UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Silver Spring, Maryland 20910

FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment of the Gray's Reef National Marine Sanctuary Updated Regulations and Management Plan

The National Oceanic and Atmospheric Administration (NOAA), National Ocean Service, Office of National Marine Sanctuaries Gray's Reef National Marine Sanctuary (GRNMS or sanctuary) has completed an environmental assessment (EA) dated in May 2014 to evaluate potential environmental effects associated with updated regulations and the updated management plan. The proposed action would clarify the prohibition on anchoring and add an exemption to allow the use of weighted marker buoys that are continuously tended and used during otherwise lawful fishing or diving activities. Other parts of the proposed action presented in the management plan (e.g., assessing education and outreach, convening a connected areas working group) will not have an effect on the environment. The EA is the basis for NOAA's Office of National Marine Sanctuaries' finding of no significant impact for this proposed action.

NOAA Administrative Order (NAO) 216-6 (revised May 20, 1999) provides eleven criteria for determining the significance of the impacts of a proposed action. These criteria are discussed below with respect to the proposed action. Based on the analysis in the environmental assessment, the ONMS finds that:

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

Overall, compared to the no action alternative, the proposed action is expected to result in less than significant beneficial effects on biological, physical and socioeconomic sanctuary resources. The overall effect on GRNMS infrastructure is expected to be negligible.

The purpose of the proposed action is to protect and maintain the sanctuary's biological integrity as required by the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*), the GRNMS terms of designation, and the GRNMS management plan. GRNMS regulations prohibit anchoring and the "placement" of any material on the bottom, which prevents the use of weighted marker buoys, not attached to a vessel, that are placed on the bottom for recreational diving safety and recreational fishing convenience. The rule exempts deployment of a weight on the bottom that is attached to a surface marker for fishing and diving in the sanctuary. While less than significant adverse effects to biological resources are anticipated with the exemption, less than significant beneficial effects are anticipated to socioeconomic resources.

The rule also clarifies that "attempting" to anchor is prohibited because deployment of anchors, even if the anchors do not set on the bottom, can result in impacts to the submerged lands. Enforcement officials have experienced occasions where sanctuary users were attempting to anchor in GRNMS despite the prohibition, but because the anchor had not yet been "set", the prohibition did not apply. Less than significant beneficial effects to biological, physical and socioeconomic resources are anticipated with the clarification to the anchoring prohibition.

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

The proposed action is expected to result in less than significant beneficial effects for public health or safety by allowing marker buoys to be used for diving safety. Markers provide a stationary point for divers to more accurately locate a site and for boat operators to find divers on their ascent.

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

The GRNMS encompasses one of the largest nearshore live-bottom reefs in the southeastern United States. The sanctuary is a marine protected area in federal waters in the South Atlantic Bight, an area of continental shelf stretching from Cape Hatteras, North Carolina to Cape Canaveral, Florida. It is the only marine protected area in the region that focuses on protection and conservation of all marine natural resources. Located 16 miles offshore of Sapelo Island, Georgia, the 22-square-mile sanctuary contains rocky ledges and sandy flats. Unlike reefs built by corals, GRNMS comprises scattered limestone rock outcroppings that stand above the sandy substrate of the nearly flat continental shelf. The reef also supports soft corals, non-reef-building hard corals, bivalves and sponges, as well as associated fishes and sea turtles. The proposed action would provide additional protection to the sanctuary's biological resources. While the sanctuary is recognized nationally and internationally, the anticipated effects from the proposed action are expected to be less than significant in all cases.

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

Public comment and sanctuary advisory council discussion during scoping for the management plan review revealed strong support for an exemption in the current regulations to allow the use of weighted marker buoys. Public comment on the proposed rule resulted in just four comments primarily supporting the weighted marker buoy exemption. The level of controversy is low.

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 strategies or activities contained in final management plan for GRNMS, as well as the regulatory changes promulgated in this action, are within the range of such actions presented in other management plans developed for national marine sanctuaries.

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. NOAA considers the need for regulations in each national marine sanctuary individually, based on a rigorous analysis of the circumstances at each location. The promulgation of a regulation in one sanctuary does not automatically result in an export of that regulation to other sanctuaries.

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

The cumulative impacts of the proposed action will result in negligible cumulative effects to resources. The other activities examined in the context of cumulative impacts are:

- Oil, Gas and Renewable Energy Exploration (e.g., seismic surveys)
- Military Activities
- GRNMS Research Area Designation
- SAFMC Actions Addressing Declines in Reef Fish Species
- Climate Change
- Invasive Species

Overall, no impacts of this action on these activities or on the affected environment meet the NEPA threshold for significance because the activities would primarily provide incremental additional resource protection for resources of the affected environment.

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 historic places, because no such places are known to be located in GRNMS to date.

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?

NOAA consulted with the U.S. Fish and Wildlife Service as well as with the National Marine Fisheries Service on that topic. The National Marine Fisheries Service determined that this action may affect, but not adversely affect, five species of ESA-listed whale species.

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. This includes the Coastal Zone Management Act as implemented through the Georgia Coastal Management Plan; the National Historic Preservation Act as implemented through the Georgia Historic Preservation Program; and the Magnuson-Stevens Fishery Conservation and Management Act provisions for protection of Essential Fish Habitat-Habitat Areas of Particular Concern.

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

The proposed action would not result in the introduction or spread of a nonindigenous species because it does not encourage the use of long-range marine transit for either recreational or commercial purposes. The revised management plan also focuses activities on the monitoring and removal of nonindigenous species.

FONSI Statement

In view of the analysis presented in the EA on the updated regulations and management plan for Gray's Reef National Marine Sanctuary the proposed action will not significantly affect the quality of the human environment with specific reference to the criteria contained in Section 6.01 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 is not necessary.

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7/1/14
Date