



FINDING OF NO SIGNIFICANT IMPACT

Proposed Action:

The National Oceanic and Atmospheric Administration (NOAA) proposes to establish adequate pier, shoreside, and support facilities to support the relocation of four NOAA Atlantic Fleet research vessels at Naval Station (NAVSTA) Newport in Newport, Rhode Island. The Proposed Action includes the construction of a new pier, small boat floating dock, bulkhead, and shoreside facilities in Coddington Cove at NAVSTA Newport. The proposed location of the pier and shoreside facilities would be at the site of the former Robert E. Derecktor Shipyard (also known as Environmental Restoration Program site 19), herein referred to as Pier Landing Site. Approximately 728 feet of bulkhead would be constructed at the Pier Landing Site to reinforce and stabilize the existing deteriorating bulkhead. Additional parking facilities would be constructed on a vacant site located approximately one quarter mile east of Pier Landing Site and referred to as Building 11 Parking Area. The proposed project would include construction within the 100-year and 500-year floodplains. Due to the waterfront nature of the Proposed Action, and the location requirements of the facilities, there is no practicable alternative to construction in the floodplain. Details of the Proposed Action can be found in the Final Environmental Assessment (EA), to which this finding of no significant impact (FONSI) is attached.

Alternatives Evaluated in the Environmental Assessment:

The EA evaluated the Proposed Action, as well as the No Action Alternative and Action Alternative.

No Action Alternative - Under the No Action Alternative, the Proposed Action would not occur. All NOAA research vessels would continue to operate at their existing homeport locations.

Action Alternative - Under the Action Alternative, a new pier, shoreside, and support facilities would be constructed at the location of the existing T-Pier at NAVSTA Newport in Coddington Cove. The existing T-Pier would be repaired to avoid continued deterioration and loose debris falling into the water (approximately 1,700-linear feet). Approximately 50-linear feet of bulkhead on either side of the T-Pier would also be repaired.

Selected Alternative:

NOAA is selecting the Proposed Action, Relocate Four Vessels at NAVSTA Newport and Construct New Pier and Support Facilities at a location between the Existing T-Pier and Breakwater and at Building 11 Parking Area, as the Preferred Alternative, which is described in the attached EA.

Related Consultations:

NOAA completed informal consultation with the National Marine Fisheries Service (NMFS) Office of Protected Resources under Section 7 of the Endangered Species Act on the effects of implementing the Proposed Action on Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), shortnose sturgeon (*Acipenser brevirostrum*), loggerhead turtle (*Caretta caretta*), leatherback turtle (*Dermochelys coriacea*), green turtle (*Chelonia mydas*), Kemp's ridley turtle (*Lepidochelys kempii*), North Atlantic right whale (*Eubalaena glacialis*) and fin whale (*Balaenoptera physalus*). The informal consultation concluded that the Proposed Action would not jeopardize threatened and endangered species and would not adversely modify their current and proposed critical habitat. In a letter dated August 8, 2022, NMFS concurred



with NOAA's findings that the Proposed Action "may affect, but not likely to adversely affect" listed species.

NOAA completed an informal consultation with the NMFS Office of Habitat Conservation under the Magnuson-Stevens Act. The area affected by the Proposed Action has been identified as essential fish habitat (EFH) by the NMFS Greater Atlantic Regional Fisheries Office, the New England Fishery Management Council, and the Mid-Atlantic Fishery Management Councils under the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan (FMP), the Atlantic Mackerel, Squid and Butterfish FMP, Bluefish FMP, Northeast Multispecies FMP, Small Mesh Multispecies FMP, Atlantic Herring FMP, Northeast Skate Complex FMP, and the Atlantic Highly migratory species FMP. NOAA prepared an EFH Assessment that incorporates all of the information required in 50 Code of Federal Regulations (CFR) 920(g)(2). The Proposed Action may have an adverse impact on EFH identified in these FMPs. NOAA conducted an EFH consultation with NMFS pursuant to 50 CFR 600.920(h). NMFS concurred with NOAA's findings and provided recommendations for conservation measures. NOAA will implement the following measures: the lowermost part of any floats would be 18 inches or more above the substrate at all times to avoid grounding and scour; appropriate soil erosion, sediment and turbidity controls and monitoring measures would be used and maintained in effective operating condition during construction; turbidity curtains and monitoring would be implemented between February 1 and May 31 for in-water turbidity producing work; and soft start methods would be utilized for impact pile driving. These EFH conservation measures will be included to minimize impacts to fish spawning and juvenile development.

