



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MAY 10 2006

NOTICE OF COMPLETION

To Interested Agencies, Environmental Groups and Individuals:

This Notice of Completion concludes the environmental assessment process conducted by the U.S. Environmental Protection Act (EPA) in accordance with the requirements of the National Environmental Policy Act, and of the Coastal Wetlands Planning, Protection and Restoration Act for the New Cut Dune/Marsh Restoration Project (TE-11a/TE-37). It is the finding of the EPA that the proposed project will not result in a significant adverse impact to the environment and that an Environmental Impact Statement is not warranted. The original Finding of No Significant Impact (FNSI) was issued for public notice on January 10, 2001. A Statement of Findings was issued on April 17, 2001. Changes in the originally proposed project made it necessary to amend the FNSI. The Amended FNSI was issued for public notice on March 24, 2006, and the 30-day comment period expired on April 24, 2006.

The comment letter from the U.S. Fish and Wildlife Service (FWS) generally supports the overall purpose of stabilizing the Isles Dernieres island chain. However, with the proposed changes to the project, the FWS recommended further consultation to protect the piping plover (*Charadrius melodus*), as well as its designated critical habitat. On April 25, 2006, the EPA submitted a Biological Assessment (BA) to the FWS to fulfill requirements of Section 7 of the Endangered Species Act Amendment of 1978 (ESA). EPA concluded that the proposed project is not likely to: (1) adversely affect listed species or designated critical habitat; (2) jeopardize the continued existence of any listed species; or, (3) adversely modify designated critical habitats. On May 2, 2006, the FWS concurred with EPA's assessment and determined that no further ESA consultation would be required unless there are changes in the scope or location of the project elements, or the project has not been initiated within one year.

The U.S. Army Corps of Engineers requested: (1) clear differentiation between the "proposed project" and the "present project", (2) analysis of impacts to habitat associated with the proposed changes, and (3) the removal of the reference to "nesting" piping plovers since they nest in far northern latitudes. These comments are addressed in Section 2, Section 5 and Section 3.6, of the BA, respectively. The BA can be accessed at:
"<http://epa.gov/region6/6wq/ecopro/em/cwppra/newcut/index.htm>."

Responsible Official,

A handwritten signature in black ink, appearing to read "Rhonda Smith", written over a horizontal line.

Rhonda Smith
Chief, Office of Planning and Coordination