

Finding Of No Significant Impact
Under the National Environmental Policy Act
OMAO Lease Acquisition for Uncrewed Maritime Systems Headquarters and Pier Space in
Gulfport, Mississippi
January 2023

I. Purpose of Finding of No Significant Impact (FONSI)

The National Environmental Policy Act (NEPA) requires the preparation of an Environmental Impact Statement (EIS) for any proposal for a major federal action significantly affecting the quality of the human environment. 42 U.S.C. § 4332(C). The Council on Environmental Quality (CEQ) Regulations direct agencies to prepare a FONSI when an action not otherwise excluded will not have a significant impact on the human environment (40 CFR §§ 1500.4(b), 1500.5(b), & 1501.6). To evaluate whether a significant impact on the human environment is likely, the CEQ regulations direct agencies to analyze the potentially affected environment and the degree of the effects of the Proposed Action. 40 CFR § 1501.3(b). In doing so, agencies should consider the geographic extent of the affected area (i.e., national, regional, or local), the resources located in the affected area (40 CFR § 1501.3(b)(1)), and whether the project is considered minor or small-scale (NAO 216-6A CM, Appendix A-2). In considering the degree of effect on these resources, agencies should examine, as appropriate, short- and long-term effects, beneficial and adverse effects, and effects on public health and safety, as well as effects that would violate laws for the protection of the environment (40 CFR § 1501.3(b)(2)(i)-(iv); NAO 216-6A CM Appendix A-2 - A-3), and the magnitude of the effect (e.g., negligible, minor, moderate, major). CEQ identifies specific criteria for consideration (40 CFR § 1501.3(b)(2)(i)-(iv)). Each criterion is discussed below with respect to the Proposed Action and considered individually as well as in combination with the others.

This FONSI was prepared upon review and consideration of the *Environmental Assessment (EA) for OMAO Lease Acquisition for Uncrewed Maritime Systems Headquarters and Pier Space in Gulfport, Mississippi*, which evaluates the affected area, the scale and geographic extent of the Proposed Action, and the degree of effects on those resources (including the duration of impact, and whether the impacts were adverse and/or beneficial and their magnitude). The EA is hereby incorporated by reference (40 CFR § 1501.6(b)).

II. Approach to Analysis

The Proposed Action is not considered to meaningfully contribute to a significant impact to resources based on the scale of impact. The Proposed Action is not expected to have any substantial impacts to environmental resources because of the small size of the project area, the Project area is located in an already developed industrial area, and no in-water or groundbreaking activities are associated with the proposed Project. Construction associated with the project would be of limited duration (approximately six months), further reducing the potential for adverse impacts. Any potential impacts would be negligible due to the short-term and temporary nature of the proposed activities.

The Proposed Action will not meaningfully contribute to significant impacts to specific resources. The Proposed Action and comparison of alternatives are summarized in Chapter 1 of the EA. Detailed discussions of the magnitude and impacts of the alternatives on the human environment, including physical, biological, economic, and cultural, are presented in Chapter 3. The Proposed Action when combined with other past, present, and reasonably foreseeable future actions, is not expected to result in significant effects (Section 4).

The Preferred Alternative is the lease acquisition for the Uncrewed Maritime Systems (UMS) headquarters and pier space at the Port of Gulfport in Gulfport, Mississippi, and is not expected to have a significant effect on individual physical, biological, socioeconomic, or cultural resources, as described in sections 3.1 – 3.14). None of the conclusions regarding impacts to individual resources, when considered together, are expected to result in any overall significant impact.

III. Geographic Extent and Scale of the Proposed Action

The scale and geographic extent for the Proposed Action are the Port of Gulfport on the Gulf of Mexico in Gulfport, Mississippi. The resources present in the Project area and surrounding region with the potential to be impacted by the Proposed Action are described in Chapter 2 of the EA. The analysis of potential impacts of the Proposed Action is focused on the Port of Gulfport, the minor construction activities anticipated over a period of approximately six months to establish the UMS headquarters, and the use of existing pier space. Due to the short time period and small geographic extent, the environmental effects for the individual resources of concern, these effects are not expected to result in substantial changes to any resources or specific geographic areas.

