

COMPATIBILITY DETERMINATION

Use: Construction of sand protection berm adjacent to/on portions of Breton NWR to prevent oiling of Chandeleur Islands and other refuge lands.

Refuge Name: Breton National Wildlife Refuge

Establishing and Acquisition Authority(ies):

Originally designated by an unnumbered Executive Order on October 4, 1904. Established as the Breton Island Reservation by Executive Order 369-A on November 11, 1905. Established as the Breton Bird Refuge by Executive Order 7983 on October 4, 1938. All of the Federally owned lands of the refuge were entered into the National Wilderness Preservation System on January 3, 1975 (Public Law 93-632)

Refuge Purpose(s):

The refuge was established to provide sanctuary for nesting wading birds and waterfowl, to protect and preserve the wilderness character of the islands, and to provide sandy beach habitat for a variety of wildlife species.

National Wildlife Refuge System Mission:

To administer a national network of lands and waters for the conservation, management and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Description of Use:

Project will create a sand berm using native materials in the nearshore waters of Breton NWR with potential for spoil deposition on emergent lands and beach front of the Chandeleur Islands and other refuge lands. Sand berm will be approx. 6 feet high with a 25 foot wide crown and 327 foot wide base, and approx. 20-25 miles in length in the vicinity of the island(s). Depending on fluidity and mobility of materials used, base may be wider than indicated with potential to impact additional refuge lands. Berm will initially create approx. 60-75 acres of sandy beachfront habitat along the Gulf side of the main Chandeleur Island(s). Purpose of construction is to create a physical barrier to prevent oil from the MC-252 release from impacting marshes located west of the proposed construction location. The berm will also provide the same protection to beach, dune, back barrier marsh, tidal flats, and seagrass beds of Breton NWR.

Availability of Resources:

No additional refuge resources will be needed to complete this project.

Anticipated Impacts of the Use:

Material dredged from identified sites will be deposited in the non-vegetated shallow water marine habitat along the eastern shoreline of the islands. This is not a restoration project and is considered temporary in nature. As berm degrades and erodes, sand and other materials used in construction are expected to nourish nearby islands through the natural littoral processes. Materials mining sites and placement are outlined in the U.S. Army Corp permit.

Public Review and Comments:

The Service did not conduct any public meetings or gather any public comments. Project is being permitted through the U.S. Army Corps of Engineers, New Orleans, LA under Emergency Permit NOD-20 with special conditions. The Service did provide comments pertaining to this project.

Determination (check one below):

☐ Use is not compatible

☒ Use is Compatible with the following stipulations

Stipulations Necessary to Ensure Compatibility:

Temporary impacts to existing island habitats will be mitigated for by the initial creation of approx. 75 acres of sandy beach and tidal flats habitat. Long term impacts will be the nourishment of adjacent island habitats with sand and other materials deposited by this project.

Materials mining sites and placement will to the greatest extent possible follow the guidance provided by the USGS Scientific Investigations Report 2009-5252, Sand Resources, Regional Geology, and Coastal Processes of the Chandeleur Islands Coastal System: an Evaluation of the Breton National Wildlife Refuge.

No mining of nearshore deposits located within the littoral system.

Material shall be placed so as to avoid burial of existing vegetated habitats to the greatest extent practicable.

Equipment and personnel shall remain within the nearshore deposition zone and adjacent beach habitat when necessary for completion of the project. No machinery or other mechanized equipment allowed outside the authorized work zone.

Minimum distances from colonial seabird nesting colonies and wading bird rookeries, as defined in USACOE permit authorization special conditions, shall be maintained. A dedicated observer shall be provided to locate and clearly mark colonies. Observer and other personnel should also watch for and avoid nests and young of other beach nesting species such as oystercatchers,

Wilson's plover, and least terns.

Justification:

Granting the State of Louisiana, OCPR a permit to construct the proposed berm will have a temporary negative impact on the refuge but also a temporary and longer term positive impact. The proposed berm will in the short term serve to protect refuge lands and adjacent aquatic habitats from the potential impacts of oil released from MC-252. Long term impacts will be the replenishment of some sand resources within the littoral system. Such materials placement within the littoral system will make them available for renourishment of refuge lands by natural processes identified in USGS Scientific Investigations Report 2009-5252, Sand Resources, Regional Geology, and Coastal Processes of the Chandeleur Islands Coastal System: an Evaluation of the Breton National Wildlife Refuge. Such materials will provide immediate gains in the form of creation of up to 75 acres of emergent beach type habitats and additional tidal flats habitats. The Project will serve to provide short term protection to additional emergent marshes to the west of the refuge and the flora and faunal communities of the Chandeleur sound estuarine system.

concur

Refuge Supervisor: *Richard P Ingram* 6/7/10

Signature:

Refuge Manager:

Ken Littenberger 6/3/10

(Signature and Date)

Concurrence:

Concur

Acting

Regional Chief:

Elizabeth S. Ingram 6/7/2010

(Signature and Date)

Mandatory 15 year Re-evaluation Date: 10 June 2025



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



May 14, 2010

In Response Reply to:
FWS/D/044968

Memorandum

To: Regional Director, Southeast Region, U. S. Fish and Wildlife Service
From: Director, U. S. Fish and Wildlife Service *Dan Asha*
Subject: Waiver of Minimum Requirements Analysis

The U. S. Fish and Wildlife Service's Wilderness Stewardship policy (610 FW 1.22) addresses the question:

What effects do emergencies involving the health and safety of people have on the uses generally prohibited by the Wilderness Act? In an emergency involving the health and safety of people, we may use or authorize the use of motorized vehicles and equipment, mechanical transport, or aircraft. A Minimum Requirements Analysis is not required, but we will take all reasonable measures to minimize impacts on the wilderness character.

In order to allow the authorized officials working at the direction of the Unified Command to safely and efficiently conduct emergency response and NRDA activities related to the Deepwater Horizon Oil Spill, the requirement for a Minimum Requirements Analysis for motorized vehicles and equipment, mechanical transport, or aircraft use by these officials on Region 4 National Wildlife Refuge System Wilderness areas is hereby waived.

