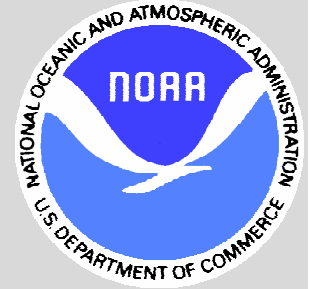


Steller Sea Lion and Northern Fur Seal Research

Environmental Impact Statement

NOAA-National Marine Fisheries Service

May 2006



This newsletter is the second in a series of newsletters regarding the Steller Sea Lion and Northern Fur Seal Research Environmental Impact Statement (EIS). It is being mailed to federal, state, and local agencies; elected and appointed officials; Alaska Native groups; other interested organizations; and individual citizens within or adjacent to the project study area, or who have specifically expressed an interest, to inform people about the study process and to solicit comments. This and any previous or subsequent newsletters can be found on the project website <http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm>.

Overview

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) is preparing an EIS to analyze the potential environmental impacts of administering its grant and permit programs for Steller sea lions (*Eumetopias jubatus*) and northern fur seals (*Callorhinus ursinus*). The need for this action is to facilitate research to: 1) prevent harm and avoid jeopardy or disadvantage to the species; 2) promote recovery; 3) identify factors limiting the population; 4) identify reasonable actions to minimize impacts of human-induced activities; 5) implement conservation and management measures; and 6) make data and results available in a timely manner for management of the species. As part of this action, NMFS will evaluate measures that will improve efficiency and avoid unnecessary redundancy in Steller sea lion and northern fur seal research, utilize best management practices, facilitate adaptive management, and standardize research protocols. NMFS conducted scoping activities from December 28, 2005 through February 27, 2006 for the Steller Sea Lion and Northern Fur Seal Research EIS.

The purpose of the scoping program was to provide project information to, and gather input from, agencies, officials, and the public. Scoping was conducted to:

- Share current project information
- Identify issues and concerns that should be addressed in the EIS
- Solicit comments regarding proposed alternatives
- Identify a reasonable range of alternatives for research that would meet the project purpose and need
- Gather recommendations for improving project concepts

Scoping Methods and Meetings

Scoping methods included development of a project mailing list, an introductory newsletter and comment form, newspaper announcements, a project e-mail address, a website, and invitational letters to agencies and federally recognized tribes.

Public scoping meetings were held on January 18, 20 and 23, 2006, in Silver Spring, Maryland, Seattle, Washington, and Anchorage, Alaska, respectively. On February 7, 2006, NMFS held an agency meeting and a government-to-government meeting with federally recognized tribes via teleconference as part of the scoping process. During scoping, public and agency comments were received via the U.S. mail, fax, e-mail, and verbally at scoping meetings. Both formal and informal comments were made during the scoping process.

This newsletter discusses the results of these scoping activities and explains the next steps in the project development process for the Steller Sea Lion and Northern Fur Seal Research EIS.



Northern Fur Seal Bulls with Harems, St. Paul Island.
Photo by Rolf Ream, NMML, 1992

What Did We Hear?

The scoping comments received on the SSL and NFS Research EIS have been categorized under issue topics that are based on 1) the factors of analysis that NMFS is required to address in preparing an EIS, and 2) additional issues raised by the public. Comments received on the 2002 and 2005 Environmental Assessments (EAs) of the Effects of Permit Issuance for Research and Recovery Activities on SSL (Permit EAs) are incorporated into this scoping process given their relevance to the issues considered in this EIS. Each comment was carefully reviewed, categorized by major themes, and entered into a scoping comments database to facilitate retrieval and tracking throughout the EIS process. The database will be reviewed periodically during the EIS process to ensure that the scoping comments from the public and agencies are being addressed.

Summary of Scoping Comments

Alaska Native Issues

- Environmental justice issues should be addressed in the EIS.
- Questions asking about the role of Tribal governments in the EIS and the decision-making process.
- Comments on potential effects of the proposed action on subsistence users.

Alternatives

- Comments related to the inadequacy of alternatives analyzed in the 2002 and 2005 SSL Permit EAs.
- Comments in support of, or against, alternatives analyzed in the 2002 and 2005 SSL Permit EAs.
- Suggestions for alternative components that should be analyzed in the EIS.
- Discussions related to a reasonable range of alternatives.

Branding/ Hot Branding

- Concern that hot branding is an inhumane, intrusive method for marking animals, causes too much disturbance on rookeries and should not be used. The risks associated with hot branding outweigh the benefits.
- Effects of hot branding should be studied further before additional hot branding is authorized.
- Post branding monitoring is needed to understand its effects and ensure its effectiveness and utility.

- Concern that too many animals are branded each year.

Conservation of the Species/ Conservation Goals

- Permitted research should be focused on contributing to the conservation of the species.
- The permitted research activities are not contributing to the conservation of the species.
- Concern that proposed research does not appear to be conducted in a manner that promotes conservation of the species.
- Research objectives should be coordinated with the overall goal of recovering and conserving the species.

