

UNITED STATES OF AMERICA

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DEPARTMENT OF COMMERCE

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NATIONAL MARINE FISHERIES SERVICE

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PUBLIC HEARING ON THE MARINE MAMMAL HEALTH AND
STRANDING RESPONSE PROGRAM (MMHSRP)
PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT
(PEIS)

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FRIDAY
APRIL 6, 2007

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The hearing convened at 1:00 p.m. at
the National Marine Fisheries Service, 1311 East-
West Highway, Silver Spring, Maryland, Sarah
Howlett and Sarah Wilkin presiding.

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A-G-E-N-D-A

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1 P-R-O-C-E-E-D-I-N-G-S

2 1:09 p.m.

3 MS. HOWLETT: My name is Sarah
4 Howlett and with me today is my colleague, Sarah
5 Wilkin. The agenda for today is just to
6 go through our formal presentation, followed by a
7 formal oral comment period which will -- the
8 whole meeting is actually being transcribed by
9 our court reporter. And after the oral comment
10 period, we'll have an informal Q&A, off the
11 record where you can ask us any questions you
12 have.

13 So the purpose of our meeting today
14 is to present an overview of the information that
15 is contained in the draft PEIS. But it's also to
16 provide you, the public, an opportunity to give
17 us comments on the draft PEIS, and also to
18 discuss the next steps that NMFS will be taking
19 to revise and finalize the PEIS.

20 This is our third public hearing.
21 We've had hearings this week in San Francisco and
22 in Seattle. And next week we will be going to

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1 Boston and St. Petersburg.

2 Assuming everybody has already signed
3 in at the table, if there's anybody who wants to
4 present oral comments, you can still sign up
5 during the -- while we're speaking today.
6 Written comments may also be turned in to us
7 today. And, as I said, we have a court reporter
8 here taking a transcript.

9 So I'm just going to go over a little
10 bit of the background of the National
11 Environmental Policy Act, also known as NEPA. So
12 NEPA requires the Federal Government to analyze
13 the potential environmental impact of a proposed
14 major Federal action. And this just means that
15 NMFS needs to consider the environmental
16 consequences of their actions during the decision
17 making process to reduce or prevent or eliminate
18 any environmental damage.

19 And NEPA also requires NMFS to
20 provide key phases for our public involvement.
21 So this is obviously one phase. And scoping,
22 which took place last year, was also an outlet

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1 for public involvement. It's important to note
2 that NEPA does not dictate the decision to be
3 made by NMFS, but it helps to inform NMFS during
4 the decision making process.

5 Why are we writing or did we write a
6 PEIS? It's NOAA policy to prepare a PEIS for our
7 agency actions that may be subject -- a subject
8 of significant public controversy, that may have
9 uncertain environmental impacts or risks, that
10 may establish a precedent or decision in
11 principle about future proposals, that may result
12 in cumulative and insignificant impacts, or that
13 may have adverse impacts on threatened and
14 endangered species or their habitats.

15 And just to give a little background
16 on the difference between a typical EIS and a
17 PEIS, an EIS is typically more focused on one
18 project or action, while a Programmatic EIS is a
19 comprehensive document that considers the impact
20 of a number of related projects or programs. So
21 the PEIS, as you'll see, analyzes a broad scope
22 of impacts, where they're being more detailed and

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1 specific.

2 So the EIS process flow chart: the
3 Notice of Intent for this was published in The
4 Federal Register on December 28, 2005. And that
5 introduced our scoping period. After that, we
6 had our environmental analysis, taking into
7 consideration any comments we received during the
8 scoping process. The job PEIS was written and
9 published March 16th in The Federal Register.
10 And so, where we are right now is number 4, the
11 public comment period, which lasts for 45 days
12 and closes April 30, 2007.

13 After the public comment period, we
14 have the issuance of the final PEIS. The EIS
15 will undergo another public review for 30 days.
16 And then we will issue our record of decision,
17 also known as the ROD.

18 So, as I said, all public comments on
19 the draft PEIS are due April 30th. Once we
20 receive these comments, NMFS will review these
21 and bridge them into the document at we see fit.

22 We will also respond to these comments and

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1 finalize the PEIS.

2 Once we have finalized the PEIS, we
3 will issue it for a 30-day public review period.

4 And we hope to do this in June of 2007. And
5 then we will publish the ROD, which hopefully
6 will be during the summer of 2007. And the ROD
7 is just a document stating NMFS's decision on the
8 alternatives chosen; why it chose those
9 alternatives; and the time line that NMFS has
10 laid out for implementing any of these actions.

11 And it's also important to note that,
12 while comments can be made on the ROD, NMFS does
13 not have to do anything with the comments. We
14 don't have to incorporate them into the document.

15 But you can still comment on it, as well.

16 And so, hopefully, most of you have
17 looked at the document. This is just an outline
18 of the content of the document. Section 1 is the
19 purpose and need for the proposed actions.

