NEPA Decision Document/Finding of No Significant Impact (FONSI)
For the Final Supplement to the Cosco Busan Oil Spill
Damage Assessment and Restoration Plan/Environmental Assessment

Department of the Interior: United States Fish and Wildlife Service
March 13, 2025

Introduction:

The United States Fish and Wildlife Service (USFWS), the National Park Service (NPS), the Bureau of Land Management (BLM), the National Oceanic and Atmospheric Administration (NOAA), the California Department of Fish and Wildlife (CDFW), and the California State Lands Commission (CSLC) are the designated natural resource trustees (Trustees) for the November 7, 2007, Cosco Busan oil spill in San Francisco Bay. In September 2011, the Trustees released a Cosco Busan Oil Spill Draft Damage Assessment and Restoration Plan/Environmental Assessment (DARP/EA) and, after consideration of public comments, released a Final DARP/EA in February, 2012. The Trustees published Supplements to the Final DARP/EA in 2013, 2019, and 2024.

The Supplement to the Final DARP/EA (2025) selected three projects previously considered in the Final DARP/EA. One of these projects addresses injuries to Large Diving Ducks and Loons and two of these projects address injuries to Brown Pelicans, Cormorants, and Gulls. The three projects selected as preferred alternatives in the Supplement to the Final DARP/EA (2025) are: 1) extending implementation of the Eelgrass restoration in San Francisco Bay project; 2) the Alcatraz Island human disturbance reduction project; and 3) the Seabird habitat restoration on Southeast Farallon Island project.

This Decision Document/FONSI completes the environmental impact evaluation for the projects selected in the Supplement to the Final DARP/EA (2025), satisfying the Federal Trustees' requirement under the National Environmental Policy Act (NEPA; 42 U.S.C. § 4321 *et seq)*.

Restoration Alternatives:

In June 2024, the Trustees published and invited public comment on a Draft Supplement which identifies three projects, previously considered in the Final DARP/EA, as preferred alternatives for implementation. The Trustees developed criteria to evaluate projects under consideration, including the project's ability to restore those resources directly impacted by the spill and compliance with the relevant federal and state law provisions governing use of recoveries for natural resources. A complete list of the evaluation

criteria can be found in the Final DARP/EA. The Supplement to the DARP/EA also discussed a "no action" alternative which relied on natural processes for recovery of the injured natural resources. The Trustees considered and rejected the "no action" alternative as natural recovery does not compensate for interim losses natural resource loses, and the Oil Pollution Act clearly establishes trustee authority to seek and obtain compensation for interim losses pending recovery of natural resources. Furthermore, technically feasible project alternatives for restoration exist to compensate for these losses. Therefore, the Trustees have selected three restoration projects listed below as the preferred alternative for implementation:

- *Eelgrass restoration in San Francisco Bay project*
- *The Alcatraz Island human disturbance reduction project*, and
- *The Seabird habitat restoration on Southeast Farallon Island project*

This decision document concludes that a FONSI is appropriate for all of the restoration actions selected for implementation by the Trustees and evaluated in the 2025 Supplement to the DARP/EA for the *Cosco Busan* Oil Spill as summarized here.

Alternatives Considered:
Following are the selected project alternatives that the Trustees selected in the Supplement to the Final DARP/EA (2025) with a brief project description. For a complete description of all of the restoration alternatives, see the Final DARP/EA and Supplements (2013; 2019).

Benefits to Large Diving Ducks, Loons
Eelgrass restoration in San Francisco Bay project
This restoration project, currently being implemented by the Trustees to address Cosco Busan oil spill injuries to Fish and other Aquatic organisms and Eelgrass Habitat, will restore an additional 4 acres of eelgrass over 3 years using transplants and seed buoys. Eelgrass will be transplanted from approved existing eelgrass beds to restoration sites. Richardson Bay sites will be prioritized for restoration based on herring spawning and Surf Scoter abundance. Herring roe is an important lipid and nutrient-rich prey item for wintering Surf Scoters. Increasing eelgrass, which can serve as a spawning substrate for herring, can increase the availability of herring roe, which can benefit Surf Scoters. Monitoring will include acoustic mapping and tracking, in situ field monitoring, genetic tracing, monitoring eelgrass for presence of herring spawn, and a baywide eelgrass survey.

The environmental impacts of eelgrass restoration were not analyzed in the Final DARP/EA. For the eelgrass restoration in the Draft Supplement, the Trustees made the determination that the NOAA Restoration Center's Programmatic Environmental Impact

Statement for coastal habitat restoration activities (RC PEIS 2015) fully covers the scope of the proposed action and all environmental impacts. The RC PEIS determined that none of the potential impacts associated with restoration of submerged aquatic vegetation such as eelgrass, would be significant. The public was invited to provide feedback on the Trustees' approach in the Draft Supplement; no comments were received during the public comment period.

