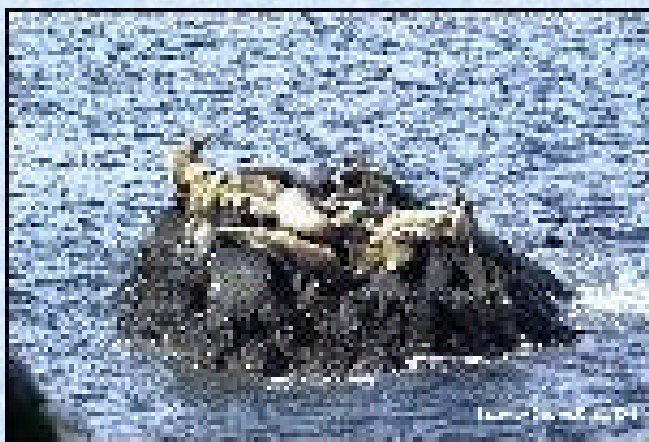


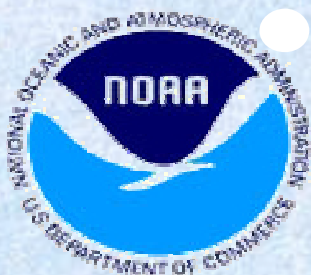
NMFS Steller Sea Lion and Northern Fur Seal Research EIS Public Scoping Report



NOAA 2005



NOAA 2005



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May 2006

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Acronyms

AEB	Aleutians East Borough
AFSC	Alaska Fisheries Science Center
ASLC	Alaska SeaLife Center
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act of 1973
F/PR1	Office of Protected Resources, Permits Division
FONSI	Finding of No Significant Impact
HSUS	Human Society of the United States
MMC	U.S. Marine Mammal Commission
MMPA	Marine Mammal Protection Act of 1972
NEPA	National Environmental Policy Act of 1969
NFS	Northern Fur Seal
NMML	National Marine Mammal Laboratory
NMFS	National Marine Fisheries Service
NPFMC	North Pacific Fishery Council
NPRB	North Pacific Research Board
NAO	NOAA Administrative Order
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NOS	National Ocean Services
NPUMMRC	North Pacific Universities Marine Mammal Research Consortium
ROD	Record of Decision
SSL	Steller Sea Lion
UAF	University of Fairbanks
URS	URS Corporation
U.S.	United States

1.0 INTRODUCTION

The National Marine Fisheries Service (NMFS) administers a Research Program that includes (1) directed grants from the Alaska, and other Regions' operational budgets, (2) "pass-through" grants detailed in the federal budget, and (3) permits issued pursuant to the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA). These federally funded grants for projects and services constitute federal actions subject to compliance with the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations [CFR] Pts. 1500 – 1508).

NMFS administers a permit program from the Office of Protected Resources (F/PR1) in NMFS Headquarters, Silver Spring, Maryland. Permits issued pursuant to Section 104 of the MMPA and Section 10(a)(1)(A) of the ESA provide exceptions to the moratoria on "taking"¹ marine mammals and species listed as threatened or endangered for bona fide scientific purposes and for activities that enhance the survival or recovery of the species in the wild. As with the grants, these permits constitute federal actions subject to compliance with NEPA.

NMFS is preparing a programmatic Environmental Impact Statement (EIS) that will satisfy the requirements of Council on Environmental Quality's (CEQ) regulations and the National Atmospheric and Oceanic Administration (NOAA) Administrative Order (NAO) 216-6 for those federal permits allowing research or federal grants funding research that may have impacts on Steller sea lions (SSL) and northern fur seals (NFS) throughout their range in the United States (U.S.) (Figure 1). This document, as a programmatic analysis, will cover expected and projected federally granted and permitted research projects for future years, until such time that a revision of the programmatic document is deemed necessary. The challenge is to develop an EIS that:

- Recognizes existing and anticipated research needs
- Identifies potential effects of research on SSL and NFS
- Is responsive to the SSL Recovery Plan, NFS Conservation Plan, and NEPA, ESA and MMPA compliance requirements

1.1 Purpose and Need

The purpose of the research on SSL and NFS, as stated in the SSL Recovery Plan (1992) and NFS Conservation Plan (1993), is to promote the recovery of the species' populations to levels appropriate to justify removal from ESA listings and to delineate reasonable actions to protect the depleted species under MMPA. The need for research is rooted in the fundamental questions related to understanding factors that are limiting the populations such as habitat requirements, population trends, reproduction, mortality rates, predation, parasitism, and disease, and feeding and energetics.

