

Finding of No Significant Environmental Impact

Supplemental Programmatic Environmental Assessment of NOAA National Marine Fisheries Service's Implementation Plan for the Community-based Restoration Program

NOAA's National Marine Fisheries Service (NMFS) has prepared the attached Supplemental Programmatic Environmental Assessment of NOAA NMFS' Implementation Plan for the Community-based Restoration Program (S-PEA). The proposed action is the implementation of the Community-based Restoration Program (CRP), whose purpose is to provide financial assistance primarily on a competitive basis, either to national and regional partnership groups or directly to local partners. The various community-based restoration projects involve one or more of the following project types: habitat restoration, land and easement acquisition, erosion reduction, public outreach, restoration research, or a combination of these project types (the preferred alternative). The S-PEA assesses the potential environmental impacts of additional expected types of projects or proposals to be funded under the CRP. Together with the original Programmatic Environmental Assessment of NOAA NMFS' Implementation Plan for the Community-based Restoration Program (PEA; issued by the CRP in 2002), the S-PEA and PEA will be used to streamline the overall CRP funding process and eliminate duplicative documentation. Each proposal considered by the CRP will be reviewed in order to determine whether or not its potential environmental impacts have been adequately addressed either in the PEA or in this S-PEA.

This review will be conducted by completing the NEPA Project Review Checklist (Checklist) contained in Appendix A of the S-PEA. If this review determines that the proposed project type and its environmental impacts have been analyzed in the PEA or S-PEA, no further NEPA analysis will be completed for that project and the completed Checklist will be included with the other records for that grant award in the Administrative Record. If the project type or impacts either have not been adequately analyzed in the PEA or S-PEA, or have an apparent substantial level of controversy, then a subsequent and independent NEPA review will be conducted for the proposed project. Depending on the degree of the project's potential impacts, this review could involve either the preparation of a Categorical Exclusion memorandum, an Environmental Assessment, or an Environmental Impact Statement.

NOAA Administrative Order (NAO) 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 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." The significance of this action is analyzed based on the NAO 216-6 criteria and White House Council on Environmental Quality's context and intensity criteria. The criteria listed below are relevant to making a Finding of No Significant Impact, and have been considered individually, as well as in combination with the others. 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 Fishery Management Plans (FMPs)?*

Response: No. Implementation of the CRP is designed to enhance or restore ocean and coastal habitats, and/or fish habitats that are essential to federally managed fish as defined under the Magnuson-Stevens Act or identified in FMPs. Implementation of the CRP and project types evaluated in the S-PEA will be beneficial to these habitats.

- 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: Yes, but the effect will be a beneficial impact, not an adverse one. By improving specific coastal or marine habitats that will benefit a range of species inhabiting them, as well as the natural resource services the public receives from the affected ecosystem, implementation of the CRP and projects considered in the S-PEA will have a substantial beneficial effect on biodiversity and ecological functions in the affected areas. As mentioned in Section 4.7, the sustainability of resources would be enhanced, especially the living coastal and marine resources, and coastal ecosystems and communities within the United States would experience higher diversity and health.

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

Response: No. Implementation of the CRP is designed to enhance habitat and be beneficial to the environment, as well as public health and safety. Projects that would alter floodplains or modify stormwater management structures to prevent erosion or improve water quality, and projects that would remove contaminated sediments to restore habitat would beneficially affect public health and safety. No adverse impacts on public health and safety are expected.

- 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: As described in Section 4.1, implementation of the CRP and the project types evaluated in the S-PEA are expected to have no significant adverse effects on endangered or threatened species. Many of the projects that are evaluated in the S-PEA are proposed to specifically benefit federally protected species, and would have substantial beneficial effects on those species. However, as described in the S-PEA, if a proposal has a potential for adverse impacts to federally protected species, the CRP will conduct an evaluation of the effects and, if needed, prepare a project-specific biological assessment to determine the impacts. Depending on the level of impact, the CRP may initiate either formal or informal consultation(s) on a project-level basis with either the U.S. Fish and Wildlife Service (FWS) or NMFS as appropriate. Consultations completed with the FWS

or NMFS will ensure that the CRP is implemented in accordance with all applicable provisions of the Endangered Species Act. If project impacts are not described in the S-PEA, a targeted supplemental EA or EIS will be completed to ensure compliance with NEPA.