Coordination

- There is a lack of coordination among permitted research and it needs to be coordinated.
- NMFS has authorized permits without regard to how they all fit together to answer questions related to recovery and conservation of the species. Without such an approach, populations and areas are being over-sampled.
- Research must be coordinated to ensure that methodologies being used are comparable.

Credentials of Researchers

- Comments related to the qualifications/credentials of researchers conducting certain types of research, particularly invasive research.
- Suggestion that veterinarians should administer anesthesia or dart animals.

Cumulative Effects

- The EIS should include discussion of the cumulative or synergistic effects of research on the animals.
- Cumulative effects were not addressed in the 2002 or 2005 Steller Sea Lion Permit EAs.
- Research is causing significant adverse cumulative effects on the species.
- Comments related to specific issues that should be included in the cumulative effects analysis.
- The cumulative effects of research exceed the sustainability of the population.
- All permits should be suspended until cumulative effects of research are analyzed.

Duplication of Research Effort

- Due to the lack of coordination of research activities permitted, there is duplication of effort that is harmful to the species.
- Some of the methodologies being used appear duplicative.

Editorial

- Editorial comments regarding text, tables or figures in the 2002 or 2005 SSL Permit EAs.

Effects of Research

- The effects of the invasive research taking place on these animals needs to be addressed. This should be addressed before any additional permits are approved.
- NMFS has not demonstrated that the effects of research will be insignificant.
- Specific comments on the effects of particular methods being used during research.
- Any given research method can have a wide range of disturbing effects.
- The cruelty of certain types of research is disturbing and lacks justification.
- The effects of administering multiple research methods on the same animal are not well documented and should be analyzed.

Endangered Species Act

- NMFS cannot meet its burden of proof under the ESA and MMPA to show that this research will clearly benefit the species.
- This research is in violation of the ESA.
- The quality and level of analysis required is lacking and does not meet the requirements of the ESA.

Inadequate Information

- There is inadequate information to fully understand the effects of research.
- Comments related to inadequate information provided in specific research permit applications (e.g. sampling locations, justification for specific protocols, mortality rates, etc.)

Methodology

- Research methods are inhumane; other methods that are less invasive should be used.
- Research methods are not justified.

- Effects of research methods are not well documented; not enough is known about the effects of certain research methods.
- Research methods should address questions or hypotheses related to the primary research goals listed in the SSL Recovery Plan and the NFS Conservation Plan.
- When there are conflicting methodologies, NMFS should clarify whether or how each fits within overall recovery goals.
- Suggestions on specific methodologies and how they should be administered (e.g., only veterinarians should administer anesthesia or that researchers working on rookeries should be briefed by biologists on how to minimize impacts).
- A power analysis for research methodologies should be done before any more invasive research is permitted.
- NMFS should create an independent research panel of outside experts to help identify the best methodologies to be used; a workshop that includes outside experts should be organized by NMFS to determine the best methodologies.
- When possible, new invasive methodologies should be tested on non-listed species first to determine their effects on subject species and effectiveness in attaining research objectives.

Mitigation

- Mitigation measures are not discussed in all permit applications.
- The EIS should discuss appropriate mitigation measures that should be implemented as part of the proposed action.

Marine Mammal Protection Act

- NMFS cannot meet its burden of proof under the MMPA to show that this research will clearly benefit the species and that the level of incidental mortality is acceptable.
- NMFS has not conducted the required level of analysis on the effects of research as required under the MMPA.
- Issuing permits for research violates the MMPA; approval of invasive research should be suspended until a comprehensive evaluation of effects and the contribution to recovery and compliance with MMPA are demonstrated.

Monitoring

- NMFS must suspend permits until an adequate monitoring program to evaluate effects of research is in place.
- Monitoring the long-term effects of research (e.g. hot branding) should be done.
- A monitoring program administered by NMFS should include ways to assess cumulative effects.

Mortality

- Comments expressing concern over the level of mortality described in specific permit applications; the rate of mortality described in some permit applications does not appear insignificant as NMFS concludes.
- Comments regarding research techniques that should not be used because they result in an increased level of mortality.
- The level of mortality (take) approved by NMFS is unacceptable, particularly for an endangered population.

National Environmental Policy Act

- The 2002 and 2005 SSL Permit EAs are inadequate and violate the requirements of NEPA; NMFS' Finding of No Significant Impact (FONSI) should be re-examined.
- The quality of analysis of the effects of research as required under NEPA are lacking at this time.
- Specific comments on what should be included in the SSL and NFS Research EIS; direct, indirect and cumulative effects should be analyzed in a single NEPA document.
- Questions related to why the EIS is not called a programmatic EIS since it is analyzing the effects of the grant and permit programs.
- Preparation of an EIS should be undertaken prior to issuance of permits rather than after the fact.
- Permits and permit modifications or amendments should be suspended until the EIS is complete.

Potential Biological Removal

- Concern that the level of take exceeds the Potential Biological Removal (PBR) for the species.
- The cumulative effects of research activities, when added to other factors such as Native harvest, could exceed the PBR and is clearly a significant impact.

