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 an Amendment to Scientific Research Permit No. 808-1735

Background

In January 2010, the National Marine Fisheries Service (NMFS) received an application for an amendment to Permit No. 808-1735 from Dr. Andrew Read to conduct research on Arnoux's beaked whales in the Southern Ocean. 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 (SEA on the Issuance of an Amendment to a Scientific Research Permit for Vessel Surveys and Tagging of Beaked Whales in Antarctic Waters; August 2010). The analysis in the SEA supports the below findings and determination.

Analysis

National Oceanic and Atmospheric Administration Administrative Order (NAO) 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?

Response: The proposed action would authorize takes of an additional species during currently authorized vessel surveys. No change in methodology or location would occur as a result of the proposed action. In the 2007 EA previously prepared for the permit, NMFS found that the activities would not significantly impact any portion of the physical environment. Therefore, NMFS does not expect substantial damage to the ocean or coastal habitats. No EFH is designated in Antarctic waters.

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: The Proposed Action would target large whales for tagging and observation during currently authorized vessel surveys. The proposed takes are expected to result in short-term minimal disturbance to individual whales. This work is not expected to affect an animal's susceptibility to predation, alter dietary preferences or foraging behavior, or change distribution or abundance of predators or prey. Therefore, the Proposed Action is not expected to have a substantial impact on biodiversity or

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ecosystem function.

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

Response: The Proposed Action involves close approach of vessels for tagging, behavioral observation, and photo-identification of beaked whales. It would not involve hazardous methods, toxic agents or pathogens, or other materials that would have a substantial adverse impact on public health and safety. Research would be conducted by or under the close supervision of experienced personnel, as required by the permit. Therefore, no negative impacts on human health or safety are anticipated during the deployment and retrieval of tags, photo-ID, or behavioral observations.

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 would only affect the target species: non-listed Arnoux's beaked whales. Researchers would closely approach by vessel, photo-identify, tag, observe, and incidentally harass individual whales. The effects of the proposed action would not be severe and would be short-term in nature to individual animals. Permit No. 808-1735 currently authorizes takes of endangered large whales. No other endangered or threatened species would be affected and critical habitat is not designated in the action area. Additionally, the amended permit would continue to contain mitigation measures to minimize the effects of the research and to avoid unnecessary stress to any protected species by requiring use of specific research protocols.

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 what was previously described in the 2007 EA for Permit No. 808-1735. The 2007 EA found these impacts to be not significant. These impacts are not interrelated with any natural or physical impacts. The Proposed Action would 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 has it been considered controversial in the past. All of the proposed research activities (tagging, photo-identification, and observation during vessel-based close approaches) have been conducted on cetaceans by the scientific community for decades. No other portion of the environment beyond the target large whales would 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, or ecologically critical areas?

Response: The proposed research is not expected to result in substantial impacts to any such area. These habitats are not part of the action area (Antarctic waters). Furthermore, impacts to such areas have not changed from what was previously described in the 2007 EA.

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

Response: The proposed research is not unique. The proposed activities have been previously authorized as research activities for whales; some activities have occurred for decades. There have been no reported serious injuries or mortalities of cetacean species or risks to any other portion of the human environment as a result of these research activities. Therefore, the risks to the human environment are not unique or unknown.

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

Response: The proposed action is not related to other actions with individually insignificant, but cumulatively significant impacts. The action area is very remote and supports a minimal human presence. Although these species may be impacted by a low level of other human activities, including other scientific research, these activities are not occurring simultaneously on the same individuals of a population. The short-term stresses (separately and cumulatively when added to other stresses these whales face in the environment) resulting from the research activities are expected to be minimal. Behavioral reactions suggest that disturbance is brief, lasting minutes, before animals resume normal behaviors. Hence, NMFS expects any effects of research to dissipate before animals could be harassed by other human activities. Significant cumulative impacts are not expected since no serious injury or mortality is expected (resulting in no direct loss of animals from the population) nor an appreciable reduction in the fecundity of target individuals. Furthermore, the permit would contain conditions to mitigate and minimize any impacts to the animals from research activities, including the coordination of research activities with other researchers in the area.

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: Given the action area, the proposed action would not take place in any such area, thus none would be impacted. The proposed action would not occur in other areas of significant scientific, cultural or historical resources and thus would not cause their loss or destruction. None of these resources are expected to be directly or indirectly

impacted.

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

Response: The methodologies for the proposed action would not change from what was previously described and analyzed in the 2007 EA for Permit No. 808-1735. Based on the 2007 EA, NMFS found that impacts from these methods would not be significant or result in the introduction or spread of a non-indigenous species. Because the methods would be the same as previously analyzed, the proposed action therefore, is not likely 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 represent a decision in principle about a future consideration?

Response: The decision to issue the permit amendment would not be precedent setting and would not affect any future decisions. Issuance of a permit to a specific individual or organization for a given research activity does not in any way guarantee or imply that NMFS will authorize other individuals or organizations to conduct the same research activity or the same individual to conduct additional research. Any future request received would be evaluated upon its own merits relative to the criteria established in the Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA), and NMFS' implementing regulations.

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 would not result in any violation of Federal, State, or local laws for environmental protection. The permit would continue to contain language stating that the Holder is required to obtain any state and local permits 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 action is not expected to result in any cumulative adverse effects to the target species or non-target species. For targeted species, the Proposed Action would not be expected to have more than short-term effects to individuals and negligible effects to beaked whale populations. The effects on non-target species were also considered and no substantial effects are expected as research would not be directed at these species and the permit currently authorizes takes of other large whales in the area. Therefore, no cumulative adverse effects that could have a substantial effect on any species, target or non-target, are expected.

DETERMINATION

In view of the information presented in this document and the analysis contained in the SEA prepared for Issuance of Permit No. 808-1735-01, pursuant to the MMPA it is hereby determined that the issuance of Permit No. 808-1735-01 will not significantly impact the quality of the human environment as described above and in the SEA. 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 Environment Impact Statement for this action is not necessary.

James H. Lecky
Director, Office of Protected Resources

Aug 23, 2010
Date