

FINDING OF NO SIGNIFICANT IMPACT

South Slough National Estuarine Research Reserve Boundary Change

The National Environmental Policy Act (NEPA) requires the preparation of an Environmental Impact Statement (EIS) for any proposal for a major federal action significantly affecting the quality of the human environment. 42 U.S.C. § 4332(C). The Council on Environmental Quality (CEQ) Regulations direct agencies to prepare a Finding of No Significant Impact (FONSI) when an action not otherwise excluded will not have a significant impact on the human environment. 40 CFR §§ 1500.4(b), 1500.5(b), & 1501.6. To evaluate whether a significant impact on the human environment is likely, the CEQ regulations direct agencies to analyze the potentially affected environment and the degree of the effects of the proposed action. 40 CFR § 1501.3(b). In doing so, agencies should consider the geographic extent of the affected area (i.e., national, regional or local), the resources located in the affected area (40 CFR § 1501.3(b)(1)), and whether the project is considered minor or small-scale (NAO 216-6A CM, Appendix A-2). In considering the degree of effect on these resources, agencies should examine, as appropriate, short- and long-term effects, beneficial and adverse effects, and effects on public health and safety, as well as effects that would violate laws for the protection of the environment (40 CFR § 1501.3(b)(2)(i)-(iv); NAO 216-6A CM Appendix A-2 - A-3), and the magnitude of the effect (e.g., negligible, minor, moderate, major). CEQ identifies specific criteria for consideration. 40 CFR § 1501.3(b)(2)(i)-(iv). Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

In preparing this FONSI, we reviewed the South Slough Boundary Change Environmental Assessment (EA), which evaluates the affected area, the scale and geographic extent of the proposed action, and the degree of effects on those resources (including the duration of impact, and whether the impacts were adverse and/or beneficial and their magnitude). The EA is hereby incorporated by reference. 40 CFR § 1501.6(b).

The South Slough National Estuarine Research Reserve (Reserve or SSNERR) 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 National Oceanic and Atmospheric Administration (NOAA) designated SSNERR in 1974 in Coos County, Oregon to serve as a stable platform for long-term research and education of the nation's estuaries. The Reserve is located on the Coos Estuary in southern Oregon and it encompasses a mixture of open water channels, tidal and freshwater wetlands, riparian areas, and forested uplands. The Coos Estuary is the sixth largest estuary on the Pacific coast of the contiguous United States and the largest estuary in Oregon. Oregon Department of State Lands (DSL) works collaboratively with local and regional partners and is under jurisdiction of the State Land Board. DSL serves as the state's lead agency for the SSNERR, in partnership with NOAA. An Environmental Assessment was performed to address the incorporation of an additional 1,771 acres to the SSNERR boundary.

1. 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 action is administrative in nature and any further activities will undergo all necessary legal compliance measures.

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 preferred alternative 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 have an effect on Federal threatened or endangered species and critical habitat?*

The proposed action would have no effect on the endangered and threatened species, or their critical habitats as defined under the *Endangered Species Act of 1973*. The proposed action is administrative in nature and will not automatically allow further actions to occur in the SSNERR boundary using federal funds without prior authorization. Therefore, the proposed action will have no effects on species listed as threatened or endangered, nor will it affect critical habitat of any listed species. OCM would initiate consultation with NMFS and/or FWS for future funding of any projects in the current or expanded boundaries that may affect threatened or endangered species.

4. *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, involve the direct taking of or result in the incidental take of marine mammals, as the expansion of SSNERR's boundary is an administrative action. Future actions will be evaluated individually for compliance with all applicable mandates, including the MMPA. Best management practices such as monitoring for protected species before, during, and/or after project implementation, would be used to reduce the potential for there to be adverse impacts from NERR activities on the marine mammals. Other mitigation measures will also be considered, if needed, such as time of year restrictions for projects or boating speed restrictions. If direct or incidental take is anticipated, the NERR would seek the appropriate authorization or permit from NMFS under the MMPA..

5. *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 SSNERR'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.

6. *Can the proposed action reasonably be expected to adversely affect bird species protected under the Migratory Bird Treaty Act?*

The proposed action is not expected to adversely affect bird species protected under the Migratory Bird Treaty Act (MBTA). The proposed action of expanding the SSNERR

boundary is an administrative action, and thus does not include any actions that could disturb migratory birds. Any future in-field actions funded by NOAA will be evaluated individually for compliance with all applicable mandates, including the MBTA.

