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 Scientific Research Permit No. 14510

Background

In October 2009, the National Marine Fisheries Service (NMFS) received an application for a permit (File No. 14510) from the NMFS Southwest Fisheries Science Center (SWFSC) to conduct research on sea turtles in California waters. In accordance with the National Environmental Policy Act, NMFS has prepared an Environmental Assessment (EA) analyzing the impacts on the human environment associated with permit issuance (EA for the issuance of a Permit for Research on Sea Turtles in California Waters). In addition, a Biological Opinion was issued under the Endangered Species Act (December 2009) summarizing the results of an intra-agency consultation. The analyses in the EA, as informed by the Biological Opinion, support the below findings and determination.

Analysis

National Oceanic and Atmospheric Administration Administrative Order 216-6 (NAO; 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?

> The proposed capture of sea turtles will not occur in areas designated with EFH. The netting occurs in the urbanized portion of the San Gabriel River where the river bed is lined with concrete. The proposed research is not expected to have an effect on the ocean and coastal habitats or physical environment of the action area.

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 proposed action will not have a substantial impact on biodiversity and/or ecosystem function. The sea turtles will be released alive, benthic productivity will not be affected, and no sediment will be disrupted as a result of the proposed

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activities. Any non-target species captured during the netting would be released alive.

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

The proposed activities involve handling and transporting biological samples and carcasses. Researchers will follow all safety protocols to ensure there is no impact to public health or 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 is not expected to adversely affect endangered or threatened species, critical habitat, marine mammals, or non-target species. The action will not take place in critical habitat. Effects to the turtles and bycatch will be short term lasting only hours. There will be no significant adverse effects to individual turtles.

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

There are no significant social or economic impacts related to the proposed action. Therefore, there are no social or economic impacts interrelated with natural or physical environmental effects.

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

The action is not likely to be controversial. The application was made available for public comment and no comments were received. NMFS is not aware of any controversy surrounding this 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?

Research will not affect the characteristics of unique or ecologically critical areas. The research is taking place in an urbanized environment, no substantial impact above and beyond what is currently taking place is expected.

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

The basic sampling of the proposed research is not new and has been used by the applicant and other permitted researchers. 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?

It is not expected that the addition of the impacts of this permit to the existing baseline would result in cumulatively significant impacts. The short-term stresses (separately and cumulatively when added to other stresses the turtles face in the environment) resulting from the research, sampling, and tagging activities would be expected to be minimal. The permit would contain conditions to mitigate adverse impacts to turtles from these activities.

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 proposed action would not take place in areas listed or eligible for listing in the National Register of Historic Places or areas of 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 result in the introduction or spread of a non-indigenous species. All sampling equipment would be cleaned and sterilized after each turtle. Researchers would thoroughly flush the boat and engine before moving among bays thereby eliminating the risk of transport among bays. The boat would be pulled ashore, washed, flushed and stored on land. Also, researchers would never net in more than one bay per day so they will always have time to clean the system before entering a new bay.

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 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?

The action would not result in any violation of Federal, State, or local laws for environmental protection. The permit applicant is required to obtain the necessary permits from state and local authorities.

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. The proposed action would not be expected to have more than short-term effects on sea turtles. No adverse effects on other non-target ESA listed species are expected. The effects on non-target non-ESA species were also considered and no substantial effects are expected, as none would be affected. 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 EA and Biological Opinion prepared for issuance of Permit No. 14510, 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.

APR 20 2010

James H. Lecky
Director, Office of Protected Resources

Date