



JUN 2 2010

To All Interested Government Agencies and Public Groups:

Under the National Environmental Policy Act (NEPA), an environmental review has been performed on the following action.

TITLE: Environmental assessment entitled, "Stellwagen Bank National Marine Sanctuary Final Management Plan."

LOCATION: Scituate, Massachusetts

SUMMARY: This environmental assessment evaluates potential environmental effects associated with adopting the Stellwagen Bank National Marine Sanctuary Final Management Plan.

The assessment finds the individual and cumulative impacts of this action are not significant under NEPA. Accordingly, the environmental assessment has resulted in a finding of no significant impact.

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The environmental review process led us to conclude that this action will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared. A copy of the finding of no significant impact (FONSI) including the supporting environmental assessment is enclosed for your information.

Although NOAA is not soliciting comments on this completed EA/FONSI, we will consider any comments submitted that would assist us in preparing future NEPA documents. Please submit any written comments to the responsible official named above.

Sincerely,

for Paul N. Doremus, Ph.D.
NOAA NEPA Coordinator

Enclosure

VIII.

ENVIRONMENTAL ASSESSMENT

An environmental assessment is a useful tool to understand the environmental consequences of the broad range of activities proposed under the proposed final management plan. This section presents the environmental assessment that provides general analyses to inform the decision of approving the proposed final management plan. NOAA's responses to public comments on the draft environmental assessment can be found in question number 52 in Section X of the final management plan.

PURPOSE AND NEED

NEED FOR ACTION

Congress designated the Gerry E. Studds Stellwagen Bank National Marine Sanctuary (sanctuary or SBNMS) through the Oceans Act of 1992 (November 4, 1992; Public Law 102-587 at section 2202). In 1993, the National Oceanic and Atmospheric Administration (NOAA) issued final regulations and released a final management plan and environmental impact statement (EIS) to implement this designation (NOAA 1993).

Section 304(e) of the National Marine Sanctuaries Act (NMSA) requires NOAA to review its management plans for national marine sanctuaries every five years and to evaluate the substantive progress toward implementing the management plans and goals for each sanctuary, especially the effectiveness of site-specific management techniques (16 U.S.C. 1434(e)). Pursuant to this requirement, NOAA initiated its five-year management plan review (MPR) in 1998, in cooperation with members of the Sanctuary Advisory Council. The MPR was delayed two years due to a change in sanctuary management and was continued in 2002 with an additional round of scoping meetings in the fall of 2002. The State of the Sanctuary Report, published in June 2002, set the stage for the scoping meetings and public comment period that ended on October 18, 2002.

The MPR revealed that many of the initial goals and objectives of the 1993 management plan had been met; however, in some areas these goals and objectives were non-specific and general in scope and/or based on limited scientific knowledge. New information about the natural and cultural resources of the sanctuary and the human uses of the resources made it apparent to NOAA that the plan is out-of-date and outmoded. NOAA decided to incorporate this new knowledge by developing a new approach to management. Consequently, NOAA developed a new vision, mission, and statement of goals and objectives to guide management. In addition, NOAA has revised the content and formatting requirements for national marine sanctuary management plans. These structural elements were not employed in the 1993 management plan.

PURPOSE FOR TAKING ACTION

The purpose of revising a management plan is to periodically update NOAA's approach to managing, protecting, and restoring the resources of the sanctuary pursuant to the purposes and policies of the NMSA. These policies are:

- (1) to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System;
- (2) to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;
- (3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where

appropriate, restore and enhance natural habitats, populations, and ecological processes;

(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;

(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;

(6) to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;

(7) to develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;

(8) to create models of, and incentives for, ways to conserve and manage these areas, including the application of innovative management techniques; and

(9) to cooperate with global programs encouraging conservation of marine resources.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

The original 1993 Final Management Plan/Final Environmental Impact Statement described a number of alternatives for the management framework of the sanctuary, including differing boundary options, regulatory options, and management regimes. Extensive analyses of possible environmental and socioeconomic impacts were conducted for each alternative before the current boundaries, regulations, and management regime were selected. The 1993 plan can be viewed online at <http://stellwagen.noaa.gov/management>.

