feet of upland area along the new access road.
- A 1.5-acre (200-foot-wide × 320-foot-long) graveled parking lot within the PACWMA boundary. This area is vegetated and would be cleared prior to construction.
- A 20-foot-wide × 290-foot-long bridge and pier system over the Montegut Canal and levee into the adjacent marsh. At the east end of the bridge, two new piers would be constructed for hunters and anglers to dock their pirogues. These piers would be 6 feet wide, oriented north-south, extend 100 feet to opposite sides of the main bridge/pier, and then continue 44 feet east. The construction of the bridge would be fiberglass grating over wood piling supports.

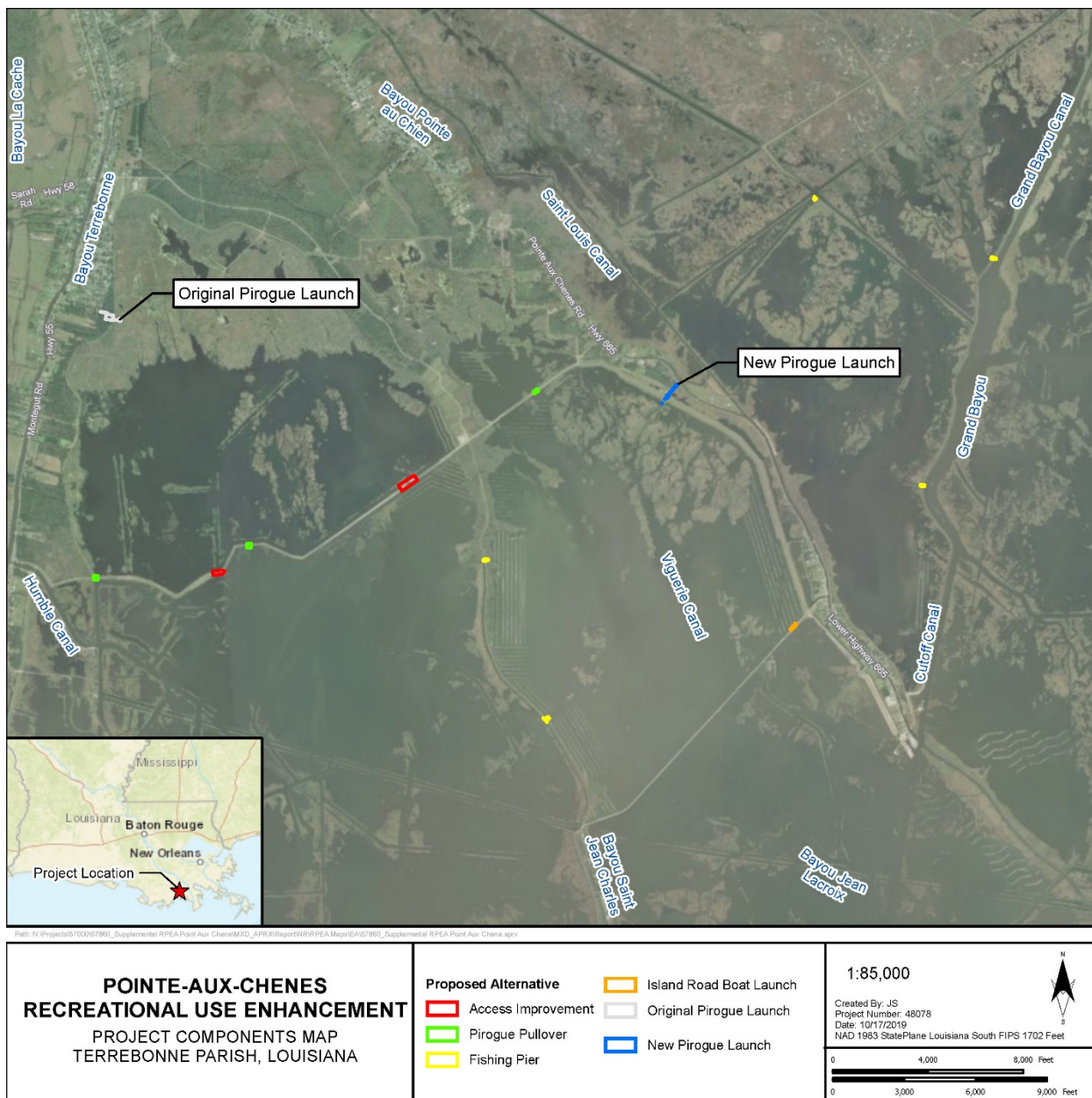


Figure 1. PACWMA project components with original (Alternative A) and new pirogue launch (Alternative B) locations.



Figure 2. Old pirogue launch component (Alternative A) detail map.

2.2 Alternative B: Original Project Scope with Revised Location of Pirogue Launch

Through the engineering and design process, it was determined that a combination of thick native vegetation and low water levels at the original location for the pirogue launch would have made this project feature difficult to execute and maintain. An alternative location was identified with the original project elements preserved. This location would be located within the boundaries of the PACWMA by the J-1 Levee, off of Highway 665 near the town of Pointe-aux-Chenes (Figure 3). The new proposed location is on top of the Terrebonne Parish 4-3C Levee and the Morganza Levee to the Gulf Hurricane Protection Levee, would provide access into tidally influenced brackish and intermediate marsh, and would not require clearing any vegetation nor would it adversely affect sensitive habitats (see Figures 1–3). Under the revised project scope, all elements of the PACWMA Recreational Use Enhancement Project would remain the same except for the pirogue launch, which would change locations.

Alternative B would:

- Create an approximately 0.15-acre parking lot (approximately 26 spaces) on the northeast side of the road/levee from Highway 665 to the culvert just before the Morganza to the Gulf J-1 Levee, which would require the use of fill dirt, geotextile fabric, and 6 to 8 inches of 610 limestone.
- Create a fenced-in turnaround on the toe of the Morganza Levee to protect the levee from motorized vehicles. This would require a perimeter fence, geotextile fabric, and 6 to 8 inches of 610 limestone.
- Lower the slope of the Morganza Levee on both sides of the crown to make it more accessible to foot traffic.⁴
- Install four 12-foot-long × 5-foot-wide small docks with fiberglass deck grating along the water's edge.
- Install lighting along the parking lot and inside the turnaround.
- Install informational signs at the entrance, turn around, and parking lot.

Construction at the original (Alternative A) pirogue launch location would have included the clearing of upland vegetation to install a new access road and parking lot, in addition to a bridge across the Montegut Canal. Construction of the pirogue launch at the new proposed location (Alternative B) would not require any vegetation clearing or bridges.

Planned piers and docks would be constructed on treated timber. Pilings would typically be capped with plastic. Piers and docks would be supported on a parallel series of timber pilings. Timber pilings are typically set in place by a crane or boom and are driven into place with a pile hammer (vibratory hammers are typically not used on timber piles), which would be operated from land. Pier and dock framing would likely be pressure-treated, marine-grade dimensional wood. Piers and docks are anticipated to be surfaced with fiberglass decking.

⁴ See 28 CFR 36.312-36.399.

