

FINDING OF NO SIGNIFICANT IMPACT

The Elkhorn Slough National Estuarine Research Reserve (ESNERR or the Reserve) is a federal-state partnership of protected research and education sites administered by the NOAA, as authorized under Section 315 of the Coastal Zone Management Act (CZMA) (16 U.S.C. § 1461). The National Oceanic and Atmospheric Administration (NOAA) designated the ESNERR in 1979 in an area located adjacent to Monterey Bay in California. The land parcels comprising the Reserve are owned and managed by the California Department of Fish and Wildlife (CDFW) and are cooperatively managed by NOAA, CDFW, and the California State Coastal Conservancy (Conservancy), as described below. CDFW operates the Reserve in partnership with NOAA, as well as the local non-profit, Elkhorn Slough Foundation (ESF or Foundation). The proposed action is NOAA's approval of the Reserve's boundary change reflecting an expansion of nine additional parcels and the removal of a 13.98-acre non-conforming agricultural use area. NOAA prepared an Environmental Assessment to determine if the proposed action would have significant effects on the quality of the human environment.

Notice of Availability of the draft EA was published in the Federal Register on October 28, 2019 (84 FR 57702) and provided an opportunity for public comment before approving the revised boundary. One comment was received from the US Environmental Protection Agency - Region 9 office, supporting the action.

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, the Companion Manual for the NOAA Administrative Order 216-6A provides sixteen criteria, the same ten as the CEQ Regulations and six 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 proposed action (preferred alternative) could cause beneficial impacts by overall improvement in the resource management extended to the additional land parcel. However, NOAA's Office for Coastal Management (OCM) does not reasonably foresee the beneficial impacts to result in significant effects. The proposed boundary expansion would extend the comprehensive conservation and management capacities identified in the NOAA-approved ESNERR management plan to the new areas, providing a mechanism for implementation of specific restoration, monitoring, and research activities for important biological and physical resources. The proposed action is expected to result in minor indirect beneficial effects on tourism, water quality, and biological resources. Overall, adverse impacts are expected to be unlikely due to the proposed action. As no disruptive actions are planned, no direct impacts are anticipated from approving the boundary expansion.

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

The proposed action will not significantly affect public health or safety. The proposed action would have minor beneficial impacts on the physical environment including air and water

quality. In addition, a minor increase in recreational, educational, and tourist opportunities is expected, which could have an indirect beneficial impact on public health.

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 would not have a significant effect on the unique characteristics of the geographic area. There is a variety of historic and cultural resources within the ESNERR and potentially within the expansion areas, however no physical disturbance is envisioned in the expansion areas and approval of the boundary change is not an action that has potential to cause effect. Should any additional cultural or historic resources be discovered within the proposed boundaries in the future, the comprehensive management approach afforded by NOAA would provide important protection and research capacities allowing for the appropriate conservation and documentation of the cultural resources. Additionally, the area's wetlands and their supporting communities present in the expansion areas would experience beneficial impacts of research, monitoring and interagency management efforts extended by the ESNERR, under the preferred alternative.

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

The proposed action's effects on the human environment are unlikely to be controversial. The ESNERR's ongoing operations have not been controversial in the past and the proposed action is expected to result in an overall minor beneficial biological effect in the expansion areas. The land parcels comprising the Reserve are owned and managed by the California Department of Fish and Wildlife (CDFW) and are cooperatively managed by NOAA, CDFW, and the California State Coastal Conservancy. After several consultations and meetings among these agencies, the preferred alternative was identified as the unanimously supported decision. NOAA submitted a draft Environmental Assessment to the interested parties. NOAA received one comment regarding the proposed boundary change during the public comment period which supported the expansion of the reserve boundary.

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

The effects are not highly uncertain nor do they involve unique or unknown risks. The proposed action would approve extension of ESNERR's administrative management to additional areas. ESNERR has been operating safely and without any unexpected effects and issues since it was designated in 1979.

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 would not establish a precedent for future actions with significant effects. Acquisition and management of environmentally sensitive lands for conservation and recreational purposes is consistent with NOAA's NERRS Program Regulations (15 CFR part 921).

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

No. Cumulative impacts are addressed in Chapter 5 of the attached EA. The proposed action of approving ESNERR boundary change would not introduce new land uses and would not disrupt existing nearby land uses or preclude use of those lands for industrial, agricultural, or habitat conservation activities. The extension of the Reserve's management boundary to include some buffer parcels would likely result in net benefit to the biological resources of the Reserve system. The proposed action would be anticipated to result in overall management of the area marshes to create highly productive tidal marshes that export organic matter to tidal sloughs, channels, and mudflats, thereby increasing quality of estuarine habitats and water quality throughout the entire Reserve system. The biological benefits achieved with Reserve management would extend into the overall Reserve system in the forecasted future. The contribution of the proposed action when combined with reasonably foreseeable land use and development activities would have an insignificant cumulative impact on the area of interest and resources of the area, including water quality, air quality, and socioeconomic resources such as tourism and recreation.

