

## **APPENDIX D**

### **SCOPING REPORT- MARCH 2006**



# Marine Mammal Health and Stranding Response Program Environmental Impact Statement

Scoping Report  
March 2006



*Photo by NMFS NWR*



*Photo by Lyme Barre, NMFS*



*Photo by Provincetown Center for Coastal Studies*



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Office of Protected Resources  
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**ACRONYMS**

<b>CFR</b>	Code of Federal Regulations
<b>EIS</b>	Environmental Impact Statement
<b>ESA</b>	Endangered Species Act
<b>MMHSRP</b>	Marine Mammal Health and Stranding Response Program
<b>MMPA</b>	Marine Mammal Protection Act
<b>NEPA</b>	National Environmental Policy Act
<b>NMFS</b>	National Marine Fisheries Service
<b>NOI</b>	Notice of Intent
<b>NOAA</b>	National Oceanic and Atmospheric Administration
<b>OSP</b>	Optimal Sustainable Population
<b>SA</b>	Stranding Agreement
<b>UME</b>	Unusual Mortality Event

**SCOPING REPORT FOR THE  
MARINE MAMMAL HEALTH AND STRANDING RESPONSE PROGRAM  
ENVIRONMENTAL IMPACT STATEMENT**

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## **1. Introduction**

The National Marine Fisheries Service (NMFS) published a Notice of Intent (NOI) in the Federal Register on December 28, 2005 (Appendix A). The NOI announced NMFS' decision to prepare an Environmental Impact Statement (EIS) on the activities of the Marine Mammal Health and Stranding Response Program (MMHSRP) and conduct public scoping meetings. The EIS is being prepared in accordance with the National Environmental Policy Act (NEPA). The NOI began the official scoping process for the EIS. This document summarizes the scoping process and the comments received during the process.

### **1.1 EIS Background Information**

NMFS coordinates and operates the MMHSRP for response to stranded marine mammals and research on marine mammal health, pursuant to Title IV of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1421). Marine mammal stranding response is primarily conducted by a network of volunteer organizations across the country that are government officials under the authority of §109(h) or other groups that have entered into a Stranding Agreement or Letter of Agreement (SA or LOA) with NMFS pursuant to §112(c) of the MMPA. The MMHSRP operates at the national and regional level to coordinate and facilitate these responses.

To provide further guidance to marine mammal stranding network members and to nationally standardize the guidelines and protocols of participants in the stranding network, NMFS has developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them in final after the NEPA analysis is concluded.

Some activities of the MMHSRP are conducted under a permit issued under the MMPA and Section 10(a)(1)(A) of the Endangered Species Act (ESA) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The permit covers stranding and emergency response activities (including disentanglement) for endangered marine mammal species, health assessment studies, and a variety of other research projects.

The current MMPA/ESA permit expires on June 30, 2007. A NEPA analysis of the activities covered under the permit must be completed prior to the issuance of a new permit. A NEPA analysis must

also be completed to issue the final version of the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release* manual.

## **1.2 Purpose of Scoping**

NEPA defines scoping as an “early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action” (40 CFR 1501.7). NMFS is required by NEPA to include scoping as part of the EIS process. The scoping meetings provided NMFS the opportunity to inform the public regarding the MMHSRP’s EIS and to obtain public input on the range of issues to be covered in the EIS. Comments were also collected via e-mail, postal mail and fax during the scoping process.

## **2. Scoping Meetings Summary**

### **2.1 Public Notices**

Announcements for the dates and locations of scoping meetings were sent to 253 entities, including federal and state government agencies, Alaska natives, Native American tribes, and non-governmental organizations. In addition, a total of 160 packets with the scoping meeting information and additional background documentation were sent to marine mammal stranding network members, marine mammal disentanglement network members, and MMPA/ESA research permit co-investigators.

Meeting announcements were sent to the email list for the Northeast, Southeast, and Southwest Regional stranding networks. An announcement was also sent to the MARMAM list-serve, an edited e-mail discussion list focusing on marine mammal research and conservation. The scoping meeting schedule was also available on the MMHSRP website at <http://www.nmfs.noaa.gov/pr/health/eis.htm>.

### **2.2 Newspaper Announcements of Public Notice**

Public notices announcing the scoping meetings were published in a newspaper in each of the meeting locations. The notices were published one week before the meeting date. Each notice included the date, time, and location of the meeting, and where additional information on the EIS could be obtained. The newspapers and dates the announcements were published are listed below:

- Santa Barbara News-Press: January 17, 2006
- The San Francisco Examiner: January 18, 2006

- The Honolulu Advertiser: January 20, 2006
- The Seattle Times: January 23, 2006
- Anchorage Daily News: January 25, 2006
- St. Petersburg Times: January 31, 2006
- The Boston Globe: February 6, 2006
- The Washington Post: February 10, 2006

### **2.3 Information Repositories**

Information on the MMHSRP and the EIS was available at a public library in each of the scoping meeting locations. Information was also available on the MMHSRP website. Information included the interim draft of the Best Practices and Policies Manual; the NOI; and handouts summarizing the MMHSRP, the EIS Process, and the Proposed Action and Alternatives.

### **2.4 Public Scoping Meetings**

Eight public scoping meetings were held in January and February of 2006. Meeting locations were chosen in each of the six NMFS regions: Alaska, Northeast, Northwest, Southeast, Southwest (two meetings), and the Pacific Islands. A meeting was also held at the National Oceanic and Atmospheric Administration (NOAA) Headquarters in Silver Spring, Maryland. Table 1 lists the meeting locations, date, time, number of attendees, and the number of oral comments received. The number of attendees is an approximation, as not all attendees signed in at the meeting. The number of attendees also includes the NMFS regional stranding coordinators, when applicable.

At the entrance to each meeting, attendees were encouraged to sign the registration sheet. Attendees could sign up to present oral comments or to be placed on the EIS mailing list. Written comment forms, the NOI, and handouts with information on the EIS and MMHSRP were also available at the entrance (see Appendix B).

The meetings consisted of a poster session, a formal presentation by NMFS personnel, an oral comment period, and an informal question and answer session. The poster session allowed the public to ask NMFS personnel questions before the meeting. The formal presentation provided the audience with information on NEPA, the EIS process, the MMHSRP, and the alternatives under consideration. The oral comment period provided attendees the opportunity to make a formal statement. The informal question and answer period allowed attendees to ask questions about information provided



in the presentation. Each meeting was captured by a court reporter for an accurate public record (the informal question and answer session was not recorded). Official transcripts from each meeting are in Appendix C. Written comments were also accepted at the meeting. Attendees were informed that NMFS would accept written comments until February 28, 2006.

