UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
PROGRAM PLANNING AND INTEGRATION
Silver Spring, Maryland 20910

MAR 24 2010

To All Interested Government Agencies and Public Groups:

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

TITLE: Environmental Assessment on the Proposed Application of Protective Regulations under Section 4(d) of the Endangered Species Act for the Threatened Southern Distinct Population Segment of North American Green Sturgeon

LOCATION: Waters occupied by the Southern Distinct Population Segment of North American green sturgeon (Southern DPS) along the U.S. West Coast.

SUMMARY:

The Southern DPS was listed as a threatened species under the Endangered Species Act (ESA) in April 2006. The National Marine Fisheries Service (NMFS) determined that protective regulations to govern the take of the Southern DPS were necessary for conservation of the species. In this environmental assessment (EA), NMFS evaluated five alternatives for these protective regulations. These included: a no-action alternative (i.e., no protective regulations); two alternatives that would prohibit all take of the Southern DPS, one with and one without exceptions and exemptions from the take prohibitions for some activities; and two alternatives that would prohibit take only in certain categories of activities, one with and one without exceptions and exemptions for some activities. The preferred alternative for this EA would prohibit all take of the Southern DPS with exceptions and exemptions from the take prohibitions for some activities. Under this preferred alternative, activities that cause take of the Southern DPS must be modified to avoid that take. Otherwise, any take that does occur must be covered under an ESA section 10(a)(1)(A) permit (for scientific research or enhancement activities), an ESA section 10(a)(1)(B) permit (for incidental take in non-Federal activities), or an ESA section 7 incidental take statement (for Federal activities). Exceptions or exemptions from the take prohibitions would be provided for some activities (i.e., certain scientific research and monitoring, habitat restoration, emergency fish rescue, law enforcement, fisheries, and Tribal resource use and management activities), if they comply with the exception criteria or with NMFS-approved programs established under the preferred alternative. The preferred alternative would result in a beneficial impact to the Southern DPS and its habitats, as well as to other fish and wildlife species within the affected environment. The preferred alternative would also result in additional regulatory burdens and costs to comply with section 7 or 10 of the ESA or with the exceptions or exemptions, but would not be expected to result in significant effects.

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RESPONSIBLE
OFFICIAL: Rodney R. McInnis
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The environmental review process led us to conclude that this action will not have a significant impact on the environment. Therefore, an environmental impact statement was not prepared. A copy of the finding of no significant impact (FONSI), including the 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