

Finding of No Significant Impact
Ocean Era, Inc. Velella Epsilon
National Pollutant Discharge System Elimination (NPDES) Permit

Ocean Era, Inc (formerly Kampachi Farms, LLC) (applicant) is proposing to operate and discharge from a pilot-scale marine aquaculture facility in federal waters of the Gulf of Mexico (Gulf) and has applied for a National Pollutant Discharge Elimination (NPDES) permit from the U.S. Environmental Protection Agency, Region 4 (EPA).

The applicant requested a permit and authorizations for the Velella Epsilon project, which is a single net pen demonstration project for open ocean aquaculture of marine finfish in federal waters of the Gulf. The applicant needs an NPDES permit in order to operate and discharge from its proposed aquaculture facility in compliance with the Clean Water Act (CWA).

The EPA is required to comply with the procedural requirements of the National Environmental Policy Act (NEPA) when issuing NPDES permits under section 402 of the CWA for “new sources,” as defined in section 306 of the CWA. The proposed facility does not meet the definition of a “new source” under section 306 of the CWA and therefore, is exempt from NEPA compliance under section 511(c) of the CWA and is not subject to NEPA analysis requirements. Nevertheless, as a matter of policy, EPA voluntarily used NEPA procedures for this proposed action since the Agency determined that such an analysis would be beneficial. *See* 63 FR 58045 (Notice of Policy and Procedures for Voluntary Preparation of National Environmental Policy Act Document, October 29, 1998). While the EPA voluntarily used NEPA review procedures in conducting the analysis for the NPDES permit issuance, the EPA also has explained that “[t]he voluntary preparation of these documents in no way legally subjects the Agency to NEPA’s requirements” (63 FR 58046).

The environmental review process, which is documented by the enclosed final Environmental Assessment (EA), indicates that no significant environmental impacts are anticipated from the proposed action. The NPDES permit conditions include protective measures, and these measures are described in the EA and the final NPDES permit. The issuance of the NPDES permit to the applicant will not cause a significant environmental impact to water quality or result in any other significant impacts to human health or the natural environment. Accordingly, the EPA is issuing this Finding of No Significant Impact (FONSI) to document this determination. Substantive public comments received on the Velella Epsilon NPDES permit and EA and the responses to those comments are included in the response to comment (RTC) document which is included in the final NPDES permit package and administrative record.

Responsible Official: _____

Date: _____

Mary S. Walker, Regional Administrator