¹ Under the MMPA, "take" is defined as to "harass, hunt, capture, collect or kill, or attempt to harass, hunt, capture, collect or kill any marine mammal." The ESA defines "take" as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."

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 would improve efficiency and avoid unnecessary redundancy in SSL and NFS research, utilize best management practices, facilitate adaptive management, and standardize research protocols.

The intent of this programmatic EIS is to facilitate the funding and permitting process for necessary research on SSL and NFS such that NMFS can administer grants and issue permits subject to compliance with NEPA (40 CFR Parts 1500-1508) in a timely manner. The EIS will analyze alternatives for federally funded research grants and permits that may impact SSL and NFS on rookeries and haul outs and in waters off Alaska, Washington, Oregon, and California. The programmatic EIS is also intended to satisfy requirements of NEPA for federally granted and/or permitted research projects in subsequent years (40 CFR 1502.4[b]). By providing up-to-date scientific information on the cumulative impacts of SSL and NFS research grants and permits on the physical, biological, and human environment, this programmatic EIS will serve as the environmental baseline for evaluating current and future research-related activities.

The process of preparing an EIS identifies planning issues and concerns, develops and evaluates reasonable alternatives for the proposed action, describes the affected environment, assesses potential environmental consequences of alternatives, and adequately involves the potentially affected public in the process of preparing the EIS. The EIS will be prepared in compliance with NEPA, CEQ regulations implementing NEPA, MMPA, ESA, and other relevant laws and regulations.

The following factors have been identified for evaluation in the EIS. Additional issues identified through the scoping process will be analyzed and considered in the EIS:

- Types of research
- Level and effectiveness of research effort
- Coordination of research
- Qualification of researchers
- Effects of research on marine mammals
- Alternative methods for research

Preparation of the SSL and NFS Research EIS will provide the public an opportunity to:

- Understand the need for research; funding and permitting requirements; and NEPA compliance
- Make recommendations on how research should be conducted

- Review the decision-making options for acceptable research techniques and protocols on SSL and NFS in the study area
- Comment on potential environmental impacts that should be considered in decision-making

The programmatic EIS will identify the potential impacts of various research activities conducted on SSL and NFS, and identify acceptable research protocols and activities that could mitigate those impacts.

1.2 Description of the Project Area

NMFS is preparing a programmatic EIS that will address NMFS' administration of research permits and federal grants that may have impacts to SSL and NFS throughout their range in U.S. waters. A map of the project area is shown in Figure 1.

Steller sea lions range along the North Pacific Rim from Northern Japan to California (Loughlin et al. 1984), with centers of abundance and distribution in the Gulf of Alaska and Aleutian Islands, respectively.

Northern fur seals range from southern California north to the Okhotsk Sea and Honshu Island, Japan. During the breeding season, approximately 74 percent of the worldwide population of NFS is found on the Pribilof Islands in the southern Bering Sea, with the remaining animals spread throughout the North Pacific Ocean (Lander and Kajimura 1982). Approximately one percent of the NFS in U.S. waters outside of the Pribilof Islands population is found on Bogoslof Island in the southern Bering Sea and on San Miguel Island off southern California (NMFS 2003).