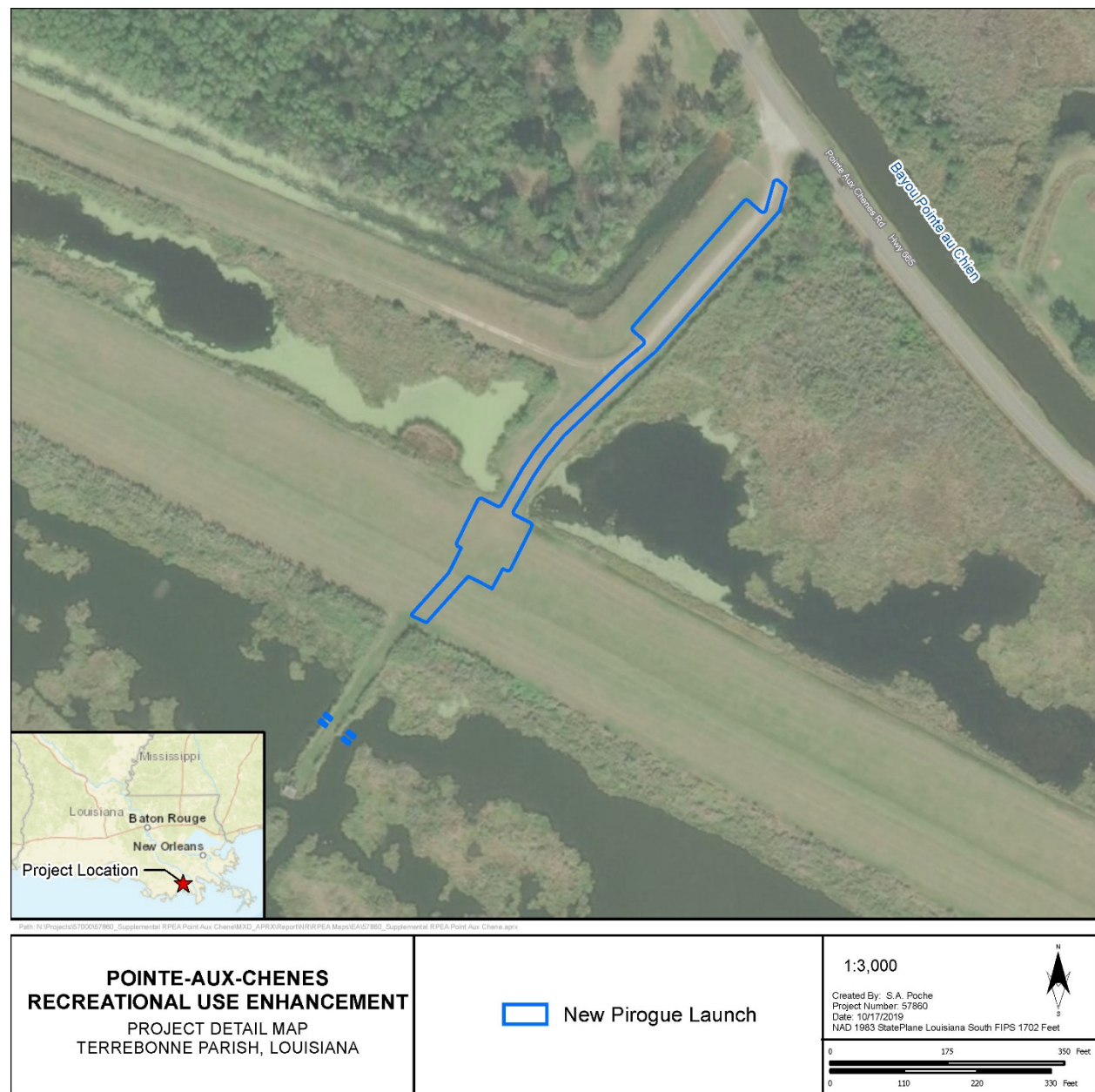


Figure 3. New pirogue launch component (Alternative B) detail map.

Project elements requiring fill material would use locally sourced material, when possible. Standard construction equipment would be used for all excavation, moving, spreading, and compacting of fill material. These activities would be closely coordinated with Terrebonne Parish and the Terrebonne Levee and Conservation District and dirt would be selected from a U.S. Army Corps of Engineers-approved location consistent for use in federal levees. Any debris and/or previously existing man-made material would be removed and disposed of at an approved location. Access roads and parking areas would be graded and surfaced as appropriate to their use. The construction activity time frame is approximately 9 to 12 months.

Operations, maintenance, and monitoring would remain unchanged from the description provided in RP/EA #4 (LA TIG 2018). As the owners and managers of the PACWMA, LDWF would be responsible for maintenance activities and repair costs over the life of the project. Monitoring would occur throughout construction to verify that the project is constructed as designed and that it would enhance recreational uses. Post-construction performance monitoring is not included in the cost estimate and would be the responsibility of LDWF for one year. Monitoring schedules are anticipated to be adaptive based on long-term performance (e.g., seasonal monitoring may be needed if use is low and repairs are rare, or more frequent monitoring if use is high and repair needs are common). See Appendix C of the RP/EA #4 (LA TIG 2018) for the Monitoring and Adaptive Management plan for this project.

2.3 Alternative C: No Action

NEPA requires consideration of a No Action Alternative as a basis for comparison of potential environmental consequences of the action alternatives(s). The No Action analysis presents the conditions that would result if the LA TIG did not elect to undertake any additional restoration for injured natural resources or to compensate for lost services at this time. The No Action Alternative is not re-evaluated herein because impacts are not substantially different from the No Action Alternative described in Section 4.4 of RP/EA #4, which is incorporated herein by reference.

3 OIL POLLUTION ACT/NATURAL RESOURCE DAMAGE ASSESSMENT EVALUATION CRITERIA

The LA TIG continues to propose the selection of the PACWMA pirogue launch element, as modified under Alternative B, under OPA in the RP/EA #4 (LA TIG 2018). Under 15 CFR 990.54, Trustees are to evaluate the proposed change regarding, at minimum: 1) the cost to carry out the alternative; 2) the extent to which each alternative is expected to meet the Trustees' goals and objectives in returning the injured natural resources and services to baseline and/or compensating for interim losses; 3) the likelihood of success of each alternative; 4) the extent to which each alternative will prevent future injury as a result of the incident and avoid collateral injury as a result of implementing the alternative; 5) the extent to which each alternative benefits more than one natural resource and/or service; and 6) the effect of each alternative on public health and safety. The proposed location change still meets the OPA evaluation criteria, as described below.

