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

Finding of No Significant Impact
Issuance of a Modification to Scientific Research Permit No. 1556-01
held by the Commonwealth of the Northern Mariana Islands (CNMI),
For Sea Turtle Studies [Permit File No. 1556-02]

Background

On August 23, 2009, the National Marine Fisheries Service (NMFS) received a complete application (File No. 1556-02) from CNMI to modify their permit to conduct research on sea turtles. 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 modification issuance. This SEA supports the findings of the EA and FONSI completed for the original permit (2006). In addition, a Biological Opinion was issued under the Endangered Species Act (November 2009) summarizing the results of an interagency 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 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?

> The modification only affects sea turtles. This action would not cause effects to ocean, coastal habitats, or essential fish habitat (EFH). The way the turtles are captured does not differ from the original action.

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.)?

> The research authorized by the permit modification would not substantially affect biodiversity and/or ecosystem function. The research would cause short-term effects to target sea turtles but not significantly affect them, and the research would not have any population level effects. No other species or portion of the environment would be affected.

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

> The proposed action 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.

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?

> The proposed action would affect individual threatened and endangered 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 endangered or threatened species and would not destroy or adversely modify any critical habitat. The action would not have an adverse impact on any marine mammals, as researchers would not interact with them. The research would not affect other non-target species (e.g., bycatch). The permit would contain conditions to minimize the potential effects and stress to target species resulting from the research activities.

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

> There would be no potential for 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?

> NMFS is not aware of controversy surrounding this permit application. A *Federal Register* notice (74 FR 45421) was published to allow other agencies and the public the opportunity to review and comment on the action. No substantive comments were received.

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?

> The proposed action would only allow additional research activities to sea turtles already authorized to be captured and would not affect any of these areas.

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

The proposed research activities are not new or unique. 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?

The proposed action is not related to other actions with individually insignificant, but cumulatively significant impacts. No new activities are occurring in the area since the action was originally analyzed in 2006. If the permit modification 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 species face in the environment) resulting from the research activities would be expected to be minimal. Sea turtles would be exposed to low level harassment and no serious injuries would be expected. The permit would contain conditions to mitigate adverse impacts to species from these activities. The applicant is the only researcher collecting sea turtle data in the action area.

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?

The permit modification would authorize basic marking and examination of sea turtles. The nature of the proposed research dictates that 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. None would be adversely affected. 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 non-indigenous species?

The action would not be removing nor introducing any 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?

The decision to issue this permit modification would not be precedent setting and would not affect any future decisions. Issuing a permit modification 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?

> The action would not result in any violation of Federal, State, or local laws for environmental protection. The permit applicants are 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?

> The action is not expected to result in cumulative adverse effects to the species that are the subject of the proposed research. No adverse effects on other non-target ESA listed species are expected because the proposed action only affects the target species. No non-target non-ESA species would be affected by the proposed action. 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. 1556-02, 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.

James H. Lecky
Director, Office of Protected Resources

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Date