



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of National Marine Sanctuaries
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**FINDING OF NO SIGNIFICANT IMPACT
for the
ENVIRONMENTAL ASSESSMENT
on the
Revised Management Plan and Environmental Assessment for Stellwagen Bank National
Marine Sanctuary**

**National Oceanic and Atmospheric Administration
Office of National Marine Sanctuaries**

July 2023

I. Introduction

This document comprises the National Oceanic and Atmospheric Administration's (NOAA's) Finding of No Significant Impact (FONSI) for the environmental assessment (EA) for the revised management plan for Stellwagen Bank National Marine Sanctuary (SBNMS). This document includes a brief description of the proposed action, an evaluation of the significance criteria, and the rationale for NOAA's finding of no significant impact.

This FONSI is issued pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.), the Council on Environmental Quality (CEQ) NEPA regulations at 40 CFR Parts 1500-1508 ("CEQ regulations"), and NOAA's procedures for implementing NEPA set forth in NOAA Administrative Order (NAO) 216-6A and the NOAA NEPA Companion Manual.

NOAA prepared the environmental assessment and FONSI using the 1978 CEQ NEPA Regulations. NEPA reviews initiated prior to the effective date of the 2020 CEQ regulations may be conducted using the 1978 version of the regulations. The effective date of the 2020 CEQ NEPA Regulations was September 14, 2020. This review began on February 13, 2020 when NOAA issued a Notice of Intent to initiate review of the SBNMS management plan. As such, NOAA decided to proceed with this NEPA review under the 1978 regulations.

The environmental assessment is incorporated by reference here. The environmental assessment evaluates the affected area, the scale and geographic extent of the proposed action, and the degree of effects (including the duration of impact, and whether the impacts were adverse and/or beneficial and their magnitude).

II. Proposed Action

NOAA's Office of National Marine Sanctuaries' (ONMS) proposed action is to update management activities occurring within SBNMS conducted by NOAA staff that are related to research, monitoring, education, outreach, community engagement, and resource protection. The



proposed management activities include adopting and implementing a new sanctuary management plan and management activities. The purpose and need of NOAA's proposed action is to evaluate the substantive progress toward implementation of the existing management plan and goals for the sanctuary, especially the effectiveness of site-specific management techniques and strategies in achieving the sanctuary's conservation and protection goals. The management plan review process also updates and makes revisions to site-specific management techniques and strategies and to apply innovative management approaches to better protect sanctuary resources from continuing and emerging threats.

NOAA analyzed two alternatives: the no action alternative and the preferred alternative. The no action alternative would be to continue operating under the existing management plan, without updating it to reflect current resource status or protection priorities. The preferred alternative is adopting and implementing a revised management plan and field activities as described above, which would update strategies to better address resource protection and management needs. The proposed action and no action alternative are described in further detail in the attached EA (see section 4.2).

III. Evaluation of Significance Criteria

The 1978 CEQ Regulations state the determination of significance using an analysis of effects requires examination of both context and intensity, and lists ten criteria for intensity (40 C.F.R. § 1508.27). In addition, the NOAA NEPA Companion Manual for NAO 216-6A provides six additional criteria for determining whether the impacts of a proposed action are significant. Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

1. Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, even if the effect will be beneficial?

The proposed action is not expected to cause any impacts that overall may result in a significant effect. NOAA's analysis found all impacts, both beneficial and adverse, to be less than significant. The preferred alternative analyzed (Chapter 4) is more protective of the resources in SBNMS, while also providing opportunities for improved compatible use of the sanctuary. The continued operation and management of SBNMS, and the revision of the sanctuary management plan would have an overall beneficial effect on resources within the sanctuary. Because the management plan is a broad guidance document, many of these anticipated beneficial effects would be indirect, resulting from NOAA's efforts to 1) improve public understanding of ocean stewardship issues; 2) further scientific understanding of sanctuary ecosystems and cultural and historical resources; and 3) implement resource protection and maritime heritage programs. The beneficial effects of the alternatives analyzed would be less than significant, based on the criteria for significance considered in the environmental assessment, because the sanctuary management actions are relatively small in scope and intensity, and their effects are not likely to result in a substantial, measurable improvement in resource health and protection over the five to ten-year life of the proposed management plan. In addition to these beneficial effects, some routine field activities proposed under all alternatives would have adverse effects on resources. These adverse effects include: disturbance of the seafloor and benthic habitat from marker buoy deployment and sampling activities and disturbance of wildlife through research and monitoring of species.

In all cases, adverse effects were found to be less than significant because NOAA conducts these activities on a small scale and in a manner that implements best practices to substantially minimize the risks of impacts to resources. NOAA also found the cumulative effects of the actions proposed under the proposed alternatives would be less than significant because the effects of the actions (both beneficial and adverse) are small in scale and localized. Thus, the addition of these minor effects to those of other similar activities occurring in the sanctuary would not significantly alter the cumulative effects of these activities overall.