For this revision, NOAA considered the options of preparing an entirely new management plan or minimally revising the current management plan. As discussed in the “Need for Action” section, awareness of new issues affecting sanctuary management and the fulfillment of most of the prior plan’s objectives necessitated the development of a new plan. Additionally, NOAA decided that this revision would be a non-regulatory management plan that establishes a policy framework for future management actions.

In this environmental assessment, two alternatives are being considered: leaving the current management plan in place or revising the current management plan to reflect those changes, as noted above. The preferred alternative is to revise the management plan. A discussion of each of the alternatives follows.

NO-ACTION ALTERNATIVE

This alternative would maintain the 1993 management plan despite its outdated format and inclusion of completed tasks, along with the nominal list of goals and objectives. The no-action alternative does not imply a secession of management in the sanctuary. Management actions described in the existing management plan, such as regulations, educational and research activities, and enforcement actions, would continue.

ALTERNATIVE 1—PROPOSED ACTION

This alternative proposes a revision of the current management plan. The revised plan updates the vision, goals, and objectives to better reflect the new paradigm of sanctuary management within the Office of National Marine Sanctuaries (ONMS); removes old tasks and incorporates new and planned management strategies and activities (Section II); reformats the document so it is in line with the preferred format; lays out performance measures with which to better evaluate the sanctuary management’s effectiveness; and lays the groundwork for potential future regulatory actions addressing high priority issues.

Specifically, changes made to the management plan include:

- An updated description of natural and historical resources (Sections III and IV);
- A new vision and mission statement (Section VII);
- An updated statement of goals and objectives to reflect the new vision and mission statements and current status of sanctuary resources and efforts;
- A restructuring of the management plan into a series of action plans (based on resource conservation issues) in keeping with the templates of current sanctuary management plans (Section VII); and
- A new set of outcomes and performance indicators included (Section VII);

Action plans (APs) in this management plan are detailed five-year plans that address an issue or problem in the sanctuary. Action plans are issue-driven, not program- or thematically-driven, and are composed of a collection of strategies sharing common management objectives. They provide an organized structure and process for implementing strategies, including a description of the requisite activities, organizations involved, and requirements necessary for either full or partial implementation. The following action plans form the backbone of the proposed final management plan and are included in Section VII.

ADMINISTRATIVE CAPACITY AND INFRASTRUCTURE ACTION PLAN (ADMIN AP)

The ADMIN AP provides recommendations to strengthen the sanctuary's base-level staffing, facilities infrastructure and program support to effectively meet the basic needs of sanctuary management. Emphasis is placed on the human and physical infrastructure and financial resource requirements of the site.

INTERAGENCY COOPERATION ACTION PLAN (IC AP)

The IC AP addresses public scoping comments concerning clarification of overlapping agency responsibilities, and interagency coordination and effectiveness. This AP provides the framework to help clarify the roles, responsibilities, and relationships among associated agencies in order to strengthen resource protection within the sanctuary as well as improve interagency communication.

PUBLIC OUTREACH AND EDUCATION ACTION PLAN (POE AP)

The POE AP makes recommendations to resolve issues including low name recognition of the sanctuary, need for better information dissemination through leveraged partnerships, and public education through programming support. The POE AP is predicated on developing outreach and education tools that serve to help achieve sanctuary management goals and objectives.

COMPATIBILITY DETERMINATION ACTION PLAN (CD AP)

One of the purposes of the NMSA is to facilitate those uses of the sanctuary that are compatible with the primary objective of resource protection. The CD AP addresses issues raised by public scoping comments concerning the need to clarify, justify, and recommend an approach NOAA should take in performing compatibility analyses of human uses of the sanctuary. This AP describes a framework for how to develop a compatibility analysis. It does not make any determination regarding the appropriateness of any specific sanctuary use, current or potential, nor does it recommend any actions that affect the outcome of other APs recommended by other working groups.

ECOSYSTEM-BASED SANCTUARY MANAGEMENT ACTION PLAN (EBSM AP)

The EBSM AP includes recommendations for comprehensive ecosystem protection, restoration and protection of biological diversity, zoning including no-take zones, ecosystem-based management practices and consideration of boundary modification. The EBSM AP does not propose any regulatory changes.

