NOAA Finding of No Significant Impact for the Damage Assessment and Restoration Plan and Environmental Assessment for the January 11, 2010 Adak Petroleum Diesel Spill, and Proposed Helmet Creek Restoration Action

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

National Environmental Policy Act (NEPA) regulations, 42 U.S.C. § 4321; 40 C.F.R. Parts 1500-1508, require that the significant environmental impacts of a proposed federal action be considered before implementation. Likewise, the Council on Environmental Quality (CEQ) regulations require a consideration of the context and intensity of the proposed federal action, in reference to ten criteria listed below. (40 C.F.R. § 1508.27) In addition, the National Oceanic and Atmospheric Administration (NOAA) Administrative Order (NAO) 216-6 provides criteria for determining whether the impacts of a proposed action are significant. Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

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?

No, NOAA believes that the proposed restoration projects would have no adverse effect on any Essential Fish Habitat (EFH), and are intended to beneficially restore EFH and enhance these federally managed fishery resources. Additionally, the proposed work is covered under a programmatic EFH consultation (NOAA's August 20, 2012 Memorandum, *Essential Fish Habitat Programmatic Consultation for Restoration Center Program Activities in Alaska*). NOAA completed an EFH consultation and the proposed restoration actions have been determined to fall within the best management practices of the programmatic EFH consultation.

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.)?

No, the proposed project has been designed to restore natural resources and their services injured by the spill into Helmet Creek and associated wetlands and habitats on Adak Island. While the project will restore and increase biodiversity and some trophic fishery functions to this area, it is at a relatively small scale and will not be substantial at an ecosystem-wide level of magnitude.

3) Can the proposed action reasonably be expected to significantly affect public health or safety?

No. There are no anticipated significant effects of the proposed restoration project on public health and safety. Prior to any disturbance from construction activities

No. The environmental impacts of the selected restoration projects are not controversial. These natural resource restoration projects will benefit both the injured natural resources and local communities. The goal of the proposed action is to improve fish passage, water quality, and in-stream flow in a salmonid-bearing stream, as well as enhance salmon rearing capabilities, while improving water quality. In accordance with State and Federal permit conditions, in-water work would be timed to minimize impacts to fish species, and it would be conducted during regulated seasonal time periods when no major fish runs occur. Any adverse impacts would be very minor and short-term, however, there would be long-term ecological and environmental benefits provided by improved habitat, spawning and nesting opportunities resulting from the proposed restoration.

7) Can the proposed action reasonably be expected to result in significant impacts to unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?

No. The projects involved with the Helmet Creek Restoration Alternative will not diminish the unique characteristics of ecological resources, such as wetlands, wild scenery or critical areas. Instead, the proposed work is expected to benefit injured resources by removing barriers to fish passage (which currently trap juvenile fish) and uplift areas that are unsuitable for fish rearing. This will be accomplished by removing degrading barrels and possible sources of stream contamination. Also, this Restoration Alternative will improve fish passage, availability of overwintering habitat and water quality. The removal of unstable stream bank material is expected to protect against future degradation of the stream.

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

No. The natural resource restoration projects that would be implemented by this proposed action are the usual and customary projects used to restore aquatic habitats to address injury to natural resources. There is no uncertainty or unique or unknown risks from the proposed projects. In the short term, the localized and temporary sound of machinery and equipment used during construction and other restoration activities could negatively disturb wildlife and humans. Likewise, public access could be temporarily disrupted during proposed construction activities, but since the preferred projects are not located in heavily used recreation areas, any adverse effects would be minimal. In addition, implementation time for these projects would be relatively short and any negative impact on recreational activities would be minor and temporary.

9) Is the proposed action related to other actions that when considered together will have individually insignificant but cumulatively significant impacts?

restoration. The Trustees will also oversee the implementation of the proposed restoration to ensure that legal requirements of the work plans are met.

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?

No. This natural resource restoration project is designed to address the injury which has occurred to natural resources from the spill. Completion of this project will result in a net benefit to the injured natural resources and provide beneficial services to the affected area on Adak Island. 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 the Helmet Creek restoration at the Adak oil spill site, it is hereby determined that the proposed restoration plan will not significantly impact the quality of the human environment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an environmental impact statement for this action is not necessary.

Frederick C. Sutter
Director, Office of Habitat Conservation

5/29/13
Date