

APPENDIX B

AGENCY COORDINATION AND CONSULTATION



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

JUN 20 2006

David A. Bergsten
U.S. Department of Agriculture
Animal and Plant Health Inspection Service
4700 River Road, Unit 14
Riverdale, MD 20737-1238

Dear Mr. Bergsten:

The National Marine Fisheries Service (NMFS) is working on an Environmental Impact Statement (EIS) for the Marine Mammal Health and Stranding Response Program (MMHSRP). Some activities of the MMHSRP are conducted under a permit issued under the MMPA and Section 10(a)(1)(A) of the Endangered Species Act (ESA) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current MMPA/ESA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the activities covered under the permit must be completed prior to the issuance of a new permit. Potential future activities of the MMHSRP will also be analyzed in the EIS.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The EIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

NMFS is the lead agency in the EIS process as defined in 40 CFR 1501.5. We invite your participation as a cooperating agency in this effort. Cooperating agency responsibilities are outlined in 40 CFR 1501.6. The degree of your involvement in the process will be determined by the extent of your authority/responsibilities; your interest, expertise, and resource availability; and your commitments. We encourage your full participation in the EIS process within the scope of your particular authority, responsibility, and/or expertise. This would include activities such as screening and evaluation of alternatives; information development; environmental, economic, or social analyses; and reviewing preliminary documents. However, at a minimum, we would request your assistance in developing information for the EIS within your expertise, as well as providing reviews of preliminary documents.



We look forward to your response, which should include a point of contact for your agency. If you have any questions, please contact Ms. Sarah Howlett or Ms. Sarah Wilkin at (301) 713-2322.

Sincerely,

A handwritten signature in cursive script that reads "Stewart Harris".

Stewart Harris

Acting Chief,

Marine Mammal and Sea Turtle Division

Office of Protected Resources

National Marine Fisheries Service



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

4700 River Road
Unit 84
Riverdale, MD
20737

July 14, 2006

Mr. Stewart Harris
Acting Chief, Marine Mammal and Sea Turtle Division
Office of Protected Resources
NOAA, NMFS
1315 East West Highway
Silver Spring, MD 20910

Dear Mr. Harris:

This is in regard to your letter of June 20, 2006, to David Bergsten, USDA, regarding cooperation on the EIS for the Marine Mammal Health and Stranding Response Program. This letter has been referred to me, and I have been asked to serve as the liaison and consultant. I work for the Animal Care program, and am the Staff Veterinarian for Exhibition Animals, including marine mammals. I work closely with your office, both with Drs. Whelan and Rowles, and with the Permits, Conservation, and Education Division.

Please feel free to contact me as needed during the EIS project. I have been involved in the development of the standards you reference. Thank you for your cooperation in this matter.

If there are any questions, please feel free to contact this office.

Sincerely,

Barbara Kohn
Senior Staff Veterinarian
Animal Care

301-734-8271
301-734-4978 (FAX)



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

JUN 20 2006

Michael L. Gosliner, Esq.
NEPA Coordinator
Marine Mammal Commission
4340 East-West Highway, Suite 905
Bethesda, MD 20814

Dear Mr. Gosliner:

The National Marine Fisheries Service (NMFS) is working on an Environmental Impact Statement (EIS) for the Marine Mammal Health and Stranding Response Program (MMHSRP). Some activities of the MMHSRP are conducted under a permit issued under the MMPA and Section 10(a)(1)(A) of the Endangered Species Act (ESA) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current MMPA/ESA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the activities covered under the permit must be completed prior to the issuance of a new permit. Potential future activities of the MMHSRP will also be analyzed in the EIS.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The EIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

NMFS is the lead agency in the EIS process as defined in 40 CFR 1501.5. We invite your participation as a cooperating agency in this effort. Cooperating agency responsibilities are outlined in 40 CFR 1501.6. The degree of your involvement in the process will be determined by the extent of your authority/responsibilities; your interest, expertise, and resource availability; and your commitments. We encourage your full participation in the EIS process within the scope of your particular authority, responsibility, and/or expertise. This would include activities such as screening and evaluation of alternatives; information development; environmental, economic, or social analyses; and reviewing preliminary documents. However, at a minimum, we would request your assistance in developing information for the EIS within your expertise, as well as providing reviews of preliminary documents.



We look forward to your response, which should include a point of contact for your agency. If you have any questions, please contact Ms. Sarah Howlett or Ms. Sarah Wilkin at (301) 713-2322.

Sincerely,

A handwritten signature in cursive script that reads "Stewart Harris".

Stewart Harris

Acting Chief,

Marine Mammal and Sea Turtle Division

Office of Protected Resources

National Marine Fisheries Service



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

JUN 20 2006

Pat Carter
NEPA Coordinator
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive
Arlington, VA 22203

Dear Ms. Carter:

The National Marine Fisheries Service (NMFS) is working on an Environmental Impact Statement (EIS) for the Marine Mammal Health and Stranding Response Program (MMHSRP). Some activities of the MMHSRP are conducted under a permit issued under the MMPA and Section 10(a)(1)(A) of the Endangered Species Act (ESA) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current MMPA/ESA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the activities covered under the permit must be completed prior to the issuance of a new permit. Potential future activities of the MMHSRP will also be analyzed in the EIS.

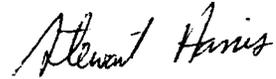
NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The EIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

NMFS is the lead agency in the EIS process as defined in 40 CFR 1501.5. We invite your participation as a cooperating agency in this effort. Cooperating agency responsibilities are outlined in 40 CFR 1501.6. The degree of your involvement in the process will be determined by the extent of your authority/responsibilities; your interest, expertise, and resource availability; and your commitments. We encourage your full participation in the EIS process within the scope of your particular authority, responsibility, and/or expertise. This would include activities such as screening and evaluation of alternatives; information development; environmental, economic, or social analyses; and reviewing preliminary documents. However, at a minimum, we would request your assistance in developing information for the EIS within your expertise, as well as providing reviews of preliminary documents.



We look forward to your response, which should include a point of contact for your agency. If you have any questions, please contact Ms. Sarah Howlett or Ms. Sarah Wilkin at (301) 713-2322.