IV. Degree of Effect

- A. *The potential for the Proposed Action to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection.*

The Proposed Action is not expected to violate federal, state, or local environmental laws. In particular, the Proposed Action is in compliance with the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). The purpose of the Proposed Action is to establish a headquarters location for the UMS Program that is co-located with storage, pier, and office space in the Gulfport, Mississippi area to meet growing NOAA mission needs, including those set forth in the Commercial Engagement through Ocean Technology Act of 2018 (CENOTE, P.L. 115-394, 2018). This will facilitate the increased use of UMS in every NOAA mission area and therefore improve the quality and timeliness of NOAA science, products, and services, consistent with the CENOTE Act.

- B. *The degree to which the Proposed Action is expected to affect public health or safety.*

The Proposed Action is not expected to significantly affect public health and safety. This action does not modify current requirements or conditions in a way that would impact the potential safety of landside or nearshore traffic, vehicles, or small vessel operators. This impact is not considered significant because no activities such as traffic or access to the Port of Gulfport would be affected. Refer to sections 3.4 (Hazardous Materials), 3.7 (Floodplains and other Executive Orders), 3.10 (Utilities and Public Services), and 3.12 (Socioeconomics and Environmental Justice) for a description of the potential impacts to public safety from the Proposed Action.

- C. *The degree to which the Proposed Actions is expected to affect a sensitive biological resource, including:*

- a. *Federal threatened or endangered species and critical habitat;*

Impacts to protected resources including endangered species from the Proposed Action are discussed in Section 3.8 of the EA. Subsection 3.8.3 identifies no adverse impacts to ESA-listed species from the Proposed Action. Specifically, this determination has been made because no in-water or groundbreaking activities are proposed that would be expected to increase the potential for impacts to these species and there is not critical habitat in the Project area, which is a developed industrial port. While risk is not completely eliminated, the Proposed Action would not increase the potential for risk in the Project area from ongoing port activities. Overall, impacts of the Proposed Action to ESA-listed species and new effects to listed species or critical habitat that were not already considered for ESA Section 7 consultations are not expected.

b. stocks of marine mammals as defined in the Marine Mammal Protection Act;

The West Indian manatee is a federally and State-listed endangered aquatic mammal protected under the Marine Mammal Protection Act of 1972 (16 USC Chapter 31 as amended). The West Indian manatee could occur within coastal waters of the Project area as a transient but not as a resident. No impacts to the West Indian manatee are expected since there will be no in-water construction activities. No other marine mammals are expected to be present in the waters adjacent to the Project area due to depth restrictions.

In alignment with federal obligations, the Proposed Action is not expected to adversely affect stocks of marine mammals (Section 3.8). Specifically, this determination has been made because of the unlikely occurrence of marine mammals in waters adjacent to the Project area and the absence of in-water construction activities that may affect them. Therefore, the Proposed Action is not expected to adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act.

c. essential fish habitat identified under the Magnuson–Stevens Fishery Conservation and Management Act;

The Proposed Action is not expected to have any effect on essential fish habitat (EFH) as defined under the MSA. The Proposed Action does not include any in-water works and there will be no loss of open-water habitat or permanent conversion of open water habitat to land. In-water activities will be limited to NOAA research vessels transiting to and from the Port. Therefore, no impacts to EFH, fisheries, or fish are expected.

d. bird species protected under the Migratory Bird Treaty Act;

No adverse impacts to seabirds or other migratory birds are expected. Migratory birds such as the neotropical migrants, colonial-nesting birds, and shorebirds are protected under the Migratory Bird Treaty Act. The Gulf barrier islands and coastal marshes are used for shorebird migration, roosting, and nesting. The Proposed Action would be limited to the developed Port of Gulfport and would therefore not be expected to have adverse impacts on migratory birds.

e. national marine sanctuaries or monuments;

No National Marine Sanctuaries are located near the Port; therefore, the requirements of the act do not apply.

f. vulnerable marine or coastal ecosystems, including, but not limited to, shallow or deep coral ecosystems;

The Proposed Action is not expected to have significant impacts on the natural or physical environment, including vulnerable marine or coastal ecosystems. The Proposed Action is for the lease of space for the UMS Program and pier space at the Port of Gulfport and is not expected to lead to adverse impacts on physical or biological resources, including deep sea coral or other vulnerable marine or coastal ecosystems.

g. biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)

The impacts of the Proposed Action on biodiversity and ecosystem functioning have not been assessed; however, the impacts to components of the ecosystem (i.e., protected species, habitat) have been considered. The Proposed Action is not expected to have negative effects on the physical or biological environment and therefore would not have a substantial impact on biodiversity and ecosystem function in the affected area.

