FINDING OF NO SIGNIFICANT IMPACT

Proposed Geological and Geophysical Activities in the Atlantic OCS to Identify Sand Resources and Borrow Areas

Pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations implementing NEPA (40 Code of Federal Regulations (CFR) 1500-1508), and the Department of the Interior (DOI) regulations implementing NEPA (43 CFR 46), the Bureau of Ocean Energy Management (BOEM) prepared an Environmental Assessment (EA) to evaluate the potential environmental impacts of geophysical and geological (G&G) activities in the Atlantic Outer Continental Shelf (OCS) to identify sand resources and potential borrow areas.

Proposed Action

BOEM's proposed action is to fund G&G surveys to identify and delineate Atlantic OCS sand resources approximately 3 to 8 miles offshore from Maine to Miami, Florida. The activities analyzed in the EA include geophysical surveys (e.g., sub-bottom profiling, side-scan sonar, electromagnetic surveys) and geological sampling (vibracores and grab samples). BOEM has incorporated relevant mitigation measures into the proposed action to avoid or minimize effects to environmental and cultural resources.

The purpose of the proposed action is to facilitate future access to OCS sand resources that may be needed in beach nourishment, coastal restoration, and coastal resiliency projects. The proposed action is needed to identify additional OCS sand resources for beach nourishment and coastal restoration projects because sand resources in state waters are either diminishing, of poor quality, or otherwise unavailable. With these G&G data, BOEM can help identify sand resources for enhancing coastal resiliency, better manage resources within its jurisdiction, and develop a more comprehensive understanding of available resources. This work would be conducted using funds provided by the Disaster Relief Appropriations Act.

Alternatives to the Proposed Action

BOEM considered an alternative that included additional operational restrictions and time-area closures. Under that alternative, geological surveys would occur only after geophysical surveys were conducted and analyzed, and no bottom anchoring would be permitted during geological surveys, except in the case of an emergency. Additional acoustic source frequency restrictions would be applied to further minimize potential effects on loggerhead sea turtles during nesting season offshore of southeastern Florida; nighttime surveys would be avoided in that area. Geophysical surveys would be scheduled to avoid Habitat Areas of Potential Concern (HAPCs) identified for spawning and nursery areas (e.g., cape-associated shoals) during critical spawning and nursing windows to the maximum extent practicable. This alternative would also provide for a more deliberate assessment and consideration of seafloor-disturbing activities and provides for an incremental improvement in impact avoidance and sensitive resource protection, but increases vessel, crew and other equipment costs. This alternative could require two mobilizations to an area if it is determined that additional (site-specific) investigation is warranted. Under the no action alternative, the proposed G&G surveys in the Atlantic OCS

would not occur. The no action alternative would not meet the purpose and need, and BOEM would forfeit Disaster Relief Appropriations Act funds.

Environmental Effects

The EA evaluates potential environmental effects resulting from proposed G&G surveys along the Atlantic OCS. The impact-producing factors (IPFs) considered in the EA include noise from active sound sources and vessel operations, vessel presence/traffic, vessel waste and accidental discharges, and seafloor disturbance. Any future connected actions, such as dredging, conveyance and placement of OCS sand resources would be considered separately in subsequent environmental review. The EA identifies all mitigation, monitoring, and reporting requirements necessary to avoid, minimize, and/or reduce and track any adverse impacts that could result from the G&G surveys (Attachment 1).

Significance Review

Pursuant to 40 CFR 1508.27, BOEM evaluated the significance of potential environmental effects considering both context and intensity factors. The potential significance of environmental effects was considered in both spatial and temporal context. Potential effects are generally considered reversible because they will be negligible to minor, localized, and short-lived. No long-term, significant, or cumulatively significant adverse effects were identified. The ten intensity factors were considered in the EA and are specifically addressed below.

1. Impacts that may be both beneficial and adverse

Potential impacts to physical, biological, cultural, and socioeconomic resources have been considered. Adverse effects to benthic habitat and communities in the borrow areas are expected to be reversible. No impacts on hard-bottom communities would be anticipated from G&G surveys. Temporary displacement of birds, bats, and marine life could occur due to noise, primarily during geophysical surveys. Birds and bats may be attracted to lighted vessels at night, which could disrupt behaviors like migration and feeding. To avoid impacts, geophysical surveys would occur to the maximum extent practicable in daylight hours. If nighttime geophysical surveys are required, the lighting effects would be decreased through reduction, shielding, lowering, and appropriate placement of lights to avoid attracting or disturbing birds and bats. Other effects on biological resources, such as marine mammals and sea turtles, are discussed below. All geological sampling must avoid potential archaeological resources by a minimum of 164 feet (50 m). All associated anchoring, if any, must avoid potential archaeological resources by 328 feet (100 m). An unexpected finds clause would be implemented in the event that an archaeological resource is discovered during surveying. Any effect on recreational or commercial fishing would be minimized to negligible levels with conflict avoidance measures, including advance notice through Notices to Mariners.

2. The degree to which the proposed action affects public health or safety

Survey work will be conducted in accordance with an environmental protection plan that addresses marine pollution and waste. The proposed activities are not expected to significantly

affect public health. Impacts on the public from air quality would be limited to coastal areas when survey vessels are mobilizing, demobilizing, and refueling. Vessel emissions would only slightly and temporarily increase ambient concentrations of criteria pollutants offshore due to the combustion of diesel fuel. During G&G activities, emissions from vessel operations are generally expected to be far enough offshore and disperse rapidly given prevailing meteorological conditions so as to not contribute to onshore air quality or ozone violations and/or increase pollutants such that public health is affected.