ECOSYSTEM ALTERATION ACTION PLAN (EA AP)

The EA AP includes recommendations to reduce or mitigate anthropogenic perturbations in the sanctuary, as distinguished from impacts due to natural disturbance. Anthropogenic, or human-imposed impacts, include the laying of submarine pipelines and cables, fishing activities, pollution and degradation of water quality, ocean dumping and marine debris, disposal of dredged materials, introduction of exotic species, offshore mariculture and coastal development activities. This action plan focuses on the laying of pipelines and cables and fishing activities. Other sources of ecosystem alteration are treated variously in other action plans, such as for ecosystem-based

management, water quality, and interagency cooperation. The AP does not propose any regulatory changes.

WATER QUALITY ACTION PLAN (WQ AP)

The WQ AP includes recommendations to address water quality concerns within the sanctuary. Point and non-point sources of pollution, both sea- and shore-based, may be degrading the quality of the sanctuary's waters. NOAA needs to ensure that the quality of water within its boundary and in surrounding areas does no harm to the site's living marine and historical resources. The following two needs were identified: to assess water quality and circulation to characterize baseline conditions, and to reduce pollutant discharges and waste streams that may be negatively impacting sanctuary resources. The AP does not propose any regulatory changes.

MARINE MAMMAL BEHAVIORAL DISTURBANCE ACTION PLAN (MMBD AP)

The MMBD AP includes recommendations to reduce the risk of behavioral disturbance and harassment of marine mammals resulting from the following activities: whale watching, tuna fishing, aircraft overflights, and noise pollution. The sanctuary serves as a major feeding ground for seven species of endangered, threatened, and protected whales and smaller cetaceans. The sanctuary is also a high-use area for commercial and recreational vessel traffic and, consequently, a high-risk area for marine mammal disturbance by human-induced activities within and around the sanctuary.

MARINE MAMMAL VESSEL STRIKE ACTION PLAN (MMVS AP)

The MMVS AP includes recommendations to reduce the risk of collision between vessels and marine mammals that cause injury or mortality to the animals, harm to operators, and damage to vessels. Ship strikes represent one of the two major threats that are likely to prevent the recovery of critically endangered North Atlantic right whales and endangered humpback whales. Efforts in the U.S. have attempted to slow vessel speeds and to create an 'early warning system' to inform mariners of locations of right whales in and near shipping channels. Despite efforts to date, vessel strikes continue to kill and injure right whales at a level that compromises the species' survival. Concern in recent years has intensified as marine traffic has come to involve larger and faster vessels.

MARINE MAMMAL ENTANGLEMENT ACTION PLAN (MME AP)

The MME AP includes recommendations to reduce the risk of entanglement of marine mammals in commercial fishing gear in the sanctuary. The concern extends to sea turtle and sea bird entanglement. The immediate effects of entanglement can include mortality, serious injury, or minor injury that when combined with other factors may have significant consequences. The long-term effects can include deteriorating health, behavioral disruptions, or decreased reproductive ability.

MARITIME HERITAGE MANAGEMENT ACTION PLAN (MHM AP)

The MHM AP includes recommendations for the inventory and assessment of historical resources, the management and protection of historical resources, and maritime heritage interpretation. The AP addresses sanctuary-specific historical resource assessment, management, protection, and maritime heritage outreach and education requirements; it fulfills the NOAA ONMS and the NOAA Maritime Heritage Program (MHP) strategic plans; and it complies with the President's Preserve America Executive Order (E.O.13287) tasking NOAA with preserving and protecting historical resources in the agency's care, including shipwrecks.

AFFECTED ENVIRONMENT

The existing management plan and environmental impact statement for the sanctuary (NOAA 1993) contains a complete description of the sanctuary environment, including natural and historical resources and human uses. Section I: Sanctuary Setting of the proposed final management plan updates the information provided in the 1993 plan with substantial new findings and information. These documents are incorporated by reference into this environmental assessment and briefly summarized below. Also considered in the affected environment are the updates made in Sections III and IV of this proposed final management plan, which provide more current

information regarding natural and historical resources in the sanctuary.

