



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS LA 70118-3651**

FINDING OF NO SIGNIFICANT IMPACT

**PORT FOURCHON BELLE PASS CHANNEL DEEPENING PROJECT, LOUISIANA
FOURCHON, LOUISIANA**

The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division (MVD), New Orleans District (CEMVN) has conducted an environmental analysis and prepared Environmental Assessment #601 (EA #601) in accordance with the National Environmental Policy Act of 1969, as amended. EA #601, dated January 2025, and the final recommendation contained in the Letter Report, dated 26 September 2025, both incorporated herein by reference, address the environmental impacts associated with the Proposed Modified Action to deepen the Federal navigation channel in Port Fourchon.

In 2019, the Greater Lafourche Port Commission (GLPC) conducted a feasibility study under Section 203 of the Water Resources Development Act (WRDA) of 1986, as amended, to address navigation improvements for the Port Fourchon Belle Pass Channel. In 2020, GLPC revised their proposed plan to a -30 ft Mean Lower Low Water (MLLW) channel inland and a -32 ft MLLW channel offshore, compared to the currently authorized, existing channel depth of -24 MLLW. The ASA(CW) reviewed this feasibility study and prepared a Review Assessment outlining conditions that must be met before the Proposed Modified Action is constructed. Section 403 of WRDA 2020 authorized the project for navigation, Port Fourchon Belle Pass Channel, Louisiana, as described in the Review Assessment of the Secretary, subject to such modifications or conditions as the Secretary considers appropriate and identifies in a final assessment that addresses the concerns, recommendations, and conditions identified by the Secretary in the Review Assessment. One condition was to complete environmental compliance. As such, CEMVN prepared this EA #601 and Letter Report to analyze the environmental impacts of the Proposed Modified Action.

The Proposed Modified Action includes deepening and maintenance of the Port Fourchon Federal navigation channel, which was considered through a 50-year period of analysis. The proposed dredging would start at approximately Station 0+00 and end at approximately Station 330+00. Deepening would be achieved by the same dredging operation that is currently used for maintenance. The existing project was authorized by WRDA 1996 for a navigation channel 300 ft wide with an elevation of -24 ft MLLW on the inland reach for mile 3.4 to Mile 0.0 and to an elevation of -26 ft MLLW for the offshore reach from Mile 0.0 to Mile -1.3. The Proposed Modified Action would dredge the Federal navigation channel to an elevation of -30 ft MLLW for the inland reach plus 3 ft of advanced maintenance and to -32 ft MLLW for the offshore reach plus 4 ft of advanced maintenance (Figure 1).

The Proposed Modified Action follows the alignment of the existing project and extends to the newly authorized limits, following the natural contour of the Gulf of America. Dredging would be accomplished with a hydraulic cutter-head dredge and material excavated would be transported to two (2) sites in a slurry via pipeline. The two dredge material disposal sites are located on the exterior of the existing jetties, near the intersection with the existing shoreline. Discharge location would be 200 ft offshore and would extend 300 – 3,000 ft from the jetties in the shallow open water and be allowed to flow (Figure 1). Construction access for dredge, attendant plant, and discharge line is in open water. No upland areas would be utilized for construction or maintenance of the project. Due to a separate federal project (Coastal Wetlands

Planning, Protection and Restoration (CWPPRA) TE-134) that will involve the one-time dredging of the channel and beneficial placement of that dredged material, the majority of the Belle Pass Channel will have been dredged to -33 feet MLLW before construction of the Proposed Modified Action commences.

