



MAY 3 2012

To All Interested Government Agencies and Public Groups:

Under the National Environmental Policy Act (NEPA), an environmental review has been performed on the following action.

TITLE: Supplemental Environmental Assessment on Issuance of a Modification to Scientific Research Permit No. 15566 for Sea Turtle Research in the Northwest Atlantic Ocean

LOCATION: Northwest Atlantic Ocean, in coastal waters between Winyah Bay, SC and St. Augustine, FL

SUMMARY: NMFS proposes to issue a modification to a scientific research permit that authorizes sea turtles to be captured by trawl and handled, blood sampled, measured, flipper and passive integrated transponder tagged, photographed, and released. The purpose of the research would remain the same: to assess temporal change in catch rates, size distributions, sex and genetic ratios, and health of sea turtles. The proposed modification would increase the allowable annual live take of Kemp's ridley sea turtles from 29 to 79 animals. The 50 additional sea turtles would be captured, handled, blood sampled, measured, flipper and passive integrated transponder tagged, photographed, and released. No other changes would be made to the permit. Impacts from these activities would be short-term and minimal to individual animals and negligible to the species. A biological opinion concluded that the proposed action would not likely jeopardize the continued existence of the species and would not likely destroy or adversely modify designated critical habitat. The permit would be valid through the expiration date of the original permit, April 30, 2016.

**RESPONSIBLE
OFFICIAL:**

Helen M. Golde
Acting Director, Office of Protected Resources
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway, Room 13821
Silver Spring, MD 20910
(301) 427-8400



The environmental review process led us to conclude that this action will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared. A copy of the finding of no significant impact (FONSI) including the supporting supplemental environmental assessment (SEA) is enclosed for your information.

Although NOAA is not soliciting comments on this completed SEA/FONSI we will consider any comments submitted that would assist us in preparing future NEPA documents. Please submit any written comments to the responsible official named above.

Sincerely,



Patricia A. Montanio
NOAA NEPA Coordinator

Enclosure



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

MAY 3 2012

**Supplemental Environmental Assessment
Issuance of a Modification to Scientific Research Permit No. 15566 for Sea Turtle Research
in the Northwest Atlantic Ocean**

May 2012

Lead Agency: USDC National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Protected Resources

Responsible Official: Helen M. Golde, Acting Director, Office of Protected Resources

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Document Being Supplemented: Environmental Assessment
Issuance of a Scientific Research Permit for Sea Turtle
Research in the Northwest Atlantic Ocean [File No. 15566]

Location: Northwest Atlantic Ocean, in coastal waters between
Winyah Bay, SC and St. Augustine, FL

Abstract: The National Marine Fisheries Service (NMFS) proposes to issue a modification to scientific research permit No. 15566, held by the South Carolina Department of Natural Resources, Marine Resources Division (Responsible Party: Mike Arendt). The purpose of the research would remain the same: to assess temporal change in catch rates, size distributions, sex and genetic ratios, and health of sea turtles. The proposed modification would increase the allowable annual live take of Kemp's ridley sea turtles from 29 to 79 animals. The 50 additional sea turtles would be captured, handled, blood sampled, measured, flipper and passive integrated transponder tagged, photographed, and released. No other changes would be made to the permit. Under NOAA Administrative Order 216-6, NMFS' issuance of scientific research permits is generally categorically excluded from the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) requirements to prepare an environmental assessment (EA) or environmental impact statement (EIS). However, for this permit NMFS prepared a Supplemental EA (SEA) to facilitate a more thorough assessment of potential impacts on endangered and threatened sea turtles. This SEA evaluates the potential impacts to the human environment from issuance of the proposed permit.



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CHAPTER 1 PURPOSE OF AND NEED FOR ACTION

1.1 DESCRIPTION OF ACTION

NMFS proposes to issue a modification to scientific research permit No. 15566, authorizing “takes”¹ under the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR Parts 222-226) to the South Carolina Department of Natural Resources (SCDNR), Marine Resources Division (Responsible Party: Mike Arendt).