**Table 1. Public Scoping Meeting Information**

<b>Location</b>	<b>Date/Time</b>	<b>Number of Attendees</b>	<b>Number of Oral Comments</b>
<b>Santa Barbara, CA</b> Santa Barbara Natural History Museum	January 24, 2006 7:00-10:00 pm	6	1
<b>San Francisco, CA</b> Bay Conservation and Development Commission	January 25, 2006 2:00-5:00 pm	12	2
<b>Honolulu, HI</b> Hawaiian Islands Humpback Whale National Marine Sanctuary	January 27, 2006 3:00-6:00 pm	7	0
<b>Seattle, WA</b> NMFS Northwest Regional Office	January 30, 2006 2:00-5:00 pm	15	2
<b>Anchorage, AK</b> USFWS Building	February 1, 2006 2:00-5:00 pm	12	0
<b>St. Petersburg, FL</b> NMFS Southeast Regional Office	February 7, 2006 5:00-8:00 pm	20	1
<b>Boston, MA</b> New England Aquarium	February 13, 2006 5:00-8:00 pm	25	5
<b>Silver Spring, MD</b> Silver Spring Metro Center, Building 4, Science Center	February 17, 2006 2:00-5:00 pm	17	2

### **3. Scoping Comments**

During the scoping period (December 28, 2005 to February 28, 2006) 35 comments were collected regarding the EIS during public meetings and through e-mail, fax, and mail (Appendix D). Comments addressed two specific areas: the EIS and the interim Policies and Best Practices documents.

#### **3.1 EIS Comments**

The following is a summary of the types of comments received on the EIS during the scoping process:

##### *Alternatives*

General

- Support for the MMHSRP's Proposed Actions.
- The No Action, Status Quo, and the activity curtailed immediately alternatives are not reasonable alternatives.
- All stranded marine mammals should be treated equally.
- Information gained from one species may be applied to another species.
- Some prioritizing process is needed, due to limited funding.
- Priority for response (in Alaska) should be based upon factors such as knowledge of the species and if the species is involved in a fishery interaction or human consumption.
- The mandate of the MMPA to protect and conserve marine mammals does not discriminate or distinguish among species.
- Support for the current level of effort under the MMHSRP activities.
- Status quo alternative does not give enough flexibility to conduct research on stranded animals.

Response Alternatives

- Support for the alternative to revise and implement stranding agreement (SA) criteria.
- There should not be different standards of stranding response for different species or regions, regardless of status.
- Standards and levels of responses should be the same regardless of species with the exception that endangered and threatened should receive priority in the face of conflicts of space or commitment.
- For initial animal response, the "Response to some animals required, others optional" alternative is preferred, but suggest re-wording the alternative and a different required/optional breakdown under the alternative.

Carcass Disposal/Euthanasia Alternatives

- Support for the alternative of transporting chemically euthanized animals off-site (other animals are left, buried, or transported as feasible).
- Need to be treated as two separate activities, as disposal of non-euthanized carcasses is also an issue.
- None of the proposed alternatives are optimal, but removal of chemically euthanized animals is the best.

- Unclear whether the “All animals buried on site” and “All animals transported off-site for disposal” alternatives refer to all carcasses or only those that have been chemically euthanized. Stranding members cannot be responsible for either burial or off-site transport of all marine mammal carcasses (without further funding).
- Euthanasia guidelines are needed for large animals and endangered animals.

*Rehabilitation Alternatives*

- We do not agree with any of the alternatives as written.
- Rehabilitation should be a part of any effective environmental program for the protection and conservation of marine mammals.
- Support for the alternative to modify and implement the rehabilitation facility guidelines.
- Rehabilitation efforts for different populations and/or species might be prioritized based on their status. Resources for rehabilitation should be weighted towards species that are known to be below the optimal sustainable population (OSP) or towards species for which there is insufficient data to accurately assess the population size. Species at or above the OSP should receive lower priority, allowing stranding network members to choose, based on availability, whether or not they rehabilitate these animals.
- Unwise to stop requiring rehabilitation of more common species as emerging diseases, harmful algal blooms, and other unusual events are more likely to be detected in these species.

*Release of Rehabilitated Animals Alternatives*

- Support for the alternative to modify and implement the release criteria.
- Agree with “All animals released” alternative if release criteria are adopted as is or with minimal changes. However, there may be exceptions when a rehabilitated animal is not authorized for release to ensure protection of the environment.

*Disentanglement Alternatives*

- Support for the alternative to implement the disentanglement guidelines and training requirements for network participants.

*Biomonitoring and Research Activities Alternatives*

- Support for the alternative to issue a new permit with current and new (foreseeable) projects.

***MMHSRP Activities***

- Support for the current activities under the MMHSRP.
- Support for the John H. Prescott Marine Mammal Rescue Assistance Grant Program.
- More collaboration is needed between researchers and those working with stranded animals.
- Database of stranding response personnel and their experience would be valuable.
- MMHSRP should focus on the protection of wild populations and not on the recovery of single live animals that strand.
- Suggest the establishment of a central MMHSRP diagnostic laboratory and sample bank to alleviate costs to individual centers and provide central data bank for research.
- Recommend establishing two disentanglement training facilities (one in Provincetown, Massachusetts and one on the West Coast) that are accredited to teach the protocols of the disentanglement network.
- Support for a National Disentanglement Coordinator.
- Need for more trained disentanglement responders with proper gear.
- Photo documentation of all strandings should be encouraged and guidelines should be established for photo and video documentation to facilitate future analysis.
- Responders collecting Level A stranding data should be properly trained in the collection of the data, the importance of the data, and how it will be used by investigators.
- Level A data forms should incorporate morphological data. May be appropriate to have different forms for cetaceans and pinnipeds.
- Training for response to unusual mortality events (UMEs) needs to be offered to all network participants. Network participants should be kept apprised of UMEs in their region and nationwide.

***Biological Resources***

- The potential for unintended effects from release of rehabilitated animals that can impact wild populations should be considered.
- Personnel should be trained in animal transport mechanisms to reduce possible animal injuries.
- Toxicity of chemically euthanized carcasses left on beaches may impact scavengers.

***Coastal Zone Management***

- Personnel need to know the rules/policies for responding on private land, Federal land, etc.
- A consistency determination must be made for federal activities affecting Virginia's coastal resources or uses.

***Human Health and Safety***

- Personnel should be trained in physical environment they will be working in and informed about the risk of injuries.
- Euthanasia solution can be dangerous to personnel. Need to find less toxic solution to use.
- Without the MMHSRP, the general public would likely take matters into their own hands in regards to stranded animals. Human health and safety would be at a grave risk without the MMHSRP.