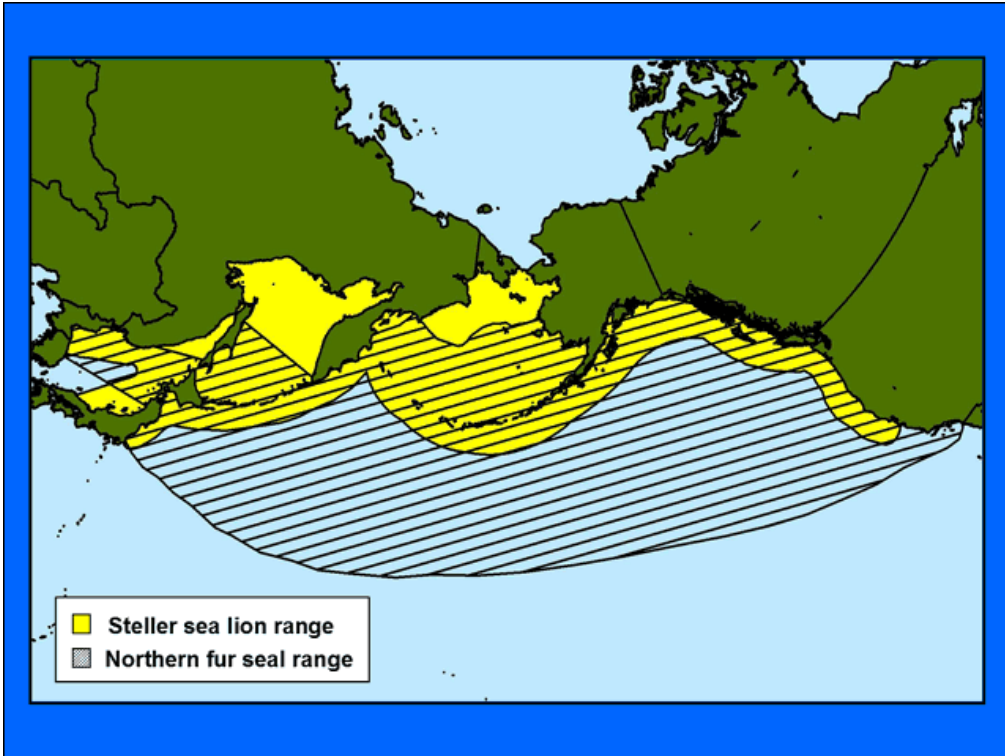


Figure 1 Project Location Map

1.3 Description of the Scoping Process

The scoping process is a requirement of preparing an EIS, and provides persons affected by the project an opportunity to express their views and concerns. Scoping is designed to be an open, public activity for identifying the scope of significant environmental issues related to the proposed project that should be addressed for NEPA compliance. These issues may stem from new information or changed circumstances, the need to address environmental protection concerns, or a need to reassess the appropriate mix of allowable grants and research permits based on new information. Scoping is typically accomplished through written communications, public scoping meetings, and formal and informal consultation with agency officials, interested individuals, and groups.

The scoping process for the Steller Sea Lion and Northern Fur Seal Research EIS involves presenting the proposed scope of analysis for preparation of the EIS for public comment. The research grants and permits are subject to certain parameters related to: 1) the provisions of the ESA of 1973, as amended; 2) the provisions of the MMPA of 1972, as amended; 3) NMFS regulations implementing these statutes, and 4) public involvement.

Endangered Species Act: Section 10 of the ESA allows research on endangered species. Further, it states that NMFS may issue permits for otherwise prohibitive acts for scientific purposes or to enhance the propagation or survival of the affected species. In issuing permits pursuant to Section 10, NMFS must also comply with Section 7 of the ESA by ensuring that any action it authorizes, funds, or otherwise carried out, is not likely to jeopardize the

continued existence of a listed species or result in destruction or adverse modification of critical habitat.

Marine Mammal Protection Act: Section 104 of the MMPA allows research on marine mammals. Specifically, it states that NMFS may issue a permit for scientific research purposes to an applicant who submits with their permit application information indicating that the taking is required to further bona fide scientific purpose. The permit applicant must also demonstrate that the permit will be consistent with the purposes of the MMPA.

NMFS Regulations: All permit applicants must demonstrate that their research will comply with NMFS regulations.

Public Involvement: Integral to the NEPA process is the public participation program, which keeps the public, research institutions, affected state and federal agencies, and Native corporations and councils engaged in the project's progress. Preparation of the Steller Sea Lion and Northern Fur Seal Research EIS will provide the public an opportunity to: 1) understand the requirements for research and NEPA compliance; 2) make recommendations on how research should be conducted; and 3) review decision-making options for research permitting and grant funding by NMFS. The public involvement program provided a number of opportunities, described later in this report, to submit comments on the scope of the EIS.