BOUNDARY

The sanctuary boundary encompasses 638 square nautical miles (approximately 2181 square kilometers) of ocean waters and the submerged lands thereunder, over and surrounding the submerged Stellwagen Bank and additional submerged features, at the mouth of Massachusetts Bay. The boundary encompasses the entirety of Stellwagen Bank; Tillies Bank to the northeast of Stellwagen Bank; and southern portions of Jeffrey's Ledge to the north of Tillies Bank. Portions of the sanctuary boundary are co-terminus with the state waters of the Commonwealth of Massachusetts. The entire sanctuary lies in federal waters (Figure 11). See Appendix R for a listing of boundary coordinates.

SANCTUARY RESOURCES

The sanctuary's complex seafloor topography influences current flow and site productivity. Site productivity is seasonal with the overturning and mixing of ocean waters from deeper strata producing a complex and rich system of overlapping midwater and benthic habitats. This heightened seasonal productivity supports 22 species of marine mammals, 53 species of seabirds, and over 80 fish species.

The sanctuary serves as a critical feeding ground for numerous whales and other marine mammals, several of which are endangered. It may also be an important nursery area for certain of these species. The sanctuary's multiple habitat types support a high diversity of fish species and an impressive assemblage of invertebrates. And its rich forage base provides productive habitat for a wide variety of coastal and pelagic seabirds.

For a full description of sanctuary resources see Section III and IV in the proposed final management plan.

ENVIRONMENTAL CONSEQUENCES

NO-ACTION ALTERNATIVE

Taking no action would result in no change of the current management regime of the sanctuary. The 1993 management plan/environmental impact statement contains a full analysis of the environmental impacts of each alternative discussed therein. As compared to the proposed action (Alternative 1), taking no action would result in no additional environmental or socioeconomic impacts to those already associated with the operation of the sanctuary. The existing management plan/environmental impact statement contains a full analysis of the environmental and socioeconomic impacts of each alternative discussed therein. To the extent that future decisions would be made under the existing management regime, these decisions either would be conducted and reviewed for their NEPA compliance under the existing environmental impact statement (NOAA 1993) or would be reviewed under a separate NEPA analysis before a decision is made.

ALTERNATIVE 1: PROPOSED ACTION

The proposed final management plan would make no boundary or regulatory changes; however, existing non-regulatory programs would be updated and enhanced, and new ones would be launched. NOAA expects that the proposed action would have some overall long-term positive environmental effects, such as:

- Increasing protection of resources through interagency cooperation, and
- Expanding the stewardship message of the sanctuary.

It is important to note that the proposed final management plan itself does not specifically enable any of the activities listed in the action plans to occur; activities could take place in the sanctuary without this revision, and activities could continue to occur under the current management plan (see No-Action Alternative). The proposed final management plan includes processes to consider future regulatory actions. If regulatory actions are initiated, the appropriate NEPA analysis and formal public input would occur at appropriate times in the future. However, the

types of activities considered in the action plans are considered for their potential environmental consequences below.

ADMINISTRATIVE CAPACITY AND INFRASTRUCTURE ACTION PLAN

The ADMIN AP would provide the framework for the organizational structure and functions of the sanctuary to address marine resource protection, research and monitoring, exploration, evaluation, and education and outreach. This administrative framework also would ensure that sanctuary management activities are coordinated between disciplines at the sanctuary and with activities administered at the ONMS level.

In general, the objectives of the plan are to strengthen staffing and support capabilities, maintain and develop site infrastructure, and develop a volunteer program. Activities such as hiring staff, integrating capabilities, and enhancing operations (e.g., maintaining databases) have little to no potential to significantly affect the quality of the human environment so long as these activities occur within existing facilities.

As development of future infrastructure (e.g., the construction of new or renovation of existing facilities; construction or purchase of new vessels) is considered to meet the objectives in this plan, environmental reviews of the alternatives under consideration would be conducted before decisions are made, in accordance with NEPA.

To the extent that new programs (e.g., volunteer programs, enforcement programs, diving programs) have the potential to affect the quality of the human environment, these programs and specific activities that the program establishes would be reviewed under NEPA.

