

**FINDING OF NO SIGNIFICANT IMPACT**  
**for the Final Supplement to the Cosco Busan Oil Spill Final Damage**  
**Assessment and Restoration Plan/Environmental Assessment**

**I. Purpose of Finding of No Significant Impact (FONSI):** 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 § 1501.3(c)(2)). To evaluate whether a significant impact on the human environment is likely, the CEQ regulations direct agencies to analyze both the context of the action and the intensity of the effect (40 CFR § 1501.3(d)). 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, 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(d)(1)); 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(d)(2)(i)-(viii)). 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, NOAA reviewed the Final Supplement to the Cosco Busan Oil Spill Final Damage Assessment and Restoration Plan/Environmental Assessment (DARP/EA), which supplements the analyses in the original Final DARP/EA. 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 subsequently supplemented the Final DARP/EA in 2013 and 2019. The Trustees are supplementing the Final DARP/EA again to propose implementation of three projects previously considered in the Final DARP/EA. One of these projects would address injuries to *Large Diving Ducks and Loons* and two of these projects would address injuries to *Brown Pelicans, Cormorants, and Gulls*. Consequently, the Trustees have prepared this Final Supplement proposing to: 1) extend implementation of the Eelgrass Restoration in San Francisco Bay Project and 2) to replace the Berkeley Pier Project with the Alcatraz Island Human Disturbance Reduction Project and the Seabird Habitat Restoration on Southeast Farallon Island Project.

The Trustees have already identified and implemented two preferred projects addressing injuries to and restoration of *Large Diving Ducks and Loons*: enhancing prey availability for wintering and migrating Surf Scoters in San Francisco Bay; and removal of derelict fishing nets in the Salish Sea. The Trustees now are proposing to allocate the remaining unspent funds for *Large Diving Ducks and Loons* to extend ongoing implementation of the *Eelgrass* restoration in San Francisco Bay. *Eelgrass* restoration, selected as a preferred alternative in the Final DARP/EA to address injuries to *Fish and other Aquatic Organisms and Eelgrass* habitat, is currently being implemented. Monitoring has shown that when herring spawned in the area of restored beds, they used the restored eelgrass as a spawning substrate. This proposed restoration project will restore an additional 4 to 8 acres over 3 years using the methods employed previously.

The Trustees are also proposing two additional projects to address injuries due to the spill to *Brown Pelicans, Cormorants and Gulls*. The Alcatraz Island human disturbance reduction project and the Seabird habitat restoration on Southeast Farallon Island project are proposed now as replacements for the Berkeley Pier Enhancement project, which was selected as a preferred alternative in the Final DARP/EA, but is experiencing permitting delays until at least 2026. The two projects were originally identified and evaluated in the Final DARP/EA but were not selected as preferred alternatives. One of the selection criteria the Trustees consider is Time to Provide Benefits. A proposed project that provides benefits to the target resource sooner is preferred over a project that would provide those benefits later.

**II. Approach to Analysis:** The Final Supplement is an integrated document to efficiently address the Trustees' dual requirements to comply with both the National Environmental Policy Act (NEPA) and Oil Pollution Act (OPA).

- 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 Supplement and the Final DARP/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:**

**Eelgrass Restoration in San Francisco Bay:** This restoration project will restore an additional 4 acres of eelgrass over 3 years using the methods employed previously (transplants and seed buoys). Eelgrass will be transplanted from approved existing donor eelgrass beds to restoration sites. Restoration sites may be identified from modeling results and parcel research, as well as pilot plot performance results. Richardson Bay sites will be prioritized for restoration based on herring spawning and Surf Scoter abundance; although, sites in Corte Madera Bay, San Rafael Bay, and San Pablo Bay, where herring are also known to spawn, may be considered. The affected environment of central San Francisco Bay is described in Section 2.0 of the Final DARP/EA, and that information remains valid and is incorporated here by reference.

**Alcatraz Island Human Disturbance Reduction Project:** This project will reduce human disturbance on Alcatraz Island through education, outreach, and signage. The Trustees expect that the projects will benefit cormorants, gulls, pelicans, alcids, and other waterbirds. Alcatraz is a part of the Golden Gate National Recreation Area, a unit of the National Park Service. This area is described in Section 2.0 of the Final DARP/EA, and that information remains valid and is incorporated here by reference.

**Seabird Habitat Restoration on Southeast Farallon Island Project:** This project will help to restore seabird breeding habitat by greatly reducing invasive plant cover and restoring the native plant community of Southeast Farallon Island, part of the Farallon Islands National Wildlife Refuge.