1.1.1 Purpose and Need

The primary purpose of the permit modification is to provide an exemption from the take prohibitions under the ESA to allow “takes”. The need for issuance of the permit modification is related to NMFS’ mandates under the ESA. NMFS has a responsibility to implement the ESA to protect, conserve, and recover threatened and endangered species under its jurisdiction. The ESA prohibits takes of threatened and endangered species, with only a few specific exceptions, including for scientific research and enhancement purposes. Permit issuance criteria require that research activities are consistent with the purposes and policies of the ESA and will not have a significant adverse impact on the species.

1.1.2 Research Objectives

The purpose of the research remains the same as in Permit No. 15566: to assess temporal change in catch rates, size distributions, sex and genetic ratios, and health of sea turtles. The purpose of the requested increase in takes is an increased capture rate of Kemp’s ridley sea turtles (*Lepidochelys kempii*) in the applicant’s surveys and the likelihood that this increase will continue.

1.2 OTHER EA/EIS THAT INFLUENCE SCOPE OF THIS EA

An Environmental Assessment (EA) was completed in April 2011 for Permit No. 15566 (NMFS 2011), resulting in a Finding of No Significant Impact (FONSI). That EA demonstrated that impacts of the action are limited to minor, short-term adverse effects on individual sea turtles targeted by the research. No effects on other components of the environment were likely. All takes authorized under Permit No. 15566 would continue to be authorized by Permit No. 15566-01. The permit expiration date would not change. This Supplemental EA (SEA) therefore focuses on evaluating whether increasing the number of Kemp’s ridley sea turtles targeted will change the manner in which the permit affects the species.

1.3 SCOPING SUMMARY

The scope of this SEA is limited to those analyses that were not included in the 2011 EA: the effects of the increase of annual live takes of endangered Kemp’s ridley sea turtles from 29 to 79. No increase in survey effort is associated with the proposed increase in takes.

¹ The ESA defines “take” as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” The term “harm” is further defined by regulations (50 CFR §222.102) as “an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns including breeding, spawning, rearing, migrating, feeding, or sheltering.”

The National Oceanic and Atmospheric Administration (NOAA) has, in NOAA Administrative Order 216-6 (NAO 216-6; 1999), listed issuance of permits for research on protected species as categories of actions that “do not individually or cumulatively have a significant effect on the human environment...” and which therefore do not require preparation of an EA or environmental impact statement (EIS). A possible exception to the use of these categorical exclusions is when the action may adversely affect species listed as threatened or endangered under the ESA (NAO 216-6 Section 5.05c). Therefore, NMFS has prepared this SEA, with a more detailed analysis of the potential for adverse impacts on endangered species resulting from takes of a specified number of the target sea turtles, to assist in making the decision about permit issuance under the ESA.

Comments on Application

A Notice of Receipt of the application was published in the *Federal Register* (76 FR 78890) announcing the availability of File No. 15566-01 for public comment. No substantive public comments were received.

CHAPTER 2 ALTERNATIVES INCLUDING THE PROPOSED ACTION

2.1 ALTERNATIVE 1 – NO ACTION

Under the No Action alternative, no permit modification would be issued and the applicant would not receive an exemption from the ESA prohibitions against take for the additional 50 Kemp’s ridley sea turtles. Activities under Permit No. 15566 would continue as currently authorized.

2.2 ALTERNATIVE 2 – PROPOSED ACTION (ISSUANCE OF PERMIT WITH STANDARD CONDITIONS)

Under the Proposed Action alternative, a permit modification would be issued to exempt the applicant from ESA take prohibitions for an additional 50 Kemp’s ridley sea turtles during conduct of research that is consistent with the purposes and policies of the ESA and applicable permit issuance criteria.

The permit expiration date would remain April 30, 2016. The modified permit would contain the terms and conditions in Permit No. 15566, which are standard to such permits as issued by NMFS.

Action area

The action area would not change. Activities would continue to occur in coastal waters of the Northwest Atlantic Ocean between Winyah Bay, SC and St. Augustine, FL. Chapter 2 of the EA prepared for Permit No. 15566 contains a description of the action area and is incorporated here by reference.

