

1. Purpose and Need for the Proposed Actions

1.1 Introduction

This final Programmatic Environmental Impact Statement (PEIS) has been prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508), and the National Oceanic and Atmospheric Administration (NOAA) environmental review procedures (NOAA Administrative Order [NAO] 216-6). It describes a reasonable range of alternatives and the existing environmental conditions. The final PEIS contains a detailed analysis of the environmental consequences of the alternatives. This chapter describes the Marine Mammal Health and Stranding Response Program (MMHSRP) and the underlying purpose and need for the proposed actions.

1.2 Establishment and Overview of the MMHSRP

1.2.1 Establishment of the MMHSRP

Public response to marine mammals in distress, particularly those that are on the beach or "stranded," has occurred in various forms for decades. Historically, private organizations were founded to respond to stranded marine mammals. Many efforts were also conducted by museums to obtain marine mammal specimens for their collections. Aquaria with marine mammals in captivity also responded and provided veterinary care to stranded and injured marine mammals, particularly cetaceans. Prior to the 1970s, response was extremely localized, relatively inconsistent, and occurred with minimal Federal involvement. Communication between different groups responding to strandings was minimal, and accounts of single strandings were not integrated into any sort of meaningful analysis or overall picture that reflected animal stranding patterns or distributions.

With the passage of the Marine Mammal Protection Act (MMPA) in 1972, Congress gave jurisdiction over marine mammals in U.S. waters to the Federal government. All cetaceans and all pinnipeds, except walrus (*Odobenus rosmarus*), were placed under the jurisdiction of the Department of Commerce and is now specifically housed in the National Marine Fisheries Service (NMFS), NOAA. The Department of the Interior, U.S. Fish and Wildlife Service (USFWS) was given authority over walrus, sea otters (*Enhydra lutris*), sirenians (manatees [*Trichechus spp.*] and dugongs [*Dugong dugon*]), and polar bears (*Ursus maritimus*). The MMPA protected marine mammals from capture or harassment, and NMFS implementing regulations prohibited the possession of parts from carcasses

1 except by those specifically authorized to do so. This was a significant driving force in the
2 development of a formal regional stranding network.

3 The U.S. Marine Mammal Commission (MMC) sponsored a workshop in 1977 which brought
4 scientists together to discuss marine mammal strandings. One recommendation from that workshop
5 was to establish a framework for a national marine mammal stranding network with regional centers
6 and a centralized data file, coordinated by NMFS. The network was formally established, and was
7 organized, as independent volunteer organizations coordinated through each of the NMFS
8 jurisdictional regions.

9 Throughout the 1980s, the stranding network continued to grow across the U.S. and worldwide.
10 Information, mostly from stranded animals, began to accumulate on marine mammal mortalities
11 caused by human interactions, such as fisheries, and marine mammal mass mortality events. In the
12 late 1980s, a number of mass mortality events occurred in the U.S. and abroad, gaining significant
13 public attention. A mass die-off of humpback whales (*Megaptera novaeangliae*) in the Northeast U.S.
14 was linked to saxitoxin, resulting from a harmful algal bloom (HAB). Hundreds of bottlenose
15 dolphins (*Tursiops truncatus*) stranded dead in the Southeast U.S. due to *Morbillivirus* infection. The
16 investigation into these events encountered significant difficulties due to the lack of baseline data on
17 marine mammal health and NMFS and Congressional efforts began to formalize the health and
18 stranding program. Mounting evidence from these strandings and others showed high levels of
19 anthropogenic contaminants, such as persistent organic pollutants (POPs), raising concerns about the
20 overall health of marine mammal populations. Interest in marine mammal health and strandings
21 continued to increase as the public raised concerns about deteriorating ocean conditions. Based on
22 these growing concerns Congress passed the Marine Mammal Health and Stranding Response Act
23 (MMHSRA) in 1992.

24 Under the MMHSRA, the MMHSRP was formalized with the passage of Title IV, an amendment to
25 the MMPA. This Act charged the Secretary of Commerce to develop a marine mammal health and
26 stranding response program with three goals:

- 27 1. Facilitate the collection and dissemination of reference data on the health of marine mammals
28 and health trends of marine mammal populations in the wild;
- 29 2. Correlate the health of marine mammals and marine mammal populations, in the wild, with
30 available data on physical, chemical, and biological environmental parameters; and

1 3. Coordinate effective responses to unusual mortality events (UMEs) by establishing a process
2 in the Department of Commerce in accordance with Section 404 of the MMPA.

