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. 14726-02 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." The proposed action is to issue a modification to Permit No. 14726-01 for research on sea turtles in the Gulf of Mexico. 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 proposed action would take place in Essential Fish Habitat (EFH), but the action is not expected to damage the ocean/coastal habitat or EFH. The permit would authorize the capture of sea turtles by dip net. 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: The research authorized by the permit would not substantially affect biodiversity and/or ecosystem function because the research would result in no more than short-lived impacts to the target sea turtle species. The research would cause short-term harm or harassment to target sea turtles but not significantly affect them; the research would not result in population level effects. No other species or portion of the environment would be affected.

3) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

Response: The proposed action involves standard research procedures on sea turtles and does not involve hazardous methods, toxic agents or pathogens, other materials, or activities that would have a substantial adverse impact on public health and safety.

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Aseptic techniques would be followed to prevent impacts to the animals' and the researchers' health.

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 listed sea turtles. However, the effects of the proposed action would not be severe and would be short-term in nature. No significant injuries to any animals would be expected and they would be released after they are sampled and tagged. Increased take levels as a result of expanding the action area does not represent a consumptive use of sea turtles and is not likely to result in significant impacts to the species. The permit would contain mitigation measures to minimize the effects of the research and to avoid unnecessary stress to the sea turtles by requiring use of specific research protocols. The action is not likely to jeopardize the continued existence of any ESA endangered or threatened species and would not destroy or adversely modify any critical habitat. The proposed action would not affect marine mammals, other non-target species, or the habitat of those 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 from the proposed action because the proposed research would not impact use of the area by others.

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

Response: A *Federal Register* notice was published to allow other agencies and the public the opportunity to review and comment on the permit request. No public comments were received. Given the proposed research methodologies are well known and are expected to have minimal effects, NMFS believes that the action is not likely to be controversial.

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 (EFH), or ecologically critical areas?

Response: Activities that have been shown to adversely affect EFH include disturbance or destruction of habitat from stationary fishing gear, dredging and filling, agricultural and urban runoff, direct discharge, and the introduction of exotic species. None of these activities would occur under the proposed action. The proposed action would not affect any unique or ecologically critical areas.

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

Response: The research activities of the proposed research are not new or novel. Researchers have previously conducted the same type of research 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: The proposed action is not related to other actions with individually insignificant, but cumulatively significant impacts. The additional effects of the proposed activities would not result in cumulatively significant impacts; they are not expected to result in significant impacts when added to the other activities already authorized on the subject sea turtles. These activities would be minimally invasive and would not result in serious injury or mortality. Further, the permit would contain conditions to mitigate adverse impacts to species from these activities.

Overall, the proposed action would be expected to have no more than short-term effects on protected sea turtles and 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 affect any districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places as none are found in the action area. The research would not cause loss or destruction of significant scientific, cultural or historical resources.

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

Response: The action would not remove or introduce any species; therefore, it would not result in the introduction or spread of a nonindigenous species. The research activities would not involve bilge water or other issues of concern relative to nonindigenous species. Vessels would not transit between water bodies; rather researchers would depart from different ports in the Gulf of Mexico for 2-3 day trips based on the area they need to survey.

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 the permit modification 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, nor does it involve irreversible or irretrievable commitment of resources.

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. In addition, issuance of the permit modification would not relieve the Permit Holder of the responsibility to obtain any other permits, or comply with any other Federal, State, local, or international laws or regulations 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 minimal effects on affected 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 analysis contained in the supporting Supplemental Environmental Assessment (SEA) prepared for issuance of Endangered Species Act Section 10(a)(1)(A) Scientific Research Permit No. 14726-02, and the ESA section 7 biological opinion, it is hereby determined that the issuance of Permit No. 14726-02 will not significantly impact the quality of the human environment as described above and in the SEA. 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.

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Date