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DEPARTMENT OF DEFENSE
DEPARTMENT OF THE NAVY

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)/FINDING OF NO
SIGNIFICANT HARM (FONSH) FOR CONTRACT AWARD TO DISMANTLE THE
DESTROYER EX-FORREST SHERMAN (DD 931).**

Pursuant to the Council on Environmental Quality regulations (40 Code of Federal Regulations §§ 1500-1508) implementing procedural provisions of the National Environmental Policy Act (NEPA), and E.O. 12114, Environmental Effects Abroad of Major Federal Actions, the Department of the Navy (DON) gives notice that an Environmental Assessment/Overseas Environmental Assessment (EA/OEA) and Finding of No Significant Impact (FONSI)/Finding of No Significant Harm (FONSH) has been prepared for the award of a contract to a technically acceptable domestic ship dismantling company which will tow ex-FORREST SHERMAN (DD 931) to its facility in order to dismantle and recycle her in accordance with applicable Federal, state and local laws and regulations. Ex-FORREST SHERMAN is currently moored at the NAVSEA Inactive Ships On-Site Maintenance Office (INACTSHIPMAINTO), Philadelphia, PA. Because the DON has reached a FONSI and FONSH, an Environmental Impact Statement (EIS/OEIS) is not being prepared.

Proposed Action:

Ex-FORREST SHERMAN is a decommissioned post-World War II destroyer that has been inactive for thirty-one years and designated for disposal for twenty-three years. There are no Navy requirements for the ship, as ex-FORREST SHERMAN is not needed for the defense of the country.

The Proposed Action is to award a contract to a technically acceptable domestic ship dismantling company which will then tow ex-FORREST SHERMAN to its facility in order to dismantle and recycle her in accordance with applicable Federal, state, and local laws and regulations.

The domestic ship dismantling facility must have the capability to dismantle a destroyer of this size without construction of any new facilities or dredging. The vessel is non-operational (no propeller rotation or water intakes/discharges); therefore, due to the size of the ship, the use of several assist tug boats will be required. The towing operator will be required to meet the requirements for safety, navigation, environmental, and other safeguards.

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The purpose for the proposed dismantlement of this vessel is to execute Chief of Naval Operations (CNO) policy for the disposal of inactive ships stricken from the Naval Vessel Register and designated for disposal. The Proposed Action is needed to reduce the Navy's inactive ship inventory and eliminate costs associated with continuing to maintain the deteriorating ship in safe stowage.

INACTSHIPMAINTO is located in the Philadelphia Naval Business Center (PNBC) on League Island on the north side of the Delaware River and East of the Schuylkill River, at their meeting point in Philadelphia, Pennsylvania. INACTSHIPMAINTO has been in continual use for inactive ships for over sixty years. It is located in a developed area and has restricted access.

Alternatives Analyzed: The Proposed Action may be implemented at private sector facilities located in or nearby one of two representative locations (1) Brownsville, TX; or (2) New Orleans, LA. Both representative locations are in developed areas along waterfronts and have restricted access.

The EA/OEA analyzes two Proposed Action Alternatives and the No-Action Alternative. All technically acceptable contractors will be considered at the time of potential contract award.

If the Federal Government is unable to award a dismantling contract, the No-Action Alternative will result by default. The No-Action Alternative includes continued berthing of ex-FORREST SHERMAN at INACTSHIPMAINTO Philadelphia, PA. INACTSHIPMAINTO Philadelphia will continue to maintain the ship in safe stowage (i.e., fire and flooding protection).

The No-Action Alternative does not meet the Navy's operational need to remove the vessel from the Navy's inactive ship inventory.

Alternatives Considered but Eliminated: Five other possible methods of ship disposal were considered. Fleet training sinking exercises (SINKEX) and artificial reefing are not feasible due to the extensive presence of regulated PCB-containing solid materials onboard which exceed U.S. Environmental Protection Agency limits for ocean disposal. A Foreign Military Sale Transfer alternative is not feasible as there has been no foreign country interest in this class of ship for the past thirty years and because the vessel is inoperable and obsolete. Title transfer to the Department of Transportation, Maritime Administration, is only applicable to merchant-type ships pursuant to the Merchant Marine Act of 1936.

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Donation transfer was attempted when the vessel was available for donation as a museum or memorial for nine years; unfortunately, the Navy never received a satisfactory donation application for this vessel.

Environmental Effects: The EA/OEA presents a review and analysis of the potential environmental impacts associated with the two Proposed Action Alternatives: Brownsville, TX, and New Orleans, LA, including the towing of the ship to these locations; as well as the No-Action Alternative. Impacts to relevant resources that were evaluated include cultural resources; water resources, including coastal zone resources; biological resources; and air quality/climate change.

