



**Homeland
Security**

**Environmental Planning and Historic Preservation
Decision Support System**

USCG-2024-0250 M/V HAPPY DIAMOND Safety Zone - Project Approved

Status

- In Preparation (03/28/2024)
- Environmental Review (03/28/2024)
- Senior Environmental Review (03/28/2024)
- Proponent Review (04/04/2024)
- Project Approved (04/04/2024)

Project Information

General

Name: USCG-2024-0250 M/V HAPPY DIAMOND Safety Zone

DSS ID: DSS-USCG-2024-19130

Security: Unclassified

Description: Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to terminal.

Funded through IRA?: No

Funded through the IIJA?: No

Critical Infrastructure?: No

Adopting Another Agency Catex, or CATEX Determination?: No

Project Type: Administrative & Regulatory Activities - Regulations for Regulated Navigation Areas and security or safety zones: Regulations establishing or increasing the size of Regulated Navigation Areas and security or safety zones.(CATEX *L60a)

Existing EA/EIS?: No

Requires EA/EIS?: No

Project Priority: Normal

Federal Assistance: No

Type of Permit: N/A

Estimated Project Cost: \$0

Component

Component: USCG - U.S. Coast Guard

Region/Area/Unit: USCG Civil Engineering Unit – Miami Fl

Tracking Number: 7881202

Dates

FY Funding: 2024

Proposed Project Start: 04/03/2024

Proposed Project End: 04/17/2024

Review Start: 03/20/2024

Project Location

- U.S. Territorial Water: Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

Team

- Document Preparer, Anthony Booth, anthony.w.booth@uscg.mil
- Environmental Reviewer, Mark Merritt (Level I), mark.d.merritt@uscg.mil
- Senior Environmental Reviewer, Mark Merritt (Level I), mark.d.merritt@uscg.mil
- Proponent, Keith Donohue, Keith.M.Donohue@uscg.mil

Categorical Exclusions

- L60(a)* - Regulations for Regulated Navigation Areas and security or safety zones: Regulations establishing or increasing the size of Regulated Navigation Areas and security or safety zones.

Required Conditions

1. Any change to the Proposed Action that may cause a physical interaction with the human environment will require re-evaluation for compliance with NEPA and other EP&HP requirements before the action can proceed.
2. This review addresses NEPA and other EP&HP requirements as described in DHS Directive 023-01. This review may identify the need for additional federal, state, and/or local permits, approvals, etc. required for the Proposed Action. However, this review may not satisfy those requirements and the Proponent is responsible for ensuring that all other appropriate federal, state, and/or local permits, approvals, etc. have been obtained.

Decision Documents

- Record of Environmental Consideration (REC), 12.31kB

Attachments

- IPaC-Happy Diamond.pdf, 7.09MB

Comments

- There are no comments.

EPHP Review

Environmental Resources

- Is the Proposed Action a piece of a larger action or connected to another action? -- No
Please explain how you came to this determination. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.
- Will the Proposed Action have a potentially significant effect on public health or safety? Areas to consider include, but are not limited to: environmental justice considerations; air quality; noise impacts; hazardous wastes and/or contamination; wastewater; potable water; and changes in modes or safety of transportation. -- No
Explain how the proposed action would not have a potentially significant effect on public health or safety. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.
- Would the proposed action place a disproportionately high and adverse human health or environmental effect on minority populations and low-income populations? -- No
- Will the Proposed Action have a potentially significant effect on species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, or Magnuson-Stevens Fishery Conservation and Management Act? -- No
Provide a conclusion under which statute the determination was made (e.g., no effect, NLAA, LAA, for ESA, etc.), how the determination was made, why it is considered significant, and copies of any consultation (informal and/or formal). : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.
Attachments: FWS, NMFS, or Wildlife Agency Consultation: (No files uploaded yet.)
- What is your Endangered Species Act (ESA) finding and determination? -- No effect
Explain how the determination was made (e.g., are species present in the area but your proposed action will have no effect? why?). Although not required, recommend attaching any consultation or correspondence conducted.: Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.
Attachments: ESA consultation: (No files uploaded yet.)