INTERAGENCY COOPERATION ACTION PLAN

The IC AP would clarify the roles, responsibilities, and relationships among associated agencies in order to strengthen resource protection, research, and education/outreach within the sanctuary, as well as to improve interagency communication. The objectives of this plan consider activities to consult, communicate, and participate with other Federal agencies, stakeholders, and advisory panels. The types of activities contemplated under this plan would occur within existing facilities and would not significantly change the use of facilities or increase traffic. Therefore, the activities would have little to no potential to significantly affect the quality of the human environment.

PUBLIC OUTREACH AND EDUCATION ACTION PLAN

The IC AP would clarify the roles, responsibilities, and relationships among associated agencies in order to strengthen resource protection, research, and education/outreach within the sanctuary, as well as to improve interagency communication. The objectives of this plan consider activities to develop outreach programs and support educational programming. The types of activities contemplated under this plan would most likely occur within existing facilities and would not significantly change the use of facilities or increase traffic. Therefore, the activities would have little to no potential to significantly affect the quality of the human environment. To the extent that any activity is considered under this plan that would change the use of existing facilities or occur in the natural environment outside facilities, then an appropriate environmental review under NEPA would be conducted, as necessary, depending on the anticipated impact of the activity. If any new infrastructure (e.g., facilities or vessels) is necessary to implement any of the activities contemplated by this plan, an appropriate NEPA review would be conducted.

COMPATIBILITY DETERMINATION ACTION PLAN

The CD AP would describe how NOAA would determine the compatibility of human uses of sanctuary resources. This AP would establish a framework and process to develop a compatibility analysis. The plan does not make any determination regarding the appropriateness of any specific sanctuary use, current or potential. The establishment of the framework itself is an administrative process and would occur within existing facilities. However, any actions ensuing from this AP that consider compatibility of human uses of sanctuary resources would undergo the

appropriate NEPA review to the extent that these actions would have the potential to significantly affect the quality of the human environment.

ECOSYSTEM-BASED SANCTUARY MANAGEMENT ACTION PLAN

The EBSM AP could result in overall, long-term beneficial impacts to the environment by addressing the need for comprehensive ecosystem protection; conservation of biological diversity; zoning in the sanctuary, including no-take zones; ecosystem-based management practices; and boundary modification. The objectives of this plan consider activities to establish scientific reviews, define terms and create web-portals, and evaluate ecological factors. The types of activities contemplated under this plan would occur within existing facilities and would not significantly change the use of facilities or increase traffic. Therefore, the activities would have little to no potential to significantly affect the quality of the human environment. To the extent that any activity is considered under this plan that may change the use of existing facilities or occur in the natural environment outside facilities (e.g., research activities), then appropriate review under NEPA would be conducted, as necessary, depending on the anticipated impacts. If any new infrastructure (e.g., facilities or vessels) is necessary to implement any of the activities contemplated by this plan, an appropriate NEPA review would be conducted.

ECOSYSTEM ALTERATION ACTION PLAN

The EA AP could result in beneficial impacts to the environment by addressing ecosystem alterations that result from human activities. In particular, this AP focuses on reducing impacts to the ecosystem from the laying of cables and pipelines, reducing habitat alteration by mobile fishing gear, and reducing ecosystem impacts of biomass removal by fishing activity. Overall, the EA AP calls for a reduction of adverse ecological impacts. Thus, it can be assumed that actions considered under this plan, such as the coordination, management, and research of stressors (e.g., laying of cables/pipelines, fishing gear, etc.) would have some general longer-term beneficial impacts to physical and biological resources that the sanctuary is established to protect. To the extent that individual actions are considered in the future under this proposed final management plan, the appropriate NEPA review would be conducted, as necessary, depending on the anticipated impacts of the activity.

WATER QUALITY ACTION PLAN

The WQ AP would describe how NOAA would address water quality within the sanctuary. Concerns of particular importance addressed by this AP are the development of a better understanding and assessment of water quality and circulation, and a reduction of pollutant discharges and waste streams that may be negatively impacting sanctuary resources. Actions described in this AP could result in beneficial impacts to the environment by potentially reducing harmful discharges in the sanctuary.