- **The cost to carry out the alternative.** The estimated cost to implement construction of the pirogue launch at the new location (Alternative B) is less expensive than the original pirogue launch (Alternative A). The new location has gone through engineering and design, and the land is owned or leased by LDWF. The estimated construction costs represent the best estimates of the designers and are comparable with the costs of similar projects. As was the case for the original project selected in RP/EA #4 (LA TIG 2018), the funds would be for construction only, and do not include funding for operation, maintenance, or monitoring. Alternative B does not result in any increase to the project's estimated overall cost as identified in the RP/EA #4 (LA TIG 2018). Projections of operating costs, which are the responsibility of LDWF, and use were based on other similar projects managed by LDWF.
- **The extent to which each alternative is expected to meet the Trustees' goals and objectives in returning the injured natural resources and services to baseline and/or compensating for interim losses.** The proposed location change under Alternative B would meet the same goals and objectives as the original location (see Section 3.3.6.2.2 in RP/EA #4 [LA TIG 2018]). The new location would still aid and enhance the public's ability to access and interact with natural resources at PACWMA, within the footprint of the area impacted by the spill. The area is already used for recreational activities and would be easily accessible to the nearby communities and the general public who visit the PACWMA.
- **The likelihood of success of each alternative.** Alternative B would have the same goal of improving recreational access and opportunities throughout PACWMA and would have a high likelihood of success because no land acquisition would be required. LDWF has successfully implemented similar improvement projects throughout Louisiana in similar environments. LDWF constructs, operates, monitors, and maintains similar facilities as part of its day-to-day natural resources management responsibilities. Construction methods for the project would follow standard methods used by LDWF to construct similar facilities in similar environments.
- **The extent to which each alternative will prevent future injury as a result of the incident and avoid collateral injury as a result of implementing the alternative.** Alternative B is not expected to play a role in preventing future injury from the spill. The PDARP/PEIS indicates that recreational uses have recovered to pre-spill levels (DWH Trustees 2016). The purpose of the project is only to provide compensatory restoration for losses that occurred between April 2010 and November 2011, after which the Final PDARP/PEIS studies conclude that recreational use returned to baseline levels. The location change is not expected to cause any net collateral damage to the environment. Moreover, collateral injury would be avoided and minimized to a greater extent since the adverse impacts to vegetation would be less at the new pirogue launch location.

- **The extent to which each alternative benefits more than one natural resource and/or service.** The primary benefit of the project elements would be to provide and enhance recreational fishing and boating, but the project would also provide enhanced shoreline access for waterfowl hunting and wildlife viewing.
- **The effect of each alternative on public health and safety.** Public health and safety are expected to benefit from improved public facilities and enhanced public access through construction Alternative B. Adverse impacts to public health and safety are not expected to result from the project change. To minimize public safety hazards, LDWF would monitor and maintain each feature as needed.

No change is proposed at this time to the LA TIG's selection of the project under OPA in RP/EA #4 (LA TIG 2018). In particular, the project, as changed under Alternative B, still meets the OPA evaluation criteria. As a result of the DWH oil spill and related spill response actions, the public's access to and enjoyment of the natural resources in Louisiana was denied or severely restricted. The project, as changed, would still enhance and/or increase recreational opportunities by improving recreational access and associated infrastructure in Louisiana, and enhance and/or increase opportunities for the public's use and enjoyment of the natural resources, helping to offset adverse impacts to such uses caused by the DWH oil spill. Thus, the nexus to resources injured by the DWH oil spill remains clear.

The project, as changed under Alternative B, is technically feasible and uses proven techniques with established methods and documented results. Further, the project, as changed, can be implemented with minimal delay pending completion of consultation. LDWF has successfully completed projects in similar scope throughout Louisiana over many years. For these reasons, Alternative B has a high likelihood of success. Alternative B does not result in any increase to the project's estimated overall cost as identified in the RP/EA #4 (LA TIG 2018) and, therefore, the project would still be conducted at a reasonable cost.

The LA TIG has determined the modification of the PACWMA Recreational Use Enhancement Project pirogue launch component would not impact the overall goals and objectives of the project described in RP/EA #4 (LA TIG 2018), nor would it affect the Trustees' selection of the project under OPA. Furthermore, Alternative B does not require or result in any change to the project's performance criteria, monitoring, or maintenance, as provided in the RP/EA #4 (LA TIG 2018).

4 SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT OF THE PROPOSED CHANGE TO THE PIROGUE LAUNCH COMPONENT

This section analyzes the impacts of the proposed project change to the PACWMA Recreational Use Enhancement Project. The pirogue launch component is one of multiple components encompassed within the PACWMA Recreational Use Enhancement Project discussed in RP/EA #4 (LA TIG 2018). This analysis is only applicable to the activities related to the proposed project change (i.e., pirogue launch component), and is consistent with the impact determination methodology used in RP/EA #4 (LA TIG 2018).

4.1 Affected Environment and Environmental Consequences

Under NEPA, federal agencies must consider environmental impacts of their actions that include impacts on social, cultural, economic, and natural resources. The LA TIG considered the environmental consequences of the original project location (Alternative A) and the no action alternative (Alternative C), as evaluated in Section 4 of RP/EA #4, and this analysis is incorporated herein by reference. The following sections describe the affected environment and environmental consequences impacted by the change to the PACWMA Recreational Use Enhancement Project pirogue launch component (Alternative B). The project description for the original pirogue launch component can be found in Section 3.3.6 in RP/EA #4 and the environmental consequences can be found in Section 4.6.6 in RP/EA #4 (LA TIG 2018). RP/EA #4 analyzes the project components as a whole, whereas this Draft Supplemental EA focuses on the environmental consequences of the new location of one component, the pirogue launch. In general, the impacts from the original project location (Alternative A) would be similar to the new project location in terms of short-term, minor, localized impacts to all resources except terrestrial habitat and infrastructure. The impacts to terrestrial habitat would be less because, instead of clearing approximately 1.5 acres of native vegetation, Alternative B would impact previously disturbed, mowed levee grasses. In addition, impacts to infrastructure would be less, because no new bridge would need to be constructed as part of the new project location (see Section 2).

4.1.1 Affected Environment

The affected environment for the PACWMA Recreational Use Enhancement Project is described in Section 4.2 of the RP/EA #4 (LA TIG 2018) and is incorporated herein by reference. The affected environment for the change to the pirogue launch component is the same as described in RP/EA #4 (LA TIG 2018).

4.1.2 Physical Environment

4.1.2.1 GEOLOGY AND SUBSTRATES

The change in project location is not anticipated to noticeably affect the overall surficial geology in the PACWMA. However, aspects that may affect soils and substrates include construction of the parking lot and pilings used for docks, as well as fill material to lower the slope of the levee. Operation and maintenance of this project may also affect soils and substrates. Soils in the area are part of the Lafitte-Clovelly association, which are found in marshes and on delta plains and have slopes approaching

0 degrees (Natural Resources Conservation Service 2017). These soils are typically very poorly drained histosols. The erodibility of soils from this association is not rated.

Minor, long-term, adverse impacts to substrates from in-water work are expected at this location, where wooden pilings would be driven for docks, which would result in substrate displacement and compaction from the pilings. Pilings would be driven from land-based equipment that is not expected to impact substrates and would displace an amount of substrate equal to the length of the piling driven below the existing grade.

Excavation in upland and shoreline areas that could result in minor, long-term, adverse impacts to soils would occur in discrete areas where piers intersect the shoreline. Currently, the area where the parking area would be located is previously disturbed, mowed levee grass or an existing levee access road. Placement of features would permanently alter soils and substrates within the footprint of the features, resulting in minor, short- and long-term effects. Standard earth-moving equipment, such as bulldozers, graders, pile driving machinery, excavators, and dump trucks, would be used in upland and shoreline areas depending upon site conditions. Access roads, parking areas, and other facilities have been sited to direct foot and vehicle traffic into designated areas, minimizing adverse impacts to the project.