D. The degree to which the Proposed Action is reasonably expected to affect a cultural resource: properties listed or eligible for listing on the National Register of Historic Places; archeological

resources (including underwater resources); and resources important to traditional cultural and religious tribal practice.

Based on previously completed surveys and reviews and recent reviews of the MDAH Historic Resources Inventory, there are no recorded sites in the National Register of Historic Places (NRHP) in the Project area and the probability for unrecorded site is low (see Section 3.14). The Proposed Action is not likely to affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or cause loss or destruction of significant scientific, cultural, or historical resources. Therefore, it is not likely that the Proposed Action would adversely affect the historic resources.

E. The degree to which the Proposed Action has the potential to have a disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities (EO 12898).

The Proposed Action is not expected to have a disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities. As described in Section 3.12, the environmental justice (EJ) values reported for the Port of Gulfport do not indicate any populations that are above the national average for environmental justice risk. Therefore, no adverse environmental impacts to EJ communities are anticipated under the Proposed Action.

F. The degree to which the Proposed Action is likely to result in effects that contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species.

The Proposed Action would not result in the introduction or spread of non-indigenous species. Construction activities will be limited to the proposed headquarters for the USM program and would not disturb natural areas that might otherwise provide opportunities for establishment and spread of terrestrial nonnative invasive species. Ballast water is the largest single vector for nonindigenous species transfer and, under the provisions of the National Invasive Species Act, the U.S. Coast Guard (USCG) requires all vessels, foreign and domestic, equipped with ballast water tanks that operate within U.S. waters to comply with 33 CFR Part 51 regarding treatment and management protocols (as described in Section 3.8.2). The USCG final rule regarding discharge of ships' ballast water was effective on June 21, 2012 (77 Fed. Reg. 17254). Because NOAA vessels comply with ballast treatment and management protocols, the establishment and/or spread of nonnative and invasive species from ballast water generated by NOAA vessels is not expected.

G. The potential for the Proposed Action to cause an effect to any other physical or biological resources where the impact is considered substantial in magnitude (e.g., irreversible loss of coastal resources such as marshland or seagrass) or over which there is substantial uncertainty or scientific disagreement.]

The Proposed Action is not expected to cause a substantial effect to any other physical or biological resource, nor is there substantial uncertainty or scientific disagreement on the impacts of the Proposed Action. As described in Chapter 3, the Proposed Action is not anticipated to cause an effect to any other physical or biological resource where the impact is considered substantial because the Proposed Action does not include any in-water or groundbreaking activities and would occur in the already developed Port of Gulfport.

V. Other Actions Including Connected Actions

There are no other connected actions (40 CFR § 1501.9(e)(1)). Any future actions connected to the lease acquisition for the UMS Program headquarters and pier space would be developed, analyzed, and

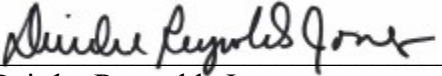
implemented independently of the Proposed Action. The Cumulative Effects Analysis in Section 4 of the EA discusses other beneficial and adverse actions that are occurring or reasonably certain to occur, and that affect the same resources as the Proposed Action. This section of the EA demonstrates that the effects of these collective actions, for each resource analyzed, do not result in synergistically significant impacts, either positive or negative.

VI. Mitigation and Monitoring

NOAA does not anticipate any high or significant impact from the Proposed Action. Therefore, no mitigation measures are being adopted.

Determination

The CEQ NEPA regulations, 40 CFR § 1501.6, direct an agency to prepare a FONSI when the agency, based on the EA for the Proposed Action, determines not to prepare an EIS because the action will not have significant effects. In view of the information presented in this document and the analysis contained in the supporting EA prepared for the *OMAO Lease Acquisition for Uncrewed Maritime Systems Headquarters and Pier Space in Gulfport, Mississippi*, it is hereby determined that the lease acquisition and establishment of OMAO headquarters, including the expansion of dedicated pier space for NOAA's Atlantic fleet research vessels, will not significantly impact the quality of the human environment, as described above and in the supporting EA. 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 EIS for this action is not necessary.



Deirdre Reynolds Jones
Chief Administrative Officer
National Oceanic & Atmospheric Administration