

FINDING OF NO SIGNIFICANT IMPACT

Tank Barge DBL 152 Oil Spill Final Damage Assessment and Restoration Plan/Environmental Assessment

Background:

Under the Oil Pollution Act of 1990 (OPA), the National Oceanic and Atmospheric Administration (NOAA), acting as Natural Resource Trustee, prepared the Final Damage Assessment and Restoration Plan and Environmental Assessment (DARP/EA) for the Tug Barge DBL 152 oil spill in the Gulf of Mexico, which began on November 11, 2005. The DARP/EA evaluates restoration alternatives for natural resource injuries incurred as a result of this oil spill.

On November 11, 2005, while en route from Houston, Texas, to Tampa, Florida, the integrated tug-barge unit comprised of the tugboat "Rebel" and the double-hull Tank Barge DBL 152 struck the submerged remains of a pipeline service platform that collapsed during Hurricane Rita. The starboard bow cargo and ballast tanks were punctured, at which time the barge began taking on water and releasing oil. Initially, a portion of the oil floated forming an oil slick on the surface. It was later determined that the bulk of the released oil sank to the bottom of the seafloor.

Following the accident, the tug and barge were separated for safety reasons, but remained in close proximity. The barge was eventually towed by the tug towards shore with the intent of grounding and stabilizing it in shallower water to facilitate salvage and lightering and to minimize the risk of striking oil pipelines buried within the seabed. The barge grounded farther from shore than anticipated in about 50 feet of water, approximately 35 nautical miles (nm) south-southeast of Sabine Pass, Texas, or approximately 13 nm west-northwest of where the incident occurred. Once grounded, the barge continued listing severely and slowly releasing oil from unsealed vents and hatches. On November 14, 2005, the barge capsized, and additional oil was released in a relatively short period of time and was deposited on the seafloor as discrete mats or pools of submerged oil.

An estimated 45,846 barrels (bbls) of oil (1,925,532 gallons) were discharged into federal waters of the Gulf of Mexico as a result of this incident. Of this volume, an estimated 2,355 bbls (98,910 gallons) were recovered by divers. In total, an estimated 43,491 bbls (1,826,622 gallons) of oil remained unrecovered at the time submerged oil cleanup operations were discontinued in January 2006.

Because the majority of discharged oil was denser than sea water, upon release it sank to the seafloor. This caused injuries to natural resources, primarily benthic habitat, the species that live in or on the ocean floor, and species that feed on benthic invertebrates.

In addition to other costs and damages, the parties responsible for the spill are liable for natural resource damages, which are used to fund environmental restoration projects to compensate the public for the diminished ecological value of injured resources, including those previously mentioned, caused by the spill and related response activities. In this case, the Responsible

Parties have already exceeded their limit of liability under the OPA with costs related to the oil spill response. Accordingly, NOAA anticipates presenting its claim for injury assessment, restoration planning, and restoration implementation to the U.S. Coast Guard's National Pollution Funds Center for payment from the Oil Spill Liability Trust Fund.

The NEPA requires an analysis of the effects of government actions on the quality of the human environment. NOAA's Administrative Order (NAO) 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. §1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. The criteria listed below are relevant to making a Finding of No Significant Impact, and have been considered individually, as well as in combination with the others:

(1) Can the proposed actions reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson Stevens Act and identified in Federal Management Plans (FMPs)?

Response: No. As documented in the Final DARP/EA, NOAA does not expect the selected project to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act. Any short-term and temporary localized impacts from the restoration activities, such as those associated with placing rip-rap and planting marsh grasses, will be minimized by the use of Best Management Practices. As documented in the Final DARP/EA (in section 6.1.4), NOAA expects the selected project to benefit the East Galveston Bay ecosystem by providing increased nursery, foraging, and cover habitat for numerous species of nekton that utilize the marsh fringe. Increased habitat will also provide areas for birds and other wildlife species to nest, forage, and seek protection. Aesthetic and recreational benefits will be extended to humans using the area. As proposed, the selected alternative would also benefit the freshwater marshes and upland areas, and human infrastructure (roads, etc.) landward of the project site by extending the protective value of the bay shoreline for these resources into the future. Overall, impacts to the ocean, coastal habitats, and/or essential fish habitat are expected to be beneficial.

(2) Can the proposed actions be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator prey relationships, etc.)?

Response: No. The selected projects are not expected to have substantial adverse impacts; however, they are expected to have beneficial impacts on ecosystem function and species biodiversity. The project selected in the DARP/EA will result in beneficial impacts to plants and wildlife, including special-status species, providing additional habitat to support recovery of these sensitive communities and resulting in greater habitat complexity, diversity, and productivity. These projects will cumulatively increase the availability and quality of marsh and shallow water aquatic habitats. As such there would be an expected increase in ecosystem function and species biodiversity. Any potential

adverse impacts (such as those discussed in (1) above) are expected to be minimal, short term, localized, and are not expected to decrease function or species biodiversity.

(3) Can the proposed actions reasonably be expected to have a substantial adverse impact on public health and safety?

Response: No. The selected project is not expected to have any impacts on public health and safety. The implementation of the selected restoration project would not present any physical hazards to humans.

(4) Can the proposed actions reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

Response: No. The selected project is not expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species (collectively, special status species). Overall, the selected project is expected to benefit special status species and their habitat.

(5) Are significant social or economic impacts interrelated with natural or physical environmental effects?

Response: No. NOAA does not expect there to be adverse social or economic impacts interrelated with natural or physical environmental effects of the selected project. On the contrary, the project is expected to enhance the public's enjoyment of the natural resources being restored and provide positive social interactions with the natural environment.

