

Appendix G-8:

FINDING OF NO SIGNIFICANT IMPACT

For the Seagrass Recovery Project at Gulf Islands National Seashore, Florida District

Overview and Background

The Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA), Environmental Protection Agency (EPA), and United States Department of Agriculture (USDA), (collectively “Federal Trustees”) have conducted an environmental assessment (EA) for the restoration of seagrass in Gulf Islands National Seashore. The Seagrass Recovery Project at Gulf Islands National Seashore’s Florida District will be implemented by DOI. The project involves a suite of actions to restore for injured seagrasses on DOI-managed lands in the five Gulf states. The project is an early restoration project to be funded as part of the *Deepwater Horizon* Natural Resource Damage Assessment and Restoration process in accordance with the “Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill”. This project is one of several projects to be implemented by the Trustees as identified in the Final Phase IV Early Restoration Plan and Environmental Assessments (Final Phase IV ERP/EA) to accelerate restoration, and represents an initial step toward the restoration of natural resources injured by the *Deepwater Horizon* oil spill (Spill).

Under the Oil Pollution Act of 1990, damages recovered from parties responsible for natural resource injuries are used to restore, replace, rehabilitate and/or acquire the equivalent of the injured natural resources and services they provide (33 U.S.C. 2706). When Federal Trustees are involved, these restoration activities are subject to the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq. Therefore, the Federal Trustees prepared this EA to evaluate the potential environmental impacts associated with multiple restoration activities for the recovery of seagrass on DOI lands. This EA tiers from the Final Phase III Early Restoration Plan and Programmatic Environmental Impact Statement (Final Phase III ERP/PEIS) prepared by the Trustees in 2014 and is prepared in accordance with NEPA, Council on Environmental Quality (CEQ) NEPA regulations, and all applicable agency NEPA regulations and guidance.

Summary of Proposed Action and Alternatives

The CEQ NEPA regulations require the decision-maker to consider the environmental effects of the proposed action and a reasonable range of alternatives, including the no action alternative, (40 CFR § 1502.14). The EA addresses the Proposed Action and a No Action alternative. The purpose of the project is to address damage to shallow seagrass beds on DOI-managed lands in the five Gulf States by restoring turtle grass habitats in GUIs. The goal of this project is to compensate the public for seagrass habitat on DOI-managed lands in the five Gulf States that was injured as a result of the *Deepwater Horizon* oil spill

and associated response activities. The Proposed Action is being selected because it will result in more efficient recovery of seagrass losses compared to the No Action Alternative. This restoration includes four tasks: (1) seagrass transplanting; (2) installing bird stakes; (3) monitoring; and (4) installing educational signage.

In addition to the preferred alternative, the no-action alternative was fully analyzed in the EA. Under this alternative, current management of seagrass beds in Gulf Islands National Seashore would continue. No restoration activities would occur and the quality and quantity of the seagrass beds in the area would likely continue to degrade. The final EA and this Finding of No Significant Impact were prepared after considering input from the public during the public comment period for the Draft Phase IV ERP/ EA.

Analysis Summary

The Federal Trustees evaluated potential environmental effects of the proposed action and analyzed the significance of this action based on NEPA, Council on Environmental Quality (CEQ) NEPA regulations, and all applicable agency NEPA regulations and guidance. CEQ regulations (40 CFR §1508.27) state that the significance of an action should be analyzed both in terms of “context” and “intensity.” Each criterion discussed below is relevant to making a Finding of No Significant Impact and we considered each criterion individually, as well as in combination with the others. The Phase IV ERP/EA’s analysis of the environmental consequences of this proposed project suggests that minor (or less) impacts to some resource categories and no moderate or major adverse impacts are anticipated to result from any of the project tasks described above. See the Final Phase IV ERP/EA Chapter 12, sections 12.2.3 through 12.2.7. The environmental consequences analysis suggests that resources either would not be affected by project activities or would experience minor adverse and/or minor to moderate beneficial impacts, as discussed below and in the Phase IV ERP/EA Chapter 12:

- Impacts to the physical environment (geology and substrates, hydrology and water quality, and air quality/ greenhouse gas emissions) were assessed in the Final Phase IV ERP/EA Chapter 12, section 12.2.6.1, and would be minor. Minor adverse short-term impacts to geology and substrates and hydrology and water quality would result from soil disturbance during project implementation, but long-term beneficial impacts would also accrue to these resources after project completion because of the soil stabilization seagrass provides. Minor adverse short-term impacts to air quality and greenhouse gasses would occur due to the boat traffic required to implement the project.
- Impacts to the biological environment (vegetation, wildlife habitat, marine and estuarine fauna, and protected species) were assessed in the Final Phase IV ERP/EA Chapter 12, section 12.2.6.3, and would be negligible and temporary to short-term and minor adverse, with some long-term beneficial impacts. Adverse impacts to the biological environment could occur during project implementation from the turbidity of sediment displacement during project implementation because of seagrass transplant and bird stake installation. Long-term benefits will accrue through the restoration of seagrass and the attendant improvements to water quality and habitat that would occur upon seagrass recovery.

- Impacts to human uses and socioeconomics (cultural resources and aesthetics and visual resources) were assessed in the Final Phase IV ERP/EA Chapter 12, section 12.2.6.5, and will be at most short-term and negligible. There are no anticipated impacts to cultural resources protected under Section 106 of the National Historic Preservation Act (NHPA) from this project. Impacts to aesthetics and visual resources could be very short-term and negligible, resulting from disturbance to visitor viewshed during project completion.
- The project is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988, because the project activities will not take place within any wetland or floodplain, and would have no effect on these resources.
- Because the proposed project has reasonably foreseeable effects on coastal uses or resources that are the subject of federally approved Coastal Zone Management Plan in Florida. The Federal Trustees submitted a consistency determination for the project to the Florida Department of Environmental Protection (FDEP) on May 21, 2015. The FDEP concurred with that determination on behalf of its state. Additional consistency review may be required pursuant to Federal regulations (see 15 C.F.R. Part 930) prior to project implementation, including as part of required Federal and State permitting processes and authorizations in Florida, as may be applicable.
- In relation to other restoration actions with individually insignificant impacts, there would be no significant adverse cumulative impacts anticipated for target or non-target species from implementation of this project, due in part to its scale and scope (refer to the Final Phase IV ERP/EA Chapter 12, section 12.2.7).
- The project would also have no significant impact to any ocean, coastal, or essential fish habitats (EFH) as defined under the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).
- The project's potential impacts are not controversial and the project is supported by the general public. It will benefit seagrass resources with no significant impacts to unique areas such as historic or cultural resources, park land, prime farmlands, wetlands, or ecologically critical areas. It will have no effects on the human environment that would be highly uncertain or involve unique or unknown risks.
- The proposed action is not expected to result in the introduction or spread of any non-indigenous species.
- The proposed action would use well-established seagrass restoration techniques, with best management practices (BMPs) that have been used effectively in other projects. There is no expectation it would threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment, and is not expected to establish a precedent for future actions with potential significant effects. However, the extent of success of the project will be

monitored closely, and the approach and design may be applied, adopted, or modified for other future seagrass restoration projects.

Copies of the Draft EA for this project were available to the public as provided in a Federal Register notice published on May 20, 2015. See *Deepwater Horizon* Oil Spill, Draft Phase IV Early Restoration Plan and Environmental Assessments 80 FR 29019-29021 (May 20, 2015). Public comments on the Draft Phase IV ERP/EA were taken during a 47 day public comment period extending from May 20, 2015 to July 6, 2015 (80 FR 35393, June 19, 2015). Public comments received during this period have been considered and addressed by the Trustees in the Final Phase IV ERP/EA (Chapter 15, Response to Public Comments). The Final Phase IV ERP/EA is hereby incorporated by reference.

