

APPENDIX C: Department of the Interior Finding of No Significant Impact under the National Environmental Policy Act for the Final Restoration Plan/Environmental Assessment for the *Tenyo Maru* Oil Spill

Finding of No Significant Impact under the National Environmental Policy Act

FINDING OF NO SIGNIFICANT IMPACT FINAL RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT FOR THE *TENYO MARU* OIL SPILL

**DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
North Pacific Coast Ecoregion
Western Washington Office**

PROPOSED ACTION

The U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA) currently participate as federal Trustees in the natural resource damage assessment restoration planning for the *Tenyo Maru* oil spill. The *Tenyo Maru* Natural Resource Trustees include the Makah Indian Tribe, the State of Washington (Department of Ecology, Department of Fish and Wildlife, and Department of Natural Resources), the U.S. Department of Commerce (NOAA), and the U.S. Department of the Interior (FWS, National Park Service, and the Bureau of Indian Affairs).

On July 22, 1991, the Japanese fishing vessel *Tenyo Maru* and Chinese freighter *Tuo Hai* collided within Canadian Territorial waters approximately 20 miles northwest of Cape Flattery. The *Tenyo Maru* sank at collision. It initially leaked a large amount of oil and undetermined amounts were reported leaking for more than a month after the collision. Beaches were fouled with oil from Vancouver Island, British Columbia to northern Oregon.

Claims for natural resource damages were settled by consent decree under the Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 *et seq.* Under the consent decree the defendants agreed to pay approximately \$5.2 million to restore, rehabilitate, replace or acquire the equivalent of natural resources injured by the oil discharge.

Following claims settlement the trustees conducted internal and public scoping to initiate the development of a Restoration Plan. Scoping was also used to initiate development of an Environmental Assessment (EA) of the proposed restoration, pursuant to the National Environmental Policy Act of 1970 (NEPA). The goal of the EA was to determine whether the proposed projects would result in significant impacts on the quality of the human environment, and thereby require the development of an Environmental Impact Statement. A combined Restoration Plan and Environmental Assessment (RP/EA) document was subsequently developed, which is incorporated here by reference. The RP/EA presents an analysis of four alternatives, including a No Action Alternative, Population-Focused Restoration, Habitat-Focused Restoration, and an Integrative Approach. The draft RP/EA was made available to the public in February 1999, for a 60-day review and comment period, and the revised draft RP/EA

was made available to the public in January 2000, for a 30-day review period.

Following consideration of public comments, the Trustees selected an integrative restoration approach as their preferred alternative in restoring injured resources. This approach integrates natural recovery, population enhancement, and habitat restoration for seabirds and kelp injured in the oil spill. It offers five restoration projects that restore populations injured by the *Tenyo Maru* oil spill and integrates the structural components of whole ecosystems (e.g., physical habitats, food webs) that are to be preserved and enhanced. The alternative selection was based on the ability of the five restoration projects to restore injured natural resources while minimizing any negative impact to the environment, their cost-effectiveness, and their functional connection to injured resources.

The RP/EA will restore injured resources by: 1) restoring common murre or potentially restoring tufted puffin colonies in Copalis National Wildlife Refuge, 2) contributing funds to an oiled wildlife rehabilitation center, 3) educating the general public on human disturbance of nesting seabird colonies, 4) protecting marbled murrelet habitat and reducing silt deposit in rivers and kelp bed systems, and 5) protecting injured resources from further impacts of oil spills via a rescue tug.

DETERMINATION

Based on FWS review and evaluation of the information contained in the incorporated reference cited below, it is my determination that the proposed restoration projects do 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. Accordingly, the preparation of an environmental impact statement is not required.



for David Wesley
Assistant Regional Director, North Pacific Coast Ecoregion

3/16/00
Date

References:

Restoration Plan and Environmental Assessment for the *Tenyo Maru* Oil Spill

UNITED STATES FISH AND WILDLIFE SERVICE

ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the action of restoration of seabird and kelp injured in the 1991 *Tenyo Maru* oil spill:

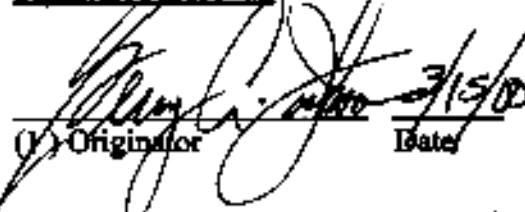
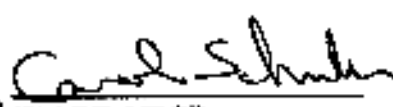
Check One:



- is a categorical exclusion as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1 section. No further NEPA documentation will therefore be made.
- is found not to have significant environmental effects as determined by the attached environmental assessment and finding of no significant impact.
- is found to have significant effects and, therefore, further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an EIS.
- is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policy, regulations, or procedures.
- is an emergency action within the context of 40 CFR 1 506.1 1. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other supporting documents:

- 1) Restoration Plan and Environmental Assessment for the *Tenyo Maru* Oil Spill
- 2) Finding of No Significant Impact for the Final Restoration Plan and Environmental Assessment for the *Tenyo Maru* Oil Spill

Signature Approval:

 3/15/00
(1) Originator Date
for (2) ARD-NPCE
 3/16/00
Date

 3/17/00
(3) Regional Environmental Coordinator Date
 3/16/00
(4) Regional Director Date