

**DEPARTMENT OF DEFENSE
DEPARTMENT OF THE NAVY**

**FINDING OF NO SIGNIFICANT IMPACT FOR THE ENVIRONMENTAL
ASSESSMENT FOR THE DAMAGE ASSESSMENT AND RESTORATION PLAN FOR
THE 2011 OMEGA AIR TANKER CRASH AT NAVAL BASE VENTURA COUNTY,
POINT MUGU, CALIFORNIA.**

Pursuant to the Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] § 1500-1508) implementing the National Environmental Policy Act (NEPA) and the Department of the Navy (Navy) NEPA regulations (32 CFR 775), the Chief of Naval Operations Manual 5090.1, the Oil Pollution Act (OPA) and its accompanying regulations, the Navy, acting through Commander Navy Region Southwest (NRSW), in coordination with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife-Office of Spill Prevention and Response (CDFW-OSPR) gives notice that a Final Damage Assessment Restoration Plan/Environmental Assessment (DARP/EA) has been prepared and an Environmental Impact Statement is not required for the Damage Assessment and Restoration Plan for the 2011 Omega Air Tanker Crash at Naval Base Ventura County (NBVC), Point Mugu, California.

Proposed Action: The Proposed Action assesses damages caused by the 18 May 2011 air tanker crash and subsequent release of fuel oil at NBVC Point Mugu and evaluates restoration alternatives to compensate the public for the loss of natural resources and services resulting from the oil spill. As required by OPA and the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act - Cal. Govt. Code 8670.1 et seq. (OSPRA), the Natural Resources Trustees (Navy, USFWS, and CDFW-OSPR) determined injuries exist, primary restoration through natural recovery is occurring and compensatory restoration (compensation for ecological functions lost for the period of time after the crash, during cleanup, and until the site is restored and fully functioning) is necessary to restore wetland habitat and function at NBVC Point Mugu.

Public Participation: The public participation process began with publication of a Notice of Intent to Proceed with Restoration Planning and Preparation of a DARP/EA in the Federal Register on 17 July 2015. Public scoping was also noticed via

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publication in the Ventura County Star newspaper on 24-26 July 2015 and advertised on the NRSW website at <http://cnic.navy.mil/regions/cnrsw.html> under popular links. The public scoping comment period lasted for 30 days from 17 July 2015 through 17 August 2015. No public scoping comments were received.

The draft DARP/EA was advertised with a public Notice of Availability published in the Ventura County Star newspaper on 5, 6 and 7 February 2016 and on the NRSW website at <http://cnic.navy.mil/regions/cnrsw.html> under popular links. The Public Review Period for the draft DARP/EA lasted 30 days through 6 March 2016. No comments on the public draft EA were received.

A Final DARP/EA and FONSI Notice of Availability will also be published in the Ventura County Star newspaper and posted on the Navy Region Southwest website at <http://cnic.navy.mil/regions/cnrsw.html> under popular links.

Background/Existing Conditions:

NBVC Point Mugu includes 2,139 acres of jurisdictional wetlands largely composed of estuarine coastal salt marsh that provides food, nesting, sheltering, breeding, and nursery grounds for numerous species of fish, wildlife, and plants, including several federal and state listed special status species and the state-listed critically imperiled wandering skipper and sensitive species of tiger beetles.

On 18 May 2011, a Boeing K707 aerial refueling tanker, carrying at least 10,000 gallons of jet fuel and operated by Omega Air, Inc., crashed during take-off on Runway 21 into Mugu Lagoon, at the end of Taxiway Alpha. Emergency crews responded by extinguishing the resulting fire and sandbagging interconnecting culverts in the wetlands around the oil spill area. These emergency actions successfully minimized the area of impact to approximately 79 acres.

During the incident response, the aircraft fuselage and crash debris were removed from the lagoon, a sediment contamination study was conducted; contaminated sediment was excavated and, by mid-Nov 2011, replaced with clean wetland-consistent sediment. The Natural Resource Trustees assessed injuries to natural resources resulting from the crash, including benthic macro invertebrates, then conducted a habitat equivalency analysis

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(HEA) which quantified injuries to those natural resources and estimated equivalent compensation for loss in terms of habitat restoration acreage. The HEA identified a restoration goal of between 3.0 and 4.4 acres depending upon the final site selected. In addition to allowing continuing natural recovery of crash site natural resources, compensatory restoration for the ecological functions lost from the time of the crash until the time of full recovery is legally required under OPA and the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (OSPR). Two restoration projects were identified as meeting the restoration goal and evaluation criteria identified in the DARP/EA.

The Laguna Road and the Beach Road restoration sites described below are both areas of existing wetland habitat that is demonstrably in need of improvement (lacking in biodiversity, adequate tidal flow, grade lowering, etc.) and the biological enhancement of either would not constitute a loss of developable land.

Alternatives Analyzed:

Alternative 1, the Laguna Road Culvert Installation Alternative (Selected Alternative)

The Laguna Road Culvert Installation Alternative would connect the existing wetland at Laguna Road with an existing tidally-influenced drainage channel by installing two 60 ft. long, 8 ft. X 8 ft. pre-cast culverts under the existing asphalt paved road. A small amount of excess sediment would be trucked to an approved upland disposal facility. Grading and contouring of two new meandering drainage swales across the road and east across the adjacent wetland enhancement site would also occur. Overall this alternative would temporarily impact a maximum of 1.82 acres and would improve the restoration site water quality and hydrology, habitat for fish and wading birds, the diversity of benthic macro invertebrates, and native coastal salt marsh plant diversity and cover. In addition, invasive plants within the restoration site would be removed or treated to promote recruitment and seed bank germination of native salt marsh plants.

This restoration alternative would enhance 2.98 acres of wetlands habitat by increasing tidal action and benefitting fish, wading birds, benthic invertebrate diversity, and

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increasing tidal plants. The restoration alternative is also expected to benefit special status species including the state listed Belding's savannah sparrow (*Passerculus sandwichensis beldingii*) and federally listed salt marsh bird's beak (*Chloropyron maritimum* subsp. *maritimum*). It is estimated that construction would last approximately eight weeks and require five years of monitoring, maintenance and adaptive management. Construction would occur once funds are received. The estimated cost for this restoration alternative is \$911,755.

Alternative 2, Beach Road Berm and Sewer Line Removal Alternative:

Under Alternative 2, excavation of an approximately 0.40 acre area would occur, removing an abandoned sewer line and approximately 843 cubic yards of fill from an existing earthen berm. Also, minor grading would be conducted to create tidal channels across the adjacent 4.41 acres of tidal restoration area. The fill would be trucked to an upland landfill and the wetland site would be enhanced by increased growth of native wetland plant species, and provision of increased habitat for wetland birds including special status species, fish, and benthic macro invertebrates. It is estimated that construction would last approximately eight weeks and require five years of monitoring, maintenance and adaptive management. Construction would occur once funds are received. The Beach Road Berm and Sewer Line Removal Alternative would cost an estimated \$790,567.

Alternative 3, No Action Alternative

Under the No Action Alternative, the Proposed Action (compensatory restoration for the 2011 Omega Air Tanker Crash injuries) would not occur. The ongoing natural recovery at the crash site itself would likely continue for many of the injured resources. However, under this scenario the mandates of the OPA and OSPRA to compensate the public for interim losses pending recovery of natural resources would not be met. In addition, wetland enhancement at the Beach Road site and the Laguna Road site would likely not occur as future separate projects as neither site offers significant mitigation banking credits for NBVC.

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Alternative to be Implemented: Alternative 1, also known as the Laguna Road Culvert Installation Alternative, is the Selected Alternative because it best meets the purpose and need for the project and would not result in significant impacts to the human and natural environment. According to OPA, where two or more restoration alternatives exist that are equally preferable based on the applied biological screening factors, the Trustees are obligated to select the most cost-effective alternative. Though Alternative 2 is less costly, it is not the Selected Alternative because the benefits to special status species are less certain.

Environmental Effects and Mitigation Measures: The following is a summary of the environmental consequences of Alternative 1 (Selected Alternative):

Biological Resources: Potential impacts to wildlife from increased noise, dust, and activity could occur in association with Alternative 1 (Selected Alternative), but would be temporary and localized. Wildlife species would likely avoid the work area temporarily and return following completion of the work, or would utilize other nearby comparable habitat. Alternative 1 would comply with the Migratory Bird Treaty Act (MBTA), Executive Order 13186, the U.S. Fish and Wildlife Service/Department of Defense Memorandum of Understanding to "Promote the Conservation of Migratory Birds," and the NBVC Point Mugu and Special Areas Integrated Natural Resources Management Plan (INRMP), so there would be no significant effects on MBTA-protected species. With implementation of management strategies outlined in the INRMP, no significant effects from invasive plant species would occur from Alternative 1. Though there would be short-term impacts within the footprint due to re-contouring within the wetlands, there would be net positive impacts on wetlands from Alternative 1 as the action would enhance existing wetlands. The National Marine Fisheries Service (NMFS) has no conservation recommendations for this project. Alternative 1 would have no permanent adverse effect on Essential Fish Habitat and would in fact have beneficial effects on Essential Fish Habitat. Therefore, implementation of Alternative 1 would not result in significant impacts to biological resources.

Cultural Resources: The proposed undertaking under Alternative 1 is the type of activity that could affect historic properties if they were present. However, as there are no archaeological or historic resources present in the project area, it meets the

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standard for a finding of no historic properties affected, consistent with 36 CFR 800.4(d)(1). The National Historic Preservation Act Section 106 consultation process, with the California State Historic Preservation Officer (SHPO), was completed upon Navy receipt of the 23 October 2015 SHPO letter stating "no affect to historic properties concurrence". Therefore, implementation of Alternative 1 would not result in significant impacts to historic or archaeological resources.

Water Quality: The primary effect to water quality from Alternative 1 would be improved tidal flow in three acres of salt marsh habitat, which would benefit groundwater recharge and filtration. No facilities that could potentially degrade groundwater quality would be constructed. Compliance with the applicable regulatory controls associated with the Clean Water Act (CWA), National Pollutant Discharge Elimination System (NPDES), and related NBVC planning documents would also ensure that no significant impacts associated with water resources would occur. Specifically, a Storm Water Pollution Prevention Plan would be prepared; a Section 401 Water Quality Certification would be obtained from the Regional Water Quality Control Board; and a Section 404 permit would be obtained from the U.S. Army Corps of Engineers. Therefore, implementation of Alternative 1 would not result in significant impacts to water quality.

Coastal Zone Management and Land Use: Alternative 1 would have no impact on coastal zone uses or resources. The California Coastal Commission has concurred with the Navy's Negative Determination regarding potential impacts on coastal resources. No land use changes would occur as a part of Alternative 1. Therefore, implementation of Alternative 1 would not result in significant impacts to coastal resources or land use.

Finding: The project Trustee agencies including the U.S. Navy, California Department of Fish and Wildlife - Office of Spill Prevention and Response, and the U.S. Fish and Wildlife Service, prepared the analysis presented in the DARP/EA and further consulted with the California Coastal Commission, California SHPO, and National Oceanic and Atmospheric Administration - National Marine Fisheries Service on the project and find that implementation of Alternative 1 will not significantly impact the quality of the human or natural environment or generate significant controversy. The DARP/EA prepared for this action is

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on file with the U.S. Navy and interested parties may obtain a
copy from Ms. Deb McKay, Navy Region Southwest, 937 N. Harbor
Drive, Bldg. 1, 5th Floor, San Diego, California, 92132.

6 June 16
Date


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Commander Navy Region Southwest