There are two pipelines that have the potential to interfere with the Proposed Modified Action. The pipeline companies are required to submit a permit application to Louisiana Department of Natural Resources (LDNR) and the USACE in order to obtain a Coastal Use Permit (CUP) and a Section 408 permit for the removal of the pipelines. The permit applications would be subject to review and approval by USACE under Section 408, as the action is within a Federal channel, and by LDNR to ensure compliance with Louisiana Office of Coastal Management Coastal Use Guidelines. Port Fourchon has a 300 ft channel bottom width. The removal effort assumes 100 ft extensions are needed from the bottom edge of each cut, on both sides of the channel, so a full 500 ft clearance width would be required at an elevation of -45 ft MLLW or -47 ft MLLW depending on the reach of channel. The footprint for the removal assumes an additional 50 ft of clearance on both sides parallel to the channel and 100 ft of clearance parallel to the pipeline. The footprint is therefore 120,000 square feet, or 2.8 acres (600 ft by 200 ft). The footprint would be centered on each pipeline. The construction window is assumed to involve shutdown of the channel during daylight hours for five (5) days. This assumes 12 hours of work removing the pipeline and 12 hours per day of no restriction for channel users. The full construction window would be longer than the actual removal because time is needed in advance of the removal for surveys, excavation over the proposed cut and plug, completion of the plug, and removal of pipeline segment adjacent to the remaining stub. This segment adjacent to the stub would not encroach on the channel. Work is required on both cut and cap locations on the east and west side of the channel. 3-D coordinates of the pipeline stub will be provided to USACE for both sides. Coordination with the Port and Coast Guard would be done in advance of the removal and during removal operations. Total duration for all work is assumed at 60 calendar days.



Figure 1. Map of the Proposed Modified Action location in Bayou Lafourche in Port Fourchon, Louisiana.

For all alternatives, the potential effects were evaluated, as appropriate. The Proposed Modified Action would have no significant direct, indirect, or cumulative impacts to the relevant resources identified in EA #601. All reasonable means of avoiding and minimizing adverse environmental effects have been adopted and are discussed in EA #601. The area to be dredged is already routinely maintained to a depth of -24 ft on the inland reach and -26 ft on the offshore reach about every two (2) years with the same dredged material disposal area within the same footprint as this proposed effort. A summary assessment of the potential effects is listed in Table 1:

Table 1: Summary of Potential Effects to Relevant Resources

Resource	Less than significant negative effects	Resource unaffected by action
Aesthetics	☒	☐
Air Quality	☒	☐
Aquatic Resources/Fisheries	☒	☐
Commercial Navigation	☒	☐
Cultural Resources	☒	☐
Essential Fish Habitat	☒	☐
Hazardous, Toxic & Radioactive Waste	☐	☒
Hydrology	☒	☐
Noise	☒	☐
Recreation	☒	☐
Socioeconomics	☒	☐
Threatened and Endangered Species	☒	☐
Transportation	☒	☐
Tribal Resources	☒	☐
Water Quality	☒	☐
Wetlands	☒	☐
Wildlife	☒	☐

All practicable and appropriate means to avoid or minimize adverse environmental impacts were analyzed and incorporated into the Proposed Modified Action. Best management practices (BMPs) as detailed in the Letter Report and EA #601 will be implemented, if appropriate, to minimize impacts.

COMPENSATORY MITIGATION NOT REQUIRED

No compensatory mitigation is required as part of the Proposed Modified Action.

PUBLIC REVIEW:

The Proposed Modified Action has been coordinated with appropriate Federal, state, and local agencies and businesses, organizations, and individuals through distribution of Draft EA #601 for a 30-day public review and comment period from 17 May 2024 through 15 June 2024.

OTHER ENVIRONMENTAL AND CULTURAL COMPLIANCE REQUIREMENTS:

CLEAN AIR ACT OF 1963, as amended

The Clean Air Act (CAA) sets goals and standards for the quality and purity of air. It requires the Environmental Protection Agency to set NAAQS for pollutants considered harmful to public health and the environment. The Project Area is in Lafourche Parish, which is currently in attainment of NAAQS. A general conformity determination is not required.

NOISE CONTROL ACT OF 1972, as amended

The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The Act also serves to establish a means for effective coordination of Federal research and activities in noise control, authorizes the establishment of Federal noise emission standards for products distributed in commerce, and provides information to the public respecting the noise emission and noise reduction characteristics of such products. While primary responsibility for control of noise rests with state and local governments, Federal action is essential to deal with major noise sources in commerce, control of which require national uniformity of treatment. EPA is directed by Congress to coordinate the programs of all Federal agencies relating to noise research and noise control. The Proposed Modified Action is consistent with this Act.

