Finding of No Significant Impact
for Issuance of a Protected Species Conservation and Recovery Grant to the Washington Department of Fish and Wildlife (Award File 4720037) to Conduct Research on Green Sturgeon on the West Coast of the United States

National Marine Fisheries Service

The National Marine Fisheries Service, Office of Protected Resources (NMFS PR) proposes to provide financial assistance in the form of a grant to the Washington Department of Fish and Wildlife (WDFW) (Brad James, P.I.) to conduct research on green sturgeon, a species listed as threatened under the Endangered Species Act (ESA). This award would be issued through the Protected Species Conservation and Recovery Grant Program (CFDA no. 11.472, Unallied Science Programs) authorized under section 6 of the ESA of 1973 as amended (16 U.S.C. 1535). The Oregon Department of Fish and Wildlife (ODFW) would partner with this project. In accordance with section 6(d)(2) of the ESA, the Federal Government will provide 90 percent of the cost of the project, and the state will provide the remaining 10 percent. This financial assistance award is planned to extend for three years (three annual payments) and is subject to semi-annual review by NMFS. The grant would support conservation activities for green sturgeon in Washington and Oregon.

In accordance with the National Environmental Policy Act (NEPA), as implemented by the regulations published by the Council on Environmental Quality and NAO 216-6, NMFS prepared an Environmental Assessment (EA) analyzing the impacts on the human environment associated with award issuance (*Issuance of a Protected Species Conservation and Recovery Grant to the Washington Department of Fish and Wildlife (Award No. NA10NMF*4720037*) to Conduct Research on Green Sturgeon on the West Coast of the United States, April 2010).* The EA is hereby incorporated by reference in its entirety. The analyses in the EA support the following findings and determination.

The applicant is requesting funds to 1) establish a cooperative coast-wide biotelemetry, tag, and biological data interchange system; 2) characterize important habitats with potential threats by studying fine scale spatial distribution and movement patterns of sturgeon; 3) design, evaluate and implement an approach to estimate coast-wide abundance and survival of Southern and Northern DPS green sturgeon; and 4) develop a Fisheries Management and Evaluation Plan for Washington coastal fisheries not covered by an ESA Section 7(a)(2) Biological Opinion that meets NMFS criteria for exemptions from take in the ESA 4(d) rule.

The National Oceanic and Atmospheric Administration's Administrative Order 216-6 (May 20,

1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) NEPA implementing 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 criterion 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 the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

1. Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson - Stevens Act and identified in Fishery Management Plans?

   Response: The project's proposed research activity, including boating and netting activities, would not take place in national marine sanctuaries. Also, no coral reef ecosystems occur in the action area and thus none would be affected. However, designated EFH would overlap with a section of the proposed action area. Although researcher's boats would pass through and over the water column in the action area where EFH does exist, NMFS determined this portion of the researcher's activities would not adversely impact the physical environment, including any portion considered EFH. Additionally, with respect to anticipated effects on EFH by gill nets, NMFS concluded netting would result in minimal disturbance to the physical environment, including the bottom substrate and any portion having EFH.

   NMFS PR requested concurrence on whether the proposed action as conditioned would have adverse impacts or not on designated EFH in the action area. The NMFS, Northwest Office of Habitat Conservation was contacted and agreed by email that the proposed boating and netting activities would have no more than minimal impact to EFH.

2. Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

   Response: No substantial impact on biodiversity or ecosystem function within the affected area is expected. The impact from the use of boat anchors is expected to be minimal.

   Due to the nature of netting, the researchers would expect that other non-target species would become enmeshed. Other non-target species collected in the past during gill netting by the applicant include: white sturgeon, summer salmon, summer steelhead, spiny dogfish, ten seven-gill sharks, crescent gunnels, starry flounder, Dungeness crab, rock crab, cockles, and oysters. However, the nets would be monitored and would be only be set for 30 minutes. Non-target fish would be removed from the net and immediately released at the site of capture. It is believed that virtually all by-catch would be released alive without long-term effects on predator-prey relationships.

3. Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

   Response: Issuance of this award is not expected to have substantial adverse impacts on public

health or safety that could reasonably be expected by the proposed research activities. This action would involve the use of ethanol pre-measured in vials for preservation, storage, and transportation of tissue samples. All handling would be conducted by trained personnel.

4. Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

   Response: The proposed research activities could potentially have adverse effects on individual green sturgeon, salmon, or steelhead including mortality, but the effects are not expected to have adverse population-level impacts.

   The award activities require standard NMFS research and mitigation protocols to minimize stress and harmful effects. NMFS determined in a BiOp that salmon, steelhead, green sturgeon, and leatherback sea turtles would not be jeopardized by this action, nor would critical habitat be adversely modified.

   It is possible that this action may have adverse impacts on salmonids although gill nets would be set to minimize interactions. Nets would be checked at short intervals to ensure the quick release of any salmon or steelhead. NMFS believes that salmonids captured in a gillnet during sturgeon research would result in short-term stresses and pose a potential risk to the salmon or steelhead but is not likely to result in serious injury or mortality.