***Public Outreach and Education***

- Public education about stranded animals is not well supported in present national priorities. This would help reduce the interaction between humans and stranded animals.
- Funding should be available to stranding network participants to have an educational program.

***Treaty Rights***

- The Makah Tribe has the right to stranded animals within their reservation boundaries and their Usual and Accustomed areas.
- Scientific practices and tribal cultural activities on stranded animals can occur at the same time.

**3.2 Interim Policies and Best Practices Comments**

The following is a summary of the types of comments received on the interim Policies and Best Practices documents during the scoping process:

***General***

- Support for national standards and guidelines for the MMHSRP.
- Support for issuance of policies and best practices if they are flexible to account for species differences and the pressures and conflicts unique to each region.

- Policies and practices only address release.
- Suggest establishing public viewing guidelines that protect animals and visitors.
- The premier criteria for standards should be the health and welfare of wild populations.
- Policies seem redundant to requirements instituted by the US Department of Agriculture for display of marine mammals and Institutional Animal Care and Use Committees requirements. These references could be directly cited to stress where NMFS policies may differ or compliment the requirements.
- It is unclear how the documents work together and the legal status of the documents is unclear.
- How will NMFS enforce these policies?
- Documents must be available to stranding network participants prior to signing SAs.
- If stranding network participants will be held to strict reporting time frames, NMFS' should agree to do the same.
- Needs to be a balance so that participating in the stranding program is not overly burdensome to institutions. The guidelines being reviewed as part of the EIS process fail to achieve a good balance.

#### ***Interim SA Template***

- Agree with conditions described in the template.
- Concern with Section C, Participant Responsibilities that states that the Participants shall bear any and all expenses they incur from activities under the SA. Alaska stranding network participants have been provided funding from the NMFS regional office. This practice should continue and Alaska should not be aligned with logistics available in other regions.
- If the SA is terminated, is there a length of time before the entity can reapply?

#### ***Interim Minimum Eligibility Criteria for an SA***

- It is important to recognize the different roles required for response, rehabilitation, and release activities.
- Consideration of requiring letters of recommendation for new and renewing SA applicants.
- The proposed qualifications should be implemented as written.
- There should be an appeals procedure for those entities denied an SA.

***Interim Rehabilitation Facility Standards***

- Rehabilitation Facility Standards should be minimum standards.
- Providing a designated quarantine building is not feasible.
- Cost of administering bimonthly diagnostic tests on animals is financially prohibitive and staff is not available to administer tests.
- Standards are standards, the minimal should be removed.

***Interim Standards for the Release of Rehabilitated Marine Mammals***

- Standards do not address immediate release from the beach, or relocation and release without entering a rehabilitation facility.
- More emphasis should be placed on post-release monitoring.
- Standards are acceptable as written.

***Interim Disentanglement Guidelines***

- Support for national disentanglement protocols with respect to safety, documentation, reporting, and operations. Some protocols would need to be flexible to tailor them to specific circumstances and variable conditions.
- National standards for the disentanglement network should require that participation and advancement at all levels is founded on experience and training.
- Standards are acceptable as written.
- The Provincetown Center for Coastal Studies gear and techniques are not necessarily applicable in all regions.
- Clarify why NMFS is liable for injuries or fatalities during disentanglement.
- Needs to be a process in place for organizational growth and training opportunities need to be offered on a regular basis.
- Divers should be seriously considered in the official protocol for the disentanglement network. The protocol should limit diving to disentangle a whale only to those personnel who are trained and certified divers.

## **4. Conclusion**

NMFS has completed the formal public scoping process for the MMHSRP EIS. The agency will consider the comments received, individually and cumulatively, and will address those comments in the EIS, to the extent required. Comments received on the interim Policies and Best Practices documents will be reviewed and considered during the revision process. Scoping is an iterative

process and NMFS will continue to consider all relevant input received throughout the development of the EIS.



**APPENDIX A**

**FEDERAL REGISTER NOTICE OF INTENT**

**DECEMBER 28, 2005**



scope of this order. These include stainless steel strip in coils used in the production of textile cutting tools (e.g., carpet knives).<sup>5</sup> This steel is similar to American Iron and Steel Institute (AISI) grade 420 but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as "GIN4 Mo."<sup>6</sup> The second excluded stainless steel strip in coils is similar to AISI 420-J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100 carbide particles per 100 square microns. An example of this product is "GIN5"<sup>7</sup> steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, "GIN6."<sup>8</sup>

#### Rescission of Review

The applicable regulation, 19 CFR 351.213(d)(1), states that if a party that requested an administrative review withdraws the request within 90 days of the publication of the notice of the initiation of the requested review, the Secretary will rescind the review. It further states that the Secretary may extend this time limit if the Secretary finds it reasonable to do so. As noted above, three of the five petitioners that requested this review timely withdrew their request for review. On December 1, 2005, the Department informed counsel to petitioners that the instant review cannot be rescinded unless all five petitioners withdraw their request. See Memorandum to the File from Richard O. Weible, Office Director, Regarding

<sup>5</sup> This list of uses is illustrative and provided for descriptive purposes only.

<sup>6</sup> "GIN4 Mo" is the proprietary grade of Hitachi Metals America, Ltd.

<sup>7</sup> "GIN5" is the proprietary grade of Hitachi Metals America, Ltd.

<sup>8</sup> "GIN6" is the proprietary grade of Hitachi Metals America, Ltd.

"Phone Conversation with David Hartquist," dated December 6, 2005. By December 6, 2005, one week after the 90-day deadline, all five petitioners (Allegheny Ludlum Corporation, North American Stainless, United Auto Workers Local 3303, Zanesville Armco Independent Organization, Inc., and the United Steelworkers), withdrew their request for review.

The Department finds it reasonable to extend the time limit by which a party may withdraw its request for review in the instant proceeding. The Department has not yet devoted considerable time and resources to this review, all five petitioners have withdrawn their request, and no other party requested the review. Therefore, we are rescinding this review of the antidumping duty order on SSSS in coils from Italy covering the period July 1, 2004, through June 30, 2005. The Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection within 15 days of publication of this notice.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's assumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

#### Notification of Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return on destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversation to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

This notice is issued and published in accordance with sections 751 and 777(i) of the Act and 19 CFR 351.213(d)(4).

