

APPENDIX A

**Finding of No Significant Impact (FONSI)
from Implementation of the Louisiana Trustee Implementation Group
Supplemental Environmental Assessment for the Pointe-aux-Chenes Wildlife
Management Area Recreational Use Enhancement Project**

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APPENDIX A CONTENTS

A-1 Introduction	A-1
A-2 Lead and Cooperating Agencies.....	A-1
A-3 Public Participation.....	A-2
A-3.1 Adoption of the Supplemental EA NEPA Analysis	A-2
A-4 Description of Proposed Action and Alternatives.....	A-2
A-4.1 Action Alternatives.....	A-2
A-4.2 No Action Alternative	A-3
A-4.3 Preferred Alternative	A-3
A-5 Analysis Summary.....	A-3
A-6 Literature Cited.....	A-7
A-7 Determination	A-8

Tables

Table A-1. Action Alternatives.....	A-2
Table A-2. Current Status of Federal Regulatory Compliance for Proposed Action.....	A-6

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A-1 INTRODUCTION

The *Louisiana Trustee Implementation Group Final Supplemental Environmental Assessment for the Pointe-aux-Chenes Wildlife Management Area Recreational Use Enhancement Project* (Supplemental EA) was prepared by the Louisiana Trustee Implementation Group (LA TIG) to assess the environmental impacts from modifications to the Pointe-aux-Chenes Wildlife Management Area (PACWMA) Recreational Use Enhancement Project that was evaluated and selected in the *Final Restoration Plan/Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use* (RP/EA #4). The RP/EA #4 was finalized in July 2018 (LA TIG 2018). The LA TIG is responsible for restoring the natural resources and services within the Louisiana Restoration Area that were injured by the April 20, 2010, Deepwater Horizon (DWH) oil spill and associated spill response efforts. The LA TIG includes five Louisiana state trustee agencies and four federal trustee agencies: the Louisiana Coastal Protection and Restoration Authority; the Louisiana Department of Natural Resources; the Louisiana Department of Environmental Quality; the Louisiana Oil Spill Coordinator's Office; the Louisiana Department of Wildlife and Fisheries (LDWF); the U.S. Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); the U.S. Department of the Interior, represented by the U.S. Fish and Wildlife Service (USFWS) and National Park Service; the U.S. Department of Agriculture; and the U.S. Environmental Protection Agency (EPA).

The Supplemental EA was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), and is consistent with the Deepwater Horizon Oil Spill Trustees' (DWH Trustees') findings in the *Deepwater Horizon Oil Spill Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement* (PDARP/PEIS) and Record of Decision (ROD) and the 2016 Consent Decree resolving civil claims by the DWH Trustees against BP Exploration and Production, Inc., arising from the DWH oil spill (DWH Trustees 2016). The Supplemental EA tiers from the environmental analysis conducted in the Final PDARP/PEIS, incorporates existing analyses provided in the RP/EA #4, and evaluates the environmental consequences of additional alternatives considered in the Supplemental EA.

The PACWMA Recreational Use Enhancement Project was originally evaluated in the Draft and Final RP/EA #4. The project consists of four discrete elements: 1) pirogue pullovers, 2) a pirogue launch, 3) fishing piers at water control structures, and 4) a boat launch renovation. Through the engineering and design process, it was discovered that a combination of thick vegetation and low water levels at the original location for the pirogue launch would have made this project feature difficult to execute and maintain. The LA TIG prepared the Supplemental EA in compliance with NEPA to evaluate modifications to the PACWMA Recreational Use Enhancement Project, consider alternatives consistent with the purpose and need of the original project, and evaluate potential environmental impacts from these modifications that differ from the impact analysis of the original project described in the RP/EA #4.