NOAA requested an Incidental Harassment Authorization from NMFS under the Marine Mammal Protection Act. NMFS issued the Incidental Harassment Authorization for the incidental taking of marine mammals on December 15, 2022.

NOAA consulted with the Rhode Island Coastal Resources Management Council (RICRMC) under the Coastal Zone Management Act. In a letter dated October 3, 2022, the RICRMC concurred with NOAA's determination that the Proposed Action would be undertaken in a manner consistent to the maximum extent practicable with the federally-approved, enforceable policies of the Rhode Island Coastal Resources Management Program.

In compliance with Section 106 of the National Historic Preservation Act, NOAA consulted with the Rhode Island State Historic Preservation Office (SHPO). In a letter dated October 19, 2022, the SHPO concurred with NOAA's finding that the Proposed Action would have no adverse effect on historic properties. NOAA also initiated consultation with three federally recognized Native American Tribes regarding the Proposed Action. Specifically, NOAA sent letters to the Mashpee Wampanoag Tribe, Narragansett Indian Tribe, and Wampanoag Tribe of Gayhead Aquinnah to determine if the Proposed Action might affect resources of religious or cultural significance. NOAA did not receive any responses from the tribes.

Significance Review

The *Companion Manual for National Oceanic and Atmospheric Administration Administrative Order 216-6A* provides criteria for determining whether the impacts of a proposed activity are significant. Each criterion is discussed below with respect to the relocation of four NOAA research vessels at NAVSTA Newport 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 resource areas analyzed in the attached Final EA include land use, geological resources, hydrological processes, air quality, water resources, cultural resources, flora and fauna, wetlands,

floodplains, coastal zone management, noise, transportation, utilities and solid waste, visual impacts, and hazardous materials. The Proposed Action could cause temporary, non-significant, adverse, and beneficial impacts on the environment. Examples of these effects include disturbance of wildlife during construction and minor long-term losses of benthic and open-water habitat. Construction and operations activities would include mitigation measures to reduce or avoid adverse impacts. The Proposed Action would have beneficial long-term effects on water quality with reinforcement of a section of bulkhead that would reduce release of fill material into Coddington Cove. The results of the analysis concluded that, with mitigation measures and best management practices (BMPs), the Proposed Action would not result in any significant effects.

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

Implementation of the Proposed Action would not result in significant impacts to public health and safety. Repair of the bulkheads along Coddington Cove would eliminate subsidence hazards and prevent further releases of fill material into Coddington Cove, improving water quality of the cove and adjacent areas of Narragansett Bay and providing a long-term beneficial impact to public health and safety. All landside construction areas would be located within the secure boundary of NAVSTA Newport and would not be publicly accessible or located near places where children frequent or congregate. The proposed new pier would be located within the restricted area of Coddington Cove (33 CFR 334.81) and also would not be accessible to 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?*

No significant impacts would occur to park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas as these resources are not located in the vicinity of the Proposed Action. Construction activities would be in areas of sensitivity for submerged archaeological sites. Because there are two piers in the vicinity, the area is likely to be disturbed and the discovery of undisturbed archaeological resources is not anticipated. However, in the event that unanticipated archaeological resources are discovered, NOAA would notify NAVSTA Newport and follow procedures of inadvertent discovery in accordance with 36 CFR 800.

In compliance with Section 106 of the National Historic Preservation Act, NOAA consulted with the Rhode Island SHPO on a finding of no adverse effect on historic properties, and received their letter of concurrence on October 19, 2023.