3 In this legislation, there is specific language relative to stranding networks. First, a stranding was
4 defined as “an event in the wild in which (A) a marine mammal is dead and is (i) on a beach or shore
5 of the United States; or (ii) in waters under the jurisdiction of the United States (including any
6 navigable waters); or (B) a marine mammal is alive and is (i) on a beach or shore of the United States
7 and is unable to return to the water; (ii) on a beach or shore of the United States and, although able to
8 return to the water, is in need of apparent medical attention; or (iii) in the waters under the jurisdiction
9 of the United States (including any navigable waters), but is unable to return to its natural habitat
10 under its own power or without assistance” (16 United States Code [U.S.C.] 1421h). Secondly, the
11 Department of Commerce is authorized by Section 112(c) of the MMPA to enter into agreements
12 with individuals or groups to “take” marine mammals in response to a stranding event. “Take” means
13 to “harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill any marine mammal” (16
14 U.S.C. 1362). Title IV also mandated the implementation of several other programs under the
15 umbrella of the MMHSRP. These programs are described below.

16 **1.2.2 Overview of the Current MMHSRP**

17 Since the passage of Title IV, the MMHSRP has grown significantly. The current MMHSRP
18 includes the following components:

- 19 • National Marine Mammal Stranding Network
- 20 • Marine Mammal UME Program
- 21 • National Marine Mammal Tissue Bank (NMMTB) and Quality Assurance Program
- 22 • Marine Mammal Health Biomonitoring, Research, and Development
- 23 • Marine Mammal Disentanglement Network
- 24 • John H. Prescott Marine Mammal Rescue Assistance Grant Program (a.k.a. the Prescott
25 Grant Program)
- 26 • Information Management and Dissemination.

27 The National Marine Mammal Stranding Network consists of organizations nationwide who respond
28 to stranded or entangled pinnipeds (except walrus) and all cetaceans within U.S. waters. These
29 organizations are authorized to respond under the MMPA, utilizing the authority of either Section
30 112(c) or Section 109(h). Organizations operating under Section 112(c) authority have entered into

1 formal agreements with NMFS for stranding response. These agreements are known as Stranding
2 Agreements (SAs), previously termed Letters of Agreement (LOAs). Organizations with SAs include
3 non-profits, for-profits, institutions of higher education, museums, governmental agencies, and
4 individuals. Section 109(h) of the MMPA allows Federal, state, and local government employees in
5 the line of duty to take a stranded marine mammal in a humane manner (including euthanasia) if such
6 taking is for: the protection or welfare of the mammal; the protection of public health and welfare; or
7 the nonlethal removal of nuisance animals. Appendix F lists the current (2009) members of the
8 NMFS National Stranding Network. The National Stranding Database was mandated under the
9 MMPA (16 U.S.C. 1421f) to contain marine mammal health reference data and data on species that
10 are subject to UMEs. The establishment of a data access policy was also mandated, to allow access to
11 marine mammal tissues in the NMMTB, any analyses conducted on these tissues, and other marine
12 mammal data in the database. Standardized datasheets to record stranding information have been
13 developed and are revised periodically.

14 The Working Group on Marine Mammal Unusual Mortality Events (WGMMUME), mandated under
15 the MMPA (16 U.S.C. 1421c), is a multidisciplinary panel of experts organized by NMFS to assist in
16 determining criteria for UMEs. A UME is defined in the MMPA as “a stranding that is unexpected;
17 involves a significant die-off of any marine mammal population; and demands immediate response.”
18 The WGMMUME coordinates emergency responses and investigations into causes of mortality and
19 morbidity. The Group also evaluates the environmental factors associated with UMEs, provides
20 training and resources (when possible), and oversees the Marine Mammal UME Fund.

21 The development of the NMMTB at the National Institute of Standards and Technology was
22 mandated by the MMPA (16 U.S.C. 1421f) and initiated by NMFS. Sources of tissues include:
23 samples from UMEs; samples from marine mammals taken incidental to commercial fishing
24 operations; samples from marine mammals taken for subsistence purposes; biopsy samples; and any
25 other samples properly and legally collected. The MMHSRP was mandated to issue guidance “for
26 analyzing tissue samples (by use of the most effective and advanced diagnostic technologies and tools
27 practicable) as a means to monitor and measure overall health trends in representative species or
28 populations of marine mammals...”(16 U.S.C. 1421f). The NMMTB provides a long-term archive
29 for marine mammal tissue samples, so that future retrospective analyses can be conducted. The
30 MMHSRP also coordinates and conducts field assessments of wild populations of marine mammals,
31 particularly in areas where there is a health question or concern, such as a previous mass stranding,
32 UME, die-off, or outbreak.

1 Analogous to the stranding network, response to entangled marine mammals was conducted at a local
2 level on an ad hoc basis for several decades. NMFS Headquarters and the NMFS Northeast Region
3 began the formalization of the Marine Mammal Disentanglement Network in 1997, when a contract
4 was issued to the Provincetown (Massachusetts) Center for Coastal Studies (PCCS) to respond to
5 entangled large whales along the East Coast. The Disentanglement Network is a partnership between
6 NMFS, PCCS, the U.S. Coast Guard (USCG), state agencies, and other entities. The
7 Disentanglement Network is responsible for monitoring and documenting whales that have become
8 entangled in fishing gear, as well as conducting rescue operations. PCCS has established protocols
9 for all aspects of response, including animal care and assessment; vessel and aircraft support; and
10 media and public information. PCCS has also developed response equipment and currently trains
11 other members of the stranding and disentanglement networks. Personnel from the Hawaiian Islands
12 Humpback Whale National Marine Sanctuary also provide disentanglement training. Today, over 500
13 civilian and governmental volunteers have received training as first responders for entangled whales.
14 Appendix F lists the current members of the Disentanglement Network.

