

# SECTION 1

## PURPOSE AND NEED

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### 1.1 INTRODUCTION

This Final Environmental Impact Statement (FEIS), the fourth of four volumes, is the result of an extensive Joint Management Plan Review (JMPR) process at Cordell Bank National Marine Sanctuary (CBNMS), Gulf of the Farallones National Marine Sanctuary (GFNMS), and Monterey Bay National Marine Sanctuary (MBNMS), which are off the shore of northern/central California. Volumes I, II, and III contain the Final management plans (FMP) for each of the three Sanctuaries. These FMPs include information about the Sanctuaries' environment and resources, regulations and boundaries, staffing and administration, priority management issues, and actions proposed to address them over the next five years. Volume IV, this FEIS, is an evaluation of the potential environmental impacts of each Sanctuary's proposed regulatory actions (changes to Sanctuary regulations and designation documents) associated with the JMPR. The Proposed Actions and several alternative actions are described in Chapter 2 of this FEIS. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Sanctuaries Program (NMSP) is the lead agency for this proposed project.

This FEIS has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 United States Code (U.S.C.) § 4321 et seq.) and its implementing regulations (40 Code of Federal Regulations (CFR) Parts 1500-1508). This FEIS presents to the decision makers and the public information required to understand the potential environmental consequences of the Proposed Action and alternatives.

The FEIS incorporates changes made as a result of public and agency comments on the Draft EIS and information from the related Draft Supplemental EIS issued in March 2008 (see Section 1.6).

### 1.2 BACKGROUND

#### 1.2.1 National Marine Sanctuaries Act and National Marine Sanctuary Program

The National Marine Sanctuaries Act (NMSA) of 1972, as amended (16 U.S.C. § 1431 et seq.), is the legislative mandate that governs the NMSP. Under the NMSA, the Secretary of Commerce (the Secretary) is authorized to designate and manage areas of the marine environment as National Marine Sanctuaries. Such designation is based on attributes of special national significance, including conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities. The primary objective of the NMSA is resource protection.

The NMSA states that “while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of the marine environment” (16 U.S.C. § 1431[a][3]). Therefore, per the NMSA, the NMSP will strive to improve the conservation and management of marine and cultural resources in the Sanctuaries and “maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas” (16 U.S.C. § 1431[a][4][C]). This statutory finding compels administrators of the NMSP to take a broad and comprehensive management approach consistent with the NMSA’s primary objective of resource protection. The focus of such an approach is ecosystem-level protection and management. As such, ecosystem-based management serves as the framework for the proposed FMPs.

To date, thirteen National Marine Sanctuaries have been designated, and one national marine monument in the northwestern Hawaiian Islands is managed by NMSP with the U.S. Fish and Wildlife Service and the State of Hawaii. These Sanctuaries include both nearshore and offshore areas. Their designation provides protection for sensitive marine ecosystems, such as coral reefs and kelp forests, habitat used by important marine species, and historically significant shipwrecks and artifacts. In addition, the Sanctuaries are valuable educational, recreational, scientific, and commercially valuable resources. The mission of the NMSP is to “identify, protect, conserve, and enhance the natural and cultural resources, values, and qualities of the National Marine Sanctuary System for this and future generations.”

Resource protection for National Marine Sanctuaries is carried out by regulations under the NMSA, which are codified at 15 CFR Part 922, and through the issuance of permits and coordination with other local, state, and federal agencies and by outreach, education, research, monitoring, and enforcement.

The NMSP regulations include prohibitions on specific kinds of activities, descriptions of Sanctuary boundaries, and a permitting system to allow certain types of activities to be conducted within Sanctuaries that would otherwise be prohibited. Each of the thirteen National Marine Sanctuaries has its own set of site-specific regulations within subparts F through R of 15 CFR Part 922. The regulations for CBNMS, GFNMS, and MBNMS are found at Subpart K, H, and M. Proposed changes to these regulations constitute the Proposed Action for this EIS.

### **1.2.2 Joint Management Plan Review Process**

A Sanctuary management plan is a site-specific planning and management document. Each Sanctuary has an individual management plan with a description of the regulations and boundaries, an outline of the staffing and budget needs, a description of the management actions and performance measures, and serves as a guide for developing future budgets and management activities.

