

FINDING OF NO SIGNIFICANT IMPACT
for the Final Damage Assessment and Restoration Plan and Environmental Assessment for
Marine Resources for the M/V *Selendang Ayu* Oil Spill, Unalaska, Alaska
(Unique ID # 45349.779)

I. Purpose of Finding of No Significant Impact (FONSI): The National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) requires the preparation of an Environmental Impact Statement (EIS) for any proposal for a major Federal action significantly affecting the quality of the human environment (42 U.S.C. § 4332(C)). Agencies may issue a Finding of No Significant Impact (FONSI) if they determine that a proposed agency action will not have a significant effect on the human environment and therefore does not require the issuance of an EIS (*Id.* § 4336e(7)). Based on the Final Damage Assessment and Restoration Plan and Environmental Assessment for Marine Resources for the M/V *Selendang Ayu* Oil Spill, Unalaska, Alaska (Final DARP/EA), the National Oceanic and Atmospheric Administration (NOAA) Damage Assessment, Remediation, and Restoration Program (DARRP) has determined in this FONSI that preparation of an EIS is not required for the proposed restoration activities described in the Final DARP/EA because the proposed action will not have significant effects.

In preparing this FONSI, we reviewed the Final DARP/EA, which evaluates the affected area, the scale and geographic extent of the proposed action and the alternatives, and the degree of effects on the human environment (including the duration of impact and whether the impacts were adverse and/or beneficial and their magnitude). The Final DARP/EA considered multiple alternatives to meet the purpose and need for the proposed action, which is to make the public whole by restoring natural marine resources (shoreline habitats, including gravel beaches, rocky shores, vegetated habitats, and stream channels and flats) injured by the M/V *Selendang Ayu* oil spill on western Unalaska Island, Alaska.

On December 6, 2004, while traveling through the Aleutian Islands, the M/V *Selendang Ayu* experienced engine trouble and encountered adverse weather conditions in rough seas off Unalaska Island. Following attempted rescue operations, the M/V *Selendang Ayu* broke in half, resulting in the immediate release of approximately 350,000 gallons of oil. Released oil was subsequently transported via winds and currents, resulting in impacts to birds, marine mammals, and approximately 86 miles of shoreline habitats, including supratidal, intertidal, and subtidal habitats and wetland, riparian, and terrestrial vegetation on Unalaska Island.

NOAA has identified one preferred alternative, *Creating an Aleutian Watch Program and Communications Upgrades*, that would meet the purpose and need, and which hereafter is referred to as the “preferred alternative” and discussed under each criterion below. The Final DARP/EA is hereby incorporated by reference.

II. Approach to Analysis: The Final DARP/EA is an integrated document to efficiently address the Trustees’ dual requirements to comply with both NEPA and the Oil Pollution Act of 1990 (OPA; 33 U.S.C. §§ 2701 et seq.). The Final DARP/EA considered the following alternatives: 1) Creating an Aleutian Watch Program and communications upgrades; 2) Wrapping and/or removing creosote-treated pilings; 3) Distributing bilge socks and sorbent pads; and 4) No Action/Natural Recovery. Creating an Aleutian Watch Program and communication upgrades was ultimately selected as the preferred alternative (proposed action).

- A. The scale of the proposed action will be locally substantial but would not contribute to a significant impact at a regional or greater level.
- B. The proposed action will not cause a significant effect to any specific resource. If an impact is determined to be negligible, minor or moderate, it is not considered to meaningfully contribute to a significant impact.
- C. If the collective effects of the proposed action were added to possible effects of other related actions, their impacts would still only be local and the magnitude would not be significant at a regional or greater scale.

III. Geographic Extent and Scale of the Proposed Action: The proposed action includes the implementation of an Aleutian Watch Program and communication upgrades. This proposed restoration project would upgrade communications infrastructure and create a watch program, including a 24/7 watch, communication plans for voluntary sea traffic management, and the continued operation of the Aleutian Islands Waterway Safety Committee, to enhance the safety and security of marine transit, and prevent future oil spills.

The geographic scope of the proposed action will include the entire Aleutian Islands Maritime Area, encompassing the full extent of the Aleutian Islands and adjacent areas within the US Exclusive Economic Zone (EEZ) used by vessels transiting the Aleutian Islands, including substantial commercial shipping traffic using the North Pacific Great Circle Route that connects the west coast of the U.S. with major ports in Asia. It will include all automatic identification system (AIS)-equipped vessels on innocent passage transiting the Aleutian Islands. Specifically, funding and implementation would cover four inter-related efforts, together referred to as “Aleutian Watch Program and Communication Upgrades” that provide upgrades to existing infrastructure, enhance existing programs, and establish new programs that are above and beyond what is currently in place, including:

- Communication upgrades by increasing capabilities at up to six existing MSSs. Priority MSSs that currently lack two-way communications capabilities will be upgraded by adding AIS transmit capability, as well as weather collection and broadcast services, Digital Selective Calling capabilities, and VHF-FM Voice Over Internet Protocol capabilities as needed. These communication upgrades will benefit all vessels transiting through the areas covered by the MSSs.
- Administrative staffing to develop a communications plan for vessels on innocent passage including maintaining a contact database and operations manual for communicating and providing effective voluntary sea traffic management and response notification.
- Establish the Aleutian Watch Program, a 24-hour dedicated watch of AIS-transmitted vessel locations, providing enhanced, dedicated active tracking and voluntary sea traffic management for vessels on innocent passage within the Aleutian Islands Maritime Area, with a Watchstander staff program that can provide information regarding marine safety and best practices, identify vessels at risk, and notify responders if necessary.
- Maintain and enhance the operations of the Aleutian Islands Waterway Safety Committee as a robust mechanism for identifying and mitigating environmental risks by developing and sharing best practices for maritime operation, sea traffic management, and emergency response in the Aleutian Islands.

IV. Degree of Effect: The Final DARP/EA analyzes potential environmental impacts associated with the activities constituting the preferred alternative. The analysis is provided in Chapter 6 of the Final DARP/EA. This alternative could have direct and indirect, short-term, minor adverse effects to some physical and biological resources from increased vessel, vehicle, and/or foot traffic during upgrades to existing infrastructure. Additional short term, minor disturbances may result from decreased air quality and water quality in the vicinity of the vessel or vehicle used to access remote locations, as well as a temporary increase in the presence of people and anthropogenic noise in these areas.

There would be indirect, long-term, minor to moderate beneficial impacts to the physical and biological environment (shoreline habitats; aquatic and terrestrial vegetation; fish and marine invertebrates and related EFH; birds; and marine mammals, including federally listed species and their critical habitat) from preventing future oil spills and the resulting impacts to shoreline habitats. Due to a lack of future oiling, benefits may include, but are not limited to, reduced mortality of biota and increased habitat structure and stabilization (e.g., increased vegetation may result in reduced erosion, improved water quality, etc.). There may be direct and indirect, short and long-term, minor beneficial impacts to socioeconomics from short- and long-term jobs associated with implementing the upgrades, staffing the watch program, and supporting the operations of the AIWSC. There would be indirect, long-term, minor to moderate beneficial impacts to human uses, including recreational opportunities, public health and safety, commercial and subsistence fishing, and non-commercial harvesting of natural resources, with the prevention of future oil spills due to implementation of the Aleutian Watch Program and Communications Upgrades.

- A. The proposed action cannot reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The projects will undergo all required reviews and permitting prior to implementation.
- B. There are no substantial adverse public health or safety impacts expected from the proposed action.
- C. The degree to which the proposed action is expected to affect a sensitive biological resource, including:
 - a. The proposed action is not expected to adversely affect Federal endangered or threatened species or their designated critical habitat. Rather, the proposed action is expected to benefit fish and wildlife resources, including federally and state listed species, by preventing future oil spills and the resulting impacts to shoreline habitats.
 - b. The proposed action is not expected to adversely affect marine mammals, their critical habitat, or other non-target species. Rather, the proposed action is expected to benefit marine mammals.
 - c. The proposed action is not expected to cause substantial damage to Essential Fish Habitat (EFH) as defined under the Magnuson-Stevens Fishery Conservation and Management Act. Rather, the proposed action is expected to benefit EFH.
 - d. The proposed action is not expected to adversely affect bird species protected under the Migratory Bird Treaty Act. The proposed action would, overall, benefit migratory birds.
 - e. No adverse impacts to national marine sanctuaries or monuments will occur.
 - f. The proposed action is not expected to have any substantial adverse impacts on biodiversity or ecosystem function. Rather, the proposed action is expected to benefit the environment by creating and preserving important habitat for natural resources.

- D. The proposed action is not expected to adversely affect National Historic Places or scientific, cultural, or historical resources. The Trustees will ensure coordination with the State Historic Preservation Office in accordance with Section 106 of the National Historic Preservation Act.
- E. The proposed action is not expected to result in the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species.
- F. The proposed action is not expected to have a substantial impact to any other physical or biological resources within the project areas or over which there is substantial uncertainty or scientific disagreement.

DETERMINATION

Based on the Final Damage Assessment and Restoration Plan and Environmental Assessment for Marine Resources for the M/V *Selendang Ayu* Oil Spill, Unalaska, Alaska, NOAA has determined in this FONSI that preparation of an EIS for the proposed action is not required because the proposed action will not have significant effects. All adverse impacts of the proposed action have been evaluated to reach this conclusion of no significant impacts.

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Date

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Date