Environment

The Coast Guard considered the environmental impact of this proposal and concluded that preparation of an Environmental Impact Statement is not necessary. An Environmental Assessment and a draft Finding of No Significant Impact are available in the docket for inspection or copying as indicated under ADDRESSES.

The Environmental Assessment considered, among other things, the factors set out in 33 CFR 156.230: traditional use of the area for lightering; weather and sea conditions; water depth; proximity to shipping lanes, vessel traffic schemes, anchorages, fixed structures, designated marine sanctuaries, fishing areas, and designated units of the National Park System, National Wild and Scenic Rivers System, National Wilderness Preservation System, properties included on the National Register of Historic Places and National Registry of Natural Landmarks, and National Wildlife Refuge System; other relevant safety, environmental, or economic data. The Coast Guard specifically looked at wildlife and marine habitats and topographic features in the proposed lightering zones.

The Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, seeks to protect endangered and threatened species and the ecosystems on which they depend. The Act is administered by the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS). Several protected marine species (e.g., Right whales, Kemp's Ridley sea turtles, and hawksbill turtles) are located throughout the Gulf region.

The Coast Guard consulted with the regional NMFS office in St. Petersburg, Florida, and the FWS regional offices in Albuquerque, New Mexico, and Atlanta, Georgia, regarding the effect of the proposed regulation on endangered and threatened species as well as sensitive environmental areas such as wildlife refuges. Each have issued a written concurrence with the Coast Guard's finding that this proposal will not have an adverse effect on endangered and threatened species.

The Coast Guard also considered topographic features of the Gulf. These include areas on the offshore banks where reef-building activity occurs. These reefs support diverse communities of marine plant and animal species in large numbers. The following areas are of particular concern: the East and West Flower Gardens, 32 Fathom Bank, Coffee Lump, Claypile Bank, Stetson Bank, Hospital

Bank, North Hospital Bank, Sackett Bank, Diaphus Bank, Fishnet Bank, and Sweet Bank. These areas are charted and are ecosystems on which many endangered or threatened species are dependent. These areas are particularly vulnerable to damage from anchoring and, to a lesser extent, from oil spills. While oil spills are not expected to have a significant effect on the biota of concern in these areas, the Coast Guard proposes to establish three "prohibited areas" where lightering will not be permitted. Establishment of "prohibited areas" over these features will further ensure protection of these vital ecosystems. Proposed operational restrictions for designated lightering zones would also reduce the likelihood of spillage from the tank vessels utilizing these zones.

"Historic property" or "historic resources" are defined under The National Historic Preservation Act (16 U.S.C. 470w) as prehistoric or historic sites, buildings, structures, or objects. This definition includes shipwrecks registered with the National Register of Historic Places. There are no known historical properties or resources in the proposed lightering zones.

Military warning areas also exist throughout the Gulf and are clearly demarcated. The Department of Defense commands responsible for these warning areas have expressed no opposition to the establishment of these lightering zones. The Coast Guard does not expect military warning areas to be significantly impacted by this proposed rulemaking.

The Coast Guard has considered the implications of the Coastal Zone Management Act (16 U.S.C. 1451, et *seq.*) with regard to the proposed action. Under this Act, the Coast Guard must determine whether the proposed activities are consistent with activities covered by a federally approved coastal zone management plan for each state which may be affected by the action. The States of Louisiana, Mississippi, Florida, and Alabama have federally approved coastal zone management plans. The State of Texas has a draft plan which has not yet been federally approved.

The Coast Guard has determined that the designation of lightering zones, as provided in this proposed rulemaking, will have no effect on the coastal zones of Mississippi, Alabama, or Florida. Designation of the proposed lightering zones has the potential of an indirect effect on the coastal zones of Louisiana and Texas. Although designation of offshore lightering zones is not a listed activity for which consistency determinations are required under

either the Louisiana coastal zone plan or the current Texas draft coastal zone plan, the Coast Guard has initiated informal discussions with officials in these two states concerning coastal zone management issues.

In a telephone consultation, the Administrator of Louisiana's **Department of Natural Resources** Coastal Management Division raised a question as to whether designation of the proposed offshore lightering zones would result in increased shore-based facilities to support lightering which might affect coastal wetlands, such as the establishment of additional airports to support helicopter operations. As noted in the Regulatory Assessment, the shift of some current lightering activity from the traditional lightering areas to the proposed lightering zones is not expected to result in a need for additional support facilities. Only a substantial increase in the total amount of lightering occurring off the coast of the United States would trigger a need for additional shore-based support facilities. The proposed designation of lightering zones would not result in such a change in the amount of oil lightered into the United States.

The draft plan for Texas does not list the establishment of offshore lightering zones as a federal activity subject to review for consistency. The Coast Guard's research and review of environmental effects indicate a low probability that the proposed regulations would affect the coastal zone of Texas.

The Coast Guard will further consult with the States of Louisiana and Texas after they have had an opportunity to review this proposed rulemaking.

Volatile organic compound (VOC) air emissions result from the operation of ship engines and from oil transfers, such as the lightering of oil from one vessel to another. Nitrogen oxides (NOX) are also produced by engine exhaust. Both VOC and NOX are precursors of the National Ambient Air Quality Standards (NAAQS) pollutant ozone. However, lightering is a traditional, wellestablished activity, and the proposed rulemaking is not expected to materially effect the frequency or volume of oil transferred in the Gulf of Mexico. Thus the proposed Lightering Zones will not lead to a net increase in emissions.

National Ambient Air Quality Standards, promulgated by the Environmental Protection Agency (EPA), pursuant to the Clean Air Act (CAA) (42 U.S.C. 7401 et seq.) provide benchmarks against which air quality is guaged. Those areas which do not attain the NAAQS (nonattainment areas) are subject to controls aimed at improving