In general, the activities proposed under this action plan would result in overall beneficial impacts to water quality and, indirectly, to the biological resources of the sanctuary that depend on improved water quality conditions. To the extent that specific actions are considered to reduce pollutants, such as vessel wastewater discharges or reductions from shore-based wastewater streams, the appropriate NEPA review to consider alternative ways to meet goals in reducing pollutants would be conducted before a decision is made. Any administrative activities to develop or write plans or analyze data would be conducted within existing facilities and would have little to no potential to significantly impact the quality of the human environment.

MARINE MAMMAL BEHAVIORAL DISTURBANCE ACTION PLAN

The MMBD AP would describe how NOAA would address the potential harassment, including behavioral disturbance, of marine mammals resulting from the following activities: whale watching, fishing, aircraft overflights, and noise generation. Actions described in this AP could result in overall long-term beneficial impacts to the environment by minimizing the incidence of behavioral disturbance to the marine mammals that frequent the waters of the sanctuary. Actions conducted under this plan to convene groups to identify possible noise sources, hold or attend meetings, and develop outreach and administrative processes would occur in existing facilities and have little to no potential to significantly impact the quality of the human environment. To the extent that future actions are considered to develop mitigation measures and reduce disturbance to marine mammals, the appropriate NEPA review to consider alternative ways to meet these goals would be conducted before a decision is made.

MARINE MAMMAL VESSEL STRIKE ACTION PLAN

The MMVS AP would describe actions NOAA would take to minimize collisions between marine mammals and vessels, which can cause injury or mortality to marine mammals and humans, and damage to vessels. Actions described in this AP could result in overall long-term beneficial impacts to the environment by decreasing the occurrence of marine mammal vessel strikes in the sanctuary. Activities conducted under this plan to consult with other partners, including the NOAA Fisheries Service, or to develop administrative reporting procedures, would occur within existing facilities and have little to no potential to significantly impact the quality of the human environment. To the extent that specific actions are considered to reduce risk of vessel strikes, either by instituting restrictions or other strategies, these actions and any alternatives to meeting these goals would be reviewed under NEPA before a decision is made.

MARINE MAMMAL ENTANGLEMENT ACTION PLAN

The MME AP would describe actions NOAA would take to minimize the entanglement of marine mammals in commercial fishing gear. Similar to the action plans described above, actions described in this AP could result in overall long-term beneficial impacts to the environment by decreasing the occurrence of marine mammal entanglements in the sanctuary. Similar to the plans above, activities conducted under this plan to consult with other partners, including the NOAA Fisheries Service, or to develop administrative reporting procedures, would occur within existing facilities and have little to no potential to significantly impact the quality of the human environment. To the extent that specific actions are considered, such as modifying gear or implementing research activities, these actions and any alternatives to meeting these goals would be reviewed under NEPA before a decision is made.

MARITIME HERITAGE MANAGEMENT ACTION PLAN

The MHM AP would address three primary issues relating to the sanctuary's maritime heritage resources: the need for inventory and assessment, the lack of a plan for management and protection, and the lack of interpretation. This AP describes actions NOAA would take to prevent threats to maritime heritage resources and, indirectly, to the surrounding area. Activities considered under this plan relate to the establishment of an administrative program to manage and assess historical resources in the sanctuary. Therefore, it can be anticipated that there would be overall long-term beneficial impacts to historical resources by protecting those resources. To the extent that individual actions are considered in the future under this proposed final management plan, the appropriate NEPA review would be conducted, as necessary, depending on the anticipated impacts of the activity.

COMPARISON OF THE ALTERNATIVES

As compared to the proposed action (Alternative 1), taking no action would result in no additional environmental or socioeconomic impacts to those already associated with the operation of the sanctuary. NOAA expects that the proposed action would have some overall long-term positive environmental effects, such as increasing protection of resources through interagency cooperation and expanding the stewardship message of the sanctuary. To the extent that future activities considered under any of the action plans would have the potential to significantly affect the quality of the human environment, the appropriate NEPA review would be conducted, as necessary, depending on the anticipated impacts of the activity.

