

**FINDING OF NO SIGNIFICANT IMPACT**  
**FOR**  
**Maritime Environmental Data Sampling System**  
**Washington State, USA**

**Introduction:** The Science and Technology Directorate (S&T), a research and development Component within the U.S. Department of Homeland Security (DHS), conducts basic and applied research, development, demonstration, testing, and evaluation activities relevant to the DHS mission. S&T prepared an Environmental Assessment (EA) in accordance with the National Environmental Policy Act of 1969, 42 United States Code [USC] §§ 4321 et seq. (NEPA), the Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), other relevant federal and state laws and regulations, and the Department’s own policies and practices on implementing NEPA to evaluate the potential impacts resulting from the Proposed Action and this Finding of No Significant Impact (FONSI) documents the reasons why the Proposed Action does not have a significant effect on human health and/or the environment.

**Purpose and Need:** The *purpose* of the Proposed Action is to test the sensor technology to increase Marine Domain Awareness. This requires installation and operation of an underwater cable and includes potential repair, recovery, abandonment in place, or continued operations, in submerged waters.

The Proposed Action is *needed* to assess capability and performance of the cable system to evaluate applicability for the utilization within the rest of the United States. Without the implementation of the Proposed Action, DHS S&T would not be able to assess the performance of the system to meet mission needs for maritime environmental monitoring capabilities.

**Alternatives:** An alternatives analysis was prepared to develop and evaluate potential solutions to fulfill the expanding mission needs. The alternatives analysis identified three alternative cable routes that would address the capability gap and then assessed each alternative based on its effectiveness for operation, cost, schedule, and risk. These alternatives and a no action alternative were addressed in the EA.

1. [Proposed Action] Alternative Route 1
2. Alternative Route 2
3. Alternative Route 3
4. No Action Alternative

**Proposed Action:** The Proposed Action evaluated in this EA are activities relating to the installation, operation, and recovery, or continuation of operations of a submerged cable in the waters of the Strait of Georgia and Semiahmoo Bay in Washington State, near the Northern border with Canada. For the purposes of this analysis, tasks to facilitate the Proposed Action have been grouped into three primary components: cable installation, cable operation, and cable recovery. No on-land disturbance, facility construction, or demolition is included in the Proposed

Action. Minor modifications will be made to existing concrete in a paved-over area to secure and protect the cable conduit from a building wall to a drainage grate. This route would run across the Strait of Georgia and have a shoreside landing site at a location where there is access to existing infrastructure and conduit to an existing building that is government owned where equipment would be housed.

**Other Alternatives Considered:** Alternative Route 2 would zig-zag across the Strait of Georgia from southeast to northwest. Alternative Route 2 has low operational efficiency because it would require land disturbance to install a conduit or culvert at the shoreside landing site and would result in additional environmental disruptions. Alternative Route 3 would run across the Strait of Georgia. Alternative Route 3 would require land disturbance to install a conduit or culvert at the shoreside landing site and construction of a temporary, powered, and climate-controlled infrastructure (trailer or shed) to house project equipment at the shoreside landing site. Therefore, Alternative Routes 2 and 3 would not meet the Proposed Action's purpose and need and were dismissed from further analysis in this EA.

**No-Action Alternative:** The No-Action alternative does not meet the purpose and need for the Proposed Action, but was carried forward for analysis, as required by CEQ regulations. The No-Action Alternative would maintain the existing conditions of the marine environment in its current state, and there would be no change in disturbance of submerged vegetative cover, soils, wildlife habitat, or water quality. However, under the No-Action Alternative, DHS S&T would be unable to fill existing capability gaps and meet critical mission needs to ensure effective, efficient, and secure operations across all DHS missions.

**Environmental Effects:** The EA documents that the Proposed Action would result in *no direct, indirect, or cumulative, significant environmental impacts*.

