



OFFICE OF WETLANDS, OCEANS AND WATERSHEDS

WASHINGTON, D.C. 20460

MEMORANDUM FOR THE RECORD

From: Gale Bonanno

To: Deepwater Horizon Natural Resource Damage Assessment Administrative Record

Subject: National Environmental Policy Act Undocumented Categorical Exclusion for the Deepwater Horizon Natural Resource Damage Assessment Monitoring and Adaptive Management Activity Implementation Plan: Coastal Restoration Effects on Inshore, Nearshore, and Offshore Ecological Condition

Date: June 11, 2025

This memorandum summarizes the evaluation of the impacts from the Monitoring and Adaptive Management Activity Implementation Plan: Coastal Restoration Effects on Inshore, Nearshore, and Offshore Ecological Condition (Coastal Effects MAIP), and the results of coordination and environmental compliance consultations with other agencies and documents the review process. Since the project involves monitoring and sample collection wherein no significant alteration of existing ambient conditions will occur, the National Environmental Policy Act (NEPA) undocumented categorical exclusion identified below is applicable.

CITATION OF UNDOCUMENTED CATEGORICAL EXCLUSION:

40 CFR 6.204(a)(2)(iii)

TEXT:

“Certain actions eligible for categorical exclusion do not require the Responsible Official to document a determination that a categorical exclusion applies. These categorical exclusions are listed in paragraphs (a)(2)(i) through (a)(2)(x) of this section.”

...” (iii) Actions involving information collection, dissemination, or exchange; planning; monitoring and sample collection wherein no significant alteration of existing ambient conditions occurs; educational and training programs; literature searches and studies; computer studies and activities; research and analytical activities; development of compliance assistance tools; and architectural and engineering

studies. These actions include those conducted directly by EPA and EPA actions relating to contracts or assistance agreements involving such actions.”

PROJECT DESCRIPTION AND LOCATION:

Utilizing the Coastal Effects MAIP, the U.S. Environmental Protection Agency (EPA) Deepwater Horizon Natural Resource Damage Assessment (DWH NRDA) Team will implement a multi-year, phased Monitoring and Adaptive Management (MAM) activity to plan and develop an approach leveraging the EPA National Coastal Condition Assessment (NCCA) estuarine condition assessment protocols with existing fisheries population and food web evaluation protocols conducted by the Alabama Department of Conservation and Natural Resources (ADCNR) in Mobile Bay, Alabama. These protocols will be used to evaluate the ecological effects of DWH NRDA Nutrient Reduction; Water Quality; and Wetlands, Coastal and Nearshore Habitat restoration projects on ecological condition of estuarine ecosystems, such as fish and water column invertebrate species, that rely on estuaries for part of their life cycle.

The first phase of the MAM activity entailed planning activities only, including review of ecological indicator data from existing monitoring programs and data gap analyses as well as the development of a scalable approach for assessing the effects of restoration projects. This phase was conducted in 2024 and concluded in early 2025 with the identification, in coordination with ADCNR, of Mobile Bay as the location for implementation of the field assessment protocols.

The second phase of this activity utilizes the gap analysis and the approach developed during the first phase to implement a pilot project evaluating the effects of restoration projects. The pilot study will test the effectiveness of the approach and demonstrate how it may be used to inform adaptive management of restoration projects. Pilot study implementation activities fall into the following broad categories:

- Creating a baseline through the assimilation of existing pre-restoration data;
- Implementing NCCA protocols co-located with fish sampling protocols;
- Analysis of differences in water quality, habitat availability/quality, and fish and water column invertebrate populations between pre- and post-restoration.

To accomplish this, water samples, sediment grab samples, and fish tissue samples will be collected at 45 identified sample sites within Mobile Bay, Alabama (see Figure 1). Five (5) of the sites will be sampled a second time for quality assurance purposes. Mobile Bay is an estuarine ecosystem that covers approximately 413 square miles. The average depth of the bay is 3 meters. Mobile Bay receives freshwater inputs from the Alabama and Tombigbee Rivers and is a drainage basin for over 71,747 square miles. On the southern end, Mobile Bay opens to the Gulf of America. The bay supports a variety of estuarine habitats including oyster reefs, submerged aquatic vegetation (SAV), unvegetated soft bottom, and wetlands.