20 Section 2 is the alternatives. And,
21 if you've seen it, we've broken it down into a
22 suite of different alternatives; for stranding

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1 response, carcass removal, rehabilitation,
2 release, disentanglement, and our bio-monitoring
3 and research activities.

4 Section 3 is the effected
5 environment. So these are the environmental
6 resource areas that we suspect that our actions
7 will effect in some way.

8 Section 4 are the environmental
9 consequences or the impacts of our actions on
10 those resources that we've discussed in Section
11 3.

12 Section 5 are the mitigation measures
13 that we have come up with that we feel will
14 mitigate the impacts in Section 4.

15 And Section 6 are the cumulative
16 impacts. So these are how our impacts go along
17 with any present, past, and foreseeable future
18 actions, and how they will impact the
19 environment.

20 So now I will give this over to Sarah
21 and she'll tell you about our proposed actions
22 and preferred alternatives. All right?

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1 MS. WILKIN: So the proposed action
2 kind of underlying this document is four-fold,
3 essentially. But the first is the issuance of
4 the Policies and Best Practices manual, which is
5 comprised of several different documents that
6 have all been out for -- developed over a period
7 of years and out for public comment a few times.
8 We want to issue those documents as a final
9 manual of policy guidance.

10 The second is the issuance of a
11 permit to the program under the Endangered
12 Species Act and Marine Mammal Protection Act.

13 Third, the Stranding Agreements that are
14 currently issued to the network will continue to
15 be issued and renewed on a case by case basis,
16 but utilizing some of the documents that are
17 included in the Policies and Protocol, such as
18 the evaluation criteria and the new template.

19 And fourth, other day-to-day
20 operations will continue, including response,
21 rehabilitation, net release determinations, the
22 issuance of Prescott Grants, etc.

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1 So, our focus here though is for day-
2 to-day operations is primarily on those
3 activities that the Government actually conducts.

4 For instance, the issuance of a release
5 determination, rather than the actual release,
6 itself. Although we have assessed some of those
7 activities because they are being authorized by
8 the Government.

9 I'm just going to go over, like Sarah
10 said, we broke it down into kind of six activity
11 areas. Under each activity, we have a suite of
12 alternatives that we analyzed. And, for each
13 one, we went through the different alternatives
14 and we selected one to be the preferred
15 alternative or what we actually want to
16 implement. And I'm going to go over each of
17 those preferred alternatives because these are
18 the ones that you all should really look at to
19 comment on. This is what we're saying we want to
20 do.

21 So, under standing agreements and
22 response, the preferred alternative A(4) would

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1 utilize the new Stranding Agreement template for
2 the next renewal or issuance of your Stranding
3 Agreement, and utilize the evaluation criteria
4 for the next renewal or issuance of your
5 Stranding Agreements. So the next time that your
6 agreement comes up for renewal, or if you're a
7 new facility coming into the network the first
8 time it's issued, you will be evaluated based on
9 these evaluation criteria to determine whether or
10 not a Stranding Agreement should be issued to
11 you. And then, if it is or if it's renewed, it
12 will be done using a new template.

13 And, for the most part, the current
14 activities of the Stranding Network would
15 continue the way they are done right now. But we
16 have allowed ourselves the flexibility to add new
17 activities, adaptive activities, if necessary.
18 If those activities result in an increase or a
19 change to the impacts to the environment, then we
20 would conduct a subsequent NEPA analysis on those
21 activities.

22 For carcass disposal, our preferred

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1 alternative is B(3). And B(3) includes the
2 recommendation to transport chemically euthanized
3 carcasses off site for disposal off site by
4 incineration, land fill, other methods such as
5 composting. The bottom line here is we want to
6 minimize the impacts of us as the Stranding
7 Network, introducing additional chemicals into
8 the environment, like euthanasia solution or
9 other medications. It is a recommendation. We
10 recognize that it might not always be possible.
11 But whenever possible, we are expecting the
12 network to do this method of carcass disposal.

13 Animals that die naturally or are
14 euthanized by means other than chemical
15 euthanasia can be disposed of by whatever means
16 are feasible and whatever means are allowed in
17 the locality where the stranding occurred.

18 The rehabilitation activities, our
19 preferred alternative is C(3) which would
20 continue most of the current rehabilitation
21 activities and would give us the ability to
22 designate new facilities and modify activities,

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1 as necessary. However, the rehabilitation
2 organizations that currently exist would continue
3 under the final rehabilitation facility
4 standards, which would be implemented. And then
5 we would be enforcing them at -- there are two
6 levels identified in these facility standards, a
7 minimum level and a recommended level.

8 And so we would be enforcing them at
9 the minimum level via an inspection program. And
10 we're currently envisioning that this would be
11 phased in over a period of time. We're proposing
12 three years to allow all of the different
13 facilities time to come up to the minimum
14 standards. That time line is something that you
15 can comment on as part of your comments.