Sincerely,

A handwritten signature in black ink that reads "Stewart Harris". The signature is written in a cursive style with a large initial 'S'.

Stewart Harris

Acting Chief,

Marine Mammal and Sea Turtle Division

Office of Protected Resources

National Marine Fisheries Service



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/DHRC/BRMS/028856

DEC 19 2006

David Cottingham
Chief, Marine Mammal and Sea Turtle Division
NOAA-Fisheries Office of Protected Resources
1315 East-West Highway
Silver Spring, Maryland 20910

Dear Mr. Cottingham:

The Fish and Wildlife Service has received your letter dated December 1, 2006, concerning the preliminary Draft Programmatic Environmental Impact State (DPEIS) for the Marine Mammal Health and Stranding Response Program (MMHSRP). We appreciate the offer to serve as a cooperating agency and the opportunity to review this document in advance of its submission to the Environmental Protection Agency and subsequent publication of the Notice of Availability in the *Federal Register*.

Unfortunately, due to resource limitations, the Service is unable to participate as a cooperating agency at this time on this DPEIS and should not be identified as such. In addition, we will not be able to review and provide comments on the DPEIS prior to its submission to the *Federal Register*. Instead, we will use the *Federal Register* public comment period as our opportunity to provide any comments.

The Service supports collaborative efforts with NOAA-Fisheries for our joint responsibilities. We note that under the Marine Mammal Protection Act, with the exception of section 408, the MMHSRP is a program created and implemented by the Secretary of Commerce. The Service does not have the resources to provide an equivalent participation in this program. However, the Service will continue to work with NOAA-Fisheries as we finalize the associated *Interim Standards for the Release of Rehabilitated Marine Mammals*, which are identified as a part of the MMHSRP, and will provide input on any aspect of the DPEIS as it relates to the management of those marine mammals under the jurisdiction of the Secretary of the Interior during the public review process.



Mr. David Cottingham

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We look forward to our continued working relationship with NOAA-Fisheries on these and other issues that impact management of marine mammals. Please contact Martin Kodis, Chief of the Branch of Resource Management Support, at 703-358-2161 with any questions.

Sincerely,

A handwritten signature in black ink that reads "David J. Stout". The signature is written in a cursive style with a large, prominent "D" and "S".

Chief,
Division of Habitat and Resource Conservation



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

JUN 22 2006

James F. Devine
U.S. Geological Survey
12201 Sunrise Valley Drive
Reston, VA 20192

Dear Mr. Devine:

The National Marine Fisheries Service (NMFS) is working on an Environmental Impact Statement (EIS) for the Marine Mammal Health and Stranding Response Program (MMHSRP). Some activities of the MMHSRP are conducted under a permit issued under the MMPA and Section 10(a)(1)(A) of the Endangered Species Act (ESA) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current MMPA/ESA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the activities covered under the permit must be completed prior to the issuance of a new permit. Potential future activities of the MMHSRP will also be analyzed in the EIS.

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NMFS is the lead agency in the EIS process as defined in 40 CFR 1501.5. We invite your participation as a cooperating agency in this effort. Cooperating agency responsibilities are outlined in 40 CFR 1501.6. The degree of your involvement in the process will be determined by the extent of your authority/responsibilities; your interest, expertise, and resource availability; and your commitments. We encourage your full participation in the EIS process within the scope of your particular authority, responsibility, and/or expertise. This would include activities such as screening and evaluation of alternatives; information development; environmental, economic, or social analyses; and reviewing preliminary documents. However, at a minimum, we would request your assistance in developing information for the EIS within your expertise, as well as providing reviews of preliminary documents.



We look forward to your response, which should include a point of contact for your agency. If you have any questions, please contact Ms. Sarah Howlett or Ms. Sarah Wilkin at (301) 713-2322.

Sincerely,

A handwritten signature in black ink that reads "Stewart Harris". The signature is written in a cursive style with a large initial 'S'.

Stewart Harris

Acting Chief,

Marine Mammal and Sea Turtle Division

Office of Protected Resources

National Marine Fisheries Service



United States Department of the Interior

U. S. GEOLOGICAL SURVEY

Reston, VA 20192

In Reply Refer To:
Mail Stop 423

June 29, 2006

Stewart Harris, Acting Chief
Marine Mammal and Sea Turtle Division
Office of Protected Resources
National Marine Fisheries Service
Silver Spring, Maryland 20910

Dear Mr. Harris,

This is in response to your letter dated June 22, 2006, requesting that the U.S. Geological Survey (USGS) participate as a Cooperating Agency on an Environmental Impact Statement (EIS) for the Marine Mammal Health and Stranding Response Program (MMHSRP). It is the policy of the USGS to decline requests to be an official Cooperating Agency in the NEPA activities of another Federal agency except where the proposed Federal action may directly affect our facilities or the conduct of our work. However, the Survey as part of our mission will continue to provide science support to other agencies when our data and scientific expertise have relevance to their proposed actions undergoing NEPA review. Such assistance could include attending or making presentations at scoping and technical meetings, and conducting special studies and data collection projects.

If you have any question concerning our decision, you can contact me at (703) 648-4423 or Susan D. Haseltine, Associate Director of the USGS Biological Resources Discipline at (703) 648-4050.

Sincerely,



James F. Devine
Senior Advisor for Science Applications

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

«Prefix» «First_Name» «Last_Name»
«Title»
«Organization_Name»
«Department»
«Address_1»
«Address_2»
«Address_3»

**Subject: Consistency Determination – Marine Mammal Health and Stranding Response
Program Programmatic Environmental Impact Statement**

Dear «Prefix» «Last_Name»:

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) is announcing the availability of a Draft Programmatic Environmental Impact Statement (PEIS) for the Marine Mammal Health and Stranding Response Program (MMHSRP). Preparation of the PEIS is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations for Implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508). The Draft PEIS is enclosed and may also be downloaded from the NMFS Office of Protected Resources MMHSRP website at <http://www.nmfs.noaa.gov/pr/health/eis.htm>.