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 (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources?

The proposed action would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or cause loss or destruction of significant scientific, cultural, or historical resources. The geographic scope of the proposed action related to transportation and circulation encompasses the State highways in the project vicinity (i.e., SR 1, SR 156, and SR 183) and local roads. No NRHP-listed or eligible historic resources are located within the area of potential effects of the proposed action. If NOAA provides funds in the future to support activities that have the potential to cause effect, a Section 106 consultation will be undertaken, as required by the NHPA.

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 is not expected to have a significant impact to species protected by the Endangered Species Act (ESA). Current Reserve management protocols foster research, monitoring, stewardship and education programs for these protected species. The proposed boundary change could result in additional research and monitoring of the protected species existing in the project area and expansion parcels, which may result in direct short-term and long-term population level benefits for the protected species. OCM's approval of the Reserve's boundary change would have no adverse effect on the protected species under the ESA. In addition, should NOAA decide in the future to award funding to ESNERR, OCM will conduct any additional environmental reviews required by law at that time to ensure no impacts to listed species.

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 is not expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection. The proposed action is a unanimously supported decision of a network of agencies that manage the area public lands. In addition, should NOAA decide in the future to award funding to ESNERR, OCM will conduct any additional environmental reviews required by law at that time to ensure no adverse effect.

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

There would be no adverse impact on species protected by the Marine Mammal Protection Act (MMPA). Current Reserve management protocols foster research, monitoring, stewardship and education programs for these protected species. The proposed boundary change would result in additional research and monitoring of the protected species existing in the project area and expansion parcels, which may result in direct short-term and long-term population level benefits for the protected species. The Reserve designation of additional parcel areas would have no adverse effect on the protected species under the MMPA. In addition, should NOAA decide in the future to award funding to ESNERR, OCM will conduct any additional environmental reviews required by law at that time to ensure no adverse effect to marine mammals.

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

The proposed action is not reasonably expected to adversely affect managed fish species. Minor beneficial impacts are expected for fish species as a result of ESNERR's environmental stewardship and resource management extending to additional areas. In addition, should NOAA decide in the future to award funding to ESNERR, OCM will conduct any additional environmental reviews required by law at that time to ensure no adverse effect to any managed fish species.

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?

No essential fish habitats in the area were found within the proposed boundary. In addition, should NOAA decide in the future to award funding to ESNERR, OCM will conduct any additional environmental reviews required by law at that time to ensure no adverse effect to any designated essential fish habitat.

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 expansion of ESNERR management boundaries is not expected to have any adverse impact on existing wildlife and marine resources. The Reserve's scientists complement the monitoring they coordinate with short-term, applied research projects aimed at better understanding threats to coastal ecosystems and strategies for diminishing them. The focus of such applied research projects stems directly from the Reserve's priorities for conservation and restoration in the watershed. Current Reserve policy encourages restrictions on discharging or depositing materials or other matter; alteration of the seabed

and marsh areas; introduction of invasive species; injuring or taking or attempting to injure or take Reserve's resources; possessing or using explosives or releasing electrical charges; and feeding fish. As a result, expanded Reserve areas could experience reduced habitat destruction and impacts to the vulnerable fish and terrestrial species. In addition, should NOAA decide in the future to award funding to ESNERR, OCM will conduct any additional environmental reviews required by law at that time to ensure no adverse effect to any vulnerable ecosystems.

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 is not expected to adversely affect biodiversity or ecosystem functioning. The proposed action would provide a wider range of protection and enhance opportunities for research, monitoring and education in additional areas. The expansion of the ESNERR's boundary would allow for more efficient management and reduce or eliminate confusion over different management policies within areas surrounding the Reserve. It would also broaden the scope of educational and scientific goals of the Reserve. Therefore, the proposed action is expected to have beneficial impacts on the biodiversity or ecosystem functioning by providing a wider range of physical, chemical, and biological conservation methodologies that contribute to the diversity of natural processes occurring around the estuary. In addition, should NOAA decide in the future to award funding to ESNERR, OCM will conduct any additional environmental reviews required by law at that time to ensure no adverse effect.

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

The proposed action is not reasonably expected to result in the introduction or spread of nonindigenous species. The proposed action would approve expanding ESNERR's management boundaries, as appropriate, to increase the network of protected areas (i.e., those areas in which existing Reserve regulations and management actions would apply). Extension of ESNERR's conservation policies could help in detection of any existing nonindigenous species in the proposed expansion parcels through their monitoring programs and could result in timely control on the spread of such indigenous species.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Elkhorn Slough National Estuarine Research Reserve Boundary Change, it is hereby determined that the addition of nine parcels to the existing management boundary of ESNERR and removal of an 13.98-acre portion of land from the existing boundary will not significantly impact the quality of the human environment as described above and in the supporting Environmental Assessment. 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.

Keelin Kuipers
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NOAA's Office for Coastal Management

Date