This document represents a public record of the scoping activities that began on December 28, 2005, when the Notice of Intent (NOI) was published in the Federal Register to prepare the Steller Sea Lion and Northern Fur Seal Research EIS (70 FR 76780). A supplemental NOI was published in the Federal Register extending the scoping period due to public interest (71 FR 7927). The NOI established a deadline for the submittal of scoping comments, and listed the time and location of public scoping meetings for the purpose of submitting oral comments. Comments were received through February 27, 2006, and are summarized in this document. Project scoping materials are located in the Appendices and include:

- Appendix A Federal Register NOI
- Appendix B Project Mailing List
- Appendix C Public Notices
- Appendix D Project Newsletter and Comment Form
- Appendix E Public scoping meeting information including sign-in sheets, and meeting transcripts (formal and informal comments).
- Appendix F Agency scoping meeting information including agency coordination letters, sign-in sheets, and meeting minutes.
- Appendix G Native tribal communication including Native Government-to-Government invitational letter, other Native groups information letter, and meeting minutes.
- Appendix H Comment Summary by Issue (public and agency comments organized by issue category)

Mechanisms used to inform the public and solicit their comments on the scope of EIS included:

- development of a mailing list that will be updated throughout preparation of the EIS,
- development and distribution of an initial project newsletter,
- creation of a project website,
- teleconferences with interested federal and state agencies and with federally recognized Native tribal organizations, and
- three public scoping meetings to disseminate project information and identify issues and concerns that 1) should be addressed in the EIS, and 2) should be used to select the best overall alternative that would meet the purpose and need objectives of this project.

A brief overview of public scoping tools and approach are summarized below.

Mailing List: An initial mailing list of over 300 people was developed that included members of the general public; federal, state and local government agencies and groups; public interest groups; Alaska Native organizations; and media groups. The mailing list is included in Appendix B.

Newsletter and Comment Form: A project newsletter and public comment form was distributed to the entire project mailing list beginning December 28, 2006. The newsletter was the first in a series of newsletters planned for publication throughout the project to keep the public informed on project status and opportunities for public input. A copy of the newsletter and comment form is included in Appendix D. The newsletter was also included on the project website.

Public Notices: Public notices for scoping meetings were prepared that included information on the project and location of scoping meetings. Public notices were advertised twice in each of the following newspapers. Copies of the public notices for scoping meetings are included in Appendix C.

NEWSPAPERS	
The Washington Post P.O. Box 17370 Arlington, VA 22216 (703) 469-2500 √ January 4 & 11, 2006	The Seattle Times 1120 John Street Seattle, WA 98109 (206) 464-2111 √ January 6 & 13, 2006
Anchorage Daily News 1001 Northway Drive Anchorage, AK 99501 (907) 257-4272 √ January 9 & 16, 2006	

Native Tribal Governments Consultation and Coordination: Consultation and Coordination with federally recognized Native Tribal governments (Executive Order [EO] 13175) was extended to tribes in Alaska and Washington located within the project area that have an expressed interest in or have previously had an interest in SSL or NFS. A letter describing the project and encouraging participation in the planning process was mailed on January 27, 2006. The Native Tribal government mailing list is included in Appendix B, and the coordination letter is in Appendix G. A teleconference was held with representatives of tribal governments on February 7, 2006. Similar to the public meetings, participants were presented background information on the project and then provided an opportunity to make formal public comments followed by an informal question and answer period. A summary of the government-to-government teleconference is provided in Appendix G.

Agency Consultation and Coordination: Consultation was extended to federal, state and local agencies located within the project area that have an expressed interest or regulatory responsibility related to SSL or NFS within the project area. A letter describing the project and encouraging participation in the planning process was mailed on January 27, 2006. The agency mailing list is included in Appendix B, and the coordination letter is in Appendix F. A teleconference was held with representatives of interested agencies on February 7, 2006. Similar to the public meetings, participants were presented background information on the project and then provided an opportunity to make formal public comments followed by an informal question and answer period. A summary of the agency teleconference is presented in Appendix F.

