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 Olympic Coast National Marine Sanctuary Final Management Plan (FMP)

The National Oceanic and Atmospheric Administration (NOAA), National Ocean Service, Office of National Marine Sanctuaries (ONMS) has completed an environmental assessment (EA) dated September 2011 to evaluate potential environmental effects associated with adopting the final management plan (FMP) and making changes to the Olympic Coast National Marine Sanctuary (OCNMS) regulations. The EA is the basis for NOAA's finding of no significant impact for adopting the FMP and issuing revised regulations for OCNMS.

The Council on Environmental Quality (CEQ) Regulations state that the determination of significance using an analysis of effects requires examination of both context and intensity, and lists ten criteria for intensity (40 CFR 1508.27). In addition, NOAA Administrative Order (NAO) 216-6 Section 6.01b 1 – 11 provides eleven criteria, the same ten as the CEQ Regulations and one additional, 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 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 National Marine Sanctuaries Act (NMSA). The majority of actions that would occur under adoption of the FMP, including regulatory changes, would have primarily beneficial, less than significant impacts. The FMP and associated regulatory changes will generally result in improved research, resource protection, education, outreach, and visitor and maritime heritage programs compared to the No Action alternative. These impacts would be less than significant because the actions alone are not likely to result in a substantial, measurable improvement of resource health over the relatively short life of the management plan (five to ten years) or in the foreseeable future. The FMP would also cause some adverse impacts, though in all cases, adverse impacts are less than significant because the activities are conducted in a manner that substantially minimizes impacts to resources and minimizes costs for sanctuary users. While enhanced protection of sanctuary resources is expected to result from the implementation of the FMP, the beneficial impacts are not expected to be significant in the manner described in the description of environmental consequences in the EA. The FMP and associated regulations will not have a significant adverse effect on the cruise ship industry, even though cruise ships will be subject to a new prohibition on discharging effluent of treated and untreated sewage and graywater. Because cruise ships in the sanctuary typically are in transit to other locations and would already be spending the fuel and time necessary to traverse the sanctuary, no additional fuel costs are anticipated as a result of the proposed regulations requiring the cruise ships to withhold waste while in the sanctuary. The opportunity to discharge in the sanctuary is limited by a short transit time (mean of 1.2 hours) and it is assumed all cruise ships currently operating in Washington state waters have sufficient holding tank capacity to retain sewage and graywater while within the sanctuary. Therefore, avoidance of wastewater discharges during this small time window would not negatively impact vessel operations.

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

The proposed action would not have a direct effect on public health or safety. While the prohibition on cruise ship discharges would result in a decrease in the amount of treated sewage and graywater discharged in the sanctuary, it is unlikely to have a significant benefit to public health or safety because the distance from shore of the cruise ships transiting the sanctuary as well as the dilution of the discharges occurring in sanctuary waters are likely to overshadow any direct impacts to public health and safety. To the extent that construction of new infrastructure and specific activities are conducted (such as research activities) as a result of future decisions based on implementation of the FMP, the effects to human health and safety would be evaluated for those decisions under future National Environmental Policy Act (NEPA) review.

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 proposed action considers a range of activities that take place in either existing facilities or within the OCNMS, which is a marine area of special national significance. However, it is not anticipated that the adoption of these proposed final management plan and revised regulations would have significant impacts on the sanctuary itself. The proposed action is expected to result in overall long-term net beneficial impacts compared to the No Action alternative, generally resulting from improved research, resource protection, education, outreach, and visitor and maritime heritage programs. These impacts are not considered to be significant because actions resulting from implementation of the FMP are small in scope and intensity, and the longer-term influence of these actions on human behavior is incremental at most. The implementation of the FMP would also cause some adverse impacts, though in all cases, adverse impacts are less than significant.

4. Are the proposed action's effects on the quality of the human environment 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 OCNMS in a manner that satisfies legal mandates set forth in the NMSA.

While some additional regulations or restrictions beyond the status quo would be added through implementation of the FMP, the actions prescribed are generally expected to have beneficial effects on the human/socioeconomic setting and thus are not likely to be controversial, even if the effects are uneven as they apply to certain individuals or groups. The FMP represents a range of actions that, if implemented, would allow NOAA and its partners to coordinate their actions to better manage and protect the resources of the sanctuary.

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 are not highly uncertain and do not involve unique or unknown risks. The proposed action involves adopting a final management plan and revised regulations designed to protect natural and historical resources of the sanctuary. The final management plan and revised

regulations are essentially a refined continuation of programs that have been implemented by OCNMS since its designation in 1994.

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?

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 regulations associated with the FMP prohibit all discharges from cruise ships into sanctuary waters (except those necessary for vessel operations). This proposed action could not reasonably be interpreted as setting a precedent for banning sewage discharges from other large vessels (greater than 300 GT) because such regulatory bans already have an established precedent unrelated to the proposed action as discussed in section 6.1.3.1 of the EA. Although banning discharges from cruise ships in OCNMS is a new federal action, it does not establish a precedent because regulating ship discharges from large vessels is an accepted approach to pollution management in the marine environment. Also as discussed in section 8.4.3.2 of the EA where a ban on sewage discharges from larger ships was evaluated but not included in the final FMP, such a regulatory ban would have less than significant adverse, direct, short and long-term impacts. The proposed cruise ship sewage discharge prohibition does not represent a decision in principle about a future consideration. No other action planned for in the FMP would establish a precedent for future actions or represent a decision in principle about a future consideration.

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

Adoption of the FMP is anticipated to result in overall long-term net beneficial impacts compared to the No Action alternative, generally resulting from improved research, resource protection, education, outreach, and visitor and maritime heritage programs. These impacts are not considered to be significant because actions resulting from implementation of the FMP are small in scope and intensity, and the longer-term influence of these actions on human behavior is incremental at most. The addition of these impacts to those of other similar activities occurring in the sanctuary would not significantly alter the cumulative impacts of these activities overall.

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?

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 locate, identify and protect these resources. These impacts are not considered to be significant because actions resulting from implementation of the FMP are small in scope and intensity, and the longer-term influence of these actions on human behavior is incremental at most.

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?

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 Spills Prevention, Preparedness, Response and Restoration action plans are generally designed to improve protection of threatened and endangered species, and shorelines in the sanctuary. However, these impacts are not considered to be significant, because actions resulting from implementation of the FMP are small in scope and intensity, and the longer-term influence of these actions on human behavior is incremental at most. To the extent that activities are considered in the future, additional NEPA reviews and consultations would be conducted as appropriate to consider impacts on endangered or threatened species before any decisions are made.

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.

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

The proposed action will not result in the introduction or spread of a non-indigenous (non-native) species. In fact, the FMP contains a strategy aimed at reducing the potential for the introduction of invasive species in the sanctuary. To the extent that specific actions are taken to reduce the risk of introduction of a non-indigenous species in the future, additional NEPA review will be conducted to consider the environmental consequences of these actions (see Habitat Protection Action Plan).

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting EA prepared for adoption of the Olympic Coast National Marine Sanctuary FMP dated September 2011, it is hereby determined that the Olympic Coast National Marine Sanctuary FMP will not significantly impact the quality of the human environment as described above and in the supporting EA. 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 environmental impact statement for this action is not necessary. This does not preclude ONMS from analyzing specific future activities under NEPA and analyzing the effects of an action and its alternatives in a future environmental assessment or environmental impact statement, as necessary.

David M. Kennedy
Assistant Administrator for
Ocean Services and Coastal Zone Management

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Date