- NMFS should require researchers to consult on how to reduce incidental mortality to ensure PBR is not exceeded.

Permits

- Comments expressing concern over the lack of sufficient information in specific permit applications to adequately assess impacts of research.
- Comments highlighting discrepancies in numbers or information presented in specific permit applications.
- NMFS must consider suspending all permits until a thorough EIS evaluating the effects of research is complete.
- Concerns related to invasive techniques described in specific permit applications.
- Research permits should be carried out under the respective co-management agreements.
- An overall assessment or description of all permit modifications should be developed by the agency so the effects of these permit changes can be understood.
- Permit applicants should be required to address how their activities address a critical need and justify why certain methodologies must be used, particularly if they are invasive.

Reporting Requirements

- Comments regarding discrepancies in applicant reports on permitted activities.
- Researchers are not doing an adequate job of reporting effects of their research activities to NMFS.

Sample Sizes; Techniques

- Specific suggestions for quality control of sample sizes, locations and techniques used to minimize impacts to SSL and NFS; sampling techniques should be coordinated so results are comparable.
- Concerns related to sample sizes, locations and techniques used for specific types of research; there is an apparent lack of integration and coordination of research for determining appropriate sample sizes, locations and techniques.
- A power analysis should be undertaken to determine appropriate sample sizes, locations and techniques.

Take

- Concerns that the level of biological take is too high for the population to sustain itself.

- Concern that researchers increase the level of take each year and the overall effects of this increase are significant.

Welfare

- NMFS must consider the welfare of individual animals when reviewing permit applications.
- Justification or sufficient information that the techniques used, or the level of take requested, meet the tests of the Animal Welfare Act is lacking. Each permit application should be able to pass scrutiny of an independent animal welfare/care committee.

For specific public comments received, scoping methods, and meeting information please refer to the scoping report which is posted on the project website at <http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm>, or available from the Permits, Conservation and Education Division.

Next Steps in the NEPA Process

Develop Alternatives

A reasonable range of alternatives that meet the purpose and need of the project will be identified. All pertinent input from the internal and public scoping process will be used to examine the range of potential alternatives to ensure that the full spectrum of positions expressed by participants in the scoping process are considered. Alternatives that will be eliminated from further consideration and not brought forward for formal analysis in the EIS will be identified, along with justification for elimination. Each viable alternative will be developed utilizing available information or by identifying additional information to be obtained in order to evaluate all of the alternatives on an equal basis. This task was started in April 2006.

Describe the Affected Environment

All available environmental information will be reviewed and summarized. The summary will include the most recent scientific research available and all pertinent studies for areas that would be potentially impacted by all viable alternatives. This information will be presented in the Affected Environment chapter of the EIS. This task was begun in March 2006.

Assess Environmental Consequences of Alternatives

The potential environmental consequences of alternatives carried forward for analysis will be evaluated, including direct, indirect, and cumulative effects. The NEPA compliance associated with grants and permits will be identified and incorporated in the analysis of potential

effects. This task will be conducted concurrently with the Affected Environment task, and is estimated to start in July 2006.

Issue the Draft EIS

A Draft EIS will be prepared and made available for review by the public and local, state and federal agencies. The Draft EIS will be available for a 60-day review after the Notice of Availability has been published in the Federal Register. The public hearings will offer an opportunity for public comment on the draft. Currently, the public comment period is scheduled to begin January 2007 and run through the end of March 2007, although, this schedule is subject to change.

Issue the Proposed Final EIS

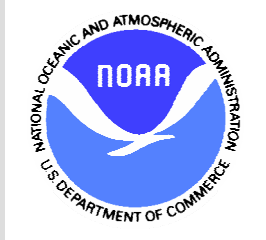
After analyzing public comments received on the Draft EIS, it will be revised to prepare a Final EIS. Based on the information contained in the Draft EIS and the public comments received, NMFS will select a preferred alternative and present it to the public in the Final EIS. The Final EIS will include the comments submitted on the Draft EIS and the responses to those comments, including changes made to the EIS in response to comments. This step will include public notice of document availability, the distribution of the document, and a 30-day waiting period. After submittal of the FEIS, a Record of Decision (ROD) will be prepared to discuss the particular course of action that was chosen (40 CFR 1505.2). The ROD will discuss all mitigation measures included in the FEIS. This task is estimated to occur from April through December 2007.

Changes in the EIS Development Team

Mr. Mike Payne will soon be taking over for Steve Leathery as Chief of the Permits, Conservation and Education Division in the Office of Protected Resources (F/PR1).

We encourage you to take an active part in the Steller Sea Lion and Northern Fur Seal Research EIS project. The purpose of this newsletter is to keep you informed and to allow you every opportunity to voice your opinion regarding this important project. If you require more information about the project, have any questions, or are interested in being added to (or removed from) the mailing list please contact the NMFS Project Manager for the EIS at the fax or email address below. Please submit your requests or questions to Tammy Adams, Project Manager, Permits, Conservation and Education Division at:

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