Dated: December 21, 2005.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E5-7984 Filed 12-27-05; 8:45 am]

BILLING CODE 3510-05-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 120805B]

#### Notice of Intent to Conduct Public Scoping Meetings and Prepare an Environmental Impact Statement on the Activities of the National Marine Mammal Health and Stranding Response Program

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of Intent to prepare environmental impact statement; request for comments.

**SUMMARY:** The National Marine Fisheries Service (NMFS) announces its intent to prepare an Environmental Impact Statement (EIS) to analyze the environmental impacts of the national administration of the Marine Mammal Health and Stranding Response Program (MMHSRP).

Publication of this notice begins the official scoping process that will help identify alternatives and determine the scope of environmental issues to be addressed in the EIS. This notice requests public participation in the scoping process, provides information on how to participate, and identifies a set of preliminary alternatives to serve as a starting point for discussions.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** for specific dates, times, and locations of public scoping meetings for this issue.

**FOR FURTHER INFORMATION CONTACT:** All comments, written statements and questions regarding the scoping process, NEPA process, and preparation of the EIS must be postmarked by February 28, 2006, and should be mailed to: P. Michael Payne, Chief, Marine Mammal and Sea Turtle Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Room 13635, Silver Spring, MD 20910-3226, Fax: 301-427-2584 ATTN: MMHSRP EIS or e-mail at [mmhsrpeis.comments@noaa.gov](mailto:mmhsrpeis.comments@noaa.gov) with the subject line MMHSRP EIS.

**SUPPLEMENTARY INFORMATION:**

## Background

NMFS proposes to continue to coordinate and operate the National Marine Mammal Health and Stranding Response Program (MMHSRP) for response to stranded marine mammals and research into questions related to marine mammal health, including causes and trends in marine mammal health and the causes of strandings, pursuant to Title IV of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1421). Title IV of the MMPA established the MMHSRP under NMFS. The mandated goals and purposes for the program are to: (1) facilitate the collection and dissemination of reference data on the health of marine mammals and health trends of marine mammal populations in the wild; (2) correlate the health of marine mammals and marine mammal populations, in the wild, with available data on physical, chemical, and biological environmental parameters; and (3) coordinate effective responses to unusual mortality events by establishing a process in the Department of Commerce in accordance with section 404.

To meet the goals of the MMPA, the MMHSRP carries out several important activities, including the National Marine Mammal Stranding Network, the John H. Prescott Marine Mammal Rescue Assistance Grant Program, the Marine Mammal Disentanglement Program, the Marine Mammal Unusual Mortality Event and Emergency Response Program, the Marine Mammal Biomonitoring Program, the Marine Mammal Tissue and Serum Bank Program, the Marine Mammal Analytical Quality Assurance Program, the MMHSRP Information Management Program, and the facilitation of several regional health assessment programs on wild marine mammals.

A marine mammal is defined as "stranded" under the MMPA if it is dead and on the beach or shore or floating in waters under US jurisdiction, or alive and on the beach and unable to return to the water, in need of medical assistance, or out of its natural habitat and unable to return to its natural habitat without assistance. NMFS is currently developing and plans to issue national protocols that will help standardize the stranding network across the country while maintaining regional flexibility. These protocols are proposed to be issued in one consolidated manual, titled *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release* (Policies and Practices). This document is currently released on an interim basis, and will be available on

our website after January 9, 2006, at: <http://www.nmfs.noaa.gov/pr/health/> for reference and review. The future development of these policies may involve issuance of regulations, but none are currently proposed.

Individuals, groups and organizations throughout the country have been responding to stranded marine mammals for decades. After the passage of Title IV, NMFS codified the roles and responsibilities of participant organizations in the National Marine Mammal Stranding Network through a Letter of Agreement (LOA) or Stranding Agreement (SA), issued under MMPA section 112(c). By issuing SAs, NMFS allows stranding network response organizations, acting as 'agents' of the government, an exemption to the prohibition on "takes" of marine mammals established under the MMPA. Federal, state and local government officials already have an exemption to the take prohibition under section 109(h) of the MMPA, which allows the taking of marine mammals (not listed as threatened or endangered) during the course of official duties, provided such taking is for the protection or welfare of the mammal, for public health, or for the nonlethal removal of nuisance animals. SAs (as conceived) extend the same exemption to organizations and individuals that are outside of the government.

Stranding Agreements are issued by NMFS Regional Administrators, and in the past a high level of variability has occurred between regions. A standardized national template for the format of the SA has been developed, including sections that may be customized by each region in order to maintain flexibility. This SA template has been subject to public comment on several occasions after publication on NMFS' public website and distribution to interested parties (most recently on Nov. 8, 2004). NMFS has also developed a list of minimum criteria for organizations wishing to obtain a SA and participate in the stranding network, and these have also been distributed for public comment. These criteria differ based on the level of involvement of the participant (response only; response and transport; rehabilitation, etc.). Substantive comments received on these documents have been either incorporated or responded to, if the authors chose not to incorporate them. The LOA Template and Minimum Eligibility Criteria are the first two elements of the "Policies and Practices" manual.

While the MMPA provides an exception to the take prohibition for the health and welfare of stranded marine

mammals, no similar exemption is contained in the Endangered Species Act (ESA). Not all, but many, species of marine mammals are listed as threatened or endangered under the ESA, and are therefore protected by both laws. Therefore, the MMHSRP has obtained a permit from the Permits, Conservation and Education Division of the NMFS Office of Protected Resources, issued under the MMPA and section 10(a)(1)(A) of the ESA, to provide the necessary exemption to the take prohibition where the stranded animal in question is listed under the ESA, or when response to a stranded animal would or could incidentally harass a listed species. The permit covers stranding and emergency response activities, including for example, disentanglement, hazing, close approaches, and humane euthanasia. Captures of wild (presumably healthy) animals are also permitted to conduct health assessment studies, where such activities are part of an investigation into a morbidity or mortality issue in the wild population, but this is a rare occurrence (not routine procedure). Stranding network responders are listed as co-investigators under this permit. The permit also authorizes a variety of research projects utilizing stranded animals, tissue samples, and marine mammal parts for investigations into die-offs and other questions regarding marine mammal health and stranding. The current permit issued to the MMHSRP will expire on June 30, 2007, and a NEPA analysis of the activities covered under the permit must be completed prior to the issuance of a new permit. This EIS will serve as the NEPA analysis of these permitted activities.

Marine mammals that are undergoing rehabilitation, and the facilities that are conducting rehabilitation activities, are not subject to inspection or review by the Animal and Plant Health Inspection Service (APHIS) under the United States Department of Agriculture, provided that they are not also a public display facility (separate from their rehabilitation activities) or a research facility. These facilities are therefore not subject to APHIS minimum requirements for facilities, husbandry, or veterinary standards. NMFS has developed minimum standards for marine mammal rehabilitation facilities that will be required of all facilities operating under a SA with NMFS, and the interim rehabilitation facility standards document is the third element of the Policies and Practices manual.