(6) Are the effects on the quality of the human environment likely to be highly controversial?

Response: No. The selected restoration project is not controversial. During the public comment period for the DARP/EA, there were a few commenters who questioned whether the selected project was appropriate restoration for the specific injuries resulting from this spill. However, none questioned the value of the project itself. Furthermore, the project is an offshoot of similar project concepts that have already been vetted to the public in the Texas Chenier Plain National Wildlife Refuge Complex (TCPNWRC) Refuge Management Plan.

(7) Can the proposed actions reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?

Response: No. The physical characteristics of the area in which the selected restoration project would be implemented do not increase the risk of significant impacts. The affected environment encompasses portions of the TCPNWRC. While this area does contain unique characteristics, the selected project is expected to be beneficial to these areas.

(8) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

Response: No. The areas in which the project will be implemented are well known to the project implementers, and none of the project methods that are expected to be used are unique, controversial, or untried.

(9) Are the proposed actions related to other actions with individually insignificant, but cumulatively significant impacts?

Response: No. NOAA evaluated the restoration project selected in the Final DARP/EA in conjunction with other known past, proposed, or foreseeable closely related projects that could potentially add to or interact with these projects within the affected area to determine whether significant cumulative impacts may occur. The selected project is consistent with ongoing regional environmental restoration efforts and is not expected to result in cumulatively significant impacts.

(10) Are the proposed actions likely 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?

Response: No. As noted in the Final DARP/EA, NOAA has evaluated the selected project and determined that it is not expected to impact any cultural, scientific, or historic resources. Further, NOAA will either conduct or require the project implementer to conduct appropriate consultation under the National Historic Preservation Act during project construction permitting, and if potential impacts become known at that time or during project implementation, any necessary project design or implementation modifications will be made to ensure that no cultural or historic resources will be adversely affected by the proposed project.

(11) Can the proposed actions reasonably be expected to result in the introduction or spread of a non-indigenous species?

Response: No. While, tidal habitat restoration projects may increase the availability of suitable habitat for colonization by aggressive, non-native plant species, the selected project will include measures to prevent such colonization. Specifically, the project will be implemented using best practices for avoiding the introduction or spread of invasive species, and there will be monitoring and control of such species within restored marsh areas. Furthermore, this site is subject to the TCPNWRC Comprehensive Conservation Plan, which includes means to, among other things, control exotic and invasive species.

(12) Are the proposed actions likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

Response: No. Projects similar to the selected project have been implemented before in the TCPNWRC, and NOAA intends to use the same proven methods in implementing this project.

(13) Can the proposed actions reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

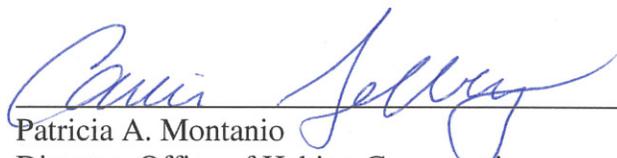
Response: No. Implementation of the selected project would not require any violation of federal, state or local laws designed to protect the environment. Prior to implementation, NOAA or the project implementers will undertake appropriate Federal and State review and secure any required permits.

(14) Can the proposed actions reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

Response: No. The selected project will not result in a substantial cumulative adverse effect on target species and non-target species. The reasons for this conclusion are detailed in the Final DARP/EA "Cumulative Impacts" section. Furthermore, since the selected restoration project is designed to achieve recovery of injured natural resources, any cumulative environmental consequences will be largely beneficial.

DETERMINATION

Based upon an environmental review and evaluation of the DARP/EA for the Tank Barge DBL 152 Oil Spill, as summarized above, it is determined that implementation of 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.


Patricia A. Montanio
Director, Office of Habitat Conservation
National Marine Fisheries Service


3/15/16

Date



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

MAR 15 2016

To All Interested Government Agencies and Public Groups:

Under the National Environmental Policy Act, an environmental review has been performed on the following action.

TITLE: Tug Barge DBL 152 Oil Spill Final Damage Assessment and Restoration Plan/Environmental Assessment

LOCATION: Federal Waters of the Gulf of Mexico

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is the lead federal agency for National Environmental Policy Act (NEPA) compliance for the Tug Barge DBL 152 Oil Spill restoration project. The selected restoration alternative identified by NOAA consists of shoreline protection and salt marsh restoration on the northern shoreline of East Galveston Bay. This project is designed to help restore natural resources injured by discharges of oil from the Tug Barge DBL 152 in federal waters of the Gulf of Mexico, beginning November 11, 2005.

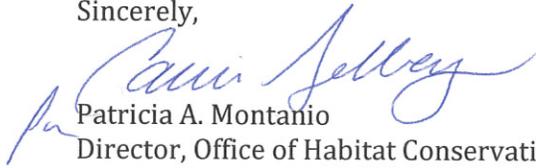
As documented in the DARP/EA, the selected project is expected to have an overall beneficial impact on ecosystem function and species biodiversity. The project's goals include benefits to various species, improvement of habitat function, and protection of existing habitat. Because the project is intended to restore natural resources, it is expected to cause a net increase to habitat productivity and improve ecosystem function.

RESPONSIBLE
OFFICIAL:

Patricia A. Montanio
Director, Office of Habitat Conservation
National Marine Fisheries Service
1315 East-West Highway, Rm. 14828
Silver Spring, MD 20910

The environmental review process led us to conclude that this action will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared. A copy of the finding of no significant impact including the supporting environmental assessment is enclosed for your information.

Sincerely,


Patricia A. Montanio
Director, Office of Habitat Conservation
National Marine Fisheries Service