UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Finding of No Significant Impact
Issuance of Scientific Research Permit No. 17183

Background

In May 2012, the National Marine Fisheries Service (NMFS) received an application for a permit (File No. 17183) from Raymond Carthy, Ph.D., to conduct research on sea turtles in Florida. In accordance with the National Environmental Policy Act, NMFS has prepared an Environmental Assessment (EA) analyzing the impacts on the human environment associated with permit issuance (Environmental Assessment on the Effects of Issuing a Permit for Scientific Research on Protected Sea Turtles in Florida Waters; February 2013). In addition, a Biological Opinion (BO) was issued under the Endangered Species Act (April 2013) summarizing the results of an intra-agency consultation. The analyses in the EA, as informed by the BO, support the below findings and determination.

Analysis

National Oceanic and Atmospheric Administration Administrative Order 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. 1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

1) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson-Stevens Act and identified in Fishery Management Plans?

> The study area is designated as EFH for several species of invertebrates and fishes (e.g., shrimp, sharks). The Proposed Action is not reasonably expected to cause substantial damage to the ocean and coastal habitats and/or EFH. Although the researcher's entanglement nets would come into contact with bottom habitat, no substantial adverse effects to the physical environment are expected. The applicant would select anchoring sites on the sand/mud substrates. The tangle nets would not disturb bottom habitat or significantly impact EFH and the permit is conditioned to minimize impacts to these areas.
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> The research activities are not expected to cause more than a minimal disturbance on EFH within the action area due to mitigation conditions set forth in the permit. NMFS concluded this gear would result in no more than minimal disturbance to the physical environment, including the bottom substrate and any portion having

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EFH, and did not conduct a formal EFH consultation.

2) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

No, the Proposed Action is not expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area. The Proposed Action is to study sea turtles in the Gulf of Mexico using standard methods. No other species or portions of the ecosystem would be impacted. Thus, the Proposed Action is not expected to have any substantial impact on biodiversity or ecosystem function.

3) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

No, the Proposed Action is not reasonably expected to have a substantial adverse impact on public safety or health. The Proposed Action would involve basic research on sea turtles and does not involve hazardous methods, toxic agents or pathogens, or other materials or activities that would have a substantial adverse impact on public health or safety.

4) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

Permit No. 17183 would authorize takes of endangered and threatened sea turtles resulting in no more than short-lived minimal impacts to individual animals. No serious injury or mortality would be expected, nor impacts at the population or species level. The BO prepared pursuant to the ESA concluded that no listed species, including the target sea turtles, would be jeopardized by the Proposed Action. The BO also concluded that no critical habitat would be adversely modified or destroyed by the Proposed Action. Further, the permit for the Proposed Action will contain mitigation measures to prevent adverse effects to endangered or threatened species and marine mammals.

The Proposed Action is not expected to adversely affect any non-target species. No interactions with other species are expected, including harm, injury or mortality of non-target animals or bycatch. Further, as an added precaution the permit would contain conditions to mitigate potential harm and harassment to any non-target stocks in the area.

5) Are significant social or economic impacts interrelated with natural or physical environmental effects?

No, the Proposed Action would not create any significant social or economic impacts interrelated with natural or physical environmental effects. Previous,

similar work by the permit applicant in the same area did not have significant social or economic impacts.

6) Are the effects on the quality of the human environment likely to be highly controversial?

No, the effects on the quality of the human environment are not likely to be highly controversial. The Proposed Action will provide vital information on sea turtle populations that is essential to NOAA's restoration efforts and will ultimately benefit sea turtle populations that use the Gulf of Mexico. The proposed research methods are commonly used and NMFS is not aware of any controversy surrounding the request. The application was made available for public comment and no substantive comments were received.

7) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?

No, the Proposed Action is not reasonably expected to result in substantial impacts to unique areas, park land, prime farmlands, wetlands, wild and scenic rivers, EFH, or ecologically critical areas. Many of these resources, such as farmlands, park land, and rivers, (with the exception of EFH, discussed above), are not found within the action area and therefore will not be impacted.

The research would occur in a National Estuarine Research Reserve and State Aquatic Preserves. St. Joseph Bay along with Apalachicola and St. Andrews Bay are part of the state of Florida's Aquatic Preserve program. Given the precautionary approach researchers would take, and the conditions included in the permit, NMFS does not expect the research would adversely impact protected areas.

8) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

No, the effects on the human environment are not likely to be highly uncertain or involve unique or unknown risks. The proposed research activities are not new and are well-established protocols within the research community. Researchers have previously conducted the same type of research with no significant impacts to the environment.

9) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

No, the Proposed Action is not related to other actions with individually insignificant but cumulatively significant impacts. The short-term stresses (individually and cumulatively when added to other stresses the species face)

resulting from the research is expected to be minimal. The proposed action would be expected to have no more than short-term effects on protected sea turtles, and minimal to no effect on other aspects of the environment. The incremental impact of the action when added to past, present and reasonably foreseeable future actions, as discussed in the EA, would not be significant.

10) Is the proposed action likely 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?

No, the Proposed Action would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, as none are designated in the action area. The Proposed Action is not expected to cause loss or destruction of significant scientific, cultural, or historical resources.

11) Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?

No, the Proposed Action is not reasonably expected to result in the introduction or spread of non-indigenous species. The Proposed Action does not involve discharging bilge water or other issues of concern relative to nonindigenous species. Based on the nature of the Proposed Action and methods that would be followed, it is not expected to lead to the introduction of non-indigenous species.

12) Is the proposed action likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

No, the Proposed Action would not establish a precedent for future action with significant effects, and it does not represent a decision in principle about future consideration. Issuing a permit to a specific individual or organization for a given activity does not in any way guarantee or imply that NMFS will authorize other individuals or organizations to conduct the same or similar activity, nor does it involve irreversible or irretrievable commitment of resources.

13) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

Issuance of the proposed permit is not expected to violate any Federal, State, or local laws for environmental protection. NMFS has sole jurisdiction for issuance of such permits for sea turtles and has determined the research consistent with applicable provisions of the ESA. The permit contains language stating this permit does not relieve the Permit Holder of the responsibility to obtain other permits, or comply with other Federal, State, local, or international laws or regulations.

14) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

> No, the Proposed Action is not reasonably expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species. The action is not expected to result in cumulative adverse effects to any species. The Proposed Action is expected to have no more than minimal, short-lived, and temporary effects on the individual target sea turtles. As noted in previous responses, no substantial adverse effects on non-target species are expected.

DETERMINATION

In view of the information presented in this document, and the analyses contained in the EA and BO prepared for issuance of Permit No. 17183, it is hereby determined that permit issuance will not significantly impact the quality of the human environment. 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.

APR 15 2013

Helen M. Golde
Acting Director, Office of Protected Resources

Date