The 1992 Congressional legislation that reauthorized the NMSA required that the administrators of the thirteen National Marine Sanctuaries engage in periodic management plan reviews to reevaluate site-specific goals and objectives, management techniques, and strategies (16 U.S.C. § 1434[e]). The purpose of this review process is to ensure that the natural living and cultural resources at each site are properly conserved and protected.

The NMSP reviewed the management plans of CBNMS, GFNMS, and MBNMS at the same time through a joint process, termed the Joint Management Plan Review (JMPR). These Sanctuaries are adjacent to one another, are managed by the same program, and share many of the same resources and issues. In addition, all

three sites have overlapping interest and user groups. It also has been more cost effective for the NMSP to review the three sites jointly rather than conducting three independent reviews.

The JMPR, initiated in 2001, involved four main phases: 1) issue identification (through public scoping meetings); 2) issue prioritization; 3) action plan development; and 4) draft management plan preparation, along with associated proposed regulatory changes and appropriate environmental impact documents. Using a community-based process that provided numerous opportunities for public input, the NMSP administrators examined the current issues and threats to the resources and determined the adequacy of the current management plans in protecting Sanctuary resources.

Priority resource management issues to be addressed in the management plans were identified by the program with input from their advisory councils and the general public. Working groups or internal teams were formed to address each of these priority issues. Working groups consisted of Sanctuary staff, members of the Sanctuary Advisory Council (SAC), experts, agency representatives, and the public. Internal teams consisted mainly of NMSP staff. The working groups and internal teams through the SAC helped develop the goals, strategies, and activities for each priority issue. The recommendations from the groups were compiled into action plans and presented to each Sanctuary advisory council for review, comment, and an assessment of priorities. Each Sanctuary advisory council provided specific recommendations to the NMSP on their site-specific and cross-cutting actions plans.

As a result of the JMPR process, numerous changes to management policies and regulations are proposed to reflect the updated goals, objectives, strategies, and actions. The revised management plans will guide the operation of the Sanctuaries, helping each Sanctuary manager to set budget and project priorities for resource protection in preparing the annual operating plan. Timelines and annual estimates are presented in the final management plans to assist staff in developing the Sanctuaries' annual operating plans, to assist the SACs in advising management on priority issues, and to help the public to better understand the approximate timeframes and costs needed to carry out the strategies and activities presented throughout the plans.