The Proposed Action has no mechanism to impact the following environmental resources: Land Use; Visual Aesthetics; Geology, Topography, and Soils; Water Resources (Floodplains, Coastal Zone Management, Groundwater, and Wetlands); Public Health and Safety; Infrastructure; and Hazardous and Toxic Materials and Waste. The eight environmental resources for which impacts are analyzed in greater detail are Air Quality and Climate Change; Noise; Cultural and Historic Resources; Water Resources (Surface Water); Biological Resources; Socioeconomics; Environmental Justice; and Recreation.

**Air Quality and Climate Change** - During installation, a motor vessel would be used to lay the cable, with a smaller boat (zodiac type) anticipated to be used for laying the shore landing segment of the cable and for access to the mudflat off the shoreside landing area. The motor vessel is a less than 23 m (75 ft) research vessel, equipped with two 350 horsepower diesel engines. The duration of the cable laying activities is estimated to be 2 to 6 days, including vessel mobilization, shore landing, cable installation, confirmation of operation, and vessel demobilization. While not anticipated, should the cable be damaged, repairs will be made. If the cable has to be repaired or recovered, activities would be similar to installation.

The Proposed Action would not result in a change in the attainment status with the NAAQS and emissions would not exceed regulatory thresholds for criteria air pollutants; however, the

Proposed Action would have *short-term negligible adverse impacts* on air quality and climate change during cable installation and potential repair or recovery and would *not be adversely impacted* by climate change over the long term.

**Noise** – Noise generated by the Proposed Action would be limited to cable laying, repair, or recovery activities. The cable would not emit any noise during operation. The level and duration of noise from cable repair or recovery, if applicable, are anticipated to be similar to cable laying. Use of the cable laying vessel for the Proposed Action would be temporary in duration (approximately 2 to 6 days) and similar to noise generated by existing vessel traffic.

Noise levels are not anticipated to exceed National Institute for Occupational Safety and Health limits for workers involved with implementation of the Proposed Action. Noise generated or audible from onshore areas would be minimal and well below ambient noise levels at the shoreside landing that are dominated by the existing rail line, Interstate 5, and other traffic noise. Given the temporary nature of cable laying, repair, and recovery activities, and low levels of noise that it would generate relative to other ambient sources, *short term, negligible adverse impacts* are anticipated from cable laying and potential repair or recovery activities, and although there is potential for continued operation or sections to be abandoned in place, *no long-term impacts* to the overall noise environment are anticipated.

**Cultural and Historic Resources** - The Proposed Action Area of Potential Effect (APE) is archaeologically and historically important, and it continues to be a place of cultural and religious importance to the Lummi Nation, Suquamish Tribe, and other Coast Salish Tribes. The area has natural and cultural resources that were, and continue to be, traditional use items important in cultural practices today. There are four eligible or potentially eligible historic properties within the Proposed Action APE. A separate National Historic Preservation Act (NHPA) Section 106 report was prepared and DHS S&T determined the Proposed Action would result in no historic properties affected. Concurrence of this determination was provided by the Washington State Department of Archaeology and Historic Preservation's State Historic Preservation Officer. The Snoqualmie Tribe requested to be notified should the proposed scope change. Additional comments regarding cultural resources or historic properties were received on June 6, 2024, from the Suquamish Tribe. Additional discussions regarding coordination resulting from Tribal consultation are ongoing. For the purposes of NEPA, DHS will implement Best Management Practices (BMP) described below to ensure there are no significant effects to cultural resources. Therefore, the Proposed Action would have *less-than-significant to no impact* on any cultural and historic resources within the Proposed Action area.

**Water Resources** - Impacts on surface water would be constrained to cable burial and repair or recovery activities. Turbidity may be increased during cable installation, repair, or recovery due to the displacement of marine sediments by the burial sled or by the action of unburying the cable. Re-suspension of potential contaminants within disturbed sediments also may occur, although there are no known sources of contamination along the preferred route. Because of the relatively short timeframe allocated for cable installation (2 to 6 days total) and the shallow burial depth, suspension of sediments from installation, repair, or recovery would be temporary

and minor in nature. No impacts are anticipated to coastal zone management areas, ground water, wetlands, or National Wild and Scenic Rivers.

