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 Permit No. 16556 for Scientific Research on Protected Sea Turtles

National Marine Fisheries Service

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:

Note: Because the applicant (NMFS Northeast Fisheries Science Center (NEFSC)) currently does not have training in some of the requested activities, the proposed action is to issue Permit No. 16556 for only the portion of activities in which the researchers currently have training. Once the NEFSC has gained experience and training in the remaining activities, they may be authorized as a modification to the permit at a future date. Therefore, all of the requested activities are analyzed in the Environmental Assessment (EA) and Biological Opinion (BO) prepared for this permit because 1) the related research objectives meet Endangered Species Act (ESA) issuance criteria, and 2) the analysis of impacts for each activity would not change given that the activity would only be authorized if the applicant has the necessary experience/training.

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: Although these habitats can be found in the action area (Western North Atlantic Ocean), the action would not impact any ocean, coastal habitats, or essential fish habitat (EFH). Sea turtles would be captured by hand, encircle net, hoopnet 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.

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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 impact individual sea turtles, but would not result in population or species level impacts. No substantial impact on biodiversity and ecosystem function within the affected areas would be expected. No bycatch is expected from the capture methods.

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, leatherback, green, and Kemp's ridley sea turtles targeted for research. Sea turtles would undergo a suite of procedures involving examination, marking, biological sampling, and tagging before release. Though not expected, a small number of accidental mortalities would be authorized in the event a sea turtle dies during research activities. Researchers would also be authorized to track and observe sea turtles using a remotely operated vehicle. With the exception of accidental mortality, the effects of the proposed action to individual sea turtles would be short-lived and minimal. The BO 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. The researchers do not intend to target or approach any other species, including marine mammals. In addition, researchers would be required to avoid approaching endangered North Atlantic right whales within 500 yards. Therefore, the action is not expected to have an adverse impact on 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.

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: See response to Question 1 on protected areas in the action area. No work would occur in National Marine Sanctuaries, rivers or wetlands. Terrestrial lands and resources are not within the action area. 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: No. The proposed research techniques are not new or novel to the research community. These activities have been previously analyzed and authorized for other NMFS Permit Holders resulting in findings of no significant impact to the environment.

9) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

Response: If Permit No. 16556 is issued, NMFS does not expect that the additional effects of this research would result in cumulatively significant impacts. The mortalities that would be authorized would not result in population-level impacts to the species. 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. 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 introduce any species to the environment. No living animals would be removed from the environment. Biological samples and carcasses of dead sea turtles would be contained and handled in a safe manner so as not to expose the crew of environment to potential pathogens or nonindigenous species. Therefore, NMFS does not expect the action to 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 required to obtain any Federal, 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 EA prepared for Issuance of ESA Section 10(a)(1)(A) Scientific Research Permit No. 16556, and the ESA Section 7 BO, it is hereby determined that the issuance of Permit No. 16556 to the NMFS Northeast Fisheries Science Center will not significantly impact the quality of the human environment as described above and in the EA. 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

APR 04 2013
Date