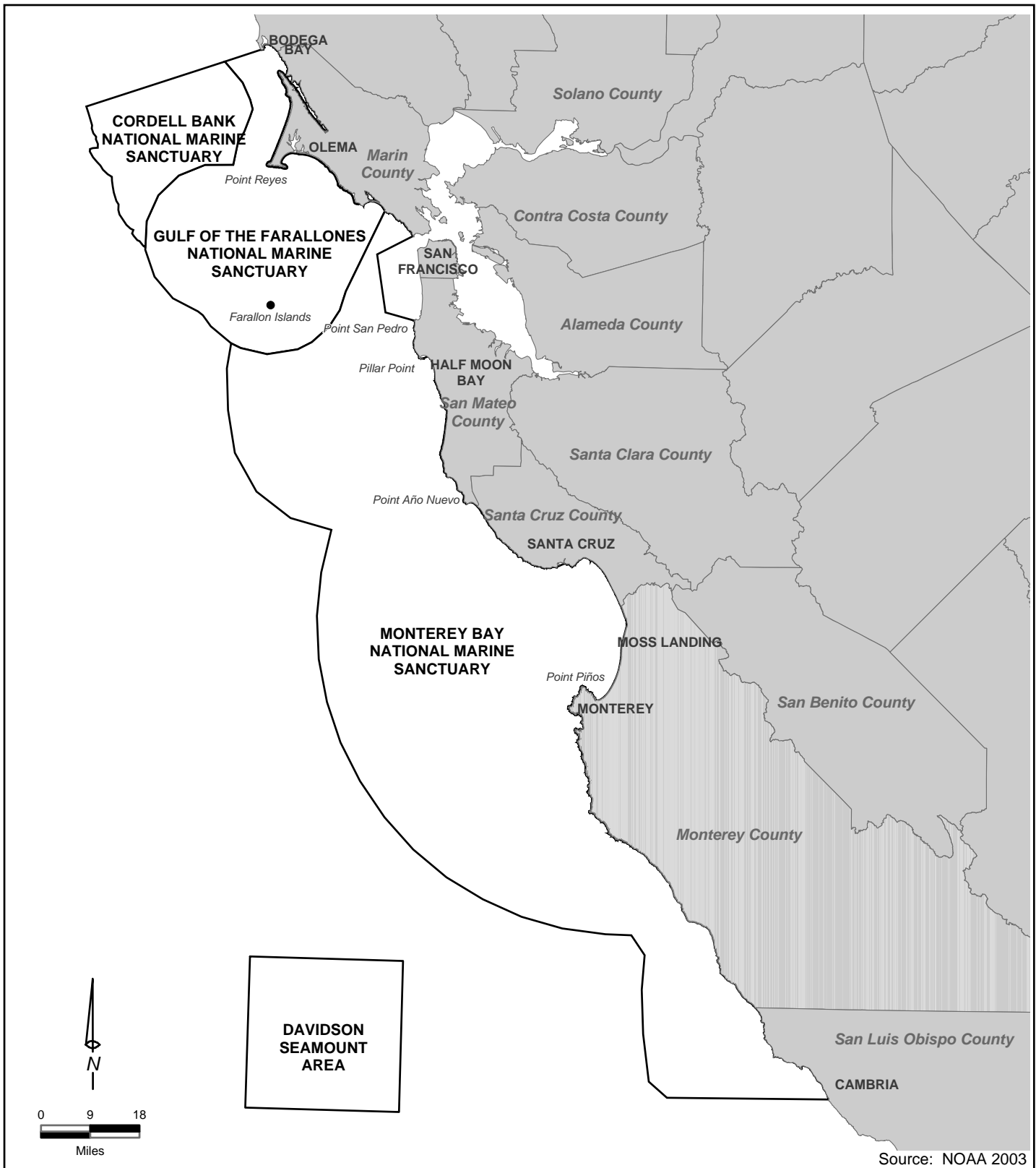
### **1.3 PROJECT LOCATION**

All three Sanctuaries are located offshore of northern/central California. Figure 1-1 shows the regional location of the three Sanctuaries, including their boundaries and the surrounding area. The three Sanctuaries cover the coastal area from Bodega Bay in Sonoma County southward to Cambria in San Luis Obispo County, excluding San Francisco Bay and the seaward areas adjacent to San Francisco and northern San Mateo Counties.

#### ***Cordell Bank National Marine Sanctuary***

CBNMS consists of an area of approximately 399 square nautical miles (526 square miles) of ocean waters, and the submerged lands thereunder, off the northern California coast. The main feature of the Sanctuary is Cordell Bank, an offshore granite bank 4.5 miles wide by 9.5 miles (7 kilometers [km] by 15 km) long, located on the edge of the continental shelf, about 43 nautical miles (49 miles; 80 km) northwest of the Golden Gate Bridge and 20 nautical miles (23 miles; 43 km) west of the Point Reyes lighthouse. CBNMS is entirely offshore and shares its southern and eastern boundary with GFNMS. The eastern boundary of CBNMS is six miles (9.6 km) from shore and the western boundary is the 1,000-fathom isobath on the edge of the continental slope. This area contains unique geological and oceanic features that create conditions that support extraordinarily diverse and abundant marine life.

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The JMPR study area covers over 5,000 square nautical miles of open ocean.

# Joint Management Plan Review Study Area

Northern/Central California

### ***Gulf of the Farallones National Marine Sanctuary***

GFNMS consists of an area of 966 square nautical miles (1,281 square miles) of coastal and ocean waters and the submerged lands thereunder, along and off the coast of northern California. GFNMS is just north of San Francisco, extending seaward from the mean high water mark or the seaward boundary of the Point Reyes National Seashore. Between Bodega Head and Point Reyes Headlands, the Sanctuary extends seaward to three nautical miles beyond territorial waters. The Sanctuary also includes the waters within 12 nautical miles (13.8 miles; 21.6 km) of Noonday Rock and the mean high water mark on the Farallon Islands, and the waters between the islands and the mainland from Point Reyes Headlands to Rocky Point. The Sanctuary includes Bolinas Bay and Lagoon, most of Tomales Bay, Estero Americano, Estero de San Antonio, and Bodega Bay (excluding Bodega Harbor). This area was designated a Sanctuary because its waters provide important marine and nearshore habitats for a diverse array of marine mammals and marine birds, as well as fishery, plant, algae, and benthic resources. The marine mammals and seabirds present in abundant numbers on the Farallon Islands and the mainland coast depend as much on the integrity and productivity of these adjacent ocean and estuarine waters as on the preservation of the shore areas they use for breeding, feeding, and hauling out.

