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. 14586

Background

In December 2009, the National Marine Fisheries Service (NMFS) received an application for a permit (File No. 14586) from Jeanette Wyneken, Florida Atlantic University, to conduct aerial and vessel surveys of marine mammals and sea turtles in Florida waters. 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 (Issuance of a scientific research permit for sea turtle and marine mammal research in Florida). In addition, a Biological Opinion was issued under the Endangered Species Act summarizing the results of an intra-agency consultation. The analysis in the EA, as informed by the Biological Opinion, supports 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?

> The aerial surveys will have no effect on ocean and coastal habitats. During the in-water surveys, the vessels will travel along the water's surface and will not affect coastal or bottom habitats.

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.)?

> The research will have no impact on biodiversity or ecosystem function. Animals may be disturbed by the plane or vessel during surveys but this disturbance is expected to be short-term. Researchers will not approach animals, instead they will survey from a distance.

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

Public health and safety will not be affected. Researchers will not collect, handle, or transport infectious agents or pathogens.

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?

Activities proposed under File No. 14586 may fall within the designated manatee critical habitat while researchers are transiting to the research site, which is offshore. NMFS expects no effects to critical habitat because the applicant would only transit through or fly over the critical habitat and would not disturb sediment or any portion of the habitat. A Biological Opinion was prepared for the proposed action. The Biological Opinion concluded that issuance of Permit No. 14586 is not likely to jeopardize the continued existence of any species or destroy or adversely modify the critical habitat of any listed species. No incidental take of non-targeted ESA-listed species is anticipated or exempted. No other non-target species are expected to be adversely affected by the proposed action.

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

There will be no significant social or economic impacts as a result of the proposed action.

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

The action is not likely to be controversial. The application was made available for public comment and no comments were received. The research will be conducted according to previous published marine mammal and sea turtle assessment protocols.

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?

The proposed research will not result in substantial impact to such areas. Portions of the study site are being considered for status as Habitat Areas of Particular Concern. However, the researchers will only observe animals in the air and at or near the water surface. The research will not have an impact on deep-water systems in the region. The research will not take place in National Marine Sanctuaries.

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

The proposed activities are not new. The effects on the human environment are not highly uncertain and the risks would be minimal and known.

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

The proposed action is not related to other actions will individually significant, but cumulatively significant impacts. The action is expected to have no more than short-term effects on the target species. If the proposed permit is issued, it is not expected that the additional effects of this research will result in cumulatively significant impacts.

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?

The proposed action will not take place in areas listed or eligible for listing in the National Register of Historic Places.

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

Researchers will not move between large water bodies; therefore, it will not likely 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?

The decision to issue this permit will not be precedent setting and will not affect any future decisions. Issuing a specific permit to an individual does not guarantee or imply that NMFS will authorize other individuals or organizations to conduct the same activities.

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?

The action will not result in any violation of Federal, State, or local laws for environmental protection. The permit will not relieve the permit holder of the responsibility to obtain any other permits, or comply with any 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?

The action is not expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species. The researchers will coordinate survey efforts with other researchers in the action area. As stated above, the researchers will not approach animals but instead will just travel (via plane or boat) along transect lines and count the number of animals along the lines. The action is not expected to result in more than short-term harassment.

DETERMINATION

In view of the information presented in this document, and the analyses contained in the EA and Biological Opinion prepared for issuance of Permit No. 14586, 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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James H. Lecky
Director, Office of Protected Resources

Date