CLEAN WATER ACT OF 1972, as amended – SECTION 401 AND 404

The Clean Water Act (CWA) sets and maintains goals and standards for water quality and purity. Section 401 requires a Water Quality Certification (WQC) from the Louisiana Department of Environmental Quality (LDEQ) that a proposed project does not violate established effluent limitations and water quality standards. On 28 November 2023 the LDEQ determined the need for a Water Quality Certification and Water Quality Certification number 240404-01 was obtained for this effort on 6 April 2024.

As required by Section 404(b)(1) of the CWA, an evaluation to assess the short- and long-term impacts associated with the discharge of dredged and fill materials into waters of the United States resulting from this project has been completed. Section 404(b)(1) public notice was mailed out for the public review and comment period beginning 17 May 2024 and ending 15 June 2024. The final Section 404(b)(1) evaluation is located in Appendix C in the final EA.

COASTAL ZONE MANAGEMENT ACT OF 1972, as amended

The Coastal Zone Management Act (CZMA) requires that “each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.” In accordance with Section 307, a Consistency Determination was prepared for the proposed project and was submitted on 18 April 2024 to Louisiana Department of Natural Resources (LDNR) for the Proposed Modified Action, and LDNR concurred via letter dated 8 May 2024 (Appendix B).

COASTAL BARRIER RESOURCES ACT OF 1982, as amended

Congress passed the Coastal Barrier Resources Act of 1982 to address problems caused by coastal barrier development. CBRA restricts most Federal expenditures and financial assistance

that tend to encourage development, including Federal flood insurance, in the John H. Chafee Coastal Barrier Resource System. Three important goals of CBRA are to: (1) minimize loss of human life by discouraging development in high-risk areas; (2) reduce wasteful expenditure of federal resources; and (3) protect the natural resources associated with coastal barriers. The Proposed Modified Action would comply with CBRA because the Port has already been developed and is an active working Port. Additional coordination with United States Fish and Wildlife Service (USFWS) occurred on 12 June 2024 and it was determined there is no further consultation necessary as the Proposed Modified Action does not occur within a CBRA unit. Nearshore disposal would not incur any adverse impacts regarding coastal barriers. The Proposed Modified Action could provide benefits to coastal barrier resources by disposing of dredge material in the surf zone. This could allow for flow and mixing of dredge material into the nearshore system potentially allowing for wetlands to capture and accrete sediment.

ENDANGERED SPECIES ACT OF 1973, as amended

The Endangered Species Act (ESA) is designed to protect and recover Threatened and Endangered (T&E) species of fish, wildlife, and plants. The USFWS identified the piping plover, red knot, Eastern black rail, West Indian manatee, the hawksbill, Kemp's Ridley, leatherback, and loggerhead sea turtles that are known to occur or believed to occur within the vicinity of the Proposed Modified Action, as T&E species. Other protected species that might be found in the area include colonial nesting wading birds, shore birds, bald eagles, brown pelicans, and bottlenose dolphins. On 28 March 2024 USFWS reviewed this project for effects to Federal trust resources under their jurisdiction and currently protected by the Endangered Species Act of 1973, concurring that the project, as proposed, is not likely to adversely affect these resources or piping plover critical habitat (Appendix B Annex 2).

The USACE has made a no effect determination for all whale species and the oceanic whitetip shark as they are highly unlikely to be present in the project area. USACE has made a not likely to adversely affect (NLAA) determination for all sea turtle species and the giant manta ray as all dredge work would be conducted using a cutterhead dredge, which is not known to cause take of listed species. National Marine Fisheries Service (NMFS) issued a Gulf Regional Biological Opinion (GRBO) in 2007 that provides that non-hopper type dredges are “not known to take turtles.” Since the proposed maintenance activities only plan to use non-hopper type dredges, USACE considers the findings in the GRBO to support our determination of NLAA under the ESA for future maintenance dredging activities. The GRBO requires all non-hopper hydraulic dredges to be used, whenever possible, between 1 April and 30 November in Gulf of America waters and up to one (1) mile into rivers. Construction activities would adhere to the Protected Species Construction Conditions and the Vessel Strike Avoidance Measures found in Appendix B.

