

Finding of No Significant Impact
on Issuance of Incidental Take Authorizations to the National Marine Fisheries Service's
Southwest Fisheries Science Center for Take of Marine Mammals Incidental to Fisheries
and Ecosystem Research Conducted in Three Specified Geographical Regions

National Marine Fisheries Service, Office of Protected Resources

National Oceanic and Atmospheric Administration Administrative Order (NAO) 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 CFR 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 (EFH) as defined under the Magnuson-Stevens Act and identified in FMPs?*

Direct impacts to benthic habitats will be limited to the Antarctic, which is the only research area where bottom-contact trawl gear is used, and will occur only every few years and have a very small footprint and minor localized adverse effects on the physical environment. SWFSC research activity will temporarily reduce the quality of water column EFH where it exists through production of underwater noise; these effects are temporary and will result in no long-term impacts to the environment.

The above information pertains to SWFSC's research activities. The OPR proposed action, which is the authorization of marine mammal take incidental to the specified activities, would result in no damage to ocean and coastal habitats or EFH.

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.)?*

The authorization of marine mammal take incidental to the SWFSC's research activities may have some impact on biodiversity or ecosystem function, but if such impact is not anticipated to be substantial. The SWFSC's research activities may temporarily impact ecosystem function by (i) removing predators and/or prey species from the environment and (ii) temporarily creating elevated levels of underwater sound, thereby disturbing forage fish. Bottom disturbance, discussed above, would be temporary over a short-term period.

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

The proposed action is not expected to result in any impacts related to public health and safety. Research activities are not likely to release hazardous materials into the environment. Research personnel would follow applicable state and federal laws to ensure a safe working environment.

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?*

Endangered or threatened species and other protected species, as well as designated critical habitat, occur in each of the three SWFSC research areas. The proposed action – OPR’s authorization of incidental marine mammal take – is not expected to have a significant impact on endangered or threatened species. Through formal consultation under section 7 of the Endangered Species Act (ESA), NMFS’ West Coast Regional Office determined that the proposed action is not likely to jeopardize the continued existence of any listed species and will not adversely affect any designated critical habitat. The consultation determined that the proposed activities may affect, but are not likely to adversely affect, listed marine mammal species.

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

The proposed action would not have any social or environmental impacts. The impacts resulting from OPR’s authorization of marine mammal take incidental to the SWFSC’s research activities would be limited to, at most, negligible impacts to the affected marine mammal stocks. No social or economic impacts will be associated with these authorizations.

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

OPR’s issuance of incidental take authorizations (ITA) would not have effects on the human environment that are likely to be highly controversial. There is not substantial debate over the proposed action’s size, nature, or effect, nor is there such debate over the underlying action (the SWFSC research activities). Due to the limited scale of activity in space and time, and the implementation of appropriate mitigation and monitoring measures, there will not be significant impacts to natural resources in the project area. As such, the effects of this action are not likely to be highly controversial.

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?*

SWFSC’s research activities generally occur in offshore marine waters, and would not affect any such areas. Some research activity occurs within National Marine Sanctuaries, but the removals of fish and invertebrates for scientific purposes is very small compared to estimated biomass metrics and is considered to have minor adverse effects on the sanctuaries. Traditional resources would not be impacted. No other unique characteristics of the geographic area are known. OPR’s issuance of ITAs would not result in substantial impacts to any such places.

8. *Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?*

The effects of the SWFSC's research activities are primarily related to removal of biomass from the environment and the input of sound into the environment. Removal of biomass from the environment is relatively well-studied, and wildlife and the environment in the SWFSC research areas are relatively well understood. The implementation of mitigation and monitoring measures included in OPR's ITAs would ensure that impacts to marine mammals are limited to the level of least practicable adverse impact. Substantial scientific study and management effort indicates that removals of the authorized numbers of marine mammals, as well as behavioral harassment of limited duration, would not result in a greater than negligible impact on the affected marine mammal stocks or any permanent changes to the manner in which marine mammals utilize the research areas. As such, the effects of OPR's issuance of ITAs are not highly uncertain, and the action does not involve unique or unknown risks.

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

All resource areas analyzed in the SWFSC's PEA have been evaluated for cumulative impacts including past, present and reasonably foreseeable future actions. The analysis indicates that the contribution of the three research alternatives to cumulative adverse effects on fish, marine mammal, and other species and resource areas is very small. The proposed SWFSC scientific research activities will also have beneficial contributions to the cumulative effects on both biological and socioeconomic resources. The research alternatives contribute substantially to the science that feeds into federal fishery management measures aimed at rebuilding and managing fish stocks in a sustainable manner. The No Research Alternative would not contribute to direct adverse effects on the marine environment but would contribute indirect adverse effects on both the biological and socioeconomic environments based on the lack of scientific information to inform future resource management decisions. OPR's issuance of ITAs is not related to other actions that may have cumulatively significant impacts.

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?*

There are no such places or resources in the affected areas.

11. *Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?*

Neither the proposed action nor the underlying SWFSC research activity is expected to result in the spread of any nonindigenous species.

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

Any future applications for incidental take authorizations will be independently analyzed on the basis of the best scientific information available. A finding of no significant impact for the SWFSC research activities, and for OPR's issuance of ITAs, may inform the environmental review for future projects but would not establish a precedent or represent a decision in principle about a future consideration.

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?*

The proposed action – OPR's issuance of ITAs – is conducted in conformance with the MMPA. OPR has made all appropriate determinations under other applicable statutes, and OPR's action would not violate any laws or requirements. The SWFSC research activities require issuance of multiple permits. SWFSC is pursuing all required permits; each agency will review the SWFSC research activity as appropriate to ensure that no federal, state, or local laws or requirements will be violated.

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?*

OPR's issuance of ITAs is specifically designed to reduce the effects of the specified activities to the least practicable adverse impact to marine mammals, through the inclusion of appropriate mitigation and monitoring measures. As such, the proposed action would not result in cumulative adverse effects that could have a substantial effect on species in the action area.

DETERMINATION

In view of the information presented in this document, the ITA application, and the analysis contained in the SWFSC's Final Programmatic Environmental Assessment for fisheries and ecosystem research in three specified geographical regions, it is hereby determined that OPR's issuance of ITAs 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.

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Date

