



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 FOR CHANNEL ISLANDS NATIONAL MARINE  
SANCTUARY**

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

**March 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) on the revised management plan for Channel Islands National Marine Sanctuary (CINMS or sanctuary). The EA is enclosed as part of the FONSI. 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 Companion Manual for NAO 216-6A.

NOAA prepared the enclosed EA and FONSI using the 1978 CEQ 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 regulations was September 14, 2020. This NEPA review began on October 1, 2019, when NOAA issued a Notice of Intent to initiate review of the CINMS management plan (84 FR 52053). As such, NOAA decided to proceed with this NEPA review under the 1978 CEQ regulations.

**II. Proposed Action**

NOAA's proposed action is to update NOAA's management activities conducted within CINMS that relate to research, monitoring, education, outreach, community engagement, and resource protection. The proposed management activities include implementing routine field activities and existing sanctuary regulations, and revising the sanctuary management plan. The proposed action is intended to help maintain sanctuary ecosystems that are healthy for wildlife and people and



that remain publicly accessible, to inspire and support cutting edge marine science, and to foster public awareness, understanding, and stewardship.

NOAA analyzed two alternatives: Alternative 1, the Proposed Action, which includes implementation of a revised sanctuary management plan, continuing field activities, and continued implementation of existing sanctuary regulations; and Alternative 2, the No Action Alternative, which includes continued implementation of the existing (2009) sanctuary management plan, field activities, and existing sanctuary regulations. The proposed action and no action alternative are described in further detail in Chapter 3 of the attached EA.

### **III. Evaluation of Significance Criteria**

The 1978 CEQ regulations state that the determination of significance using an analysis of effects requires examination of both context and intensity, and list ten criteria for intensity (40 C.F.R. § 1508.27). 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. NOAA proposes to implement a revised sanctuary management plan that would serve as an overarching framework for sanctuary management and would outline the non-regulatory activities the sanctuary would undertake in the next five to 10 years. As part of the proposed action, NOAA would continue to implement sanctuary regulations and current levels of field activities to support management of the sanctuary. NOAA determined that the revised sanctuary management plan would outline actions and activities aiming to accomplish many of the sanctuary's goals.

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 10- year life of the revised management plan.

In addition to these beneficial effects, some actions proposed under both alternatives would have adverse effects on resources. These adverse effects include: disturbance of the seafloor and benthic habitat from diving 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.

Overall, the incremental impact of the proposed action in combination with ongoing resource protection, research, and stewardship programs, and ongoing or future commercial and industrial

activities in the region, would be negligible for all resource areas because of the relatively low intensity and frequency of field activities led by NOAA's Office of National Marine Sanctuaries (ONMS), and because of ONMS's use of operational protocols to reduce or avoid adverse impacts as much as possible. The proposed action would not result in significant adverse cumulative effects on any resource areas.

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

NOAA's analysis of the impacts on Marine Uses and the Socioeconomic Setting (and specifically section 5.2.3.2, "Adverse Impacts of the Proposed Action on Marine Uses and the Socioeconomic Setting") found that conducting routine sanctuary management activities could potentially result in temporary operational interference with commercial, research, or recreational activities in the sanctuary. However, any interference between NOAA and other users of the sanctuary would be temporary in nature and would not result in any significant effect on the operations, including safety, of recreational, research, or commercial users. Therefore, any adverse impact from the proposed action on human uses in the sanctuary would be negligible.

The proposed action will not generate air pollutants or greenhouse gas emissions in an amount that could have a significant impact on the environment or human health. Implementing the proposed action would result in negligible adverse impacts on water quality, air quality, and the acoustic environment in CINMS for the following reasons: (1) sanctuary-led field activities and operations would occur infrequently (annually up to 140 vessel days at sea, 20 piloted flights, and 30 Uncrewed Aerial Systems deployments), would be periodic, and spread out in space and time; and (2) all ONMS vessels must comply with the operational protocols and procedures in the NOAA Small Boats Policy (NAO 209-125) and ONMS best management practices as detailed in Section 3.2.2.1 ("Mitigation Measures for Field Activities"), which reduces the risk of adverse impacts.