### ***Monterey Bay National Marine Sanctuary***

MBNMS is offshore of California's northern/central coast, adjacent to and south of GFNMS. It stretches along the shoreline a length of 276 miles (444 km) between the Marin Headlands and Cambria and encompasses 4,017 square nautical miles (5,322 square miles or 13,776 square km) of ocean, extending an average distance of 30 miles (48 km) from shore. Supporting one of the world's most diverse marine ecosystems, it is home to numerous mammals, seabirds, fishes, invertebrates, and plants in a remarkably productive coastal environment. The Sanctuary's natural resources include the nation's largest kelp forests, one of North America's largest underwater canyons, and the closest to shore deep ocean environment in the continental United States. MBNMS was established to protect and manage the conservation, ecological, recreational, research, educational, historical, and esthetic resources and qualities of the area.

## **1.4 PURPOSE AND NEED OF PROPOSED ACTION**

The purpose and need for the Proposed Action are based on both statutory requirements for management plan review and the need to address current management issues and concerns within each Sanctuary.

### ***Management Plan Update***

No formal reviews or revisions of the three Sanctuary management plans or regulations have occurred since the time of original designation. CBNMS was designated in 1989, GFNMS was designated in 1981, and MBNMS was designated in 1992. The NMSP is required to review each Sanctuary management plan at five-year intervals and to revise the management plan and regulations as necessary to fulfill the purposes and policies of the NMSA (16 U.S.C. § 1434[e]). Therefore, the primary purpose of and need for the Proposed Action is to review and update the three Sanctuary management plans and regulations to comply with the NMSA.

Sanctuary administrators review management plans to accomplish the following:

- Evaluate substantive progress toward implementing the management plan and goals;
- Evaluate the effectiveness of site-specific management techniques and strategies;
- Determine necessary revisions to the management plan and regulations;

- Prioritize management objectives; and
- Inform and involve the general public and Sanctuary constituents in developing Sanctuary management priorities and strategies planned for future years.

For CBNMS, GFNMS, and MBNMS, there are additional reasons for revising the original management plans. For all three Sanctuaries, the review process provides an opportunity to take a closer look at how the environment has changed over the past 10 to 20 years since inception of the original management plans, to understand the cause and effect relationship of human activity and natural perturbations on the marine resources, and to determine how best to reshape and restructure management activities to address priority issues. Furthermore, new threats to Sanctuary resources have emerged that require new approaches in resource management. New management plans are needed to reflect these changes and to guide actions that can achieve effective conservation and management of Sanctuary resources. Also, for CBNMS and GFNMS, it was necessary to revise the original management plans and associated regulations to make them consistent with newer Sanctuary provisions. For MBNMS, the review of the management plan made it clear that recent scientific discoveries, advancements in managing marine resources, and new resource management issues were not adequately addressed in the 1992 plan.

Stemming from issues raised in the public scoping process, Sanctuary staff, Sanctuary advisory councils, public forum groups, and NMSP leadership contributed to the identification of priority resource management issue categories to be considered in the new management plans.

The FMPs (volumes I, II, and III of this document) address the above-listed resource management issues in issue-specific action plans (see Appendix B for a list of action plans). The CBNMS FMP includes five action plans, the GFNMS FMP includes nine action plans, and the MBNMS FMP includes 22 action plans. In addition, there are five cross-cutting action plans that outline joint implementation strategies for the three Sanctuaries. The action plans contain specific strategies and activities that identify how the Sanctuary administrators will address the various marine management issues, including the necessary research, monitoring, education, outreach, policy, or enforcement actions to be implemented. Each action plan is an outline of how different strategies will be conducted, the costs that might be incurred for each strategy, a coordinated timeline for carrying out all strategies, and performance indicators as a measure of management effectiveness.

### ***Proposed Changes to Sanctuary Regulations***

For some resource management issues, it is necessary to modify existing Sanctuary regulations (15 CFR Part 922, Subparts H, K, and M) to better manage and protect the resources. In some circumstances, Sanctuary administrators need to regulate new activities occurring or that may occur within Sanctuary boundaries in order to protect and conserve resources. Therefore, specific regulatory changes proposed and analyzed in this FEIS address several of the above-listed priority resource management issues (see Chapter 2 for full descriptions of the proposed regulatory changes). Note that only a small portion of the action plans would require regulatory changes, thus the regulatory changes are essentially a small subset of the overall strategies to address priority issues established in the FMPs. There is a broad suite of education, outreach, research, monitoring, and resource protection activities that have been identified during the management plan review that do not involve regulatory changes.