15 The Prescott Grant Program was established under the Marine Mammal Rescue Assistance Act of
16 2000. NMFS was authorized to disburse funds to eligible members of the National Stranding
17 Network for: the recovery or treatment of marine mammals; the collection of data from living or dead
18 stranded marine mammals for scientific marine mammal health research; and facility operation costs.
19 Since 2001, Congress has annually appropriated \$4.0 million to the Program, and 187 awards totaling
20 over \$16.5 million have been disbursed to stranding network members. Projects funded by the
21 Prescott Grant Program have resulted in an increase in stranding response, data collection, and
22 scientific analyses. Additional information on the Prescott Grant Program is presented in Section
23 1.3.2.4.

24 **1.3 Purpose and Need for the Actions**

25 **1.3.1 Purpose for the Actions**

26 The purposes of the proposed actions are to respond to marine mammals in distress, including those
27 stranded, entangled, and out of habitat, and to answer research and management questions about
28 marine mammal health. Stranded and distressed marine mammal response is conducted for many
29 reasons, including NMFS' legislative mandate and the need to obtain data for management and
30 scientific purposes. Marine mammals are also sentinels of ecosystem health and may provide

1 valuable links to human health. Response to marine mammals is also conducted out of a concern for
2 animal welfare and ocean stewardship. Each of these reasons will be discussed below.

3 NMFS is charged under Title IV of the MMPA with collecting, disseminating, and investigating
4 correlates of data on marine mammal health and investigating UMEs. Due to the scope and nature of
5 marine mammal strandings in U.S. waters, NMFS has delegated responsibility for stranding response
6 to local persons, organizations, and institutions through MMPA Section 112(c) agreements. These
7 groups are required to share basic information from the response with NMFS to fulfill the statutory
8 mandates. Data collected from stranded animals may be basic (Level A), intermediate (Level B), or
9 detailed (Level C). Level A data includes information such as location, animal disposition, and
10 morphological data. Level B data is supplementary on-site information, such as weather and tide
11 conditions, animal behavior prior to and during stranding, and samples collected for life history and
12 blood studies. Level C data includes all information collected during a necropsy examination. This
13 information is used to develop baselines for animal biology and health; recognize trends and their
14 potential relationships to various environmental factors; and gain knowledge necessary for improved
15 species and habitat management (Geraci and Lounsbury 2005). NMFS also conducts many research
16 projects to assess marine mammal health on wild free-ranging animals, including remote sampling
17 (biopsy, breath, etc.) and captures. These research projects allow the MMHSRP to utilize controlled
18 experimental designs (*i.e.*, number of samples, age classes, sex, location) and collect samples from
19 off-shore species that are rarely reported stranded on beaches.

20 NMFS has an interest in collecting data from stranded and wild animals to monitor marine mammal
21 population status and health. Data from stranding events and health-related research projects are
22 utilized in marine mammal stock assessment reports. Reports of interactions between fisheries and
23 marine mammals, particularly if the interaction may have played a role in the mortality of the marine
24 mammal, are also very important data for fishery management.

25 Information obtained from stranded, sampled, and captured marine mammals is also important in
26 expanding a basic biological understanding of many species. Geographic locality of strandings and
27 rates of occurrence can reflect species distribution and abundance; seasonal patterns may also be
28 interpreted. For some species that are cryptic and difficult to observe at sea (*e.g.*, *Kogia sp.*),
29 population distribution information from surveys may be incomplete or underestimated. Records of
30 stranded animals may help fill in some of the gaps. By placing tracking devices on rehabilitated and
31 captured marine mammals, movement and diving behavior can also be studied in species that have
32 never otherwise been tagged, in addition to assessing the fate of the released animal. Recently

1 rehabilitated and tracked rare marine mammal species include Risso's dolphins (*Grampus griseus*)
2 and rough-toothed dolphins (*Steno bredanensis*).

