

## FINDING OF NO SIGNIFICANT IMPACT

### Final Restoration Plan and Environmental Assessment for the Metal Bank Superfund Site, Philadelphia, Pennsylvania

**I. Purpose of Finding of No Significant Impact:** The Council on Environmental Quality (CEQ) Regulations direct agencies to prepare a Finding of No Significant Impact (FONSI) when an action not otherwise excluded will not have a significant impact on the human environment. 40 CFR §§ 1500.4(b) & 1500.5(b). To evaluate whether a significant impact on the human environment is likely, the CEQ regulations direct agencies to analyze the potentially affected environment and the degree of the effects of the proposed action. 40 CFR § 1501.3(b). In doing so, agencies should consider the geographic extent of the affected area (i.e., national, regional or local), the resources located in the affected area (40 CFR § 1501.3(b)(1)), and whether the project is considered minor or small-scale (NAO 216-6A CM, Appendix A-2). In considering the degree of effect on these resources, agencies should examine both short- and long-term effects (40 CFR § 1501.3(b)(2)(i); NAO 216-6A CM Appendix A-2 - A-3), and the magnitude of the effect (e.g., negligible, minor, moderate, major). CEQ identifies specific criteria for consideration. 40 CFR § 1501.3(b)(ii)-(iv). Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

In preparing this FONSI, we reviewed the *Final Restoration Plan and Environmental Assessment for the Metal Bank Superfund Site, Philadelphia, Pennsylvania* (Final RP/EA) which evaluates the affected area, the scale and geographic extent of the proposed action, and the degree of effects on those resources (including the duration of impact, and whether the impacts were adverse and/or beneficial and their magnitude). The Final RP/EA was prepared by the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (USFWS), and the Commonwealth of Pennsylvania, acting through the Department of Environmental Protection (PADEP), the Department of Conservation and Natural Resources (DCNR), and the Fish and Boat Commission (PFBC) (collectively, the Trustees). The Trustees' preferred alternative--*Kensington & Tacony Trail (K&T Trail) Living Shoreline and Tacony Boat Ramp Project*--will compensate the public for injuries to natural resources, including ecological services, injured, lost, or destroyed, due to releases of hazardous substances at the Metal Bank Superfund Site (the Site). The project would transform an eroding shoreline and industrial bulkhead into a naturalized and living shoreline (1,100 linear feet) on a site approximately  $\frac{1}{4}$  mile south of the Metal Bank site. The Final RP/EA is hereby incorporated by reference. (40 CFR § 1501.6(b)).

**II. Approach to Analysis:** The proposed action consists of habitat restoration that would, if implemented, provide benefits to natural resources injured by the release of hazardous substances at or from the Site, and provide natural resource services similar to what would have been provided had those releases not occurred. Collectively, the proposed action includes habitat restoration and recreational use opportunities, as well as providing environmental justice

benefits. The Final RP/EA is an integrated document to efficiently address the Trustees' dual requirements to comply with both the National Environmental Policy Act (NEPA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

- A. The scale of the proposed action will be locally substantial but would not contribute to a significant impact at a regional or greater level.
- B. The proposed action will not cause a significant effect to any specific resource. If an impact is determined to be negligible, minor or moderate, it is not considered to meaningfully contribute to a significant impact.
- C. The proposed action and the potential impacts from it are consistent with the Final RP/EA. If the collective effects of the proposed action were added to possible effects of other related actions, their cumulative impacts would still only be local and the magnitude would not be significant at a regional or greater scale.

**III. Geographic Extent and Scale of the Proposed Action:** The proposed action consists of habitat restoration activities that would, if implemented, provide benefits to natural resources injured by the release of hazardous substances at or from the Sites, and provide natural resource services similar to what would have been provided had those releases not occurred. The proposed action is expected to increase habitat quality and quantity, create new public use opportunities, and benefit natural resources and environmental justice within the Delaware River watershed consistent with the Final RP/EA.

**IV. Degree of Effect:** The Final RP/EA analyzes potential environmental impacts associated with the proposed action for restoration in the Delaware River. The analysis is summarized in Section 6 of the Final RP/EA. The proposed action is unlikely to have significant adverse impacts on the environment. This alternative would meet the mandates under Natural Resource Damage Assessment (NRDA) statutes and regulations to restore natural resources and services injured by releases of hazardous substances and is consistent with the goals and objectives outlined in the Final RP/EA. The proposed action would have direct beneficial effects and only minor, short-term adverse impacts. The No-Action Alternative would not have direct beneficial effects or adverse impacts but would allow the degraded conditions of habitats in the Delaware River to continue, which would not be consistent with the Final RP/EA.