16 And for the release of rehabilitated
17 animals, our preferred alternative D(3) would
18 continue current release activities and again,
19 give us the flexibility to modify those
20 activities, if necessary. And the final release
21 criteria would be implemented effective
22 immediately. So this is primarily a document

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1 that NMFS would use. When the network makes a
2 release determination, NMFS would evaluate the
3 release determination, based on this release
4 criteria document.

5 Under disentanglement, our preferred
6 alternative E(3) would continue the current
7 activities of the disentanglement network, with
8 the ability to add new participants and modify
9 techniques, technologies, and activities if
10 necessary. Disentanglement of small cetaceans
11 and pinnipeds would continue and be authorized
12 under the Stranding Agreements. We are
13 envisioning potentially creating a new article
14 under the Stranding Agreements specifically for
15 disentanglement. But that's not currently part
16 of the proposal.

17 The ESQ MMPA permit issued to the
18 program would authorize current and future
19 disentanglement activities for ESQ listed
20 species, which are not authorized any other way.

21 We are envisioning that members of the
22 disentanglement network would be listed under the

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1 permit as co-investigators.

2 Also with disentanglement, the east
3 coast network would essentially continue its
4 current activities and structure. We are
5 proposing to modify the west coast network to
6 coordinate the structure and the training
7 prerequisites with the east coast network
8 immediately. That's begun already with some
9 training workshops that were offered out there
10 last year. And the Disentanglement Guidelines
11 and Training Prerequisites would be implemented
12 nationwide in some phased in approach over the
13 next few years.

14 And under bio-monitoring and
15 research, our preferred alternative is that we
16 would apply for and be issued a new ESQ MMPA
17 permit to include current and future bio-
18 monitoring research activities. We do know our
19 current permit expires on June 30, 2007. If the
20 new permit cannot be issued prior to that, we
21 will proceed with attempting to amend or extend
22 our current permit.

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1 So those are the preferred
2 alternatives that we've come up for each of those
3 activity areas. The other section that I would
4 really draw your attention in the document is
5 Section 5, or mitigation. The purpose of
6 mitigation is to avoid, minimize, or eliminate
7 the negative impacts from our actions. So every
8 time we've identified an alternative that would
9 cause a significant impact to the human
10 environment, we have proposed mitigation measures
11 in order to offset those impacts, somewhat.

12 These are some of the examples. In
13 sensitive or protected habitats, when a stranding
14 response is occurring in a protected habitat, for
15 instance a park, we would -- the stranding
16 network would coordinate with the responsible
17 authorities in conducting their response
18 activities to make sure they were following the
19 local protocols and rules and that there were no
20 environmental things they needed to be aware of,
21 for instance.

22 When conducting response and rehab,

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1 qualified personnel will be used for capture and
2 restraint. Experienced veterinarians, where
3 possible, but where not, a minimum of expertise
4 is required to be a qualified person. And the
5 use of the Standards and Protocols, all those
6 documents in the Policies and Guidelines would be
7 implemented and, in many ways, act as mitigation.

8 So I would draw your attention to
9 those subjects to look at. This is kind of the
10 commitment that we're making on behalf of NMFS,
11 but also on behalf of the Stranding and
12 Disentanglement Networks.

13 And, with that, that concludes our
14 presentation. So now we're going to take
15 comments. Did anybody actually have oral
16 comments today?

17 MS. HOWLETT: Did anyone sign in?

18 MS. WILKIN: No?

19 (Whereupon, one participant stated an
20 informal question which was off the record and it
21 was determined that it should be held until after
22 the recorded meeting.)

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1 MS. HOWLETT: I think we should hold
2 off until the end.

3 MS. WILKIN: Actually, yes. Hold off
4 until the end. Anyone make a statement?

5 MS. HOWLETT: Did anyone join us on
6 the phone? I guess not. Okay. Well then, we
7 can pass through all this, then. If you don't
8 have anything to day for us, your written
9 comments, as we said before, they can be handed
10 in today if you have them prepared. If you need
11 to use our comment sheets, if you want to write
12 something really quickly and give it to us. Or
13 your can also submit your written comments by
14 mail or e-mail by April 30, to the information
15 listed here. And it's also listed on your
16 handouts and on our website as well.

17 And just a note for written and
18 verbal comments is please bring specific concerns
19 forward regarding the content of the draft and
20 suggest specific changes to alternatives and
21 environmental consequences that NMFS should
22 consider. And you can suggest areas for

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1 additional information.

2 Like I said, everything is available
3 on our web page. We also have information at our
4 library here in Silver Springs, in Building 3.
5 And also, if you want to receive a copy of the
6 final PEIS, we ask you to please just check the
7 box when you sign in today.

8 And thank you for coming. And I
9 guess we'll cut off the court reporter and if
10 people have informal questions they want to ask
11 us, we'll go to that.

12 (Whereupon, the formal recorded
13 portion of the hearing was concluded at
14 approximately 1:25 p.m.)

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