2. Can the proposed action reasonably be expected to significantly affect public health or safety?

NOAA's analysis did not find that implementing the proposed action would result in significant adverse impacts to public health or safety (Chapter 4.5). Any contribution to local air pollution from emissions from SBNMS vessels involved in sanctuary management actions would be negligible and would not conflict with nor obstruct implementation of the applicable air quality plans. The proposed action will not generate air pollutants or greenhouse gas emissions in an amount that could have a significant impact on the environment.

3. Can the proposed action reasonably be expected to result in significant impacts to unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?

The activities proposed in the revised sanctuary management plan would provide NOAA with increased information to inform resource protection decisions, as well as promote ocean literacy and stewardship. These activities, including vessel and dive operations, the use of scientific equipment, and implementation of education, outreach, and research programs would improve the understanding, management, and protection of sanctuary resources and provide less than significant beneficial impacts to the living marine resources and habitats in SBNMS. For example, implementing a new sanctuary management plan will provide benefits to the unique characteristics of SBNMS by improving awareness and protection of important cultural and natural resources and furthering protection of ecologically critical areas within and outside of sanctuary boundaries. NOAA's analysis found implementing the proposed action would not result in significant adverse impacts to the unique characteristics of the geographic area.

4. Are the proposed action's effects on the quality of the human environment likely to be highly controversial?

None of the proposed action's effects are likely to be highly controversial. NOAA published a Draft Management Plan, and Draft Environmental Assessment in November 2021 and received comments from members of the public and stakeholders. While none of these comments raised concerns that the proposed action's effects are likely to be highly controversial, there were some public comments that requested NOAA ONMS, to revise its designation document and take a more active role in regulating fishing and underwater noise management in SBNMS. NOAA believes that the approach in the management plan of working with agencies with regulatory authority to make these changes will be a more successful approach to solving the issues raised during public comment than revising the designation document to address these issues. NOAA

has made modifications to the proposed action based on input received and internal agency analysis.

5. Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

The effects of the proposed action do not involve unique or unknown risks. The proposed action is an update of the existing management plan that has been the basis of sanctuary management since 2010. Many specific activities proposed to implement the new sanctuary management plan, including the routine field activities, are a continuation of or minor modification of existing management activities. Therefore, risks for related activities are well known.

6. Can the proposed action reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

The proposed action will not establish a precedent for future actions with significant effects. NOAA defined the scope of the environmental analysis in Section 4.1 of the environmental assessment, including the geographic scope of the affected environment, and the specific activities within the scope of the analysis of environmental consequences. The activities within the scope of the proposed action include routine field activities and updating the sanctuary management plan. Section 4.1.2 of the environmental assessment also describes how, when new activities arise, NOAA will assess whether their effects are adequately addressed in this environmental assessment. If they are not, NOAA will conduct additional environmental reviews, and develop independent environmental compliance and consultation documentation, as needed.

7. Is the proposed action related to other actions that when considered together will have individually insignificant but cumulatively significant impacts?

The proposed action will not have cumulatively significant impacts when considered together with other related projects. NOAA's Cumulative Effects Analysis (Section 4.7) assessed past, present, and future foreseeable projects that are likely to have similar types of impacts within the study area, affect similar resources, or are large enough to have far-reaching effects on a resource. The activities include several projects designed to further research and monitoring in the sanctuary, encourage tourism and recreational opportunities in the region, study and mitigate impacts of climate change, and support sustainable management of offshore resources, including fisheries, would have beneficial impacts. Cumulative effects that could impact historical and cultural resources may include disturbance and physical impacts from research and monitoring activities, or entangling fishing gear on or collisions of bottom gear with historic resources. Some ongoing or future industrial activities could impact sanctuary resources include commercial shipping, offshore energy production, and submarine cable projects. Overall, NOAA found that the contribution of implementation of the proposed action to the impacts of cumulative actions would be **negligible** for all resources areas because of the low intensity and frequency of SBNMS-led field activities in comparison to existing uses of the area, and operational protocols to reduce or avoid adverse impacts as much as possible.

8. Can the proposed action reasonably be expected 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?

NOAA determined that the undertaking would have minor to moderate beneficial impacts to historical resources in SBNMS because the proposed activities in the revised sanctuary management plan would provide NOAA with increased information to inform resource protection decisions, as well as promote ocean literacy and stewardship related to the cultural and historical setting of SBNMS. NOAA determined that the routine field activities in the undertaking such as deploying buoys and research or monitoring equipment, removing materials (e.g., marine debris and nets), and expanded implementation of the shipwreck avoidance program (Strategy MH-2) which would involve potential seafloor disturbance or potential interaction with cultural and historic sites. However, with the employment of mitigation measures, NOAA concluded that the undertaking would have no adverse effects on historic properties. The Massachusetts Historical Commission (the State Historical Preservation Officer) concurred with NOAA's finding.

9. Can the proposed action reasonably be expected to have a significant impact on endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973?

