Finding of No Significant Impact
For the Colorado Lagoon Estuary Restoration Project

National Marine Fisheries Service

In compliance with the National Environmental Policy Act (NEPA), a memorandum for the Record has been prepared that adopts the Environmental Assessment (EA) for the Colorado Lagoon Estuary Restoration Project. The EA was prepared by the U.S. Army Corps of Engineers (USACOE) and finalized September 2, 2011. The National Oceanic and Atmospheric Administration (NOAA) is listed as a Cooperating Agency on the EA. The USACOE EA describes the overall proposed restoration actions and environmental consequences related to the restoration of the Colorado Lagoon Estuary to functional tidal wetlands. The Adoption Memorandum explains and incorporates the analysis developed in the USACOE EA as it relates to a proposed action by the NOAA Restoration Center (RC) and explains that NOAA RC is adopting that EA for its own action.

The NOAA RC proposed action is to provide funding through our partnership with the California Coastal Conservancy to the City of Long Beach to implement a portion of the Colorado Lagoon Habitat Restoration Project. The project involves restoring a former salt pond (identified as the Colorado Lagoon Estuary) to historic wetland function in Los Angeles County in the City of Long Beach, California. As explained in detail in the Adoption Memorandum, the action that NOAA RC proposes to fund is within the scope and scale of the project analyzed in the USACOE EA. Using the information and analysis of the adopted EA, NOAA RC has independently determined that its proposed action will not cause significant environmental impacts and consequently makes this Finding of No Significant Impact (FONSI).

NOAA 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 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: The proposed action is not expected to cause substantial damage to the ocean and coastal habitats or designated essential fish habitat (EFH). The proposed action is to provide funding for a restoration program described in the USACOE EA. That overall restoration program will remove contaminated sediment and will support the City's efforts to restore the Lagoon by

implementing a key component of the City's comprehensive plan to restore the 11.7-acre Lagoon. More specifically, the project includes improvements to the Lagoon through cleaning of the culvert and removal of structural impedances at the culvert; dredging areas of the Lagoon; implementing storm drain upgrades; removal of the north parking lot, access road, and the restroom on the north shore of the Lagoon; recontouring side slopes; revegetating land areas; planting eelgrass in the Lagoon water body; and developing the walking trail at the Lagoon.

In compliance with the Magnuson-Stevens Fishery Conservation and Management Act, the National Marine Fisheries Service (NMFS) Southwest Regional Office Habitat Conservation Division was consulted regarding potential impacts to Essential Fish Habitat (EFH). NMFS determined that some aspects of the project would result in adverse effects to EFH. However, the impacts were determined to be minimal and short term only and NMFS determined that completion of the project would result in a substantial improvement to subtidal and intertidal fish habitat. Therefore, NMFS provided no additional EFH conservation recommendations. Although minimal, short-term adverse impacts would occur associated with dredging operations, NMFS believes the proposed project will result in a net long-term benefit to EFH.

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: Long-term impact to biodiversity or ecosystem function will be beneficial and not significant. While there may be short-term adverse impacts to ecosystem function, the project will enhance biodiversity by restoring 11.7 acres of tidal estuary to full function. This project is expected to provide habitat for invertebrates, fish, bird, and plant life.

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

Response: NOAA RC has reviewed the analyses of potential adverse impacts to public health or safety and has concluded that the project is unlikely to have adverse impacts to human health and safety. As explained in section 4 of the adopted USACOE EA, resources including air and water quality, hydrology, noise, land and recreation uses, aesthetics, and ground transportation were analyzed and were not expected to result in significant adverse impacts.

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 explained in the Adoption Memo, no significant impacts are expected to occur as a result of implementing this project. The California least

tern is known historically to use the project area but such use is considered rare. The California least tern is listed as State and federally endangered. Since the Lagoon is a poor quality foraging site, the species has rarely been seen at the site, and higher quality foraging sites are available short distances up or down the coast, USACOE, the lead agency, has determined that the action will have no effect on the species. Because no federally-listed species will be affected by project implementation, Section 7 consultation is not required pursuant to the Endangered Species Act of 1969, as amended.

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

Response: As described in Section 4.1 of the adoption USACOE EA, the Colorado Lagoon Estuary Restoration Project is not expected to have adverse effects on the physical environment. In addition, Section 4.6 of the USACOE EA evaluates potential impacts to Land Use and Recreation. This section also concluded that no adverse impacts on Land Use and Recreation would occur.

