

- 7617 (Smith Pt. Beach Nourishment) -

FINDING OF NO SIGNIFICANT IMPACT

National Park Service (NPS) Special Use Permit Issuance for Suffolk County Parks Beach
Nourishment Project
Fire Island National Seashore, Northeast Region
Suffolk County, New York
September 2008

INTRODUCTION

Need for Action

The proposed beach nourishment project is being undertaken by Suffolk County as an interim measure to protect current beach activities and structures from on-going erosion. An Environmental Assessment (EA), *Beach Nourishment and Maintenance Dredging at Smith Point County Park and Cupsogue County Park, 2008*, was prepared for the proposed activities in consideration of Special Use Permits required from the National Park Service (NPS), Fire Island National Seashore (FIIS), because the proposed project will occur partly within the Fire Island National Seashore boundary.

While the U.S. Army Corps of Engineers (ACOE) *Fire Island to Montauk Point Reformulation Plan for Storm Protection along the South Shore of Long Island* (FIMP) study is being formulated to determine long term policy for Long Island coastal management, this proposed beach nourishment project is intended as a one-time short term response to recent storm related erosion.

It is important to recognize that the site of the proposed action is located within a National Park Service area, Fire Island National Seashore (FIIS). Therefore, in addition to complying with general environmental standards that have been promulgated at the federal, state and local levels, the proposed action also must conform to the current management policies of the National Park Service (NPS), which are set forth in the 2001 edition of the *NPS Management Policies*, <http://data2.itc.nps.gov/npspolicy/index.cfm>. This project is limited to that part of FIIS that is within the Smith Point County Park boundary and also in that the project has a designed function to reduce the potential for the destructive impacts associated with storm events.

Background

The subject beaches where nourishment will be permitted are in two locations along the 6.5 mile long southern edge of Smith Point County Park and one location in Cupsogue County Park. The beach locations in Smith Point County Park are within FIIS boundaries, but Cupsogue County Park is not. The sediment to be used for renourishment will be supplied by dredging the navigational channel at Moriches Inlet, which separates the two parks.

The EA, this FONSI and the subsequent issuing of Special Use Permits for the beach nourishment project are related to needs expressed by the County to protect current beach activities and structures in the short term until the FIMP is finalized. The FIMP is an interagency

plan for determining how to deal with the South Shore of Long Island for storm damage protection for the next 50 years and this plan will also cover major environmental concerns as part of an Environmental Impact Statement. The NPS EA was prepared solely to allow the issuance of a Special Use Permit by the Fire Island National Seashore to Suffolk County to protect the park activities and structures between now and the issuance of the reformulation plan. The scope of these projects is short term, will be completed during the fall and winter of 2008/2009 and only covers the three locations specified for sediment deposition.

The geomorphologic parameters defined by this document are not intended to set a precedent for future projects nor preclude any options under the FIMP. The FIMP will develop a more definitive dune crest line and continue to explore off shore geology and shoreline processes by adding the expertise of New York State, the Army Corps of Engineers, other federal agencies, and other coastal experts to the expertise utilized by the Fire Island National Seashore in this EA.

Beach nourishment consists of pumping sand located just offshore of Fire Island onto the beach berm and then moving some of the sand landward to form an enhanced dune. Bulldozers may be utilized in an effort to augment the dunes that are to the north of the beach berm. Nourishment will be allowed by the County after it applies for the appropriate permits and follows the parameters that have been set in the EA. These parameters include a dry beach (berm) between +7 and +5.5 ft NAVD and a slope from the beach to the waterline of 1:16 to 1:18.

NPS SELECTED ALTERNATIVE

The NPS has selected Alternative B, the Moriches Inlet Dredging Alternative, that was described as the preferred alternative in the EA. This alternative will allow both dredging of the Moriches Inlet navigational channel and beach nourishment. This alternative was selected because it allows the County to perform protection measures without precluding any potential alternatives under the more long term solution being formulated in the FIMP.

OTHER ALTERNATIVES CONSIDERED

In addition to the preferred alternative, the EA analyzed the no action alternative. The no action alternative was not selected for implementation because it would leave erosional processes to continue to occur unimpeded and therefore, did not meet the project objectives of short-term storm protection.