The Navy notified and/or consulted with, the following regulatory agencies: the Advisory Council on Historic Preservation (ACHP) and the Pennsylvania State Historic Preservation Office (PA SHPO) for vessel dismantling; the Pennsylvania Department of Environmental Planning (PADEP) for a negative determination; the State of Texas for a consistency negative determination; the State of Louisiana for a negative determination; and the Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service for biological resources.

Coastal Resources. The Navy obtained a Record of General Negative Determination of Effect in accordance with the Coastal Zone Management Act for movement of vessels to and from INACTSHIPMAINTO Philadelphia. This Negative Determination was obtained 28 January 2011. The coastal regulator, Pennsylvania Department of Environmental Protection (PADEP), agreed that towing inactive vessels would have no effect on any coastal use or resource of the State of Pennsylvania and that the proposed action is consistent with the applicable enforceable policies of Pennsylvania's Coastal Management Plan.

The transit of ex-FORREST SHERMAN will only enter into the coastal areas of Pennsylvania and potentially Louisiana or Texas. None of the enforceable policies of the Texas or Louisiana Coastal Management Plans are affected by the Proposed Action. Following informal consultation with the States of Louisiana and Texas, the Navy received written concurrence from both states for a negative determination in April 2014. The three negative determinations are appended to the EA/OEA.

Cultural Resources. Ex-FORREST SHERMAN is eligible for listing in the National Register of Historic Places (NRHP). As the

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Proposed Action is the decision to award a contract to dispose of the vessel, there will be an adverse effect on a cultural resource; however, through consultation with the Pennsylvania State Historic Preservation Officer (PA SHPO) and the Advisory Council for Historic Preservation (ACHP), which resulted in a Memorandum of Agreement (MOA), effects will be mitigated by accomplishing the stipulations specified in the MOA. The MOA between the Department of the Navy, the Pennsylvania Historic Preservation Officer, and the Advisory Council on Historic Preservation dated 2 March 2011, is appended to the EA/OEA.

INACTSHIPMAINTO is within the Philadelphia Naval Shipyard Historic District, which is listed in the NRHP; however, the Proposed Action will not alter the properties of the Historic District because ex-FORREST SHERMAN is not a contributing feature to the Historic District. The Navy is not aware of any historic or cultural resources located at the two alternative disposal locations.

The Navy has determined that the Proposed Action will have an adverse effect on the ship, a historic property; however, the Proposed Action will not affect other cultural or historic property. Further, the Proposed Action will not have a significant impact on cultural resources, nor will the Proposed Action result in significant harm to overseas historic or cultural resources.

Water Resources. The Proposed Action does not require dredging or a discharge permit; thus, the impact on water resources will be minimal and temporary. Potential impacts include localized and temporary increases in suspended solids or turbidity in shallow water. No permanent impacts are expected to water and sediment quality. Ex-FORREST SHERMAN will be towed in deep water in accordance with the Navy Tow Manual to reduce sediment disturbance. Thus, the Proposed Action will not have a significant impact on water resources.

Biological Resources. The removal of ex-FORREST SHERMAN from INACTSHIPMAINTO Philadelphia and her dismantling may result in potential impacts on biological resources from tow vessel propeller wash and exposure to contaminants from the vessel dismantling. Given the high level of existing boat traffic near the facilities, the very slow speed of tug-assisted transport of the vessel near shore, and the unlikely presence of sensitive species in vicinity of the industrial dismantling facilities, any potential impacts from propeller wash were determined to be less than significant. Dismantling activities are considered

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routine operations at these facilities and compliance with Federal and state permits and regulations will prevent discharge of contaminants into the environment.

On 10 August 2012, the Inactive Ships Office initiated informal consultation with the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, pursuant to Section 7 (a)(2) of the Endangered Species Act to evaluate the level of risk to biota that would be associated with towing ex-FORREST SHERMAN, through the waters of the United States and overseas. This initial consultation had been preceded by research conducted by the Navy's subject matter experts on towing and the potential injuries to whales and other biota that could occur during the towing of ex-FORREST SHERMAN. (See "Biological Analysis for Species Listed Under the Endangered Species Act in the Atlantic Ocean, Gulf of Mexico and Pacific Ocean," September 2012, prepared by Naval Undersea Warfare Center Division, Environmental Division, Mission Environmental Planning Program, Newport, RI, included in the Appendix to the EA/OEA.)

The threatened or endangered species for which the Navy initiated consultation included marine mammals (Blue whale, *Balaenoptera musculus*, Fin whale *Balaenoptera physalus*; Humpback whale, *Megaptera novaeangliae*; North Atlantic Right Whale, *Eubalaena glacialis*; Sei whale, *Balaenoptera borealis*; Sperm whale, *Physeter macrocephalus*); and sea turtles (Green turtle, *Chelonia mydas*; Hawksbill turtle, *Eretmochelys imbricate*; Kemp's ridley turtle, *Lepidochelys kempii*; Loggerhead turtle, *Caretta caretta*; Olive ridley turtle, *Lepidochelys olivacea*).