3 Samples collected from stranded marine mammals are used in a variety of scientific research projects.
4 Life history studies utilizing tissues from stranded marine mammals can determine age (growth layer
5 groups in teeth or bones), sexual maturity (dissection of ova or testes), and reproductive history (scars
6 in the ovaries of females documenting ovulation and pregnancy). Other studies can determine food
7 habits (through prey remains in stomachs and digestive tracts) and the relationship between traits and
8 other variables (age at sexual maturity, length at sexual maturity, differences in food habits with
9 geographic range, etc.). Field studies investigating similar attributes may require years or decades of
10 dedicated survey or remote sensing efforts, and can only be performed on certain populations of
11 individually identifiable marine mammal species. Scientific studies of stranded marine mammals
12 have improved the understanding of genetic diversity and relatedness, contaminants and toxins in
13 marine mammals, marine mammal diseases, and parasites. Most of the samples used in these studies
14 are impossible to collect from free-ranging marine mammals, particularly offshore species which can
15 be logistically difficult to locate and study. However, the MMHSRP is involved in several health
16 research projects, and samples collected remotely via biopsies and other methods, or collected via
17 health assessment captures may provide basic information about populations including genetic
18 identification of individuals or stocks, feeding behavior, disease prevalence, toxicological
19 information, and general population health.

20 Marine mammals are sentinels of ocean health. As top predators in the ocean ecosystem, marine
21 mammals reflect their prey and their environment. Many environmental contaminants and biotoxins
22 accumulate upwards in the food web, and can be detected at high levels in predators. Changes in the
23 temporal and geographic distribution in pathogens, prey, and toxins may be detected in stranded
24 marine mammals. These differences reflect changes in the severity, transport, concentration, and
25 dispersion of these elements in the environment, creating a picture of environmental variability and
26 change over space and time.

27 The health of marine mammals has also been linked to human health, both directly and as models.
28 By examining strandings, threats that are shared by humans who utilize the marine ecosystem may be
29 investigated. Marine mammals serve as models to examine the effects of biotoxins and disease on a
30 mammalian system. Directly, many of the diseases that marine mammals have are considered
31 "zoonotic," which means that they have the potential to spread between animals and humans. Some
32 zoonotic diseases that have been detected in marine mammals include brucellosis, leptospirosis, *West*

1 *Nile virus, Erysipelothrix rhusiopathiae, rabies, Herpes virus, and Morbillivirus.* Marine mammals
2 can directly serve as warning signals that these disease organisms are present in the marine
3 environment, even if they have not been detected in other sampling or monitoring programs. Marine
4 mammals also have a direct link with human health in those areas and cultures in which consumptive
5 uses (*i.e.* harvest and eating) of marine mammals are practiced. In the U.S., this occurs primarily in
6 Alaska Native communities.

7 A final rationale for stranding response is out of a greater concern for the ocean or the environment in
8 general. Humans perceive themselves as caretakers of ocean resources, including marine mammals.
9 There is a desire to responsibly manage these resources for the use and enjoyment of current and
10 future generations. Those involved in stranding response derive a sense of accomplishment from
11 helping marine mammals return to the wild, either immediately or after rehabilitation.

12 **1.3.2 Need for the Actions**

13 NMFS is charged with the national oversight and collaboration of the MMHSRP, and creating
14 policies that will work for the majority of participants. The MMHSRP has identified several needs
15 for effectively carrying out the mandates of Title IV:

- 16 1. Operational efficiency - To operate the MMHSRP effectively and efficiently, maximizing the
17 benefits from opportunistic events while making the best use of limited resources;
- 18 2. Quality data - To collect data on marine mammal health and health trends in an organized and
19 consistent manner to meet current and future information needs for appropriate conservation
20 and management; and
- 21 3. Safety –To implement policies to ensure that MMHSRP activities are conducted humanely
22 and in a manner that protects the safety of volunteers and the public to the maximum extent
23 possible.

24 To meet the purpose and need, the MMHSRP developed the following four proposed actions:

- 25 1. Issuance of the Policies and Best Practices for Marine Mammal Stranding Response,
26 Rehabilitation, and Release (a.k.a. Policies and Best Practices) as final guidance.
- 27 2. Issuance of a new Endangered Species Act (ESA)/MMPA permit to the MMHSRP. The new
28 permit would include current and future response activities for endangered species,
29 disentanglement activities, biomonitoring projects, and import and export of marine mammal
30 tissue samples.

- 1 3. Continuation of current MMHSRP operations, including response, rehabilitation, release, and
- 2 research activities, with renewal and authorization of SAs and Scientific Research
- 3 Authorizations and other NMFS activities referenced in Section 1.3.1.
- 4 4. Continuation of the Prescott Grant Program.

5 **1.3.2.1 Policies and Best Practices Manual**

6 The Policies and Best Practices manual is a collection of protocols and guidance for stranding
7 response, rehabilitation, and release activities. These documents, developed by NMFS (and USFWS
8 for release activities), would be used to standardize practices of the National Stranding Network
9 members, while allowing for regional flexibility. The manual is currently released as an interim draft
10 and would be issued as final guidance after the NEPA analysis has been completed. Future
11 development of these protocols and guidance may involve the issuance of regulations and subsequent
12 NEPA analyses, but none are currently proposed. The five draft documents included in the manual
13 are the:

- 14 • Evaluation Criteria for a Marine Mammal SA (New Applicants and Renewals) (a.k.a. SA
- 15 criteria)
- 16 • National Template for Marine Mammal SAs
- 17 • Standards for Marine Mammal Rehabilitation Facilities (a.k.a. Rehabilitation Facility
- 18 Standards)
- 19 • Standards for the Release of Rehabilitated Marine Mammals (a.k.a. release criteria)
- 20 • Marine Mammal Disentanglement Guidelines

21 These documents are summarized in Section 2 and their full text is located in Appendix C.

22 **1.3.2.2 ESA/MMPA Permit**

23 The NMFS Office of Protected Resources, Permits, Conservation and Education Division (PR1)
24 issues the ESA/MMPA permit to authorize takes of marine mammals, including threatened and
25 endangered species. The permit covers some of the MMHSRP's activities including emergency
26 response activities for threatened and endangered species, health assessment studies, and other
27 research projects.

