

MARINE MAMMAL HEALTH AND STRANDING RESPONSE

PROGRAM ENVIRONMENTAL IMPACT STATEMENT

PUBLIC HEARING

ORIGINAL

DATE: April 10, 2007

TIME: 4:00 p.m. - 5:00 p.m.

PLACE: National Marine Fisheries Service
263 - 13th Avenue, South
St. Petersburg, Florida

REPORTED BY: Carmen Snapp, Court Reporter
Notary Public
State of Florida at Large

PRESENT: Sarah Howlett, Fishery Biologist
Sarah Wilkin, Fishery Biologist
Office of Protected Resources
National Marine Fisheries Service

SUNCOAST REPORTING SERVICES, INC.
700 Central Avenue, Suite 404
St. Petersburg, FL 33701
(727) 823-1876

1 MS. HOWLETT: Welcome everyone to our public
2 hearing on the programmatic -- draft programmatic
3 environmental impact statement for the marine
4 mammal health and stranding response program.

5 I am Sarah Howlett, and I'm here today with
6 my colleague Sarah Wilkin. The purpose of this
7 meeting today is just to present you an overview
8 of the information that's contained in the draft
9 document and also to provide the public an
10 opportunity to comment on the content of the
11 document and to discuss the next steps that NMFS
12 will be taking and revising and finalizing the
13 draft PEIS.

14 This is our very last public hearing. We
15 started them last week in San Francisco, Seattle
16 and in Silver Springs, and we were in Boston
17 yesterday.

18 If you have oral comments, we ask that you
19 please sign up at the registration table in the
20 back. We also will accept written comments today
21 on the document. And just to let you know,
22 transcripts are being recorded by our court
23 reporter.

24 So I'm just going to give a little bit of
25 background on the National Environmental Policy

Act, or NEPA process. So NEPA requires NMFS to analyze the potential environmental impact of a major federal action. This means NMFS needs to consider the environmental consequences that its actions may have. And during the decision making process to reduce, prevent, or eliminate these environmental impacts.

NEPA also requires NMFS to provide opportunities for public comment. This is obviously one of them. And the scoping period that we held last year in January and February of 2005 was also an opportunity to comment on the process.

It's important to note that NEPA does not dictate the decision that will be made by NMFS, but it helps to inform the decision-making process.

Why did we draft a PEIS? It's NOAA'S policy to prepare a PEIS for agency actions that may be subject to public controversy, have uncertain environmental impacts or risks, result in cumulatively significant impacts, have adverse effects on threatened and endangered species or their habitat or they may establish a precedent or decision of principle about future proposals.

1 And it's just important to note that the
2 programmatic EIS is a more broad scope of a
3 document rather than a regular EIS. We assess
4 more projects and actions that are related instead
5 of one single project or action. So when you look
6 at the EIS, you'll see that we've broadly looked
7 at the general impacts that our actions will have
8 on the environment and we're not extremely
9 specific to one area.

10 So this is a EIS process flow chart. The
11 notice of intent for our document went out on
12 December 28, 2005. And it started the scoping
13 process for us. The environmental analysis was
14 conducted as of last year. And the draft PEIS was
15 available March 16th of 2007, and published in the
16 federal register.

17 Currently we're in the public comment period,
18 which will last for 45 days and ends April 30th.
19 After that we will have the final PEIS out for
20 public review for 30 days, and then we will issue
21 our record of decision.

22 Just a little clarification for some of
23 these, public comments are due April 30, 2007 on
24 the draft document. Once we receive those
25 comments, we will review them and merge them into

the document as we see necessary. And we actually will respond to everybody who comments on the document.

And then we will finalize the PEIS. Like I said, we will issue the final PEIS for a 30-day review. We accept comments on it, but NMFS doesn't have to do anything with the comments it receives. We don't have to incorporate them into our decision.

And then we will publish the record of decision the summer of -- this summer 2007. And the record of decision just says what NMFS has decided upon, what alternatives it's going to implement, and how these will be implemented at the time line for implementation. And as you'll see in the document, we do have our preferred alternatives listed already, which we hope to actually issue.

Just a little bit of the overview of the document. If you've already looked at it, you'll know that section one is our purpose and need for the proposed actions.

Section two are our alternatives. We have a suite of alternatives that are broken down into six different topics. Stranding response, Carcass

1 Disposal, Rehabilitation, Release,
2 Disentanglement, and Biomonitoring and Research.

3 Section three is the affected environment.
4 So these are the resource areas that we feel our
5 actions may impact.

6 Section four are the environmental
7 consequences or the impacts that our actions will
8 have on those resources that we listed in section
9 three.

10 Section five are mitigation measures that we
11 have come up with that we feel will minimize or
12 reduce any of the impacts that we have talked
13 about in section four.

14 And section six are our cumulative impacts.
15 And this is how our actions along with those
16 occurring now or have happened in the past or will
17 happen in the future, how they will impact those
18 areas that we have listed in the affected
19 environments.

20 So I will give it to Sarah and she will talk
21 about the proposed actions and the preferred
22 alternatives.

23 MS. WILKIN: All right. As you may remember
24 from scoping or from reviewing the document, our
25 proposed action is quite broad and programmatic

1 and it encompasses four major areas. The first
2 being the issuance of the policies and best
3 practices for marine mammal stranding response
4 rehabilitation and release. This is a combination
5 of many documents that have been drafted in the
6 last several years and have been out for public
7 comment several times. They are currently out as
8 interim guidance. And we're proposing the issues
9 in this final guidance. This includes the
10 stranding agreement template, the evaluation
11 criteria for stranding agreements, the
12 rehabilitation facility guidelines, the release
13 criteria, the disentanglement guidelines, and the
14 oil spill response guidelines.

15 The second thing is the issuance of an
16 Endangered Species Act, Marine Mammal Protection
17 Act Permit to the program. We currently have a
18 permit that we're operating under that is slated
19 to expire at the end of June of this year. So we
20 are proposing -- we have already applied for a new
21 permit and we're proposing that that permit be
22 issued.

23 Stranding agreements would continue to be
24 issued or renewed on a case-by-case basis, but
25 utilizing the documents from the Policies and Best

Practices Manual. And other day-to-day operations of the stranding and disentanglement networks would essentially continue with response, rehabilitation, release determinations, et cetera.

And I do want to emphasize that when we talk about proactions, we're primarily concentrating on the actions that are federal actions, in other words, those that NMFS itself is undertaking.

So, for example, for release of an animal, it is primarily the release determination that NMFS is signing.

However, since we are authorizing the activities of the stranding network and the stranding agreements, we, in this document, have looked at all of the activities that are conducted by network members.

Also included in day-to-day operations is the issuance of Prescott grants, which I have found to be a very important topic.

All right. So, as Sarah mentioned, we broke down the activities of the network and the activities of the program into six kind of major activity topics. And then under each of them, we composed several different alternatives of things that could be done. And then we analyzed each of

1 those alternatives for its impact on the
2 environment and we chose one to be our preferred
3 alternative or what we actually wish to implement.
4 And I'm just going to go through those one by one.

5 So, under the Stranding Agreements and
6 Response, our Preferred Alternative A4 says that
7 we would utilize the new stranding agreement
8 template. Part of the policy is a protocol
9 document. The next time that the stranding
10 agreements come up for a renewal or if you're a
11 brand new facility joining the stranding network
12 when your stranding agreement is issued. And the
13 stranding agreement evaluation criteria that are
14 also part of the manual would be implemented for
15 the next time your stranding agreements are
16 renewed or issued. So the determination of
17 whether to sign a stranding agreement would be
18 evaluated using those criteria.

19 And, for the most part, the current
20 activities of the stranding network would
21 continue. And this alternative also gives us the
22 flexibility to add new activities if necessary as
23 they would come, as we develop technology or just
24 response tactic. If those new activities would
25 contribute more towards an environmental impact or

have different impacts than we've analyzed, we would analyze them separately at that time later.

UNIDENTIFIED SPEAKER: Can I just clarify that in the southeast we already renewed our stranding agreements and they are --

MS. WILKIN: Using that template.

UNIDENTIFIED SPEAKER: We're using that template.

MS. WILKIN: Yeah.

UNIDENTIFIED SPEAKER: So we renewed them last year for the next three years, just for those of you who have them, they're that basically.

MS. WILKIN: Yeah. In some regions this is not going to change from what's going on, but this would be implemented nationally. So all of the stranding agreements in the country will look essentially the same with some of those areas that are allowed for regional flexibility.

So Carcass Disposal, our Preferred Alternative is B3, under this alternative we recommend that carcasses of animals that were chemically euthanized on the beach be transported off-site for disposal. And that could be by incineration, landfill, composting, or any other method, but basically that animals where you have

1 introduced chemicals into them not be allowed to
2 remain on the beach.

3 However, animals that die naturally or are
4 euthanized by means other than chemical euthanasia
5 can be disposed of by whatever means feasible and
6 allowed in the locality where that stranding
7 occurred.

8 On to Rehabilitation, our Preferred Activity
9 Alternative is C3. And current rehabilitation
10 activities would continue in those facilities that
11 are authorized to do rehab now with the ability to
12 designate new facilities and modify rehab
13 activities as necessary. And we would finalize
14 the rehabilitation facility standards that are
15 included in our policies and protocols, and
16 implement them and enforce them to what's the
17 minimum standards. So within that document there
18 is identified a minimum and a recommended. We
19 would be enforcing them to the minimum, via an
20 inspection program that we expect to be phased in
21 over some time period. We're proposing three
22 years. And that's something that can be commented
23 on.

24 The Release of Rehabilitated Animals, the
25 Preferred Alternative is D3, which is that the

1 current release activities would continue with the
2 ability to modify them as necessary and, again, as
3 technology advances. And the final release
4 criteria would be implemented by NMFS. And so
5 these are the criteria that NMFS would use when
6 reviewing a release request and making a
7 determination.

8 Under Disentanglement, our Preferred
9 Alternative is E3, which continues the current
10 activities of the disentanglement network with the
11 ability to add new participants and modify
12 technologies. Disentanglement of small cetaceans
13 and pinnipeds would be authorized under stranding
14 agreements instead of any kind of external
15 agreement. The ESA MMPA permit that's issued to
16 the program would also authorize the
17 disentanglement network for their activities with
18 ESA-listed species, which are authorized apart
19 from a permit.

20 For the large whale disentanglement network
21 activities on the east coast would continue
22 essentially unchanged. The west coast
23 disentanglement network would modify its structure
24 to kind of coordinate with the east coast and also
25 implement training. This has already begun on the

1 west coast with a series of training workshops
2 that were held last year. And we would also
3 implement the disentanglement guidelines and
4 training prerequisites nationwide over some kind
5 of a phased-in approach.

6 And, finally, for Biomonitoring and Research,
7 our Preferred Alternative F3 is that we would
8 apply for and obtain a new permit to include
9 current and future biomonitoring and research
10 activities. We have identified the activities
11 that we're interested in pursuing as part of the
12 document. And that application has been
13 submitted, but as I say up here, if the new permit
14 can't be issued prior to the expiration of the
15 current permit, then we will explore ways to
16 extend or amend our current permit.

17 And, finally, the section that I really want
18 to draw your attention to as stranding network
19 members is mitigation. And it's section five of
20 the EIS. And so the purpose of mitigation is to
21 avoid, minimize, or eliminate negative impacts
22 from activities. So essentially everywhere in the
23 document where we have identified an impact that
24 the activities of the stranding network or our
25 program has on the environment, we have developed

1 a mitigation measure in order to try and avoid,
2 minimize, or eliminate that impact.

3 In a sense, these are what we're committing
4 towards doing in the future and what we're
5 committing the network to doing on our behalf to
6 reduce these impacts. So these are just a few
7 examples for stranding response where the response
8 occurs in a sensitive or protected habitat, for
9 instance, in a park setting or some other kind of
10 protected area. The stranding network responders
11 will coordinate with the responsible authorities
12 in order to make sure they're aware of everything
13 and the authorities know the activities that are
14 being conducted.

15 When animals are being captured and
16 restrained either in a beach response setting or
17 in a rehabilitation facility, that will be done
18 only by qualified personnel, so personnel who are
19 experienced in the capture and restraint of
20 animals. Experienced veterinarians will oversee
21 the process where possible or the personnel who
22 are doing the capture and restraint will be under
23 the direction of a veterinarian and the uses of
24 the standards and protocols. So much of that
25 document -- much of those documents we've

1 identified as mitigation measures that
2 essentially, if facilities meet the evaluation
3 criteria for a stranding agreement, then that is
4 mitigating the impacts of the stranding network on
5 the environment.

6 So I would just draw your attention to this
7 to really look at and comment on as far as
8 expectations and whether or not they seem
9 reasonable. And with that, we'll switch to
10 comment.

11 MS. HOWLETT: Did anyone want to make oral
12 comments today?

13 (No response)

14 MS. HOWLETT: If someone wants to make an
15 oral comment, written comments, as I said, will be
16 accepted until April 30th. If you have anything
17 prepared today, you can definitely hand it in to
18 us. We have a blank comment sheets in the back
19 that you can write something down real quick if
20 you want to or you can send them by mail or e-mail
21 to this address. And it's also on all of your
22 handouts as well. And we just ask that in your
23 comments you bring forward specific concerns
24 regarding the content of the draft. Any changes
25 to alternatives, environmental consequences,

1 anything you think we may not have analyzed or the
2 impacts if you don't think we've analyzed them
3 properly. And then additional information is
4 available for view at public libraries. It's also
5 available on our web page, which the address is
6 listed here and also on your handouts as well. If
7 you registered in the back and you checked that
8 you would like to be on our mailing list, that
9 means that you will receive a copy of the final
10 PEIS. And also if you comment on the document,
11 you automatically get a copy of the final PEIS.
12 That's it. If you guys have informal questions we
13 can do that off the record.

14 MS. WILKIN: And thank you for coming.

15 (MEETING CONCLUDED AT 5:00 P.M.)
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF PINELLAS)

4 I, CARMEN SNAPP, Court Reporter, in and
5 for the State of Florida:6 DO HEREBY CERTIFY that the foregoing
7 meeting was had at the time and place set forth in
8 the caption thereof; that I was authorized to and
9 did stenographically report the said meeting and
10 that the foregoing pages, numbered 1 through 16,
11 inclusive, is a true and correct transcription of
12 said stenographic report.13 IN WITNESS WHEREOF, I have hereunto
14 affixed my official signature this 20th day of
15 April, 2007, at St. Petersburg, Pinellas County,
16 Florida.17
18 
19 CARMEN SNAPP
20 Court Reporter
21
22
23
24
25