   In the unlikely event that marine mammals, sea turtles, or marine birds are encountered while netting, researchers would be directed by award conditions to avoid contact with these animals. If researchers do come into contact with any of the aforementioned animals, either through boating or netting activities, the Office of Protected Resources suggested appropriate precautionary measures that would be required. Namely, netting would not be deployed when animals are observed within the vicinity of the research; and animals would be allowed to either leave or pass through the area safely before net setting is initiated. Also, in all boating activities (including travel to acoustic arrays outside of the netting area), researchers would be advised to watch for marine mammals to avoid harassment or interaction.

5. Are significant social or economic impacts interrelated with natural or physical environmental effects?

   Response: There would be no significant social or economic impacts interrelated with natural or physical environmental effects. Only researchers would be affected by this action.

6. Are the effects on the quality of the human environment likely to be highly controversial?

   Response: The effects on the quality of the human environmental are not likely to be controversial. This project is similar to other existing projects that have negligible effects on the human environment and are not controversial.

7. Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?

Response: The activities in this proposed award would not be expected to result in significant impacts to any unique areas mentioned above. Similar research has been conducted in the proposed area that has not impacted unique areas.

8. Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

   Response: Potential risks of proposed research methods are not unique or unknown, nor is there significant uncertainty about impacts. Monitoring reports from other projects of a similar nature, and published scientific information of impacts on green and white sturgeon and salmon species, indicate the proposed activities would not result in significant adverse impacts to the human environment or the species. There is considerable scientific information available on the likely impacts for the proposed action.

9. Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

   Response: Overall, the proposed action would be expected to have no more than short-term effects on green sturgeon and no effects on other aspects of the environment. The incremental impact of the action when added to other past, present, and reasonably foreseeable future actions discussed in the environmental assessment would be minimal and not significant.

10. Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

    Response: The action would not adversely affect any district, site, highway, structure, or object listed in or eligible for listing in the National Register of Historic Places. The proposed action would also not cause loss or destruction of significant scientific, cultural or historical resources. The proposed action will not occur in the aforementioned areas.

11. Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?

    Response: The U.S. Geological Survey has documented several aquatic nuisance species occurring in the action area having potential to be spread by the actions of the proposed research. However, the applicant has agreed to follow certain conditions proposed by NMFS to minimize the potential spread of these aquatic nuisance species. The applicant would also adhere to the ODFW 2009 AIS Protocol. Therefore, the proposed research activities would not be expected to result in the introduction or spread of non-indigenous species to other watersheds.

12. Is the proposed action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

    Response: The decision to issue this award would not be precedent setting and would not

affect any future decisions. NMFS has issued numerous awards to study green sturgeon. Issuance of an award to a specific individual or organization for a given research activity does not in any way guarantee or imply NMFS would authorize other individuals or organizations to conduct the same research activity. Any future request received, including those by the applicant, would be evaluated upon its own merits relative to the criteria established in the MMPA, ESA, and NMFS' implementing regulations.

13. Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

    Response: Issuance of the proposed award is not expected to violate any Federal, State, or local laws for environmental protection. This award would not relieve the applicant of the responsibility to comply with other Federal, State, local, or international laws or regulations.

14. Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

    Response: The proposed procedures would have potential adverse impacts on individual sturgeon. However, because sturgeon are a robust species and respond well to the types of handling proposed, the cumulative effects on the species are not likely long-term or significant. NMFS expects that the proposed research activities would not appreciably reduce green sturgeon likelihood of survival and recovery in the wild by adversely affecting their birth rates, death rates, or recruitment rates. In particular, NMFS expects that the proposed research activities would not affect adult sturgeon in a way that appreciably reduces the reproductive success of adults, the survival of young, or the number of young that annually recruit into the breeding populations of any of these species.

    Likewise, it is possible that this action may have adverse impacts on salmon although gill nets would be set and tended to minimize salmon interactions. Nets would be constantly monitored and only set for 30 minutes. Based on the award conditions placed on the researchers to minimize impacts to salmon, NMFS believes that salmon captured in a gillnet during sturgeon research would result in short-term stresses and pose a potential risk, but is not likely to result in serious injury or mortality.

    NMFS also considered impacts of potential marine mammal, sea turtle, and seabird interactions during sturgeon research. Although interactions with marine mammals, sea turtles, or marine birds would be considered rare based on historical records in the river, the award conditions state that nets would not be set if marine mammals, marine bird, or sea turtles are seen in the vicinity of the research, and also mandates that animals must be allowed to leave the area before the nets are set, minimizing potential adverse impacts to these species.

DETERMINATION

In view of the information presented in this document and the analysis contained in the Environmental Assessment (EA) prepared for Issuance of Award No. NA10NMF4720037 it is hereby determined that the issuance of Award No. NA10NMF4720037 will not significantly impact the quality of the human environment as described above. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an Environment Impact Statement for this action is not necessary.

APR 22 2010

James H. Lecky
Director, Office of Protected Resources

Date