Public Scoping Meetings: Three public scoping meetings were conducted. The scoping meeting format and all information presented were the same at all meetings. During the open house session, attendees viewed presentation boards and maps that displayed conceptual project information including purpose and need, project area maps and preliminary issues identified by the agency. A project overview was then presented by NMFS personnel and consultant staff, and was followed by a formal comment period. The formal public comment period was then closed and an informal question and answer session began. A summary of substantive formal comments submitted during the public comment period are included in Appendix H. Questions and comments made during the informal question and answer session are not summarized in this Scoping Summary Report but will be considered by NMFS in its analysis; Comment forms were available at the meetings, which could be filled out during the meeting or mailed later. The following table is a list of locations and dates for the public scoping meetings.

PUBLIC SCOPING MEETINGS	
Silver Spring Metro Center, Building 4 1301 East-West Hwy. Silver Springs, MD √ January 18, 2006	Alaska Fisheries Science Center, Building 9 7600 Sand Point Way, NE Seattle, WA √ January 20, 2006
Hilton Hotel 501 W. 3 rd Avenue Anchorage, AK √ January 23, 2006	

2.0 ISSUE SUMMARY

2.1 Source of Scoping Comments

Scoping comments submitted on preparation of the Steller Sea Lion and Northern Fur Seal Research EIS came from a variety of sources:

- Public scoping meetings
- Agency scoping meeting
- Federal recognized tribes scoping meeting
- Project web site comments forms
- Written comments
- Comments submitted on the 2002 and 2005 Environmental Assessments (EA's)

Public Scoping Meeting Comments: Three public scoping meetings were held in January 2006, to solicit comments from interested individuals, Alaska Native organizations, and public interest organizations. Section 1.3 presents a list of the public meeting dates and locations, and informal meeting dates and locations. The sign-in sheets and public meeting transcripts are included in Appendix E, as well as other public comments received by e-mail, fax, or U.S. mail. Comments received included a broad range of issues similar to those compiled in Section 2.2 of this report. A more detailed summary of comments is presented in Section 2.2 of this report and the complete comments are included in Appendix E.

Agency Scoping Meeting Comments: The agency scoping meeting was held via conference call on February 7, 2006. Representatives from NMML, NMFS Alaska Region, the U.S. Marine Mammal Commission (MMC), U.S. Environmental Protection Agency (EPA) Region 10, and Aleutians East Borough (AEB) participated in the agency scoping teleconference. Agency scoping comments focused primarily on role of the National Marine Mammal Laboratory (NMML) in the EIS, status of grants, permits and modifications to permits and whether the EIS analysis of permits and grants would be retroactive, the Humane Society of the U.S. (HSUS) lawsuit, permit amendments and modifications, project schedule, project workshop, and NOAA General Counsel's involvement in the EIS. The meeting minutes, agency comment letters, and all agency issues raised are included in Appendix F.

Tribal Government Scoping Meeting Comments: The project team conducted a conference call on February 7, 2006 with interested tribes. No formal comments were made during the teleconference. However, comments and questions were raised during the informal comment period, which included subsistence, research permits, status of stocks and species biology and NFS surveys. These informal comments will be considered by NMFS during development of the EIS. Representatives from the Native Village of Akutan, Native Village of Nikolski, and the Sitka Tribe of Alaska participated in the teleconference. The list of participants is included in Appendix G.

Comments Received on the 2002 and 2005 Permit Environmental Assessments: 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 report given their relevance to the issues considered in this EIS. These comments have been coded just as those comments received for this EIS and are also summarized in this report.

E-mail and Written Comments: The majority of public comments received on this EIS during the formal scoping period have been in the form of written comments or e-mails sent to the agency's designated address for this project (ssleis.comments@noaa.gov). For example, comments submitted on the previous EAs, as described above, were written letters sent to the agency. Letters and e-mails submitted to the agency and included in this scoping period covered a broad range of issues which are summarized in the following section.

2.2 Issues Identified During Scoping

A number of issues were identified by NMFS prior to the start of the scoping process for this EIS. This preliminary list was provided to the public in an effort to encourage the public to participate in scoping and focus their concerns on issues within the scope of the project but the list was not intended to constrain the analysis. These issues identified by NMFS at the start of scoping included types of research methods and protocols permitted, level of research effort, coordination of research, effects of research, qualification of researchers, criteria for allowing modifications or amendments to existing grants and permits; for denying permit amendments; and for suspending or revoking permits.