### **Meeting NMSP Goals**

The proposed regulatory changes presented in this FEIS and the action plans in the FMPs are all needed to help each Sanctuary better meet the following purposes and policies of the NMSP (15 CFR Part 922.2[b]):

- To identify and designate as National Marine Sanctuaries areas of the marine environment that are of special national significance and to manage these areas as the National Marine Sanctuary System;
- To authorize comprehensive and coordinated conservation and management of these marine areas and activities affecting them, in a manner that complements existing regulatory authorities;
- To maintain the natural biological communities in the National Marine Sanctuaries and to protect and restore and enhance natural habitats, populations, and ecological processes;
- To enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;
- To support, promote, and coordinate scientific research on and long-term monitoring of the resources of these marine areas;
- To facilitate, to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;
- To develop and implement coordinated plans to protect and manage these areas with appropriate federal agencies, state and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;
- To create models of and incentives for ways to conserve and manage these areas, including the application of innovative management techniques; and
- To cooperate with global programs encouraging conservation of marine resources.

### **Changes to Sanctuary Designation Documents**

As part of the Sanctuary designation process, the NMSA requires publication in the *Federal Register* of a Sanctuary designation document, which is separate from the management plan and regulations. The designation document outlines the terms of a Sanctuary's designation, including the geographic area, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that could be subject to regulation to protect those characteristics.

When contemplating changes to Sanctuary regulations, such changes must be within the scope of authority established in the Sanctuary designation document. In some cases, a proposed regulatory change may necessitate corresponding changes to the designation document to establish authority for the new or modified regulation. In the case of the three Sanctuaries' JMPR process, in addition to the nonregulatory strategies and activities developed to address priority issues, there are some specific boundary and regulatory changes under consideration that would require changes to the Sanctuary designation documents. The revisions are narrow in scope, corresponding directly to several proposed regulation changes.

Since Section 304(a)(4) of the NMSA requires that “terms of designation may be modified only by the same procedures by which the original designation is made,” the proposed changes to a Sanctuary’s designation documents require preparation of an EIS, regardless of the significance of the effects of the changes.

Proposed revisions to the terms of designation for each Sanctuary are identified in Chapter 2.

## **1.5 SCOPE OF EIS**

NEPA requires federal agencies to prepare an environmental document to thoroughly assess the environmental impacts of major federal actions that could significantly affect the human environment. The proposed regulatory changes in this management plan review have been specifically developed to facilitate improved Sanctuary management of identified priority resource management issues. Therefore, new regulations are intended to protect Sanctuary resources and generally reduce impacts of human activities on the environment. Even so, it is necessary to fully disclose and document the potential adverse and beneficial environmental effects of the proposed regulatory actions in a public process, consistent with NEPA and CEQ regulations implementing NEPA.

Additionally, because Section 304(a)(4) of the NMSA requires that “terms of designation may be modified only by the same procedures by which the original designation is made,” the proposed changes to a Sanctuary’s designation documents require a NEPA process and analysis within an EIS regardless of the significance of the impacts of the alteration. As such, the proposed regulatory changes are presented and assessed within this FEIS because some of them relate to associated proposed changes to the Sanctuaries’ designation documents.

This FEIS evaluates the environmental impacts associated with the proposed regulatory actions and alternatives to the proposed regulatory actions. The Proposed Action in this FEIS consists of revising CBNMS, GFNMS, and MBNMS regulations and revising the Sanctuary designation documents. Alternatives to the Proposed Action consist of slight variations in the proposed regulations. Specific regulatory changes contained within the Proposed Action and Alternative Regulatory Actions are described in detail in Chapter 2 of this FEIS and are analyzed in terms of impacts in Chapter 3 of this FEIS.

Numerous proposed regulatory changes are minor technical or administrative modifications that do not result in effects on the environment. These types of changes are noted in the project description (Chapter 2) and in the introduction to the environmental analysis in Chapter 3. This FEIS focuses on the regulatory changes that could affect the environment.

Finally, this FEIS presents proposed changes to each Sanctuary’s terms of designation (see Chapter 2). As described in Section 1.4, in order to implement many of the regulatory changes included in the Proposed Action, the NMSP would need to modify each of the three Sanctuary terms of designation describing particular types of activities subject to Sanctuary regulation.

