



**Finding of No Significant Impact
for the Environmental Assessment for
Issuance of Four Scientific Research Permits for Cetacean Studies
[Permit Nos. 16163, 16160, 16111, and 15569]**

National Marine Fisheries Service

Background

Between December 2010 and January 2011, the National Marine Fisheries Service (NMFS) received four applications for permits to conduct research on cetaceans, including Southern Resident killer whales, in the Pacific Ocean and inland waters of the U.S.. The applications were submitted by: Northwest Fisheries Science Center (NWFSC); File No. 16163; The Whale Museum, File No. 16160; John Calambokidis, File No. 16111; and Ken Balcomb, File No. 15569. In accordance with the National Environmental Policy Act, NMFS has prepared an Environmental Assessment (EA) analyzing the impacts on the human environment associated with permit issuance (*Environmental Assessment For Issuance of Four Scientific Research Permits for Cetacean Studies, April 2012*). In addition, a Biological Opinion was issued under the Endangered Species Act on March 15, 2012, summarizing the results of an intra-agency consultation. The analyses in the EA, as informed by the Biological Opinion, support the below findings and determination.

Note that a decision on issuance of Permit No. 16111 has been deferred pending receipt of additional information from the applicant. This EA will then be evaluated for applicability to that permit at that time and a new Finding of No Significant Impact will be completed prior to permit issuance.

Analysis

National Oceanic and Atmospheric Administration Administrative Order 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. 1508.27 state that the significance of an action should be analyzed both in terms of “context” and “intensity.” Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ’s context and intensity criteria. These include:

1) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in Fishery Management Plans?



Response: Although Essential Fish Habitat (EFH) may be present in the action areas, the proposed action would only affect marine mammals taken by harassment during research. The proposed action is not expected to cause damage to other aspects of ocean and coastal habitat such as reefs, seagrass beds, soft-bottom sediment, etc. Therefore, NMFS has determined that no EFH would be affected and no consultation was required.

2) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

Response: The effects of the actions on target species, including Endangered Species Act (ESA) listed species, their habitat, EFH, marine sanctuaries, and other marine mammals were considered. The proposed action would result in short-term minimal disturbance to individual marine mammals and result in only mild to moderate behavioral responses and mild to moderate injuries. No mortalities are anticipated from the proposed action. The permitted takes are not expected to affect an animal's susceptibility to predation, alter dietary preferences or foraging behavior, or change distribution or abundance of predators or prey. Therefore, the proposed action is not expected to have a substantial impact on biodiversity or ecosystem function.

3) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

Response: Issuance of a permit to take marine mammals by harassment does not involve hazardous methods, toxic agents or pathogens, or other materials that would have a substantial adverse impact on public health and safety. Therefore, no negative impacts on human health or safety are anticipated during the proposed activities.

4) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

Response: As determined in the 2012 ESA biological opinion, the proposed action would affect ESA-listed marine mammals in the action area. However, the biological opinion concluded that the effects of the proposed action would be short-term in nature and confined to individual animals. The proposed action would not likely jeopardize the continued existence of any ESA-listed species and would not likely destroy or adversely modify designated critical habitat. The proposed action would also affect a limited number of non-ESA listed marine mammals. The effects are expected to be short-term and recoverable, and to not result in impacts on populations, stocks or species.

5) Are significant social or economic impacts interrelated with natural or physical environmental effects?

Response: No significant social or economic impacts are interrelated with natural or physical environmental as such effects are considered to be minimal, if any. .

6) Are the effects on the quality of the human environment likely to be highly controversial?

Response: NMFS does not consider the Proposed Action controversial nor has it been considered controversial in the past. The proposed research activities are standard research activities that have been conducted on these species by the scientific community, and by the applicants, for decades. In addition, past submitted monitoring reports that include information on the effects of research are in agreement with published scientific literature on the effects of the types of proposed research activities. No other portion of the marine environment beyond the target species would be impacted by the proposed action.

7) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?

Response: Issuance of the permit is not expected to result in substantial impacts to any such area. Essential fish habitat and critical habitat would not be impacted by the taking of marine mammals by harassment.

8) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

Response: The effects of permit issuance on the environment are not uncertain and the takes of marine mammals do not involve unique or unknown risks. The potential for harassment and mortality to the target and non-target marine mammals is known and has been considered. The proposed procedures have been used on multiple cetacean species including SRKW's. Short and long-term physical and behavioral reactions including tag site healing have been thoroughly documented and were discussed in the EA. Risks to other portions of the human environment as a result of the takes are not expected.

9) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

Response: The proposed action is not related to other actions with individually insignificant, but cumulatively significant impacts. While these species are impacted by other human activities, including other scientific research, these activities generally are not occurring simultaneously on the same individuals of a population/stock. The short-term stresses (separately and cumulatively when added to other stresses marine mammals face in the environment) resulting from the proposed research activities would be expected to be minimal. Behavioral reactions suggest that the effects of harassment are brief, lasting minutes, before animals resume normal behaviors. Therefore, NMFS expects the effects of harassment to dissipate before animals could be harassed by other human activities; and that the takes will not result in an appreciable reduction in the fecundity of target individuals, serious injury or mortality, or the long-term survival of the species. Further, the permits would contain conditions to mitigate and minimize any

impacts to the animals, including the coordination of activities with other permit holders in the area. Therefore, significant cumulative impacts are not expected.

10) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

Response: The proposed action would not take place in any district, site, highway, structure, or object listed in or eligible for listing in the National Register of Historic Places, thus none would be impacted. As analyzed in the EA, the proposed action would not cause the loss or destruction of significant scientific, cultural or historical resources. None of these resources are expected to be directly or indirectly impacted.

11) Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?

Response: Issuance of the permits do not involve removing or introducing any species and would not likely result in the introduction or spread of a non-indigenous species.

12) Is the proposed action likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

Response: The decision to issue the permits would not be precedent setting and would not affect any future decisions about future considerations. Issuance of a permit to a specific individual or organization for a given research activity does not in any way guarantee or imply that NMFS will authorize other individuals or organizations to conduct the same research activity. Any future request received would be evaluated upon its own merits relative to the criteria established in the MMPA, ESA, and NMFS' implementing regulations.

13) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

Response: The proposed action would not result in any violation of Federal, State, or local laws for environmental protection. The proposed action has been adequately examined under the MMPA, ESA, and NEPA. An Institutional Animal Care and Use Committee review for those activities which fall outside the definition of field study was also completed that satisfies regulations under the Animal Welfare Act. There are no other permits, licenses, or consultation necessary for NMFS issuance of the permits.

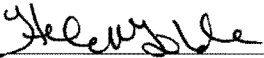
14) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

The proposed action is not expected to result in any cumulative adverse effects to the species that are the subject of the permits. The proposed action is not expected to have more than short-term, negligible impact to individuals and the population. While species

such as the SRKW face a number of anthropogenic stressors (e.g., noise, prey reduction, pollution, etc), the effects of the permitted taking will be short-term. Therefore, no cumulative adverse effects that could have a substantial effect on any species, target or non-target, would be expected.

DETERMINATION

In view of the information presented in this document, and the analyses contained in the EA and Biological Opinion prepared for issuance of Permit Nos. 16163, 16160, and 15569, 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.



Helen M. Golde
Acting Director, Office of Protected Resources

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Date