UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER
1305 East-West Highway, Silver Spring, Maryland 20910-3283

FINDING OF NO SIGNIFICANT IMPACT

Proposed Action:

The National Oceanic and Atmospheric Administration (NOAA) Office of Marine and Aviation Operations (OMAO) proposes to recapitalize Pier Romeo (the Pier) through the replacement of the existing pier (the project), located on the southern bank of the Cooper River at the Federal Law Enforcement Training Center (FLETC), at 2234 South Hobson Avenue, North Charleston, South Carolina (NOAA site). The project requires demolition and reconstruction of the existing mainframe pier to support the docking of NOAA vessels, *Nancy Foster* and *Ronald H. Brown*, as well as other visiting government vessels.

The project proposes adding a smaller floating dock (pontoon pier) adjacent to the main pier to accommodate smaller boats up to 50 feet in length. In addition to the recapitalization of an existing pier (Pier Romeo), the project includes construction of a seawall connecting the existing bulkheads on either side of the pier, resilient curbing along the property boundary to the east and west, and the option to create a living shoreline east of the existing pier. Construction of these features will protect, restore and enhance the living shoreline and habitat by replacing existing riprap along the riverbank, thereby providing enhanced aquatic habitat. Additional construction includes a new warehouse facility within the existing parking area for the NOAA Office of Coastal Management. Details of the Proposed Action can be found in the Final Environmental Assessment (EA).

Alternatives Evaluated in the Environmental Assessment:

No Action Alternative - Under the No Action Alternative, the Proposed Action would not occur; there would be no recapitalization of the pier, its supporting facilities, or efforts to enhance the resiliency of the NOAA site from storm surge flooding or sea level rise (SLR); existing upland and in-water structures would remain, including the deteriorating timber piles and erosion of adjacent shoreline; and the trestle and pier would continue to be non-operational. This alternative would not meet the purpose and need for the project, which includes the berthing of NOAA vessels, including the *Nancy Foster* and *Ronald H. Brown*, at a location closer in proximity to their dedicated mission support areas. There are no other NOAA facilities in proximity that meet the location criteria or have the capacity to berth the NOAA vessels *Nancy Foster* and *Ronald H. Brown*, which were berthed at Pier Romeo prior to it being decommissioned due to structural deficiencies.

Action Alternatives – Under the Action Alternative, a new pier, seawall, optional living shoreline, and supporting warehouse facility would be constructed, replacing the existing pier to establish berthing operations for NOAA vessels. Action alternatives include a fixed pile-supported pier option that would replace the pier within its existing footprint, and a floating pier option that would replace the pier in the existing footprint but would require fewer steel piles and less environmental impact during the construction phase of project development.

Selected Alternative:
NOAA selected the Preferred Alternative – Floating Pier (Proposed Action) to recapitalize the decommissioned pier with a floating pier for ship berthing operations. This action alternative also includes a landward seawall to help prevent further coastal erosion and other damage due to wave action and storm surges, resiliency curbing in areas of the site prone to flooding from adjacent land parcels, and an optional living shoreline that will revitalize the deteriorating riverbank and is expected to improve the overall ecological functionality of the river shoreline by adding high-quality aquatic habitat where it does not exist today.

Related Consultations:
NOAA-OMAO is in informal consultation with the NOAA National Marine Fisheries Service (NMFS), Southeast Regional Office, Office of Protected Resources, on the determinations for ESA-listed species. ESA-listed species include the Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), shortnose sturgeon (*Acipenser brevirostrum*), loggerhead turtle (*Caretta caretta*), leatherback turtle (*Dermochelys coriacea*), green turtle (*Chelonia mydas*), and the Kemp's ridley turtle (*Lepidochelys kempii*).

NOAA-OMAO prepared an essential fish habitat (EFH) assessment for consultation with NMFS Southeast Regional Office, Habitat Conservation Division, as required by 50 Code of Federal Regulations (CFR) 920(g)(2) in determining potential impacts related to the Proposed Action.

NOAA consulted with the U.S. Fish and Wildlife Service (Service) under Section 7(a)(2) of the Endangered Species Act (ESA) to determine potential impacts to the West Indian manatee (*Trichechus manatus*), the only species under Service jurisdiction. The Service concurred with NOAA-OMAO's determination of "may affect, but is not likely to adversely affect" for the West Indian manatee on October 7, 2022.

In accordance with the National Environmental Policy Act (NEPA), NOAA-OMAO consulted with South Carolina State Historic Preservation Office (SHPO), South Carolina Department of Archives and History as part of the impacts to historical properties evaluation. SHPO concurred with NOAA's finding that the project would have no adverse effect on historic properties.

NOAA also consulted with three federally recognized Native American Tribes regarding the Proposed Action. Specifically, NOAA sent letters to the Catawba Tribe, the Muscogee Nation, and the Eastern Shawnee Tribe of Oklahoma to determine if the Proposed Action would affect resources of religious or cultural significance. NOAA received a response from the Eastern Shawnee Cultural Preservation Department on October 20, 2022 indicating that the project proposes no adverse effect or endangerment to known sites of interest to the Eastern Shawnee Tribe.

The resource areas analyzed in the Final EA include air quality, noise level change, geological resources, water resources, hazardous materials and solid waste management, coastal resources, climate change, biological resources, utilities, environmental justice, cultural resources, and cumulative impacts. The Proposed Action would cause temporary, non-significant, adverse, and beneficial impacts on the environment. However, the findings of the Final EA indicate that no significant effects would result from implementation of the Proposed Action provided standard Best Management Practices (BMPs) and recommended regulatory compliance measures were implemented during both construction and operational phases.