The potential for an accidental spill or leak from vessels is negligible as the vessels would be undergoing normal operation for up to 6 days, and would be refueled, as needed, in accordance with standard protocols at marine refueling stations. The potential for marine hazardous toxic materials and waste (HTMW) releases would be further minimized through applicable regulations and BMPs, including requiring vessels to be equipped with spill containment and spill response kits, having a Vessel Response Plan consistent with the provisions of 33 CFR Part 155, and controlling the discharge of operational wastes.

Components of cable installation, shoreside landing and cable laying and recovery, create the possibility of temporary suspended sediment, or turbidity.

The Proposed Action would result in *short-term negligible adverse impacts* from turbidity during cable laying and recovery activities. S&T is finalizing coordination with the U.S. Army Corps of Engineers (USACE) to appropriately fulfill Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act; *no impacts* are anticipated to surface waters during cable installation, operation or if portions of the cable are abandoned in place.

**Biological Resources** - Direct impacts from the Proposed Action are limited to cable installation and repair or recovery activities only, as no impacts are expected while the cable is in place. Direct impacts related to the Proposed Action that could potentially affect listed species include a temporary increase in turbidity from cable laying, repair, or recovery; and temporary disturbance from vessel operation. Cable placement on the seafloor through potential sensitive habitats (e.g., eelgrass) and cable burial along the proposed cable route would result in a temporary and localized increase in turbidity. Additionally, cable laying vessel operations would temporarily (for approximately 2 to 6 days) increase presence and noise levels. The Proposed Action would not involve land disturbance. Minor modifications will be made to existing concrete in a paved-over area to secure and protect the cable conduit from a building wall to a drainage grate. The Proposed Action would not affect terrestrial vegetation wildlife or habitats, or nesting birds.

Operations to shallow bury the cable along the seafloor would be conducted in a manner to minimize sedimentation. In addition, the small footprint of the cable would minimize the disturbed area and ensure an abundance of nearby unaffected habitat. Both components of cable installation, shoreside landing and cable laying, create the possibility of temporary suspended sediment, or turbidity. However, these increases in turbidity are expected to dissipate within seconds or minutes after placement due to the dynamic currents and tides within the Proposed Action area. Because turbidity would be increased for only a short period of time, across a very narrow path, and would dissipate quickly, this *may affect, but is not likely to adversely affect* Endangered Species Act (ESA)-listed species in the area near cable installation. DHS S&T consulted with U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) under Section 7 of the ESA for its “may affect” determination. In addition, a Biological Assessment was prepared to further analyze the impact of the Proposed Action on Biological Resources. USFWS and NOAA concurred with DHS

S&T's may affect determinations on July 12, 2024, and August 21, 2024, respectively. Further, NOAA concluded that the project would not adversely affect Essential Fish Habitat (EFH) and consultation under Magnuson Stevens Act (MSA) is not required.

The cable laying operation would not increase vessel traffic in the area or pose any significant additional risk to marine species, including meaningfully altering any migration routes of ESA-listed species for foraging or resting. Due to the currents within the Proposed Action area and background ambient water noise, the subsequent sound pressure levels are not expected to result in impacts to ESA-listed species. Tribal, recreational, and commercial fishery seasons have been considered and cable laying and repair or recovery activities will occur outside relevant open fishing seasons. The cable would also be shallow buried to prevent it from interacting with anchors, bottom trawl fishing, crabbing, and recreational fishing. A series of BMPs would be applied during the installation, operation, and decommissioning of the Proposed Action and are listed below.

During cable installation and repair or recovery activities, the Proposed Action would have a *direct, short-term, negligible, adverse impact* on ESA-Listed Species, *direct, short-term, negligible, adverse impacts* to Critical Habitat, *direct, short-term, negligible, adverse impacts* to Essential Fish Habitat and would have *direct, short-term, minor; less than significant to no impact* on fishing and fishery management. Overall, during cable installation and recovery activities, the Proposed Action would have a *direct, short-term, minor, adverse impact* on Biological Resources, and *no impact* during cable operations.