*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 and activities therein would improve the understanding, management, and protection of sanctuary resources and provide less than significant beneficial impacts to the living marine resources and habitats as well as historical and cultural resources in CINMS. For example, implementing a new sanctuary management plan will provide benefits to the unique characteristics of CINMS and the adjacent coastline by improving awareness and protection of important cultural and natural resources, promoting best practices for avoiding the introduction of introduced species and marine debris adjacent to the sanctuary's coastal and marine habitats 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 December 2021 and received comments from members of the public and stakeholders. None of these comments raised concerns that the proposed action's effects are likely to be highly controversial. NOAA has made modifications to the proposed action based on input received and internal agency analysis, as described in Section 3.1.1 ("Revisions to NOAA's Proposed Action") of the environmental assessment.

*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 2009. Many specific activities proposed to implement the new sanctuary management plan 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 1.4 ("Revisions to NOAA's Proposed Action") 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 1.4 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 considered the effects of these actions in combination with the impacts of the proposed action to determine the overall cumulative impact on the resources in the action area (EA section 5.4.1, "Cumulative Impact Assessment Methods"). In conducting this analysis, NOAA used findings from the sanctuary condition report as a baseline for past and present uses of the sanctuary (ONMS 2019). NOAA selected these past, present, and reasonably foreseeable future actions because they 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.

NOAA found that the combination of implementation of the alternatives with the actions in Table 5.1 would result in cumulative beneficial impacts to the physical, biological, maritime heritage, and socioeconomic settings, as well as to existing human uses of the sanctuary. The proposed action's contribution to any adverse cumulative impacts would be negligible for all resource areas because of the low intensity and frequency of ONMS-led field activities in comparison to existing uses of the area, and also due to sanctuary operational protocols that would reduce or avoid adverse impacts as much as possible. Therefore, the proposed action would not result in significant adverse cumulative effects on any resource area.

*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 be expected to adversely affect structures or objects listed or eligible for listing in the National Register of Historic Places nor would it cause the loss or destruction of significant scientific, cultural, or historical resources. As detailed in EA section 5.2.4 ("Cumulative Impact Assessment Methods"), minor, unintentional disturbance of maritime heritage resources could result from intentional or accidental contact with the seafloor during research, monitoring, or resource protection activities supporting implementation of the revised sanctuary management plan. The operations of equipment within CINMS would be periodic and low intensity (i.e., up to 60 remotely operated vehicle deployments per year). Any activities targeted at maritime heritage resources or other cultural resources on the seafloor would primarily be visual reconnaissance surveys associated with historic documentation on last reported positions of ship and aircraft wreck sites. ONMS will comply with the National Historic Preservation Act's Section 106 requirements for any federal undertakings, including issuing permits. Any federal undertaking must account for its effect on historic properties (see 54 U.S.C. § 306108).

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 related to the cultural and historical setting of CINMS. In combination with continued implementation of sanctuary regulations which afford these resources protection from direct injury, these actions would provide moderate beneficial and therefore less than significant impacts to the historical and cultural setting in CINMS.

Overall, implementing the proposed action would result in negligible and therefore less than significant impacts on the cultural and historical setting in CINMS for the following reasons: (1) sanctuary-led field activities would occur infrequently, would be periodic, and spread out in space and time; and (2) all ONMS vessels must comply with the operational protocols and procedures in the NOAA Small Boats Policy (NAO 209-125) and ONMS best management practices as described in Section 3.2.2.1 ("Mitigation Measures for Field Activities"), which reduces the risk of adverse impacts.

*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 would not adversely affect endangered or threatened species or their critical habitat protected under the Endangered Species Act (ESA). In the environmental assessment, ONMS identified ESA-listed species or designated critical habitat under National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) jurisdiction potentially present in the action area (see EA Section 4.2.2.1, "Species Protected Under the Endangered Species Act and Designated Critical Habitat"). ONMS then evaluated which of these species and habitat would likely be present in the action area and could be affected by the proposed action and described any potential impacts in EA Section 5.2.2.3 ("Impacts of the Proposed Action on Protected Species and Habitats").

Based on this evaluation, ONMS determined that implementing the Proposed Action may affect but is not likely to adversely affect any listed species or designated critical habitat under NMFS jurisdiction. ONMS also determined that implementing the Proposed Action may affect but is not likely to adversely affect any listed species and would have no effect on any designated critical habitat under USFWS jurisdiction. See EA Section 5.2.2.3 for further details. NMFS provided concurrence with ONMS' effects determination on January 13, 2022 (NMFS No: WCRO-2021-03207). The USFWS provided concurrence with ONMS' effects determination on March 30, 2022 (reference no: 2022-0017984-S7).

