

FINDING OF NO SIGNIFICANT IMPACT

The Council on Environmental Quality (CEQ) regulations state that the determination of significance using an analysis of effects requires examination of both context and intensity, and lists ten criteria for intensity (40 CFR 1508.27). In addition, the Companion Manual for National Oceanic and Atmospheric Administration Administrative Order 216-6A provides sixteen criteria, the same ten as the CEQ Regulations and six additional, for determining whether the impacts of a proposed action are significant. Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

1. Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, even if the effect will be beneficial?

The proposed action (preferred alternative) could cause beneficial impacts in improvements to water quality but NOAA's Office for Coastal Management (OCM) does not reasonably expect the beneficial impacts to result in significant effects. Examples of the beneficial effects are biological and water quality improvements from the restoration actions. Oyster bed restoration for remote setting and shell cultch placement projects directly increase oyster community opportunities. Oysters also provide a valuable water filtering process, removing excess nutrients from the water column resulting in increases in ecological services provided by restored oyster populations.

2. Can the proposed action reasonably be expected to significantly affect public health or safety?

The proposed action will not significantly affect public health or safety. The restoration activities have the potential to improve the natural ecosystem functions such as storm protection. The small footprint of the project combined with the implementations of best management practices (BMPs) will ensure the safety of the public.

3. Can the proposed action reasonably be expected to result in significant impacts to 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?

The proposed action will not have a significant effect on the unique characteristics of the geographic area. The installation technique will not alter the aquatic ecosystem or obstruct the waterways. The placement of the oyster shell bags will be from a small vessel, and the

oyster shell bags will be placed into the water one at a time, as close to the shoreline as possible, thus stacking the bags using a random orientation (“blind”) placement technique.

Unless presented with an emergency, no volunteers will be permitted to access the marshland or mounds along the shoreline. Coalition to Restore Coastal Louisiana (CRCL) will access the shoreline only to mark the project area with flagging, under the supervision of the Tribe. Therefore, we do not anticipate any potential impacts to the environment or cultural resources using the described deployment techniques.

4. Are the proposed action’s effects on the quality of the human environment likely to be highly controversial?

The proposed action effects on the human environment are unlikely to be highly controversial. The OCM restoration activities have generated no controversy in the past. The OCM submitted a memo to ten Native American Tribes within the project vicinity seeking their involvement. The Seminole Nation of Oklahoma responded seeking involvement in the project. OCM submitted a draft Environmental Assessment to the interested Tribal parties and received a concurrence memo in writing by the Seminole Nation of Oklahoma.

5. Are the proposed action’s effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

The activities of restoring Native American mounds do not involve highly uncertain effects, or unique or unknown risks. A restoration project generally means to bring something back to a former condition. While the vessel noise is a potential stressor for local marine mammals, the noise from the CRCL small motor boat would be temporary and not present a unique or unknown risk.

6. Can the proposed action reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

The proposed project would not establish a precedent. NOAA provides funds on an annual basis, and this grant program is competitive and explicitly designed to support independent projects with independent utility. There is no assurance of any future funding and any theoretical projects would undergo appropriate review at that time.

7. Is the proposed action related to other actions that when considered together will have individually insignificant but cumulatively significant impacts?

The proposed action is not related to other actions that when considered together will have individually insignificant but cumulatively significant impacts. The preserving of the mounds will rehabilitate the area, which will help rebuild elements of function in the ecological system.

8. Can the proposed action reasonably be expected 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?

The proposed action is not reasonably expected to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or cause loss or destruction of significant scientific, cultural, or historical resources. No NRHP-eligible historic sites are located within the area of potential effects for the project; however, the mounds are culturally significant.

Beneficial, long-term effects should result from the installation of the oyster reef. The oyster reef will harden the shoreline and prevent future erosion of the tribal earth mounds. The site is not listed as an American Indian Religious Site or a cultural resource in Louisiana. However, the tribal earth mounds located at the project site have been considered a cultural resource to the local native tribe. The shoreline where the tribal mounds are located will only be marked and flagged under the supervision of the Tribe. Volunteers and members of the project team will not be permitted access to the marshland or mounds along the shoreline. Long-term, adverse impacts are not expected.