Enclosed for review is NMFS' Consistency Determination under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C for the Proposed Actions and Preferred Alternatives associated with the MMHSRP. Please submit your state agency's concurrence with, or comments on, this Determination within 60 days from the receipt of this letter (15 CFR 930.41) by one of the following methods:

(1) By mail to:
Mr. David Cottingham
Chief, Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Room 13635
Silver Spring, MD 20910-3226

(2) Or by fax to: (301) 427-2584
(3) Or by e-mail to: mmhsrpeis.comments@noaa.gov

If NMFS does not receive a reply from a state agency within 60 days from the receipt of the consistency determination and supporting information as required by 15 CFR 930.39(a) and there has not been an extension of the 60-day review period, then NMFS will assume concurrence.



Thank you for your assistance. If you have any questions about the MMHSRP or the Draft PEIS, please contact Ms. Sarah Howlett or Ms. Sarah Wilkin at (301) 713-2322.

Sincerely,

David Cottingham
Chief,
Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources

Enclosures: Consistency Determination and Draft PEIS

**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Alabama Department of Environmental Management (ADEM), Coastal Area Management Program with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under the Code of Alabama, Title 9, Chapter 7, Section 16, and pursuant to the CZMA (16 U.S.C. 1452), ADEM is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the Alabama Coastal Area Management Program (ACAMP). Therefore, the PEIS will assess the impacts of the proposed alternatives on coastal resources within the context of ACAMP's Provisions Relating to Coastal Activities (ADEM Administrative Code, Chapter 335, Division 8, Section 2).

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time no significant impacts on Alabama's coastal resources are anticipated. In accordance with ADEM Administrative Code 335-8-2 the preferred alternatives, with mitigation, would not adversely affect: historical, architectural or archeological sites; wildlife and fishery habitat; or public access to tidal and submerged lands, navigable waters and beaches or other public recreational resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the ACAMP. The ACAMP has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

POST OFFICE BOX 301463 36130-1463 ♦ 1400 COLISEUM BLVD. 36110-2059

MONTGOMERY, ALABAMA

WWW.ADEM.STATE.AL.US

(334) 271-7700

ONIS "TREY" GLENN, III, P.E.

DIRECTOR

BOB RILEY

GOVERNOR

May 4, 2007

Facsimiles: (334)

Administration: 271-7950

General Counsel: 394-4332

Communication: 394-4383

Air: 279-3044

Land: 279-3050

Water: 279-3051

Groundwater: 270-5631

Field Operations: 272-8131

Laboratory: 277-6718

Mining: 394-4326

David Cottingham
Chief, Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Room 13635
Silver Spring, MD 20910-3226

RE: Proposed Federal Action: *"Draft Programmatic Environmental Impact Statement (PEIS) for the Marine Mammal Health and Stranding Response Program (MMHSRP)."*

Dear Mr. Cottingham:

Reference is made to the March 9, 2007 request submitted by the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service, for the State of Alabama's coastal consistency determination regarding the referenced proposed draft programmatic environmental impact statement. A coastal consistency determination was requested pursuant to 15 CFR § 930.41.

The South Alabama Regional Planning Commission's (SARPC) advertisement of this proposed federal action by public notice has been completed. Based upon review of the information submitted with the request for coastal zone management consistency determination, it appears the proposed draft programmatic environmental impact statement would not result in significant negative impacts to Alabama's coastal resources pursuant to ADEM Administrative Code Rule 335-8-2-.01 (2(b & c)). Therefore, the Alabama Department of Environmental Management has no objections to the National Marine Fisheries Service's statement of coastal consistency.

If you have any questions, please contact Jennifer Robinson of the ADEM Coastal/Facility Section office in Mobile at 251/432-6533 or jrobinson@adem.state.al.us.

Sincerely,

Steven O. Jenkins, Chief
Field Operations Division

Cc: Steve Heath – ADCNR-MRD Gulf Shores



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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Alaska Department of Natural Resources, Office of Project Management and Permitting, Coastal Management Program with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Alaska's Coastal Management Program Statute (Title 46, Chapter 39, Section 10), "the Department of Natural Resources shall render, on behalf of the state, all federal consistency determinations and considerations authorized by 16 U.S.C. 1456 (Section 307, Coastal Zone Management Act of 1972)." The PEIS will assess the impacts of the proposed alternatives on coastal resources that are provided under 1) the Standards of the Alaska Coastal Management Program (Alaska Administrative Code, Title 6, Chapter 80, Article 2, Uses and Activities) and 2) the Anchorage Coastal District Enforceable Policies.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on Alaska's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with the enforceable policies regarding, marine habitats, water quality, coastal resources in subsistence areas, and cultural and architectural resources, and should present no foreseeable effects to these areas.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Alaska Coastal Management Program.

The Alaska Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.

**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the San Francisco Bay Conservation and Development Commission (BCDC) with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under McAteer-Petris Act, the BCDC is authorized to prepare an enforceable plan to protect the San Francisco Bay and its shoreline. Under this authority, and pursuant to the CZMA, BCDC is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the San Francisco Bay Plan. The PEIS will assess the impacts of the proposed alternatives on coastal resources within the context of these policies.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

At this time, no significant impacts on San Francisco's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with enforceable policies regarding water quality, wetlands, tidal marshes, and tidal flatlands, and should present no foreseeable effects on these resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the San Francisco Bay Plan. The BCDC has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.

**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the California Coastal Commission (Commission) with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under the California Coastal Act of 1976 (Public Resources Code, Division 20, Section 30330), the Commission is “designated as the state coastal zone planning and management agency for any and all purposes, and may exercise any and all powers set forth in the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.).” Therefore, all activities authorized, funded, or carried out by the Federal Government that affect coastal zone resources must be reviewed by the Commission for consistency with the federally approved California Coastal Management Program and the California Coastal Act. The PEIS will assess the impacts of the proposed alternatives on coastal resources that are provided under the California Coastal Act, Chapter 3, Coastal Resources Planning and Management Policies.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time no significant impacts on California’s coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with enforceable policies regarding the

marine environment, particularly Article 4, Section 30230, which states that “marine resources shall be maintained, enhanced, and where feasible, restored” and that “Uses of the marine environment should be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms...”

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program.

The California Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State’s response is not received by NMFS on the 60th day from receipt of this Determination.