Four other alternatives were initially considered but were then dismissed from detailed analysis on the basis of being overly costly, technically and statutorily complicated, or incompatible with policy goals. These alternatives included relocation of park facilities, using an off shore borrow area as a sand source, using the Moriches Inlet shoal bypass area as a sand source, and placement of sediment below mean low water.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The NPS is required to identify the environmentally preferred alternative in its NEPA documents for public review and comment. The NPS, in accordance with the Department of the Interior policies contained in the Departmental Manual (516 DM 4.10) and the Council on Environmental Quality's (CEQ) *NEPA's Forty Most Asked Questions*, defines the environmentally preferred alternative (or alternatives) as the alternative that best promotes the national environmental policy expressed in NEPA (Section 101(b) (516 DM 4.10). In their *Forty Most Asked Questions*, CEQ further clarifies the identification of the environmentally preferred alternative, stating "Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (Q6a).

The No Action Alternative, described as Alternative A in the EA, was determined to be the environmentally preferred alternative because it is the alternative that would most allow for natural processes to occur unimpeded. This alternative was not selected for implementation as it would not accomplish the short term interim protective objectives.

MITIGATION MEASURES

The selected alternative includes the adoption and implementation of conservation measures and reasonable and prudent measures identified by the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) as an outcome of consultation under Section 7 of the Endangered Species Act. These measures must be included in the NPS Special Park Use permit and implemented prior to or concurrently with any actions taken under the selected alternative.

Informal consultation with NMFS and formal consultation with USFWS were completed. Informal consultation with the (NMFS) has determined that as long as only a cutterhead dredge rather than a hopper dredge is used, then there are no potential impacts to sea turtles, and regardless of the time frame there is no potential for impacts to marine mammals. Informal consultation with the NMFS has also determined that the project will not adversely affect essential fish habitats provided that all water construction is completed within the time frame of October 1 to January 15.

In a Biological Opinion issued through formal consultation, the USFWS has determined that while there is a potential for direct and indirect adverse effects on the federally-endangered piping plover and seabeach amaranth and their habitats, the project is not likely to jeopardize the continued existence of either species.

After reviewing the current status of the piping plover Atlantic Coast population, the environmental baseline for the action area, the effects of the proposed action (anticipated to extend no more than 10 years into the future), and the cumulative effects, it is the Service's biological opinion that the proposed action is not likely to jeopardize the continued existence of the NY-NJ Recovery Unit and, therefore, the piping plover Atlantic Coast population. No critical habitat has been designated for the Atlantic Coast piping plover, therefore, none will be

affected. The Service cautions that it remains highly concerned about the extent and duration of projects that preclude formation of optimal habitats on Long Island.

The Service believes the Proposed Plan is likely to adversely affect seabeach amaranth. Effects will depend on the degree of connection between populations within the action area, the importance of seed import and export to population maintenance, the success of proposed conservation measures in minimizing adverse effects, and the net effect of the NPS's Proposed Plan on populations within the FHS. After reviewing the current status of seabeach amaranth, the environmental baseline for the action area, the direct and indirect effects of the Proposed Plan, and the cumulative effects of future non-Federal actions that are reasonably foreseeable to occur in the action area, it is the Service's biological opinion that, while authorization of the Proposed Plan may result in the destruction of plants and seeds and preclusion of some new habitat from partial overwashes and dune blow outs, it is not likely to jeopardize the continued existence of seabeach amaranth range-wide.

In order to reduce the potential for adverse effects, the consultation process identified valuable conservation measures and reasonable and prudent measures that have been incorporated as conditions into the NPS Special Park Use permit.

