National Oceanic and Atmospheric Administration
Marine Operations Center-Atlantic
Bulkhead Replacement

FINDING OF NO SIGNIFICANT IMPACT

The Council on Environmental Quality (CEQ) Regulations state that the determination of significance using an analysis of effects requires examination of both context and intensity, and lists ten criteria for intensity (40 CFR 1508.27). In addition, NOAA Administrative Order (NAO) 216-6, Section 6.01(b) 1 – 11, provides eleven criteria, the same ten as the CEQ Regulations and one additional for determining whether the impacts of a proposed action are significant. Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

1. Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, even if the effect will be beneficial?

No. As analyzed in the U.S. Army Corps of Engineers (ACOE) environmental assessment (EA), the proposed action will have minimal individual and cumulative impact on navigation and the aquatic environment. NOAA must conform to the ACOE permit, which is conditioned to minimize the impacts to the environment and general navigation.

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

No. Public health and safety effects are not expected to be significant. Minimal adverse effects are anticipated. Any construction activities have the potential to adversely affect public health and safety (e.g., noise and dust); however, in this case these effects are not anticipated to be significant as the construction activities will be performed in compliance with standard industry practice and permitting requirements. The installation of piers, boat ramps, boat slips, mooring piles, and maintenance dredging projects allow for greater use of the waterway for boating and recreational activities. These activities may increase the number of craft navigating a particular waterway and it is possible that the increase in boat usage may increase the number of boating accidents; however, there is no information to suggest that the boating hazard will increase due to the construction of structures.

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. No known historic, archaeological or cultural resources were identified on-site. The MOC-A is not in close proximity to park lands, prime farmlands or wild and scenic rivers. The project area is not within and/or does not contain any environmentally sensitive habitats (ESH) or other ecologically critical areas.

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

No. The proposed action involves: (1) installing an approximately 830-foot steel bulkhead in front of the existing bulkhead (2 feet into the water); and (2) replacing existing associated utilities and pavement at MOC-A. The height for the new bulkhead is the same as the existing one, which has proven to be effective in minimizing the flood risks to the property and surrounding areas. NOAA and the ACOE issued a public notices and invited public comments on the EA and this adopted EA and received no opposing comments from the public and/or state, local, or federal agencies. As such, it is not anticipated to be highly controversial.

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

No. The U.S. Army Corps of Engineers (ACOE) has done numerous projects in Norfolk, VA similar to the NOAA's proposed action and has performed an Environmental Assessment (EA) specifically for bulkheads, riprap and associated backfill including bulkhead repair and/or replacement. Based on the ACOE's EA analysis of surrounding environment and ACOE's vast experience in doing similar projects, it is unlikely to encounter highly uncertain effects and unique or unknown risks.

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 action is consistent with applicable regulatory requirements. The proposed action is not expected to establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration.

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 reliant upon or connected to other actions, nor is it relied upon for the occurrence of other actions. For each of the subject areas analyzed in the ACOE EA, the contribution of the proposed project to a cumulatively significant impact is not considerable, provided the conditions as outlined in the ACOE's EA are met. The proposed action conforms to the conditions of the ACOE EA and therefore, will not result in a significant cumulative impact to the human environment.

8. Can the proposed action reasonably be expected 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. No known historic, archaeological or cultural resources were identified on-site. Therefore, there is no expectation that the proposed action will have adverse effects on these resources.

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. For the purposes of this adoption, NOAA's Safety and Environmental Office consulted with NOAA's National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS). Based on written confirmations from NMFS and USFWS, it was determined unlikely that any Endangered Species Act (ESA) listed species and marine mammals would occur in the action area for this proposed action. Therefore, it was determined that consultation under Section 7 of the ESA or an Incidental Harassment Authorization (under the Marine Mammal Protection Act) are not necessary.

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. The proposed action is consistent with applicable regulatory requirements. No regulatory violations or other significant environmental effects are expected to result provided the conditions as outlined in the ACOE's EA are met.

11. Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?

No. No transport, release, propagation or spread of non-indigenous species is associated with the proposed action. NOAA policies to prevent the introduction of non-indigenous species due to the release of bulge water or other opportunities for transport will continue to be followed.

DETERMINATION

In view of the information presented in this document and the analysis contained in the adopted ACOE EA, I have hereby determined that the undertaking of the proposed action will not significantly impact the quality of the human environment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. As a result of this review, I have determined that it is not necessary to prepare a separate EA, supplemental EA, or environmental impact statement and that adoption of ACOE's EA is appropriate.

SEP - 9 2010

William F. Broglie
NOAA Chief Administrative Officer

Date