- What is your Marine Mammal Protection Act (MMPA) finding and determination? -- No effect or negligible effect

Explain how the determination was made (e.g., are species present in the area but your proposed action will have no effect or negligible effects? why?). Although not required, recommend attaching any consultation or correspondence conducted.: Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

Attachments: MMPA consultation: (No files uploaded yet.)

- Would the proposed action adversely affect a species protected under the Bald and Golden Eagle Protection Act or Migratory Bird Treaty Act or habitat for such species? -- No

Explain how the determination was made (e.g., are species present in the area but your proposed action will have no adverse effect or no significant effect? why?). Although not required, recommend attaching any consultation or correspondence conducted.: Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

Attachments: BGEPA MBTA consultation: (No files uploaded yet.)

- What is your Magnuson-Stevens Fishery Conservation and Management Act (essential fish habitat) finding and determination? -- No effect

Attachments: EFH consultation: (No files uploaded yet.)

- Will the Proposed Action have a potentially significant effect on an environmentally sensitive area? Examples include, but are not limited to: areas having special designation or recognition such as prime or unique agricultural lands, coastal zones, designated wilderness study areas, wild and scenic rivers, 100-year floodplains, wetlands, sole source aquifers, Marine Sanctuaries, National Wildlife Refuges, National Parks, National Monuments, etc. -- No
- Special Flood Hazard Area (i.e. floodplains) -- N/A

Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Jurisdictional wetlands and Other Waters of the U.S. -- N/A

Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Coastal Barrier Unit -- N/A

Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Coastal Zone Management Area -- N/A

Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Section 10 navigable waterway -- N/A

Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Sole Source Aquifers and Wellheads -- N/A

Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Prime Farmland -- N/A

Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Designated land (i.e., Wilderness Area, Wild and Scenic River, Marine Sanctuary, National Park, National Monument, National Natural Landmark, Wildlife Refuge, and Wilderness Area -- N/A

Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Will the Proposed Action result in the potential violation of a Federal, State, or local law or requirement imposed to protect the environment? -- No

Please summarize determination. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Will the Proposed Action have an effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks? -- No

Required: Please explain. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Will the Proposed Action employ new or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity? -- No

Required: Please explain.: Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Will the Proposed Action establish a precedent for future actions that have significant effects? -- No
Please explain how you came to this determination. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Is the Proposed Action significantly greater in scope or size than normally experienced for its particular category of action? -- No

Required: Please summarize determination.: Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Will the Proposed Action have the potential to result in the significant degradation of existing poor environmental conditions? Will the Proposed Action initiate a potentially significant environmentally degrading influence, activity, or effect in areas not already significantly modified from their natural condition? -- No

Please explain how you came to this determination. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Is the Proposed Action related to other actions with individually insignificant but cumulatively significant impacts? -- No

Please explain how you came to this determination. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Are there any other requirements for the protection of the environment that need to be considered for this proposed action? -- No

Historic Preservation & Cultural Resources

- Is the Proposed Action a piece of a larger action or connected to another action? -- No

Please explain how you came to this determination. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

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Provide a conclusion under which statute the determination was made (e.g., no effect, NLAA, LAA, for ESA, etc.), how the determination was made, why it is considered significant, and copies of any consultation (informal and/or formal). : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

Attachments: FWS, NMFS, or Wildlife Agency Consultation: (No files uploaded yet.)

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- Explain how the determination was made (e.g., are species present in the area but your proposed action will have no effect? why?). Although not required, recommend attaching any consultation or

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- What is your Magnuson-Stevens Fishery Conservation and Management Act (essential fish habitat) finding and determination? -- No effect

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- Special Flood Hazard Area (i.e. floodplains) -- N/A

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- Coastal Barrier Unit -- N/A

Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Coastal Zone Management Area -- N/A

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- Section 10 navigable waterway -- N/A

Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Sole Source Aquifers and Wellheads -- N/A

Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Prime Farmland -- N/A

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Please summarize determination. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Will the Proposed Action have an effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks? -- No

Required: Please explain. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Will the Proposed Action employ new or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity? -- No

Required: Please explain.: Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Will the Proposed Action establish a precedent for future actions that have significant effects? -- No
Please explain how you came to this determination. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Is the Proposed Action significantly greater in scope or size than normally experienced for its particular category of action? -- No