28 The NMFS Permit No. 932-1489-10 (Appendix G), will expire on June 30, 2009 or with the issuance
29 of the new permit, which is proposed to include new research and enhancement activities.

1 The current permit allows the MMHSRP Coordinator to:

- 2 • Collect, receive, preserve, label, and transport marine mammal cadavers, hard parts, tissue,
3 and fluid samples for physical, chemical, or biological analyses, import, and export;
- 4 • Take stranded or distressed marine mammals and endangered or threatened species;
- 5 • Salvage specimens from dead marine mammals and endangered or threatened species;
- 6 • Conduct aerial surveys to locate imperiled marine mammals or survey the extent of disease
7 outbreaks or die-offs;
- 8 • Harass marine mammals on land incidental to other MMHSRP activities authorized by the
9 permit; and
- 10 • Develop and maintain cell lines from species under NMFS jurisdiction.

11 Takes of live marine mammals include those that are stranded, entangled, disentangled, injured,
12 trapped out of habitat, extra-limital, in peril (*e.g.*, in vicinity of an oil spill), or are a nuisance. Takes
13 of live animals also include those that are part of a population that is experiencing or has experienced
14 a die-off, UME, or a repeat morbidity/mortality event. The permit does not authorize takes of
15 USFWS marine mammal species, but fluid and tissue samples of USFWS species may be received if
16 they were collected legally. Sources of legally obtained samples for research activities are listed in
17 Appendix G.

18 As the Principal Investigator (PI), the MMHSRP Coordinator may add Co-Investigators (CIs) to
19 conduct research and enhancement activities under this permit at their discretion. Addition of CIs
20 typically occurs following a review of the proposed activities (including protocols and statistical
21 analyses) and curriculum vitae of the investigator. Under the current ESA/MMPA permit, animals
22 may be taken during close approach, capture, tagging, marking, biopsy sampling, collection of
23 sloughed skin and feces, breath sampling, blood sampling, administration of drugs, euthanasia, and
24 incidental harassment. General descriptions of these research methodologies are in Appendix H. Live
25 threatened and endangered species may be taken during emergency response. This includes returning
26 the animal back to the wild; treating a distressed condition; disentangling an animal on the beach or at
27 sea; transporting the animal for return to the wild or a treatment/rehabilitation facility; or humanely
28 euthanizing the animal.

29 For import and export of marine mammal specimens, the MMHSRP may be required to have import
30 and export permits, if the species is listed on the Convention on International Trade in Endangered
31 Species of Wild Fauna and Flora (CITES) Appendix I, II, or III. The CITES permits for import and

1 export are issued by the USFWS and are required to import and export samples, parts, carcasses, or
2 live animal species (for treatment or release) listed in CITES Appendices. Species listed on CITES
3 Appendix I require both an import permit and an export permit be issued for international shipments.
4 Species listed on CITES Appendix II only require an export permit, unless the importing country has
5 stricter measures than CITES. The only marine mammal listed under CITES Appendix III is the
6 walrus. Either an export permit or a certificate of origin is required for each international shipment of
7 walrus specimens.

8 Under the preferred alternative (Section 2.1.6.2), the new permit would be issued on or before July 1,
9 2009 and activities would be authorized for five years (the length allowed for a permit).
10 ESA/MMPA permit activities beyond five years (in the event an extension is granted) would be
11 covered under this PEIS and no further environmental review would be necessary, unless activities
12 are beyond the scope of this document. Takes of live marine mammals under the new permit would
13 also include animals that are: exhibiting abnormal behavior; in need of medical treatment; a potential
14 harm or a health risk to a wild population or to human health; released from public display,
15 rehabilitation facilities, research facilities, or capture/release projects. Live marine mammals may
16 also be taken from rehabilitation facilities if they are neglected, abused, or have other humane issues.
17 Samples legally obtained for research activities would be expanded to include samples from: live
18 animals during surveillance; imported samples; confiscated animals (*e.g.* as part of enforcement
19 action); or animals legally taken in other permitted research activities in the U.S. or abroad. New
20 activities that would be listed under the new permit include, but would not be limited to, passive
21 acoustic recording, active acoustic playbacks, and health assessment studies on cetaceans. The new
22 permit would also allow USFWS species to be received, transferred, imported, exported, analyzed,
23 and archived. The permit would be issued in conjunction with the USFWS Division of Management
24 Authority in order to cover these activities. General descriptions of these research methodologies are
25 in Appendix H.