Proposed Activities

The methods would not change from what was analyzed in the 2011 EA. The proposed modification would increase the authorized number of live Kemp’s ridley sea turtles to be taken from 29 to 79 per year. The 50 additional sea turtles would be captured, handled, blood sampled, measured, flipper and passive integrated transponder (PIT) tagged, photographed, and released

(Table 1) as described in Chapter 2 of the EA prepared for Permit No. 15566, incorporated here by reference. No other changes would be made to the permit. No increase in research effort is associated with the proposed increase in take.

Table 1. Proposed takes of Kemp’s ridley sea turtles in the Atlantic Ocean.

SPECIES	LIFESTAGE	NUMBER OF ANIMALS	TAKE ACTION	PROCEDURES
Turtle, Kemp's ridley sea	Adult/ Subadult/ Juvenile	79	Capture/ Handle/ Release	Collect, tumors; Epibiota removal; Mark, flipper tag; Mark, PIT tag; Measure; Photograph/Video; Sample, blood; Sample, fecal; Transport; Ultrasound; Weigh

CHAPTER 3 AFFECTED ENVIRONMENT

The affected environment would not change from what was described in Chapter 3 of the EA prepared for Permit No. 15566, incorporated here by reference. That EA indicated the action would:

- have no significant social or economic impacts interrelated with significant natural or physical environmental effects.
- not adversely affect Essential Fish Habitat.
- not alter the physical and biological features that were the basis for determining critical habitat for North Atlantic right whales (*Eubalaena glacialis*).

The target species described in the EA prepared for Permit No. 15566 were:

ESA Endangered

- | | |
|--------------------------|-------------------------------|
| Green sea turtle | <i>Chelonia mydas*</i> |
| Kemp's ridley sea turtle | <i>Lepidochelys kempii</i> |
| Hawksbill sea turtle | <i>Eretmochelys imbricata</i> |
| Leatherback sea turtle | <i>Dermochelys coriacea</i> |

ESA Threatened

- Loggerhead sea turtle *Caretta caretta*

The second revision of the Kemp’s ridley Recovery Plan (NMFS, U.S. Fish and Wildlife Service, and SEMARNAT 2011) was published after Permit No. 15566 was issued, therefore updated information on the status of the species follows.

Kemp’s ridley sea turtle

The number of Kemp’s ridley nests has grown from a low of approximately 702 nests in 1985 to over 13,302 nests in 2010. From 2005 through 2010, the number of nests from all monitored beaches indicates that there are approximately 5,500 females nesting each season in the Gulf of Mexico (NMFS, U.S. Fish and Wildlife Service, and SEMARNAT 2011). The updated population model in the second revision of the Kemp’s ridley Recovery Plan predicts the population will grow 19% per year for the near future, and there could be at least 10,000 nesting

females per season on the major beaches in Mexico by 2011 (NMFS, U.S. Fish and Wildlife Service, and SEMARNAT 2011).

The Kemp's ridley was listed as endangered on December 2, 1970. There is no designated critical habitat for the Kemp's ridley sea turtle.

CHAPTER 4 ENVIRONMENTAL CONSEQUENCES

This chapter represents the scientific and analytic basis for comparison of the direct, indirect, and cumulative effects of the alternatives. Regulations for implementing the provisions of NEPA require consideration of both the context and intensity of a proposed action (40 CFR Parts 1500-1508).

4.1 EFFECTS OF ALTERNATIVE 1: No Action

The effects of the No Action alternative, in which NMFS does not issue the permit modification, are the same as the effects of issuing the original permit, No. 15566. Those effects were described and evaluated in the EA for 15566, resulting in a FONSI, and are summarized here.

In the 2011 EA, NMFS determined that, for Kemp's ridley sea turtles:

- The short-term stresses (separately and cumulatively) to sea turtles resulting from the research activities are expected to be minimal and not significantly affect the turtles.
- One unintentional mortality of a Kemp's ridley sea turtle due to trawling was authorized over the course of the five-year permit, but is not expected. This would kill the individual animal, but is not expected to have a detectable effect on the numbers or reproduction of the population.

4.2 EFFECTS OF ALTERNATIVE 2: Issue permit modification with standard conditions

Impacts of the Proposed Action would be limited to 50 additional Kemp's ridley sea turtles. The Proposed Action would not affect any other portion of the environment; therefore only the increased take number is addressed here.