The Louisiana State Historic Preservation Office notified OCM on October 26, 2018 that it concurs with OCM that the project will have “no effect” on historic resources.

9. Can the proposed action reasonably be expected to have a significant impact on endangered or threatened species or their critical habitat as defined under the Endangered Species Act of 1973?

The proposed action is not reasonably expected to have a significant impact on endangered or threatened species or their critical habitat. The proposed action will occur in the vicinity of endangered and threatened marine mammals, sea turtles, and fish. Marine mammals, sea turtles, and fish are expected to avoid the area during the installation and will more than likely avoid the vessel operation during the placement of the oyster bags near the shoreline.

10. Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection?

The proposed action will not violate Federal, state, or local law or requirements imposed for environmental protection. The OCM initiated informal consultation with the State Historic Preservation Officer, Tribal Historic Preservation Officer, United States Fish and Wildlife Service, and the National Marine Fisheries Services. All Federal agencies have concurred with the findings of no effect to natural and cultural resources. The CRCL is working with the United States Army Corps of Engineers to obtain a General Permit to place the oyster reef in United States waters.

11. Can the proposed action reasonably be expected to adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act?

The proposed action is not reasonably expected to adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act. The West Indian manatee is extralimital in Louisiana coastal waters. Sightings off the Louisiana coast or strandings on Louisiana shorelines are rare. The West Indian Manatee or other marine mammals are unlikely to be present in the project area.

12. Can the proposed action reasonably be expected to adversely affect managed fish species?

The proposed action is not reasonably expected to adversely affect managed fish species. However, beneficial impacts are expected for fish as a result of constructing a living shoreline, because it provides habitat and improves water quality.

13. Can the proposed action reasonably be expected to adversely affect essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act?

The proposed action is not reasonably expected to adversely affect essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act. The project vicinity is not located in essential fish habitat.

14. Can the proposed action reasonably be expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems?

The proposed action is not reasonably expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems. Restoration

ecology seeks to repair or reconnect ecosystem damage that has been caused by humans or natural forces. The proposed action will stabilize the shoreline, reduce scour and erosion, protect the shoreline, and provided wave attenuation. Oyster shell is preferable to rock for meeting the objectives of this project for three reasons: 1) the structure formed by many shells stacked together includes complex interstitial spacing, creating a durable, yet porous matrix that is more effective at dissipating current energy than more uniform structures; 2) the same volume of shell weighs less than rock, reducing the amount that the structure will sink into the bottom substrate; and 3) oyster larvae prefer to settle onto cured oyster shell, so this material is more likely to recruit living oysters.

15. Can the proposed action reasonably be expected to adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)?

The proposed action is not reasonably expected to affect biodiversity or ecosystem functioning. The installation of an oyster living shoreline is made up of native material. Living shorelines maintain the continuity of the shore and reduce erosion while providing habitat value and enhancing coastal resilience.

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

The proposed action is not reasonably expected to result in the introduction or spread of nonindigenous species. The vessels are registered under Louisiana state law. The use of the local tribal community vessels will minimize the risk of introducing or spreading any indigenous species since they are not originating outside the project area. Additionally, all shells will have been cured for at least six months to remove remaining organic material which provides a clean surface for larval settlement, reduces the risk of disease, and reduces the risk of fouling from algae.

**Finding of No Significant Impact
Environmental Assessment
Point-au-Chien Cultural Heritage
Protection Reef in Coastal Louisiana**

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for the Pointe au Chien cultural heritage protection reef, it is hereby determined that the funding of an oyster reef to protect a cultural resource will not significantly impact the quality of the human environment as described above and in the supporting Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an environmental impact statement for this action is not necessary.

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NOAA's Office for Coastal Management

Date