26 **1.3.2.3 MMHSRP Operations**

27 The day-to-day operations of the MMHSRP include coordination and oversight of the National
28 Marine Mammal Stranding Network and the Disentanglement Network. The MMHSRP authorizes
29 response and rehabilitation activities through SAs, issued under Section 112(c) of the MMPA. SA
30 authorizations have been delegated to the NMFS Regional Administrators. Issuance and periodic
31 review of these SAs is undertaken by the MMHSRP through the Regional Stranding Coordinators,
32 located in each NMFS jurisdictional region. Through SAs, NMFS authorizes persons, organizations,

1 or institutions to respond to reports of marine mammals that are stranded or in distress. Stranding
2 data are collected and maintained in the National Database. The MMHSRP also coordinates UME
3 investigations with the WGMMUME. The MMHSRP reviews the evaluation and decision to release
4 rehabilitated animals. If rehabilitated animals are deemed non-releasable, the MMHSRP will oversee
5 the transfer of these animals to public display or scientific research facilities.

6 The MMHSRP authorizes marine mammal disentanglement efforts under its ESA/MMPA permit (see
7 Section 2.1.5). The MMHSRP also funds some of the disentanglement activities through contracts.
8 The ESA/MMPA permit also authorizes stranding response to ESA-listed marine mammal species
9 and a variety of marine mammal research projects (see Section 2.1.6 and Appendix H). The
10 MMHSRP issues Authorization Letters to qualified researchers to allow the use of stranded marine
11 mammal parts in scientific research projects. The MMHSRP oversees the collection and maintenance
12 of marine mammal tissue samples in the NMMTB. The MMHSRP also issues grants and cooperative
13 agreements through the Prescott Grant Program to stranding network participants and researchers
14 utilizing samples from stranded marine mammals. All activities conducted utilizing federal funds are
15 under the authority of the SA or Authorization Letter.

16 **1.3.2.4 Prescott Grant Program**

17 The MMHSRP partially funds some of the activities of the National Marine Mammal Stranding
18 Network through the competitive Prescott Grant Program, which disburses up to \$4 million per year
19 to stranding network members and researchers. Some of this grant money is used to fund response
20 and rehabilitation activities (transportation, equipment, supplies, and salary) and research activities
21 utilizing samples or data from stranded marine mammals. These activities are authorized either by
22 the recipient's SA, Regional Authorization letter to possess marine mammal parts from stranded
23 animals, or separately issued ESA/MMPA scientific research permit.

24 The awarding of competitive grants is a multi-step process which addresses compliance with NEPA
25 and other applicable laws and regulations several times. A complete application must contain enough
26 information on the potential environmental impacts of the project for NOAA to make a NEPA
27 compliance determination. These applications are evaluated through technical peer-review and
28 internal NMFS merit review panels, who take into consideration the environmental information that
29 was provided. After the funding decision has been made regarding which projects have been
30 selected, the Prescott program will assess the activities contained within each proposal to ensure that
31 they have been addressed in this PEIS. These activities may include stranding response,

1 rehabilitation, release, and scientific research activities that are authorized under the MMHSRP's
2 ESA/MMPA permit. If the project falls entirely within the scope of the PEIS, no further
3 environmental review will be conducted. If projects are selected for funding that include activities
4 that are not assessed in this document (e.g., facility construction or renovation), a separate
5 environmental analysis will be prepared for that award. In addition, each award may have Special
6 Award Conditions imposed upon it with respect to environmental compliance, if necessary.

7 A list of all projects previously funded by Prescott Grant funds, with recipient and title, is given in
8 Appendix K. This grant program is subject to annual Congressional appropriation, which may be
9 reduced or eliminated in any fiscal year, and recipients should consider Prescott Grant funds as
10 supplemental to their operating budgets.

11 **1.4 Action Area**

12 The action area for the alternatives includes all areas where MMHSRP activities may occur. The
13 action area encompasses the coastal waters and Exclusive Economic Zone (EEZ) of the U.S., its
14 territories, and possessions, and adjacent marine waters. The coastal zone includes coastal waters,
15 adjacent shorelands, intertidal areas, salt marshes, wetlands, and beaches. The action area also
16 includes the marine mammal rehabilitation facilities of the stranding network (described in Section
17 2.1.3). In Section 3.2, Biological Resources, the discussion on marine mammals has been divided
18 according to the six NMFS regions. This has been done to address the differences in marine mammal
19 species and strandings within each region. The states and territories included in the NMFS Northeast,
20 Southeast, Southwest, Northwest, Alaska, and Pacific Islands regions are listed in Table 1-1.