- A. The proposed action cannot reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. All relevant permits will be obtained prior to initiating construction activities, and the contractor conducting the activities will be expected to follow all regulatory requirements.
- B. There are no substantial adverse public health or safety impacts expected from the proposed action.

C. The degree to which the proposed action is expected to affect a sensitive biological resource, including:

- a. The proposed action is not expected to adversely affect Federal endangered or threatened species or their designated critical habitat. Overall, the proposed action is expected to benefit species through improved habitat availability and function.
- b. The proposed action is not expected to adversely affect marine mammals, their critical habitat, or other non-target species.
- c. The Trustees do not expect the proposed action to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act. As documented in the Final RP/EA, the Trustees expect the selected project to result in long-term, beneficial impacts to riverine habitat and associated species by increasing the area and ecological function of riverine and wetland habitats.
- d. The proposed action is not expected to adversely affect bird species protected under the Migratory Bird Treaty Act.
- e. There are no national marine sanctuaries or monuments in the project area.
- f. The proposed action is not expected to adversely affect vulnerable coastal ecosystems, including but not limited to, deep coral ecosystems.
- g. The selected project is not expected to have any substantial impacts beyond a local level; the beneficial impacts on ecosystem function and species biodiversity would not be substantial at a regional or larger scale. As documented in the Final RP/EA, the proposed project is expected to result in long-term beneficial impacts to plants and wildlife, providing additional habitat to support recovery of these sensitive communities and resulting in greater habitat complexity, diversity, and productivity. Any potential adverse impacts are expected to be minimal, short term, localized, and not expected to decrease function or species biodiversity.

D. The proposed action will not adversely affect any historic or cultural resources listed in or eligible for listing in the National Register of Historic Places, and will not cause loss or destruction of significant scientific, cultural, or historical resources. Consultation with the State Historic Preservation Office pursuant to Section 106 of the National Historic Preservation Act will be undertaken as part of the project permitting process.

E. The proposed action will not have a disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities (EO 12898). The Trustees have determined that the proposed restoration activities would provide long-term or permanent beneficial impacts to the disadvantaged and overburdened communities described in the Final RP/EA. The ecological uplift facilitated by the proposed restoration would assist in addressing the historic burdens placed upon these communities by proximity to Superfund Sites, effects from air and water pollutants, all in combination with socioeconomic burdens. The

associated improvements in ecosystem services, including improved air quality, water quality, and flood resilience, along with the enhanced recreational and educational opportunities will serve these local communities. The proposed action is not expected to adversely impact minority or low-income populations.

- F. The proposed action is not reasonably expected to result in the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species.
- G. The proposed action is not expected to have a substantial impact to any other physical or biological resources within the project area or over which there is substantial uncertainty or scientific disagreement.

**V. Other Actions Including Connected Actions:** The proposed action is not known to be related to other actions within the Delaware River watershed that, when considered together, could result in synergistically significant impacts. Any future Federal actions in the area may have to undergo a similar NEPA evaluation and review process, and would consider the Trustees' restoration activities when addressing cumulative effects. While overall, a net beneficial cumulative impact may result from the implementation of the proposed action in synergy with future restoration activities, cumulative impacts would not occur at a regional scale and are not expected to be significant.

**VI. Mitigation and Monitoring:** ESA compliance requirements resulting from consultations with USFWS and NOAA, if any, will be completed for the projects prior to construction. Any resulting conservation recommendations and best management practices (BMPs) will be included in any applicable permit conditions. Potential impacts to soil, water, and biological resources will be minimized or mitigated through BMPs, permit conditions, and consultation requirements if/as required by other statutes (e.g., Clean Water Act).

## DETERMINATION

The CEQ NEPA regulations, 40 CFR § 1501.6, direct an agency to prepare a FONSI when the agency, based on the EA for the proposed action, determines not to prepare an EIS because the action will not have significant effects. In view of the information presented in this document and the analysis contained in the supporting Final RP/EA prepared by the Trustees, it is hereby determined that the restoration activities identified by the Trustees as the proposed action in the Final RP/EA will not significantly impact the quality of the human environment. The *Final Restoration Plan and Environmental Assessment for the Metal Bank Superfund Site, Philadelphia, Pennsylvania* is hereby incorporated by reference. In addition, all beneficial and adverse impacts of the proposed action as well as mitigation measures have been evaluated to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

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Date

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