Minor, short- and long-term disturbances to terrestrial soils and substrates would occur on-site from construction activities. However, the impacts would be localized to several discrete and relatively small areas at this location. Equipment staging and material stockpiling would likely occur temporarily at or adjacent to the project. Adverse impacts to soils in these temporary-use areas would be minor and short term. Where practicable, excavated soils would be stockpiled on-site in order to reclaim and revegetate disturbed areas not needed for project development.

4.1.2.2 HYDROLOGY AND WATER QUALITY

In-water work associated with the project change that may affect water quality includes installing timber pilings. Upland and shoreline work that may affect water quality includes pier and dock walkways connecting to the shoreline. These activities could impact water quality by introducing sediment into the water and increasing turbidity. Best management practices (BMPs) to avoid and minimize potential effects to receiving water bodies would be implemented. Impacts to hydrology would be adverse, localized, and long term, but relatively minor because of the small size of the project. Adverse impacts to water quality would occur during construction and would be localized, short term, and minor. All federal and state permits for in-water work and construction have been obtained. A stormwater pollution prevention plan would be prepared, as necessary, which would include any specifications and BMPs necessary for control of erosion and sedimentation from construction-related activities.

4.1.2.3 AIR QUALITY UND GREENHOUSE GAS EMISSIONS

Project construction would include use of standard construction and earth-moving equipment, such as bulldozers, excavators, trucks, backhoes, fork lifts, generators, and pile drivers. During construction, impacts to air quality would occur from exhaust of gasoline and diesel-powered construction vehicles and equipment. Adverse impacts to air quality would be expected to be localized, short term, and minor and occur only during active construction activities.

Engine exhaust from construction equipment and other vehicles would contribute to an increase in criteria pollutants, greenhouse gases, and other air pollutants. However, because of the small scale and short duration of the construction portion of the project, predicted emissions would be minor and short term, and would not require a detailed assessment. Long-term impacts could include an increase in emissions from the increased recreational use and new motorists at the pirogue launch parking area. These impacts

would be relatively minor when compared to the exhaust produced by existing recreational motorists and boaters and are not expected to cause an exceedance of the U.S. National Ambient Air Quality Standards.

4.1.2.4 NOISE

Construction would result in localized noise associated with equipment use. Pier and dock construction would include pile driving. Large equipment, such as excavators, backhoes, and trucks, would be used at the site. These activities would result in adverse, short-term, minor noise impacts. Construction activities planned for the location would typically include mobilizing equipment, grading, pile installation, and fill placement. Construction of the project would include transportation of construction materials to the site, which may include trucks or other types of transportation that would contribute to short-term noise disturbances.

Communities near the project site may be affected by noise during construction. Construction noise can also be a nuisance to recreational users adjacent to construction activities. Construction activities are expected to result in minor, short-term, adverse noise impacts near the project and in the immediate vicinity. Standard practices, such as muffle units for generators, could be implemented during construction operations to mitigate noise impacts. After construction, sensitive receptors may experience occasional noise associated with users of the pirogue launch. Overall, adverse, long-term, noise impacts associated with the project from personal vehicle use, boating, fishing, and other recreational activities would be minor.

4.1.3 *Biological Environment*

4.1.3.1 TERRESTRIAL, COASTAL NEARSHORE, AND MARINE HABITATS

The pirogue launch includes permanent terrestrial elements, such as a new parking area and docks. Construction would occur primarily along the shoreline that has little existing vegetation. The existing upland habitat in the area generally consists of previously disturbed, mowed levee grasses and some shrubs along the spoil bank. Construction impacts to shoreline habitat would be adverse, minor and short term. Construction activities would require areas of temporary disturbance for equipment staging or material stockpiling. These temporary workspaces would be located in upland areas, and vegetation in these areas would be temporarily disturbed during construction.

In-water work proposed for construction would include installing timber pilings and constructing docks. In-water work would occur in relatively shallow estuarine and wetland habitats. Construction of these features could impact aquatic vegetation resulting in adverse minor, short-term impacts. Adverse impacts to aquatic habitats from placement of features are expected to be long term, but minor when compared to the relatively large area of existing in-water habitats in the area.

One of the primary goals of the project is to promote recreational fishing; therefore, the pirogue launch is designed to foster an increase in fishing. Increased fishing pressure would likely result in an increase in the use, and potential loss of, hook and line gear and other small fishing gear. This could result in adverse impacts to wildlife from entanglement, ingestion, and increased lead in the environment. The upper limit for total number of visitors at the pirogue launch site is limited due to parking availability of approximately 25 spaces. The increase in visitation is not expected to have substantial increases on fishing pressure and marine debris in the environment and would result in long-term, minor impacts to wildlife in the area.

Potential impacts to habitats would be avoided or minimized to the extent practicable during design and construction, as determined necessary by LDWF.

4.1.3.2 PROTECTED SPECIES

No protected species would be impacted by this project. Although the habitat at the project site and adjacent to it may be attractive to various species of sea turtles and marine mammals, there are physical barriers that prevent them from getting to the project site. This project would be located inside the Pointe-aux-Chenes marsh management unit. This marsh management unit incorporates approximately 6,000 acres of brackish and intermediate marsh that are bound on the west, north, and east by levees and on the south by Island Road. Three water control structures in the levees and road have flap-gates and stoplog bay that allow limited tidal exchange into the wetlands. The closest that a protected species could get to the project site is over 1.5 miles away. The project change will not require further evaluation under the Endangered Species Act (ESA) or the Mammal Marine Protection Act (MMPA) for species under the jurisdiction of NOAA's National Marine Fisheries Service (NMFS) or for species or designated critical habitat under the jurisdiction of USFWS (NOAA 2019). No critical habitats for protected species are located near the proposed project change location. Therefore, the project would not have adverse impacts on designated critical habitat.

4.1.3.3 TERRESTRIAL WILDLIFE INCLUDING MIGRATORY BIRDS

The pirogue launch parking area (approximately 0.15 acre) would occur within terrestrial (upland) areas that consist of previously disturbed, mowed levee grasses and result in minor, long-term, adverse effects to terrestrial wildlife and migratory birds that utilize this type of habitat. Potential short-term, minor impacts from construction include removal of foraging or other habitat, disturbance from noise during and after construction, and erosion and sedimentation of aquatic areas near construction that terrestrial species rely on for foraging or resting.

Terrestrial wildlife in and around the project may be sensitive to changes in noise sources or levels due to construction. Noise from construction equipment (e.g., generators, pile installation equipment) is known to disturb migratory passerines and shorebirds. These noises could be slightly more disturbing to any resting or roosting birds that may use the site compared to baseline conditions. As previously discussed in RP/EA #4 (LA TIG 2018), BMPs would be used to reduce potential effects to species from construction-related activities. Potential adverse impacts to wildlife would be minor and short term.

4.1.3.4 MARINE AND ESTUARINE FAUNA

In-water work proposed for construction includes installing timber pilings and constructing associated docks. In-water work would occur in relatively shallow estuarine and wetland habitats. Designated essential fish habitat (EFH) is present within the project area (NOAA 2018). Construction of these features could impact EFH and aquatic habitats used by marine and estuarine fauna. Recreational use may increase long-term impacts to nearby shoreline and open-water areas as a result of increased human activities (e.g., boat traffic, litter). Although these adverse impacts may affect aquatic fauna, habitats, and EFH in localized areas, the impacts would be minor based on the availability of nearby aquatic habitats for coastal nearshore and marine species. Temporarily disturbed nearshore and marine species would likely find refuge in plentiful suitable habitats nearby. Therefore, adverse impacts resulting from the project on aquatic fauna, local fisheries, and designated EFH would be short term, minor, and localized. The project change will not require further evaluation under EFH for species or habitats under the jurisdiction of NMFS (NOAA 2019).

Potential impacts to EFH, estuarine and aquatic fauna, and managed fisheries would be avoided or minimized to the extent practicable during design and construction. When impacts cannot be avoided, BMPs and conservation measures would minimize the magnitude and duration of impacts to EFH, aquatic fauna, and managed species, as determined necessary by LDWF.

4.1.3.5 INVASIVE SPECIES

Construction activities and recreational anglers could result in the spread of invasive species near the project, which would be a minor, long-term, adverse impact to the surrounding environment. LDWF would be responsible for controlling the spread of invasive species by following department policies and LDWF's existing management policies or guidelines, as appropriate.

4.1.4 Socioeconomic Environment

4.1.4.1 SOCIOECONOMIC AND ENVIRONMENTAL JUSTICE

Per Executive Order (EO) 12898, environmental justice concerns could arise if the project has a "disproportionately high and adverse" effect on a minority or low-income population. The project is located in the parishes of Terrebonne and Lafourche, which both contain minority and low-income populations. However, project activities are not expected to have a disproportionately high and adverse effect on these populations. The project intent is to provide a net beneficial recreational benefit to the communities near the PACWMA and surrounding region.

4.1.4.2 TOURISM AND RECREATIONAL USE, INCLUDING RECREATIONAL FISHING AND HUNTING

The PACWMA is a popular destination for recreational fishing, hunting, boating, birdwatching, photography, etc., receiving approximately 30,000 recreational visitors annually. The new pirogue launch would serve to further enhance public access by motorists and boaters to participate in these recreational activities in the PACWMA and waterways connecting to the Gulf of Mexico. Effects on tourism and recreational use from the project would be beneficial and long term.

4.1.4.3 INFRASTRUCTURE

Impacts to existing infrastructure from implementation of the project would be minor, adverse and short term, occurring only during construction. These impacts could include minor, short-term traffic delays along Highway 665, near the town of Pointe-aux-Chenes, during construction of the pirogue launch component. The project would provide additional parking and access facilities in PACWMA, which could create a long-term benefit to PACWMA infrastructure. The slope of the existing levee would be lowered to make it easier for foot traffic; however, all designs have been carefully coordinated with the Terrebonne Levee and Conservation District to ensure that no adverse impacts to the levees would occur.

4.1.4.4 CULTURAL RESOURCES

An archaeologist meeting the Secretary of the Interior's Professional Qualification Standards used the Louisiana Division of Archaeology (LDOA) Louisiana Cultural Resources Map, a limited-access, online database, to conduct an archaeological records review of the immediate proposed footprint of the pirogue launch and of the PACWMA. Three cultural resources reconnaissance or assessment surveys have been conducted within the project area (LDOA Report Nos. 22-3291, 22-0359, and 22-2133-1). No intensive cultural resources investigations have occurred within PACWMA. No cultural resources have been identified in the immediate area. According to U.S. Geological Survey topographic maps, the levees in the PACWMA were not constructed until after 1980, meaning that no intact historic properties could exist on the levees. After a review of the project area under the National Historic Preservation Act Section 106, DOI determined that no further review of the project is warranted, as the pirogue launch has no potential to affect historic properties. If any cultural resources would be encountered during construction or other project activities, work would cease until the resource is evaluated and mitigated if necessary.

The project would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

4.1.4.5 LAND USE AND AGRICULTURAL RESOURCES

Lands proposed for use in implementing the project are under the management of LDWF for recreational uses. The project would not affect existing land uses. Agricultural lands are not present; therefore, there would be no impacts to agricultural resources from the project. The property is owned and leased by LDWF.

4.1.5 Aesthetics and Visual Resources

The project would involve the construction of a new pirogue launch. Construction activities may impede the natural aesthetics and visual resources of the area; however, such impacts would be short term, since the area was previously impacted by existing levee projects. Impacts from construction may be adverse, but localized, minor, and short term, since these activities are consistent with ongoing activities to maintain the existing levee projects. Long-term impacts would be beneficial, as improvements would enhance accessibility to visual resources

4.1.6 Resiliency

The project includes construction of docks, a parking lot and a pirogue launch. In order to minimize adverse, minor, long-term impacts, the following BMPs would be employed:

- Impervious materials would be avoided to the extent practicable.
- Erosion and sedimentation control measures, including minimizing the amount of clearing and exposed soil, would be implemented and maintained during construction.
- Sedimentation controls would be installed prior to the start of construction and maintained throughout the construction period.

5 ANALYSIS OF CRITERIA FOR CHANGES

Section 9.4.9 of the TC SOPs (Trustee Council 2016) provides that if changes are made to any selected project, those changes may require a reevaluation of determinations made in existing environmental compliance documents.

The LA TIG has determined that the change to the project under Alternative B would create new circumstances relevant to environmental concerns not addressed in the impact analysis of RP/EA #4 (LA TIG 2018) and has provided this Draft Supplemental EA. As discussed above in greater detail, the proposed location change and minor project detail changes would result in impacts consistent with those identified and discussed in the detailed environmental review in Section 4.6.6 of RP/EA #4 (LA TIG 2018) and do not change the overall impacts of the project to these resources. Consequently, no change is proposed at this time to the Trustees' selection of the project under OPA, or to the findings relevant to the environmental analyses conducted under NEPA.

The Trustees initiated environmental compliance coordination and consultations to evaluate the change to the PACWMA Recreational Use Enhancement Project pirogue launch component, and all compliance is completed. NOAA NMFS determined that the project change would have no effect to species or habitats under the jurisdiction of NMFS listed under the ESA, designated EFH, or marine mammals protected by the MMPA (NOAA 2019). USFWS has determined that the project will have no effect on listed species or designated critical habitats. National Historical Preservation Act Section 106 consultation is also complete. The project has no potential to affect cultural or historic properties.

As discussed above in greater detail, the nexus to resources injured by the DWH oil spill remains clear, since the project, as changed, would still enhance and/or increase opportunities for the public's use and enjoyment of the natural resources, helping to offset adverse impacts to such uses caused by the DWH oil spill. Furthermore, Alternative B has a high likelihood of success since the installation of the project is technically feasible and would use proven techniques with established methods and documented results. Additionally, the project change would be conducted at a reasonable cost, since the project change does not increase the cost of the project. Moreover, collateral injury would be avoided and minimized to a greater extent since the adverse impacts to vegetation would be less at the new pirogue launch location. BMPs that serve to avoid or minimize such impacts would still be implemented. Therefore, the LA TIG has determined that the project change does not impact the overall PACWMA Recreational Use Enhancement Project goals and objectives. The impacts of the proposed project change described above are within the scope of the impacts of the original project that was defined and analyzed in RP/EA #4 (LA TIG 2018). As such, the original NEPA determination is still applicable and no moderate to major adverse impacts are anticipated to result from this project change.