21 **Table 1-1. Description of NMFS Regions**

NMFS Regions	States/Territories
Northeast	ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, VA
Southeast	NC, SC, GA, FL, AL, MS, LA, TX, PR, VI
Southwest	CA
Northwest	OR, WA
Alaska	AK
Pacific Islands	HI, Guam, American Samoa, Commonwealth of the Northern Mariana Islands

22

1 **1.5 Public Involvement Process**

2 Public involvement is an integral part of the NEPA process. This section describes the public
3 involvement activities conducted in connection with the draft and final versions of this PEIS.

4 **1.5.1 Notice of Intent**

5 The Notice of Intent (NOI) was published in the *Federal Register* (FR) on December 28, 2005 (70 FR
6 76777-76780). The NOI announced NMFS' decision to prepare a PEIS and conduct public scoping
7 meetings. Scoping meetings were held in January and February of 2006 in each NMFS region.
8 Comments on the scope of the PEIS and the Policies and Best Practices were received. The scoping
9 process and a summary of public comments received can be found in the Scoping Report (Appendix
10 D). Scoping comments were fully considered in the development of the draft PEIS.

11 **1.5.2 Notice of Availability for the Draft PEIS**

12 NMFS published the Notice of Availability (NOA) for the Draft PEIS on March 16, 2007 (72 FR
13 12610). NMFS held five public hearings (in San Francisco, CA; Seattle, WA; Boston, MA; St.
14 Petersburg, FL; and Silver Spring, MD) to solicit and receive comments. NMFS advertised these
15 meetings via a notice in the FR. Interested parties could also send written comments to mailing and
16 e-mail addressed printed on the title page of the draft PEIS and in the NOA.

17 **1.5.3 Summary of Major Comments on the Draft PEIS**

18 NMFS originally provided 45 days (from March 16 to April 30, 2007) for interested parties to
19 comment on the draft PEIS. This review period was subsequently extended by 30 days to May 30,
20 2007 (72 FR 21005). NMFS received 30 comments on the Draft PEIS, submitted by agencies,
21 organizations, and members of the public. These comments are available online at
22 www.nmfs.noaa.gov/pr/health/eis.htm. A complete table of these comments with NMFS' responses is
23 provided in Appendix N. A summary follows:

- 24 • **Comments on the Alternatives.** Few comments were received on the alternatives. Those
25 that were received supported the six preferred alternatives: Alternatives A4, B3, C3, D3, E3,
26 and F3.
- 27 • **Comments on the Release of Rehabilitated Ice Seals.** Several comments expressed
28 opposition to the release of rehabilitated ice seals into arctic and sub-arctic waters, due to the
29 perceived risk to wild populations of pinnipeds and potential human health impacts.

- 1 • **Comments on the Policies and Best Practices.** The majority of comments received on the
2 Policies and Best Practices were in regards to the Rehabilitation Facility Standards, with
3 suggestions for altering the minimum standards. Comments on the SA Template, the SA
4 criteria, the release criteria, and the Marine Mammal Disentanglement Guidelines were also
5 received.
- 6 • **Comments on Appendix H- Research Methodologies under the ESA/MMPA Permit.**
7 Most of the comments were suggestions for changes or additions to the research
8 methodologies described in Appendix H.

9 **1.5.4 Review of the Final PEIS**

10 An NOA for the Final PEIS will be published in the FR. The public may comment on the document
11 for 30 days after the NOA is published. After that time, a Record of Decision (ROD) will be
12 prepared, detailing NMFS' decision regarding the MMHSRP and the alternatives.

13 **1.6 Agency Cooperation and Consultation**

14 NMFS invited the MMC, USFWS, U.S. Geological Survey (USGS), and the U.S. Department of
15 Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) to be cooperating
16 agencies in the PEIS process. The USFWS and USGS declined to be cooperating agencies. The
17 USFWS and the MMC provided comments on the Draft PEIS during the public comment period.
18 APHIS is a cooperating agency for this PEIS. Cooperating agency responsibilities are outlined in 40
19 CFR 1501.6. At a minimum, a cooperating agency would provide reviews of preliminary documents.
20 Cooperating agency correspondence is included in Appendix B.

21 Section 7 of the ESA requires that all Federal agencies consult with NMFS or USFWS, as applicable,
22 before initiating any action that may affect a listed species. The NMFS MMSHRP initiated
23 consultation with the NMFS Office of Protected Resources, Endangered Species Division. The draft
24 final Biological Opinion (February 2009) concluded that the MMHSRP is not likely to jeopardize the
25 continued existence of Guadalupe fur seal (*Arctocephalus townsendi*), Steller sea lion (*Eumetopias*
26 *jubatus*) (western and eastern populations), Hawaiian monk seal (*Monachus schauinslandi*), blue
27 whale (*Balaenoptera musculus*), bowhead whale (*Balaena mysticetus*), fin whale (*Balaenoptera*
28 *physalus*), humpback whale (*Megaptera novaeangliae*), killer whale (*Orca Orcinus*) (southern
29 resident population), North Atlantic right whale (*Eubalaena glacialis*), North Pacific right whale
30 (*Eubalaena japonica*), sei whale (*Balaenoptera borealis*), and sperm whale (*Physeter*
31 *macrocephalus*). The proposed actions are not expected to incidentally take threatened or endangered

1 species. Prior to proceeding with the actions proposed in this PEIS, the Biological Opinion would be
2 completed and considered by NMFS before issuing a ROD for these actions. NMFS would abide by
3 any reasonable and prudent measures or terms and conditions that may be required under the
4 Biological Opinion and would sum up these requirements as part of the consideration for any ROD
5 taken on the proposed actions analyzed in this PEIS.

