

FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT
NARRAGANSETT BAY NATIONAL ESTUARINE RESEARCH RESERVE
BOUNDARY CHANGE

The Narragansett Bay National Estuarine Research Reserve (Reserve or NBNERR) is a component of the National Estuarine Research Reserve System (System or NERRS), a federal-state partnership of protected research and education sites administered by the National Oceanic and Atmospheric Administration (NOAA), as authorized under Section 315 of the Coastal Zone Management Act (CZMA) (16 U.S.C. § 1461). The NBNERR was originally designated in 1980 in the City of Portsmouth, in Newport County, Rhode Island, to serve as a stable platform for long-term research and education. The Reserve currently covers 4,229 acres and consists of nine separate property units located on Prudence, Patience and Hope islands. The Rhode Island Department of Environmental Management (RIDEM) serves as the state’s lead agency for the reserve. Addition assistance is provided by local partners, including the Town of Portsmouth, RI (as the local jurisdiction), the Audubon Society of Rhode Island, and the Prudence Conservancy. The proposed action is NOAA’s approval of RIDEM’s request to add 103- acres of lands on Prudence and Dyer islands to the Reserve boundary. NOAA prepared an Environmental Assessment (EA) to determine if the proposed action would have significant effects on the quality of the human environment. A Notice of Availability of the draft EA was published in the Federal Register on March 15, 2021.

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).¹ In addition, the Companion Manual for 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 the overall improvement in the resource management extended to the additional areas. However, NOAA’s Office for Coastal Management (OCM) does not reasonably expect 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 NBNERR 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 beneficial effects on the tourism, water quality, and biological resources. Overall, adverse impacts are expected to be unlikely due to the proposed action.

¹ The underlying EA was prepared 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 March 6, 2019 and the agency decided to proceed under the 1978 regulations.

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 will not have a significant effect on the unique characteristics of the geographic area. No park lands, prime farmlands, wild and scenic rivers, ecologically critical areas, Areas of Critical Environmental Concern, wilderness areas, or other such designated areas are in or near the proposed action area. The wetlands and their supporting communities present in the expansion areas would experience beneficial impacts of research, monitoring and interagency management efforts extended by the NBNERR, under the preferred alternative. There are no cultural and historic resources within the expansion areas that are protected under the National Historic Preservation Act (NHPA).

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 NBNERR'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 ecology surrounding NBNERR is formed across a network of public lands managed by the Rhode Island Department of Environmental Management (RIDEM), which serves as the state's lead agency for the reserve, and maintains native fish, wildlife, plant species and natural communities for their intrinsic and ecological value and their benefits to people. This includes habitat protection, maintenance, and quality to ensure the survival of all species and natural communities. RIDEM is also responsible for managing diversified use of fish and wildlife including recreational, commercial, scientific, and educational uses. NOAA submitted a draft Environmental Assessment to the interested parties. To date, NOAA has not received any concerns towards the draft Environmental Assessment. In addition, during the public comment period, no concerns were expressed.

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 involves extension of NBNERR's administrative management in additional areas. NBNERR has been operating safely and without any unexpected effects and issues since it was authorized in 1980.

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 conservational and recreational purposes is consistent with NERRS Program Regulations (15 CFR Part 921.13).

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 4 of the attached EA. The proposed action represents an insignificant impact on the overall ocean business sector-based economy and far less on the much larger coastal business sector-based economy. For the general population and for tourism, ocean- and coastal-based economies, the contribution of the proposed action when combined with reasonably foreseeable military use activities would have a negligible cumulative impact on the area of interest. No quantifiable cumulative impacts are expected due to the proposed action.

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 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. No NRHP-listed or eligible historic sites 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 would have a totally beneficial effects to the USFWS-listed endangered and threatened species, as defined under the *Endangered Species Act of 1973*. There will be no effect to the NMFS-listed species as a result of the expansion of the terrestrial portion of the NBNERR. The proposed action would enable NBNERR to expand its role to facilitate and conduct research and monitoring, stewardship and education strategies designed to enhance ability to monitor the condition of protected species and to conserve their habitats. The extension of NBNERR's comprehensive resource management in the expansion parcels, would result in direct short-term and long-term population level benefits of the protected species. The Reserve designation of additional parcel areas would have an overall positive effect on the endangered and threatened species, or their critical habitats.

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. In addition, should NOAA decide in the future to award funding to NBNERR, OCM will conduct any additional environmental reviews required by law at that time.

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

The proposed action is not expected to adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act. The proposed action would extend NBNERR's research, monitoring, and interagency management efforts in the expansion parcels. Therefore, the proposed action with the increased opportunities for research, monitoring and conservation, may result in a positive impact on the 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 NBNERR's environmental stewardship and resource management extending to additional areas. The proposed action could result in better management of vulnerable fish species and bottom habitats, thus benefiting critical nursery and feeding sites for fish juveniles and adults.

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?*

The proposed action is not expected to adversely affect essential fish habitat (EFH) as defined under the Magnuson-Stevens Fishery Conservation and Management Act. The proposed action would extend NBNERR's management approach to the boundary expansion areas, enabling it to maintain its marine habitats as one ecological unit. Therefore, the maintenance and protection of these habitats extended by the proposed action would result in an overall positive effect on the EFH.

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 is not expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems. The proposed action would facilitate ecological resource protection in the expansion parcels by extending NBNERR's long-term research, environmental monitoring, environmental education and resource stewardship. Therefore, the proposed action is expected to result in beneficial effects on the vulnerable marine and coastal 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. This expansion would provide a mechanism for more coordination and integrated ecosystem management that would help NBNERR attain its mission of conserving natural biodiversity as one ecological unit. Therefore, the proposed action is expected to have beneficial impact 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.

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 involves expanding NBNERR'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. No new structures or vessels would be introduced into the estuarine system that could have a potential of introducing a nonindigenous species. On the contrary, extension of NBNERR'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 the Narragansett Bay National Estuarine Research Reserve Boundary Change, it is hereby determined that the expansion of the Reserve boundaries to include the additional 103-acre areas 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.

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Date