Required: Please summarize determination.: Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Will the Proposed Action have the potential to result in the significant degradation of existing poor environmental conditions? Will the Proposed Action initiate a potentially significant environmentally degrading influence, activity, or effect in areas not already significantly modified from their natural condition? -- No

Please explain how you came to this determination. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable

waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Is the Proposed Action related to other actions with individually insignificant but cumulatively significant impacts? -- No

Please explain how you came to this determination. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

- Are there any other requirements for the protection of the environment that need to be considered for this proposed action? -- No
- Will the proposed action have a potentially significant effect on a district, highway, structure, or object that is listed, or eligible for listing, on the National Register of Historic Places, a historic or cultural resource, traditional or sacred site, or result in the destruction of a significant scientific, cultural, or historic resource? -- No

Attachments: HR - Consultation: (No files uploaded yet.)

- What is the National Historic Preservation Act Section 106 effect determination? -- No effect

Please explain how you came to this determination. : Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

Attachments: Section 106 consultation: (No files uploaded yet.)

- Does the proposed action limit access to, and ceremonial use of, Indian sacred sites on federal lands, by Indian religious practitioners, and/or adversely affect the physical integrity of such sites. -- No

DHS Record of Environmental Consideration (REC) for Categorically Excluded Actions under NEPA

INTRODUCTION

The purpose of this Record of Environmental Consideration (REC) is to provide a record that the potential for impacts to the quality of the human environment has been considered in the decision to implement the Proposed Action described below, in accordance with the National Environmental Policy Act of 1969 (NEPA) and DHS Directive 023-01 and Instruction Manual 023-01-001-01 on implementation of NEPA. DHS integrates the NEPA process with review and compliance requirements under other Federal laws, regulations, Executive Orders, and other requirements for the stewardship and protection of the human environment, as reflected in Section II (8) of this REC. Signature of the DHS Proponent on this REC demonstrates that they have considered the potential for impacts to the human environment in their decision to implement the Proposed Action as required by NEPA, and are committing to any conditions listed in Section IV of this REC that may be required for implementation of the project. When completed, the form is to be signed by the Preparer, the Environmental Approver, and the Action Proponent. The completed REC becomes a part of the administrative record for the Proposed Action.

SECTION I - Description of Proposed Action

1. Name of Component Authorizing the Proposed Action:

U.S. Coast Guard USCG Civil Engineering Unit – Miami FI

2. Title of Proposed Action:

USCG-2024-0250 M/V HAPPY DIAMOND Safety Zone

3. Identifying Number of Proposed Action:

DSS-USCG-2024-19130

4. Estimated Start Date and Useful Life of Proposed Action:

Start Date: 04/03/2024 - End Date: 4/17/202

5. Location of Proposed Action:

U.S. Territorial Water: Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to Bayport terminal.

6. Description of Proposed Action:

Establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity for the transfer of large gantry cranes from sea to terminal.

SECTION II - Analysis of Extraordinary Circumstances

7. ☒ Proposed Action is not a piece of a larger action

☐ Proposed Action is a piece of a larger action

Remarks:

8. For A through K, check the appropriate box and provide an explanation when appropriate. Include a summary of any coordination or consultation that occurred with a resource or regulatory agency, if relevant.

☐ ☒ A. Will the Proposed Action have a potentially significant effect on public health or safety?
Yes No

Remarks:

<input type="checkbox"/>	<input checked="" type="checkbox"/>	B. Will the Proposed Action have a potentially significant effect on species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, or Magnuson-Stevens Fishery Conservation and Management Act?
Yes	No	
Remarks:		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	C. Will the Proposed Action have a potentially significant effect on a district, highway, structure, or object that is listed or eligible for listing on the National Register of Historic Places (NRHP)? Will the Proposed Action have a potentially significant effect on a historic or cultural resource, traditional or sacred site, or result in the destruction of a significant scientific, cultural, or historic resource?
Yes	No	
Remarks:		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	D. Will the Proposed Action have a potentially significant effect on an environmentally sensitive area?
Yes	No	
Remarks:		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	E. Will the Proposed Action result in the potential violation of a Federal, State, or local law or requirement imposed to protect the environment?
Yes	No	
Remarks:		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	F. Will the Proposed Action have an effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks?
Yes	No	
Remarks:		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	G. Will the Proposed Action employ new or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity?
Yes	No	
Remarks:		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	H. Will the Proposed Action establish a precedent for future actions that have significant effects?
Yes	No	
Remarks:		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	I. Is the Proposed Action significantly greater in scope or size than normally experienced for its particular category of action?
Yes	No	
Remarks:		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	J. Does the Proposed Action have the potential to result in significant degradation of existing poor environmental conditions? Will the Proposed Action initiate a potentially significant environmentally degrading influence, activity, or effect in areas not significantly modified from their natural condition?
Yes	No	
Remarks:		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	K. Is the Proposed Action related to other actions with individually insignificant but cumulatively significant impacts?
Yes	No	
Remarks:		
SECTION III - Categorical Exclusion (CATEX) Determination		

9. This action is not expected to result in any significant adverse environmental impacts as described in the National Environmental Policy Act of 1969 (NEPA). The proposed action has been thoroughly reviewed by the U.S. Coast Guard and it has been determined, by the undersigned, that this action is categorically excluded under current DHS CATEX **L60(a)*** from further environmental documentation, in accordance with Section 3 of DHS Directive 023-01, Environmental Planning Program since implementation of this action:

I. Clearly fits within one or more of the categories of excludable actions listed in Appendix A of DHS Instruction 023-01-001-01;

II. Is not a piece of a larger action which has been segmented into smaller parts in order to avoid a more extensive evaluation of the potential for significant environmental impacts;

III. Does not involve any extraordinary circumstances, as defined in DHS Instruction 023-01-001-01, Section V(B)(2), that would create the potential for a normally excluded action to have a significant environmental effect.

SECTION IV - Conditions

10. The following conditions are required to implement the Proposed Action:

☒ Any change to the Proposed Action that may cause a physical interaction with the human environment will require re-evaluation for compliance with NEPA and other EP&HP requirements before the action can proceed.

☒ This review addresses NEPA and other EP&HP requirements as described in DHS Directive 023-01. This review may identify the need for additional federal, state, and/or local permits, approvals, etc. required for the Proposed Action. However, this review may not satisfy those requirements and the Proponent is responsible for ensuring that all other appropriate federal, state, and/or local permits, approvals, etc. have been obtained.

SECTION V - Signatures

11a. Preparer of this REC

Name: Anthony Booth	Digitally signed by Anthony Booth at 03/28/2024 2:14 PM Anthony Booth	Date: 03/28/2024
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11b. Environmental Approver of this REC

Name: Mark Merritt (Level I)	Digitally signed by Mark Merritt (Level I) at 03/28/2024 2:29 PM Mark Merritt (Level I)	Date: 03/28/2024
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11c. Action Proponent

Name: Keith Donohue	Digitally signed by Keith Donohue at 04/04/2024 12:45 PM Keith Donohue	Date: 04/04/2024
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Preview of Attachments

The following pages will display this project's attachments that are of these file types:

- .jpg /.jpeg
- .png
- .gif
- .txt
- .pdf

The attachments of compatible file types from this project are:

- IPaC-Happy Diamond.pdf

Note:

All project attachments can be downloaded at the 'File Upload/Manage Attachments' page.

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

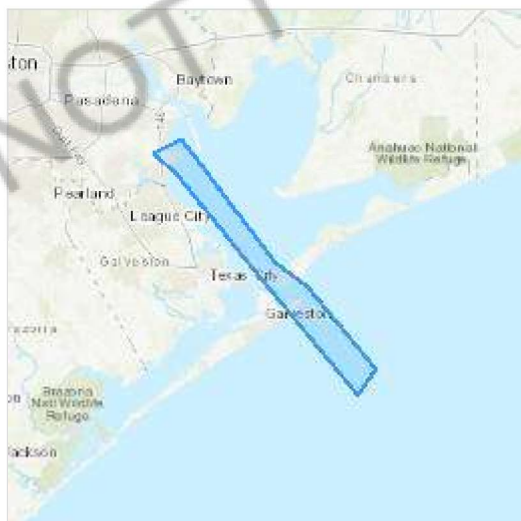
Project information

NAME

M/V HAPPY DIAMOND Safety Zone

LOCATION

Chambers , Galveston , and Harris counties, Texas



DESCRIPTION

Some(Gantry crane delivery)