The effects of the Proposed Action would not be expected to differ from those analyzed in the 2011 EA.

The effects of the proposed increase in takes of additional 50 Kemp's ridley sea turtles annually would only translate into an adverse effect on the population or species if it results in reduced reproduction or survival of the individual(s) that causes an appreciable reduction in the likelihood of survival or recovery for the species. In order for the proposed action to have an adverse effect on the species, the exposure of individual animals to the research activities would first have to result in:

- direct mortality,

- serious injury that would lead to mortality, or
- disruption of essential behaviors such as feeding, mating, or nesting, to a degree that the individual's likelihood of successful reproduction or survival was substantially reduced.

Subsequently, mortality or reduction in the individual's likelihood of successful reproduction or survival would then have to result in a net reduction in the number of individuals of the species. In other words, the loss of the individual or its future offspring would not be offset by the addition, through birth or emigration, of other individuals into the population. That net loss to the species would have to be reasonably expected, directly or indirectly, to appreciably reduce the likelihood of both the survival and recovery of the listed species in the wild.

Information from SCDNR annual reports filed since the issuance of Permit No. 15566 indicates that SCDNR captured and processed 169 sea turtles in 2011, including 33 Kemp's ridleys. Stingray barbs pierced the soft tissue of eight of the sea turtles, including two Kemp's ridleys, while these animals co-occurred in the trawl net; all of the sea turtles were ultimately released. No mortalities occurred, and one sea turtle suffered minor abrasions to the marginal scutes of the carapace while on the deck of the processing vessel. These were treated with betadine and the sea turtle was held on board for one hour to conduct a gross neurological exam, after which it was deemed releasable.

Based on this information and past reports from SCDNR, takes of 50 additional Kemp's ridley sea turtles would not be expected to result in serious injury or mortality or disrupt essential behaviors to the extent that reproduction or survival would be reduced; therefore no population or species level effects are expected. The Biological Opinion (BO) prepared for the Proposed Action concluded that the effects were not likely to jeopardize targeted sea turtle species. Conditions in the proposed permit would be the same as those in Permit No. 15566, and were designed to minimize effects to individual sea turtles and non-target species.

4.3 COMPARISON OF ALTERNATIVES

The No Action alternative would have the environmental effects of issuing the original permit, No. 15566. Under the No Action alternative, there would be no opportunity to collect additional information that would contribute to better understanding sea turtles and that would provide information needed to implement NMFS' management activities to help conserve and manage sea turtles, as required by the ESA and NMFS' implementing regulations.

The Proposed Action would affect 50 additional Kemp's ridley sea turtles. The effects would be limited to the short-term stresses of taking those additional sea turtles and would not result in more serious injury or mortality than the No Action alternative. The authorization to take the additional sea turtles would:

- reduce the probability of disruption to sampling efforts to assess the relative abundance of loggerheads and Kemp's ridleys.
- Provide valuable data on the catch location, size, genetic, sex ratio, and injury rate of Kemp's ridleys that would help NMFS' efforts in their continued recovery, as outlined as a clear data need in the draft Kemp's ridley recovery plan.

Neither the No Action nor the Proposed Action alternatives are anticipated to have adverse population or stock-level effects on sea turtles.

4.4 MITIGATION MEASURES

There are no additional mitigation measures beyond those described in Chapter 4.4 of the EA for Permit No. 15566, incorporated here by reference. Those measures are part of the applicant's protocols or conditions that would be required by permit. Permit conditions limit the level of take, minimize the effects of sampling activities on target sea turtles, minimize the effects to bycatch, and require notification, coordination, monitoring, and reporting. In addition, permit conditions prohibit trawling activities (or require stopping them) if

- a small cetacean, with the exception of dolphins or porpoises, is sighted within 50 yards,
- a large whale is sighted within 100 yards, or
- a right whale is sighted within 500 yards.