Section 402 (a) of the MMPA charges NMFS with providing "guidance for determining at what point a rehabilitated marine mammal is

releasable to the wild." Interim standards for release of rehabilitated marine mammals have been developed by NMFS and the US Fish and Wildlife Service in consultation with marine mammal experts through review and public comments, including publication in the **Federal Register** on April 8, 1998 (63 FR 17156). Three panels of experts were also assembled in 2001 to provide individual recommendations, which have been incorporated into the current interim document. These guidelines provide an evaluative process for the veterinarians and animal husbandry staff at rehabilitation facilities to use in determining if a stranded marine mammal is suitable for release to the wild, and under what conditions such a release should occur. The interim standards are provided in the Policies and Practices manual.

### **Purpose and Scope of the Action**

NMFS will prepare an EIS to evaluate the cumulative impacts of the activities of the MMHSRP, including the issuance of a final Policies and Procedures manual and a new MMPA/ESA permit for the program. This EIS will assess the likely environmental effects of marine mammal health and stranding response under a range of alternatives characterized by different methods, mitigation measures, and level of response. In addition, the EIS will identify potentially significant direct, indirect, and cumulative impacts on geology and soils, air quality, water quality, other fish and wildlife species and their habitat, vegetation, socioeconomics and tourism, treaty rights and Federal trust responsibilities, environmental justice, cultural resources, noise, aesthetics, transportation, public services, and human health and safety, and other environmental issues that could occur with the implementation of the proposed action. For all potentially significant impacts, the EIS will identify avoidance, minimization and mitigation measures to reduce these impacts, where feasible, to a level below significance.

Major environmental concerns that will be addressed in the EIS include: NMFS' information needs for the conservation of marine mammals; the types and levels of stranding response and rehabilitation activities, including level of effort; and the cumulative impacts of MMHSRP activities on marine mammals and the environment. Comments and suggestions are invited from all interested parties to ensure that the full range of issues related to the MMHSRP and its activities are identified. NMFS is therefore seeking

public comments especially in the following areas:

(1) *Types of activities.* What sort of activities in response to stranded marine mammals or outbreaks of disease in marine mammals should be conducted on a national level? Are there critical research needs that may be met by stranding investigations, rehabilitation, biomonitoring, disentanglement, and other health-related research activities? If so, are these needs currently being met? If there are additional needs, what are they, how are they likely to benefit the marine mammal species, and how should they best be met?

(2) *Level of response effort.* For example, should there be different standards or levels of effort for different species or groups of species (i.e. pinnipeds vs. cetaceans; threatened or endangered species vs. increasing populations, etc.)? How should NMFS set these standards or limits?

(3) *Organization and qualifications.* How should the national stranding network be organized at the local, state, regional, eco-system, and national levels? How should health assessment research be coordinated or organized nationally? What should the minimum qualifications of an individual or organization be prior to becoming an SA holder or researcher (utilizing samples from stranded animals) to ensure that animals are treated successfully, humanely, and with the minimum of adverse impacts?

(4) *Effects of activities.* NMFS will be assessing possible effects of the activities conducted by, for, and under the authorization of the MMHSRP using all appropriate available information. Anyone having relevant information they believe NMFS should consider in its analysis should provide a complete citation or reference for retrieving the information. We seek public input on the scope of the required NEPA analysis, including the range of reasonable alternatives; associated impacts of any alternatives on the human environment, including geology and soils, air quality, water quality, other fish and wildlife species and their habitat, vegetation, socioeconomics and tourism, treaty rights and Federal trust responsibilities, environmental justice, cultural resources, noise, aesthetics, transportation, public services, and human health and safety, and suitable mitigation measures. We ask that comments be as specific as possible.

### **Alternatives**

NMFS has identified several preliminary alternatives for public comment during the scoping period and encourage information on additional

alternatives to consider. Alternative 1, the Proposed Action Alternative, would result in the publication of the Practices and Protocols Handbook and the establishment of required minimum standards for the national marine mammal stranding and disentanglement networks. The MMHSRP permit would also be issued under this alternative to permit response activities for endangered species, disentanglement activities, biomonitoring projects, other research projects conducted by or in cooperation with the program, and import and export of tissue and other diagnostic or research samples.

Alternative 2, the No Action Alternative, would continue the activities of the national stranding and disentanglement networks without issuance of the Policies and Practices. No new or renewal Stranding Agreements would be issued or extended, and the MMHSRP would not apply for or receive a new permit. As Stranding Agreements with organizations expired, the network would cease to function. The No Action Alternative is required to be included for consideration by CEQ regulations.

Alternative 3 is considered the Status Quo alternative and would allow for the continuation of the stranding and disentanglement networks currently in place in the country, and the Policies and Practices documents would not be issued. However, under the Status Quo alternative, Stranding Agreements could be renewed or extended (though not modified), such that the current level of response would continue. No new SAs would be issued to facilities that are not currently part of the national stranding network. This would preclude adaptive changes in the stranding network as organizations change priorities and wish to leave the network, or as new facilities are created and wish to become involved. The MMHSRP permit could be renewed or reissued as written, with no modifications. There could be no adaptive changes to the research protocols as new issues were raised or advances made in technology.

Other alternatives considered by NMFS may be eliminated from detailed study because they would limit or prohibit activities necessary for the conservation of the species by NMFS. The other alternatives that have been considered but may be eliminated from further study are: (1) An alternative that allows for biomonitoring activities only (tissue sampling and study of animals caught during targeted health assessment projects, subsistence hunts, and as incidental bycatch in fishery activities only); (2) an alternative that allows for a stranding response only (no

rehabilitation activities; response to live animals would be limited to euthanasia or release; no disentanglement or health assessment activities; ); (3) an alternative that allows for response and rehabilitation for cetaceans only; and (4) an alternative that allows for response and rehabilitation for ESA-listed marine mammals only. The elimination of any of these activities would impede data collection regarding strandings and the health of marine mammals that is necessary for NMFS conservation and recovery efforts for many species.

In addition to the alternatives listed above, NMFS will also utilize the scoping process to identify other alternatives for consideration. It should be noted that although several of the listed alternatives would not allow for the mandated activities listed in the MMPA, under 40 CFR 1506.2(d), reasonable alternatives cannot be excluded strictly because they are inconsistent with Federal or state laws, but must still be evaluated in the EIS.