3. *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 prime or unique farmland, park lands, designated Wild and Scenic reaches, or wetlands would be impacted by implementing this project. The proposed action is not likely to adversely affect listed species and their critical habitats. G&G activities would be scheduled to avoid areas designated as North Atlantic Right Whale critical habitat or seasonal management areas. Surveys could result in negligible to minor effects on Essential Fish Habitat (EFH), but the limited spatial and temporal extent of the surveys in each area suggests that these impacts will not adversely affect EFH on a broad scale. Potential impacts on sensitive hard-bottom and benthic communities will be avoided by at least 164 feet (50 m). It is also unlikely that the surveys would affect these habitats because they are not in areas where there are sand-rich deposits.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial*

No effects are expected that are scientifically controversial. The effects analyses in the EA has relied on the best available scientific information, including numerous studies and monitoring efforts evaluating the effects of G&G surveys on marine mammals, benthic communities, sea turtles, and marine and coastal birds.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks*

G&G surveys are regularly conducted to determine the presence of beach-compatible sand resources in the Atlantic and Gulf of Mexico OCS. The field methods included in the proposed action to identify, characterize, and delineate OCS sand resources are well established. Mitigation and monitoring efforts include comprehensive measures to reduce or eliminate environmental impacts and have been demonstrated to be effective. The effects of the proposed action are not expected to highly uncertain, and the proposed activities do not involve any unique or unknown risks.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration*

No precedent for future action or decision in principle for future consideration is being made in BOEM's decision to conduct comprehensive and systematic G&G surveys. The Bureau's authorization of the surveys does not dictate the outcome of future leasing decisions regarding future use of identified sand resources. Future actions could be subject to the requirements of NEPA and other applicable environmental laws.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts*

Significance may exist if it reasonable to anticipate cumulatively significant impacts that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. The EA concludes that the activities related to the proposed action are not reasonably anticipated to incrementally add to the effects of other activities to the extent of producing significant effects. Any resources impacted by the proposed action are expected to recover quickly due to the short-term, localized nature of the G&G surveys. Therefore, no significant cumulative impacts are expected to occur from conducting G&G surveys.

8. *The degree to which the action may 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.*

Seafloor-disturbing activities (e.g., geological sampling and anchoring if use of dynamic positioning or live-boating is not possible) would occur during geological sampling. Archaeological clearance surveys would be performed in advance of seafloor-disturbing activities and an exclusion area around known sites will be observed. BOEM will also stop work and engage the state historic preservation offices (SHPO) should shipwreck remains be unexpectedly discovered (30 CFR 250.194 and 30 CFR 250.1010). All of these activities are in full compliance with the National Historic Preservation Act (NHPA), as amended; the Archaeological and Historic Preservation Act (AHPA), as amended; and Executive Order (E.O.) 11593.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973*

Endangered or threatened marine mammals are not likely to be adversely affected by the project except for limited behavioral changes related to noise exposure or vessel presence. BOEM has adopted numerous safeguards to minimize noise exposure and strike risk to threatened and endangered species during proposed G&G surveys. The proposed action would not likely adversely affect critical habitat of any species. Negligible to minor impacts would be expected on endangered or threatened sea turtles, fish, and marine and coastal birds given the operational constraints and same comprehensive mitigation program being implemented. BOEM informally consulted with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (FWS), and the agencies concurred with BOEM's determination.

10. Whether the action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment.

BOEM and its contractor(s) must comply with all applicable Federal, state, and local laws and requirements. The operator is required to provide an environmental protection plan that verifies compliance with environmental requirements. BOEM has undertaken the necessary consultations with NMFS, FWS, the Advisory Council on Historic Preservation (ACHP) and SHPOs, and Coastal Management Program offices. The proposed action is in compliance with the Marine Mammal Protection Act. Marine mammals are not likely to be adversely affected by the project and incorporation of safeguards to protect threatened and endangered species during survey work would also protect marine mammals in the area. Migratory birds are not likely to be adversely affected by the proposed action.

Consultations and Public Involvement

BOEM has coordinated with the NMFS, FWS, ACHP, SHPOs, and affected state Coastal Management Programs. Pertinent correspondence with Federal agencies is provided in Appendix C of the EA. After signature of this FONSI, the FONSI and EA will be posted on BOEM's website at http://www.boem.gov/Non-Energy-Minerals/Marine-Minerals-Program.aspx.

Conclusion

BOEM has thoroughly considered the consequences of the proposed action. BOEM prepared the attached EA (Attachment) and finds that it complies with the relevant provisions of the CEQ regulations implementing NEPA, DOI regulations implementing NEPA, and other MMP requirements. Appropriate terms and conditions enforceable by BOEM will be incorporated into the environmental protection plan to avoid, minimize, and/or mitigate any foreseeable adverse impacts. Based on the evaluation of potential impacts and mitigating measures discussed in the EA, BOEM finds that conducting the proposed G&G surveys, with the implementation of the mitigating measures, does not constitute a major Federal action significantly affecting the quality of the human environment under Section 102(2)(C) of the NEPA, and will not require preparation of an EIS.

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Date