

FINDING OF NO SIGNIFICANT IMPACT

Under the
National Environmental Policy Act

AMENDMENT TO FINAL RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT FOR THE TESORO HAWAII OIL SPILL (AUGUST 24, 1998) (OAHU AND KAUAI, HAWAII)

Introduction and Proposed Action for Amendment

The U.S. Department of the Interior through the U.S. Fish and Wildlife Service (Service) and the Department of Commerce through the National Oceanic and Atmospheric Administration (NOAA), along with the State of Hawaii (State) through the Hawaii Department of Health (HDH) and Hawaii Department of Land and Natural Resources (HDNLR) (Trustees) initiated a Natural Resource Damage Assessment (NRDA) in 1998, pursuant to the Oil Pollution Act of 1990 (33 U.S.C. SS 2701, *et seq.*) to assess damaged natural resources from an oil spill under the responsible party Tesoro of Hawaii. Tesoro, Hawaii agreed to pay the government a sum of \$510,000 to address the natural resources damages for injury to seabirds and lost human use. The Trustees adopted a Final Restoration Plan and Final Environmental Assessment (FRP/FEA) and subsequent Finding of No Significant Impact (FONSI) dated November 2000, which described the analyses and selection of the Preferred Restoration Alternative and four projects described in Section 4 of the Restoration Plan. Three of the four restoration projects have been completed including the Section 4.5.2 Net Removal Project, 4.5.4 Predator Control and Habitat Enhancement on Offshore Islands in the Hawaii Seabird Sanctuary, and 4.5.5 Extension of the Predator Fence at Kilauea Point National Wildlife Refuge on Kauai. Project 4.5.3 Predator Control in Newell's Shearwater Colonies on Kauai was not completed. NOAA completed the restoration project 4.5.2 and withdrew from the Trustee Council.

Documents reviewed in preparation of the FONSI and hereby incorporated by reference include:

- *Final Restoration Plan/Final Environmental Assessment for 1998 Tesoro, Hawaii Oil Spill, 2000*
- Our intra-Service section 7 biological opinion on the proposed restoration project for the amendment to the FEA/FRP, (June, 27, 2016)

I. Proposed Amendment to the FRP/ FEA

Section 4.5.3 Predator Control project was never initiated, because the three low elevation colonies of Newell's shearwater (*Puffinus auricularis newelli*) selected for protections were found to be extirpated in 2009. An alternative restoration project was proposed in 2009, but

never funded by the NRDAR fund, because that project is being conducted at a high elevation colony of both Newell's shearwaters and Hawaiian petrels (*Pterodroma sandwichensis*) in Upper Limahuli Valley as part of a Habitat Conservation Plan by the Kauai Island Utility Cooperative.

Current Information of Newell's Shearwater and Hawaiian Petrel Breeding on Kauai

Investigations on Kauai have located additional colonies of both the threatened Newell's shearwater and endangered Hawaiian petrel. Breeding activity by both species has been confirmed in the Upper Limahuli Valley, in an area that is owned and managed by the National Tropical Botanical Garden (NTBG). Predation on these birds by feral cats has also been confirmed. Additional colonies of both species have been detected by researchers using advanced radar techniques to locate shearwaters and petrels flying into inaccessible areas of northwest Kauai during the breeding season, and detecting fledglings departing the island in the fall, indicating successful breeding in remote locations of Kauai Island.

Proposed Action

The Service and State Natural Resource Trustees are amending the FRP/FEA to substitute an alternative predator control project to replace Project 4.5.3. The proposed project: *Preventing the Establishment of a Mongoose Population on Kauai* will consist of four elements: 1) Status assessment of a possible mongoose population on Kauai Island; 2) Early Detection and Rapid-Response protocols for eradicating any detected population; and 3) Development of Biosecurity Protocols to Prevent Future Introduction of Mongoose to Kauai; and 4) Goodnature Mongoose Trap Humaneness Trial.

Mongoose were introduced Oahu, Maui, and the Big Island during the 1880s. Fortunately, Kauai remained mongoose free when a planned introduction was aborted. However, there have been almost 350 reported mongoose sightings since 1968 and in 1976 a road-killed, lactating female was found on the island near Ele'ele. In 2012, two mongooses were captured in Lihue, Kauai, near the port of Nawiliwili, illustrating the need for better biosecurity. The numerous sightings and three confirmed individuals have led to the perception among many persons on Kauai and in the State that mongoose are now established on Kauai. While the 2012 arrival of mongoose at the port of Nawiliwili is troubling, there remains scant biological evidence that a population of mongoose is established on Kauai. Therefore, it is necessary to determine the mongoose population status on Kauai, to eradicate any population, if detected, and to develop biosecurity protocols to prevent the future introduction of mongoose to Kauai.

