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. 1596-03 to the National Marine Fisheries Service Southwest Fisheries Science Center

National Marine Fisheries Service

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: The proposed permit modification would allow researchers to deploy an additional non-invasive tag/camera system on eight leatherback sea turtles annually that are already authorized to be captured and use an alternative tag attachment method for another tag unit on these turtles. The action would only affect sea turtles. Therefore this action would not cause any effects to any ocean, coastal habitats, or essential fish habitat (EFH).

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 research authorized by the permit would not substantially affect biodiversity and/or ecosystem function. The proposed action would cause short-term effects to target sea turtles but not significantly affect them, and the research would not have any population level effects. No other species or portion of the environment would be affected.

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

> Response: The proposed action involves basic research of sea turtles and does not involve hazardous methods, toxic agents or pathogens, other materials, or activities that would have a substantial adverse impact on public health and safety.

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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 only would affect target sea turtles. However, the effects of the proposed action to target animals would not be severe and would be short-term in nature. No significant injuries to any animals would be expected and they would be released after they are sampled. The permit would contain mitigation and minimization measures to minimize the effects of the research and to avoid unnecessary stress to the sea turtles by requiring use of specific research protocols. The proposed action would not likely jeopardize the continued existence of any ESA endangered or threatened species and would not destroy or adversely modify any critical habitat. The action would not adversely affect marine mammals or other non-target species.

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

Response: There would be no significant social or economic impacts interrelated with significant natural or physical environmental effects. No significant social or economic impacts would result from the proposed research.

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

A *Federal Register* notice (75 FR 26715) was published to allow other agencies and the public the opportunity to review and comment on the action. No substantive comments were received. Given the proposed research methodologies are expected to have minimal effects, NMFS believes that it is not likely to be controversial.

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: As described in the response to question#1, the proposed permit modification would affect the target sea turtles only. The proposed action would not affect any unique or ecologically critical areas.

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

Response: The proposed research activities are not new or unique. Other researchers have previously conducted the same type of research with no significant impacts to the target animals or other portions of the human

environment. NMFS believes that the effects on the human environment would not be 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?

Response: The proposed action is not related to other actions with individually insignificant, but cumulatively significant impacts. If the permit modification is issued, it is not expected that the additional effects of this research would result in cumulatively significant impacts. The short-term stresses resulting from the research activities would be expected to be minimal. Sea turtles would be exposed to a low level harassment and no serious injuries would be expected. The modified permit would continue to contain conditions to mitigate adverse impacts to species from these activities.

Overall, the proposed action would be expected to have no more than short-term effects on sea turtles and no effects on other aspects of the environment. The incremental impact of the action when added to other past, present, and reasonably foreseeable future actions discussed in the environmental assessment would be minimal and not 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?

Response: The modified permit would authorize basic handling, tagging, and sampling of sea turtles. The nature of the proposed research dictates that the action would not affect any districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. None would be adversely affected. The research would not 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?

Response: The action would not remove or introduce any species; therefore, it would not result in the introduction or spread of a non-indigenous species. The research activities would not involve bilge water or other issues of concern relative to 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 decision to issue this permit modification would not be precedent setting and would not affect any future decisions. Issuing a permit modification 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?

Response: The action would not result in any violation of Federal, State, or local laws for environmental protection. No other permits are required for the proposed modification. Further, the permit modification would 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 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 cumulative adverse effects to the species that are the subject of the proposed research. The proposed action would be expected to have no effects on affected species' populations. No adverse effects on other non-target species are expected. No cumulative adverse effects that could have a substantial effect on any species would be expected.

DETERMINATION

In view of the information presented in this document and the analysis contained in the Supplemental Environmental Assessment (SEA) prepared for Issuance of Permit No. 1596-03, pursuant to the ESA, and the ESA section 7 biological opinion, it is hereby determined that the issuance of Permit No. 1596-03 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.

APR 15 2011

James H. Lecky
Director, Office of Protected Resources

Date