The issues identified during scoping (as listed in Table 1 below) have been developed based on all formal comments made for public record and do not include any informal comments or questions asked during the public, agency, or government-to-government meetings. The issue codes presented in Table 1 include the preliminary issues and concerns that help to organize the comments and present them in a manner that facilitates the preparation of alternatives and evaluation of environmental consequences. 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. The issues are presented by general topic and may include sub-categories that further describe comments received related to that issue. For example, comments received on the adequacy of the previous SSL Permit EAs are included in the NEPA category as well as comments related to issues that should be addressed in this EIS analysis.

Scoping comments received during scoping are briefly summarized below (for more detailed comments see Appendices E and F). Some comments have been coded under multiple issue categories due to content. Therefore, there may be similarities among some of the summary comments presented under the issue codes below.

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.
- 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

- Hot branding is an inhumane, intrusive method for marking animals and should not be used. The risks associated with hot branding outweigh the benefits.
- Branding causes too much disturbance on rookeries and should not be used.
- 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.
- 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.
- Concerns 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.
- Research needs to be coordinated with the goals in the species recovery plan.

Credentials of Researchers

- Comments related to the qualifications/credentials of researchers conducting certain types of research, particularly invasive research.
- Only 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 permit applicant reports.
- 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 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.

Table 1 presents the scoping comments received organized by issue, number of comments per issue, number of submissions per affiliation, and the total number of comments received. A more complete summary of issues raised are located in the Appendices: Appendix E - issues raised by the public, Appendix F -issues raised by federal, state, and local government, and Appendix G – list of Native tribes that participated in the government-to-government meeting. See Key for table on the following page for identification of commenter affiliation.

Table 1. Scoping Comments by Issue and Entity

Issue Code	Issue Code Description	Public	Native	Agency	Total
AKN	Alaska Native Issues		AKU-1; NIK-2	EPA-4	7
ALT	Alternatives	HSUS-10;		EPA-1; MMC-1	12
BRD	Branding; Hot Branding	API-1; GS-1; GRN-2; HSUS-11		MMC-4	19
CON	Conservation of the Species; Conservation Goals	OMI-1; DOW-1; GRN-6; HSUS-6		MMC-4	20
COR	Coordination of Research	DOW-1; WWF-2; GRN-3; HSUS-7;		MMC-7	20
CRE	Credentials of Researchers	API-1; GS-1; HSUS-4		MMC-9	15
CUM	Cumulative Effects	API-1; DOW-2; BS-1; GRN-4; DB-2; HSUS-18		MMC-6	34
DUP	Duplication of Effort	API-1; AWI-1; DOW-1; HSUS-7		MMC-1	11
EDI	Editorial	HSUS-3			3
EFF	Effects	AWI-1; OMI-2; GS-2; GRN-7; HSUS-9		MMC-10; EPA-1	32
ESA	Endangered Species Act	DOW-2; HSUS-13			15
INA	Inadequate Information	DOW-2; HSUS-25		MMC-23	50
LIT	Litigation		AEB-1		1
MET	Methodology	API-1; AWI-2; OMI-2; GS-7; WWF-1; GRN-1; DB-3; HSUS-45		MMC-16;	78
MIT	Mitigation Measures	HSUS-2		MMC-1; EPA-1;	4
MMP	Marine Mammal Protection Act	DOW-2; HSUS-11			13
MON	Monitoring	AWI-1; GRN-3; HSUS-10		MMC-7;	21

Issue Code	Issue Code Description	Public	Native	Agency	Total
MOR	Mortality	DOW-2; GRN-3; HSUS-9		MMC-7;	21
NEP	National Environmental Policy Act	API-5; AWI-3; OMI-3; DOW-2; WWF-3; GRN-11; HSUS-55		MMC-5; EPA-10; NMML-3; AKR-1	101
NMM	National Marine Mammal Laboratory			NMML-1	1
PBR	Potential Biological Removal	HSUS-4		MMC-2	6
PER	Permits; Permit Applications	WWF-1; BS-1; GRN-1; HSUS-31	AEB-1;	MMC-23; NMML-1;	59
REP	Reporting	HSUS-3			3
SAM	Sample Size; Sample Location	GRN-6; HSUS-7		MMC-7	20
TAK	Take; Incidental Take	HSUS-1		MMC-2;	3
WEL	Welfare of the Species; Animal Welfare Act	API-1; HSUS-3			4