For additional information about the MMHSRP, the national stranding network, and related information, please visit our website at <http://www.nmfs.noaa.gov/pr/health/>.

#### Public Involvement and Scoping Meetings Agenda

Public scoping meetings will be held at the following dates, times, and locations:

1. Tuesday, January 24, 2006, 7 – 10 p.m., Santa Barbara Natural History Museum, 2559 Puesta del Sol, Santa Barbara, CA;
2. Wednesday, January 25, 2006, 2 – 5 p.m.; Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, CA;
3. Friday, January 27, 2006, 3 – 6 p.m., Hawaiian Islands Humpback Whale National Marine Sanctuary O'ahu Office, 6600 Kalaniana'ole Highway, Honolulu, HI;
4. Monday, January 30, 2006, 2 – 5 p.m., NMFS Northwest Regional Office, Building 9, 7600 Sand Point Way NE, Seattle, WA;
5. Wednesday, February 1, 2006, 2 – 5 p.m., U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, AK;
6. Tuesday, February 7, 2006, 5 – 8 p.m., NMFS Southeast Regional Office, 263 13th Avenue, South, St. Petersburg, FL;
7. Monday, February 13, 2006, 5 – 8 p.m., New England Aquarium, Conference Center, Central Wharf, Boston, MA;
8. Friday, February 17, 2006, 2 – 5 p.m., Silver Spring Metro Center, Building 4, Science Center, 1301 East-West Highway, Silver Spring, MD.

Comments will be accepted at these meetings as well as during the scoping period, and can be mailed to NMFS by February 28, 2006 (see **FOR FURTHER INFORMATION CONTACT**).

We will consider all comments received during the comment period. All hardcopy submissions must be unbound, on paper no larger than 8 1/2 by 11 inches (216 by 279 mm), and suitable for copying and electronic scanning. We request that you include in your comments:

- (1) Your name and address;
- (2) Whether or not you would like to receive a copy of the Draft EIS (please specify electronic or paper format of the Draft EIS); and
- (3) Any background documents to support your comments as you feel necessary.

All comments and material received, including names and addresses, will become part of the administrative record and may be released to the public.

#### Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Sarah Howlett or Sarah Wilkin, 301–713–2322 (voice) or 301–427–2522 (fax), at least 5 days before the scheduled meeting date.

#### P. Michael Payne,

Chief, Marine Mammal and Sea Turtle Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E5–7990 Filed 12–27–05; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 122005C]

#### Notice of Intent to Prepare an Environmental Impact Statement on Impacts of Research on Steller Sea Lions and Northern Fur Seals Throughout Their Range in the United States

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of Intent to prepare environmental impact statement.

**SUMMARY:** The National Marine Fisheries Service (NMFS) announces its intent to prepare an Environmental Impact Statement (EIS) to analyze the environmental impacts of administering grants and issuing permits associated

with research on endangered and threatened Steller sea lions (*Eumetopias jubatus*) and depleted northern fur seals (*Callorhinus ursinus*). Publication of this notice begins the official scoping process that will help identify alternatives and determine the scope of environmental issues to be addressed in the EIS. This notice requests public participation in the scoping process and provides information on how to participate.

The purpose of conducting research on threatened and endangered Steller sea lions is to promote the recovery of the species' populations such that the protections of the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) are no longer needed. Consistent with the purpose of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*), the purpose of conducting research on northern fur seals is to contribute to the basic knowledge of marine mammal biology or ecology and to identify, evaluate, or resolve conservation problems for this depleted species.

Research on Steller sea lions and northern fur seals considered in this EIS is funded and permitted by NMFS, which are both federal actions requiring National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) compliance. The need for these actions 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 is developing 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.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** for specific dates, times, and locations of public scoping meetings for this issue.

**FOR FURTHER INFORMATION CONTACT:** Written statements and questions regarding the scoping process must be postmarked by February 13, 2006, and should be mailed to: Steve Leathery, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910–3226,

**APPENDIX B**

**INFORMATIONAL FACT SHEETS FROM**

**PUBLIC SCOPING MEETINGS**





# • NEPA/EIS FACT SHEET •

The Environmental Impact Statement (EIS) will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969.

*What is NEPA?*

The purposes of NEPA are to:

- Encourage harmony between man and the environment;
- Promote efforts to prevent or eliminate environmental damage; and
- Enrich man's understanding of important ecological systems and natural resources.

NEPA requires that the National Marine Fisheries Service (NMFS):

- Consider the potential consequences of its decisions (major federal actions) on the human environment before deciding to proceed; and
- Provide opportunities for public involvement, which include: participating in scoping, reviewing the Draft and Final EIS, and attending public meetings.

**NEPA does not dictate the decision to be made by NMFS, but informs the decision-making process.**

*What is an EIS?*

An EIS evaluates the actions that a federal agency plans to undertake with respect to the potential impacts of these actions on the human environment. The purpose of this EIS is to objectively analyze and evaluate the potential impacts on environmental resources from activities conducted under the Marine Mammal Health and Stranding Response Program (MMHSRP).

The EIS will include descriptions of the:

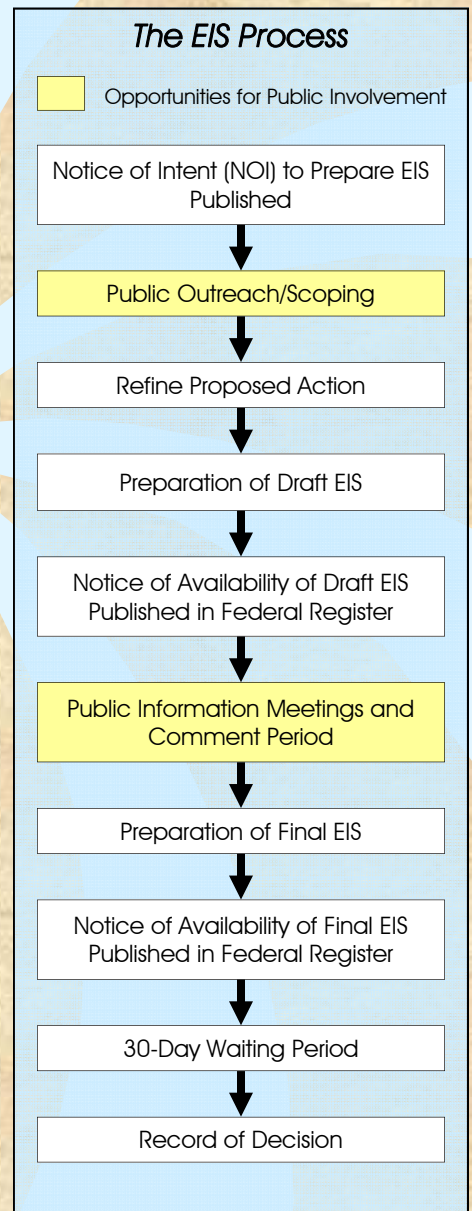
- Proposed Action
- Purpose and need for the Proposed Action
- Alternatives to the Proposed Action
- Affected environment
- Environmental consequences of the Proposed Action and alternatives
- Required mitigation or recommended best management practices (BMPs)