The USACE initiated informal consultation with NMFS under section 7(a)(2) of the ESA on 23 May 2024 for the initial deepening around the removed pipelines and the additional 3 ft of advanced maintenance dredging that would occur on the offshore reach to a total elevation of -36 ft MLLW. On 30 October 2024, NMFS concurred with the USACE's determination regarding the Proposed Modified Action.

FISH AND WILDLIFE COORDINATION ACT OF 1934, as amended

The Fish and Wildlife Coordination Act (FWCA) provides authority for the USFWS involvement in evaluating impacts to fish and wildlife from proposed water resource development projects. The FWCA requires that fish and wildlife resources receive equal consideration to other project features. The FWCA also requires Federal agencies that construct, license or permit water

resource development projects to first consult with the USFWS, NMFS, and state resource agencies regarding the impacts on fish and wildlife resources and measures to mitigate these impacts. Section 2(b) requires the USFWS to produce a coordination act report (CAR) that details existing fish and wildlife resources in a Project Area, potential impacts due to a proposed project and recommendations for a project. The USFWS reviewed the Proposed Modified Action and provided a Final CAR with project specific recommendations on 26 July 2024 (Appendix B). CEMVN comment responses can be found in EA #601.

MARINE MAMMAL PROTECTION ACT 1972, as amended

All marine mammal species found in U.S. waters are protected under the Marine Mammal Protection Act (MMPA), as well as marine mammals listed as endangered or threatened under the Endangered Species Act worldwide. The MMPA generally prohibits the "take" of marine mammals (e.g., harassment, hunting, capturing, collecting, or killing). The act also makes it illegal to import or export marine mammals and marine mammal products into or out of the United States without a permit or other applicable authorization. NOAA Fisheries authorizes take for certain activities, for example, scientific research, commercial and educational photography, and incidental take during commercial fishing operations and other non-fishery commercial activities like construction projects. Three federal entities share responsibility for implementing the MMPA:

- NOAA Fisheries is responsible for the protection of whales, dolphins, porpoises, seals, and sea lions.
- U.S. Fish and Wildlife Service is responsible for the protection of walrus, manatees, sea otters, and polar bears.
- Marine Mammal Commission provides independent, science-based oversight of domestic and international policies and actions of federal agencies addressing human impacts on marine mammals and their ecosystems.

The Proposed Modified Action would be consistent with the MMPA as there would be no anticipated take of marine mammals.

SUBMERGED LANDS ACT OF 1953

The Proposed Modified Action would take place in navigable waterways, including marine waters, within the State of Louisiana's boundaries, within three (3) geographical miles (almost exactly 3 nautical miles or 5.6 kilometers) from the coastline of Port Fourchon. The Proposed Modified Action is in compliance with the Submerged Lands Act.

HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

A Hazardous, Toxic, and Radioactive Waste (HTRW) initial assessment will be conducted as a priority. USACE HTRW policy is to avoid the use of project funds for HTRW removal and remediation activities. If the initial assessment indicates the potential for HTRW, testing, as warranted, and analysis similar to a feasibility study should be conducted prior to proceeding with the project design. The NFS would be responsible for planning and accomplishing any HTRW response measures and would not receive credit for the costs incurred.

None of the proposed dredging regions are within the boundaries of a site designated by the Environmental Protection Agency or a state for a response action (either a removal action or a

remedial action), under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or are part of a National Priority List site under CERCLA. An American Society for Testing and Materials 1527-13 Phase I Environmental Site Assessment was completed on 18 March 2024 and is on file in the CEMVN-PDC. There is a low probability of encountering HTRW during construction of the project.

MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976, as amended

The Magnuson-Stevens Fishery Conservation and Management Act, as amended, addresses the protection of essential fish habitat (EFH) by NMFS in association with regional Fishery Management Councils. NMFS has a “findings” with the CEMVN on the fulfillment of coordination requirements under provisions of the Magnuson-Stevens Fishery Conservation and Management Act. In those findings, the CEMVN and NMFS have agreed to complete EFH coordination requirements for Federal civil works projects through the review and comment on National Environmental Policy Act documents prepared for those projects. See 50 CFR 600.920(f) (allowing use of existing environmental review procedures). The EFH assessment is integrated into this EA and was provided to NMFS on 17 May 2024 at the start of the 30-day public review. In an email dated 12 June 2024, NMFS concurred with the proposed project and acknowledged that we have completed consultation under the Magnuson-Stevens Act.