This project will be located 27 miles west of San Francisco at Southeast Farallon Island, which is part of the Farallon Islands National Wildlife Refuge. The Farallon Islands are described in Section 2.0 of the Final DARP/EA, and that information remains valid and is incorporated here by reference.

**IV. Degree of Effect:** The Final Supplement analyzes potential environmental impacts associated with the proposed action. The analysis is summarized in Section 3.0 in the Final Supplement. The proposed projects are unlikely to have significant adverse impacts on the environment. Consistent with the goals and objectives outlined in the Final DARP/EA, the proposed projects would meet the mandates under Natural Resource Damage Assessment (NRDA) statutes and regulations to make the environment and public whole for injuries resulting from an incident involving a discharge or substantial threat of a discharge of oil. The proposed projects would have direct beneficial effects and only minor, short-term adverse impacts. The no action alternative would cause no significant direct, indirect, or cumulative impacts to any of the elements of the environment listed above. However, if the Trustees undertook no action, the environment would not benefit from the ecological uplift created by active restoration. Thus, the Trustees reject the no action alternative and instead have identified the restoration projects, described above, as preferred alternatives.

- 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. The projects will undergo all required reviews and permitting prior to implementation.
- 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. Rather, the projects are expected to benefit Federally-listed species, other fish species, migratory birds, and wildlife by improving habitat and minimizing disturbances. Any potential adverse impacts are expected to be short term and minor, primarily associated with construction and maintenance activities.
  - b. The proposed action is not expected to adversely affect marine mammals, their critical habitat, or other non-target species.
  - c. The proposed action is not expected to cause substantial damage to Essential Fish Habitat (EFH) as defined under the Magnuson-Stevens Fishery Conservation and Management Act. Rather, the restoration of eelgrass will result in direct beneficial impacts to EFH with the creation of 4 acres of eelgrass.
  - d. The proposed action is not expected to adversely affect bird species protected under the Migratory Bird Treaty Act. Rather, the projects are expected to provide long-term benefits to migratory birds.
  - e. No adverse impacts to national marine sanctuaries or monuments will occur.
  - f. The proposed action is not expected to have any substantial adverse impacts on biodiversity or ecosystem function. Rather, the projects implemented are expected to result in beneficial direct and indirect long-term impacts to the environment by creating and preserving important habitat for natural resources. Any potential

adverse impacts are expected to be short term and minor, primarily associated with construction and maintenance activities.

- D. The proposed action is not expected to adversely affect National Historic Places or scientific, cultural, or historical resources. There are no known historic resources within the project areas. The Trustees will ensure coordination with the State Historic Preservation Office in accordance with Section 106 of the National Historic Preservation Act.
- E. The proposed action is not expected to 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). Rather, the proposed restoration activities would provide long-term beneficial impacts to these communities by improving the quality of the natural environment.
- F. The proposed action is not 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 areas 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 in the area that, when considered together, could result in synergistically significant impacts. Any future Federal actions in the area may have to undergo a similar NEPA environmental review process, and would be expected to 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:**

Potential impacts to soil, water, and biological resources will be minimized or mitigated through best management practices (BMPs), permit conditions, and consultation requirements if/as required by other statutes.

## 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 Supplement and the Final DARP/EA prepared by the Cosco Busan Trustee Council, it is hereby determined that the Projects identified by the Trustees as the Preferred Alternative in this Final Supplement will not significantly impact the quality of the human environment. The Final DARP/EA 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.

*Christopher Doley*

---

Christopher Doley  
Chief, Restoration Center  
National Marine Fisheries Service

Digitally signed by  
DOLEY.CHRISTOPHER.DAVID.1365844042  
Date: 2024.09.27 08:12:32 -04'00'

---

Date

---

Tony Penn  
Chief, Assessment and Restoration Division  
National Ocean Service

---

Date

## 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 Supplement and the Final DARP/EA prepared by the Cosco Busan Trustee Council, it is hereby determined that the Projects identified by the Trustees as the Preferred Alternative in this Final Supplement will not significantly impact the quality of the human environment. The Final DARP/EA 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.

---

Christopher Doley  
Chief, Restoration Center  
National Marine Fisheries Service

---

Date

PENN.TONY.MARTIN.1365863640  
863640

Digitally signed by  
PENN.TONY.MARTIN.1365863640  
Date: 2024.09.27 08:30:18 -04'00'

---

Tony Penn  
Chief, Assessment and Restoration Division  
National Ocean Service

---

Date