UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

FINDING OF NO SIGNIFICANT IMPACT

Papahānaumokuākea Marine National Monument Conservation and Management Permit to the NOAA National Marine Fisheries Service, Pacific Islands Fisheries Science Center for Hawaiian monk seal conservation and management activities.

The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS), Pacific Islands Fisheries Science Center (PIFSC) and the NOAA National Ocean Service, Office of National Marine Sanctuaries (ONMS) drafted an environmental assessment (dated April, 2011) to evaluate the impacts of allowing PIFSC to conduct permitted shark monitoring and limited removal activities in Papahānaumokuākea Marine National Monument (PMNM). The activity requires a conservation and management permit from ONMS, the United States Fish and Wildlife Service (FWS), and the State of Hawai'i, co-trustee management agencies for the PMNM. The environmental assessment serves as a basis for this finding of no significant impact for its issuance of one PMNM conservation and management permit.

NOAA Administrative Order (NAO) 216-6 (revised May 20, 1999) provides eleven criteria for determining the significance of the impacts of a proposed action. These criteria are discussed below with respect to the proposed action. Based on the analysis in the environmental assessment, the PMNM finds that:

1. Are there both beneficial and adverse impacts of the proposed action that when combined result in a net benefit?

Impacts are minimal to non-existent for the conservation and management activities associated with this project. Under the proposed action, Hawaiian Monk Seal Recovery Team (HMSRT) personnel would conduct the following activities: (1) use of an observation tower to monitor shark behavior around pupping sites; (2) operation and maintenance of a remote viewing camera; and (3) lethal removal of up to 19 sharks using three shore based fishing techniques including use of a handline, spear gun or harpoon, and surprise net. Personnel would camp overnight at Trig Island Round Island, and the Gin Islands in French Frigate Shoals (FFS) and conduct intensive observation and monitoring activities on any deployed handlines and the surprise net. The monitoring and fishing activities are targeted on Galapagos sharks which are known to prey on pre-weaned Hawaiian monk seal pups.

The proposed action is temporary in nature and would not significantly impact historic or cultural resources, nor interfere with traditional Native Hawaiian practices. The proposed action would provide the greatest potential benefit to the recovery of the endangered Hawaiian monk seal by mitigating the loss of pre-weaned pups at Trig Island, Round Island and the Gins within FFS. The proposed action would also yield scientific information to evaluate the use of specific, targeted fishing techniques as methods of enhancing monk seal recovery without significantly affecting the marine or terrestrial ecosystem.

2. What is the degree to which public health or safety is affected by the proposed action?

The proposed action would occur at FFS which is a remote location within PMNM. The proposed action would be conducted by trained individuals with extensive experience in PMNM. These actions do not involve the public in any way and as such would have no effect on public health or safety.

3. Are there unique characteristics of the geographic area in which the proposed action is to take place?

The PMNM contains one of the healthiest coral reef ecosystems in the world. However, the proposed action would be conducted in areas consisting of islands composed of rubble and sand, and on sandy substrate only. All fishing gear using anchors or weights (e.g. surprise net) would be deployed on sandy substrate only and would be subject to intensive monitoring and observation – effectively mitigating any chance that anchored devices could run aground, or into live coral habitat. The observation tower that may be erected on Trig Island would be located on an area that is mostly sand and rubble and would not permanently alter the physical features of Trig Island.

4. What is the degree to which effects on the human environment are likely to be highly controversial?

None of the effects on the quality of the human environment are controversial. Hawaiian monk seal conservation and management activities, including shark monitoring and removal activities have been ongoing in the Northwestern Hawaiian Islands (NWHI) since 2005. No comments were received on the PMNM permit application submitted for these respective activities. The permit application for Hawaiian monk seal conservation and management activities was posted to the PMNM website at: http://hawaiireef.noaa.gov/resource/Permit_Sum.html on October 10, 2010 for a 40 day public information and comment period and no comments were received.

The draft environmental assessment prepared for the proposed action was posted on the PMNM website (http://hawaiireef.noaa.gov/resource/EA_PreFinal.html) for public comment for fifteen days (3/24/2011 – 4/7/2011). No public comments were received.

