



UNITED STATES DEPARTMENT OF COMMERCE
Office of the Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

TO ALL INTERESTED GOVERNMENT AGENCIES AND PUBLIC GROUPS:

Under the National Environmental Policy Act, an environmental assessment (EA) has been performed on the following action:

TITLE: Final Restoration Plan for the Cape Mohican
Oil Spill

LOCATION: San Francisco Bay and nearshore waters

SUMMARY: In compliance with the National Environmental Policy Act (NEPA), an Environmental Assessment has been prepared for the implementation of the Final Restoration Plan for the October 28, 1996, SS Cape Mohican oil spill. NOAA is a cooperating Federal agency with the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), the California Department of Fish and Game's (CDFG) Office of Spill Prevention and Response (OSPR), and the California Department of Parks and Recreation (CDPR). The Restoration Plan and Environmental Assessment (RP/EA) examines and evaluates the effects of the proposed restoration actions on the environment. Projects described in the RP/EA focus on restorative actions that would benefit the resources injured by the spill. Mitigation measures have been incorporated into the alternatives to minimize the potential for any adverse impacts.

The Restoration Plan and Environmental Assessment (RP/EA) address many individual restoration alternatives that were submitted to the Trustees for implementation consideration. The Trustees developed criteria to evaluate and prioritize these activities and ranked these proposed alternatives into three Preferred Status categories: (1) Highly Preferred; (2) Moderately Preferred; and (3) Non-Preferred. These projects are focused on restorative actions that would benefit the resources injured by the spill. The RP/EA considered wetland habitat restoration alternatives, sandy shoreline and rocky intertidal restoration alternatives, bird restoration alternatives, fisheries and water quality restoration alternatives, and lost and diminished human-use restoration alternatives.

The public and other interested parties have participated in the review of the Draft RP/EA. The proposed activities were

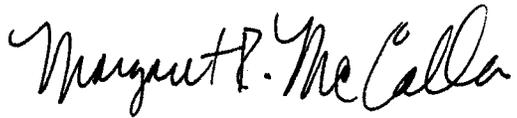


evaluated according to the evaluation factors under the National Environmental Policy Act (40 CFR 1508.27). The environmental review process has led us to conclude that the proposed restoration activities would not have a significant effect on the quality of the human environment. Consequently, the National Oceanic and Atmospheric Administration issued a Finding of No Significant Impact (FONSI).

RESPONSIBLE OFFICIAL: William T. Hogarth, Ph.D.
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Therefore, an environmental impact statement will not be prepared. A copy of the finding of no significant impact including the supporting EA is available upon request to the responsible official.

Sincerely,


for Scott B. Gudes
Deputy Under Secretary of
Oceans and Atmosphere

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Restoration and Environmental Assessment for the Final Restoration Plan for the October 28, 1996, Cape Mohican Oil Spill, San Francisco, California

The National Oceanic and Atmospheric Administration (NOAA) is a cooperating agency for the National Environmental Policy Act (NEPA) compliance for the Final Restoration Plan and Environmental Assessment for the October 28, 1996 Cape Mohican Oil Spill. NOAA, the U.S. Fish and Wildlife Service (DOI), the National Park Service (DOI) (Federal Trustees), and the California Department of Fish and Game's (CDFG) Office of Spill Prevention and Response (OSPR), and the Department of Parks and Recreation (State Trustees), propose to implement restoration to benefit natural resources injured by the Cape Mohican oil spill. The Federal and State trustees participate in damage assessment and restoration planning activities to address injury and lost services to natural trustee resources as result of the oil spill under all appropriate environmental laws and regulations.

The Restoration Plan and Environmental Assessment (RP/EA) examines and evaluates the effects of the proposed restoration actions on the environment and concludes that the action does not constitute a major Federal action that would significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement has not been prepared. The EA considered in detail the "No-action Alternative" and sixteen individual projects to address the injured resources in a public process. The Trustees developed fifteen criteria to evaluate and prioritize the entire suite of projects that were under consideration. The criteria include restoring those resources directly impacted by the oil spill, relevant federal and state law provisions governing use of recoveries for natural resources, potential for restoration benefits to be realized. In addition, the Trustees ranked proposed Restoration Alternatives into three Preferred Status categories: (1) Highly Preferred; (2) Moderately Preferred; and (3) Non-Preferred to address allocation of recovered restoration funds (\$3.74 million).

The Trustees evaluated several categories of restoration alternatives that would benefit resources injured by the spill, including wetland habitat restoration alternatives, sandy shoreline and rocky intertidal restoration alternatives, bird restoration alternatives, fisheries and water quality restoration alternatives, and lost and diminished human-use restoration alternatives. The "No action Alternative" was not selected because it would not meet the requirements under the Oil Pollution Act and the goal of restoring lost natural resources or services lost due to the Cape Mohican oil spill. The "No action Alternative would be contrary to the mandate of the parties under the NDRA settlement agreement, the injured environment would not be restored, additional adverse ecological effects would occur, and potential for negative threats to the health and safety of the public would continue.

Based upon the information contained in the Restoration Plan and Environmental Assessment, we have determined that this RP/EA would not significantly affect the

quality of the human environment. The proposed restoration actions are: shorebird habitat protection, California Least Tern habitat enhancement, acquisition and enhancement at Red Rock Island, Farallon Seabird restoration, enhancement of Pacific herring spawning habitat, wetland restoration, steelhead stream habitat enhancement, sand beach habitat restoration, habitat protection education at Duxbury Reef Marine Reserve, Angel Island foot trail, Crissy Field habitat stewardship program, Restoration of Shorebird Foraging Habitat Through Control of Exotic Cordgrass, and Gioacomini Coastal Wetlands Restoration. Mitigation measures have been designed to minimize any potential for adverse environmental impacts. Of the proposed alternatives Restoration of Shorebird Foraging Habitat Through Control of Exotic Cordgrass and Gioacomini Coastal Wetlands Restoration project may require additional site-specific supplemental environmental compliance documentation. As necessary all environmental compliance will be fully documented prior to the initiation of any restoration actions.

The public has been afforded three opportunities to review and provide input on the alternatives, including the preferred alternatives. Initially, a public scoping meeting was held on May 10, 1999, in San Francisco, California. A second public meeting was held in San Francisco, California, on September 26, 2001 to present the Draft Restoration Plan/Environmental Assessment to the public. Additionally, the Draft RP/EA was made available to the public for a 45-day comment period beginning September 10, 2001 and closing on October 25, 2001. The Draft Restoration Plan/Environmental Assessment was available in both hardcopy form and posting on federal and state agency website pages. The public comments (supportive of restoration) received as a result of this process are addressed in the Final Restoration Plan.

DETERMINATION:

Based upon an environmental review and evaluation of the Final Restoration Plan and Environmental Assessment for the October 28, 1996, Cape Mohican Oil Spill, San Francisco, California, I have determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within 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 Restoration Plan and Environmental Assessment.

Rebecca haul

Date 5/2/02

for William T. Hogarth, Ph.D.
Assistant Administrator for Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce