

**Original Transcript**

**IN RE: MARINE MAMMAL HEALTH and  
STRANDING RESPONSE PROGRAM**

**MEETING MINUTES**

April 9, 2007  
1:16 p.m.

New England Aquarium  
Central Wharf  
Boston, Massachusetts

Lauren Sullivan, Notary Public, Professional Shorthand Reporter,  
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MEETING MINUTES

APRIL 9, 2007

PROCEEDINGS:

MS. HOWLETT: Thanks

everybody for coming today to our Programmatic Environmental Impact Statement with the Marine Mammal Health and Stranding Response Program. I am Sarah Howlett and over here is my colleague, Sarah Wilkin.

The purpose of today's meeting is just to present an overview of the information that's in the draft, PEIS to provide you, the public, with an opportunity to comment on the draft, PEIS. And also to discuss the next step that's we, NMFS will be taking, revising and finalizing the PEIS.

This is our fourth public hearing. We started last week in San Francisco and Seattle and in Silver Spring, Maryland and we have our last hearing tomorrow at St. Petersburg. So we ask that you please sign in, which I think everybody did, to



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1 present oral comments, if you want to make.  
2 oral comments today, you can sign in as  
3 well. If you have written comments, they  
4 may be turned into us today.

5 And just to let you know that our  
6 meeting today is being transcribed by a  
7 court reporter.

8 I'm just going to go a little bit  
9 over the background of the National  
10 Environmental Policy Act, also known as  
11 NEPA, process. So NEPA requires NMFS as  
12 an agency to analyze the potential  
13 environmental impacts of its actions. And  
14 it just means that NMFS needs to consider  
15 the environmental consequences during  
16 decision making to reduce, prevent, or  
17 eliminate environmental damage.

18 NEPA also requires NMFS to provide  
19 areas for public involvement in the PEIS  
20 process. This is obviously one of them  
21 and the scoping process, which occurred in  
22 January, February of 2005 was also an  
23 opportunity for public comment.

24 It's important to know that NEPA



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1 does not dictate the decision that will be  
2 made by NMFS, but it helps to inform the  
3 decision making process.

4           And why did we draft a PEIS? It's  
5 known as policy to prepare a PEIS for  
6 agencies acting that are the subject of  
7 significant public controversy, they may  
8 establish a precedent and principle, they  
9 may result in cumulatively significant  
10 impact or they may have adverse effects or  
11 threaten an endangered species or their  
12 habitats.

13           And just to give summary on why we  
14 did a PEIS. A PEIS is a more  
15 comprehensive document than a normal PEIS  
16 and it considers the impacts of a bunch of  
17 related projects or actions. And so  
18 you'll notice that in the PEIS, we cover a  
19 broad range of impacts and actions instead  
20 of being very specific and detailed.

21           So this is the NEPA process flow  
22 chart. As I said, the scoping process,  
23 which began actually with the notice of  
24 intent in the federal register on December



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1 28, 2005 was under our scoping process.  
2 We then did our environmental analysis and  
3 we drafted the PEIS. Obviously we are in  
4 the public comment period, which is 45  
5 days long and will end on April 30th.

6 After that, we will publish the  
7 final PEIS for a 30-day public review and  
8 then we will issue our record of decision.

9 So obviously, like I said, the  
10 public comments and drafts are due April  
11 30th. Once we receive these comments,  
12 NMFS will review them and furnish them  
13 into the document as we see fit. And we  
14 also have to respond to each of these  
15 comments as well and then we will finalize  
16 the PEIS.

17 It will be issued for a 30-day  
18 public review, hopefully in June of 2007,  
19 and while the public may comment on these  
20 -- On the final PEIS, NMFS does not have  
21 to respond to the comments nor do we have  
22 to take them into consideration when we  
23 issue our ROD. And so the ROD will be  
24 published September or -- Sorry, summer of



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1 2007. And the ROD is simply a document  
2 stating NMFS position on the alternatives,  
3 why we chose these alternatives and the  
4 time line to implement the actions.

5 So, just a brief overview of the  
6 document itself. Section 1 is the purpose  
7 and needs of the proposed actions.

8 Section 2 lists our alternatives,  
9 and if you'd look at the document, you'll  
10 know there's a suite of alternatives under  
11 six different topics, which is stranding  
12 response, carcass disposal, rehab release,  
13 disentanglement and biomonitoring and  
14 research.

15 Section 3 is the effect and  
16 environment and these are the areas of the  
17 environment that we thought our actions  
18 would actually impact.

19 Section 4 are the environmental  
20 consequences or impacts that we feel our  
21 actions may have on those resources in  
22 Section 3.

23 Section 5 is the mitigation. So  
24 these are the actions that we feel we can



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1 take or implement to minimize or reduce  
2 the impacts in Section 4.

3 And Section 6 is the cumulative  
4 impact, which includes our impacts, plus  
5 those that are past, present and future in  
6 the same areas that our actions are  
7 occurring.

8 Now, I will turn this to Sarah and  
9 she can tell you about the proposed  
10 actions and preferred alternatives.

11 MS. WILKIN: Thank you.

12 The proposed actions for our  
13 document is a broad one that's composed of  
14 several kind of smaller actions, but it  
15 includes issuing the policies and best  
16 practices for marine mammal stranding  
17 response, rehab and release, which is a  
18 combination of several different documents  
19 that have been developed in the last  
20 couple of years, issued together in one  
21 kind of handbook for best practices.

22 This includes the new stranding  
23 agreement template, the criteria --  
24 Evaluation criteria for issuing stranding



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1 agreement, the release guidelines, the  
2 rehab facility guidelines, the  
3 disentanglement policies and guidelines and  
4 also the oil spill response.

5           Secondly, is the issue of a permit  
6 under the Marine Mammal Protection Act --  
7 To the program. We currently have an MMPA  
8 ESA Permit that will be expiring at the  
9 end of June this year, so we've applied  
10 for a new one and we'll hopefully be  
11 issued that.

12           The stranding agreement will  
13 continue to be issued and renewed on a  
14 case-by-case basis and other day-to-day  
15 operations would continue including  
16 response, rehabilitation, release etc.  
17 following the policies of best practices  
18 handbook. So -- And the other thing to  
19 focus on is our federal action which would  
20 be the activities that NMFS undertakes,  
21 kind of, on behalf of, or in association  
22 with, the stranding number, such as  
23 issuing the stranding agreement, signing a  
24 release to termination document, etc.



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1           However, we are covering in our  
2 environmental analysis, the activities that  
3 are conducted by the training network  
4 since they're being done under the  
5 authorities. Also, part of the proposed  
6 action will be the continued issuance of  
7 the Prescott Grant to support those  
8 day-to-day operations.

9           So as Sarah said, we divided the  
10 activities of the network and our program  
11 into some kind of broad topic. And under  
12 each one, we looked at three alternatives.  
13 And we came up with one alternative under  
14 each activity that what we called the  
15 preferred alternative or what we believe  
16 we should actually implement.

17           So I'm just going to go through  
18 them and I'm going to give you an overview  
19 of what we're proposing.

20           Under Stranding Agreement and  
21 Response, our preferred alternative, A4.  
22 It says that the new stranding agreement  
23 template will be used, essentially from  
24 here on out, so the next time your



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1 stranding agreement is issued or renewed,  
2 you would see it would be given to you in  
3 this -- Under this template. The final  
4 stranding agreement evaluation criteria  
5 would also be implemented for the next  
6 issuance. So when you are kind of  
7 applying to either renew or get a new  
8 stranding agreement issue, you would be  
9 evaluated based on this criteria.

10           And the current activities of the  
11 training network would continue with the  
12 ability to add new adaptive activities as  
13 necessary. We would look at those  
14 activities at that time, decide if they  
15 were covered under the environmental  
16 analysis that had been done as part of  
17 this document. If not, we would do a  
18 supplemental document then. But we have  
19 given ourselves some freedom to kind of  
20 enhance and change the activity for the  
21 future.

22           Carcass disposal and our preferred  
23 alternative is B3 and basically this boils  
24 down to the recommendation to transport



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1 chemically euthanized carcasses or other  
2 carcasses where we have introduced  
3 chemicals into them, off-site for disposal.  
4 And the disposal could then be  
5 incineration, landfill or another means,  
6 such as composting, but basically not  
7 leaving that -- Those chemicals and the  
8 carcass in the environment.

9           However, animals that die naturally  
10 or are euthanized by another means, like  
11 chemical, can be disposed of by whatever  
12 means is feasible and allows, depending on  
13 the locality where the stranding occurred.  
14 So that would include beach burial, towing  
15 or incineration, landfill.

16           Under the rehabilitation activities  
17 and preferred alternative C3, which would  
18 essentially continue the rehabilitation  
19 activities with the ability for NMFS to  
20 designate these abilities and modify rehab  
21 activities as necessary. We would also  
22 implement the final rehabilitation facility  
23 standards and enforce them to what we call  
24 the minimum level. If you look at the



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1 document, it has kind of criteria listed  
2 under minimum and the recommended. And  
3 those would be enforced to be on an  
4 instruction program, which we are beginning  
5 to implement and we would phase in the  
6 rehab facility standards over the next  
7 three years.

8 That's our proposed time line,  
9 that's something that you can comment on  
10 if you think that's enough time.

11 The release of rehabilitated  
12 animals, under the preferred alternative  
13 D3, currently, this activity would  
14 continue. And again, we have the ability  
15 to modify these in the future, if  
16 necessary. But we would also implement  
17 the final criteria effective immediately,  
18 so these are the criteria that NMFS would  
19 use when analyzing a new determination  
20 request to decide if the animal should be  
21 released or not.

22 Disentanglement is the next kind of  
23 activity area and a preferred alternative  
24 under this is E3, which would continue



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1 with the current activity for the  
2 disentanglement network, with the ability  
3 to add new participants and modify  
4 activity and technology, as necessary.

5           Again, if those modifications  
6 stayed within the scope of PEIS, they  
7 would be covered. If they went outside,  
8 we would do something else. Disentanglement  
9 of small cetaceans -- Would continue under  
10 the authority of your stranding agreement.  
11 The new ESA MMPA permit that was issued to  
12 the program would authorize current and  
13 future disentanglements for ESA-listed  
14 species which aren't covered any other  
15 way.

16           The East coast network would  
17 essentially continue its current activities  
18 and continue -- The current way of being  
19 organized. The west coast network would  
20 modify to coordinate the structure and  
21 training with the East coast paragon and  
22 that would take affect immediately. That  
23 has already actually begun after several  
24 training that were held there last year.



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1           And the disentanglement guidelines  
2 are training prerequisite to the criteria  
3 document would be implemented nationwide in  
4 a phased-in system over the next time  
5 period.

6           Biomonitoring and research is our  
7 final category of activities. Our  
8 preferred alternative here is F3, which  
9 would result in the MMHSRP obtaining a new  
10 ESA MMPA permit to include current and  
11 some future biomonitoring and research  
12 activities.

13           We do note here, we have applied  
14 for a new permit. If it can't be issued  
15 prior to the expiration of the current  
16 permit, we will be exploring ways to  
17 extend or amend the permit so that there  
18 is not a gap.

19           And finally, I wanted to draw your  
20 attention to mitigation, which is Section  
21 5 and I think that is a key section in  
22 the document for you, the public, members  
23 of the stranding program to look at.

24           Mitigation, the purpose is to



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1 protocols that policy handbook is  
2 identified as a major mitigation measure.  
3 By implementing those policies, we feel  
4 like we have minimized or eliminated some  
5 of the potential negative impact. Again,  
6 I draw your attention to mitigation  
7 because I would look at it because this is  
8 essentially what we are promising to do in  
9 the future to reduce our impact, not only  
10 on our behalf as NMFS, but also on your  
11 behalf as the stranding network.

12           And now, it's time for oral  
13 comments.

14                           MS. HOWLETT: Did anybody  
15 want to give an oral comment today? Okay.  
16 So if you're obviously not giving an oral  
17 comment today, written comments, you can  
18 hand in any that are here today. We have  
19 comment sheets out there as well you can  
20 use if you want to write anything down  
21 today and hand in.

22           You also may provide email, mail or  
23 fax to Dave Cottingham, who is the chief  
24 of Marine Mammal and Sea Turtle division.



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1 avoid, minimize or eliminate the negative  
2 impact from the actions. And so, what  
3 we've done was for every alternative where  
4 we identified a significant impact that  
5 could occur from our activities or our  
6 actions, we have developed a mitigation  
7 measure or something that we feel we can  
8 implement to reduce that impact. These  
9 are some of the examples.

10 In where the stranding has  
11 occurred, the stranding response, in a  
12 sensitive or protective habitat, for  
13 instance, a park. The stranding network  
14 will coordinate with the responsible  
15 authorities in determining how to go about  
16 those. Again, when doing a response,  
17 particularly for live animals, only doing  
18 procedures on live animals, qualified  
19 personnel will be used for capture,  
20 restraint, specifying that, that would be  
21 experienced veterinarians, if possible, but  
22 otherwise, that the activities will be  
23 done under the guidance of a veterinarian.

24 Also, the uses of the standards and



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11 I further certify that I am neither  
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15 of this action.

16 In witness whereof, I have hereunto set  
17 my hand and seal this 24<sup>th</sup> day of April  
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19  
20   
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22 Lauren Sullivan

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