6 NMFS did not initiate formal consultation with the USFWS. Consultation for the MMHSRP actions
7 will be conducted by regional USFWS offices. A consultation plan will be provided to NMFS and
8 will include USFWS regional points of contact and procedures for when a consultation is required for
9 these actions. Prior to proceeding with the actions proposed in this PEIS, the consultation plan would
10 be completed and considered by NMFS before issuing a ROD for these actions. NMFS would abide
11 by any reasonable and prudent measures or terms and conditions that may be required under the
12 consultation plan and would include these in the ROD.

13 Consultation with NMFS is also required if a proposed action permitted, funded, or undertaken by a
14 Federal agency could adversely affect Essential Fish Habitat (EFH). The MMHSRP has consulted
15 with the NMFS Office of Habitat Conservation regarding EFH. The Office of Habitat Conservation
16 concurred with the determination that the MMHSRP's activities would not adversely affect EFH.

17 The Coastal Zone Management Act requires Federal agency activities to be consistent, to the
18 maximum extent practicable, with states' federally approved coastal management programs. NMFS
19 has determined that the alternatives are consistent with the coastal management programs in the
20 affected area. NMFS sent consistency determinations to the appropriate state coastal program
21 administrators regarding its conclusion. NMFS received concurrence on its determinations from the
22 following states: New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, Delaware,
23 Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and
24 Hawaii. Concurrence was assumed for the following coastal management programs that did not
25 provide a response to NMFS: Alaska, Washington, Oregon, California, Maine, Massachusetts,
26 Maryland, New Jersey, Texas, and the Commonwealth of the Northern Mariana Islands (CNMI).
27 Correspondence regarding coastal zone management consultation is included in Appendix B.

28 NMFS received comments from Connecticut, Florida, and Puerto Rico State Historic Preservation
29 Officers (SHPO). All three of the SHPOs concurred with the findings in the PEIS regarding impacts
30 to cultural resources from MMHSRP activities.

1 As stated previously, this PEIS will serve as the NEPA analyses for the MMHSRP's ESA/MMPA
2 permit application. The final permit application was submitted to NMFS PR1 for review in
3 December 2007. NMFS PR1 distributed the application to other NMFS scientists, the MMC, NMFS
4 Office of Law Enforcement, and other appropriate Federal agencies. NMFS PR1 published a Notice
5 of Receipt in the FR on March 17, 2008, which initiated a mandatory 30-day public comment period.
6 NMFS PR1 will address any comments received on the application. NMFS PR1 will also comment
7 on the PEIS to address any concerns relating to permit activities. Before issuance of the permit,
8 NMFS PR1 will formally accept the Final PEIS, including the NMFS Biological Opinion, as the
9 NEPA analysis for the permit application. A Notice of Issuance of the permit will then be published
10 in the FR.

11 **1.7 Organization of the PEIS**

12 The principal sections of this PEIS are as follows:

13 **Section 1:** Purpose of and Need for the Proposed Actions. This section briefly discusses the
14 MMHSRP, describes the proposed actions, defines the project scope, explains the public involvement
15 process, and identifies the organization of the document.

16 **Section 2:** Alternatives. This section describes the alternatives and alternatives considered but
17 eliminated from further consideration.

18 **Section 3:** Affected Environment. This section describes the existing environmental conditions of
19 select resources in the area in which the alternatives would occur.

20 **Section 4:** Environmental Consequences. Using information from Section 3, this section identifies
21 the potential environmental impacts on each resource area under the alternatives. Direct and indirect
22 impacts that may result from the alternatives are identified on a broad scale as is appropriate for a
23 PEIS.

24 **Section 5:** Mitigation. This section identifies mitigation measures developed to address the potential
25 environmental impacts identified in Section 4.

26 **Section 6:** Cumulative and Other Impacts. This section discusses the potential cumulative impacts
27 that could result from the impacts of the alternatives, combined with past, other present and
28 reasonably foreseeable future actions. Unavoidable impacts, irreversible and irretrievable

1 commitment of resources, and the relationship between short-term uses and long-term productivity
2 are also discussed.

3 **Sections 7 and 8:** These sections provide a list of this document's preparers and references.

4 **Sections 9 and 10:** These sections provide a glossary and index.

5 **Appendices:** This PEIS includes 14 appendices (Volumes II and III) that provide additional
6 information.

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