**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Commonwealth of Northern Mariana Islands (CNMI), Office of the Governor, Coastal Resources Management Office with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Public Law 3-47, the Office of Coastal Resources Management is authorized to prepare an enforceable plan promote the conservation and wise development of coastal resources of the CNMI. Under this authority, and pursuant to the CZMA, the Office of Coastal Resources Management is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of Title 15. The PEIS will assess the impacts of the proposed alternatives on coastal resources within the context of these policies.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

At this time, no significant impacts on CNMI coastal resources are anticipated. The preferred alternatives, with mitigation, would have no direct effects on areas of particular concern including shoreline, lagoon and reef, wetlands and mangrove, and coastal hazards areas. The MMHSRP is consistent with the goals of CNMI Public Law 3-47, the standards and policies in Title 15, Chapter 10, and federal water quality standards.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the CNMI Coastal Resources Management program. The Office of Coastal Resources Management has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.

**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Connecticut Department of Environmental Protection, Office of Long Island Sound Programs, Coastal Management Program with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

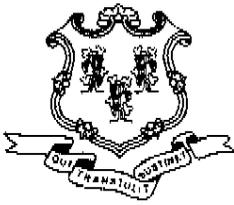
2. Under Connecticut's Coastal Management Act, (Connecticut General Statute, Title 22a, Chapter 444, Section 96), the Department of Environmental Protection is granted the authority to "represent the state in formal proceedings regarding "federal consistency" as defined in the federal act," and to "into written agreements with federal agencies concerning matters having an interest in or regulatory authority in the coastal area." Such matters are to "provide for cooperation and coordination in the implementation of state and federal programs with jurisdiction in the coastal area in a manner consistent with (the Coastal Management Act) Sections 22a-90 to 22a-96, inclusive." The PEIS will assess the impacts of the proposed alternatives on coastal resources that are provided under the Coastal Management Act and the Connecticut Coastal Manual.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

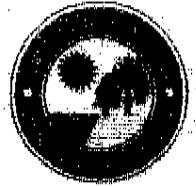
However, at this time, no significant impacts on Connecticut's coastal resources are anticipated.

The preferred alternatives, with mitigation, are consistent with the Coastal Management Act and would have no significant effects on beaches, dunes, shorelands, tidal wetlands, or archeological and paleontological resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Connecticut Coastal Management Program. The Connecticut Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



May 17, 2007

David Cottingham, Chief
Office of Protected Resources
Marine Mammal and Sea Turtle Conservation Division
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Re: Marine Mammal Health and Stranding Response Program; Consistency Concurrence

Dear Mr. Cottingham:

This is in response to your consistency determination, received on March 14, 2007, for the proposed Marine Mammal Health and Stranding Response Program (MMHSRP). That determination is required by Section 307(c)(1) of the Coastal Zone Management Act of 1972, as amended, Subpart C of 15 Code of Federal Regulations (CFR) Part 930, and Section II, Part VII(c) of the State of Connecticut Coastal Management Program and Final Environmental Impact Statement.

The proposed program would include issuance of the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation, and Release* as final guidance; issuance of a new Endangered Species Act (ESA)/Marine Mammal Protection Act (MMPA) permit to the MMHSRP; continuation of current response, rehabilitation, release, and research activities; and continuation of the John H. Prescott Marine Mammal Rescue Assistance Grant Program. This Department concurs with your determination that the proposed action is consistent to the maximum extent practicable with Connecticut's approved Coastal Management Program, pursuant to Section 22a-96(c) of the Connecticut General Statutes.

Any fisheries management plans that have a potential to affect the Connecticut coastal area, as well as any related Environmental Impact Statements and Regulatory Impact Reviews, should be sent to Mr. Brian P. Thompson, Director of the DEP Office of Long Island Sound Programs as early as possible in the established review period, after the final contents of the documents have been determined.

Yours truly,

A handwritten signature in black ink, appearing to read "Gina McCarthy".

Gina McCarthy
Commissioner

GM/TO/to

cc: Allison Castellan, OCRM
Edward Parker, CT DEP
David Simpson, CT DEP

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Delaware Department of Natural Resources and Environmental Control (DNREC), Division of Soil and Water Conservation, Coastal Zone Program with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Delaware's Coastal Zone Act (Delaware Code, Title 7, Chapter 70), DNREC is authorized to develop regulations regarding the development and use of Delaware's coastal zone. Under this authority, and pursuant to the CZMA, DNREC is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the Delaware Coastal Management Program. These policies include the Coastal Zone Act, the Beach Preservation Act, the Wetlands Act, and the Subaqueous Lands Act. The PEIS will assess the impacts of the proposed alternatives on coastal resources within the context of these policies.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time no significant impacts on Delaware's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with enforceable policies regarding

wetlands, beach and coastal waters management, subaqueous lands, and should present no foreseeable effects on these resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal Management Program. The Delaware Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF SOIL AND WATER CONSERVATION

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

DELAWARE COASTAL
MANAGEMENT PROGRAM

TELEPHONE: (302) 739-9283
FAX: (302) 739-2048

May 10, 2007

David Cottingham
Marine Mammal and Sea Turtle Conservation Division
National Marine Fisheries Service
1315 East-West Highway
Room 13635
Silver Spring, MD 20910-3226

***RE: Delaware Coastal Management Federal Consistency Certification
Marine Mammal Health and Stranding Response Program Draft Programmatic Environmental
Impact Statement***

Dear Mr. Cottingham:

The Delaware Coastal Management Program (DCMP) has received and reviewed your consistency determination for the above referenced project. Based upon our review and pursuant to National Oceanic & Atmospheric Administration regulations (15 CFR 930), the DCMP concurs with your consistency determination for the Marine Mammal Health and Stranding Response Program Draft Programmatic Environmental Impact Statement. Our concurrence is based upon the restrictions and/or conditions placed on any and all permits issued to you for this project.

If you have any questions regarding this determination please do not hesitate to contact me or Tricia Arndt of my staff at (302) 739-9283.