Agency Coordination and Consultation Summary

NOAA reviewed the Seagrass Recovery Project for compliance with the MSFCMA, in consultation with NMFS Southeast Regional Office (SERO's) Habitat Conservation Division. It was determined that there is the potential for minimal, temporary adverse impacts to EFH and benthic habitats, however, NMFS concurred that the proposed BMPs when implemented will be sufficient to avoid, minimize or offset impacts and no additional conservation recommendations were required.

NOAA and DOI completed a review of the Seagrass Recovery Project for compliance with Section 7 of the Endangered Species Act of 1973 (ESA), as amended and Section 101 of the Marine Mammal Protection Act of 1972, as amended. See the Final Phase IV ERP/EA Chapter 12, sections 12.2.6.3.2. The Trustees initiated ESA Section 7 consultations with the NMFS SERO's Protected Resources Division and the USFWS Panama City Ecological Services Field Office. Both NMFS and USFWS concurred that the proposed action may affect, but is not likely to adversely affect, West Indian manatee and will have no effect to any other species or designated critical habitat pursuant to Section 7 of the ESA. The Trustees also coordinated with NMFS SERO's Protected Resources Division and determined that this project does not require authorization under the MMPA.

Potential impacts to cultural and historical resources protected under Section 106 of the National Historic Preservation Act were described in the Final Phase IV ERP/EA Chapter 12, Section 12.2.6.5.1. A complete review of this project under Section 106 of the National Historic Preservation Act will be completed prior to project implementation. NHPA Section 106 and Tribal consultations would further identify potential cultural resources in the project areas and any mitigation measures necessary to protect those resources. All required consultations have been initiated and will be completed prior to any project activity being implemented that could adversely impact any historical properties located within the project area.

If any further need arises to coordinate and consult with other regulatory authorities, including for example Clean Water Act Section 404 or the Rivers and Harbors Act, the additional coordination or consultation requirements will be addressed prior to project implementation. The status of Federal regulatory permits/approvals will be maintained online (<http://www.gulfspillrestoration.noaa.gov/environmental-compliance/>) and updated as regulatory

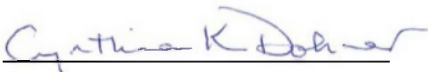
compliance information changes. The Federal Trustees' Finding of No Significant Impact for this project is issued subject to the completion of all outstanding compliance reviews under other Federal laws. If the proposed action changes or information is brought to light as a result of completing such reviews that is potentially relevant to the environmental evaluation supporting this FONSI, that evaluation will be updated or supplemented as required by NEPA and a new determination made by the Federal Trustees under NEPA as to whether the proposed action is likely to significantly affect the quality of the human environment.

Determination

In view of the information presented in this document and the environmental analysis contained in the supporting Final Phase IV ERP/EA for the Seagrass Recovery Project at Gulf Islands National Seashore, the Federal Trustees determined that the project will not significantly impact the quality of the human environment. Accordingly, preparation of an environmental impact statement for this action is not necessary.

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For the Seagrass Recovery Project at Gulf Islands National Seashore, Florida
District

Date: 9/10/15

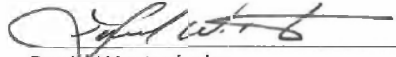
Signature: 
Cynthia K. Dohner
Authorized Official, U.S. Department of the Interior

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Date:

9/8/2015

Signature:

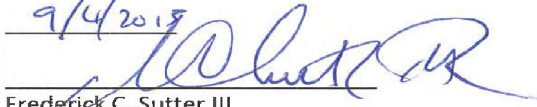


David Westerholm
Director, Office of Response and Restoration
National Ocean Service, NOAA

Date:

9/4/2015

Signature:



Frederick C. Sutter III
Director, Office of Habitat Conservation
National Marine Fisheries Service, NOAA

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Date:

9/10/15

Signature:



Ann C. Mills
Deputy Under Secretary, USDA

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Date: 9/10/15

Signature: *Kenneth J. Kopocis*
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Principal Representative, EPA