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