

Finding of No Significant Impact (FONSI)

For Actions Analyzed In:

“Damage Assessment and Restoration Plan and Environmental Assessment for the January 11, 2010 Adak Petroleum Diesel Spill”

U.S. Fish and Wildlife Service - May 2013

National Environmental Policy Act (NEPA) regulations, 42 U.S.C. § 4321; 40 C.F.R. Parts 1500-1508, require that federal agencies consider the potential for a proposed federal action to cause significant environmental impacts before such action is implemented. The U.S. Fish and Wildlife Service Manual, Part 550, Chapter 1 (National Environmental Policy Act - Policy and Responsibilities) and Chapter 2 (National Environmental Policy Act Compliance Guidance) and the U.S. Fish and Wildlife Service (“Service”) National Environmental Policy Act Reference Handbook provide guidance for determining the significance of the impacts of a proposed action. Additionally, the Council on Environmental Quality regulations, 40 CFR 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 Service, working with the National Oceanic and Atmospheric Administration (NOAA) and the State of Alaska, has selected the preferred alternative described in the “Damage Assessment and Restoration Plan and Environmental Assessment for the January 11, 2010 Adak Petroleum Diesel Spill” as appropriate compensatory restoration to be implemented by the party responsible for the diesel spill. In short, the preferred alternative and proposed action is the removal of anthropogenic impediments to fish passage in Helmet Creek and the removal of anthropogenic debris from the creek’s floodplain to improve habitat quality.

1) Can the proposed action reasonably be expected to have a significant effect (beneficial or adverse) on the environment?

No. The proposed Helmet Creek restoration activities would not cause significant impacts (beneficial or adverse). Some minor, localized, short-term adverse environmental impacts may occur during construction activities, but the proposed projects would not have any long-term adverse effects on the quality of the human environment or pose any significant adverse environmental impacts. The restoration activities are expected to benefit aquatic species by restoring natural habitat functions and augmenting salmonid rearing capacity. In addition, other natural resources in the Helmet Creek estuary will benefit from increased water quality. While the proposed activities would result in long-term beneficial effects, such effects are not expected to be significant in the context of the Adak Island ecosystem.

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

No. There are no anticipated significant effects (beneficial or adverse) of the proposed restoration activities on public health and safety. To protect restoration workers, prior to project

implementation, the Trustees will require that the work area is evaluated for potential hazards. Work in the area will be performed following U.S. Navy's protocol regarding precautions for work in areas that may contain possible unexploded ordnance (UXO). Also, soil/sediment samples collected from the construction area will be analyzed for potential contaminants. Discovery of the presence of such hazards at any time will cause work to be halted. The Navy would be notified to remedy the hazard.

3) 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 project area is not in an area with unique geographic characteristics (for Adak Island) that might be significantly impacted by the proposed restoration activities. The restoration activities will improve the health Helmet Creek's stream and estuary micro-ecosystems, but such is not expected to be a significant change in the context of the Adak Island ecosystem.

4) Are the effects of the proposed action on the quality of the human environment likely to be highly controversial?

No. The expected environmental impacts of the selected restoration activities are not expected to be controversial. Public comment provided on the proposed action did not reveal any public controversy over the potential impacts of the project.

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

No. The only uncertainty regards the potential presence of contaminants or unexploded ordnance in the work area. The restoration work plan calls for an assessment of the area for these potential hazards before work begins. If such hazards are present, the associated risks for such hazards are known. Such hazards would be referred to the Navy to ameliorate before the restoration project can continue.

6) Can the proposed action reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

No. The proposed natural resource restoration techniques are not novel and their use aquatic habitat restoration is not precedent setting. A decision on the proposed action does not set a precedent for future actions that might have a significant impact on the environment, nor does it represent a decision in principle about any future considerations.

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

No. The proposed action is not related to any other construction or restoration project that may have been under consideration by entities not involved in the Adak oil spill natural resource damage assessment or may be considered for implementation in the future. The Service is not

aware, at the time this FONSI was issued, of any other proposed restoration or construction activities in Helmet Creek. There may be construction projects with a potential restorative aspect proposed for other tributaries to Sweeper Cove (e.g., culvert replacement). Such projects may be individually and cumulatively beneficial but not significantly so in the context of the Adak Island ecosystem.