This FEIS is not an analysis of all activities in the proposed FMPs. The bulk of the three updated management plans are nonregulatory management strategies and actions that Sanctuary staff and their partners will use to address priority issues identified during the management plan review process. The action plans include targeted research, monitoring, education, outreach, coordination, and resource protection activities. Implementation of the Proposed Actions within the FMPs, individually and cumulatively, will have



no significant impact on the environment. The non-regulatory actions identified in the FMPs can be implemented independently from the proposed regulatory actions and are not dependent on approval of the proposed regulatory changes. Any future agency “significant action” will be address at that time in a separate environmental assessment.

## 1.6 REVISIONS TO DEIS

This FEIS is composed of the original DEIS, with revisions made in response to comments on the proposed regulatory actions, the DEIS analysis, and on the Supplemental DEIS. Some public and agency comments warranted corrections, revisions, or clarifications of the DEIS text, which were made, where relevant to the impact analysis. The Proposed Actions (proposed changes to Sanctuary regulations) were also slightly revised, as a result of public and agency comments on the DEIS. These changes are reflected in Chapter 2 (Project Description) and the impact analysis was adjusted accordingly. Most of the changes to the Proposed Actions were technical, not requiring substantive revisions to the overall impact analysis. A summary of the key revisions is provided below.

### ***Changes in Proposed Action***

The following list reflects the nontechnical changes made to the proposed Sanctuary regulations after the release and review of the DEIS. These changes are incorporated into Chapter 2 and Chapter 3 of this FEIS.

- **Motorized Personal Watercraft (MPWC) Zones**—Establishment of a new zone at Mavericks and regulations in MBNMS regarding that zone. The zone regulation is explicit regarding the wave height and calendar month restrictions on the new zone. The proposed definition of MPWC remains the same as that analyzed in the DEIS. With the addition of the new zone, impacts on public recreation were determined to be less than significant.
- **Introduced Species Definition**—Minor modification, to replace the term ”material” with the term “matter.”
- **CBNMS Regulation – Seabed Protection (Anchoring)**—Additional language has been added to clarify NOAA’s intent in the proposed regulation. The intent of the proposed prohibition is consistent with the wording, as drafted. The regulation does not prohibit anchoring of any type on the mud bottom of the Sanctuary, so anchoring for both lawful fishing and other uses is allowed outside the 50-fathom line. Also, the regulatory language was modified for clarity regarding bottom contact fishing inside 50 fathoms surrounding Cordell Bank.
- **Cruise Ship Discharges – Cooling Water**—Modification to proposed CBNMS and GFNMS exceptions to be consistent with MBNMS exceptions for cooling water and anchor wash.
- **Discharge – All Vessels 300 gross tons (GRT)**—See discussion in following subsection regarding Supplemental DEIS.
- **Discharge Recreation and Small Vessels – Biodegradable vs. Clean**—Replaced the term “biodegradable” with “clean” and added definition of “clean.”
- **Replacement of the term “traditional fishing” with “lawful fishing”**—Modified this term in the regulations of all three Sanctuaries.
- **GFNMS Exception to Altering Submerged Lands**—Modified exception for “bottom trawling from a commercial fishing vessel” to “while conducting lawful fishing operations.”

### ***Incorporation of Supplemental DEIS***

On May 11, 2007, NOAA received a request from the California State Water Resources Control Board to prohibit discharges from certain vessels in National Marine Sanctuaries off the shore of California. After reviewing public comments on the proposed regulations and further analyzing vessel discharge issues, NOAA decided to revise the CBNMS, GFNMS, and MBNMS proposed discharge regulations to prohibit discharges of all sewage from vessels 300 GRT or more with sufficient holding tank capacity to hold sewage, while within the Sanctuary. NOAA also decided in the MBNMS to limit the exception for gray water discharges to vessels of less than 300 GRT, and vessels 300 GRT or more without the capacity to hold gray water while within the MBNMS. The revised proposed regulations include prohibitions consistent with the request from the State of California for the CBNMS, GFNMS, and MBNMS.

NOAA issued a Supplemental DEIS in March 2008 to address these revised discharge prohibitions. These revisions are included in the Proposed Actions listed in Chapter 2 of this FEIS. In summary, the revised prohibitions do not change the findings of the DEIS. These prohibitions would result in less than significant impacts on marine transportation. Information from the Supplemental DEIS is incorporated into the impact analysis in Chapter 3 of this FEIS.

