

**Gulf Coast Ecosystem Restoration Council
Finding of No Significant Impact
Apalachicola Bay Oyster Restoration – Implementation (FL_RESTORE_002_006_Cat1)**

The Gulf Coast Ecosystem Restoration Council (Council) is hereby adopting the U.S. Army Corps of Engineers' (USACE's) Environmental Assessment (EA) for the Programmatic General Permit (PGP) SAJ-99, SAJ-2007-03138 dated October 16, 2015. The Council is adopting this EA in order to address requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321 et seq.) associated with the approval of funding for the Apalachicola Bay Oyster Restoration project. The Council has reviewed the subject EA and determined that it addresses the environmental effects of the activity to be funded. On June 7, 2016, the Council publicly announced via a notice in the *Federal Register* its intent to amend its Initial Funded Priority List (FPL) and approve funding for this project. No comments were received during the applicable 30-day public review period. The Council has determined that approval of funding for the Apalachicola Bay Oyster Restoration project would not result in a significant effect on the human environment. The following is a brief description of the activity to be funded, the associated EA being adopted by the Council, and contact information pertaining to this action.

Funded Activity

The Council is approving \$4,680,000 for implementation of the Apalachicola Bay Oyster Restoration project as part of the Council's Initial FPL, which has been developed pursuant to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) (33 U.S.C. 1321(t)(2)). The Florida Department of Agriculture and Consumer Services (FDACS) will place approximately 50,258 cubic yards of suitable oyster reef substrate through the use of barges and high-pressure water to restore approximately 251 acres of oyster reef habitat in Apalachicola Bay. More information on the RESTORE Act, the Initial FPL and the Apalachicola Bay Oyster Restoration project can be found at www.restorethegulf.gov.

Environmental Assessment Adopted

Prepared pursuant to NEPA, the attached EA for the PGP SAJ-99, SAJ-2007-03138 is hereby incorporated by reference into this Council finding, consistent with the Council's NEPA Procedures (80 FR 25680-25691 (May 5, 2015)). This 2015 EA includes an assessment of alternatives and associated environmental consequences, including potential cumulative effects (EA section 10). The analysis of environmental consequences includes information pertaining to other potentially applicable environmental laws, including the National Historic Preservation Act (NHPA), the Coastal Zone Management Act, and the Endangered Species Act (ESA). On October 16, 2015, the USACE issued a Finding of No Significant Impact (FONSI) for the activities covered by the subject EA.

Among other ecological benefits, this proposed action will provide an array of ecological services in the form of increased fishery and wildlife habitat; increased biodiversity and trophic dynamics; increased filtering capacity to improve water quality and recycle nutrients; increased structural stability to reduce coastal erosion and to protect near shore resources; protection of water quality; and the protection of healthy, diverse and sustainable living coastal marine resources. Beyond the fact that oysters and oyster reef communities represent important food sources for many species of commercially important fish and invertebrates, functioning oyster reefs are also recognized as critical structural and community

components which stabilize and sustain a broad array of ecological relationships (Peterson *et. al.* 2003). Additional outcomes include economic benefits through harvesting, processing and marketing fishery products locally and regionally by all who enjoy Florida seafood.

Environmental Conditions

In addition to NEPA, the Council has an independent responsibility to comply with all other applicable Federal laws. The Council has received concurrence on this FONSI and the associated FPL funding approval from the Federal agencies with responsibility for administering the laws applicable to this action. To ensure compliance with ESA, NHPA, and other applicable laws, the Council will require that the FDACS comply with the environmental conditions and project design criteria (PDC) set forth in PGP SAJ-99 (SAJ-2007-03138) and the state of Florida’s Aquaculture Best Management Practices (BMPs) (Chapter 5L-3, *Florida Administrative Code*). Adherence to these PDC and BMPs is nondiscretionary and serves to limit the environmental effects of an action to those that are insignificant, discountable or beneficial and never result in take or adverse effects to designated critical habitat. The FDACS is also responsible for ensuring that any contractors who may work on this project are aware of and comply with all of these environmental compliance requirements.

Finding of No Significant Impact

Based on an independent review of the information and analysis provided in the subject EA, the Council hereby issues this FONSI for the Apalachicola Bay Oyster Restoration project. This determination is based on consideration of the factors listed in Section 1508.27 of the Council on Environmental Quality’s (CEQ) regulations (40 CFR Parts 1500 through 1508). Consistent with Section 1508.13 of the CEQ regulations, the subject EA is attached to this FONSI and is incorporated herein by reference. In making this determination, the Council has coordinated with the USACE (author of the adopted EA), the Florida Department of Environmental Protection (acting on behalf of the state of Florida as the activity’s Council sponsor), and the FDACS (the entity that will deposit cultch material in Apalachicola Bay).

Determination by Responsible Official

I have determined that this proposed activity would not have a significant effect on the human environment.

Justin R. Ehrenwerth
Executive Director, Gulf Coast Ecosystem Restoration Council

(Signature) _____

Date _____

For Further Information

For further information, please contact John Ettinger, Director of Environmental Compliance, Gulf Coast Ecosystem Restoration Council, at (504) 444-3522 or by e-mail at john.ettinger@restorethegulf.gov.