A-2 LEAD AND COOPERATING AGENCIES

The Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations [CFR] 1500–1508) require a federal agency to serve as lead agency to supervise the NEPA analysis when more than one federal agency is involved in the same action (40 CFR 1501.5[a]). The LA TIG designated the EPA as the lead agency responsible for NEPA analysis for the Supplemental EA. The other federal and state co-trustees are participating as a cooperating agency pursuant to NEPA regulations (40 CFR 1508.5) and the *Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the Deepwater Horizon (DWH) Oil Spill* (TC SOPs) (Trustee Council 2016).

A-3 PUBLIC PARTICIPATION

The public was notified of the availability of the Draft Supplemental EA for review and comment online at <http://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>. Comments on the Draft Supplemental EA were accepted from January 31, 2020 through March 2, 2020. The LA TIG accepted public comments through both web-based comment submissions and via U.S. mail. No substantive public comments were received during the 30-day public comment period.

A-3.1 Adoption of the Supplemental EA NEPA Analysis

Each federal agency on the LA TIG must make its own independent evaluation of the NEPA analysis in support of its decision-making responsibilities. In accordance with 40 CFR 1506.3(a) and the TC SOPs, each of the federal agencies participating in the LA TIG has reviewed the Supplemental EA, found that it meets the standards set forth in its own NEPA implementing procedures, and accordingly has adopted the NEPA analysis.

A-4 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

NEPA and the Council on Environmental Quality’s NEPA regulations require the federal agency decisionmaker to consider the environmental effects of the Proposed Action and a reasonable range of alternatives, including the No Action Alternative (42 United States Code [USC] 4332; 40 CFR 1502.14). The Supplemental EA considers a total of three alternatives for the PACWMA Recreational Use Enhancement Project. A description of each of the alternatives considered in the Supplemental EA is provided in Section 2 of the Supplemental EA, and in Section 3 of the RP/EA #4.

A-4.1 Action Alternatives

Three alternatives for the PACWMA Recreational Use Enhancement Project were considered in the Supplemental EA. Two of the alternatives are action alternatives; the third alternative is the No Action Alternative. Alternative A is the original project scope and location of the PACWMA Recreational Use Enhancement Project, as defined in the RP/EA #4. Alternative B retains the same elements as in the original Project, except the pirogue launch feature would change locations. Under all action alternatives, the LA TIG would allocate \$5,012,000 of Natural Resource Damage Assessment (NRDA) funds for the PACWMA Recreational Use Enhancement Project. Table A-1 summarizes the action alternatives analyzed in the Supplemental EA.

Table A-1. Action Alternatives

Alternative Name	Location	Summary	Preferred Alternative
Alternative A: Original Project Scope	PACWMA; near town of Montegut, Louisiana	Project elements include: pirogue pullovers, a pirogue launch, fishing piers at water control structures, and a boat launch renovation within PACWMA.	No
Alternative B: Original Project Scope with Revised Location of Pirogue Launch	PACWMA; near town of Pointe-aux-Chenes, Louisiana	Project elements include: pirogue pullovers, a pirogue launch (revised location), fishing piers at water control structures, and a boat launch renovation within PACWMA.	Yes

A-4.2 No Action Alternative

Under the No Action Alternative (Alternative C), the LA TIG would not, at this time, select and implement additional recreational use restoration intended to compensate for lost natural resources or their services resulting from the DWH oil spill. Accordingly, the No Action Alternative would not meet the purpose and need for implementing alternatives that address lost natural resources and their services as described in Section 5.3.2 of the Final PDARP/PEIS and in Section 1.2 of the Supplemental EA. The No Action Alternative would not meet the DWH Trustees' goals of providing and enhancing recreational opportunities. If the No Action Alternative was implemented, none of the action alternatives would be selected for implementation and restoration benefits and services associated with these action alternatives would not be achieved at this time. The LA TIG rejects the No Action Alternative as a viable means of compensating the public for the lost recreational use injuries caused by the DWH oil spill.