CUMULATIVE EFFECTS ANALYSIS AND CONCLUSION

The preferred alternative (a revised, non-regulatory management plan) is not expected to have a significant impact on the quality of the human environment. This environmental assessment analyzes the anticipated administrative and programmatic activities. Administrative activities conducted within existing facilities, such as consultations, outreach, administrative frameworks, and data analysis, would have little to no potential to significantly impact the quality of the human environment. To the extent that future activities considered under any of the action plans, which range from infrastructure construction, management measures to reduce risks to marine mammals, ecosystem-level management measures, and measures to protect historical resources, would have the potential to significantly affect the quality of the human environment, the appropriate NEPA review would be conducted, as necessary, depending on the anticipated impacts of the activity.

Overall, the sanctuary is experiencing a variety of natural and human-induced pressures (see Section IV). Actions taken to manage the sanctuary, as identified in the proposed final management plan, considered together with the stressors facing sanctuary resources (see Section IV), would generally result in a cumulative beneficial impact to these resources. Any positive impact, however, is not considered to meet the threshold of significance as defined by NEPA. This is because no single activity taken, in consideration of others, would have significant beneficial or negative impacts on any individual or combined resource areas. As specific activities contemplated under the action plans are considered, review as appropriate under NEPA for the potential for direct, indirect, and cumulative effects will occur.

Therefore, for the purposes of adopting the final management plan for the sanctuary, a Finding of No Significant Impact (FONSI) is included here following the Environmental Assessment. Accordingly, no Environmental Impact Statement was prepared for the purposes of approving the management plan. This of course does not preclude the sanctuary from analyzing specific activities (as described in the Environmental Consequences section above) under NEPA and analyzing the effects of an action and its alternatives in a future Environmental Assessment or Environmental Impact Statement, as necessary.

LIST OF PREPARERS

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LIST OF AGENCIES CONSULTED

Northeast Regional Office, NOAA Fisheries

Northeast Science Center, NOAA Fisheries

Finding of No Significant Impact

Stellwagen Bank National Marine Sanctuary Final Management Plan

The National Oceanic and Atmospheric Administration, National Ocean Service, Office of National Marine Sanctuaries, Stellwagen Bank National Marine Sanctuary (SBNMS) drafted an environmental assessment (dated April 2010) to evaluate the potential environmental effects associated with adopting the Final Management Plan (FMP). The environmental assessment is the basis for NOAA's Office of National Marine Sanctuaries finding of no significant impact for adopting the FMP.

NOAA Administrative Order 216-6 (May 20, 1999) contains factors for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality's (CEQ) regulations at 40 C.F.R. § 1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." Each factor listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on both the NAO 216-6 factors and CEQ's context and intensity considerations. Based on the analysis in the environmental assessment, the SBNMS finds that:

1. Are there both beneficial and adverse impacts of the proposed action that, when combined, result in a net benefit?

Adoption of the FMP would result in overall long-term net beneficial impacts, although these are not considered to be significant due to the balancing effect of natural and human-induced stressors on sanctuary resources. The FMP would generally improve coordinated agency management and overall protection for the natural and historical resources of the sanctuary. Beneficial effects of the Proposed Action on the ecosystem would result from improved planning and coordination of research, education, monitoring, and management actions by NOAA, compared to the No Action alternative.

The ultimate purpose of the proposed final management plan is to update NOAA's approach to managing, protecting, and restoring the resources of the sanctuary pursuant to the purposes and policies of the National Marine Sanctuaries Act (NMSA). The FMP does not commit NOAA to any specific decision at this time.

2. What is the degree to which public health or safety is affected by the proposed action?

The proposed action does not have a direct effect on public health or safety. To the extent that infrastructure is constructed and specific activities are conducted (such as research activities) under future decisions, the effects to human health and safety would be evaluated for those decisions under future NEPA review.

3. *Are there unique characteristics of the geographic area in which the proposed action is to take place?*

The proposed action considers a range of activities that take place in either existing facilities or within the Stellwagen Bank National Marine Sanctuary, which is a marine area of special national significance. However, it is not anticipated that the adoption of this proposed final management plan would have a significant effect on the sanctuary itself. The activities of the FMP are expected to result in overall long-term net beneficial impacts, although these are not considered to be significant due to the balancing effect of natural and human-induced stressors on sanctuary resources. The FMP would generally improve coordinated agency management and overall protection for the natural and historical resources of the sanctuary. Beneficial effects of the Proposed Action on the ecosystem would result from improved planning and coordination of research, education, monitoring, and management actions by NOAA, compared to the No Action alternative.