5. What is the degree to which effects are highly uncertain or involve unique or unknown risks?

The procedures, methods, and mitigation measures that would be utilized in the proposed action are accepted standard operating procedures in the scientific community and proven to be effective with minimal to non-existent impacts to wildlife or individuals.

6. What is the degree to which the action establishes a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

This action does not establish a precedent for future actions. The conservation and management activities are ongoing in the PMNM and have been previously analyzed in environmental assessments for other PMNM permits. .

7. Does the proposed action have individually insignificant but cumulatively significant impacts?

None of the conservation and management activities would have cumulatively significant impacts on Galapagos sharks, Hawaiian monk seals, and their habitat in the PMNM. No significant adverse marine biological, cultural, or historical impacts are anticipated as a result of the proposed action.

8. What is the degree to which the action adversely affects entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources?

The proposed action would not adversely affect areas listed in or eligible for listing in the National Register of Historic Places, or cause loss or destruction of significant scientific, cultural or historic places. Implementation of the proposed action would have no effect on archaeological, social, or cultural resources, as all activities would be away from known shipwreck locations, Native Hawaiian cultural sites, and historic buildings in the PMNM. If, at any point during the course of the proposed action, submerged Native Hawaiian cultural or historic resources are located, work would cease and a Native Hawaiian cultural expert or maritime archaeologist would be consulted.

9. What is the degree to which endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973, are adversely affected?

The proposed action would not adversely affect the Hawaiian monk seal, or affect the green sea turtle within French Frigate Shoals. The short-tailed albatross, an endangered species under USFWS' purview, has been observed at FFS only six times during the last 68 years and only at Tern Island. Therefore, the proposed action would not affect the short-tailed albatross since it is highly unlikely that this seabird would occur at Trig Island, Round Island, or the Gins during the Hawaiian monk seal conservation and management activities. All precautions would be taken not to disturb Hawaiian monk seals or green sea turtles.

In 2007 the NMFS Pacific Islands Regional Office (PIRO) consulted on proposed shark fishing procedures at French Frigate Shoals—procedures which included monitoring seals and deploying anchored equipment. In the analysis, NMFS PIRO determined that 1) disturbance from humans and equipment to protected species is temporary and insignificant and does not exceed those actions previously consulted on; 2) the likelihood of an entanglement or hooking with a protected species is discountable; 3) the likelihood of a vessel colliding with a monk seal or green turtle is discountable; and 4) a potential exists for beneficial effects from the project to monk seals. The PIRO concurred that the project was Not Likely to Adversely Affect ESA-listed Hawaiian monk seals and green turtles, and would have no effect on designated critical habitat.

On May 7, 2010 the PIFSC re-initiated consultation under the ESA to include use of the surprise net to lethally remove sharks at FFS. The PIRO concurred that use of the surprise net, along with the harpoon, spear gun and handline fishing techniques to mitigate the high predation rate by Galapagos sharks on Hawaiian monk seals is Not Likely to Adversely Affect ESA-listed Hawaiian monk seals and green turtles or their designated critical habitat.

10. Is a violation of Federal, state, or local law for environmental protection threatened?

The proposed action does not threaten a violation of federal, state, or local law requirements imposed for the protection of the environment. The NMFS HMSRT personnel operate with all necessary and required permits and approvals from Federal, state, and local agencies.

11. Will the proposed action result in the introduction or spread of a nonindigenous species?

The proposed action would not result in the introduction or spread of a nonindigenous species as all personnel would abide by USFWS rules for packing and transport while in the PMNM. The HMSRT personnel would also abide by the PMNM Best Management Practices for disease and disinfection protocols including disinfection of all gear and equipment with diluted bleach, or Lysol ® All Purpose Cleaner.

FONSI Statement

In view of the analysis presented in this document, the environmental assessment of NMFS Hawaiian monk seal conservation and management activities, including lethal removal of Galapagos sharks using targeted shore-based fishing techniques dated April, 2011, the proposed action will not significantly affect the quality of the human environment with specific reference to the criteria contained in Section 6.01 of NAO 216-6, Environmental Review Procedures for Implementing the National Environmental Policy Act (NEPA). Accordingly, the preparation of an environmental impact statement for the proposed action of issuing one PMNM conservation and management permit is not necessary.

Daniel J. Basta
Director
Office of National Marine Sanctuaries
National Oceanic and Atmospheric Administration

18 MAY 2011

Date