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

The impacts of the Proposed Action are not expected to be highly controversial. Construction activities at the NAVSTA Newport waterfront have not generated controversy in the past, nor have the operation of NOAA research vessels in the northeast. The proposed project location is within the secure boundary of NAVSTA Newport and would not impact public accessibility or recreational and commercial activities in Newport, Rhode Island, and its surrounding communities or Narragansett Bay. Furthermore, the proposed project area has historically supported similar uses and would have no significant adverse short- or long-term impacts on area wildlife. The proposed facilities would not result in a large influx of personnel that would strain public utilities or emergency services.

NOAA published a Notice of Availability of the Draft EA and made the Draft EA available on the NOAA website for a 30-day public comment period. No comments were received from the public.

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

The effects of the Proposed Action are not anticipated to be highly uncertain or involve unknown risks. The existing conditions of the sites have been investigated and are fully understood. The proposed project area has historically supported similar uses. The proposed construction methods are not new or unique and are suited for the existing conditions of the site. Construction generated noise would result in temporary adverse impacts to wildlife; however, mitigation measures and BMPs would minimize these impacts until construction is complete. While vessel noise is a potential stressor for marine species, the noise from NOAA's vessels would not appreciably increase noise over present background noise in Narragansett Bay. Impacts to the floodplain would be reduced through the proposed stormwater management system, which would include methods to improve water quality and detain stormwater flows as close as possible to pre-development levels. To reduce impacts from potential flooding, structures would be engineered for protection against storm surge, and critical structures would be raised above the base flood elevation.

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 Action will not establish a precedent for future actions with significant effects because the Proposed Action is consistent with existing shoreline and land uses, the NAVSTA Newport Master Plan, and the enforceable policies of the Rhode Island Coastal Management Program. There would be no change to the mission of the NOAA research vessels resulting from the change in homeport location.

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

The Proposed Action would not have significant cumulative impacts, as analyzed in the Chapter 4 of the attached EA. Implementation of the Proposed Action along with past, present, and reasonably foreseeable future projects would disturb soil and sediment within the project area during construction resulting in minor cumulative changes in topography, soils, water and air quality, noise, and marine and benthic habitat. The majority of the cumulative impacts would be short-term construction impacts from projects occurring during the same time period as the Proposed Action. Minor cumulative losses in benthic and open water habitat would be insignificant when compared to the available habitat in Coddington Cove and Narragansett Bay. Additional, long-term, beneficial cumulative impacts to water quality would occur from the stabilization of the shoreline at NAVSTA Newport.

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?*

As discussed under Item #3, construction activities would occur in areas of sensitivity for submerged archaeological sites. Because there are two piers in the vicinity and disturbance from dredging, the area is likely to be disturbed and the discovery of undisturbed archaeological resources is not anticipated. However, in the event that unanticipated archaeological resources are discovered, NOAA would notify NAVSTA Newport and follow procedures of inadvertent discovery in accordance with 36 CFR 800.

Pier Landing Site and Building 11 Parking Area are located within the viewshed of historic properties Quarters NB-1 and the Destroyer Piers Historic District. NOAA determined that the Proposed Action would have no adverse effect on these historic properties. The SHPO concurred with this finding.

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 would not significantly affect any endangered or threatened species or its critical habitat as defined under the Endangered Species Act (ESA) of 1973. There are no species present under the jurisdiction of the USFWS. The endangered Atlantic sturgeon and shortnose sturgeon may occur in Narragansett Bay. However, only a small number of Atlantic sturgeon have been recorded in the area, which is distant from known spawning areas and provides limited foraging habitat. Shortnose sturgeon are unlikely to be found in the proposed project area due to the limited suitable foraging habitat and the distance from known populations. Therefore, NOAA determined that the Proposed Action may affect, but is not likely to adversely affect, the Atlantic sturgeon and shortnose sturgeon.