6 COMPLIANCE WITH OTHER LAWS AND REGULATIONS

In addition to the requirements of NEPA, other federal, state, and local laws may apply to the modified PACWMA Recreational Use Enhancements Project, as evaluated in this Draft Supplemental EA. The LA TIG would ensure compliance with these relevant authorities. Technical assistance with NMFS is complete, and NOAA, on behalf of the LA TIG, has determined that Alternative B will have no effect on species or habitats protected under the ESA, Magnuson-Stevens Fishery Conservation and Management Act, and MMPA under the jurisdiction of NMFS. Technical assistance with USFWS is complete, and DOI, on behalf of the LA TIG, has also determined that the project will have no effect on listed species or designated critical habitat, as there is no suitable habitat present within the project area.

Examples of applicable federal and state laws or federal EOs include, but are not necessarily limited to, those listed in this section. Additional federal laws may apply to the alternatives considered in this Draft Supplemental EA. Legal authorities applicable to restoration alternative development are fully described in the context of the DWH restoration planning in the Final PDARP/PEIS, Section 6.9, *Compliance with Other Applicable Authorities*, and Final PDARP/PEIS Appendix 6.D, *Other Laws and Executive Orders*, which are incorporated by reference in this section (DWH Trustees 2016).

Federal environmental compliance responsibilities and procedures follow Section 9.4.6 of the TC SOPs (Trustee Council 2016). Following the TC SOPs, the Implementing Trustees for each alternative will ensure that the status of environmental compliance (e.g., *completed* versus *in progress*) is tracked through the DWH project portal. The Implementing Trustees will keep a record of compliance documents (e.g., ESA letters, permits) and ensure that they are submitted for inclusion in the administrative record. The current status of environmental compliance by project can be viewed at any time on the Trustee Council's website.⁵

6.1 Additional Federal Laws

Additional federal laws may apply to Alternative B considered in this Draft Supplemental EA. Federal laws, regulations, and EOs that may be applicable include the following:

- Endangered Species Act (16 United States Code [USC] 1531 et seq.)
- Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801 et seq.)
- Marine Mammal Protection Act (16 USC 1361 et seq.)
- Coastal Zone Management Act (16 USC 1451 et seq.)
- National Historic Preservation Act (16 USC 470 et seq.)
- Coastal Zone Management Act (16 USC 1451 et seq.)
- Migratory Bird Treaty Act (16 USC 703 et seq.)
- Bald and Golden Eagle Protection Act (16 USC 668 et seq.)
- Clean Air Act (42 USC 7401 et seq.)
- Clean Water Act (33 USC 1251 et seq.)
- Marine Protection, Research and Sanctuaries Act (16 USC 1431 et seq. and 33 USC 1401 et seq.)

⁵ Trustee Council's website: <http://www.gulfspillrestoration.noaa.gov/environmental-compliance/>

- Estuary Protection Act (16 USC 1221–1226)
- Archaeological Resource Protection Act (16 USC 470aa–470mm)
- Abandoned Shipwreck Act of 1987 (43 USC 2101–2106)
- American Indian Religious Freedom Act (42 USC 1996)
- Antiquities Act of 1906 (54 USC 320301–320303 and 18 USC 1866[b])
- Archaeological and Historic Preservation Act of 1974 (16 USC 469–469c)
- Historic Sites Act of 1935 (54 USC 320101)
- Native American Graves and Repatriation Act (25 USC 3001–3013)
- Sunken Military Craft Act (10 USC 113 note)
- National Marine Sanctuaries Act (16 USC 1431 et seq.)
- Farmland Protection Policy Act (7 USC 4201–4209)
- Rivers and Harbors Act (33 USC 401 et seq.)
- EO 11988: Floodplain Management (augmented by EO 13690, January 30, 2015)
- EO 11990: Protection of Wetlands
- EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- EO 12962: Recreational Fisheries
- EO 13007: Indian Sacred Sites
- EO 13112: Safeguarding the Nation from the Impacts of Invasive Species
- EO 13175: Consultation and Coordination with Indian Tribal Governments
- EO 13186: Responsibilities of Federal Agencies to Protect Migratory Birds
- EO 13693: Planning for Federal Sustainability in the Next Decade

6.2 State and Local Laws

The LA TIG would ensure compliance with all applicable state and local laws and other applicable federal laws and regulations relevant to the State of Louisiana. Additional laws and regulations are as follows:

- Archeological Finds on State Lands (Louisiana Revised Statute [RS] 41:1605)
- Coastal Wetlands Conservation and Restoration Authority (RS 49:213.1)
- Coastal Wetlands Conservation and Restoration Plan (RS 49:213.6)
- Louisiana State and Local Coastal Resources Management Act (RS 49:214.21–214.42)
- Louisiana Oil Spill Prevention and Response Act (RS 30:2451 et seq.)
- Management of State Lands (RS 41:1701.1 et seq.)
- Louisiana Coastal Resources Program (Louisiana Administrative Code [LAC] 43:700 et seq.)

- Louisiana Surface Water Quality Standards (LAC 33.IX, Chapter 11)
- Louisiana Archaeological Resources Law (RS 41:1601–1615)
- Louisiana Administrative Code (LAC Part I)
- Louisiana Unmarked Human Burial Sites Preservation Act (RS 8:671–681)
- Louisiana Historic Cemetery Preservation Act (RS 25:931–943)
- Louisiana Desecration of Graves (RS 14:101)
- Oyster Lease Relocation Program (LAC 43:I, 850–859, Subchapter B)
- Louisiana Scenic Rivers Program (RS 56:1856)

7 SUMMARY

The project change under Alternative B for the PACWMA Recreational Use Enhancement Project pirogue launch component is consistent with the selected project in the RP/EA #4 (LA TIG 2018). This analysis of the environmental consequences suggests that, although long-term, minor, adverse impacts may occur to some resource categories, no moderate to major adverse impacts are anticipated. In fact, the project change may result in fewer adverse impacts to the local environment, since there would be reduced vegetation clearing and infrastructure built (i.e., no new bridge). The project change to the PACWMA Recreational Use Enhancement Project pirogue launch component would still enhance and/or increase recreational opportunities in the PACWMA.

Based on the above analysis, the LA TIG finds that the project modifications are consistent with NEPA and support selection of the Alternative B. This analysis remains subject to the results of additional consultations and reviews as required for compliance with all other laws, including consideration of any significant new circumstances or information presented as part of those processes.