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

Response: The effects of the proposed action are not expected to generate any controversy or opposition. There is no substantial dispute regarding the project's size, nature, or effect. In addition, NOAA RC is not aware of any public comments raising substantial questions as to whether the project may cause significant degradation of some human environmental factor.

As described in the adoption memo, a Public Notice describing the project was issued on August 27, 2010, was sent to all interested parties including appropriate Federal and State agencies and closed September 17, 2010. All comments received on this action were reviewed by the USACOE and are summarized in the USACOE EA.

The public notice generated 1 comment letter from a Long Beach Unified School District (LBUSD) with concerns about how the project would impact noise levels during school hours. LSUSD also requested that ACOE coordinate with the school district during the project implementation to minimize impacts to students at nearby schools. ACOE modified the EA to address these concerns and included a detailed response to comments for the letter. Comments from NOAA on the Draft EA pointed out references to California Sea Lions and Harbor Seals with inadequate details provided and stated that there were minor inconsistencies with regard to the presence of ESA-listed species. ACOE eliminated references to California Sea Lions and Pacific Harbor Seals in the Final EA as these species do not occur at the site, and clarified the language regarding the

presence of ESA-listed species on the site. USACOE included detailed responses to each of NOAA's comments in the EA.

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: Impacts to historic or cultural resources are addressed in item 10 below, and impacts to EFH and ocean/coastal habitat are addressed in item 1 above. Other than the impacts discussed in item 1 and 10, there are no substaintial impacts to unique areas.

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

> Response: Potential effects are not likely to be highly uncertain or involve unique or unknown risks. As described in section 6.0 of the adopted USACOE EA, the proposed action would not be expected to result in unavoidable adverse environmental effects. Where the potential for such effects has been identified, appropriate mitigation measures (described in Section 8.0 of the USACOE EA) have been incorporated into the project scope to minimize the potential for adverse impacts.

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

> Response: As described in section 7.2 of the adopted USACOE EA the Corps concludes and NMFS agrees that the project will not result in any long-term cumulative impacts. All cumulative impacts associated with the project will be temporary or short-term and associated with construction activities.

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: Potential impacts to Cultural or Historical resources are evaluated in section 4.9 of the USACOE EA. The Lagoon will continue to operate as public parks after project implementation. Therefore, this discussion is limited to potential impacts to archaeological resources during construction. The proposed project would not involve any activities that would disturb or destroy underlying archaeological or paleontological remains or other cultural/scientific resources. The USACOE EA evaluation did not identify any culturally or historically important resources that could be affected by construction.

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

Response: This project is not expected to introduce or spread any non-native species. However, to minimize the likelihood of the spread of non-native species Section 8.1 of the USACOE EA describes a field survey to investigate the presence of the invasive algae Caulerpa taxifolia that will be conducted 30 to 60 days prior to commencement of construction by qualified divers certified by the CDFG and NMFS to conduct such surveys. The preconstruction caulerpa surveys will be conducted according to the accepted criteria of the Southern California Caulerpa Action Team (SCCAT) for conducting surveys for the invasive algae and in accordance with the NMFS and CDFG caulerpa survey protocols. Surveys will be conducted at a Surveillance level for Caulerpa-free Systems

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: The proposed action is limited to restoration of the Colorado Lagoon Estuary and it would not establish a precedent for future actions with significant effects or establish a decision in principle for future consideration.. Approval and implementation of this project will not compel NOAA to approve a follow-on phase. Any follow-on project would be reviewed through a separate agency decision-making process and environmental impacts analysis prior to approval of funding.

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: The proposed project is not expected to threaten a violation of any environmental protection laws. The project has undergone environmental reviews and will include required mitigation measures detailed in the USACOE EA to minimize any adverse effects to protected resources and other species and their habitats, and to minimize adverse impacts to humans and cultural resources as discussed in the Adoption Memo and USACOE EA.

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 cumulative adverse effects having substantial effects on species are anticipated. As described in the Adoption Memo and USACOE EA, the project will proceed in compliance with required mitigation measures included in the USACOE EA to minimize any potential adverse impacts to protected resources and other species and their habitats. Overall, this project will have beneficial impacts on living marine resources and their habitats.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for the Colorado Lagoon Estuary Restoration Project by USACOE and the NOAA Adoption Memorandum, it is hereby determined that NOAA RC's funding of the restoration of the Colorado Lagoon Estuary will not significantly impact the quality of the human environment. Furthermore, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

Dean L. Smelil — 10-18-2011 — OCT 18 2011

for Patricia A. Montanio — Date

Director, Office of Habitat Conservation