On 12 October 2012, NMFS concurred with the Navy's finding that the Proposed Action of this EA/OEA may affect, but is not likely to adversely affect the threatened or endangered species for which the Navy initiated consultation. NMFS also added the shortnose sturgeon (*Acipenser brevirostrum*) and the Atlantic sturgeon (*Acipenser oxyrinchus*) to the list of potentially affected threatened or endangered species.

Tow vessels will follow the National Marine Fisheries Service (NMFS) "Vessel Strike Avoidance Measures and Reporting for Mariners" document to reduce the potential of vessel strikes to marine species. Pursuant to the informal consultation held between the Navy and NMFS under Section 7 of the ESA, to further reduce the potential for a vessel strike to protected species, the Navy will employ mitigation measures that were specified in the consultation.

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The NFMS 12 October 2012 concurrence letter also requests that, should it be determined during towing that unanticipated behavioral harassment or injury of threatened or endangered species has occurred, NAVSEA shall re-initiate consultation with NMFS Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, to develop and implement mitigation to avoid additional take or initiate formal consultation in accordance with ESA Section 7(a)(2).

Thus, the Navy has concluded in this EA/OEA that the Proposed Action may affect, but is not likely to adversely affect, threatened or endangered species during towing, specifically those species of marine mammals, sea turtles, and sturgeon species for which the Navy consulted with NMFS, as listed above. The Proposed Action will have no effect on other threatened or endangered species which were not consulted upon or included in the NMFS consultation response to the Navy: (In the vicinity of INACTSHIPMASINTO Philadelphia)– Eastern mudminnow, *Umbra pygmaea*; Red bellied turtle, *Pseudemys rubiventris*; New Jersey Chorus Frog, *Pseudacris feriarum kalmi*; and Coastal Plain leopard frog, *Rana utricularia*); (In the vicinity of Brownsville, TX)– West Indian manatee, *Trichechus manatus*; (In the vicinity of New Orleans, LA)– West Indian manatee, *Trichechus manatus*; Gulf sturgeon, *acipenser oxyrinchus desotoi*; and Pallid sturgeon, *Scaphirhynchus albus*). Under the Magnuson Stevens Act, the Proposed Action will have no effect on Essential Fish Habitat. Under the Marine Mammals Protection Act, no reasonably foreseeable takes of marine mammals are expected.

Air Quality. The Proposed Action will partially occur in the Southeast Pennsylvania Air Basin, which has been classified as Federal moderate nonattainment for the 8-hour ozone standard, and nonattainment for fine particulate matter equal to or less than 2.5 microns in size (PM_{2.5}). The two alternative representative dismantling locations are designated in attainment for all criteria pollutants and are not subject to the Clean Air Act General Conformity Rule.

A Record of Non-Applicability (RONA) was approved and signed on 17 April 2014 for Pennsylvania. The RONA was prepared to satisfy the General Conformity Rule under Section 176(c) of the Clean Air Act because the Proposed Action will partially occur in an area of nonattainment. Based on the air quality analysis for the Proposed Action in Pennsylvania, towing the vessel qualifies as a "routine movement" in accordance with 40 C.F.R. §93.153 and is exempt from formal conformity determination. The Proposed Action will have no significant impact on air quality.

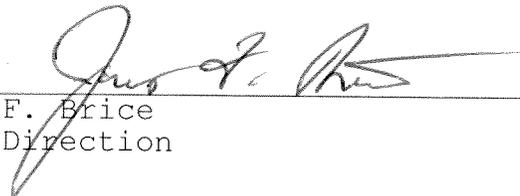
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In general, ship recycling activities could result in temporary minor, localized impacts to air quality. However, ship dismantling activities that comply with applicable rules and regulations will not significantly impact air quality; dismantling facilities have all required permits.

Cumulative Impacts. Cumulative effects of the Proposed Action in combination with other past, present, or reasonably foreseeable future actions were analyzed and determined not to be significant.

Finding: Based on information gathered during preparation of this EA/OEA, the Department of the Navy finds that the Proposed Action will not significantly impact the quality of the human environment pursuant to the National Environmental Policy Act, and will not result in significant harm to the environment in international waters pursuant to Executive Order 12114. The EA/OEA addressing this action may be obtained by interested parties by contacting Mr. James Poles, Environmental Project Manager, Navy Inactive Ships Office, at (202) 781-0149.

5/19/2014
Date



J. F. Brice
By Direction