Finding of No Significant Impact for Round III New Bedford Harbor Restoration Grant Applications

National Marine Fisheries Service

National Oceanic and Atmospheric Administration Administrative Order 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 (CEQ) 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." 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 significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. 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 FMPs?

Response:

No. The proposed action is composed of natural resource restoration projects designed to address impacts caused by hazardous materials being released into the marine and estuarine environment of the New Bedford Harbor Environment (New Bedford Harbor, Acushnet River and Upper Buzzards Bay, Massachusetts). These projects are intended to benefit coastal habitat and/or essential fish habitat by restoring, replacing or acquiring the equivalent of those natural resources that were injured, lost or destroyed. The proposed actions will provide protection against future impacts or correct human impacts that have occurred in the past. Any negative impacts are minimal and of short-term duration.

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:

No. The proposed actions are designed to promote and protect biodiversity within the New Bedford Harbor Environment. The upland land protection project will preserve beneficial habitat in perpetuity preventing future development impacts. The habitat restoration projects will reverse development impacts, promote habitat diversity while providing public access. The tern restoration project is designed to increase the number and variety of nesting Roseate and Common tern pairs on three Buzzards Bay, Massachusetts islands to return these species to their historical abundance. The coastal marsh restoration project will increase biodiversity through the correction of historic impacts to this area.

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

Response:

No. The types of proposed natural resource restoration projects will not have a substantial adverse impact on public health of safety. The majority of the projects will occur in areas away from the harbor contamination. The restoration projects in closer proximity to the harbor contamination will contain design components to keep the public away from the contamination.

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:

No. None of the projects are expected to adversely affect protected or non-target species. The tern restoration project addresses impacts to the endangered Roseate Tern by managing, protecting and promoting historic tern nesting sites. This project is a continuation of previous funding and restoration efforts. This project is consistent with the Roseate Tern Recovery Plan and is a means for achieving the goals of that plan.

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

Response:

No. There are no significant social or economic impacts. The restoration projects are designed to benefit the injured natural resources and are expected to have social benefits through increased public access and use of some of the upland areas that are being acquired.

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

Response:

No. There will be no controversial effects to the quality of the human environment. These natural resource restoration projects will benefit both the injured natural resources and the human population of the Greater New Bedford area. Benefits to the human environment include increased access to open space and forested areas.

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:

No. No the assessment has determined that there will not be substantial impacts to unique areas. The tern restoration project is a continuation of a previously funded project. The land acquisition projects will preserve natural areas and will only involve passive recreational use. The Round Hill marsh restoration project will reverse previous detrimental impacts through the removal of fill to create a functioning marsh system. Three of the projects (Acushnet Upland

Riparian, Palmer's Island Sanctuary and LaPalme will require close coordination during the design and implementation phase due to the possible presence of historic elements.

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

Response:

No. The natural resource restoration projects being implemented by this action are the usual and customary projects used to address injury to natural resources. Land acquisition, habitat restoration, management of bird nesting areas and marsh restoration have been previously implemented through funding provided by the New Bedford Harbor Trustee Council. The decision to fund these projects follows the established priorities of the Council. There is no uncertainty or unique or unknown risks from these types of projects/

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

Response:

No. There are cumulative benefits resulting from the restoration projects already implemented and the implementation of the restoration projects presented in this environmental assessment. There is also a cumulative benefit occurring from the dredging being conducted in the harbor to remove PCB-laden sediments. These benefits will contribute to increasing the overall environmental health of the New Bedford Harbor Environment. The cumulative impact analysis also cites the commercial nature of the harbor and the impacts associated with maintaining industry in this area.

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. There are no known adverse impacts to historic resources listed in the National Register of Historic Places. The natural resource restoration projects are being conducted in areas where there are no listed structures. This has been confirmed for those project areas where impacts could occur from construction activities.

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

Response:

No. None of the projects are designed to introduce any non-native species. Specific care will be taken to insure that nonindigenous species are not used or introduced to the area.

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

Response:

No. None of the proposed actions would create a precedent and are usual and customary natural resource restoration projects. Land acquisition, marsh restoration, tern management and restoration and habitat restoration have been done previously and the proposed projects will continue those efforts.

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. Close coordination will occur with regulatory authorities and all appropriate permits and authorizations will be obtained before work commences. There are no expected impediments to obtaining the regulatory permits.

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. The natural resource restoration projects are designed to address the injury which has occurred to natural resources from the release of contaminants in the New Bedford Harbor Environment. Completion of the projects will result in a benefit to the injured natural resources and provide beneficial services to the greater New Bedford area. 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 New Bedford Harbor Restoration Grant Applications, it is hereby determined that the funding and implementation of the preferred restoration project grants will not significantly effect the quality of the human environment as described above and in the Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed actions have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of a Supplemental Environmental Impact Statement for this action is not necessary.

Patricia A. Montanio
Director, Office of Habitat Conservation

MAY 24 2011
Date