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APPENDIX A

**Preliminary Finding of No Significant Impact (FONSI)
from Implementation of the Louisiana Trustee Implementation Group
Supplemental Environmental Assessment for the Pointe-aux-Chenes Wildlife
Management Area Recreational Use Enhancement Project**

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A-1 INTRODUCTION

The *Louisiana Trustee Implementation Group Final Supplemental Environmental Assessment for the Pointe-aux-Chenes Wildlife Management Area Recreational Use Enhancement Project* (Supplemental EA) was prepared by the Louisiana Trustee Implementation Group (LA TIG) to assess the environmental impacts from modifications to the Pointe-aux-Chenes Wildlife Management Area (PACWMA) Recreational Use Enhancement Project that was evaluated and selected in the *Final Restoration Plan/Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use* (RP/EA #4). The RP/EA #4 was finalized in July 2018 (LA TIG 2018). The LA TIG is responsible for restoring the natural resources and services within the Louisiana Restoration Area that were injured by the April 20, 2010, Deepwater Horizon (DWH) oil spill and associated spill response efforts. The LA TIG includes five Louisiana state trustee agencies and four federal trustee agencies: the Louisiana Coastal Protection and Restoration Authority; the Louisiana Department of Natural Resources; the Louisiana Department of Environmental Quality; the Louisiana Oil Spill Coordinator's Office; the Louisiana Department of Wildlife and Fisheries (LDWF); the U.S. Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); the U.S. Department of the Interior, represented by the U.S. Fish and Wildlife Service (USFWS) and National Park Service; the U.S. Department of Agriculture; and the U.S. Environmental Protection Agency (EPA).

The Supplemental EA was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), and is consistent with the Deepwater Horizon Oil Spill Trustees' (DWH Trustees') findings in the *Deepwater Horizon Oil Spill Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement* (PDARP/PEIS) and Record of Decision (ROD) and the 2016 Consent Decree resolving civil claims by the DWH Trustees against BP Exploration and Production, Inc., arising from the DWH oil spill (DWH Trustees 2016). The Supplemental EA tiers from the environmental analysis conducted in the Final PDARP/PEIS, incorporates existing analyses provided in the RP/EA #4, and evaluates the environmental consequences of additional alternatives considered in the Supplemental EA.

The PACWMA Recreational Use Enhancement Project was originally evaluated in the Draft and Final RP/EA #4. The project consists of four discrete elements: 1) pirogue pullovers, 2) a pirogue launch, 3) fishing piers at water control structures, and 4) a boat launch renovation. Through the engineering and design process, it was discovered that a combination of thick vegetation and low water levels at the original location for the pirogue launch would have made this project feature difficult to execute and maintain. The LA TIG prepared the Supplemental EA in compliance with NEPA to evaluate modifications to the PACWMA Recreational Use Enhancement Project, consider alternatives consistent with the purpose and need of the original project, and evaluate potential environmental impacts from these modifications that differ from the impact analysis of the original project described in the RP/EA #4.

A-2 LEAD AND COOPERATING AGENCIES

The Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations [CFR] 1500–1508) require a federal agency to serve as lead agency to supervise the NEPA analysis when more than one federal agency is involved in the same action (40 CFR 1501.5[a]). The LA TIG designated the EPA as the lead agency responsible for NEPA analysis for the Supplemental EA. The other federal and state co-trustees are participating as a cooperating agency pursuant to NEPA regulations (40 CFR 1508.5) and the *Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the Deepwater Horizon (DWH) Oil Spill* (TC SOPs) (Trustee Council 2016).

A-3 PUBLIC PARTICIPATION

The public was notified of the availability of the Draft Supplemental EA for review and comment online at <http://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>. Comments on the Draft Supplemental EA were accepted from X through X. The LA TIG accepted public comments through both web-based comment submissions and via U.S. mail. All comments received were reviewed and considered prior to finalizing the Supplemental EA.

A-3.1 Adoption of the Supplemental EA NEPA Analysis

Each federal agency on the LA TIG must make its own independent evaluation of the NEPA analysis in support of its decision-making responsibilities. In accordance with 40 CFR 1506.3(a) and the TC SOPs, each of the federal agencies participating in the LA TIG has reviewed the Supplemental EA, found that it meets the standards set forth in its own NEPA implementing procedures, and accordingly has adopted the NEPA analysis.

A-4 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

NEPA and the Council on Environmental Quality's NEPA regulations require the federal agency decisionmaker to consider the environmental effects of the Proposed Action and a reasonable range of alternatives, including the No Action Alternative (42 United States Code [USC] 4332; 40 CFR 1502.14). The Supplemental EA considers a total of three alternatives for the PACWMA Recreational Use Enhancement Project. A description of each of the alternatives considered in the Supplemental EA is provided in Section 2 of the Supplemental EA, and in Section 3 of the RP/EA #4.

A-4.1 Action Alternatives

Three alternatives for the PACWMA Recreational Use Enhancement Project were considered in the Supplemental EA. Two of the alternatives are action alternatives; the third alternative is the No Action Alternative. Alternative A is the original project scope and location of the PACWMA Recreational Use Enhancement Project, as defined in the RP/EA #4. Alternative B retains the same elements as in the original Project, except the pirogue launch feature would change locations. Under all action alternatives, the LA TIG would allocate \$5,012,000 of Natural Resource Damage Assessment (NRDA) funds for the PACWMA Recreational Use Enhancement Project. Table A-1 summarizes the action alternatives analyzed in the Supplemental EA.

Table A-1. Action Alternatives

Alternative Name	Location	Summary	Preferred Alternative
Alternative A: Original Project Scope	PACWMA; near town of Montegut, Louisiana	Project elements include: pirogue pullovers, a pirogue launch, fishing piers at water control structures, and a boat launch renovation within PACWMA.	No
Alternative B: Original Project Scope with Revised Location of Pirogue Launch	PACWMA; near town of Pointe-aux-Chenes, Louisiana	Project elements include: pirogue pullovers, a pirogue launch (revised location), fishing piers at water control structures, and a boat launch renovation within PACWMA.	Yes

A-4.2 No Action Alternative

Under the No Action Alternative (Alternative C), the LA TIG would not, at this time, select and implement additional recreational use restoration intended to compensate for lost natural resources or their services resulting from the DWH oil spill. Accordingly, the No Action Alternative would not meet the purpose and need for implementing alternatives that address lost natural resources and their services as described in Section 5.3.2 of the Final PDARP/PEIS and in Section 1.2 of the Supplemental EA. The No Action Alternative would not meet the DWH Trustees' goals of providing and enhancing recreational opportunities. If the No Action Alternative was implemented, none of the action alternatives would be selected for implementation and restoration benefits and services associated with these action alternatives would not be achieved at this time. The LA TIG rejects the No Action Alternative as a viable means of compensating the public for the lost recreational use injuries caused by the DWH oil spill.

A-4.3 Preferred Alternative

After evaluating a total of three alternatives for the PACWMA Recreational Use Enhancement Project, including the No Action Alternative, the LA TIG is proposing Alternative B: Original Project Scope with Revised Location of Pirogue Launch as the preferred alternative for implementation. Based on the analysis presented in the Supplemental EA, the LA TIG finds that the project modifications of Alternative B would result in impacts consistent with those identified and discussed in the detailed environmental review in Section 4.6.6 of RP/EA #4 (LA TIG 2018) and do not change the overall impacts of the project to these resources. Consequently, no change is proposed at this time to the Trustees' selection of the project under the Oil Pollution Act, or to the findings relevant to the environmental analyses conducted under NEPA. The LA TIG's final determination remains subject to the results of additional consultations and reviews as required for compliance with all other laws, including consideration of any significant new circumstances or information presented as part of those processes.

