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 Scientific Research Permit No. 16598 for Research on Protected Sea Turtles

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 action would occur in the Key West National Wildlife Refuge, Florida Keys National Marine Sanctuary and Big Bend Sea Grasses Aquatic Preserve. This action would not impact any ocean, coastal habitats, or essential fish habitat (EFH). Sea turtles would be captured by hand or dip net. These methods would not have any impacts on the physical environment. No gear would be set in sensitive areas such as seagrass beds or hard or live bottom habitat and researchers would be required to anchor outside of these areas. The applicant's vessel surveys would involve no more than routine vessel movements at the water surface. Thus no adverse effects to EFH or other portions of the physical environment are expected. The applicant has secured a permit to work in the Refuge and is in the processing of securing other necessary local permits.

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 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 affected areas would be expected. No bycatch is expected from the capture methods.

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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 on 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.

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 individual loggerhead, green, hawksbill, and Kemp's ridley sea turtles targeted for research. Researchers would capture, handle, examine, measure, weigh, flipper tag, passive integrated transponder (PIT) tag, blood sample and release each turtle. A subset of turtles also would be lavaged and/or satellite tagged. Researchers would also be authorized to operate vessel transect surveys to observe and count sea turtles. The effects of the proposed action on the individuals would not be severe and would be short-term in nature. The biological opinion prepared for the proposed action concluded that the action would not likely jeopardize the continued existence of any ESA-listed species and would not likely destroy or adversely modify designated critical habitat. In addition, researchers would be required to watch for marine mammals and take care to avoid approaching or interacting with these species. Therefore, the action is not expected to have an adverse impact on marine mammals. No non-target species would be captured, handled, or affected by this research.

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?

Response: The action is not likely to be controversial. The application was made available for public comment; however no substantive 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: See response to Question 1 on protected areas in the action area. The Office of Protected Resources consulted with the National Ocean Service to determine if the proposed action would result in impacts to the Sanctuary. Sanctuary staff responded

that a Sanctuary permit is not required and that they support the proposed research. Based on the nature of the research as described in Question 1, NMFS does not expect impacts to unique areas. It was determined that none of the research activities, as they would be conditioned, would affect the elements of the action area.

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

Response: The survey, capture, and sampling methods of the proposed research are not new. Researchers have previously conducted the same type of research under Permit No. 1599 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 Permit No. 16598 is issued, NMFS does not expect 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 sea turtles face in the environment) resulting from the sampling and tagging activities would be expected to be minimal. Further, 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 and threatened 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: The action would not take place in any of these areas nor affect them indirectly, thus none would be impacted or destroyed.

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 species; therefore, it 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: Issuance of the research permit would not result in any violation of Federal, State, or local laws for environmental protection. The permit applicant is seeking or has the necessary local permits (see Question 1) and 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 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 sea turtle populations. No substantial adverse effects on other non-target ESA listed 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 supporting Environmental Assessment prepared for Issuance of Endangered Species Act Section 10(a)(1)(A) Scientific Research Permit No. 16598, and the ESA Section 7 biological opinion, it is hereby determined that the issuance of Permit No. 16598 to Inwater Research Group, Inc. will not significantly impact the quality of the human environment as described above and in the environmental assessment. 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.

Helen M. Golde
Acting Director, Office of Protected Resources

7/3/12
Date