Sincerely,

Sarah W. Cooksey, Administrator
Delaware Coastal Management Program

SWC/tka

cc: File 07.062
Roy Miller-DFW

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Florida Department of Environmental Protection, Office of Intergovernmental Programs, Coastal Zone Management Program with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Florida's Coastal Management Act (Title XXVIII, Chapter 380, Section 23), the Florida Department of Environmental Protection may review all "federal development projects and activities of federal agencies which significantly affect coastal waters and the adjacent shorelands of the state" to ensure that they "are conducted in accordance with the state's coastal management program." The PEIS will assess the impacts of the proposed alternatives on coastal resources that are provided under the 23 State Statutes that compose the Florida Coastal Management Plan.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division

However, at this time no significant impacts on Florida's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with state policies regarding wildlife, water resources, state parks and preserves, environmental control, and historical and archeological resources, and should not present any foreseeable effects on these resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is

consistent to the maximum extent practicable with the enforceable policies of the Florida Coastal Management Program. The Florida Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 22, 2007

Mr. David Cottingham, Chief
Marine Mammal & Sea Turtle Conservation Division
NOAA/National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, MD 20910-3226

RE: National Marine Fisheries Service - Draft Programmatic Environmental Impact Statement (PEIS) for the Marine Mammal Health and Stranding Response Program (MMHSRP) - of Interest to the State of Florida.
SAI # FL200703133137C

Dear Mr. Cottingham:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the draft PEIS.

Based on the information contained in the document submitted and comments provided by the Florida Fish and Wildlife Conservation Commission, the state has determined that the proposed federal action is consistent with the Florida Coastal Management Program.

Thank you for the opportunity to review this proposal. Should you have any questions regarding this letter, please contact Ms. Lauren P. Milligan at (850) 245-2170.

Yours sincerely,

Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/lm

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides Georgia Department of Natural Resources, Coastal Resources Division with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Georgia's Coastal Management Act (Official Code of Georgia, Title 12, Chapter 5, Section 323), the Department of Natural Resources has the authority to "concur or object to a determination of consistency filed by a federal agency in connection with a federal activity based on the policies of the Georgia coastal management program...." The PEIS will assess the impacts of the proposed alternatives on coastal resources that are provided under the Georgia Coastal Management Program Document and all state laws subject to the Federal Consistency provisions of the CZMA.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time no significant impacts on Georgia's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with state policies regarding coastal marshlands, tidelands, protected areas, shore protection, and historic areas, and should not present any foreseeable effects on these resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Georgia Coastal Management Program. The Georgia Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.

May 21, 2007



Mr. David Cottingham, Chief
Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
NOAA/NMFS
1315 East West Highway
Silver Spring, Maryland 20910



RE: Consistency Determination for Marine Mammal Health and Stranding Response Program
Programmatic Environmental Impact Statement

Dear Mr. Cottingham:

Staff of the Coastal Management Program has reviewed your March 9, 2007 letter and attached Programmatic Environmental Impact Statement on the above referenced action. The current Endangered Species Act / Marine Mammal Protection Act permit expires June 30, 2007 and the EIS is required prior to issuance of a new permit.

The Program concurs with your consistency determination. This determination ensures that the proposed project has been designed to comply to the maximum extent practicable with the applicable enforceable policies of the Georgia Coastal Management Program.

Please feel free to contact Kelie Moore or me if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Susan Shipman".

Susan Shipman
Director

SS/km

cc: DNR/WRD/Nongame



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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Hawaii Department of Business, Economic Development and Tourism, Office of Planning, Coastal Zone Management Program with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Hawaii's Coastal Zone Management Statute (Hawaii Revised Statutes, Chapter 205A, Section 3), the Department of Business, Economic Development and Tourism, Office of Planning is authorized to "review federal programs, federal permits, federal licenses, and federal development proposals for consistency with the coastal zone management program." The PEIS will assess the impacts of the proposed alternatives on coastal resources that are provided under Hawaii Revised Statutes, Chapter 205A, Section 2, Coastal Zone Management Program, Objectives and Policies.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time no significant impacts on Hawaii's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with enforceable state policies regarding coastal ecosystems, beach protection, marine resources, and historic resources, and should present no foreseeable effects in these areas.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Hawaii Coastal Management Program. The Hawaii Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
LAURA H. THIELEN
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Ref. No. P-11761

April 30, 2007

Mr. David Cottingham, Chief
Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, Maryland 20910-3226

Dear Mr. Cottingham:

**Subject: Hawaii Coastal Zone Management (CZM) Program Federal Consistency
Review for Marine Mammal Health and Stranding Response Program**

The proposed actions and preferred alternatives associated with the Marine Mammal Health and Stranding Response Program (MMHSRP) have been reviewed for consistency with the Hawaii CZM Program. We concur with your determination that the activities coordinated and conducted by MMHSRP are consistent to the maximum extent practicable with the Hawaii CZM Program.

CZM consistency concurrence is not an endorsement of the project nor does it convey approval with any other regulations administered by any State or County agency. Thank you for your cooperation in complying with the Hawaii CZM Program. If you have any questions, please call John Nakagawa of our CZM Program at (808) 587-2878.

Sincerely,

Laura H. Thielen
Director

- c: U.S. National Marine Fisheries Service, Pacific Area Office
U.S. Fish and Wildlife Service, Pacific Islands Ecoregion
Dr. Jeffrey Walters, HIHWNMS, Department of Land and Natural Resources

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5/1/07

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Louisiana Department of Environmental Resource, Office of Coastal Restoration and Management, Coastal Management Division with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Louisiana's State and Local Coastal Resources Management Act (Louisiana Revised Statutes, Title 49, Section 214.32), "any governmental body undertaking, conducting, or supporting activities directly affecting the coastal zone shall ensure that such activities shall be consistent to the maximum extent practicable with the state program and any affected approved local program having geographical jurisdiction over the action." The PEIS will assess the impacts of the proposed alternatives on coastal resources in accordance with the policies enumerated in Louisiana Administrative Code (L.A.C.), Title 43, Chapter 7, Section 701, Guidelines Applicable to All Uses.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on Louisiana's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with the guidelines listed in 43 L.A.C 701 regarding beaches, barrier islands, wildlife and aquatic habitats, and historic and cultural resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Louisiana Coastal Management Program. The Louisiana Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.

State of Louisiana



KATHLEEN BABINEAU BLANCO
GOVERNOR

SCOTT A. ANGELLE
SECRETARY

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL RESTORATION AND MANAGEMENT**

April 17, 2007

David Cottingham, Chief
Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway
Silver Springs, MD 20910

RE: **C20070156**, Coastal Zone Consistency
National Oceanic and Atmospheric Administration
Direct Federal Action
Draft Programmatic Environmental Impact Statement for the Marine Mammals Health
and Stranding Response Program, **Offshore Louisiana**.