MIGRATORY BIRD TREATY ACT OF 1918

The bald eagle was removed from the List of Endangered and Threatened Species in August 2007, but continues to be protected under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). Colonial nesting wading bird, neotropical migratory birds, and other birds are protected under the MBTA (50 CFR 10.13). During nesting season, construction and other related activities must take place outside of USFWS/LDWF buffer zones. The Proposed Modified Action is consistent with the MBTA as all construction activities would take place within open water.

NATIONAL HISTORIC PRESERVATION ACT OF 1966, as amended

Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The procedures in 36 CFR Part 800 define how Federal agencies meet these statutory responsibilities. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, including the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) and any Tribe that attaches religious or cultural significance to historic properties that may be affected by an undertaking. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. NHPA consultation letters pursuant to Section 106 were mailed to SHPO and Federally- recognized Tribes on 5 December 2023 for a 30-day review. Tribes consulted for this Undertaking include the Chitimacha Tribe of Louisiana, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, and the Tunica-Biloxi Tribe of Louisiana. In a letter dated 19 December 2023, the LA SHPO concurred that the actions of this EA are determined as having

no effect on historic properties; no other consulting parties responded within the regulatory consultation timeframe as specified per 36 CFR 800.4(d)(1)(i) (See Appendix A).

TRIBAL CONSULTATION

It is the policy of the Federal government to consult with Federally recognized Tribal Governments on a Government-to-Government basis as required in E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments;” U.S. President 2000). The requirement to conduct coordination and consultation with Federally recognized Tribes on and off of Tribal lands for “any activity that has the potential to significantly affect protected tribal resources, tribal rights (including treaty rights), and Indian lands” finds its basis in the constitution, Supreme Court cases, and is clarified in later planning laws.

The USACE Tribal Consultation Policy, 5 December 2023, specifically implemented this E.O. and later Presidential guidance. The 2023 USACE Tribal Consultation Policy and Related Documents provide definitions for key terms, such as tribal resources, tribal rights, Indian lands, consultation, as well as guidance on the specific trigger for consultation.

According to available government records, there are no tribal lands, nor are there specific tribal treaty rights related to access or traditional use of the natural resources in the project area. To augment CEMVN’s background research into the interested Federally-recognized Tribes and the types of tribal resources that have the potential to be within the project area, CEMVN, consulted with Federally-recognized Indian tribes on actions having the potential to significantly affect protected tribal resources, tribal rights, or Indian lands via our National Historic Preservation Act (NHPA) Section 106 consultation letter. Federally-recognized tribes consulted for this Undertaking include the Chitimacha Tribe of Louisiana, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, and the Tunica-Biloxi Tribe of Louisiana (see Appendix A).

EXECUTIVE ORDER 11988 FLOODPLAIN MANAGEMENT

Executive Order 11988 directs Federal agencies to reduce flood loss risk; minimize flood impacts on human safety, health, and welfare; and restore and preserve the natural and beneficial values served by flood plains. Agencies must consider alternatives to avoid adverse and incompatible development in the flood plain. If the only practical alternative requires action in the floodplain, agencies must design or modify their Executive Order 11988 (EO 11988) action to minimize adverse impacts. Some project features would extend into floodplains; however, the Proposed Modified Action would not promote future development within the floodplain that otherwise would not occur. The Proposed Modified Action is compliant with EO 11988.

EXECUTIVE ORDER 11990 PROTECTION OF WETLANDS

Executive Order 11990 (EO 11990) directs Federal agencies to avoid to the extent possible, long and short term adverse impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The Proposed Modified Action would not occur in wetlands and therefore would have no impacts to wetlands.

FINDING

All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the Proposed Modified Action would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date

SCOTTY M. AUTIN
Colonel, U.S. Army
District Engineer