Finding of No Significant Impact for the Sears Point Restoration Project

National Marine Fisheries Service

National Oceanic and Atmospheric Administration (NOAA) Administrative Order 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. §1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

1) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act (MSA) and identified in FMPs?

Response:

No. The proposed action is a NOAA's Community-based Restoration Program (CRP) proposal to fund restoration of a mosaic of wetland and associated habitats. The restoration work funded through this proposed action is an element of a larger initiative – the Sears Point Wetland and Watershed Restoration Project (Sears Point Project) – which was evaluated in an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) prepared by the U.S. Fish and Wildlife Service (FWS), California Fish and Game, and the Sonoma Land Trust. NOAA was a cooperating agency in the preparation of this EIS/EIR which was finalized in April 2012.

The NOAA Restoration Center prepared an Environmental Assessment (EA) to assess the potential impacts to the human environment associated with CRP's proposed funding of a portion of the Sear Point Project. This restoration concerns 960-acres of the overall 2,327 acre Sears Point Project and would benefit estuarine biota including waterfowl, shorebirds, fishes, and small mammals, and would re-establish wildlife corridors and connectivity of habitats at the landscape scale. The EIR/EIS was incorporated by reference into NOAA's EA (link to complete EIR/EIS is at: http://www.sonomalandtrust.org/pdf/plans_reports/SearsPointEIR/FINAL_EIS-R_TEXT.pdf.

This proposed action would benefit coastal habitat and fish habitat by restoring approximately 960 acres of historic tidal marsh habitat in an area of San Francisco Bay, where approximately 90% of original tidal wetlands have been destroyed through diking and filling of wetlands for agriculture, development and salt production. This and other restoration work is described and evaluated in section 3.5 of the EIS/EIR ("Fish Impacts"; Impacts BIO-16 through Impact BIO-19). As require under MSA section 305(b)(2), FWS consulted with the National Marine Fisheries Service, Office of Habitat Conservation on whether the proposed action would adversely affect any essential fish habitat (EFH) identified under the Act. On June 3, 2013, (NMFS) issued an EFH consultation response letter to FWS, and concluded that although the project would have temporary adverse impacts, there are adequate measures to avoid and minimize these impacts, and it would result in both short-and long-term overall enhancement and benefit to quality and quantity of EFH in the area.

2) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

Response:

No. CRP proposes to fund a restoration project designed to provide additional high-quality habitat for spawning, nursery, and foraging for a variety of aquatic species within the Sonoma Baylands and San Pablo Bay. While the restoration project will restore and increase biodiversity to this area, the overall magnitude of this restoration within San Francisco Bay will not be substantial.

3) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

Response:

No. The proposed funding is not expected to have substantial adverse public health or safety impacts. Short-term public health and safety impacts associated with construction at the site would be minimized through the implementation of various best management practices.

4) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

Response:

The FWS determined that some components of its overall Sears Point Project evaluated in its EIR/EIS may adversely affect federally protected species, so it consulted with the FWS and NMFS as required under the ESA. In the Biological Opinion (BO) prepared by the FWS for its response dated January 10, 2013, the FWS concluded that the Sears Point Project is not likely to jeopardize any species listed under the Act or destroy or adversely modify any habit designated as critical for such species (FWS-file # 81420-2008-F-0296-1). The BO states that the project is not likely to adversely affect the threatened delta smelt, threatened western snowy plover, and the endangered California least tern. The project is not likely to jeopardize the continued existence of the California clapper rail or the salt marsh harvest mouse, but would likely have adverse effects on those 2 species and, therefore, an incidental take statement (ITS) was issued along with the BO, consistent with 16 U.S.C. § 1536(b)(4). On April 1, 2008, NMFS issued a written letter of concurrence to the FWS confirming that the project is not likely to adversely affect listed fish species or their designated critical habitat under NMFS jurisdiction. And on June 3, 2013, the NMFS issued another ESA section 7 consultation response letter to the FWS, concurring with the determination that the project is not likely to adversely affect listed fish species under NMFS jurisdiction, or their designated critical habitats. It concluded the overall restoration project is expected to enhance habitat for federally endangered and threatened species such as the Green sturgeon, steelhead and Chinook salmon.