Threatened and endangered sea turtle species may be found in the coastal waters of New England from spring to early fall but are unlikely to be present in the proposed project area due to the industrial site characteristics and limited suitable habitat and associated prey. NOAA determined that the Proposed Action may affect but is not likely to adversely affect listed sea turtles.

The endangered North Atlantic right whale and fin whale are present seasonally in New England waters. However, due to the depths of Narragansett Bay and the nearshore location of the project area, they are unlikely to occur in the immediate area. In offshore areas, NOAA would comply with speed limits and Notices to Mariners aimed to protect whales, and the additional risk of a vessel strike would be too small to be meaningfully measured or detected. Therefore, NOAA determined that the Proposed Action may affect but is not likely to adversely affect endangered whale species.

NOAA consulted with NMFS on the determinations for ESA-listed species, and NMFS concurred with NOAA's findings.

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

This Proposed Action will not threaten a violation of any federal, state, or local law or requirement imposed for the protection of the environment. NOAA completed all required consultations, as described above under *Related Consultations*, and will implement the resulting impact minimization and mitigation measures. NOAA calculated air emissions for the Proposed Action to determine conformity with the Clean Air Act. NOAA will obtain all applicable federal, state, and local permits and approvals prior to implementation of the Proposed Action.

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

The Proposed Action is not likely to adversely affect stocks of marine mammals as defined under the Marine Mammal Protection Act. Marine mammals are expected to exhibit minor avoidance behavior during construction and operations to avoid noise and potential collisions with construction vessels and NOAA research vessels. NOAA would implement mitigation measures, including the presence of marine mammal observers, to avoid adverse impacts from construction noise and vessel traffic during construction. The increase in traffic associated with the operation of two additional research vessels homeported at NAVSTA Newport is extremely small and would have no significant impacts to marine mammals.

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

The Proposed Action would have adverse effects on fish, EFH, and Habitat Areas of Particular Concern (HAPC) for summer flounder. Temporary impacts to fish from noise due to construction activities would be minimized with the use of BMPs such as the use of soft starts for impact pile-driving activities that would allow fish to move away from the noise generating activity. A permanent loss of a small amount of benthic and open water habitat would occur from pile installation. Summer flounder HAPC is found in small amounts mainly in the sandy, shallow area just south of the project area and north of the T-Pier and is not common in the silty area which comprises most of the proposed project area. This loss of habitat and HAPC is not significant when compared to the available habitat in Coddington and Narragansett Bay. NOAA has consulted with the NMFS regarding impacts to EFH. The NMFS recommended conservation measures for EFH, and NOAA agreed to implement most of the recommendations (refer to *Related Consultations*). Therefore, impacts would not be significant.

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

There are no vulnerable marine or coastal ecosystems in the vicinity of the Proposed Action.

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

The Proposed Action is not expected to affect biodiversity or ecosystem functioning. Proposed construction activities are temporary in nature and limited to the immediate area of Coddington Cove, an area that has a history of supporting industrial activities that have previously diminished its habitat value. Long-term benthic impacts would not be significant considering the minor area of impact compared with the amount of benthic habitat available in Coddington Cove and Narragansett Bay.

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

The Proposed Action will not result in the introduction or spread of a nonindigenous species. NOAA vessels would comply with all Environmental Protection Agency Vessel General Permits and Coast Guard requirements applicable to nonindigenous species. In addition, the discharge of ballast water would only occur where permitted and the use of anti-fouling coatings would minimize the potential for the attachment of nonindigenous species to vessel hulls. Vessels would be regularly maintained to remove aquatic nuisance species, including nonindigenous species. Furthermore, the vessels do not transit outside of the United States; therefore, they would not introduce foreign nonindigenous species.

Determination

In view of the information presented in this document and the analysis contained in the supporting EA prepared for the relocation of four NOAA research vessels at NAVSTA Newport, it is hereby determined that the Proposed Action will not significantly impact the quality of the human environment. 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.



Deirdre Reynolds Jones
NOAA Chief Administrative Officer

1/19/2023

Date