**Socioeconomics and Environmental Justice** - The Proposed Action involves a temporary 2 to 6-day event (including weather windows). Expenditures for DHS staff or contractors on-site during cable installation or recovery may be for amenities (food, lodging, fuel) in the local area and would likely be less than \$25,000. This expenditure level would not impact economic trends at local or regional levels. The cable installation, operation, and recovery would not require relocation of populations or significant impacts to transportation into or from the area or result in a significant increase in public service or utility needs. Therefore, there would be no *short-term or long-term impacts* on socioeconomics of the Proposed Action area. The Proposed Action area is not considered an Environmental Justice (EJ) community of concern or disadvantaged, nor does it meet any burden thresholds or socioeconomic thresholds. Additionally, in accordance with the CEQ EJ guidance, the minority population or low-income population does not exceed 50 percent. No disproportionate adverse impacts are anticipated on communities with environmental justice concerns; therefore, there would be no *short-term or long-term impacts* on Environmental Justice.

As the Proposed Action area is located within various Tribal Nation's usual and accustomed fishing areas (Treaty of Point Elliot, 1855) Tribal consultations were conducted. Cable installation will be conducted in coordination with consulting Tribal Nations and outside of tribal fishing windows to ensure it will not add any additional burden to the communities.

**Recreation** - Temporary access restrictions would be placed on recreational boating, fishing, and diving in the immediate area surrounding active cable laying, repair, or recovery activities as

needed. Within the vicinity of cable-laying activities, a suitable buffer zone around the cable-laying operations would be enforced for up to six days during which this activity is anticipated to occur. However, this impact would be negligible in the context of Puget Sound as other vessel traffic would be expected to easily avoid or maneuver around the buffer zone. The quality of recreational resources may slightly decrease, primarily due to potential noise disturbance; however, it would return to existing conditions following the completion of cable installation or recovery activities. Any limitation or restrictions to recreational activities would not exceed six days in duration; therefore, there would be *short-term, negligible adverse impacts* to recreational activities during cable laying and recovery operations, and *no long-term or ongoing impacts*.

**Best Management Practices:** A series of BMPs would be applied during the installation, operation, and decommissioning of the Proposed Action. These BMPs serve as mitigation measures to minimize the risk of harm to resources for the Proposed Action. All workers associated with The Project, irrespective of their employment arrangement or affiliation (e.g., employee, contractor), would be fully briefed on these BMPs and the requirement to adhere to them for the duration of their involvement in this project. The BMPs that would be implemented include the following.

### **Cultural and Historical Resources**

1. Revised the Proposed Action Area of Potential Effect (APE) to avoid any potential impacts to existing cultural resources that are within 1 mile of the APE (completed).
2. Established a buffer around known historic properties to avoid and minimize direct and indirect effects as much as reasonably possible (completed).
3. Implement any avoidance, minimization, or mitigation measures identified through Section 106 consultation pursuant to 36 CFR 800.6, should there be an adverse effect to historic properties determined through consultation (completed).
4. Implement archaeological monitoring during the shoreside landing installation in case inadvertent discoveries of cultural material are uncovered. Workers will be directed to watch for cultural materials (e.g., stone tools, pier remnants, etc.) during work activities.
5. If any cultural materials are encountered, work in the vicinity of the discovery would pause until an archaeologist (if not present) has been notified, the significance of the find assessed, appropriate consulting parties notified, and, if necessary, arrangements made for mitigation of the discovery.
6. The Inadvertent Discovery Plan would dictate who would be contacted in the event that cultural material and/or human remains are encountered in the field (Plan prepared).

### **Biological Resources**

#### **Vessel Operations**

1. The cable laying vessel speed would be limited to 9 knots or less during transit. Note, the vessel has a maximum speed of 10 knots.
2. During cable laying operations, vessel speed would be reduced further to less than 3 knots.

3. To the extent it is practicable and safe, vessel operators would operate their vessel thrusters (both main drive and dynamic positioning) at the minimum power necessary to accomplish the work.
4. The only source of hazardous materials would be petroleum-based fuel and lubricating oil used in the operation of the cable ship during cable-laying activities. The cable laying ship would have proper spill response materials and follow protocols for petroleum product spills or leaks.
5. Project-associated staff would properly secure all ropes, nets, and other materials that could blow or wash overboard.
6. Project-associated staff would cut all materials that form closed loops (e.g., plastic packing bands, rubber bands, and all other loops) prior to proper disposal in a closed and secured trash bin. All trash would be immediately placed in trash bins and trash bins would be properly secured with locked or secured lids that cannot blow open, preventing trash from entering the environment, thus reducing the risk of entanglement if waste enters marine waters.

### **Cable Laying Operations**

1. Placement of the cable would minimize impacts by avoiding protected areas and other ecologically important, valuable, and sensitive areas (e.g., avoidance of rocky outcrops, eelgrass beds, and macroalgae, per the marine survey) whenever possible.
2. The cable would be lowered to the seafloor in a slow and controlled manner and methods to bury the cable on the seafloor would be conducted in a manner to minimize sediment disturbance.
3. Where the cable laying operations occur within sensitive habitats, a team of divers would carefully guide the cable through. No cutting of eelgrass or kelp would occur.
4. Hairpin anchors would be utilized to stabilize the cable and prevent movement through sensitive habitats.
5. Known anchorages would be avoided along the cable route.
6. Personnel on the cable laying vessel would be instructed to observe wildlife. The following actions should be taken if marine mammals are sighted:
  - a. Vessels should maintain a minimum distance of approximately 100.6 m (330 ft.) from the sighting location, when feasible.
  - b. Vessels would not be permitted to cross directly in front of or intersect the path of any sighted marine mammals.
  - c. If a large marine mammal (e.g., a whale) passes along the ship, the vessel operator would maintain a steady heading and constant speed that is not faster than the sighted individual's speed.
  - d. If sighted marine mammals demonstrate defensive or disturbed actions, the vessel would slow or be taken out of gear until the animal calms and/or moves a safe distance away from the vessel.
  - e. If an ESA-listed pinniped comes within approximately 100.6 m (330 ft) of the vessel during cable installation, onboard personnel may modify vessel operations

until the animal moves safely out of the area and remains unobserved for 30 minutes.

- f. If an ESA-listed whale comes within approximately 2.15 m (7.067 ft) of the vessel during cable installation, onboard personnel may modify vessel operations until the animal moves safely out of the area and remains unobserved for 30 minutes.
  - g. In the highly unlikely event of a vessel strike with a marine mammal, the vessel operator would follow the project's incident reporting procedures.
7. In the event repairs are needed to the cable, permitting agencies will be notified and work will be completed in accordance with permit requirements and in-water work windows.

### **Cable Operations**

1. A post-installation visual inspection of the cable will be conducted after the first "large storm" to verify the cable sensors can be used to detect any movement in the cable caused by storms.
2. DHS S&T commits to monitor the cable sensor for any changes that could indicate displacement or movement of the cable.
3. When the cable is recovered, some portions may be left in place to reduce disturbance to sensitive habitats (e.g., eelgrasses).

**Cumulative Impact:** The impacts on the environment that would result from the incremental impact of the Proposed Action, when added to other past, present, and reasonably foreseeable future actions have been considered. No significant direct or indirect effects were identified. Proposed activities would be short-term and less than significant. Given the type and duration of the Proposed Action activities, and based on the information presented in the EA, the Proposed Action would not result in significant cumulative effects when considered with other recent past, ongoing, or reasonably foreseeable future actions.



**Finding:** Based upon the analyses for the EA and the BMPs to be implemented, the Proposed Action would not have a significant effect on the environment. Therefore, no further analysis or documentation (i.e., an Environmental Impact Statement) is warranted. However, project planning and design are ongoing. Should the final design ultimately include details that are outside the scope analyzed in this EA additional analysis may be required. DHS S&T, in implementing this decision, would employ all BMPs and mitigation measures analyzed in this EA to minimize the potential for adverse impacts on the human and natural environments.

10/29/2024

Date

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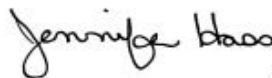
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