### ***Other Revisions to DEIS***

In addition to the above revisions, clarifications were provided to several issue discussions, including the following:

- Additional details on seagrass were added to the biological resources sections;
- Information about fishing closures within the Sanctuaries was updated;
- Miscellaneous data in the commercial fishing affected environment was clarified; and
- The intent of the proposed introduced species prohibition was clarified, in regard to existing mariculture in Tomales Bay.

## **1.7 DECISIONS TO BE MADE**

Decisions related to the Proposed Action in this FEIS include the following:

- Approval of the updated management plans for each of the three Sanctuaries;
- Approval of proposed changes to regulations for each of the three Sanctuaries; and
- Approval of proposed changes to the designation documents for each of the three Sanctuaries.

## **1.8 AGENCY COORDINATION**

The CEQ defines the rights and responsibilities of cooperating agencies in Section 1501.6 of the CEQ regulations. At the request of the lead agency, any other federal agency that has jurisdiction or that has special expertise with respect to any environmental issue will be a cooperating agency. No federal agencies were formally requested to be cooperating agencies, nor have any federal or state agencies requested this status. Nonetheless, NOAA is working closely with a variety of pertinent resource agencies on the MPs, the proposed regulations, and the EIS.

NOAA has sought the input of numerous federal, state, and local officials and agencies in preparing this FEIS. These officials and agencies are listed in Chapter 6.

## **1.9 PUBLIC INVOLVEMENT**

According to CEQ regulations, federal agencies are required to “make diligent efforts to involve the public in preparing and implementing their NEPA procedures” (40 CFR § 1506.6[a]). The following section outlines public involvement in the Joint Management Plan Review process.

### **Scoping**

One aspect of public involvement is the comment process. Public involvement begins with notice of scoping meetings, followed by the release of the DEIS to persons and agencies that may be interested in or affected by the proposed project and to those who have requested a copy. Public involvement extends to any NEPA-related public hearings or meetings (40 CFR § 1506.6[b]). Soliciting public comment begins when the NOI is published in the Federal Register and continues through the preparation of the EIS.

On November 8, 2001, NOAA published an NOI in the *Federal Register*, which notified the public of the Proposed Action, announced the twenty public scoping meetings, and solicited public comments (a copy of this NOI is in Appendix A). In conjunction with the publication of the NOI, a JMPR web site (<http://sanctuaries.nos.noaa.gov/jointplan/>) was launched to serve as a clearinghouse of project information while the EIS is being developed. The web site provides up-to-date information on the Proposed Action. A link is also available for web site visitors to submit comments about the project.

Beginning on November 28, 2001, and lasting until January 17, 2002, the NMSP held 20 public scoping meetings in communities throughout the ROI, from Gualala to San Luis Obispo, and one meeting each in Sacramento and Washington, D.C. Approximately 1,000 people participated in these forums and provided input on specific issues they saw as management priorities. After the meetings, Sanctuary staff compiled all of the comments raised at the meetings and posted them on the JMPR web site. A summary report of the JMPR scoping activities is provided in Appendix A.

In addition to public scoping meetings, the program accepted written comments from early November 2001 to early February 2002. Comments were provided in the form of e-mails, letters, faxes, and a standard form (handed out at scoping meetings and provided on the website). As of February 14, 2002, the program received approximately 8,500 written comments via emails, letters, faxes, and a petition with 1700 signatures.

### **Prioritization of Issues**

In addition to formal scoping, the NMSP staff held a series of workshops with their Sanctuary Advisory Councils to help them identify priority issues. The results from the workshops were published in a report and posted on the project Web site for additional public comment and further deliberation at Sanctuary advisory council meetings. Based on input from the public and the advisory councils, the NMSP selected a final list of priority issues to be addressed in the JMPR. These were also posted on the Web site.

### **Development of Action Plans**

During meetings over a four to six month time period, issue-based working groups (composed of staff, experts, agency representatives, and the public) developed action plans, which were then presented to each Sanctuary Advisory Council at public meetings. Each advisory council reviewed their site-specific and cross-

cutting action plans and, after consultation with their respective constituents, provided their recommendations to NOAA. These action plans, which are listed in Appendix B, form the core foundation of the FMPs. The documents described above are available for viewing on the Internet at <http://www.sanctuaries.nos.noaa.gov/jointplan/>.