A-5 ANALYSIS SUMMARY

The Proposed Action—which is to implement the Preferred Alternative B and associated project elements described in the Supplemental EA—and alternatives were analyzed to determine the type and severity of potential environmental impacts that might result from the alternatives, consistent with NEPA. Section 4 of the Supplemental EA provides the analysis needed to assess the significance of the impacts of the Proposed Action. The Supplemental EA tiers from the environmental analysis conducted in the Final PDARP/PEIS, incorporates existing analyses provided in RP/EA #4, and evaluates the environmental consequences of additional alternatives considered in the Supplemental EA. The Supplemental EA evaluated both beneficial and adverse impacts of the Proposed Action.

The analysis included in the Supplemental EA supports the following conclusions:

- The Proposed Action will have no significant adverse impacts to unique characteristics of the geographic areas. The Proposed Action is not expected to have any significant adverse effects on wetlands, floodplains, municipal water sources, ecologically critical areas, wild and scenic river corridors, park lands, wilderness, wilderness research areas, research natural areas, inventoried roadless areas, national recreation areas, or prime farmlands, particularly on a regional basis, beyond those disclosed and evaluated in the Final PDARP/PEIS. The effects on these geographic areas from the restoration techniques in the Supplemental EA were evaluated in the Supplemental EA and found to be within the scope of effects evaluated in the Final PDARP/PEIS. The purpose of the Proposed Action is to improve the condition of natural resources and provide recreational use opportunities lost as a result of the DWH oil spill.

- The effects of the Proposed Action on the quality of the human environment are not controversial. Public comments were received for the Draft Supplemental EA between X and X dates.
- The Proposed Action neither establishes a precedent for future LA TIG actions with significant effects nor represents a decision in principle about a future consideration. Future LA TIG actions will be determined through separate planning processes.
- The Proposed Action will have no significant adverse cumulative impacts. Due to the primarily short-term nature and low intensity of impacts from the Proposed Action, this alternative would not substantially contribute to adverse cumulative impacts on any resource.
- The Proposed Action will have no significant adverse impacts on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause the loss or destruction of significant scientific, cultural, or historical resources. The Proposed Action will be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.
- Based on information in the Supplemental EA, the Proposed Action is not expected to violate federal, state, or local laws or requirements imposed for environmental protection. However, the project will be monitored appropriately, and approaches and designs may be applied, adopted, or modified from other similar projects as deemed necessary.
- The Proposed Action is not expected to impact Endangered Species Act-listed endangered or threatened species, or their critical habitat. The PACWMA project area is located within a marsh management unit with physical barriers that prevent marine mammals and sea turtles from entering the area. Therefore the construction of the pirogue launch at the revised location will have no effect on these protected species, since they cannot access the site.
- The Proposed Action will not have significant adverse impacts on vulnerable marine or coastal ecosystems. The Supplemental EA analyzed impacts to marine and estuarine fauna, including essential fish habitat (EFH). Construction of the pirogue launch and enjoyment of these amenities by recreational users could impact EFH and aquatic habitats used by marine and estuarine fauna. Although these adverse impacts may affect aquatic fauna, habitats, and EFH in localized areas, the impacts would be minor and short term based on the availability of nearby aquatic habitats for coastal nearshore and marine species. Temporarily disturbed nearshore and marine species would likely find refuge in plentiful suitable habitats nearby. Therefore, adverse impacts resulting from the project on aquatic fauna, local fisheries, and designated EFH would be short term, minor, and localized. Potential impacts to EFH, estuarine and aquatic fauna, and managed fisheries would be avoided or minimized to the extent practicable during design and construction. When impacts cannot be avoided, BMPs and conservation measures would minimize the magnitude and duration of impacts to EFH, aquatic fauna, and managed species, as determined necessary by LDWF.
- The Proposed Action is not expected to adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.).
- The Proposed Action will not adversely affect marine mammals protected under the Mammal Marine Protection Act (MMPA) or managed fish species under the jurisdiction of the NOAA due to the location of the action.
- The Proposed Action is not expected to result in the introduction or spread of a nonindigenous species. Any construction-related activities with potential for introduction of invasive species will follow provisions for invasive species management and BMPs to minimize the risk of the introduction or spread of nonindigenous species.

- The Proposed Action will have no significant adverse impacts on public health and safety. The restoration activities will provide long-term benefits for improved recreational access, and BMPs would be implemented on a site-specific basis to mitigate the potential for adverse impacts to occur to public health and safety during implementation.
- The Proposed Action is expected to comply with all applicable federal laws and regulations relevant to the project. Table A-2 provides a summary of the federal regulatory compliance review and approvals for the Proposed Action. For all environmental statutes in which the compliance status is labeled as complete, no significant or adverse effects were found.
- The Proposed Action has no highly uncertain, unique, or unknown risks. Implementation of recreational amenities within the PACWMA has a high likelihood of success. LDWF has successfully implemented similar recreational use projects as part of its day-to-day natural resource management responsibilities on this wildlife management area and at other state-owned properties within coastal Louisiana.

Table A-2. Current Status of Federal Regulatory Compliance for Proposed Action

Alternative Name	Bald and Golden Eagle Protection Act (U.S. Fish and Wildlife Service [USFWS])	Coastal Barrier Resources Act (USFWS)	Coastal Zone Management Act	Endangered Species Act Section 7 (National Marine Fisheries Service [NMFS])	Endangered Species Act Section 7 (USFWS)	Essential Fish Habitat (NMFS)	Marine Mammal Protection Act (NMFS)	Marine Mammal Protection Act (USFWS)	Migratory Bird Treaty Act (USFWS)	National Historic Preservation Act	Rivers and Harbors Act/Clean Water Act (U.S. Army Corps of Engineers Permit)
Alternative B: Original Project Scope with Revised Location of Pirogue Launch	Complete	Complete	Complete	Complete	Complete	Complete	Complete	Complete	Complete	Complete	Complete

A-6 LITERATURE CITED

- Deepwater Horizon Oil Spill Trustees (DWH Trustees). 2016. *Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement*. Available at: <http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan>. Accessed October 2019.
- Louisiana Trustee Implementation Group (LA TIG). 2018. *Louisiana Trustee Implementation Group Final Restoration Plan/Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use*. Available at: https://la-dwh.com/wp-content/uploads/2018/07/LA_RP_EA4_to-CPRA_070618_508.pdf. Accessed October 2019.
- Trustee Council. 2016. *Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the Deepwater Horizon (DWH) Oil Spill*. November 15, 2016. Available at: <https://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/DWH-SOPs.pdf>. Accessed October 2019.

A-7 DETERMINATION

Based on the information presented in this document and the analysis contained in the Supplemental EA, it is hereby determined that implementation of the Proposed Action will not significantly impact the quality of the human environment, as described above. Therefore, an Environmental Impact Statement will not be prepared.

FOR THE U.S. DEPARTMENT OF THE INTERIOR

DEBORA L. MCCLAIN

Alternate Department of the Interior Natural Resources Trustee Official for the Louisiana Trustee Implementation Group

Date: _____

FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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