A-4.3 Preferred Alternative

After evaluating a total of three alternatives for the PACWMA Recreational Use Enhancement Project, including the No Action Alternative, the LA TIG is proposing Alternative B: Original Project Scope with Revised Location of Pirogue Launch as the preferred alternative for implementation. Based on the analysis presented in the Supplemental EA, the LA TIG finds that the project modifications of Alternative B would result in impacts consistent with those identified and discussed in the detailed environmental review in Section 4.6.6 of RP/EA #4 (LA TIG 2018) and do not change the overall impacts of the project to these resources. Consequently, no change is proposed at this time to the Trustees' selection of the project under the Oil Pollution Act, or to the findings relevant to the environmental analyses conducted under NEPA. The LA TIG's final determination remains subject to the results of additional consultations and reviews as required for compliance with all other laws, including consideration of any significant new circumstances or information presented as part of those processes.

A-5 ANALYSIS SUMMARY

The Proposed Action—which is to implement the Preferred Alternative B and associated project elements described in the Supplemental EA—and alternatives were analyzed to determine the type and severity of potential environmental impacts that might result from the alternatives, consistent with NEPA. Section 4 of the Supplemental EA provides the analysis needed to assess the significance of the impacts of the Proposed Action. The Supplemental EA tiers from the environmental analysis conducted in the Final PDARP/PEIS, incorporates existing analyses provided in RP/EA #4, and evaluates the environmental consequences of additional alternatives considered in the Supplemental EA. The Supplemental EA evaluated both beneficial and adverse impacts of the Proposed Action.

The analysis included in the Supplemental EA supports the following conclusions:

- The Proposed Action will have no significant adverse impacts to unique characteristics of the geographic areas. The Proposed Action is not expected to have any significant adverse effects on wetlands, floodplains, municipal water sources, ecologically critical areas, wild and scenic river corridors, park lands, wilderness, wilderness research areas, research natural areas, inventoried roadless areas, national recreation areas, or prime farmlands, particularly on a regional basis, beyond those disclosed and evaluated in the Final PDARP/PEIS. The effects on these geographic areas from the restoration techniques in the Supplemental EA were evaluated in the Supplemental EA and found to be within the scope of effects evaluated in the Final PDARP/PEIS. The purpose of the Proposed Action is to improve the condition of natural resources and provide recreational use opportunities lost as a result of the DWH oil spill.

- The effects of the Proposed Action on the quality of the human environment are not controversial. No substantive public comments were received for the Draft Supplemental EA from January 31, 2020 through March 2, 2020.
- The Proposed Action neither establishes a precedent for future LA TIG actions with significant effects nor represents a decision in principle about a future consideration. Future LA TIG actions will be determined through separate planning processes.
- The Proposed Action will have no significant adverse cumulative impacts. Due to the primarily short-term nature and low intensity of impacts from the Proposed Action, this alternative would not substantially contribute to adverse cumulative impacts on any resource.
- The Proposed Action will have no significant adverse impacts on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause the loss or destruction of significant scientific, cultural, or historical resources. The Proposed Action will be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.
- Based on information in the Supplemental EA, the Proposed Action is not expected to violate federal, state, or local laws or requirements imposed for environmental protection. However, the project will be monitored appropriately, and approaches and designs may be applied, adopted, or modified from other similar projects as deemed necessary.
- The Proposed Action is not expected to impact Endangered Species Act-listed endangered or threatened species, or their critical habitat. The PACWMA project area is located within a marsh management unit with physical barriers that prevent marine mammals and sea turtles from entering the area. Therefore, the construction of the pirogue launch at the revised location will have no effect on these protected species, since they cannot access the site.
- The Proposed Action will not have significant adverse impacts on vulnerable marine or coastal ecosystems. The Supplemental EA analyzed impacts to marine and estuarine fauna, including essential fish habitat (EFH). Construction of the pirogue launch and enjoyment of these amenities by recreational users could impact EFH and aquatic habitats used by marine and estuarine fauna. Although these adverse impacts may affect aquatic fauna, habitats, and EFH in localized areas, the impacts would be minor and short term based on the availability of nearby aquatic habitats for coastal nearshore and marine species. Temporarily disturbed nearshore and marine species would likely find refuge in plentiful suitable habitats nearby. Therefore, adverse impacts resulting from the project on aquatic fauna, local fisheries, and designated EFH would be short term, minor, and localized. Potential impacts to EFH, estuarine and aquatic fauna, and managed fisheries would be avoided or minimized to the extent practicable during design and construction. When impacts cannot be avoided, BMPs and conservation measures would minimize the magnitude and duration of impacts to EFH, aquatic fauna, and managed species, as determined necessary by LDWF.
- The Proposed Action is not expected to adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.).
- The Proposed Action will not adversely affect marine mammals protected under the Mammal Marine Protection Act (MMPA) or managed fish species under the jurisdiction of the NOAA due to the location of the action.
- The Proposed Action is not expected to result in the introduction or spread of a nonindigenous species. Any construction-related activities with potential for introduction of invasive species will follow provisions for invasive species management and BMPs to minimize the risk of the introduction or spread of nonindigenous species.