KEY:

AKU – Native Village of Akutan

AKR – NMFS Alaska Region

API - Animal Protection Institute

AWI - Animal Welfare Institute

BS – B. Sachau (citizen)

DB – David Bain (citizen)

DOW – Defenders of Wildlife

EPA – U.S. Environmental Protection Agency

GRN - Greenpeace

GS – Gary Snyder (citizen)

HSUS – Humane Society of the U.S.

MMC – U.S. Marine Mammal Commission

NIK- Native Village of Nikolski

OMI - Ocean Mammal Institute

WWF - World Wildlife Fund

2.3 Issues Raised That Will Not be Addressed in the EIS

Some issues raised during scoping will not be addressed in the EIS. Editorial comments related to specific content in the 2002 and 2005 SSL Permit EAs will not be addressed in this EIS, such as discrepancies in table numbers, figures or narrative text. However, comments related to the inadequacy of the EAs in addressing issues related to NEPA will be addressed.

3.0 SUMMARY OF FUTURE STEPS IN THE EIS PROCESS

Scoping is the first step in the EIS preparation process. Several more steps are necessary to complete the Steller Sea Lion and Northern Fur Seal Research EIS. The following chart depicts the requirements of the EIS process that falls within the framework of NEPA.



Figure 2 EIS NEPA Level Planning Process Steps

3.1 Development of Project Purpose and Need

An EIS must explain the underlying purpose and need to which NMFS is responding in proposing the research alternatives, including the proposed action. A preliminary purpose and need has been developed and was included in the project newsletter, as well as earlier in this report.

3.2 Description of the Affected Environment

Preparation of a focused description of the affected environment is needed to analyze the potential effects of the proposed action and its alternatives. The description of the affected environment will include a summary of the most recent scientific data available on all affected resources. This step has begun, and the analysis will provide the baseline reference for the development and evaluation of alternatives.

3.3 Formulation of Alternatives

A reasonable range of alternatives offering distinct choices of various research activities, combined with various types of research techniques, which meet the purpose and need for the project will be identified. All pertinent input from the 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 have been considered. Alternatives eliminated from further consideration and not brought forward for formal analysis in the EIS will be identified, along with justifications for elimination. This step began in March 2006 and will continue through fall 2006.

3.4 Analyzing the Effects of the Alternatives

Once the alternatives are developed, the next step involves analyzing the effects of each alternative on the environment. This will include analysis of potential cumulative effects of each of the alternatives. NMFS expects to begin this process in September 2006 and will likely end in December 2006.

3.5 Write and Publish the Draft EIS

The results of the previous steps will be compiled in a preliminary Draft EIS that will be reviewed and approved by NMFS. The approved Draft EIS will be printed for distribution to the public for a 60-day review period. NMFS will provide a Notice of Availability (NOA) published in the *Federal Register*, which identifies the timing of the review period, time and location of public hearings on the Draft EIS, and any deadlines for submitting comments on the Draft EIS. NMFS will also distribute newsletters and provide information on the project website that contains this information. NMFS will likely begin the public comment period around January 2007 and may continue through March 2007.

3.6 Issuing the Proposed Final EIS

Based on the information contained in the Draft EIS and public comments received, NMFS will analyze and respond to the substantive comments received on the Draft EIS. Changes may be made to the information and analyses contained in the Draft EIS, and NMFS will select a preferred alternative and present it to the public in the Final EIS. This step will include public

notices of the document's availability, the distribution of the document, and a 30-day protest period on the final document. NMFS will begin this step in November 2007 and expects to complete the project in December 2007.

4.0 CONTACTS

For further information regarding this scoping report, or other aspects of preparing the Steller Sea Lion and Northern Fur Seal Research EIS, please use the following contact information:

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