7. Can the proposed action reasonably be expected to adversely affect national marine sanctuaries or monuments?

The proposed action is not expected to adversely affect national marine sanctuaries or monuments. The proposed action of expanding the SSNERR boundary is administrative in nature, and thus will not disturb marine habitats or monuments. Should any future actions occur in the SSNERR marine environment, NOAA will evaluate the projects individually for impact to marine sanctuaries and/or monuments, and will employ best management practices to avoid any negative impacts to such resources.

8. Can the proposed action reasonably be expected to adversely affect vulnerable marine or coastal ecosystems, including, but not limited to, shallow or 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 SSNERR'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.

9. 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 SSNERR attain its mission of conserving natural biodiversity as one ecological unit. Therefore, the proposed action is expected to have a beneficial impact on biodiversity and 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.

10. Can the proposed action reasonably be expected to adversely affect a cultural resource: properties listed or eligible for listing on the National Register of Historic Places; archeological resources (including underwater resources); and resources important to traditional cultural and religious tribal practice?

The proposed action would not adversely affect cultural resources. This undertaking is managerial in nature, and does not involve any ground-moving activities that could disturb historic or culturally sensitive sites or their viewshed. Should NOAA provide any funds for any physical disturbance in the future, OCM will conduct a Section 106 consultation on that project at that time, and Tribal consultations, if applicable. Should any cultural or historic resources be discovered within the proposed boundary expansion area in the future, the comprehensive management approach afforded by NOAA would provide important protection and research capacities allowing for their appropriate conservation and documentation in accordance with the NHPA and Tribal interests.

11. Does the proposed action have the potential to have a disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities (EO 12898)?

The proposed action does not have a disproportionately high and/or adverse human health or environmental effects on minority or low-income populations. The proposed incorporation is for environmental protection and has no direct impact on the residents or visitors of the NERR. The incorporation of the additional parcels is management-based and does not involve any disruptive activities.

12. Can the proposed action reasonably be expected to result in effects that contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species?

The proposed action is not reasonably expected to result in effects that contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species. The proposed action involves expanding SSNERR'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 SSNERR'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.

13. Can the proposed action reasonably be expected to cause an effect to any other physical or biological resources where the impact is considered substantial in magnitude (e.g., irreversible loss of coastal resources such as marshland or seagrass) or over which there is substantial uncertainty or scientific disagreement?

The proposed action's effects on physical and/or biological resources are unlikely to be substantial in magnitude. The proposed action is expected to result in an overall minor beneficial effect on the physical and biological resources of the expansion areas. All parcels are adjacent to the established Reserve, and addition of the lands would extend the reach of the environmental stewardship and recreational opportunities already enjoyed by lands within the current boundary. The effects are not highly uncertain nor do they involve unique or unknown risks. The proposed action involves extension of SSNERR's administrative management in additional areas. SSNERR has been operating safely and without any unexpected effects and issues since it was authorized in 1974.

14. Will the effects of the proposed action add to the effects of other actions which have occurred, are occurring, or are reasonably certain to occur in a similar geographic area? Could the effects of otherwise individually insignificant actions, considered together, result in synergistically significant impacts?

Cumulative impacts are addressed in Chapter 4 of the attached EA. The expansion of the SSNERR is not expected to have an adverse cumulative impact on any biological, historical, or socioeconomic resources. The proposed action could cause minor beneficial impacts by the overall improvement in the resource management extended to the additional areas. The proposed boundary expansion would extend the comprehensive conservation and

management capacities identified in the NOAA-approved SSNERR management plan to the new areas, providing a mechanism for implementation of specific restoration, monitoring and research activities for important biological and physical resources. However, NOAA's Office for Coastal Management (OCM) does not reasonably expect the beneficial impacts to result in significant effects. Only minor beneficial cumulative impacts are expected due to the proposed action.

DETERMINATION

The CEQ NEPA regulations, 40 CFR § 1501.6, direct an agency to prepare a FONSI when the agency, based on the EA for the proposed action, determines not to prepare an EIS because the action will not have significant effects. In view of the information presented in this document and the analysis contained in the supporting EA prepared for the SSNERR Boundary Change, it is hereby determined that expanding the SSNERR boundary will not significantly impact the quality of the human environment. The Environmental Assessment for the Boundary Change of the South Slough National Estuarine Research Reserve is hereby incorporated by reference. In addition, all beneficial and adverse impacts of the proposed action as well as mitigation measures have been evaluated to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

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Date