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

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# Finding of No Significant Impact for Issuance of a Modification to Scientific Research Permit No. 10022 to Conduct Research on Protected Sea Turtles

National Marine Fisheries Service

## Background

In September 2009, the National Marine Fisheries Service (NMFS) received an application for a permit modification to Permit No. 10022 held by Raymond Carthy, Ph.D., to conduct research on sea turtles in Florida waters. In accordance with the National Environmental Policy Act, NMFS has prepared a Supplemental Environmental Assessment (SEA) analyzing the impacts on the human environment associated with permit issuance (Supplemental Environmental Assessment for Issuance of a Modification to Scientific Research Permit No. 10022 to Conduct Research on Protected Sea Turtles; April 2010). In addition, a Biological Opinion was prepared under the Endangered Species Act (April 2010) summarizing the results of an intra-agency consultation. The analyses in the SEA, as informed by the Biological Opinion, 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 as defined under the Magnuson-Stevens Act and identified in Fishery Management Plans?

Response: Although Essential Fish Habitat (EFH) may be present in the action area, the proposed action will affect previously captured sea turtles. The affected environment is limited to the targeted sea turtles and therefore, ocean, coastal habitats, and EFH will not be affected by this action and no consultation was required.

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.)?

Response: Research is not expected to affect an animal's susceptibility to predation, alter dietary preferences or foraging behavior, or change distribution or

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abundance of predators or prey. The proposed research activities will impact sea turtles that have already been captured. Turtles will be released alive and in good condition at the site of capture allowing animals to return to their previous behaviors within minutes or hours. The applicant will coat transmitters with a minor amount of antifouling paint commonly used in marine applications; it is not expected to cause impacts to any species, biodiversity or ecosystem function. The physical and chemical properties of the water column will not be affected by this action. The nature of the research activities will not impact benthic productivity, biodiversity or ecosystem function.

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

Response: Because the affected environment is limited to the sea turtles already captured and onboard the research vessel, the proposed action does not involve vessel traffic and transportation; noise; risk of exposure to hazardous materials, wastes; risk of damages from natural disasters, and food safety. Researchers would take measures to prevent injury or harm when applying antifouling paint to transmitters. No other hazardous or toxic chemicals will be used during the proposed activities. The risk of contracting a disease will be eliminated by the nature of the applicant's proposed methods and the mitigating conditions of the permit requiring researchers to use disposable equipment and disinfectants on all gear that contacts animals.

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?

Response: The proposed action will affect sea turtles as the target of the proposed research. However, the effects of the proposed action will not be severe and will be short-term in nature. No injuries to any species would be expected and they will be released after procedures. The biological opinion prepared for the proposed action concluded that it will not likely jeopardize the continued existence of any ESA endangered or threatened species and will not destroy or adversely modify any critical habitat. The action will not have an adverse impact on marine mammals, as the researcher will not interact with them.

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

Response: Due to the nature of the proposed action (discussed above), the social and economic impacts have not changed from how they were previously described in the 2008 EA for Permit No. 10022. The 2008 EA found these impacts to be not significant. These impacts are not interrelated with any natural or physical impacts. The proposed action will not result in inequitable distributions of environmental burdens or affect access (short- or long-term use) to any natural or depletable resources in the action area.

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

Response: NMFS does not consider the proposed action controversial nor have these activities been considered controversial in the past. No public comments were received on the request. These are standard research activities that have been conducted on these species by the scientific community for decades. No other portion of the environment beyond the target sea turtles will be impacted by the proposed action.

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 (EFH), or ecologically critical areas?

Response: Due to the nature of the proposed action (discussed above), it will not affect any physical habitat or cultural resources.

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

Response: The research activities of the proposed research are not new. They have been conducted on sea turtle species for decades with no significant impacts to the environment. The risks associated with these procedures are not unique and have been well documented in the literature as being minimal and short-lived. No mortalities or serious injuries have been reported as a result of these activities.

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

Response: No. A portion of sea turtles would be studied as a result of capture by relocation trawlers; however, this activity would not result in cumulatively significant impacts. The permit is conditioned such that relocation trawling will not be held up by research; turtles will be returned to the water after 4 hours, regardless of whether researchers have collected data. This reduces potential impacts to the trawler's activity and potential stress to captured turtles. The proposed action would not influence or be related to any other federal, state, or local actions.

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?

Response: Due to the nature of the proposed action (discussed above), it will not affect any physical habitat or scientific, cultural or historical resources.

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

Response: Based on the nature of the proposed research protocols and mitigating measures in the permit, the proposed action, which is limited to sea turtles that have already been captured, is not expected to result in the introduction or spread of a 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?

Response: The proposed action is not likely to establish a precedent or represent a decision in principle for future actions. The process for deciding to issue the permit modification did not deviate from current procedures for processing sea turtle permit requests. As no mortalities will be authorized or anticipated as a result of this action, issuance of this permit modification does not involve any irreversible or irretrievable commitments 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?

Response: The action will not result in any violation of Federal, State, or local laws for environmental protection. In addition, the permit will not relieve the Permit Holder of the responsibility to obtain any other permits, or comply with other laws or regulations necessary to carry out the action.

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?

Response: The proposed action will not have cumulative adverse impacts on its own or in combination with impacts of other past, present or reasonably foreseeable future actions. The work will not cause serious injury or mortality of any animals. The research, by itself, or in combination with impacts of other actions, will not result in a permanent decrease in a sea turtle species' or population's reproductive success, lead to a long-term reduction in prey availability, the survival of young turtles, or the number of young turtles that annually recruit into the breeding populations of any of the sea turtle species. Impacts from the proposed activities will be minimal and short-lived with animals recovering from procedures within the day of capture and able to resume pre-capture behaviors.

## DETERMINATION

In view of the information presented in this document, and the analyses contained in the SEA and Biological Opinion prepared for issuance of Permit No. 10022-01, 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.

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Date