

**DRAFT Environmental Assessment
for
the Issuance of a Public Display Permit
for Rehabilitated California Sea Lions
(Permit File No. 15537; Institute for Marine Mammal Studies)**

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Lead Agency: USDC National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Office of Protected
Resources

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Location: Permanent Captivity of Releasable California Sea Lions at
the Institute for Marine Mammal Studies, Gulfport, MS.

Abstract: The National Marine Fisheries Service (NMFS) proposes to issue a public display permit to the Institute for Marine Mammal Studies (IMMS) for the take of releasable California sea lions from west coast stranding facilities, pursuant to the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 et seq.). These sea lions would become part of IMMS' inventory of marine mammals and part of IMMS' educational program. The permit would be valid for five years from the date of issuance.

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CHAPTER 1 PURPOSE OF AND NEED FOR ACTION

1.1 DESCRIPTION OF ACTION

In response to receipt of a request from the Institute for Marine Mammal Studies (IMMS), P.O. Box 207, Gulfport, MS 39502 [Dr. Moby Solangi, Responsible Party] (File No. 15537), NMFS proposes to issue a public display permit that authorizes the acquisition of releasable rehabilitated California sea lions (*Zalophus californianus*) over a 5-year period. Six females and two males are requested to be obtained from rehabilitation centers for the purposes of public display at IMMS. This authorization would be granted pursuant to the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking, importing, and exporting of marine mammals (50 CFR 216).

1.1.1 Background

Section 104 of the MMPA allows for issuance of permits to take marine mammals for the purposes of public display. These permits must specify the number and species of animals that can be taken, and designate the manner, period, and locations in which the takes may occur. MMPA regulations promulgated at 50 CFR Part 216 specify criteria to be considered by the Director, Office of Protected Resources (Office Director) in reviewing applications and making a decision regarding issuance of a permit or an amendment to a permit. Specifically, 50 CFR 216.33(c) requires that the Office Director make an initial determination under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) as to whether the proposed activity is categorically excluded from further environmental impact review, or whether the preparation of an environmental assessment (EA) or environmental impact statement (EIS) is necessary; and prepare any required EA or EIS if an initial determination is made that the activity proposed is not categorically excluded from such further review. This initial determination must be made prior to publishing notice of receipt of the permit application in the *Federal Register*. Public display permits are in general, categorically excluded from the requirement to prepare an EA or EIS (NOAA Administrative Order Series 216-6, May 20, 1999).

In reviewing the application, the NMFS' Office of Protected Resources initially determined that issuance of the proposed permit was consistent with a category of activities that would warrant an EA based on previous permits of the same nature (Animal Training and Research, International, Permit No. 1042-1736; and Mystic Aquarium, Permit No. 10028). IMMS' application was published in the *Federal Register* on May 20, 2010 (75 FR 28239). As a result, NMFS has proceeded with preparation of an EA in order to fully analyze the environmental effects that would result from the issuance of this permit.

1.1.2 Purpose and Need

The primary purpose of the permit is to provide an exemption from the take prohibitions under the MMPA to allow "takes" of marine mammals for the purpose of public display. The need for issuance of the permit is related to NMFS's mandate under the MMPA. Specifically, NMFS has a responsibility to implement the MMPA for those marine mammal species under its jurisdiction. The MMPA prohibits take of marine mammals with only a few very specific exceptions, including for public display purposes. Permit issuance criteria require that public display activities are consistent with the purposes and policies of the MMPA and will not have a

significant adverse impact on the species or stock. NMFS reviewed the proposed action to ensure the proposed activities fulfill these permit issuance criteria.

1.2 OTHER EA/EIS THAT INFLUENCE SCOPE OF THIS EA

Two previous permits have been issued for this type of activity within the last six years.

Permit No. 1042-1736 was issued on June 30, 2005, to Animal Training and Research, International. This permit authorizes the acquisition of releasable pinnipeds (up to four California sea lions and up to two Pacific harbor seals) for the purposes of public display. This action included an EA. The resulting EA, *Effects of NMFS Permitted Public Display Activities on Rehabilitated California Sea Lions and Pacific Harbor Seals (Permit File No. 1042-1736)*, analyzed the effects of the retention of releasable California sea lions and Pacific harbor seals. A Finding of No Significant Impact (FONSI) was signed by the Assistant Administrator for Fisheries on May 10, 2005, stating that issuance of the proposed permit would not significantly impact the quality of the human environment. This permit is effective until July 1, 2011. No animals have been taken under this permit.

Permit No. 10028 was issued on November 24, 2008, to Mystic Aquarium and Institute for Exploration. This permit authorizes the acquisition of releasable rehabilitated pinnipeds for purpose of public display. Up to six females and two males of each of the following species were requested: California sea lion (*Zalophus californianus*), harbor seal (*Phoca vitulina*), gray seal (*Halichoerus grypus*), harp seal (*Phoca groenlandica*) and hooded seal (*Cystophora cristata*). This action included an EA. The resulting EA, *Environmental Assessment on the Effects of Issuance of a Public Display Permit for Rehabilitated Pinnipeds (Permit File No. 10028; Mystic Aquarium)*, analyzed the effects of the retention of the above species of releasable pinnipeds. A FONSI was signed by the Director, Office of Protected Resources on November 18, 2008, stating that issuance of the proposed permit would not significantly impact the quality of the human environment. This permit is effective until November 30, 2013. Two California sea lions have been taken under this permit.

1.3 SCOPING SUMMARY

The purpose of scoping is to identify the issues to be addressed and the significant issues related to the proposed action, as well as identify and eliminate from detailed study the issues that are not significant or that have been covered by prior environmental review. An additional purpose of the scoping process is to identify the concerns of the affected public and Federal agencies, states, and Indian tribes. CEQ regulations implementing the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) do not require that a draft EA be made available for public comment as part of the scoping process.

The MMPA and its implementing regulations governing issuance of special exception permits for scientific research (50 C.F.R. §216.33) require that, upon receipt of a valid and complete application for a new permit, and the preparation of any NEPA documentation that has been determined initially to be required, NMFS publish a notice of receipt in the *Federal Register*. The notice summarizes the purpose of the requested permit and invites interested parties to submit written comments concerning the application. The application was made available for

public review and comment for 30 days and was provided to the Marine Mammal Commission and the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS).

1.4 APPLICABLE LAWS AND NECESSARY FEDERAL PERMITS, LICENSES, AND ENTITLEMENTS

This section summarizes federal, state, and local permits, licenses, approvals, and consultation requirements necessary to implement the proposed action, as well as who is responsible for obtaining them. Even when it is the applicant's responsibility to obtain such permissions, NMFS is obligated under NEPA to ascertain whether the applicant is seeking other federal, state, or local approvals for their action.

1.4.1 National Environmental Policy Act

The National Environmental Policy Act (NEPA) was enacted in 1969 and is applicable to all "major" federal actions significantly affecting the quality of the human environment. A major federal action is an activity that is fully or partially funded, regulated, conducted, or approved by a federal agency. NMFS issuance of permits for public display under the MMPA represents approval and regulation of activities. While NEPA does not dictate substantive requirements for permits, licenses, etc., it requires consideration of environmental issues in federal agency planning and decision making. The procedural provisions outlining federal agency responsibilities under NEPA are provided in the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500-1508).

NMFS has, through NOAA Administrative Order (NAO) 216-6, established agency procedures for complying with NEPA and the implementing regulations issued by the Council on Environmental Quality. NAO 216-6 specifies that issuance of permits under the MMPA is among a category of actions that are generally exempted (categorically excluded) from further environmental review, except under extraordinary circumstances. When a proposed action that would otherwise be categorically excluded is the subject of public controversy based on potential environmental consequences, has uncertain environmental impacts or unknown risks, establishes a precedent or decision in principle about future proposals, may result in cumulatively significant impacts, or may have an adverse effect upon endangered or threatened species or their habitats, preparation of an EA or EIS is required.

While issuance of public display permits is typically subject to a categorical exclusion, as described in NAO 216-6, NMFS is preparing an EA for this action to fully analyze the environmental effects that would result from the issuance of this permit, consistent with previous permits issued for a similar action (retention of releasable pinnipeds). This EA is prepared in accordance with NEPA, its implementing regulations, and NOAA 216-6.

1.4.2 Marine Mammal Protection Act

The MMPA prohibits take and import of all marine mammals in the U.S. (including territorial seas) with a few exceptions. Permits for take or import of marine mammals for the purpose of public display, issued pursuant to section 104 of the MMPA, are one such exception. These permits must specify the number and species of animals that can be taken, and designate the manner (method, dates, locations, etc.) in which the takes may occur. NMFS has sole

jurisdiction for issuance of such permits and authorizations for all species of cetacean, and for all pinnipeds except walrus¹.

NMFS may issue a public display permit to an applicant who meets the criteria for public display as outlined in section 104(c)(2)(A) of the MMPA. An applicant must further demonstrate to NMFS that the taking will be consistent with the purposes of the MMPA and applicable regulations. NMFS must find that the manner of taking is “humane”² as defined in the MMPA. NMFS has promulgated regulations to implement the permit provisions of the MMPA (50 CFR Part 216) and has produced OMB-approved application instructions that prescribe the procedures (including the form and manner) necessary to apply for permits. All applicants must comply with these regulations and application instructions in addition to the provisions of the MMPA.

1.4.3 Animal Welfare Act (AWA)

Under section 104(c)(2)(A)(ii) of the MMPA, applicants for permits for public display must be registered or hold a license issued under the AWA (7 U.S.C. 2131 et seq.). Enforcement of these requirements is under jurisdiction of the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS). Regulations promulgated by APHIS under the AWA (9 CFR Subpart E) sets forth standards and certification requirements for the humane handling, care, treatment, and transportation of captive marine mammals.

CHAPTER 2 ALTERNATIVES INCLUDING THE PROPOSED ACTION

This chapter describes the range of potential actions (alternatives) determined reasonable with respect to achieving the stated objective, as well as alternatives eliminated from detailed study. This chapter also summarizes the expected outputs and any related mitigation of each alternative.

2.1 ALTERNATIVE 1 – NO ACTION

Under the No Action alternative, no permit would be issued for the activities proposed by the applicant. NMFS would not authorize the retention of releasable marine mammals as requested in the permit application; however, non-releasable animals could be obtained through a letter of authorization pursuant to NMFS regulations (50 CFR 216.27).

2.2 ALTERNATIVE 2 – PROPOSED ACTION (ISSUANCE OF PERMIT WITH STANDARD CONDITIONS)

Under the Proposed Action alternative, a permit would be issued authorizing the acquisition of animals as proposed in the application, with appropriate conditions as recommended by reviewers and standard conditions for captive public display permits administered by the Permits, Conservation and Education Division (outlined in the Mitigation Measures Section). IMMS is requesting a permit to retain releasable rehabilitated California sea lions in lieu of taking from the wild in order to minimize the direct and indirect effects of their action on the wild population.

¹ The U.S. Fish and Wildlife Service has jurisdiction for walrus, polar bears, sea otters, and manatees.

² The MMPA defines humane in the context of the taking of a marine mammal, as “that method of taking which involves the least possible degree of pain and suffering practicable to the mammal involved.”

CHAPTER 3 AFFECTED ENVIRONMENT

This chapter presents baseline information necessary for consideration of the alternatives, and describes the resources that would be affected by the alternatives, as well as environmental components that would affect the alternatives if they were to be implemented. The effects of the alternatives on the environment are discussed in Chapter 4.

The California sea lion is a species protected under the MMPA and is the target species of the permit application. The action area of this permit application covers the IMMS facility in Gulfport, MS and, any partnering rehabilitation centers on the west coast of the U.S. No area or animals in the wild would be affected (the subject animals would already have been removed from the wild via the stranding, and then rescue and rehabilitation under the authority of the Marine Mammal Health and Stranding Response Program).

3.1 SOCIAL AND ECONOMIC ENVIRONMENT

The social and economic effects of the Proposed Action mainly involve the effects on the people involved in either the associated rehabilitation of the marine mammals or the subsequent public display, as well as industries that support both activities, such suppliers of equipment needed to maintain marine mammals in captivity. Permitting the proposed action could result in a low level of economic benefit to local economies in the action area. The addition of live California sea lions to be exhibited at IMMS would expand the education program at the facility as well as potentially create some jobs associated with the care of these animals. However, such impacts would be negligible on a national or regional (state) level and therefore are not considered significant. There are no significant social or economic impacts of the Proposed Action interrelated with significant natural or physical environmental effects. Thus, the EA does not include any further analysis of social or economic effects of the Proposed Action.

3.2 PHYSICAL ENVIRONMENT

The action area is limited to rehabilitation facilities from where the animals will be selected and the IMMS facility in Gulfport, MS, where the animals will be maintained permanently. No area in the wild and no animals in the wild would be affected. Therefore, no unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or critical habitat, will be affected through the issuance of this permit.

3.3 BIOLOGICAL ENVIRONMENT

The biological environment is limited to the species being taken (i.e. California sea lions, *Zalophus californianus*), and specifically those animals that will be retained from the standing program for permanent captivity for public display purposes. No non-target species will be taken as the proposed activities will not be occurring in the wild. Information regarding the population status of California sea lions was obtained from the NMFS Stock Assessment Report (Carretta et al. 2007).

The U.S. stock of California sea lions is generally increasing and currently estimated to be 238,000 animals producing approximately 55,519 pups annually at a maximum population growth rate of 6.52 (corrected for El Nino years). The minimum stock size is conservatively estimated at 141,842 sea lions, resulting in a Potential Biological Removal (PBR) of 8,511 animals. Review of the populations trends indicate that in 1997 California sea lions reached their

Maximum Net Productivity Level of 39,800 pups per year. The generalized logistical growth model has further suggested that the carrying capacity for this species may have been reached at 46,800 pups per year. The declaration of the carrying capacity needs to be verified over the course of time; however, agreement remains that the current California sea lion population is stable and growing. This species is not listed under the ESA or as “depleted” under the MMPA. Although, there is some uncertainty regarding the extent of mortality associated with the California set gillnet fishery, California sea lions are not considered a “strategic” stock under the MMPA given that the total human-caused mortality is still likely to remain below PBR.

CHAPTER 4 ENVIRONMENTAL CONSEQUENCES

This chapter represents the scientific and analytic basis for comparison of the direct, indirect, and cumulative effects of the alternatives. Regulations for implementing the provisions of NEPA require consideration of both the context and intensity of a proposed action (40 CFR Parts 1500-1508).

4.1 EFFECTS OF ALTERNATIVE 1: No Action

If this permit is not issued, the subject animals would be released to the wild according to the Marine Mammal Health and Stranding Response Program’s release guidelines. There are three potential outcomes of release; (1) the animal survives and contributes to increasing the species’ population, (2) the animal does not survive and is removed from the population, or (3) the animal restrands and release is reconsidered for the animal.

Under the no action alternative, IMMS would not be precluded from requesting and obtaining non-releasable pinnipeds through the stranding network as authorized in applicable regulations (50 CFR 216.27(b) and (c)). The regulations allow for non-releasable marine mammals (not listed under the ESA) to be placed into permanent captivity with a letter of authorization. These animals would be determined to be unfit for release by the appropriate NMFS Regional Office and the decision would be made to place these animals into permanent captivity. IMMS has indicated that they are interested in exploring this option and is on the list to be considered for placement.

From the perspective of IMMS, denial of this permit would delay and potentially prevent the organization from establishing a captive collection of sea lions and participating in the public display of this species. IMMS has indicated that they have been in consultation with existing public display facilities and no animals are currently available from this source. IMMS’s request is for animals that would be weaned pups or juveniles, and that are estimated to be two (2) years or less in age. The selection criteria outlined by IMMS is based on age, size, sex, behavior, and their veterinarian’s medical evaluation of the animal. Non-releasable animals will be considered if they are animals that are considered restranders and do not appear to be debilitated or have a medical history that would indicate such condition. Disabled or impaired animals, including those that are blind, cannot walk or swim normally, or are otherwise not healthy and/or have illnesses or conditions that may affect their long-term health would not be considered for placement. Therefore, the majority of non-releasable animals are not acceptable for placement at IMMS for their stated purposes.

4.2 EFFECTS OF ALTERNATIVE 2: Issue permit with standard conditions

Public display of marine mammals is identified as an exception under Section 104 of the MMPA and is a purpose for which permits may be issued. The regulations at 50 CFR 216.27 allow for the disposition of rehabilitated marine mammals under special exception permits. NMFS is satisfied that the applicant meets the public display criteria as specified in the MMPA.

California sea lions are not species listed as endangered or threatened under the ESA. Nor are they considered strategic stocks or listed as depleted under the MMPA. Data from stock assessments suggest that California sea lion populations are healthy. The animals under consideration would be obtained through partnerships with NMFS' Marine Mammal Health and Stranding Response Program. These animals would have been removed from the wild by stranding, and rescued and rehabilitation under the authority of Sections 109(h) and/or 112(c) of the MMPA and, thus, would be identified as those animals in need of human assistance in the form of rehabilitation. There would be no indirect takes or harassment associated with issuance of this permit and only those animals selected for permanent captivity would be directly impacted. In absence of this permit, these animals would be released back to the wild. Although survivorship of rehabbed and released animals is unknown, these animals might potentially contribute as reproductive members of the population and as such this action should be considered similar to a take from the wild. In this case, the method of collection is not relevant as the original take has already occurred both by the stranding, and then the rescue under the authority given to the stranding network; however, the effects of removing those animals from the population (i.e. not released) must be examined. It can be concluded that there would be no significant, or even measurable, direct or indirect effects on the populations of this species due to the retention of these animals because (1) the number of animals requested is low compared to the overall population numbers, and (2) the animals would be taken from stranded, rehabilitated stock which might not survive upon release and (3) the action would not result in any incidental harassment of wild animals.

There would be minimal adverse effects on the subject animals from the proposed activities, i.e. permanent retention in captivity. These animals would be maintained in accordance with AWA standards under the purview of APHIS. The animals would be provided good nutrition and high-quality health/medical care, which may lengthen their life spans. Because these animals would be in permanent captivity, they would be monitored daily by husbandry staff and the attending veterinarian would be notified of any medical or husbandry concerns. This permit would only authorize the acquisition of the releasable rehabilitated pinnipeds into a public display facility, specifically IMMS. The care and maintenance of these animals once acquired would be under the sole jurisdiction of APHIS, pursuant to the AWA.

4.3 SUMMARY OF COMPLIANCE WITH APPLICABLE LAWS, NECESSARY FEDERAL PERMITS, LICENSES, AND ENTITLEMENTS

As summarized below, NMFS has determined that the proposed action is consistent with the purposes, policies, and applicable requirements of the MMPA and NMFS regulations.

4.3.1 *Marine Mammal Protection Act*

The applicant submitted an application which included responses to all applicable questions in the application instructions and provided clarifications as requested in response to reviewers. The proposed action is consistent with applicable issuance criteria in the MMPA and NMFS implementing regulations. In accordance with section 104(c)(2)(A) of the MMPA, NMFS has determined that IMMS: (1) offers a program for education or conservation purposes that is based on professionally recognized standards of the public display community, (2) holds a license issued under 7 U.S.C. 2131 *et seq.*, and (3) maintains facilities for public display of marine mammals that are open to the public on a regularly scheduled basis with access not limited or restricted other than by charging an admission fee.

The permit would contain standard terms and conditions stipulated in the MMPA and NMFS's regulations. As required by the MMPA, the permit would specify: (1) the effective date of the permit; (2) the number and kinds (species and stock) of marine mammals that may be taken; (3) the location and manner in which they may be taken; and (4) other terms and conditions deemed appropriate. Other terms and conditions deemed appropriate relate to acquisition and disposition of marine mammals and reporting to ensure permit compliance. In addition, the permit would require IMMS to continue to meet the three public display criteria as outlined in section 104(c)(2)(A) of the MMPA: 1) offer a program for education or conservation purposes that is based on professionally recognized standards of the public display community, 2) hold a license issued under 7 U.S.C. 2131 *et seq.*, and 3) maintain facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis with access not limited or restricted other than by charging an admission fee.

4.3.2 *Animal Welfare Act*

The submitted application was forwarded to APHIS for an evaluation of the activities as they pertain to the AWA. APHIS reviewed the application and confirmed that the facility has met the APHIS requirements for licensure as a public display facility and they do hold such a license. Until the facility acquires public display animals, APHIS was unable to comment on the facility's ability to comply with the AWA – this cannot be done until applicable animals are present in the facility. NMFS is satisfied that the applicant meets the requirement as stated in section 104(c)(2)(A)(ii) of the MMPA - applicants for permits for public display must be registered or hold a license issued under the Animal Welfare Act (7 U.S.C. 2131 *et seq.*).

4.4 *COMPARISON OF ALTERNATIVES*

The Proposed Action would allow for the retention of releasable California sea lions in permanent captivity, and if all requested takes were to be used, would result in a small number of sea lions that would not be released to the wild after rehabilitation that is calculated to be less than 0.1% of the allowable PBR associated with this species. The potential for adverse impacts on the human environment is not appreciably greater under the Proposed Action than under the No Action alternative.

4.5 *MITIGATION MEASURES*

This permit would not authorize any direct takes in the wild, as the animals under consideration would all come from the population of animals previously identified as needing the assistance by the Marine Mammal Health and Stranding Response Program and would be taken under their

authority for rescue and rehabilitation. After undergoing rehabilitation, all animals rescued by the Stranding Network are evaluated for release according to the “Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation, and Release”. The conditions that would be included in the permit are summarized below:

- The Office Director must approve the retention of an animal for the purpose of this permit in consultation with the attending veterinarian and the NMFS Regional Administrator.
- The Office Director must be consulted regarding the disposition of any animal obtained under this permit that is deemed unsuitable for public display purposes.
- The Permit Holder must submit acquisition reports (Marine Mammal Data Sheet) and disposition reports (NOAA Form 89-878 and Marine Mammal Transfer/Transport Notification form).
- The marine mammals must be taken and transported in a humane manner and in accordance with standards set forth in Animal Welfare Act (AWA) regulations (9 CFR Sections 3.112-3.118).
- Animals may not be released into the wild except under a separate scientific research permit or in accordance with the stranding regulations, as determined by the Office Director.

4.6 UNAVOIDABLE ADVERSE EFFECTS

Despite all precautions, there are potential adverse effects that may occur including death during transport or a premature death while in captivity. The mitigation measures imposed by permit conditions are intended to reduce, to the maximum extent practical, the potential for adverse effects of the proposed action on the targeted species, as well as the individual animals that may be taken.

4.7 CUMULATIVE EFFECTS

An environmental assessment must consider cumulative effects when determining whether an action significantly affects environmental quality. The cumulative impact is the impact on the environment, which results from the incremental impact of the action, when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Significance cannot be avoided if it is reasonable to anticipate a cumulatively significant impact on the environment.

There are currently two active permits which authorize the retention of rehabilitated marine mammals for public display purposes (described above in Section 1.2). Under these permits, two releasable stranded California sea lions have been transferred from rehabilitation status to permanent captivity as public display animals (a total of 12 sea lions have been authorized to be taken under both permits). The potential remains that other marine mammal public display facilities may explore the option of receiving a similar permit. However, each permit application received is evaluated on its own merits relative to the criteria established in the MMPA and NMFS’ implementing regulations. There are currently no permits for the collection of animals from the wild for public display. The animals under consideration for this permit are animals that would be considered releasable and would have the potential to contribute to future population growth. However, the number of animals requested to be transferred into permanent

captivity would result in negligible impact when compared to the current status of the populations. The proposed permit would not authorize any directed takes from the wild; therefore, there would be no indirect takes associated the proposed activities. Thus, the cumulative impacts that would result from issuance of this permit would be considered insignificant to the species and the environment.

Information regarding the status of threats to California sea lions was obtained from the NMFS Stock Assessment Report (Carretta et al. 2007). California sea lions are killed incidentally in set and drift gillnet fisheries. Minimum total annual takes from all fisheries is ≥ 159 animals. Many entanglements are likely unreported or undetected, thus this represents a minimum number of animals taken in the fisheries. Entanglements in gillnet and other man-made debris have been observed at rookeries and haulouts with entanglements ranging from 0.08% to 0.35% of those animals hauled out. However, the mortality rates associated with these types of entanglements are unknown. In addition, mortalities associated with human interactions (e.g. gunshot wounds, boat collisions, entrainment in power plants) must be considered. Reports indicate that between 2000 and 2004, 360 animals were taken via shooting, collision or entrainment. Subsistence hunts of California sea lions are rare and current estimates of annual take are between zero and two animals. Harmful algal blooms (domoic acid) have fluctuated over time and future mortalities may be expected to occur, however, at this time the population is stable to absorb the losses at this time. While there are threats to California sea lions, the population has likely reached carrying capacity of 46,800 pups per year with a PBR of 8,511 animals – a number that is unlikely to be reached combining all sources of human-caused mortality.

4.8 DETERMINATION

In view of the information presented in this document, and the analyses contained in the EA prepared for issuance of Permit No. 15537, it is hereby determined that permit issuance will not significantly impact the quality of the human environment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an Environmental Impact Statement for this action is not necessary.

CHAPTER 5 LIST OF PREPARERS AND AGENCIES CONSULTED

National Marine Fisheries Service, Office of Protected Resources, Silver Spring, MD

LITERATURE CITED

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