Dear Mr. Cottingham:

The above referenced project has been reviewed for consistency with the approved Louisiana Coastal Resource Program (LCRP) as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. The project, as proposed in the application, is consistent with the LCRP. If you have any questions concerning this information request, please contact Agaha Brass of the Consistency Section at (225)342-9425 or 1-800-267-4019.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Rives".

Jim Rives
Acting Administrator

JR/JH/ayb

cc: Roy Crabtree, NMFS, St. Petersburg, FL
Heather Finley, LDWF

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Maine State Planning Office, Coastal Program with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Maine Revised Statute (Annotated) (M.R.S.A.), Title 38, Chapter 19, Section 1801, “state and local agencies and federal agencies with responsibility for regulating, planning, developing or managing coastal resources, shall conduct their activities affecting the coastal area consistent with the following policies....” The Statute then enumerates several enforceable policies that are further delineated by the federally-approved Maine Coastal Program. The PEIS will assess the impacts of the proposed alternatives on coastal resources that are provided under 38 M.R.S.A. 1801 and the “Maine Guide to Federal Consistency Review.”

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on Maine’s coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with policies pertaining, but not limited to, water quality, recreation and tourism, and marine resource management, and should present no

foreseeable effects in these areas.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Maine Coastal Program. The Maine Coastal Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.

**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Maryland Department of the Environment (MDE), Wetlands and Waterways Program, Coastal Zone Consistency Division with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Maryland Executive Order 01.01.1978.05 establishes the state's CZMP and grants the Maryland Department of Natural Resources the authority to administer the program. Under this authority, and pursuant to the CZMA, the MDE Coastal Zone Consistency Division is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the Maryland CZMP. The PEIS will assess the impacts of the proposed alternatives on coastal resources within the context of the Maryland CZMP's Goals.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on Maryland's coastal resources are anticipated. The preferred alternatives, with mitigation, support the Maryland CZMP's goals by protecting coastal land and water habitats and preserving historic and cultural resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Maryland CZMP. The MDE Coastal Zone Consistency Division has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.

**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Massachusetts Executive Office of Environmental Affairs, Office of Coastal Zone Management (CZM) with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. According to the Massachusetts Coastal Zone Management Program Federal Consistency Review Regulations (Code of Massachusetts Regulation, Title 301, Chapter 21, Section 6), CZM is responsible for “determining the consistency, to the maximum extent practicable, of federal activities in or affecting the Massachusetts Coastal Zone with CZM policies.” The PEIS will assess the impacts of the proposed alternatives on coastal resources with the enforceable policies that are enumerated in 301 CMR 21.98 and the federally-approved CZM Program Plan.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on Massachusetts’ coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with CZM policies pertaining to water quality, habitat, and protected areas, and should not present any foreseeable effects on these resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Massachusetts Coastal Management Program. The Massachusetts Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.

**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Mississippi Department of Marine Resources with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Mississippi Code, Title 57, Chapter 15, Section 6, the Mississippi Marine Resources Council (Council) is “directed to prepare and implement a coastal program.” Under this authority, and pursuant to the CZMA, the Council is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the Mississippi Coastal Program. The PEIS will assess the impacts of the proposed alternatives on coastal resources within the context of the policies enumerated in Mississippi Code, Sections 39-7-3, 49-15-1, 49-17-3, 49-27-3 and 51-3-1.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division

However, at this time, no significant impacts on Mississippi’s coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with the Mississippi Coastal Program’s policies in that it protects aquatic life, coastal wetlands, water quality, and historical and archeological resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Mississippi Coastal Program. The Mississippi Coastal Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



**MISSISSIPPI
DEPARTMENT OF MARINE RESOURCES**

March 15, 2007

David Cottingham, Chief
Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Springs, MD 20910-3226

Subject: Proposed Draft PEIS
DMR File 070428

Dear Mr. Cottingham:

The State of Mississippi has completed its review of the consistency determination for the above-referenced proposed Draft Programmatic Environmental Impact Statement for the Marine Mammal Health and Stranding Response Program under the Coastal Zone Management Act of 1972 (as amended). The Department of Marine Resources, as the lead coastal program agency for the State of Mississippi pursuant to 16 U.S.C. Section 1456(c) and Section 57-15-5 of the Mississippi Code, concurs with the National Marine Fishery Service's consistency certification for this action. The actions described in the text of the proposed rule have been determined to be consistent to the maximum extent practicable with the Mississippi Coastal Program.

If you have any questions about this correspondence, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Willa Henriksen", with a long horizontal flourish extending to the right.

Willa Henriksen
Bureau Director, Wetlands Permitting

WJH/mfw

cc: MS Clearinghouse Officer

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the New Hampshire Department of Environmental Services (DES), Coastal Program with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. The DES currently administers the New Hampshire Coastal Program. As such, DES is responsible for ensuring that direct federal activities are conducted in a manner that is consistent to the maximum extent practicable with the state coastal management program. The PEIS will assess the impacts of the proposed alternatives on coastal resources in accordance with the enforceable policies delineated in the New Hampshire Coastal Program Final EIS.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on New Hampshire's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with policies pertaining coastal resources, recreation and public access, and historic and cultural resources, and should present no foreseeable effects in these areas.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is

consistent to the maximum extent practicable with the enforceable policies of the New Hampshire Coastal Program. The New Hampshire Coastal Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 16, 2007

David Cottingham, Chief
Marine Mammal & Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3226

RE: File No. 2007-09; Marine Mammal Health and Stranding Response Program Draft Programmatic Environmental Impact Statement

Dear Mr. Cottingham:

The New Hampshire Coastal Program (NHCP) has received the National Marine Fisheries Service's federal consistency determination for the Marine Mammal Health and Stranding Response Program Draft Programmatic Environmental Impact Statement (PEIS), pursuant to Section 307(c)(1) of the Coastal Zone Management Act, 16 U.S.C. § 1456(c)(1). After reviewing the draft PEIS, we find it to be consistent, to the maximum extent practicable, with the enforceable policies of the NHCP's federally approved coastal management program.

Should you have any questions, please feel free to contact me at (603) 559-0025.

