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

Finding of No Significant Impact for Issuance of a Scientific Research Permit, No. 15634, for Research on Endangered Leatherback Sea Turtles in the Pacific Ocean

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: This action would not impact any ocean, coastal habitats, or essential fish habitat. The permit would authorize the capture of leatherback sea turtles using a hoopnet. Researchers would not interact with any substrate nor affect the quality of the water column in which they would work.

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: Issuance of the permit would not affect predator-prey relationships, other species, or any habitat. The research would cause short-term effects to sea turtles, however they would be returned alive to the water. No substantial impact on biodiversity and ecosystem function within the action area would be expected.

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, or other materials that would have a substantial adverse impact on public health and safety. The permit would authorize a trained veterinarian to administer an antibiotic, oxytetracycline, to a small portion of the target animals during research procedures. It is a commonly used drug that is not toxic or

Printed on Recycled Paper

hazardous and because it is only being given to the target sea turtles, is not expected to impact public health or safety.

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 affect endangered leatherback sea turtles during the research. Researchers would conduct aerial surveys to sight animals for subsequent vessel approach, capture, handling, tagging, biological sampling, drug dosing, and/or inserting a stomach pill into the target sea turtles. However, the effects of the proposed action would not be severe and would be short-term in nature. The proposed action would not likely jeopardize the continued existence of any ESA-listed species and would not likely destroy or adversely modify designated critical habitat. The action would not have an adverse impact on any marine mammals or any critical habitat. With the exception of a few non-target fish that could be captured with the turtle in the hoopnet, non-target species would not be affected by this research.

Additionally, the permit would contain mitigation measures to minimize the effects of the research and to avoid unnecessary stress to any listed species by requiring use of specific research protocols.

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

Response: There would 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?

Response: The action is not likely to be controversial. The application was made available for public comment, however no comments were received. The research methods are used by other researchers and are not considered novel; NMFS is not aware of any controversy surrounding the permit application.

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 research could take place in ecologically important areas such as the National Marine Sanctuaries along the U.S. West Coast. However, the researchers would only operate vessels and capture sea turtles using a hoop net at the water surface. None of the research activities would affect the constituent elements of the research area. Researchers would not negatively affect any unique areas in any way.

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

Response: The capture and basic sampling of the proposed research is not new. Researchers have previously conducted the same type of research under Permit Nos. 1227 and 1596 with no significant impacts to the 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: If the permit is issued, it is not expected that the additional effects of this research would result in cumulatively significant impacts. The short-term stresses (separately and cumulatively when added to other stresses the turtles face in the environment) resulting from the research activities would be expected to be minimal. The permit would contain conditions to mitigate adverse impacts to turtles from these activities.

Overall, the proposed action would be expected to have no more than short-term effects on endangered sea turtles and minimal to 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: Beyond the Sanctuaries identified for #7, the action would not take place in any of these areas nor affect them indirectly, thus none would be impacted.

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

Response: The action would not be removing nor introducing any nonindigenous species. Only a small number of native species may be incidentally collected during captures; these animals would be immediately returned alive in the same water mass or retained for dietary analysis back in the lab. Therefore, the action would not result in the introduction or spread of a nonindigenous 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 would not be precedent setting and would not affect any future decisions. Issuing a permit 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.

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 applicant is required to obtain any State and local permits necessary to carry out the action. The applicant has the necessary permits to work in the National Marine Sanctuaries.

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 is expected to have minimal effects on the target species' populations. No substantial 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 analyses contained in the Environmental Assessment and Biological Opinion prepared for issuance of Permit No. 15634, 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.

Helen M. Golde
Acting Director, Office of Protected Resources

4/13/12
Date