UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

NATIONAL MARINE FISHERIES SERVICE

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

FRIDAY
APRIL 6, 2007

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

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

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

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

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

    And NEPA also requires NMFS to provide key phases for our public involvement. So this is obviously one phase. And scoping, which took place last year, was also an outlet
for public involvement. It's important to note that NEPA does not dictate the decision to be made by NMFS, but it helps to inform NMFS during the decision making process.

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

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

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

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

So, as I said, all public comments on the draft PEIS are due April 30th. Once we receive these comments, NMFS will review these and bridge them into the document at we see fit. We will also respond to these comments and
finalize the PEIS.

Once we have finalized the PEIS, we will issue it for a 30-day public review period. And we hope to do this in June of 2007. And then we will publish the ROD, which hopefully will be during the summer of 2007. And the ROD is just a document stating NMFS's decision on the alternatives chosen; why it chose those alternatives; and the time line that NMFS has laid out for implementing any of these actions.

And it's also important to note that, while comments can be made on the ROD, NMFS does not have to do anything with the comments. We don't have to incorporate them into the document. But you can still comment on it, as well.

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

Section 2 is the alternatives. And, if you've seen it, we've broken it down into a suite of different alternatives; for stranding
response, carcass removal, rehabilitation, release, disentanglement, and our bio-monitoring and research activities.

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

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

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

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

So now I will give this over to Sarah and she'll tell you about our proposed actions and preferred alternatives. All right?
MS. WILKIN: So the proposed action kind of underlying this document is four-fold, essentially. But the first is the issuance of the Policies and Best Practices manual, which is comprised of several different documents that have all been out for -- developed over a period of years and out for public comment a few times. We want to issue those documents as a final manual of policy guidance.

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

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

And fourth, other day-to-day operations will continue, including response, rehabilitation, net release determinations, the issuance of Prescott Grants, etc.
So, our focus here though is for day-to-day operations is primarily on those activities that the Government actually conducts. For instance, the issuance of a release determination, rather than the actual release, itself. Although we have assessed some of those activities because they are being authorized by the Government.

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

So, under standing agreements and response, the preferred alternative A(4) would
utilize the new Stranding Agreement template for the next renewal or issuance of your Stranding Agreement, and utilize the evaluation criteria for the next renewal or issuance of your Stranding Agreements. So the next time that your agreement comes up for renewal, or if you're a new facility coming into the network the first time it's issued, you will be evaluated based on these evaluation criteria to determine whether or not a Stranding Agreement should be issued to you. And then, if it is or if it's renewed, it will be done using a new template.

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

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

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

The rehabilitation activities, our preferred alternative is C(3) which would continue most of the current rehabilitation activities and would give us the ability to designate new facilities and modify activities,
as necessary. However, the rehabilitation organizations that currently exist would continue under the final rehabilitation facility standards, which would be implemented. And then we would be enforcing them at -- there are two levels identified in these facility standards, a minimum level and a recommended level.

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

And for the release of rehabilitated animals, our preferred alternative D(3) would continue current release activities and again, give us the flexibility to modify those activities, if necessary. And the final release criteria would be implemented effective immediately. So this is primarily a document
that NMFS would use. When the network makes a release determination, NMFS would evaluate the release determination, based on this release criteria document.

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

The ESQ MMPA permit issued to the program would authorize current and future disentanglement activities for ESQ listed species, which are not authorized any other way. We are envisioning that members of the disentanglement network would be listed under the
permit as co-investigators.

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

And under bio-monitoring and research, our preferred alternative is that we would apply for and be issued a new ESQ MMPA permit to include current and future bio-monitoring research activities. We do know our current permit expires on June 30, 2007. If the new permit cannot be issued prior to that, we will proceed with attempting to amend or extend our current permit.
So those are the preferred alternatives that we've come up for each of those activity areas. The other section that I would really draw your attention in the document is Section 5, or mitigation. The purpose of mitigation is to avoid, minimize, or eliminate the negative impacts from our actions. So every time we've identified an alternative that would cause a significant impact to the human environment, we have proposed mitigation measures in order to offset those impacts, somewhat.

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

When conducting response and rehab,
qualified personnel will be used for capture and restraint. Experienced veterinarians, where possible, but where not, a minimum of expertise is required to be a qualified person. And the use of the Standards and Protocols, all those documents in the Policies and Guidelines would be implemented and, in many ways, act as mitigation.

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

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

MS. HOWLETT: Did anyone sign in?

MS. WILKIN: No?

(Whereupon, one participant stated an informal question which was off the record and it was determined that it should be held until after the recorded meeting.)
MS. HOWLETT: I think we should hold off until the end.

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

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

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

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

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

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