The Service and HDLNR, in coordination with the Kauai Invasive Species Committee (KISC) held a planning meeting from 10-12 August 2015 on the island of Kauai, Hawaii, funded by the DOI Natural Resources Restoration Catalyst Fund. The meeting was an intermediate step in the effort by PIFWO and KISC to assess the issue of mongoose on Kauai and begin the process of implementing a Kauai Mongoose Management Strategy. The Mongoose Status Assessment meeting was convened to assist in developing a robust restoration alternative to substitute for the Restoration Alternative 4.5.3 "Predator Control on Kauai" that was never initiated. The objective of the August, 2015 planning meeting was to develop draft standard operating

procedures (SOPs) for addressing the status assessment of a possible mongoose population and the early detection and rapid-response protocols for eradicating any detected population. The third element, development of biosecurity protocols to prevent introduction of mongoose to Kauai, will be addressed by the Trustees in a 2016 planning meeting with funding provided by the Restoration Catalyst Fund . The amendment contains a proposed project with 4 elements to replace the fourth uncompleted project of the FRP/FEA. The budget for these 4 elements include: 1) Kauai Island Mongoose Status Assessment (\$111,595); 2) Kauai Island Mongoose Response (\$24,631); 3) Oahu Island Goodnature Mongoose Trap Efficacy Trial (\$39,650); and 4) Goodnature Mongoose Trap Humaneness Trial (\$9000). The budget for the replacement project as amended for the FRP/FEA is \$190,000. At this time, no indirect Service costs are calculated for this project as the Service Cost Documentation Tool (CDT) calculates those costs each quarter (see attached budget). These will be calculated per timing of the CDT.

The Standard Operating Protocols (SOPs) for the status assessment and rapid-response are provided in Appendix 1: Kauai Mongoose Standard Operating Procedures to Conduct an Island-wide Status Assessment and Early Detection Rapid Response.

In addition to the status assessment, early detection and rapid-response, two additional projects necessary for the successful implementation of the project have been developed, and are proposed as part of this Amendment.

Appendix 2: Field Verification of Goodnature A24 Mongoose Trap Efficacy.

Appendix 3: Hawaii Island Goodnature Mongoose Trap Humaneness Trial.

The Trustees believe that the proposed amendments will fulfill the objectives of the Tesoro Final Restoration Plan and provide a needed supplement to the ongoing predator control efforts on Kauai Island. Mongoose are significant predators on the other Main Hawaiian Islands, and have contributed to the decimation of burrow nesting seabirds on each of the islands. Eradicating any incipient population of mongooses from Kauai and developing a biosecurity plan to ensure the prevention of any future introduction should provide a valuable measure of security for these two burrow-nesting species of endangered seabirds.

II. Effects and Finding of No Significant Impact

The Trustees believe the proposed action for the amendment to the FRP/FEA will address resources injured and provide beneficial impacts by a) providing a status assessment of mongoose, b) early detection/rapid response protocols for eradicating any detected mongoose, and c) increased biosecurity measures for stopping introduction of mongoose. The restoration actions of the Amendment will benefit Newell's shearwaters and Hawaiian petrels. We do not anticipate any different direct, indirect, adverse or beneficial effects of the Amendment that would be significant, because they do not affect public health; they would not produce impacts to unique characteristics of the area; and the effects would not be precedent setting, controversial, unique or uncertain. No negative cumulative effects are expected from the proposed action.

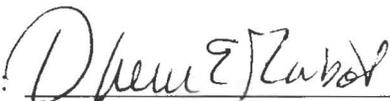
The Trustees in discussions with Service (Pacific Island Fish and Wildlife Office Internal Section 7 consultation) in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) have determined that meaningful consultation would be completed as appropriate, on the actions of the Amendment once the project designs are more precisely known.

III. Public Review and Comment

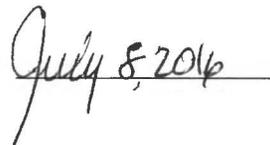
The Federal and the State Trustees have provided the public the opportunity to comment on the proposed amendment to the FRP/FEA. The proposed amendment and associated administrative record were made available to the public on the Service's, Pacific Island Fish and Wildlife Office's webpage and Facebook page for 30 days, ending on June 8, 2016. No public comments were submitted. This amendment, work plan and standard operating procedures as proposed were developed following a public meeting and presentations by international experts on mongoose populations and control held at Kapaa, Kauai on August 10-12, 2015 to develop this mongoose status assessment project.

IV. Conclusion and Determination

Based upon an environmental review and evaluation of the amendment to the FRP/FEA of 2000, and considering other information contained in the Administrative Record, we have determined that the proposed action (Amendment to the FRP/FEA) does 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, as amended. Accordingly, a supplemental Environmental Impact Statement is not required.

By: 

Robyn Thorson
Regional Director, Pacific Region
U. S. Fish and Wildlife Service

Date: 

Acting

Attachments:

- 1) Final Restoration Plan and Environmental Assessment for the August 24, 1998 Tesoro Hawaii Oil Spill (Oahu and Kauai, Hawaii), 2000
- 2) Appendix 1: Kauai Mongoose Standard Operating Procedures to Conduct an Island-wide Status Assessment and Early Detection Rapid Response.
- 3) Appendix 2: Field Verification of Goodnature A24 Mongoose Trap Efficacy.
- 4) Appendix 3: Hawaii Island Goodnature Mongoose Trap Humaneness Trial
- 5) Appendix 4: Amendment Budget for replacement project and 4 elements