Summary of Beach Nourishment Parameters

Process	NPS land/impact	Seasonal restrictions	Monitoring	Scope level	Project design criteria
<p>Communities must apply for all appropriate permits and fund each project without federal expenditures (NPS 1977)</p> <p>Applicant/permittee is responsible for implementing and enforcing all criteria and conservation measures as part of project design and permit conditions</p>	<p>Not on NPS upland</p> <p>Equipment transport will occur by water or interior road transport to avoid and minimize impacts to additional areas of the shoreline whenever possible</p>	<p>January 15 - November 1 = closure window of seasonal work prohibition derived from:</p> <p>3/15-9/1 Fire Island (FIIS) Threatened & Endangered species (T&E) protection policy (Eastern FI driving restrictions applicable after 3/15)</p> <p>4/1- 9/1 USFWS Plover restriction window</p> <p>4/1-11/1 USFWS Amaranth restriction window</p> <p>4/30-11/1 Sea Turtle and Marine Mammal NMFS restriction window</p> <p>1/15 - 10/1 EFH NMFS restriction window</p> <p>Surveys and monitoring (conservation measures per USFWS, and NMFS protocol) will determine species presence and along with dredge selection will determine allowable project dates</p>	<p>Shoreline and ecological resource monitoring including T & E, pre-project, during, and post project throughout project life</p> <p>USFWS, NMFS and NYSDEC protocol will be used and are included as part of the project requirements</p> <p>Grain size and sediment characteristics of the material to be deposited will be consistent with the existing beach substrate.</p>	<p>Max 6 miles</p> <p>1 project prior to FIMP formulation</p>	<ol style="list-style-type: none"> 1) Design must establish a beach elevation between +7 and +5.5 ft NAVD for the dry beach (berm) with a positive slope in the seaward direction. 2) The fill will be sloped seaward at approximately 1 on 16 to 1 on 18 from the crest of the berm into the active surf zone to the extent the slopes can be controlled by the construction methods. 3) Constructed dune cannot be displaced seaward of natural, existing dune. If no dune exists, or it is very irregular, a dune crestline and accompanying dimensions will be developed by the applicant for NPS approval. 4) Must include Interpretation and Education with signs, community involvement and symbolic fencing 5) Vegetation preserved or planted with local genetic stock at varying densities from 12" on center to 36" on center 6) All debris removed or reused (fencing) 7) Project will meet all USFWS, NMFS and NYSDEC T & E species conservation design measures.

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR § 1508.27, significance is determined by examining the following criteria:

1) Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts that require analysis in an EIS.

No major adverse or beneficial impacts were identified that would require analysis in an EIS. The selected alternative is intended to provide short-term storm protection during the interim period while the FIMP is being finalized and as such it will have no impact on cultural resources and will not adversely affect threatened and endangered species or their habitats. As a short-term one-time event, the project will not set any precedent for future policy or contribute to cumulative impacts.

2) The degree to which public health and safety are affected.

The selected alternative will have no impact on overall public health and safety except to possibly increase public health and safety by improving year round emergency transportation access along the beach and boat transportation access through the Moriches Inlet.

3) Unique characteristics of the area such as proximity to historic or cultural resources, wild and scenic rivers, ecologically critical areas, wetlands or floodplains.

NMFS has determined that no essential fish habitat will be impacted by this project, provided that all water construction is completed within the time frame of October 1 to January 15.

No cultural resources will be impacted by this project.

No wetlands exist in the study area.

No prime farmlands, ecologically critical areas, or wild and scenic rivers exist in the study area.

4) The degree to which impacts are likely to be highly controversial.

As measured by public comment, this project is not likely to be highly controversial. During and after the 30-day agency and public review and comment period, NPS did not receive comments from the public about the project.

5) The degree to which the potential impacts are highly uncertain or involve unique or unknown risks.

No highly uncertain, unique, or unknown risks were identified during preparation of the EA or the public review period. The project operations have been performed in the area previously and are well understood.

6) Whether the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.

The selected alternative neither establishes NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration. Future actions will be evaluated through additional, project-specific planning processes that incorporate requirements of NEPA, Section 106 of the NHPA and NPS policies. This action is specifically a short-term interim storm protection project as is explicitly stated in the EA and this FONSI.

7) Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant effects.

The selected alternative is related to a similar project to be performed by a group of eleven Fire Island communities; however, these actions will not have any adverse effects either individually or cumulatively.

8) The degree to which the action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources.

The selected alternative will not impact and historic, archeological or cultural resources. NPS made a determination that no historic properties would be affected by this project and, in accordance to Section 106 requirements, consulted with the New York State Office of Parks, Recreation and Historic Preservation (SHPO) who concurred with the NPS determination.

9) The degree to which an action may adversely affect an endangered or threatened species or its habitat.

The selected alternative includes the adoption and implementation of conservation measures and reasonable and prudent measures identified by the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) as an outcome of consultation under Section 7 of the Endangered Species Act. These measures must be included in the NPS Special Park Use permit and implemented prior to or concurrently with any actions taken under the selected alternative.

Informal consultation with NMFS and formal consultation with USFWS were completed. Informal consultation with the (NMFS) has determined that as long as only a cutterhead dredge rather than a hopper dredge is used, then there are no potential impacts to sea turtles, and regardless of the time frame there is no potential for impacts to marine mammals. Informal consultation with the NMFS has also determined that the project will not adversely affect essential fish habitats provided that all water construction is completed within the time frame of October 1 to January 15.