The restoration component to be funded under the NOAA's proposed action would convert hay fields, which are not suitable habitat for clapper rail or salt marsh harvest mouse, back to salt

marsh. It would create a substantial increase in suitable habitat and contribute to a substantial benefit for these two federally protected salt marsh species, as well as the other federally protected species. Since there have been no subsequent changes in project scope or status of these species, the NOAA RC does not need to re-consult. In summary, the proposed action to be funded by NOAA will result in a substantial benefit to these salt marsh dependent species, with no effects to marine mammals or other non-target protected species.

5) Are any significant social or economic impacts interrelated with natural or physical environmental effects expected?

Response:

No. There are no significant social or economic impacts expected to result from the implementation of this project. Affected environmental elements that were analyzed in the EIR/EIS include water resources and hydrology, water quality, aquatic biology, wetlands, exotic species, protected species, vegetation, terrestrial wildlife, floodplains, sediment transport, coastal zone management, land use, climate, air quality, noise, visual aesthetics, recreational resources, traffic and transportation, utilities and infrastructure, cultural resources, socioeconomics and environmental justice. The EA incorporates by reference all of these sections of the EIR/EIS except the sections related to protected species, vegetation, and climate.

6) Are the effects on the quality of the human environment likely to be highly controversial?

Response:

No. This proposed action is not expected to have controversial effects on the quality of the human environment. The proposed action would fund a restoration project to restore high-quality habitat for spawning, nursery, and foraging for a variety of aquatic species, by partnering with state agencies and a non-government organization.

7) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?

Response:

No. The restoration project area does not contain any unique areas, park lands, prime farmlands, or wild and scenic rivers. The overall purpose of the project is to restore natural estuarine ecosystems on diked baylands, enhance and manage existing watershed resources for ecological benefits including contributing to the recovery of federal and state threatened and endangered species, and retain viable agricultural uses and seasonal wetlands to the maximum extent practical while providing public access and recreational and educational opportunities that are compatible with ecological and cultural resources protection.

8) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

Response:

No. The proposed project will employ well-established construction and restoration techniques. There would be no uncertain or unique risks posed to the human environment from the proposed action.

9) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

Response:

No. Completed restoration projects in the action area have resulted in environmental benefits. However, the expected environmental benefits from this proposed action combined with environmental benefits from related actions are not expected to be cumulatively significant. These benefits will contribute to increasing the overall restoration of the natural estuarine ecosystems of the Sonoma Baylands and San Pablo Bay areas within San Francisco Bay.

10) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

Response:

No. There are no expected adverse impacts to historic resources listed in the National Register of Historic Places or to significant scientific, cultural or historical resources.

11) Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

Response:

No. This project has been designed to prevent the introduction of any non-native species and includes measures to ensure that nonindigenous species are not used or introduced to the area.

12) Is the proposed action likely to establish a precedent for future actions with significant effects or does it represent a decision in principle about a future consideration?

Response:

No. The proposed project is not expected to establish a precedent for future actions. However, the success of the project will be monitored closely, and the approach and design could potentially be applied to other tidal wetland restoration projects in the region.

13) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

Response:

No. The project proponents have designed the project in close coordination with regulatory authorities and have obtained necessary permits and authorizations.

14) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

Response:

No. The proposed project is to restore wetlands and associated habitats. The project is expected to have net benefits to the ecosystem and provide beneficial services to the Sonoma Baylands and San Pablo Bay areas within San Francisco Bay. Given the nature of this proposed project, no cumulative adverse effects that could have a substantial effect on target or non-target species are expected.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for the Sears Point Restoration Project, it is hereby determined that the funding and implementation of the project will not significantly effect the quality of the human environment as described above and in the Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed actions have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an Environmental Impact Statement for this action is not necessary.

for Frederick C. Sutter
Director, Office of Habitat Conservation

9/26/2014
Date