4.5 UNAVOIDABLE ADVERSE EFFECTS

The measures required by permit conditions are intended to reduce, to the maximum extent practical, the potential for adverse effects of the taking. Individual sea turtles may experience short-term stress and discomfort in response to the activities, but the taking is not expected to have more than a minimal effect on the 50 additional Kemp's ridley sea turtles, and no effect on populations.

4.6 CUMULATIVE EFFECTS

Cumulative effects are defined as those that result from incremental impacts of a proposed action when added to other past, present, and reasonably foreseeable future actions, regardless of which agency (Federal or nonfederal) or person undertakes such actions.

The Proposed Action is not expected to result in more than localized disturbance of animals in the action area. It is likely the effects of the disturbance would be short-term and that the affected animals would recover between disturbances and following conclusion of the permitted research.

4.6.1 Research permits

As summarized in Appendix A, eight active permits, including the permit that the Proposed Action would modify, allow taking of Kemp's ridley sea turtles in areas that could overlap with the Proposed Action area.

Repeated disturbance of individual animals is likely to occur in some instances, particularly in coastal areas (due to the proximity to shore). It is difficult to assess the effects of such disturbance. However, NMFS has taken steps to limit repeated harassment and avoid unnecessary duplication of effort through permit conditions requiring coordination among Permit Holders. Permitted researchers are also required to notify the appropriate NMFS Regional Office at least two weeks in advance of any planned field work so that the Regional Office can facilitate this coordination. NMFS expects that animals would recover from the temporary harassment before being targeted for research by another Permit Holder. NMFS would continue to monitor the effectiveness of these conditions in avoiding unnecessary repeated disturbances.

4.6.2 Other human activities

Historically, one of the major contributors to declines in sea turtle populations was the commercial harvest of eggs and turtles. Today, target sea turtles may be adversely affected by human activities including commercial and recreational fishing (as bycatch via entrapment and entanglement in fishing gear), habitat degradation, and tourism and recreation (via harassment from human approach and presence) within the action area. Of these activities, lethal takes of turtles and the disturbance that results in displacement of animals or abandonment of behaviors such as feeding or breeding by groups of animals are more likely to have cumulative effects on the species than the proposed research activities.

The target species also benefit from human activities undertaken by Federal, state, and or local agencies and organizations including management, conservation, and recovery efforts, nest monitoring, education and outreach, and stranding response programs.

4.6.3 Summary of cumulative effects

The Proposed Action is not expected to have more than minimal effects to the target species at the population or species level. Any increase in stress levels to individual turtles resulting from capture or procedures would dissipate within approximately a day. Injuries caused by tagging and sampling would be expected to heal. NMFS does not expect the issuance of the proposed permit modification to appreciably reduce the species' likelihood of survival and recovery in the wild because it would not likely adversely affect their birth rates, death rates, or recruitment rates. In particular, NMFS does not expect the taking to affect adult female turtles in a way that appreciably reduces the reproductive success of adults, the survival of young, or the number of young that annually recruit into the breeding populations of any of the target species.

CHAPTER 5 LIST OF PREPARERS AND AGENCIES CONSULTED

This document was prepared by the Permits and Conservation Division of NMFS' Office of Protected Resources in Silver Spring, Maryland.

No other agencies were consulted in the preparation of this document.

LITERATURE CITED

National Marine Fisheries Service. 2011. Environmental Assessment. Issuance of a Scientific Research Permit for Sea Turtle Research in the Northwest Atlantic Ocean [File No. 15566]. National Marine Fisheries Service. Silver Spring, Maryland. 28 pp.

National Marine Fisheries Service, U.S. Fish and Wildlife Service, and SEMARNAT. 2011. Bi-National Recovery Plan for the Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Second Revision. National Marine Fisheries Service. Silver Spring, Maryland 156 pp. + appendices.

APPENDIX A. ACTIVE PERMITS IN OR NEAR THE ACTION AREA

Table 1. Existing Permits Authorizing Takes for the Target Sea Turtle Species In or Near the Action Area. The Proposed Action would replace the permit in **bold**.