Sincerely,

Christian P. Williams
Federal Consistency Coordinator
New Hampshire Coastal Program

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the New Jersey Department of Environmental Protection (DEP), Office of Policy, Planning and Science, Coastal Management Program with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under New Jersey's Coastal Zone Management Rules (NJ Administrative Code, Title 7, Chapter 7E, Section 1.2(e)), DEP has the authority to determine "the consistency or compatibility of proposed actions by Federal, State and local agencies within or affecting the coastal zone, including, but not limited to, determinations of Federal consistency under Section 307 of the Federal Coastal Zone Management Act...." The PEIS will assess the impacts of the proposed alternatives on coastal resources in accordance with the Coastal Zone Management Rules.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on New Jersey's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with New Jersey State law and consistent with the policies enumerated in the Coastal Zone Management Rules (NJAC 7:7E-1.5) in that they protect the health and safety of the public and protect and enhance the coastal ecosystem.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the New Jersey Coastal Management Program. The New Jersey Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.

**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the New York Department of State, Division of Coastal Resources with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under New York's Waterfront Revitalization and Coastal Resources Act (New York State Executive Law 42, Section 912), it is New York state policy to ensure consistency of federal actions with "policies of the coastal area and inland waterways, and with accepted waterfront revitalization programs of the area defined or addressed by such programs." The PEIS will assess the impacts of the proposed alternatives on coastal resources within the context of the policies described in Part II, Section 6 of the New York Coastal Management Program (CMP) document.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on New York's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with CMP policies regarding fish and wildlife, historic and scenic resources, water resources, and wetlands, and should not present any foreseeable effects on these resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the New York Coastal Management Program. The New York Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

ELIOT SPITZER
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

May 21, 2007

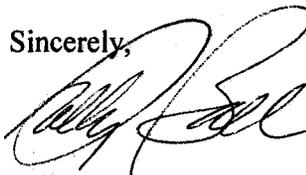
Mr. David Cottingham
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Room 13635
Silver Spring, MD 20910-3226

Re: F-2006-0261 DA
NOAA / National Marine Fisheries Service
Marine Mammal Health and Stranding Response
Program
Concurrence with Consistency Determination

Dear Mr. Cottingham:

The Department of State has completed its review of the National Marine Fisheries Service's consistency determination regarding the consistency of the Marine Mammal Health and Stranding Response Program with the New York State Coastal Management Program.

Based upon the information submitted, the Department of State concurs with the National Marine Fisheries Service's consistency determination regarding this matter.

Sincerely,

Sally Ball
Deputy Director
Division of Coastal Resources

SEM/rm

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the North Carolina Department of Environment and Natural Resources, Division of Coastal Management with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under North Carolina's Administrative Code, Title 15A, Chapter 7A, "the purpose of the Division of Coastal Management is to "provide staff support to the Secretary of Environment, (Health) and Natural Resources...in the administration of the Coastal Area Management Act of 1974 and North Carolina's participation in the Federal Coastal Zone Management Act of 1972." As such, the Division is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the North Carolina Coastal Management Program. The PEIS will assess the impacts of the proposed alternatives on coastal resources within the context of the Coastal Area Management Act (CAMA) (NC General Statute, Article 7, Chapter 113A, Sections 100-134.3).

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on North Carolina's coastal resources are anticipated. In accordance with CAMA policies on development and use of Estuarine and Ocean

Systems, the preferred alternatives, with mitigation conserve the biological, economic, and social values of coastal wetlands, estuarine waters, and public trust areas and would not cause major or irreversible damage to valuable archeological or historic resources

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the North Carolina Coastal Management Program. The North Carolina Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Michael F. Easley, Governor

Charles S. Jones, Director

William G. Ross Jr., Secretary

April 10, 2007

David Cottingham, Chief
Marine Mammal and Sea Turtle Conservation Division
National Marine Fisheries Service
Room 13635
1315 East-West Highway
Silver Spring, MD 20910-3226



SUBJECT: CD07-014 - Consistency Concurrence for the Proposed Marine Mammal Health and Stranding Response Program. (DCM#20070023)

Dear Mr. Cottingham:

The Division of Coastal Management received (March 12, 2007) a consistency determination from the National Marine Fisheries Service (NMFS) finding that the proposed implementation of the Marine Mammal Health and Stranding Response Program would be consistent with the State's coastal management program. North Carolina's coastal zone management program consists of, but is not limited to, the Coastal Area Management Act, the State's Dredge and Fill Law, Chapter 7 of Title 15A of North Carolina's Administrative Code, and the land use plan of the County and/or local municipality in which the proposed project is located. It is the objective of the Division of Coastal Management (DCM) to manage the State's coastal resources to ensure that proposed Federal activities would be compatible with safeguarding and perpetuating the biological, social, economic, and aesthetic values of the State's coastal waters.

To solicit public comments, DCM circulated a description of the proposed project to State agencies that would have a regulatory interest. No comments asserting that the proposed activity would be inconsistent with the State's coastal management program were received. A copy of each response received has been attached for reference.

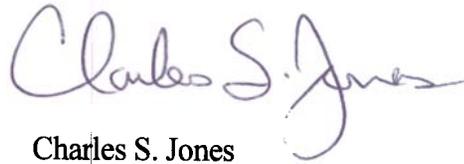
DCM has reviewed the submitted information pursuant to the management objectives and enforceable policies of Subchapters 7H and 7M of Chapter 7 of Title 15A of North Carolina's Administrative Code which are a part of the State's certified coastal management program and concurs that the proposed Federal activity is consistent, to the maximum extent practicable, with the enforceable policies of North Carolina's coastal management program.

400 Commerce Avenue, Morehead City, North Carolina 28557-3421
Phone: 252-808-2808 \ FAX: 252-247-3330 \ Internet: www.nccoastalmanagement.net

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Should the proposed action be modified, a revised consistency determination could be necessary. This might take the form of either a supplemental consistency determination pursuant to 15 CFR 930.46, or a new consistency determination pursuant to 15 CFR 930.36. Likewise, if further project assessments reveal environmental effects not previously considered by the proposed action, a supplemental consistency certification may be required. If you have any questions, please contact Stephen Rynas at 252-808-2808. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,

A handwritten signature in blue ink that reads "Charles S. Jones". The signature is written in a cursive style with a large, sweeping "C" at the beginning and a long, horizontal stroke at the end.