**What environmental resources are normally considered during an EIS?**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Fish and Wildlife                             <ul style="list-style-type: none"> <li>– Protected Species                                     <ul style="list-style-type: none"> <li>&gt; Threatened and Endangered Species</li> <li>&gt; Marine Mammals</li> <li>&gt; Migratory Birds</li> </ul> </li> <li>– Non-protected Species</li> </ul> </li> <li>• Protected and Sensitive Habitats                             <ul style="list-style-type: none"> <li>– National Marine Sanctuaries</li> <li>– Essential Fish Habitat</li> <li>– Designated Critical Habitat</li> <li>– Vegetation</li> </ul> </li> <li>• Coastal Zone Management</li> <li>• Geology and Soils</li> </ul> | <ul style="list-style-type: none"> <li>• Air Quality</li> <li>• Water Quality</li> <li>• Noise</li> <li>• Aesthetics</li> <li>• Human Health and Safety</li> <li>• Socioeconomics and Tourism</li> <li>• Public Services</li> <li>• Cultural Resources</li> <li>• Environmental Justice</li> <li>• Treaty Rights</li> <li>• Federal Trust Responsibilities</li> <li>• Cumulative Impacts</li> </ul> |
|--|---|



*Photo by NOAA Fisheries*



*Photo by Provincetown Center for Coastal Studies*



# PUBLIC INPUT

**NMFS needs your participation in scoping for the EIS.**

*What is Scoping?*

Scoping is defined as an "early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." NEPA requires that NMFS include scoping as part of the EIS process. For our scoping, we have chosen a combination of public meetings around the country and repositories of the information - both virtual (on our website) and real (in a library in each city where a scoping meeting is held).



Photo by NMFS NWR

Your involvement and input are essential to the EIS process. Many opportunities exist to be involved in the EIS on the activities of the National Marine Mammal Health and Stranding Response Program (MMHSRP):

- Participate in a scoping meeting
- Identify specific issues
- Submit comments
- Sign up for the mailing list
- Review and comment on the Draft EIS
- Participate in a public hearing
- Review the Final EIS

**NMFS is seeking public comments on all issues relating to the MMHSRP, including the following specific questions:**

- What sort of activities should be conducted on a local, regional and national level in response to stranded, entangled, sick, injured, and other marine mammals in distress?
- Are there critical research or management needs that may be met by stranding investigations, rehabilitation, disentanglement or health-related research and biomonitoring - activities? Are these needs currently being met? If not, what are they, how are they likely to benefit the marine mammal species, and what should be done to meet them?
- Should there be different standards or levels of MMHSRP effort for different species or groups of species (i.e. pinnipeds vs. cetaceans; threatened or endangered species vs. increasing populations, etc.)? If so, how should NMFS set these standards or priorities?
- Is the current organization of the national stranding and health assessment networks at the local, state, regional, ecosystem, and national levels adequate to meet the necessary management and research needs for conservation? If not, what changes should be implemented to make the organization more effective?
- What should be the minimum qualifications of an individual or organization prior to becoming a Stranding Agreement holder to ensure that animals are treated appropriately, humanely, and with the minimum of adverse impacts?
- Are public and animal health and safety needs adequately addressed in the current organization and operations of the MMHSRP?
- Are there any other relevant issues or data NMFS should consider in its analysis of activities conducted by, for, and under the authorization of the MMHSRP? If so, please provide if or a reference for it.



Photo by Lynne Barre, NMFS NWR

## Information Repository Sites:

Santa Barbara Public Library 40 East Anapamu Street Santa Barbara, CA 93101	San Francisco Public Library 100 Larkin Street San Francisco, CA 94102
Hawaii State Library 478 South King Street Honolulu, HI 96813	Seattle Public Library 1000 4th Avenue Seattle, WA 98104
Z.J. Loussac Public Library 3600 Denali Street Anchorage, AK 99503	St. Petersburg Public Library 3745 9th Avenue North St. Petersburg, FL 33713
Boston Public Library 700 Boylston Street Boston, MA 02116	NOAA Central Library 1315 East-West Highway 2nd Floor, SSMC3 Silver Spring, MD 20910

## Contacts:

Sarah Howlett or Sarah Wilkin  
Marine Mammal and Sea Turtle Division  
Office of Protected Resources  
NMFS 1315 East-West Highway  
Silver Spring, MD 20910-3226  
Phone: 301-713-2322

**Address your comments by  
February 28, 2006 to:**

P. Michael Payne, Chief  
Marine Mammal and Sea Turtle Division  
NMFS 1315 East-West Highway  
Silver Spring, MD 20910-3226  
mmhspels.comments@noaa.gov  
Fax: 301-427-2584

## For More Information:

<http://www.nmfs.noaa.gov/pr/health/els.htm>

## Scoping Meeting Dates and Locations:

PLACE	DATE
<b>Santa Barbara, CA</b> Natural History Museum 2559 Puesta del Sol	Tuesday January 24, 2006 7:00 to 10:00 pm
<b>San Francisco, CA</b> Bay Conservation and Development Commission 50 California Street, Suite 2600	Wednesday January 25, 2006 2:00 to 5:00 pm
<b>Honolulu, HI</b> Hawaiian Islands Humpback Whale National Marine Sanctuary O'ahu Office 6600 Kalaniana'ole Highway	Friday January 27, 2006 3:00 to 6:00 pm
<b>Seattle, WA</b> NMFS Northwest Regional Office Building 9 7600 Sand Point Way NE	Monday January 30, 2006 2:00 to 5:00 pm
<b>Anchorage, AK</b> U.S. Fish and Wildlife Service 1011 East Tudor Road	Wednesday February 1, 2006 2:00 to 5:00 pm
<b>St. Petersburg, FL</b> NMFS Southeast Regional Office 263 13th Avenue, South	Tuesday February 7, 2006 5:00 to 8:00 pm
<b>Boston, MA</b> New England Aquarium Conference Center Central Wharf	Monday February 13, 2006 5:00 to 8:00 pm
<b>Silver Spring, MD</b> Silver Spring Metro Center, Building 4, Science Center 1301 East-West Highway	Friday February 17, 2006 2:00 to 5:00 pm





# MARINE MAMMAL HEALTH AND STRANDING RESPONSE PROGRAM

## ***National Marine Mammal Stranding Network***

The National Marine Mammal Stranding Network consists of volunteer stranding networks in all coastal states. These networks are authorized through Stranding Agreements with the National Marine Fisheries Service (NMFS) regional offices. Network member organizations respond to live and dead stranded marine mammals on the beach, take biological samples, transport animals, rehabilitate sick or injured marine mammals and potentially release them back to the wild. NMFS oversees, coordinates, and authorizes stranding network activities through one national and six regional stranding coordinators. NMFS also provides training to network members.