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

Response: No significant social or economic impacts are expected. CRP-implemented habitat restoration projects, especially those having an education component, may have a substantial beneficial effect to habitats supporting coastal or marine resources, the projects would likely have a directly related economic and/or social benefit as well. Beneficial impacts would result because education of local citizens and youth about environmental issues in the community and beyond, especially habitat restoration and conservation, would promote environmental understanding of living coastal and marine resources, stewardship, and sustainability of the resources. The sustainability of these resources contributes positively to the long-term economic stability of the affected community.

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

Response: The quality of the human environment is expected to benefit from the proposed action, and implementation of the CRP to date has not been controversial. Completed projects have been beneficial to the quality of both human and natural environments. However, if the CRP wants to consider funding a proposed project that has an apparent substantial level of controversy, then a subsequent and independent NEPA review will be conducted for the project, and it would require an independent FONSI or other decision document, and would not be covered by this FONSI.

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: As described in Section 4, implementation of the CRP is not expected to result in significant adverse impacts to any of the unique areas described. The proposed action may substantially benefit some of these areas or resources. Although there may be potential adverse impacts to cultural and historic resources, such as historic dams, these impacts will not be significant. As described in the S-PEA, if a project has a potential for adverse impacts to historic or cultural resources, the CRP will conduct an evaluation of the effects and prepare a project-specific historical and cultural resource assessment to determine the impacts. Depending on the level of impact, the CRP will initiate consultation(s) on a project-level basis with either the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO), as appropriate. Consultations completed with the SHPO or THPO will ensure that the CRP is

implemented in accordance with all applicable cultural and historic resource protection laws and regulations. If project impacts are not described in the S-PEA, a targeted supplemental EA or EIS will be completed to ensure compliance with NEPA.

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

Response: Unique or unknown risks to the human environment may be possible in areas that have not been evaluated previously, but without a prior determination regarding the project-specific feasibility it is unlikely a specific proposal would be funded if these uncertainties exist. Occasionally, the CRP may provide a limited amount of funding for project-specific feasibility studies, when appropriate. It is unlikely that conducting habitat restoration feasibility studies would pose any substantial risk to the human environment.

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

Response: The proposed action, when combined with related past, present, or reasonably foreseeable future actions, will not cause cumulative significant impacts to the human environment. Any impacts caused by the proposed action would generally be temporary, minor to moderate impacts due to ground disturbance or other construction-related activities from implementing specific projects, which then result in net long-term or permanent, moderate to substantial beneficial impacts on the affected communities, resources, and ecosystems of the United States. Due to the CRP's national scope and infrequency of projects occurring within the same geographic areas, the temporary negative impacts related to implementation would only be moderate, and isolated to project locations. Also, these negative impacts can be avoided, minimized or mitigated by best management practices and other measures, as described in the S-PEA.

Many other federal, state, and local government agencies and private organizations implement similar beneficial projects across the United States to help restore and maintain natural ecosystems. Consequently, if and when other unrelated projects are planned or identified in a project area with spatially or temporally cumulative adverse impacts, the CRP staff can work with grantees to implement best management practices, and/or require project timing that will avoid cumulative adverse impacts, by using special award conditions as described in the S-PEA. The net beneficial impacts resulting from past projects, the proposed actions, and foreseeable future projects would be long-term and beneficial impacts. Overall, the sustainability of resources, especially living coastal and marine resources, would be enhanced.

- 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. As described in Section 4, implementation of the CRP is not expected to result in significant adverse impacts to sites in or eligible for listing in the National Register of Historic Places. As described in the S-PEA, if a project has a potential for adverse impacts to historic or cultural resources, the CRP will conduct an evaluation of the effects and prepare a project-specific historical and cultural resource assessment to determine the impacts. Depending on the level of impact, the CRP will initiate consultation(s) on a project-level basis with either the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO), as appropriate. Consultations completed with the SHPO or THPO will ensure that the CRP is implemented in accordance with all applicable cultural and historic resource protection laws and regulations. If project impacts are not described in the S-PEA, a targeted supplemental EA or EIS will be completed to ensure compliance with NEPA.

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

Response: No. Implementation of the CRP should not cause or promote the introduction or spread of nonindigenous species, and as described in section 2.2 and 4.1 of the S-PEA, some project-specific actions may intentionally be conducted to prevent or avoid the introduction or spread of invasive species, and protect habitat for native species.