In a Biological Opinion issued through formal consultation, the USFWS has determined that while there is a potential for direct and indirect adverse effects on the federally-endangered

piping plover and seabeach amaranth and their habitats, the project is not likely to jeopardize the continued existence of either species.

After reviewing the current status of the piping plover Atlantic Coast population, the environmental baseline for the action area, the effects of the proposed action (anticipated to extend no more than 10 years into the future), and the cumulative effects, it is the Service's biological opinion that the proposed action is not likely to jeopardize the continued existence of the NY-NJ Recovery Unit and, therefore, the piping plover Atlantic Coast population. No critical habitat has been designated for the Atlantic Coast piping plover, therefore, none will be affected. The Service cautions that it remains highly concerned about the extent and duration of projects that preclude formation of optimal habitats on Long Island.

The Service believes the Proposed Plan is likely to adversely affect seabeach amaranth. Effects will depend on the degree of connection between populations within the action area, the importance of seed import and export to population maintenance, the success of proposed conservation measures in minimizing adverse effects, and the net effect of the NPS's Proposed Plan on populations within the FIIS. After reviewing the current status of seabeach amaranth, the environmental baseline for the action area, the direct and indirect effects of the Proposed Plan, and the cumulative effects of future non-Federal actions that are reasonably foreseeable to occur in the action area, it is the Service's biological opinion that, while authorization of the Proposed Plan may result in the destruction of plants and seeds and preclusion of some new habitat from partial overwashes and dune blow outs, it is not likely to jeopardize the continued existence of seabeach amaranth range-wide.

In order to reduce the potential for adverse effects, the consultation process identified valuable conservation measures and reasonable and prudent measures that have been incorporated as conditions into the NPS Special Park Use permit.

10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The selected alternative violates no federal, state, or local environmental protection laws.

IMPAIRMENT OF PARK RESOURCES OR VALUES

The National Park Service Organic Act of 1916, and related laws, mandate that the units of the national park system must be managed in a way that leaves them "unimpaired for the enjoyment of future generations". These laws give the NPS the management discretion to allow certain impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not constitute impairment of the affected resources and values. Director's Order 12 states that environmental documents will evaluate and describe impacts that may constitute an impairment of park resources or values. In addition, the decision document will summarize impacts and whether or not such impacts may constitute an impairment of park resources or values. An impact will be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

FINDING OF NO SIGNIFICANT IMPACT

The NPS has selected Alternative B, the Moriches Inlet Dredging Alternative, and will issue a Special Use Permit for implementation of the selected alternative. The selected alternative is described on pages 23 to 25 of the EA. The selected alternative will not constitute an action that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are minor or moderate in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the study area. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this action and thus will not be prepared.

Recommended: Sean M. Guinness 9/17/08
Sean McGuinness, Acting Superintendent Date
Fire Island National Seashore

Approved: Dennis R. Reidenbach 9/29/08
Dennis R. Reidenbach, Regional Director Date
National Park Service, Northeast Region

FONSI/ROD RECOMMENDATION COVER SHEET

Date: September 18, 2008

Park: Fire Island National Seashore

Project: Special Use Permit for Maintenance Dredging and Beach Nourishment at Smith Point and Cupsogue County Parks, Suffolk County Environmental Assessment (EA)

Decision document: Finding Of No Significant Impact

Recommended by: Regional Environmental Coordinator, Philadelphia

Through: Chief, Division of Resource Planning and Compliance
ARD, Resource Stewardship & Science

Issues: **Policy waiver has been requested from the Director's office.** Status unknown. Approval may be needed prior to signing FONSI.

Sect. 106 Status: SHPO concurred with NPS determination of no historic properties affected.

Sect. 7 Status: FWS Biological Opinion determined adverse effect to some species but no jeopardy finding. Recommended conservation measures have been incorporated into the Selected Alternative.

NMFS concurred with finding of not likely to adversely affect protected species or habitats, contingent on using dredging methods and timing incorporated into the Selected Alternative.

Reviewers: Jacki Katzmire, Regional Environmental Coordinator-Philadelphia
Robin Lepore, Coastal Management Specialist
Cheryl Hapke, USGS Coastal Field Station, RI