Finding of No Significant Impact for Emergency Restoration of Seagrass Impacts From the Deepwater Horizon Oil Spill Response

National Marine Fisheries Service

National Oceanic and Atmospheric Administration 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 and identified in FMPs?

Response:

No. The proposed action is to restore seagrass habitats in order to address impacts caused by the Deepwater Horizon oil spill response in coastal Florida. This will benefit coastal habitat and/or essential fish habitat by restoring the equivalent of the seagrass resources that were injured, lost or destroyed. The proposed emergency restoration action will correct impacts from the oil spill response which occurred in 2010. Any negative impacts would be minimal and of short-term duration.

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. The proposed action is designed to restore injured seagrass resources, which will promote and protect biodiversity in coastal areas of Florida. The emergency seagrass restoration project will mitigate impacts to seagrasses that resulted from response actions during the Deepwater Horizon oil spill of 2010.

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

Response:

No. The proposed emergency seagrass restoration project will not have a substantial adverse impact on public health of safety. The projects will occur in coastal areas and will not create or be in a public health hazard area.

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:

No. As described in the environmental assessment, analysis of potential impacts to threatened and endangered species, and to essential fish habitat was completed, and NOAA determined that there will be no adverse affect to any federally protected or managed species or their designated habitats. The proposed emergency seagrass project will expedite restoration of habitats that are important to federally protected and managed species, and will be benefit to other resources that depend on the seagrass as well.

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

Response:

No. There will be no significant social or economic impacts. The restoration project is designed to benefit the injured seagrass resources, and is expected to have social benefits through increased natural resource services provided by the currently injured seagrasses.

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

Response:

No. There will be no controversial effects to the quality of the human environment. All of the members of the oil spill Trustee Council support this proposed action. The proposed emergency seagrass restoration project will have both direct and indirect benefits to injured natural resources. Benefits to the human environment include increased natural resource services provided by the restored seagrass habitats.

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 will be no negative 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. The emergency restoration project will benefit important coastal wetland areas, essential fish habitat, and ecologically important areas in coastal Florida.

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

Response:

No. The proposed emergency restoration projects will have no effects on the human environment that would be uncertain or involve unique or unknown risks, and is a customary type of project to address injury to seagrass resources.

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

Response:

No. There are no other seagrass restoration actions occurring in the Gulf States at this time, but it is possible that future seagrass restoration actions may be proposed to restore additional similar habitats that were injured by the Deepwater Horizon oil spill. A programmatic environmental impact statement for the Deepwater Horizon Oil Spill is currently being prepared by the Trustee Council, and it will fully evaluate the beneficial and adverse environmental impacts of past and potential future restoration activities or programs in similar habitats in Florida and other Gulf coast states (i.e., Alabama, Mississippi, Louisiana or Texas). At this time NMFS is unable to determine whether any potential future seagrass restoration actions will be proposed.

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 would be no impacts to any known resources listed in the National Register of Historic Places. The proposed restoration project will be conducted in nearshore coastal areas of Florida, and no potential effect to any known cultural or historic resources.

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

Response:

No. The proposed project is designed to use only native seagrass species using adjacent sources for the source material, and there is no potential to introduce any non-native species.

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

Response:

No. The proposed action would not create a precedent and is using a normal and customary seagrass resource restoration design and methods. This has been done successfully in unrelated other previously injured areas of coastal Florida, and the Deepwater Oil spill Trustee Council fully supports it.

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. Close coordination will occur with regulatory authorities and all appropriate permits and authorizations will be obtained before work commences. There are no expected impediments to obtaining the regulatory permits.

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 emergency seagrass restoration project is designed to address the injury that has occurred to seagrass resources in coastal Florida, which resulted from response actions during the Deep water Oil spill in 2010. Completion of the project will result in a benefit to the injured seagrass habitats and improve beneficial ecological services. No cumulative adverse effects are expected.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for emergency seagrass restoration for the Deep water Oil spill, it is hereby determined that the funding and implementation of the preferred restoration project grants 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.

Dean L. Smelcer

For Patricia A. Montanio
Director, Office of Habitat Conservation

8 Jul 2011
Date