NOAA's analysis found the proposed action may affect, but is not likely to adversely affect endangered or threatened species or their critical habitat protected under the Endangered Species Act (ESA). NOAA identified two bird species listed under the Endangered Species Act (ESA) under U.S. Fish and Wildlife Service (USFWS) jurisdiction that occur within the action area but came to a no effect determination. NOAA identified 10 ESA-listed species (or distinct population segments/evolutionarily significant units) under NOAA's National Marine Fisheries Service (NMFS) jurisdiction that are found in the project action area and could be affected by the proposed action. NOAA's analysis in Section 4.5.4 of the EA found the proposed action would not adversely affect endangered or threatened species or their critical habitat protected under the ESA because any impacts on these species from implementing the proposed action would be discountable, insignificant, or wholly beneficial. Based on the analysis in Section 4.5.4 as described above, on December 7, 2021, ONMS submitted a letter to NOAA Fisheries to request informal consultation under Section 7 of the ESA and requested concurrence on the determination that implementation of the proposed action is not likely to adversely affect the ESA-listed species that occur within the action area. On February 23, 2022, NOAA Fisheries concurred with that determination.

10. Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection?

The proposed action does not threaten a violation of Federal, state, or local law requirements imposed for the protection of the environment. The environmental assessment describes NOAA's compliance with applicable laws and regulations.

11. Can the proposed action reasonably be expected to adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act?

NOAA's analysis in section 4.5.4 found that implementing the proposed action would not have the potential to result in the take, injury, or harassment of any species protected under the MMPA, and would result in minor benefits to marine mammals as described in the previous sections.

12. Can the proposed action reasonably be expected to adversely affect managed fish species?

NOAA analysis in Sections 4.5.3 and 4.5.4 found that impacts of sanctuary management actions on fish would be minor, and not significant. Possible impacts could include: staff conducting scuba operations may temporarily affect the behavior of fish, or, research vessels transiting the sanctuary and humans conducting sampling or monitoring could cause fish to temporarily flee from the area where activities are occurring. Because of the low intensity and frequency of sanctuary management activities that would occur annually, any such disturbance would be temporary and would not impact the ability of a managed fish species to forage or reproduce.

13. Can the proposed action reasonably be expected to adversely affect essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act?

As described in Section 4.3.3, in 2016, NMFS determined that the sanctuary's routine field activities have **no more than minimal adverse effects** and issued a General Concurrence letter with this determination under 50 CFR 600.920(g). In preparing this management plan/EA, ONMS determined that planned field operations at SBNMS are not substantially revised in a way that may adversely affect EFH, and that no new information is now available that affects the basis for NMFS's General Concurrence determination. Therefore, NOAA determined that the impacts of the proposed action on EFH are within the scope of the existing General Concurrence and that no further consultation is required at this time.

14. Can the proposed action reasonably be expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems?

The proposed action would not reasonably be expected to adversely affect vulnerable marine or coastal ecosystems. NOAA analysis (Section 4.5) found that some actions proposed under all alternatives would have less than significant adverse effects on resources. These adverse effects include: disturbance of the seafloor and benthic habitat from marker buoy deployment and sampling activities and disturbance of wildlife through research and monitoring of species. In all cases, adverse effects were found to be less than significant because NOAA conducts these activities on a small scale and in a manner that implements best practices to substantially minimize the risks of impacts to resources. While insignificant adverse environmental effects are expected, none of this will arise to a level of adverse effects on the marine ecosystem.

15. Can the proposed action reasonably be expected to adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)?

The proposed action would not adversely affect biodiversity or ecosystem functioning. The overall goals of sanctuary management, and desired effects of the proposed action, are to protect biodiversity, and ecosystem functioning. NOAA's analysis of field activities and management plan activities (Section 4.5) found that any adverse impacts would be negligible or minor and less than significant, and would not arise to the level of adversely affecting biodiversity or ecosystem functioning.

16. Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

Diving gear used in scuba operations could act as a vector for invasive species. However, all projects would implement mandatory invasive species prevention procedures including, but not limited to, vessel and equipment washdown (including diving equipment), cleaning.

IV. Conclusion

In the EA, NOAA analyzed the effects on the physical, biological, human/socioeconomic, and historical/cultural settings from the proposed action and the no action alternatives under consideration. Effects were classified as beneficial or adverse, direct or indirect, and significant or less than significant (as defined in Section 4.4). Additionally, in Section 4.7, NOAA analyzed the cumulative effects of the proposed action within the context of other federal and non-federal activities occurring in the sanctuary. In all cases, the effects of the proposed action were found to be less than significant, as summarized Table 4. 9. Based on the information presented in this FONSI and analysis contained in the supporting environmental assessment, NOAA concludes that adopting a revised management plan for SBNMS will not significantly impact the quality of the human environment. Accordingly, preparation of an environmental impact statement for this action is not necessary.

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Date