- The Proposed Action will have no significant adverse impacts on public health and safety. The restoration activities will provide long-term benefits for improved recreational access, and BMPs would be implemented on a site-specific basis to mitigate the potential for adverse impacts to occur to public health and safety during implementation.
- The Proposed Action is expected to comply with all applicable federal laws and regulations relevant to the project. Table A-2 provides a summary of the federal regulatory compliance review and approvals for the Proposed Action. For all environmental statutes in which the compliance status is labeled as complete, no significant or adverse effects were found.
- The Proposed Action has no highly uncertain, unique, or unknown risks. Implementation of recreational amenities within the PACWMA has a high likelihood of success. LDWF has successfully implemented similar recreational use projects as part of its day-to-day natural resource management responsibilities on this wildlife management area and at other state-owned properties within coastal Louisiana.

Table A-2. Current Status of Federal Regulatory Compliance for Proposed Action

Alternative Name	Bald and Golden Eagle Protection Act (U.S. Fish and Wildlife Service [USFWS])	Coastal Barrier Resources Act (USFWS)	Coastal Zone Management Act	Endangered Species Act Section 7 (National Marine Fisheries Service [NMFS])	Endangered Species Act Section 7 (USFWS)	Essential Fish Habitat (NMFS)	Marine Mammal Protection Act (NMFS)	Marine Mammal Protection Act (USFWS)	Migratory Bird Treaty Act (USFWS)	National Historic Preservation Act	Rivers and Harbors Act/Clean Water Act (U.S. Army Corps of Engineers Permit)
Alternative B: Original Project Scope with Revised Location of Pirogue Launch	Complete	Complete	Complete	Complete	Complete	Complete	Complete	Complete	Complete	Complete	Complete

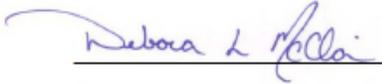
A-6 LITERATURE CITED

- Deepwater Horizon Oil Spill Trustees (DWH Trustees). 2016. *Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement*. Available at: <http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan>. Accessed October 2019.
- Louisiana Trustee Implementation Group (LA TIG). 2018. *Louisiana Trustee Implementation Group Final Restoration Plan/Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use*. Available at: https://la-dwh.com/wp-content/uploads/2018/07/LA_RP_EA4_to-CPRA_070618_508.pdf. Accessed October 2019.
- Trustee Council. 2016. *Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the Deepwater Horizon (DWH) Oil Spill*. November 15, 2016. Available at: <https://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/DWH-SOPs.pdf>. Accessed October 2019.

A-7 DETERMINATION

Based on the information presented in this document and the analysis contained in the Supplemental EA, it is hereby determined that implementation of the Proposed Action will not significantly impact the quality of the human environment, as described above. Therefore, an Environmental Impact Statement will not be prepared.

FOR THE U.S. DEPARTMENT OF THE INTERIOR



DEBORA L. MCCLAIN

Alternate Department of the Interior Natural Resources Trustee Official for the Louisiana Trustee Implementation Group

Date: _____

FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION



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