BMPs and recommended regulatory compliance measures may include efforts such as conducting biological monitoring and assessments during multiple seasons to assess impacts as specified in regulatory permitting, use of noise attenuation and minimization measures during in-water pile driving when practicable, and incorporating stormwater controls during upland construction activities aimed at lessening the potential of contaminants and sediments entering aquatic habitats through discharge.

1. 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 as the Proposed Action would occur within an area that is restricted from public access.

2. ***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. Recapitalization of Pier Romeo and efforts to improve the NOAA site's resiliency, particularly along the site's riverbank, are anticipated to minimize further shoreline erosion and enhance aquatic habitat in Cooper River.

   In compliance with Section 106 of the National Historic Preservation Act, NOAA consulted with the South Carolina SHPO and federally recognized Native American Tribes on a finding of no adverse effect on historic properties. Should the Proposed Action inadvertently discover an archeological site or object(s), NOAA would halt ground-disturbing activity until the Tribe and State agencies are consulted.

3. ***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 on the southern bank of the Cooper River at the Federal Law Enforcement Training Center (FLETC), at 2234 South Hobson Avenue, North Charleston, South Carolina (NOAA site) have not previously generated controversy, nor have the operation of NOAA research vessels in the Cooper River. 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 (NOA) of the Draft EA on October 9, 2022 in The Post and Courier newspaper, Marketplace section. The notification stated the availability of the Draft EA for review and comment for a 30-day public comment period. No comments were received from the public.

4. ***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 in-water 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 the Cooper River. Impacts to the floodplain would be reduced through the proposed enhancements of stormwater management improvements such as resilient curbing landward to minimize stormwater encroachment from surrounding sites. 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.

5. ***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 and the South Carolina Coastal Zone Management Program pursuant to 15 C.F.R. § 930.55.

   The Proposed Action is intended to restore berthing activities at Pier Romeo, which were decommissioned in 2006. The project would improve long-term critical infrastructure at the

NOAA site and support the agency's mission to strategically berth their vessels at locations closer in proximity to their dedicated mission support areas, which is to safely deliver effective earth observations capabilities, integrate emerging technologies, and provide a specialized, flexible, and reliable team responsive to NOAA and the nation.

6. 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 Chapter 4 of the Final 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. Most of the cumulative impacts would be short-term construction impacts from projects occurring during the same period as the Proposed Action. Minor cumulative losses in benthic and open water habitat would be insignificant when compared to the available habitat in the Cooper River. Additional, long-term, beneficial cumulative impacts to water quality would occur from the stabilization of the shoreline at the project site and the establishment of a living shoreline to enhance aquatic habitat.

7. 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, there are no known sites or objects listed in or eligible for listing in the National Register of Historic Places within the project site, which includes the bounds of all construction activities associated with the Proposed Action.

8. 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. Only the West Indian manatee (*Trichechus manatus*) is presently under the jurisdiction of the U.S. Fish and Wildlife Service (Service). The Service concurred with NOAA-OMAO's determination of "may affect but is not likely to adversely affect" for West Indian manatee on October 7, 2022.

NOAA-OMAO is in informal consultation with the NOAA National Marine Fisheries Service (NMFS), Southeast Regional Office, Endangered Species Act - Section 7, to determine if implementing the Proposed Action would have an adverse effect on any listed threatened or endangered species. Listed species consist of the Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), shortnose sturgeon (*Acipenser brevirostrum*), loggerhead turtle (*Caretta caretta*), leatherback turtle (*Dermochelys coriacea*), green turtle (*Chelonia mydas*), and Kemp's ridley turtle (*Lepidochelys kempii*).

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

The Proposed Action will not threaten a violation of any federal, state, or local law or requirement imposed for the protection of the environment. NOAA has initiated an informal consultation with the NMFS Office of Habitat Conservation under the Magnuson-Stevens Act. NOAA will obtain all applicable federal, state, and local permits and approvals prior to implementation of the Proposed Action.

10. 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 BMPs and recommended regulatory compliance measures to avoid adverse impacts to marine mammals from construction noise and vessel traffic during construction. The increase in traffic associated with the operation of additional research vessels homeported at Pier Romeo is extremely small and would have no significant impacts to marine mammals.

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

Temporary non-significant 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. This potential loss of aquatic habitat is not significant when compared to the available habitat in the Cooper River, and implementation of the proposed living shoreline would enhance both localized water quality and aquatic habitat. NOAA has initiated consultation with NMFS regarding impacts to EFH.

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

The Proposed Action is not expected to affect vulnerable marine or coastal ecosystems as there are no vulnerable marine or coastal ecosystems in the vicinity of the Proposed Action.

13. Can the proposed action reasonably be expected to affect biodiversity or ecosystem functioning significantly adversely (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 Cooper River, an area that has historically supported industrial activities that have previously diminished its habitat value. Temporary and permanent benthic habitat disturbances could occur during pile installation and dredging operations. Dredging would result in temporary benthic habitat impacts within the dredge area adjacent to the pier. Temporarily disturbed benthic environment is anticipated to be quickly recolonized by benthic species and in-benthic invertebrates. Potential benthic habitat impacts are anticipated to be minor. Long-term benthic impacts would not be significant considering the minor area of impact compared with the amount of benthic habitat available in the Cooper River.

14. 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. Additionally, 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 recapitalization of Pier Romeo and other supporting improvements to support operation and to enhance resiliency at the project site, it is hereby determined that the Proposed Action will not significantly impact the quality of the human environment. Additionally, all beneficial and adverse impacts of the Proposed Action have been addressed to reach the finding of no significant impacts.

Accordingly, preparation of an environmental impact statement (EIS) for this Proposed Action is not necessary.

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Date