The USFWS adopted the RC PEIS 2015 for restoration activities in 2019. The USFWS Coastal PEIS Review Team determined, based upon an Inclusion Analysis, that the RC PEIS covers the impacts of implementation of the Eelgrass restoration in San Francisco Bay project. The USFWS did not adopt the Technical Assistance activities, such as Implementation and Effectiveness monitoring and Fish and Wildlife monitoring, covered in the RC PEIS. The monitoring activities for the Eelgrass restoration in San Francisco Bay project, however, are considered under Departmental categorical exclusions (§46.210(e)) that do not meet the extraordinary circumstances criteria listed in §46.215. Therefore, no additional NEPA analysis is required for the Eelgrass in San Francisco Bay project.

Benefits to Brown Pelicans, Cormorants, and Gulls

The Alcatraz Island human disturbance reduction project

This project will include education and outreach to reduce human disturbance on Alcatraz Island, part of the Golden Gate National Recreation Area, to benefit cormorants, gulls, pelicans, and other waterbirds. The project will develop signage and targeted outreach to Bay user groups, conduct public outreach, and support dedicated staff to better manage on-island access away from waterbird breeding and roosting sites.

Benefits to Brown Pelicans, Cormorants, and Gulls

This project will help to restore seabird breeding habitat by reducing invasive plant cover and restoring the native plant community of Southeast Farallon Island, part of the Farallon Islands National Wildlife Refuge. The project area includes nearly 60 acres of habitat that is highly infested with non-native plants and that historically provided high value seabird nesting habitat. Control methods include primarily herbicide treatment combined with more limited hand pulling.

Environmental Consequences:

The Trustees analyzed the effects of each restoration project on the quality of the human environment. As documented in the Final DARP/EA and Supplement (2025), the Trustees expect the proposed actions to provide benefits to the species targeted, and to be implemented without significant adverse effects to soil, air quality, water resources, floodplains, wetlands, vegetation, fisheries, wildlife, visual quality, aesthetics/recreation, wilderness, subsistence, cultural resources, park management, or the local economy. The

proposed actions are designed to make the environment and the public whole for injuries to, or lost use of, natural resources and services from the Spill.

Overall, the Trustees' selected restoration projects for the *Cosco Busan* NRDA will result in long-term net improvement in fish and wildlife habitat, restoration of ecological balance in areas where disturbances have led to adverse impacts on sensitive native species, and improvement in the natural resource services provided by fish and wildlife in the region. The cumulative impacts for the restoration projects selected are summarized below from the analysis presented in the Final DARP/EA and Supplement.

All of the past and proposed eelgrass restoration efforts for this region are part of a long-term strategy to recreate thriving subtidal habitats in the greater San Francisco Bay area. The projects described in this Supplement, considered along with other restoration projects, will result in cumulatively beneficial impacts to plants and wildlife and provide additional subtidal habitat to support recovery of this sensitive community and the fish and other wildlife that it supports, including the last commercially viable herring fishery. Overall, these cumulative impacts are expected to be mainly localized and would not be significant at a regional or larger scale.

Summary:
The Trustees believe that, overall, the alternatives selected in this Supplement to the Final DARP/EA, when considered along with past and reasonably foreseeable future projects, will have long-term, local and regional beneficial impacts to natural resources.

Environmentally Preferred Alternative:
The environmentally preferred alternative is the alternative that will promote the policies of NEPA, as expressed in Section 101 of NEPA. The environmentally preferred alternative is the one that best meets the following:

- Fulfills the responsibility of each generation as trustee of the environment for succeeding generations;
- Ensures for all Americans a safe, healthful, productive, and aesthetically and culturally pleasing surrounding;
- Attains the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- Preserves important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- Achieves a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

- Enhances the quality of renewable resources and approaches the maximum attainable recycling of depletable resources.

Based upon analyses of the proposed action when compared to the alternative projects (non-preferred) and the no action alternative, the proposed action meets the criteria above and is, therefore, also the environmentally preferred alternative.

Basis for Decision:
Implementation of the proposed actions will have local and regional long-term beneficial impacts on natural, cultural, and social resources, with minimal short-term unfavorable impacts during project implementation activities. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative negative effects, or elements of precedence have been identified, and implementing the proposed and preferred alternative will not violate Federal, State, or local environmental protection laws.

Public Involvement:
The Trustees invited public review and comment on the Draft Supplement to the DARP/EA from 6/27/2024 through 7/31/2024. The Draft Supplement was posted to the California Department of Fish and Wildlife's website for the Cosco Busan spill https://www.wildlife.ca.gov/OSPR/NRDA/cosco-busan The Trustees received no comments.

Conclusion:
Based upon an environmental review and evaluation of the Supplement (2025) to the Final DARP/EA for the *Cosco Busan* Oil Spill as summarized above, it is determined that implementation of the three restoration projects in the Supplement to the restoration plan does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). Accordingly, an environmental impact statement is not required for this action.

MICHAEL SENN Digitally signed by MICHAEL SENN Date: 2025.03.21 14:43:43 -07'00' (FOR)

Regional Director, Pacific Southwest Region
U.S. Fish and Wildlife Service

Date