### **Public Review of the Draft, Supplemental Draft, and Final EIS**

A 90-day public review period was provided following publication of the DEIS in October 2006. Availability of the DEIS was announced in the Federal Register, on various e-mail lists, on the project Web site, and in local newspapers. In addition, copies of the DEIS were available for review in numerous locations, such as libraries, throughout the study area. Seven public hearings were held during the comment period.

During the public comment period, oral and written comments were received from federal, state, and local agencies and officials, from organizations, and from interested individuals. At the end of the public comment period, the comments were reviewed, discussed, and summarized. Responses to substantive comments on the DEIS were prepared and revisions were made, as deemed necessary. A summary of these comments and the corresponding responses are included in this FEIS (see Chapter 7).

As described in Section 1.6, a Supplemental DEIS was issued in March 2008 to address revisions to the proposed discharge prohibitions (see Appendix A for the NOI for Supplemental DEIS). A 30-day public review period was provided for the Supplemental DEIS. Responses to comments on the Supplemental DEIS are included in Chapter 7 of this FEIS.

With the issuance of this FEIS, a 30-day mandatory waiting period will occur, and then NOAA may issue its record of decision (ROD). A notice of the availability of the ROD will be placed in the Federal Register.

### **1.10 RELATED STUDIES**

Other studies and processes that are closely related to the JMPR have been completed or are being conducted by federal agencies. These documents include the following:

*A Biogeographic Assessment off Northern/Central California: To Support the Joint Management Plan Review for Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries: Phase I - Marine Fishes, Birds and Mammals.* NOAA National Centers for Coastal Ocean Science (NCCOS) December 2003. Silver Spring, Maryland.

*A Socioeconomic Overview of the Northern and Central Coastal California Counties as They Relate to Marine Related Industries and Activities: Preliminary Internal Draft,* April 2003. R. Ehler, V. R. Leeworthy, and P. C. Wiley. NOAA's National Ocean Service.

*Alternatives Analysis of Proposed Management Actions for Davidson Seamount and Cordell Bank.* Prepared for the Pacific Fishery Management Council, November, 2004. NOAA's National Marine Sanctuary Program.

*Trends in Fisheries and Fishery Resources Associated with the Monterey Bay National Marine Sanctuary from 1981 – 2000.* R. M. Starr, J. M. Cope, and L. A. Kerr. 2002. Publication No. T-046. California Sea Grant College Program.

*Socioeconomic Profile of Fishing Activities and Communities Associated with the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries.* A. Scholz, C. Steinback, S. Klain, and A. Boone. 2005. 122pp.

### **1.11 ORGANIZATION OF FEIS**

Chapter 1 (Purpose and Need) is a background discussion of the NMSP, the JMPR process, the NEPA process, and the purpose and need for the Proposed Action.

Chapter 2 (Description of the Proposed Action and Alternatives) consists of adopting revisions to existing CBNMS, GFNMS, and MBNMS regulations. This chapter also includes a description of several alternatives to the Proposed Action, the No Action alternative, and alternatives identified but removed from consideration.

Chapter 3 (Affected Environment and Environmental Consequences) is a description of the existing conditions in the study area to provide a baseline for assessing environmental impacts that may occur. The chapter includes an evaluation of potential impacts on the physical and biological environment, historical resources, and human uses, including socioeconomic impacts that may occur as a result of implementing the Proposed Action and alternatives. Direct, indirect, short-term, long-term, and cumulative impacts are evaluated. Potential mitigation measures for significant environmental impacts are discussed, if applicable.

Chapter 4 (Alternatives Summary) is a comparison of the alternatives and a summary of the impacts associated with each alternative.

Chapter 5 (Other Required NEPA Analyses) is a discussion of any irreversible and irretrievable commitment of resources, the relationship between short-term uses of resources and the maintenance and enhancement of long-term productivity, unavoidable impacts, and growth-inducing impacts.

Chapter 6 is proposed findings and determinations.

Chapter 7 provides the responses to comments on the DEIS and on the Supplemental DEIS.

Chapters 8 and 9 are the report preparers and references.

Chapter 10 is a glossary for the FEIS.

Appendices to support the analyses in the FEIS consist of the following:

Appendix A—Notices of Intent for the DEIS and Supplemental DEIS and Public Scoping Summary;

Appendix B—Summary of Proposed Action Plans; and

Appendix C— Biological Resources of the Study Area.