The EPA NCCA field protocols and sample collection will be conducted by personnel from a boat using hand-held equipment, including a water sampling device or water bottle, sediment grab sampler, and fishing hook and line or cast net. Sample collection is expected to occur over a period of approximately 32 days in summer 2025.

JUSTIFICATION:

The project activities involve collection of water, sediment, and fish tissue samples. Each will be collected at 45 identified sample sites within Mobile Bay, Alabama. Five (5) of the sites will be sampled a second time for quality assurance purposes. Sample collection will be conducted by field personnel from a boat. Sample collection is expected to occur over a period of approximately 32 days in summer 2025. The impacts of the sampling activities are anticipated to be short term with minor effects. Short term minor effects from increased boating activity and noise in the sampling areas would occur. Effects are not likely to be greater than or distinguishable from the background level of boating and noise that typically occurs by other boaters in Mobile Bay.

Water samples will be collected using hand-held equipment such as a water sampling device or water bottle. The maximum volume of water collected at each site is 4 liters. Sediment will be collected using hand-held equipment such as a sediment grab sampler. The maximum area impacted at each sediment grab site is 1.5 m² and a total of 2.3 liters of sediment will be collected. Localized short term increased turbidity from the sediment grab samples is expected to occur at each sampling location on the day samples are taken. If the field crew encounters SAV habitat or oyster beds at a sampling location, they will move around within up to 500 meters of the site to find adjacent areas free of SAV and oyster beds in order to collect grab samples without disturbing those habitats. If suitable locations are not identified after several attempts, the field crew will record that sample as not collected.

Fish tissue sampling will involve collecting up to five (5) individuals of the target species to yield a minimum of 300 grams total mass from each site. The field crew may collect these samples using the method that is most efficient, least impactful, and the best use of available time at the site (e.g., fishing hook and line, cast net). Crews are never to collect species that are federally listed as threatened or endangered under the Endangered Species Act for tissue samples. If a federally listed species is encountered while fishing (e.g., hooked, netted), crew members are expected to immediately release the individual, following identification, in an area where it is unlikely to be captured again and cease sampling for five minutes to allow the individual to safely leave the area. Prior to restarting fish sampling, field crews will evaluate whether alternative fishing methods that are less likely to encounter listed species are available. In the event of interactions with federally protected marine species while conducting sampling, the appropriate federal agency and ADCNR will be notified within 24 hours of the interaction.

The above activities and measures that will be applied during sample collection in Mobile Bay will help to ensure that impacts to area habitat and species will be avoided or minimized and that no significant

alteration of existing ambient conditions will occur as a result of implementation of the Coastal Effects MAIP.

COMPLIANCE WITH OTHER APPLICABLE FEDERAL STATUTES:

EPA, as the DWH NRDA Implementing Trustee for the Coastal Effects MAIP, is responsible for ensuring compliance reviews and approvals under applicable federal laws and regulations are complete before implementation of regulated field activities. EPA has coordinated with the appropriate environmental compliance agencies to complete technical assistance reviews and approvals for the project. Table 1 includes the status of compliance reviews under applicable federal statutes, in addition to the NEPA. Documentation of environmental compliance is available in the DWH NRDA Administrative Record at <https://www.doi.gov/deepwaterhorizon/adminrecord>.