*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 found implementing the proposed action would not adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act (MMPA). Vessel operations do create the possibility for collision with a marine mammal, such as a California sea lion or common dolphin, which are frequently encountered in the action area. NOAA will operate sanctuary vessels using the precautionary practices described in EA Section 3.2.2.1 ("Mitigation Measures for Field Activities"), including posting lookouts, managing vessel speed, and avoiding night operations. Overall, given the practices to be used for vessel operations and other sanctuary management activities, and the relatively low extent of overall field operations, NOAA ONMS determined that the proposed action would not likely result in the take of any marine mammal species protected under the MMPA (those listed in EA Table 4.3, Section 4.2.2.1, "Species Protected Under the Endangered Species Act and Designated Critical Habitat"). Should ONMS conduct, permit, or authorize any future activities that would cause the take of any marine mammal species protected under the MMPA, NOAA ONMS would evaluate the environmental

impacts from such activities on a case-by-case basis and receive all necessary authorization from NMFS.

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

The proposed action would not adversely affect managed fish species. NOAA analysis in Section 5.2.2 (“Impacts of the Proposed Action on the Biological Setting”) found that impacts of sanctuary management actions on fish would be minor, and not significant. Possible impacts could include: staff conducting scuba and snorkel 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?*

NOAA’s analysis found that any adverse effects on Essential Fish Habitat (EFH) from implementing the proposed action will be no more than minimal. NOAA has made the determination that field operations would have minimal adverse impacts on designated EFH and provided General Concurrence for all field operations, except for removal or relocation of grounded vessels and removal of large marine debris. NMFS agreed that deployment of equipment on the seafloor would meet the criteria for General Concurrence under 50 C.F.R. § 600.920(g)(2) provided that a minimization measure of limiting deployment to sandy substrate was followed for all deployments. Additionally, NMFS stated that the activity of removal or relocation of grounded vessels and removal of large marine debris does not meet the criteria stated in 50 C.F.R. § 600.920(g)(2) and should be consulted on an individual basis as necessary. No other proposed changes to the management plan would result in activities that could adversely impact EFH.

Based on this updated EFH consultation, the proposed action would result in minimal adverse effects on designated EFH based on: the temporary increase in turbidity that could occur during vessel removal activities, best management practices developed for certain towing and salvage operations, and the limited number of removal activities expected to occur annually.

The proposed action does not include recommending any changes at this time to sanctuary regulations that overlay the federal portion of the existing Channel Islands network of marine reserves and marine conservation areas, which are also designated as Habitat Areas of Particular Concern (HAPC). Therefore, the proposed action would not alter the amount of regulated fishing activity allowed within these zones, and thus would have no adverse effect on these HAPC.

*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. In fact, under the Proposed Action implementing existing CINMS regulations would continue to protect marine habitats and species by prohibiting certain activities that might otherwise degrade habitats used by marine species or directly harm or take marine species, such as: (1) alteration of or construction on the seabed; (2) certain vessel operations that could strike or injure coral, seagrass, or other immobile organisms attached to the seabed; (3) vessel operations that could collide with marine mammals or other biota; and (4) fishing within marine reserves or conservation areas. Implementing these existing prohibitions through enforcement, appropriate permitting, and interagency consultation processes would continue to provide direct, less than significant resource protection benefits by protecting important biological habitat for living resources in the sanctuary and reducing direct disturbance to or take of living marine resources (See EA Section 5.2.2, “Impacts of the Proposed Action on the Biological Setting”).

*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 5.2, “Impacts of the Proposed Action (Alternative 1)”) found that any adverse impacts would be negligible or minor and less than significant.

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


The proposed action would not reasonably be expected to result in the introduction or spread of a nonindigenous species because there are no activities that will introduce nonindigenous species into the project area. The management plan includes an Introduced Species Action Plan, which outlines efforts to prevent introduction of introduced species (i.e., nonindigenous species). In addition, implementing NOAA’s best management practices for vessel operations will continue to prevent introduction of nonindigenous species.

#### **IV. Conclusion**

In the EA, NOAA analyzed the effects of the proposed action on the physical, biological, human/socioeconomic, and historical/cultural settings. Effects were classified as beneficial or adverse, direct or indirect, and significant or less than significant (as defined in Section 5.1 of the EA, “Introduction”). Additionally, in Section 5.4 of the EA (“Cumulative Effects Analysis”), NOAA analyzed the cumulative effects of the actions proposed under both alternatives 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.



Based on the information presented in this FONSI and analysis contained in the supporting EA, NOAA concludes that implementing a revised management plan for CINMS 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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John Armor, Director  
Office of National Marine Sanctuaries

3/2/2023

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Date