8) 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?

No. Although the former Adak Army and Naval Operations Base is a National Historic Landmark, the proposed projects would not adversely affect this site or any other known archaeological or culturally significant sites. The project managers have consulted with the State Office of Archaeology and Historic Preservation to ensure that any historic sites would remain undisturbed by the proposed restoration actions. There are no significant scientific or cultural resources present in the proposed project area.

9) Can the proposed action reasonably be expected to have a significant impact on endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973?

No. See the attached "Intra-Service Section 7 Biological Evaluation Form - Region 7" for the analysis of the proposed action on potentially affected trust natural resources under the jurisdiction of the Service: Northern Sea Otter (*Enhydra lutris kenyoni*) - Southwest Alaska Distinct Population Segment, Aleutian Shield Fern (*Polystichum aleuticum*), and Yellow-billed Loon (*Gavia adamsii*). Regarding trust natural resources under the jurisdiction of NOAA, marine mammals, such as the federally-listed Stellar sea lion (*Eumetopias jubatus*), northern sea otter, and Pacific harbor seal (*Phoca vitulina*), may use Sweeper Cove – which is in the vicinity of the Helmet Creek restoration but would not be affected by the proposed restoration activities. According to the restoration work plan, if any protected species are seen in the restoration project area, activities will be postponed; however, this is unlikely, because restoration work will occur well upstream of Sweeper Cove. Finally, silt fences will be used to mitigate potential adverse impacts of construction activities whenever it is determined that restoration work may result in runoff that could increase the turbidity of water draining into Sweeper Cove.

Further, NOAA believes that the proposed restoration projects would have no adverse effect on any Essential Fish Habitat (EFH). Rather, the proposed projects would restore habitat and promote the protection of fish 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*). The Trustees submitted the EFH Affect Determination Questionnaire to NOAA's National Marine Fisheries Service's Alaska Regional Office to ensure the implementation of the Best Management Practices contained in the programmatic consultation, and so minimizing impacts.

NOAA's determinations are found in the NOAA-specific FONSI also issued for the Restoration Plan / Environmental Assessment for the Adak Petroleum Diesel Spill.

10) Can the proposed action reasonably be expected to threaten a violation of federal, state, or local law or requirements imposed for environmental protection?


No. It is not anticipated that the proposed Helmet Creek restoration will involve a violation of Federal, State or local laws or regulations. The Adak Restoration Plan / Environmental Assessment, as well as more detailed workplans, will outline applicable legal and regulatory requirements that must be met before, during and after restoration. The Trustees will also oversee the implementation of the proposed restoration to ensure that legal requirements of the workplans are met.

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

No. The proposed restoration action includes using a grass seed mix to replace vegetation removed or destroyed by the restoration activities. Only an "Approved Vegetation Mix" will be used, which is a grass mix recipe developed by the Alaska Plant Materials Center for use in reclamation at various upland landfill locations on Adak Island. The grasses are also recommended by ADF&G for bank protection work near streams. Seed for the Approved Vegetation Mix shall be sourced if possible from local Alaska-grown seed guaranteed to meet State of Alaska Seed requirements per Title 11 AAC 34.010. This will help guarantee purity and quality while keeping the percentage of non-native and invasive species to a minimum. The post-construction monitoring plan includes a threshold (5% coverage) for non-native species above which corrective action must be taken.

DETERMINATION

In view of the information presented in this document and the analysis contained in the attached "Damage Assessment and Restoration Plan and Environmental Assessment for the January 11, 2010 Adak Petroleum Diesel Spill," it is hereby determined that the proposed agency action will not significantly impact the quality of the human environment. All beneficial and adverse impacts of the proposed action have been considered to reach a conclusion of no significant impacts. Accordingly, preparation of an Environmental Impact Statement for this action is not necessary.



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MAY 24 2013

Date