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

Response: Implementation of the CRP will have a beneficial net effect. It can be expected to have a precedent-setting effect on future actions that may substantially *benefit*, not adversely affect the human environment.

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. As described in Section 6.0, implementation of the CRP will comply with all federal regulatory requirements, and to the extent possible with and state and local laws, and is expected to enhance or restore habitats and the environment that support coastal and marine living resources.

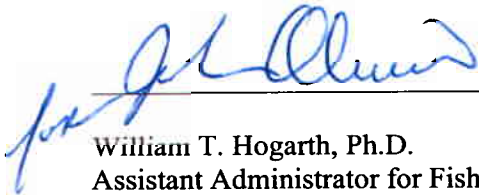
14) *Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?*

Response: No. As explained in the above response to criterion 9, the proposed action can reasonably be expected to result in cumulative *beneficial* effects on target species (i.e., federally protected or managed species or fisheries). The net cumulative effect could have a substantial positive impact on the target species. The net additive effects

resulting from past projects, the proposed action, and reasonably foreseeable future projects that would affect target species would constitute a long-term beneficial impact to those species.

DETERMINATION

Having reviewed the S-PEA, I have determined that implementation of the Community-based Restoration Program and the project activities assessed within the S-PEA will not have a significant adverse impact on the quality of the human environment. Therefore, the preparation of an Environmental Impact Statement for the proposed action is not required by Section 102(2) (c) of the National Environmental Policy Act or its implementing regulations.



Date 6.23.06

William T. Hogarth, Ph.D.
Assistant Administrator for Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
U. S. Department of Commerce



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 1315 East-West Highway
 Silver Spring, Maryland 20910
 THE DIRECTOR

JUN 23 2006

MEMORANDUM FOR: Rodney F. Weiher, Ph.D.
 NEPA Coordinator
 Office of Policy and Strategic Planning

FROM: *William T. Hogarth*
 William T. Hogarth, Ph.D.
 Assistant Administrator for Fisheries

SUBJECT: Finding of No Significant Impact on the Supplemental
 Programmatic Environmental Assessment on NOAA
 Fisheries' Implementation Plan for the Community-based
 Restoration Program—DECISION MEMORANDUM

Based on the subject supplemental programmatic environmental assessment, I have determined that no significant environmental impacts will result from the proposed action. I request your concurrence in this determination by signing below. Please return this memorandum for our files.

1. I concur. *W. T. Hogarth* 6/26/06
 Date

2. I do not concur. _____
 Date

Attachment

THE ASSISTANT ADMINISTRATOR
 FOR FISHERIES



JUN 26 2006



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
PROGRAM PLANNING AND INTEGRATION
Silver Spring, Maryland 20910

To All Interested Government Agencies and Public Groups:

Under the National Environmental Policy Act, an environmental review has been performed on the following action.

TITLE: Supplemental Programmatic Environmental Assessment on NOAA Fisheries' Implementation Plan for the Community-based Restoration Program

LOCATION: Coastal Habitats Nationwide

SUMMARY: In compliance with the National Environmental Policy Act (NEPA), the National Oceanic and Atmospheric Administration (NOAA) Restoration Center (RC) has prepared a Finding of No Significant Impact and Supplemental Programmatic Environmental Assessment on NOAA Fisheries' Implementation Plan for the Community-based Restoration Program. The document expands the restoration project types covered by the original Programmatic Environmental Assessment, signed Feb. 7, 2002, and outlines the process used to document inclusion under the Programmatic documents.

RESPONSIBLE OFFICIAL: Christopher Doley
Division Chief, Restoration Center, Office of Habitat Conservation
National Oceanic and Atmospheric Administration
1315 East-west Highway
Silver Spring, MD 20910

The environmental review process led us to conclude that this action will not have a significant effect on the human environment. A copy of the Finding of No Significant Impact including the supporting Supplemental Programmatic Environmental Assessment is available upon request to the responsible official. Should you wish to comment, please also send one copy of your comments to me at NOAA Program Planning and Integration, Strategic Planning Office, 1315 East-West Highway, Silver Spring, MD 20910 or nepa.comments@noaa.gov.

Sincerely,

A handwritten signature in black ink that reads "Rodney F. Weiher".

Rodney F. Weiher, Ph.D.
NEPA Coordinator
Office of Policy and Strategic Planning

Enclosure