USCG-2024-0250 MM/ HAPPY DIAMOND Safety Zone

Local office

Texas Coastal & Central Plains Esfo

☎ (281) 286-8282

📠 (281) 488-5882

MAILING ADDRESS

17629 El Camino Real, Suite 211

Houston, TX 77058-3051

PHYSICAL ADDRESS

17629 El Camino Real

Houston, TX 77058-3051

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Log in to IPaC.
2. Go to your My Projects list.
3. Click PROJECT HOME for this project.
4. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
 2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of

US Commerce M/V HAPPY DIAMOND Safety Zone

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Tricolored Bat <i>Perimyotis subflavus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10515	Proposed Endangered
West Indian Manatee <i>Trichechus manatus</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/4469	Threatened Marine mammal

Birds

NAME	STATUS
Attwater's Greater Prairie-chicken <i>Tympanuchus cupido</i> attwateri Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7259	Endangered
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10477	Threatened
Piping Plover <i>Charadrius melodus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6039	Threatened
Rufa Red Knot <i>Calidris canutus rufa</i> Wherever found There is proposed critical habitat for this species. https://ecos.fws.gov/ecp/species/1864	Threatened

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Whooping Crane *Grus americana*

Endangered

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/758>

Reptiles

NAME

STATUS

Green Sea Turtle *Chelonia mydas*

Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/6199>

Hawksbill Sea Turtle *Eretmochelys imbricata*

Endangered

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/3656>

Kemp's Ridley Sea Turtle *Lepidochelys kempii*

Endangered

Wherever found

There is **proposed** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/5523>

Leatherback Sea Turtle *Dermochelys coriacea*

Endangered

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/1493>

Loggerhead Sea Turtle *Caretta caretta*

Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/1110>

Insects

NAME

STATUS

Monarch Butterfly *Danaus plexippus*

Candidate

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9743>

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Flowering Plants

NAME	STATUS
Texas Prairie Dawn-flower <i>Hymenoxys texana</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6471	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Piping Plover <i>Charadrius melodus</i> https://ecos.fws.gov/ecp/species/6039#crithab	Final

Bald & Golden Eagles

There are no documented cases of eagles being present at this location. However, if you believe eagles may be using your site, please reach out to the local Fish and Wildlife Service office.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Bald and Golden Eagle information is not available at this time

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the [Eagle Act](#) should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

USFWS Eagle Management <https://www.fws.gov/program/eagle-management>

- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Migratory bird information is not available at this time

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

NOT FOR CONSULTATION

Marine mammals

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act¹ and the Convention on International Trade in Endangered Species of Wild Fauna and Flora².

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries³ [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take (to harass, hunt, capture, kill, or attempt to harass, hunt, capture or kill) of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following marine mammals under the responsibility of the U.S. Fish and Wildlife Service are potentially affected by activities in this location:

NAME

West Indian Manatee *Trichechus manatus*
<https://ecos.fws.gov/ecp/species/4469>

Coastal Barrier Resources System

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA](#)

[Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

This location overlaps the following CBRS unit(s):

Unknown

[T03A](#)

[T03A](#)

[T03AP](#)

Data limitations

The CBRS boundaries used in IPaC are representations of the controlling boundaries, which are depicted on the [official CBRS maps](#). The boundaries depicted in this layer are not to be considered authoritative for in/out determinations close to a CBRS boundary (i.e., within the "CBRS Buffer Zone" that appears as a hatched area on either side of the boundary). For projects that are very close to a CBRS boundary but do not clearly intersect a unit, you may contact the Service for an official determination by following the instructions here: <https://www.fws.gov/service/coastal-barrier-resources-system-property-documentation>

Data exclusions

CBRS units extend seaward out to either the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward extent of the units is not shown in the CBRS data, therefore projects in the offshore areas of units (e.g., dredging, breakwaters, offshore wind energy or oil and gas projects) may be subject to CBRA even if they do not intersect the CBRS data. For additional information, please contact CBRA@fws.gov.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and

nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION