

**U.S. Fish and Wildlife Service
Papahānaumokuākea Marine National Monument**

Finding Of No Significant Impact

Proposed Repair and Replacement of the South Seawall,

Henderson Field Airport

Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial

January 2019

Proposed Action

The U.S. Fish and Wildlife Service (USFWS, Service) proposes to implement the proposed action in the Final Environmental Assessment, Seawall Long-Term Maintenance Project (FEA) issued December 2018. The proposed action will be implemented by the Service at Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial (Midway) with funding provided by both the Service and the Federal Aviation Administration (FAA). The proposed action will replace sections of Sand Island's approximate 5,720-foot south seawall as needed over a 10 year period to protect Henderson Field and to control erosion of wildlife habitat along the southeast side of Sand Island.

Introduction

This document is a Finding of No Significant Impact (FONSI) on the environment as a result of the proposed repair and replacement of the south seawall on Sand Island at Midway. The Service and FAA are co-lead agencies and sponsors for the proposed project. Both Federal agencies must comply with the National Environmental Policy Act of 1969 (NEPA) and other compliance requirements before implementing the proposed action.

The proposed action will perform work in or affecting navigable waters and will also result in a discharge of fill material into waters of the United States. Thus, the project requires authorization and permits from the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. C. 403) and Section 404 of the Clean Water Act (33 U.S. C. 1344). The Service completed the permit process on November 2, 2018 and received the

permit titled: Final Standard Individual Permit for Henderson Airfield, Midway Atoll National Wildlife Refuge Revetment Project, Pacific Ocean, Sand Island, Midway Atoll, DA File No. POH -2013 173.

Purpose and Need

The Service and the FAA propose to conduct repairs as needed over the next ten years (2018-2027) along a 5,720-foot-long seawall located on Midway Atoll's Sand Island (see FEA, Section 3.1 for a map of the project area). The action is needed because the existing seawall, constructed in 1957-58, is aging and failing. The soils behind the seawall consist of unconsolidated fill that has eroded quickly after previous seawall breaches.

The purpose of the action is to control this erosion and to protect refuge resources, including Henderson Field taxiway, runway, and runway safety area. The airport at Henderson Field is critical to providing access for government administration and research operations at Midway as well as the western portions of Papahānaumokuākea Marine National Monument (Monument). The airport also serves a critical role as an FAA-ETOPS (Extended Range Twin-engine Operational Performance Standards) essential to trans-Pacific airborne transportation safety.

The specific purposes of the proposed action are to:

1. Maintain existing functions of the south seawall, including shoreline erosion control and protection of Henderson Field and runway safety area.
2. Consider the cumulative effects of all past, present and reasonably foreseeable future repairs along the entire south seawall. The current case-by-case approach segments the project and reviews may fail to consider the cumulative effects of multiple repairs conducted over many years.
3. Establish an efficient and effective process by which to respond quickly to future breaches in the south seawall. The current case-by-case approach is slow, inefficient, and costly, and requires reviewing the same issues and completing essentially identical reports and consultations each time a new repair is needed.

Components of the Project/Proposed Action

The proposed repairs would include removal of damaged sheet pile and placement with an armor rock revetment. About 50 feet of rock would be placed in uplands, extending a maximum of 50 feet into marine waters. A "keyed in" toe will consist of a shallow trench excavated to a 1-foot depth and filled with granular fill. Geotextile fabric would be placed over the base layer and the entire footprint of the revetment to keep finer materials in place. An approximately 2-foot thick layer of medium sized rock (150 pounds each) would be placed directly on the geotextile fabric. An approximately 4-foot thick layer of large armor rock (about 1500 pounds each) would be placed over the medium sized rock layer. If the total length of the 5720-foot wall is replaced, total fill below the high tide line would be 101,100 cubic yards covering 6.63 acres.

A silt containment boom would be placed to enclose any in-water work. Construction materials would be brought from existing quarries outside the NWR via barges following all NWR and Monument biosecurity and other Best Management Practices (BMPs). Materials will be stockpiled at a designated location and brought to the project area via designated routes. All water resistant materials (equipment, containers, rock and geotextile material) will be steam cleaned to remove dirt, insects and seeds prior to leaving Honolulu (Environmental Measure M-4). Pre-work site monitoring will examine each project area for any protected species. To avoid impacts to breeding birds, construction and repairs would take place annually during mid-August and October 30 when seabird populations are at their lowest (Environmental Measure PRE-1).

As part of the proposed action, the Service and FAA include Environmental Measures for reducing potential adverse impacts to land, aquatic and cultural resources early in the decision-making process by incorporating an implementation plan into the proposed action. The implementation plan specifies all agency-recommended environmental protection measures in one place (Appendix B of the FEA). These measures are based on analysis in the FEA and consultation with the jurisdictional agencies. Several measures are based on BMPs prescribed by the Monument permit program. Environmental protection measures are organized into seven overall implementation steps for the seawall maintenance program:

1. Design (Measures D 1-3)
2. Construction Material Acquisition (Measures M 1-4)
3. Shipping (Measures SH1-19)
4. Staging (Measures SP 1-6)
5. Pre-construction (Measures PRE 1 -19)
6. Construction (Measures C1-C32)
7. Post Construction (Measures POC 1-4)

The Service will implement these measures as part of each project phase to minimize any adverse environmental impacts on the human environment.

Alternatives to the Proposed Action

No Action: The “no action” alternative analysis provides a benchmark level of effect upon which those of the proposed action can be measured and compared.

The FEA considers two scenarios that may occur should the proposed action not take place (i.e., “no action”). The first scenario is that no repairs would be conducted and that the existing seawall would be allowed to fail. The second scenario is that USFWS and FAA would continue to make repairs on a case-by- case basis through individual planning and permitting. This individual-permit scenario is the most reasonably likely to occur in absence of the proposed action, since this is a continuation of the existing approach to how USFWS and FAA respond to seawall breaches.

Effects and Findings

In evaluating the proposed action, the following criteria were considered: (1) consistency with agency guidelines and policies; (2) extent to which it meets the Service's "purpose and need" of

the project; and (3) extent to which it responds to or helps to resolve and minimize the environmental issues raised in the public review and by the agency consultation process.

Agency Guidelines and Policies

1) The Proposed Action is consistent with Service guidelines and is consistent with statutes described below. The Service is directed by the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended, to conserve ecosystems upon which threatened and endangered species depend; and the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j, not including 742 d-1, 70 Stat. 119), as amended.

2) Purpose and need: The purpose of the proposed action is to conduct repairs as needed over the next ten years (2018-2027) to control erosion and protect refuge resources including Henderson Field Taxiway and runway safety area.

3) The following section identifies how the project responds to and minimizes environmental effects and addresses why the proposed seawall long-term maintenance project would not have a “significant effect on the human environment,” as defined by Council of Environmental Quality (CEQ) NEPA regulations (40 CFR § 1508.27 – *Significantly*).

Significance: Context and Intensity

The proposed action is not likely to result in significant adverse impacts within the context of Midway Atoll. Impacts are expected to be localized and limited to the footprint of all rock revetment that could be installed along the 5,720 linear feet seawall (6.6 acres) as well as a 50-foot construction footprint on uplands adjacent to the seawall (6.6 acres). Following short-term construction impacts, repaired sections of seawall are expected to provide equal or improved habitat productivity, diversity, and functioning when compared to existing conditions along the failing seawall.

The CEQ regulations define ten measures of “intensity” that may indicate significant adverse impacts on the human environment. Each of these measures is addressed below.

1. Adverse and Beneficial Impacts

None of the adverse or beneficial impacts identified in the FEA appear to have significant impacts, either individually or collectively, based on FAA and Service criteria (FAA 2015 and U.S. Department of Interior 2008) and on CEQ criteria (40 CFR § 1508.27).

2. Public Health and Safety

The proposed action is needed to correct an existing public safety hazard caused by the failed seawall and debris entering the runway safety area. Taking no action would have adverse effects on public safety by compromising runway safety. No action would also result in erosion

of a Navy hazardous fill site exposing people and wildlife to asbestos and lead. The proposed action to repair the seawall would have no significant adverse effects on public health or safety.

3. Significant Impacts to Unique Resources or Unique Geographic Characteristics

Midway is unique in character with several historic properties and special designations including a national wildlife refuge, the Battle of Midway National Memorial, a marine national monument and UNESCO world heritage site. The proposed action will have “no adverse effect” on national wildlife refuge 4(f) properties and its Battle of Midway National Memorial (See section 4.1.5 of the FEA). The proposed action will have “no adverse effect” on the Papahānaumokuākea Marine National Monument and its UNESCO World Heritage designation. The proposed action is needed to maintain Henderson Field as an essential management function of the Monument. BMP’s prescribed by the Monument permit program will be followed to reduce and minimize impacts to the Monument and other special designations.

4. Controversy

The project and its environmental effects are not controversial based on the lack of controversy during the public involvement and agency compliance process.

5. Uncertainty of Effects on the Human Environment

Conducting rock revetment repairs is a well-known and proven technique for erosion control. The proposed action will follow standard engineering design and is similar to many projects elsewhere thus the effects are not unique and are clear.

6. Establishing a Precedent for Future Actions with Significant Effects

The action to repair, replace and maintain the south shore seawall over a ten year time-frame is a “decision in principle” to replace the entire seawall with rock revetment. However, the proposed action is limited to the south seawall and would not influence future actions anywhere else on Sand Island or on other islands/atolls within the Monument and will not set a precedent for future actions with significant effects.

7. Relationship to Other Actions Resulting in Cumulatively Significant Impacts

The proposed action is not connected to other actions that would result in significant adverse impacts. For additional details on cumulative effects see Section 4.4 of the FEA.

8. Significant Scientific, Cultural or Historic Resources

The proposed action would have no adverse effect on scientific resources. There are no known historic or cultural resources in the construction area affected by the proposed action. As discussed in the Section 106 National Historic Preservation Act consultation document, the proposed action will have “no adverse effects” on historic or cultural properties. In the event that historic resources are identified during construction activities, all work would cease in the immediate vicinity of the find and the find should be protected from additional disturbance and the Service regional Archaeologist shall be notified immediately. (Env. Measure C-4).

9. Threatened and Endangered Species, Critical Habitat and Essential Fish Habitat:

a. Terrestrial Species including Birds, Plants and Sea Turtles on Land

As documented in the Biological Assessment and ESA Consultation letters, the proposed action may affect, but is not likely to adversely affect, endangered short-tailed albatross, endangered Laysan duck, threatened green sea turtle, endangered hawksbill sea turtle, endangered Nihoa fan palm or loulu and the endangered plant the pōpolo. The proposed work is expected to occur in August through October prior to the seasonal return of the short-tailed albatross. Laysan ducks have not been seen in the construction area but are likely to occur within the transportation route. Sea turtles do not come ashore in the project area due to the presence of the seawall. Turtles are seen occasionally in the marine area in the nearshore habitat. No loulu or pōpolo plants are within the construction area.

To avoid and minimize project impacts, pre-construction surveys will be performed to ensure the project site and transportation route is free of any protected species. A biological monitor will be on-site during all work activities and will conduct pre-work surveys to determine the presence of species of concern in the project area. Work will not commence until the monitor confirms that no sensitive species are present. The biological monitor will have the authority to shut down construction activities if a protected species is present within 150 feet of the seawall repair area.

b. Marine Mammals, Cetaceans, Sea Turtles, Sharks and Rays

NMFS concurs with the USFWS' determination that the transport of materials (stone and equipment); the staging of those materials on Midway; and those actions associated with actual repairs to the seawall, are not likely to adversely affect the Central North Pacific green sea turtle Distinct Population Segment (DPS), hawksbill sea turtles, leatherback sea turtles, olive ridley sea turtles, North Pacific loggerhead sea turtles, Hawaiian monk seals, main Hawaiian islands false killer whale DPS, blue whales, fin whales, sei whales, sperm whales, North Pacific right whales, oceanic whitetip sharks and giant manta rays.

The action area includes the project site and its nearshore waters; the inner harbor and lagoon at Midway; and the waters between Honolulu, Hawaii and Midway. Based on the

limited numbers and widely scattered nature of these protected marine species in the waters around Midway, and the strict adherence to BMPs and having a biological monitor person on-site during construction activities, the risk of injury or death from construction activities is discountable. The speed of the tug and barge carrying construction materials will be considerably less than 8 knots reducing the risk of an individual listed species being struck by the barge or tug during the transit of materials from Hawaii to Midway. A variety of other BMPs related to refueling, biosecurity and vessel protocols will also be implemented to reduce potential impacts to listed marine species.

c. Hawaiian Monk Seal Critical Habitat

The proposed action may affect but is not likely to adversely modify critical habitat of the Hawaiian monk seal. The construction area including the current sheet pile seawall and the marine areas adjacent to the Henderson Airfield runway are not designated as monk seal critical habitat. However, monk seal critical habitat has been designated in the lagoon and beach areas of Midway Atoll where transport and staging activities will occur. Potential impacts associated with these activities will be reduced or eliminated by required compliance with Monument permit conditions, project environmental measures and BMPs.

USFWS and its contractors will reduce potential adverse effects to monk seal critical habitat by 1) clearly marking sensitive sites prior to stockpiling materials to minimize disturbance; 2) fueling construction equipment away from the lagoon and seawall construction site in a designated area capable of containing a spill; and 3) having a biological monitor on-site before and during all work activities to ensure that all mitigation measures are followed.

d. Essential Fish Habitat

The marine water column and seafloor in the proposed project area is designated EFH and supports various life stages of management unit species including coral reef ecosystem, bottom fish, crustaceans and pelagic species. A biological marine resources assessment was conducted for the seawall project in April 2016. Based on these surveys, coral colonies are growing on the deteriorating sheet pile seawall and on debris associated with the seawall. The benthic surveys showed that the seafloor where revetment would be placed is marginal habitat, with ten of the fourteen bottom surveys having no coral colonies.

The National Marine Fisheries Service (NMFS), Habitat Conservation Division has determined that the proposed action will adversely affect EFH due to the loss of seafloor and the likely loss of corals that cannot be moved or die after relocation and sedimentation. Impacts to EFH will be avoided, minimized and offset by implementing EFH conservation recommendations as outlined in the Service's October 23, 2017 consultation letter response to NMFS. Key recommendations will be followed

including: 1) the deployment of a silt curtain to contain turbidity and siltation; 2) removal of all manmade construction debris so that it does not enter the marine environment; 3) translocating corals and macroinvertebrates outside of the work area prior to construction. These actions including translocation protocols and monitoring and reporting will be guided by the Final Midway Seawall Conservation Measures, Attachment 2, Final Permit POH 2013-73, and by relevant BMPs and in consultation letters and 4) having a biological monitor on-site before and during all work activities to ensure that all mitigation measures are followed. In addition, BMPs and other environmental measures recommended by the Pacific Islands Fish and Wildlife Office and NMFS are summarized in the implementation plan (Appendix B). Approximately 6.6 acres of seafloor would be permanently lost however the new rock revetment installed will provide a net benefit to coral by providing more stable and suitable substrate for corals to colonize and aggregate on. This net benefit is not considered significant.

10. Violation of Any Federal State, Local or Tribal Laws

No violations of policy or law have been identified during the compliance process.

Public Participation

The public was encouraged to review and comment on the Draft Environmental Assessment (DEA) which was released for a 30-day public review on May 2nd to May 31st, 2018. Notification of the document's availability was published on Agency websites. The availability of the DEA was also distributed to Federal, State and local agencies and organizations having an interest in or jurisdictional responsibility in the proposed project. Two comment letters were received on the DEA. The U. S. Environmental Protection Agency (EPA) submitted a comment letter dated May 29th, 2018 requesting that we consider cumulative effects especially related to the Seabird Protection Project proposed for Midway. The FEA was modified to include this. The second comment was received from Jim D'Angelo Chairman of the International Midway Memorial Foundation (Foundation) on June 13, 2018. The Foundation is supportive of repairing the south seawall and questioned why the repair is scheduled over a ten year period.

Public Comments – U.S. Army Corps of Engineers 404 Permit Process

The U.S. Army Corps of Engineers, Honolulu District also published a Federal Notice on June 9, 2018 inviting public comments on the related permit application POH-2013-173. The Corps' 30 day review expired on June 8, 2018. They received one comment letter on the project from EPA. EPA requested that the Service implement the nine (9) conservation recommendations by NMFS and requested additional detail on compensatory mitigation if required. The EPA concerns including conservation recommendations, translocation protocols, monitoring and reporting are contained in the Final Midway Seawall Conservation Measures, Attachment 2, Final Permit POH 2013-73. The EPA letter has been added to the project administrative record.

Compliance and Permits

The Service has found the FEA, Biological Assessment and other supplemental documents prepared for the project adequately supports the issuance of the following required documents, permits, consultations or approvals:

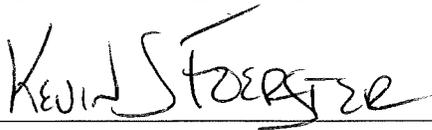
- Section 404 of the Clean Water Act - Permit Received - November 2, 2018
- Section 10 of the Rivers and Harbors Act - Permit Received - November 2, 2018
- National Environmental Policy Act Final Environmental Assessment - Completed December 2018
- Section 7, Endangered Species Act - Informal Consultation with USFWS Completed January 12, 2018; Informal Consultation with NMFS Completed on July 18, 2018.
- Section 106, National Historic Preservation Act - Review with State of Hawaii Completed December 11, 2015
- Essential Fish Habitat Consultation - Completed August 21, 2017
- Section 401, Clean Water Act - Waived, EPA email April 18, 2016
- Coastal Zone Management Act Certification (Since Midway is not under the State of Hawaii, this law does not apply).
- Papahānaumokuākea Marine National Monument Co-Trustee Permit - Letter to File August 22, 2016.

Decision

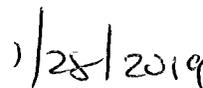
Based on the information in this FONSI and supported by detailed discussion in the FEA, the Service has selected the Proposed Action: to conduct repairs to the South Seawall at Midway Atoll as needed with rock revetment along a 5,720 foot long failing seawall over the next 10 years.

Conclusions

Based on review and evaluation of the information contained in the FEA and comments received, I have determined that implementing the Proposed Action to conduct repairs as needed along a 5,720 foot long failing seawall over the next 10 years will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. The proposed action is not without precedent and is not similar to actions that would normally require preparation of an Environmental Impact Statement (EIS). Accordingly, preparation of an EIS for the proposed action is not required. Interested parties are being notified of our decision. This Finding of No Significant Impact and supporting references can be found at the Midway website https://www.fws.gov/refuge/midway_atoll/. These documents are available for public inspection.



Refuge Chief, Pacific Region
National Wildlife Refuge System



Date