



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

**Finding of No Significant Impact
on Issuance of a Permit
for Field Research and Enhancement Activities on the
Endangered Hawaiian Monk Seal**

National Marine Fisheries Service

Background

The National Marine Fisheries Service (NMFS) proposes to issue a permit (File No. 10137) to the NMFS Pacific Islands Fisheries Science Center Marine Mammal Research Program (MMRP) to conduct research on Hawaiian monk seals (*Monachus schauinslandi*) in the Hawaiian Archipelago and Johnston Atoll. 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 on Issuance of a Permit for Field Research and Enhancement Activities on the Endangered Hawaiian Monk Seal; June 2009). In addition, a Biological Opinion was issued under the Endangered Species Act (June 30, 2009) summarizing the results of interagency consultation regarding the target species, Hawaiian monk seals. The analyses in the EA, as informed by the Biological Opinion, support the below findings and determination.

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 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 the following:

- 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?

The majority of the research and enhancement activities directed on Hawaiian monk seals occur on land; however, researchers do transit by ship through the Papahānaumokuākea Marine National Monument (hereinafter "Monument"), which encompasses the Northwestern Hawaiian Islands, to deploy field camps, and some work is conducted via small boats. The activities that would be authorized by the



proposed permit are not expected to cause damage to the ocean and coastal habitats or essential fish habitat.

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 impacts of the activities permitted would primarily be related to direct and indirect takes of the target species, Hawaiian monk seals. Short-term responses from disturbance and capture activities are not likely to have a measurable effect on productivity, foraging, predator avoidance or other essential biological functions. One goal of the research is to study the spatial relationship between Hawaiian monk seals and predatory sharks, and another goal is to improve survival of seals by various methods, such as disentangling seals, moving seals to protect them, and treating seals to decrease intestinal worm burdens. From some activities, seals that would otherwise die would be saved. From the de-worming treatments, a small proportion of seals may be able to gain weight more efficiently and forage more successfully. From the information gained from deploying sonic tags, researchers may be able to inform management decisions regarding mitigating shark attacks on pups. However, the activities proposed for this permit are not reasonably expected to substantially alter food-web interactions, or increase or decrease seals' susceptibilities to predation in a manner that substantially impacts the ecosystem.

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

NMFS has not identified any aspects of public health and safety (e.g., traffic and transportation; noise; risk of exposure to hazardous materials, wastes; risk of contracting disease; risk of damages from natural disasters) that could reasonably be expected to be affected by the conduct of the research on Hawaiian monk seals. The majority of activities authorized in the permit would occur in the remote location of the Northwestern Hawaiian Islands, which is a protected area that requires a permit for entrance and is not accessible to the general public. While the research would involve collection and transport of marine mammal tissues (including tissues preserved in hazardous materials) and handling of wild animals, these activities would be conducted by trained individuals and would be performed using specific protocols to ensure the health and safety of humans and to minimize potential for zoonotic disease transmission.

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?

The activities proposed include harassment, capture, and sampling activities directed on Hawaiian monk seals. In some cases, seals may be humanely euthanized to either mitigate adult males killing young seals or to humanely

provide for and sample moribund animals, which for the subject animal is significant, but for the population as a whole is not considered significant based on the analysis in the EA. Risks inherent to capturing wild animals include animals dying from capture stress or other factors. The researchers have standardized their handling techniques over decades of work with Hawaiian monk seals, and determined that if conducted in a conservative manner, the risk of incidental mortality is low. A Biological Opinion for issuance of the permit was signed on June 30, 2009, and concluded that issuance of the permit for research on endangered Hawaiian monk seals was not likely to jeopardize the continued existence of this species.

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

There are no significant social or economic impacts directly related to potential impacts of permit issuance. Issuance of the permit would not substantially impact short- or long-term use of the environment or result in use of natural or depletable resources, such as might be expected from construction or resource extraction activities. While researchers may camp in areas of significance to native Hawaiians, these activities require permits issued by the Monument, which contain conditions to minimize impacts to such social resources. There would be no significant social or economic impacts as a result of the work conducted on the target species, Hawaiian monk seals. Hawaiian monk seal are not permitted to be harvested for economic purposes; therefore, there is no impact to socio-economic resources (e.g., business, industry, etc.) associated with the activities conducted on this biological resource. Issuance of the permit and conduct of the research would not result in inequitable distributions of environmental burdens or access to environmental goods. NMFS does not expect issuance of the permit to adversely affect low-income or minority populations.

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

The effects on the quality of the human environment are not likely to be highly controversial. Descriptions of the activities proposed were made available to the public during a 30-day comment period, and no comments from the general public were received.

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?

The proposed action is not expected to result in substantial impacts to such unique areas. A large proportion of the work proposed in the permit would be conducted in the Monument, which encompasses the Northwestern Hawaiian Islands. There are cultural and historic resources in the Monument, and it is considered a unique

and ecologically critical area. The applicant is required to obtain annual permits from the Monument to access the islands and conduct research on Hawaiian monk seals. The Monument permits contain mitigation requirements to minimize impacts to resources in the Northwestern Hawaiian Islands. In addition, NMFS consulted with the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS) and the HIHWNMS had no issues regarding the proposed action.

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

The potential risks of permit issuance and conduct of the permitted research and enhancement activities are not unique or unknown, nor is there significant uncertainty about impacts. NMFS has permitted the majority of these activities on a number of marine species. The use of anti-parasitic drugs has been previously permitted for use on wild pinnipeds, and is considered a routine treatment in pinnipeds undergoing rehabilitation and in treatment of domestic animals.

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

Issuance of the proposed permit is not related to other actions with individually insignificant but cumulatively significant impacts. While information gained from studying movements of weaned pups in relation to predatory sharks may be used to inform management decisions regarding mitigating shark predation, the fact that this research will occur does not guarantee that permits would be issued to manage shark predation, and if such a permit were issued, it would not result in cumulatively significant impacts. There are no other activities proposed that are interrelated with or interdependent on other federal, state or local actions that could 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?

The activities proposed in the permit would occur in the Monument where cultural and historic resources occur, and the applicant is required to obtain annual permits from the Monument to access the islands and conduct research on Hawaiian monk seals. The Monument permits contain mitigation requirements to minimize impacts to cultural and historic resources within this area.

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

Any work conducted in the Monument requires strict quarantine procedures when transiting to islands within the Monument (i.e., in the Northwestern Hawaiian Islands), such as freezing field camp supplies for 24 hours prior to landing on an island, and thoroughly cleaning boat hulls in between landing on islands. The Monument permits contain conditions researchers must follow to prevent the introduction or spread of 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?

Issuance of the proposed permit amendment is not likely to establish a precedent for future actions with significant effects or represent a decision in principle about future considerations. NMFS has been issuing research permits pursuant to section 104 of the MMPA since 1972. Nothing about NMFS' decision making process pursuant to the statutory and regulatory criteria is unique to this permit. Issuance of this permit amendment does not involve any irreversible or irretrievable commitments of resources.

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?

Issuance of the permit is not expected to violate any Federal, State, or local laws or requirements related to environmental protection. NMFS has jurisdiction for issuance of permits for research on endangered pinnipeds and has determined the proposed research and enhancement to be consistent with all applicable provisions of the MMPA and ESA. Conduct of the activities authorized by the permit requires the researchers to obtain permits from other environmental resource management agencies, such as the Monument and the State of Hawaii Department of Land and Natural Resources. Obtaining such permits is the responsibility of the researchers, and they have demonstrated that such permits have been consistently obtained in the past. The researchers must also obtain approvals consistent with the Animal Welfare Act, and have demonstrated that such approval has previously been obtained and will be obtained for the proposed activities. NMFS has not identified anything about the proposed research that would prohibit securing such permits and approvals.

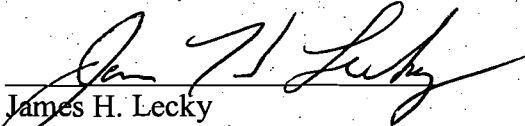
14) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

Activities proposed in the permit would result in disturbance of the target species, and capture activities could result in unintentional mortality. The analysis presented in the EA and consistent with the previous EA (NMFS 2003) provides

evidence that if conducted conservatively and with caution, capture activities will not have significant long-term adverse effects for the species; and based on past-performance, the probability that incidental mortalities would occur during handling events is low. Limited other activities occur in the Northwestern Hawaiian Islands to add to the effects from the MMRP, the only entity permitted to enter the Northwestern Hawaiian Islands to take Hawaiian monk seals for research purposes. One other permit issued to the NMFS Marine Mammal Health and Stranding Response Program (MMHSRP; Permit No. 932-1489) authorizes takes of Hawaiian monk seals. However, these take activities do not duplicate or overlap with those proposed by the MMRP, as the MMRP researchers are listed as Co-investigators on the MMHSRP permit and work closely with the permit holder to coordinate activities. Overall, based on the analyses in the EA, it is highly unlikely that activities carried out by the MMRP under the proposed amendment would have significant cumulative effects when considered with other factors affecting monk seals.

DETERMINATION

In view of the information presented in this document and the analysis contained in the EA prepared on the Effects of the Issuance a Permit for Field Research and Enhancement Activities on the Endangered Hawaiian Monk Seal, it is hereby determined that the issuance of the proposed Permit No. 10137 will not significantly impact the quality of the human environment as described above and in the EA. 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 environment impact statement for this action is not necessary.


James H. Lecky
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JUN 30 2009

Date