Figure 1. Map of Sample Sites in Mobile Bay, Alabama

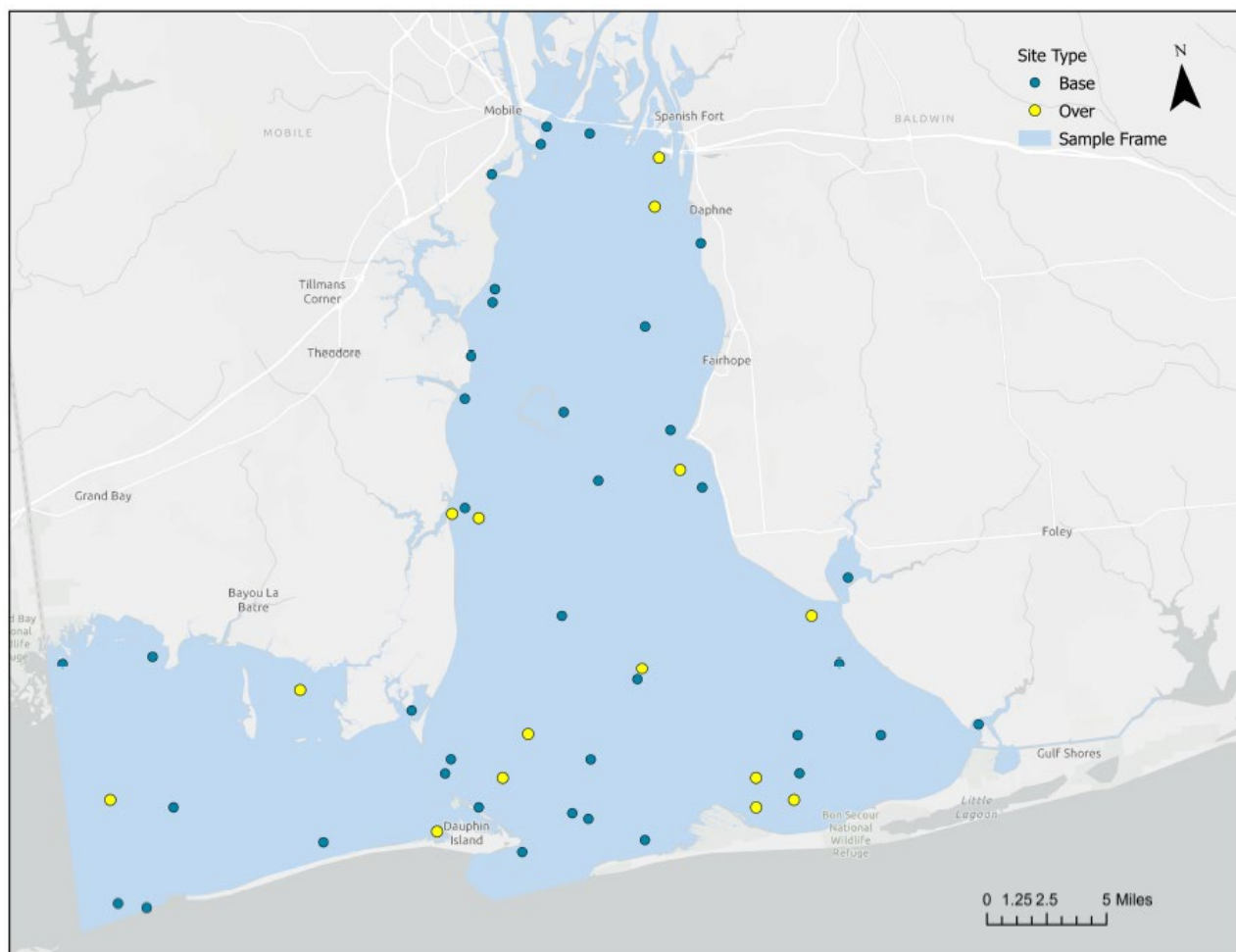


Table 1. Status of Federal Regulatory Compliance Reviews and Approvals

FEDERAL STATUTE	COMPLIANCE STATUS
Bald and Golden Eagle Protection Act	Complete
Coastal Barrier Resources Act	Not Applicable
Coastal Zone Management Act	Complete
Endangered Species Act (NMFS)	Complete
Endangered Species Act (USFWS)	Complete
Magnuson-Stevens Act	Complete
Marine Mammal Protection Act (NMFS)	Complete
Marine Mammal Protection Act (USFWS)	Complete
Migratory Bird Treaty Act	Complete
National Historic Preservation Act	Complete
Rivers and Harbors Act/Clean Water Act	Not Applicable