## ***Marine Mammal Disentanglement Network***



*Photo courtesy Provincetown Center for Coastal Studies*

The Disentanglement Network is a partnership between NMFS, the Provincetown Center for Coastal Studies, the U.S. Coast Guard, State agencies, National Marine Sanctuaries, and other entities. The Network is responsible for monitoring and documenting whales that have become entangled in gear as well as conducting rescue operations. The network established protocols for all aspects of response, including animal care and assessment, vessel and aircraft support, and media and public information. Multiple levels of training are required for animal welfare and human safety.

## ***John H. Prescott Marine Mammal Rescue Assistance Grant Program***

The Prescott Grant Program provides grants to eligible stranding network participants and researchers for:

- Recovery and treatment of stranded marine mammals;
- Data collection from living or dead stranded marine mammals; and
- Facility upgrades, operation costs, and staffing needs directly related to the recovery and treatment of stranded marine mammals and collection of data from living or dead stranded marine mammals.

Since the inception of the program in 2001, over \$16,000,000 has been disbursed in 187 grant awards. There is an annual competitive program as well as funding made available throughout the year for emergency response.

## ***Marine Mammal Unusual Mortality Event and Emergency Response Program***

The Working Group on Marine Mammal Unusual Mortality Events made up of federal and non-federal experts from a variety of biological and biomedical disciplines, including federal agency representatives, and two international participants from Canada and Mexico. The Working Group advises NMFS with regards to marine mammal Unusual Mortality Events (UMEs). The Program coordinates emergency response, investigations into causes of mortality and morbidity, evaluates the environmental factors associated with UMEs, provides training and resources as possible, and oversees the Marine Mammal Unusual Mortality Event Fund.



## ***MMHSRP Information Management Program***

The MMHSRP Information Management Program is responsible for the development and maintenance of a variety of databases, websites and other tools for disseminating information within the program, Network, and to the public. A major recent accomplishment was the rollout of a web-accessible national Level A database for reporting and sharing near-real time stranding data to all regions. The Marine Mammal Tissue Bank inventory will become web-accessible to the public in 2006. Data access policies are being developed to codify protocols for data accuracy, quality assurance, and public access to stranding network data.

## ***Marine Mammal Health Biomonitoring, Research, Development and Banking Programs***



*Photo courtesy NIST*

The MMHSRP coordinates national biomonitoring, research and banking efforts to analyze the health and contaminant trends of wild marine mammal populations. The program collects information to determine anthropogenic impacts on marine mammals, marine food chains, and marine ecosystems. In addition, the program uses information to analyze the contribution of environmental parameters to wild marine mammal health trends. Finally, the program operates the National Marine Mammal Tissue Bank, a joint effort with the National Institute of Standards and Technology, as a long-term repository of samples for future retrospective evaluations.



# PROPOSED ACTION & ALTERNATIVES

## Proposed Action

- Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release (Policies and Practices) Manual would be issued, establishing required minimum standards for the national marine mammal stranding and disentanglement networks.
- MMHSRP permit would be issued to permit response activities for endangered species, entanglement activities, biomonitoring projects, and import and export of marine mammal tissue samples.
- Stranding Agreements (formerly LOAs) would continue to be issued or renewed on a case-by-case basis as necessary.



Photo courtesy Gulfworld Marine Park

## Purpose and Need

**Purpose:** NMFS proposes to continue to coordinate and operate the National Marine Mammal Health and Stranding Response Program (MMHSRP) for response to stranded marine mammals and research into questions related to marine mammal health, including causes and trends in marine mammal health and the causes of strandings, pursuant to Title IV of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1421).

**Need:** To operate the MMHSRP effectively and efficiently, making the best use of available limited resources; to collect the necessary data on marine mammal health and health trends to meet information needs for appropriate conservation and management; and to ensure that human and animal health and safety is always a high priority.

## Alternatives

### No Action Alternative:

- Allow continuation of stranding and disentanglement networks currently in place.
- Stranding Agreements (SAs) would not be renewed and new SAs would not be issued.
- Policies and Practices Manual would not be issued.
- MMHSRP would not apply for or receive a new permit.
- As SAs with organizations expired, the national stranding network would cease to function.

### Status Quo Alternative:

- Allow continuation of stranding and disentanglement networks currently in place.
- SAs could be renewed or extended, but not modified (current level of response would continue).
- Policies and Practices Manual would not be issued.
- No new Stranding Agreements would be issued to facilities not currently part of the national stranding network.
- MMHSRP permit could be renewed or reissued with no modifications.

## Alternatives Considered That May Be Eliminated From Further Study



Photo courtesy The Marine Mammal Center

### Biomonitoring Activities Only:

- Tissue sampling and the study of the health of animals caught during targeted health assessment projects, as incidental bycatch in fishery activities, and during subsistence hunting only

### Stranding Response Only:

- No rehabilitation activities— response to live animals would be limited to euthanasia or release.
- No disentanglement or health assessment activities.

### Response and Rehabilitation for Cetaceans Only

- No stranding response, rehabilitation, disentanglement, or health assessment activities would be conducted for pinnipeds (seals and sea lions).

### Response and Rehabilitation for Threatened and Endangered Marine Mammals Only

- No stranding response, rehabilitation, disentanglement, or health assessment activities would be conducted for marine mammals not listed as threatened or endangered under the Endangered Species Act.



**The Marine Mammal Health and Stranding Response Program Scoping Report (March 2006), Appendix C- Public Comments, has been removed to reduce the size of the appendices. A summary of the comments can be found in the Scoping Report. The entire Scoping Report can be found at the following website:  
[http://www.nmfs.noaa.gov/pr/pdfs/health/eis\\_appendix\\_d.pdf](http://www.nmfs.noaa.gov/pr/pdfs/health/eis_appendix_d.pdf)**

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