Permit Number	Permit Holder	Expiration Date
1551	NMFS SEFSC	July 1, 2013
1576	NMFS NEFSC	October 31, 2012
1570	NMFS SEFSC	December 31, 2011
1571	NMFS SEFSC	December 31, 2011
13543	South Carolina Department of Natural Resources	April 30, 2014
14726	Blair Witherington	September 15, 2015
15552	NMFS SEFSC	July 25, 2016
15566	SC DNR	April 30, 2016

Table 2. Types of research activities authorized by active permits on Kemp’s ridley sea turtles. The sex and age class of animals affected varies by permit, as does the time of year and frequency of activity. The Proposed Action appears in *italics*.

Permit No.	Capture	Blood sampling	Fecal sampling/lavage	Laparoscopy	Tissue sampling	Attach instruments	Tags or marks	Mortality
1551	√	√	√		√	√	√	
1570	√				√		√	√
1571					√		√	
1576	√				√		√	√
13543							√	
14726	√		√		√	√	√	
15552					√		√	
<i>15566-01</i>	√	√	√				√	√



MAY 03 2012

**Finding of No Significant Impact
Issuance of a Modification to Scientific Research Permit No. 15566**

Background

In September 2011, the National Marine Fisheries Service (NMFS) received an application to modify Permit No. 15566, issued to the South Carolina Department of Natural Resources, Marine Resources Division to conduct research on sea turtles in coastal waters between Winyah Bay, SC and St. Augustine, FL. 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 (Supplemental Environmental Assessment: Issuance of a Modification to Scientific Research Permit No. 15566 for Sea Turtle Research in the Northwest Atlantic Ocean). In addition, a Biological Opinion was issued under the Endangered Species Act (ESA; May 2012) summarizing the results of an intra-agency consultation. The analyses in the SEA, as informed by the Biological Opinion, support 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 increase the allowable annual live take of Kemp's ridley sea turtles from 29 to 79 animals. The 50 additional sea turtles would be captured, handled, blood sampled, measured, flipper and passive integrated transponder tagged, photographed, and released. No other changes would be made to the permit. There would be no increase in survey effort. The modified permit would continue to include conditions to minimize the impacts of the research on sea grass and other live bottom habitat. The proposed action could not be expected to cause substantial damage to the ocean and coastal habitats and/or 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: Except for increasing the annual live take of Kemp's ridley sea turtles, no changes would be made to the permit. There would be no increase in survey effort. No substantial impact on biodiversity and ecosystem function within the affected 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 does not involve hazardous methods, toxic agents or pathogens, or other materials that would have a substantial adverse impact on public health and 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: As determined in the Biological Opinion, the proposed action would affect the 50 Kemp's ridley sea turtles captured and sampled during the research. However, the Biological Opinion concluded that 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 modified permit would continue to contain mitigation measures to minimize the effects of the research on target sea turtles.

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.

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

A *Federal Register* notice (76 FR 78890) was published to provide the public the opportunity to review and comment on the action. No substantive public comments were received and NMFS does not expect the issuance of the proposed permit to have highly controversial effects on the quality of the human environment.

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: See response to Question #1 for impacts to EFH and live bottom habitat. Except for increasing the annual live take of Kemp's ridley sea turtles, no changes would be made to the permit. There would be no increase in survey effort or change in Action Area. Permit issuance would not affect any other unique areas.

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

Response: The effects of the proposed action on the human environment are predictable based on evaluation of effects of previously permitted actions on the same species.

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 short-term stresses (separately and cumulatively when added to other stresses the turtles face in the environment) resulting from the taking would be expected to be minimal. The permit would contain conditions to mitigate adverse impacts to turtles from these activities.

Overall, the proposed action is expected to have no more than minimal effects on endangered and threatened sea turtle species. The incremental impact of the action when added to other past, present, and reasonably foreseeable future actions discussed in the EA 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 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 non-indigenous species?

Response: The action would not introduce or spread non-indigenous species; therefore, it would not 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?

Response: The decision to issue this modified 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.

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 species that are the subject of the proposed research. The proposed action would be expected to have no more than minimal effects on the target species (Kemp's ridley sea turtles). The effects on non-target species have not changed since the original EA; no substantial effects 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 SEA and Biological Opinion prepared for issuance of Permit No. 15566-01, 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 Golde
Acting Director, Office of Protected Resources

MAY 03 2012

Date