4. *What is the degree to which effects on the human environment are likely to be highly controversial?*

None of the effects of the adoption of the FMP on the quality of the human environment are likely to be highly controversial. The purpose of the FMP is to protect and manage the SBNMS in a manner that satisfies legal mandates set forth in the NMSA. No additional regulations or restrictions beyond the status quo would be added by the FMP. The FMP represents a range of activities that, if implemented, would allow NOAA and its partners to coordinate their actions to better manage and protect the resources of the sanctuary.

5. *What is the degree to which effects are highly uncertain or involve unique or unknown risks?*

The effects of the proposed action are not highly uncertain and do not involve unique or unknown risks. The proposed action involves adopting a final management plan designed to protect natural and historical resources of the sanctuary.

6. *What is the degree to which the action establishes a precedent for future actions with significant effects or represents a decision in principle about a future consideration?*

The proposed action does not establish a precedent for future actions or represent a decision in principle about a future consideration. Reviewing and revising sanctuary management plans is a regularly occurring process required by the NMSA. The ultimate purpose of the proposed FMP is to update NOAA's approach to managing, protecting, and restoring the resources of the sanctuary pursuant to the purposes and policies of the NMSA. The FMP does not commit NOAA to any specific decision at this time.

7. *Does the proposed action have individually insignificant but cumulatively significant impacts?*

Adoption of the FMP is anticipated to result in overall beneficial impacts to the sanctuary; however these impacts are not considered to be cumulatively significant due to the balancing effect of natural and human-induced stressors on sanctuary resources.

8. *What is the degree to which the action adversely affects entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources?*

The proposed action would not adversely affect areas listed in or eligible for listing in the National Register of Historic Places, or cause loss or destruction of significant scientific, cultural, or historical resources. The proposed action could have overall long-term beneficial impacts on historical resources to the extent that programs and plans are considered under this proposed FMP to protect these resources. Any impacts of adopting the FMP are not considered to be significant due to the balancing effect of natural and human-induced stressors on sanctuary resources.

9. *What is the degree to which endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973, are adversely affected?*

The proposed action could beneficially affect endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973. For example, the Marine Mammal Protection action plans are generally designed to protect endangered marine mammals in the sanctuary. These effects are not considered to be significant, however, due to the balanced effect of natural and human-induced stressors on these species within the sanctuary. To the extent that activities are considered in the future, additional NEPA reviews would be conducted as appropriate to consider impacts on endangered or threatened species before any decisions are made.

10. *Is a violation of Federal, state, or local law for environmental protection threatened?*

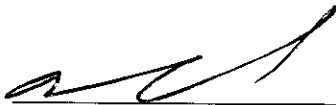
The proposed action does not threaten a violation of federal, state, or local law requirements imposed for the protection of the environment.

11. *Will the proposed action result in the introduction or spread of a nonindigenous species?*

The proposed action will not result in the introduction or spread of a nonindigenous species. To the extent that specific actions are taken to reduce the risk of introduction of a nonindigenous species in the future, additional NEPA review will be conducted to consider the environmental consequences of these actions (see Water Quality Action Plan).

DETERMINATION

In view of the analysis presented in this document and the environmental assessment on the adoption of the Stellwagen Bank National Marine Sanctuary Management Plan dated April 2010, the proposed action will not significantly affect the quality of the human environment with specific reference to the factors contained in Section 6.01b of NAO 216-6, Environmental Review Procedures for Implementing the National Environmental Policy Act (NEPA). Accordingly, the preparation of an environmental impact statement for the proposed action of adopting the Final Management Plan is not necessary. This does not preclude the Sanctuary from analyzing specific activities (as described in the Environmental Consequences section) under NEPA and analyzing the effects of an action and its alternatives in a future Environmental Assessment or Environmental Impact Statement, as necessary.



for David M. Kennedy
Acting Assistant Administrator for
Ocean Services and Coastal Zone Management
National Oceanic and Atmospheric Administration

5/25/10

Date