Charles S. Jones

Mike Street, NC Division of Marine Fisheries
Steve Everhart, NC Wildlife Resources Commission



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Michael F. Easley, Governor

Charles S. Jones, Director

William G. Ross Jr., Secretary

MEMORANDUM

March 13, 2007

TO: Steve Everhart
Division of Inland Fisheries, Habitat Conservation Program
NC Wildlife Resources Commission
127 Cardinal Drive Extension
Wilmington, NC 28405-5406



FROM: Stephen Rynas, AICP: Federal Consistency Coordinator

SUBJECT: Proposed Implementation of a Marine Mammal Health and Stranding Response Program (DCM#20070023)

LOCATION: Offshore Coastal North Carolina

The above listed document is being circulated for consistency review and comment by **April 6, 2007**. Your responses will assist us in determining whether the proposed project would be consistent with the State's Coastal Management Program. If the proposed project does not conform to your requirements, please identify the measures that would be necessary to bring the proposed project into conformance. If you have any additional questions regarding the proposed project you may contact me at 252-808-2808.

REPLY

- No Comment.
- This office supports the project as proposed.
- Comments to this project are attached.
- This office objects to the project as proposed.

Signed: Steve Everhart

Date: 3/27/07

CORRECTIONS

Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM

to
Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421



North Carolina Department of Environment and Natural Resources
Division of Marine Fisheries

Michael F. Easley, Governor
William G. Ross Jr., Secretary

Dr. Louis B. Daniel III, Director

RECEIVED
APR 9 2007

Morehead City DCM

MEMORANDUM

RECEIVED
APR 9 2007

TO: Stephen Rynas
Federal Consistency Coordinator

Morehead City DCM

FROM: Mike Street *Kevin Hardy for Mike Street*

DATE: April 5, 2007

SUBJECT: Proposed Implementation of a Marine Mammal Health and Stranding Response Program (DCM#20070023)

Attached is the Divisions' reply for the above referenced project. If you have any questions, please do not hesitate to contact me.

MS/jjh



RECEIVED

APR 9 2007

North Carolina Department of Environment and Natural Resources

Division of Coastal Management

Morehead City DCM
William G. Ross Jr., Director

Michael F. Easley, Governor

Charles S. Jones, Director

MEMORANDUM

March 13, 2007

RECEIVED
14 2007
DMF-HABITAT

TO: Mike Street
NCDENR - Division of Marine Fisheries
P.O. Box 769
Morehead City, NC 28557-0769

FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Proposed Implementation of a Marine Mammal Health and Stranding Response Program
(DCM#20070023)

LOCATION: Offshore Coastal North Carolina

The above listed document is being circulated for consistency review and comment by **April 6, 2007**. Your responses will assist us in determining whether the proposed project would be consistent with the State's Coastal Management Program. If the proposed project does not conform to your requirements, please identify the measures that would be necessary to bring the proposed project into conformance. If you have any additional questions regarding the proposed project you may contact me at 252-808-2808.

REPLY

- No Comment.
- This office supports the project as proposed.
- Comments to this project are attached.
- This office objects to the project as proposed.

Signed: Stephens H. Munder

Date: 04/05/07

CORRECTIONS

Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM

to

Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Oregon Department of Land Conservation and Development (DLCD), Coastal Management Program with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Oregon Revised Statute 196, Section 435, the DLCD is the “designated Coastal Management Agency for purposes of carrying out and responding to the Coastal Zone Management Act of 1972.” As such, under the provisions of Oregon Administrative Code 660, Division 35, Section 20, “all consistency determinations, consistency certifications and proposals for federal assistance shall be sent to and reviewed by (DLCD) for consistency with the approved Oregon Coastal Management Program.” The PEIS will assess the impacts of the proposed alternatives on coastal resources in accordance with the Statewide Planning Goals (Goals 16-19) that comprise the Oregon Coastal Management Program.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on Oregon’s ocean and coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with Goal 16 (Estuarine Resources) and 17 (Coastal Shorelands) in that it is a use that maintains the integrity of estuarine

and coastal waters. It is consistent with Goals 18 (Beaches and Dunes) and 19 (Ocean Resources) in that it protects beaches and dunes and encourages the beneficial uses of ocean resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Oregon Coastal Management Program. The Oregon Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.

**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Pennsylvania Department of Environmental Protection (DEP), Water Planning Office with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Pennsylvania Code Title 4 Chapter 1 Subchapter EE, the Pennsylvania DEP is designated as the lead agency for implementing and administering the Federal Coastal Zone Management Program for the Commonwealth of Pennsylvania. The PEIS will assess the impacts of the proposed alternatives on coastal resources of Pennsylvania.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time no impacts on Pennsylvania's coastal resources are anticipated from the preferred alternatives (with mitigation). Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of Pennsylvania's approved coastal management program that are provided in the Chapters 2 and 4 and Appendix A of the Commonwealth of Pennsylvania's Coastal Zone Program Guidance Document. The Pennsylvania DEP has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information

in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
May 2, 2007

Water Planning Office

717-772-5622

Mr. David Cottingham, Chief
Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Silver Spring, MD 20910-3226

Re: DEP File No. CZ7:FDP

Dear Mr. Cottingham:

The Pennsylvania Coastal Resources Management (CRM) Program has reviewed information received in this office on March 9, 2007, concerning the proposed project titled **“Draft Programmatic Environmental Impact Statement for the Marine Mammal Health and Stranding Response Program”**.

We concur with your determination that this federal action is consistent with Pennsylvania’s CRM Program.

Sincerely,

Lawrence J. Toth
Environmental Planner
Coastal Resources Management Program



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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Rhode Island Coastal Resources Management Council (CRMC) with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Rhode Island's Coastal Resources Management Act (Rhode Island General Law [RIGL], Title 46, Chapter 23, Section 1), the CRMC is directed to "exercise effectively its responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone." Under this authority, and pursuant to the CZMA, the CRMC is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the Rhode Island Coastal Resources Management Program (CRMP). The PEIS will assess the impacts of the proposed alternatives on coastal resources within the context of the policies enumerated in the Coastal Resource Management Act and the CRMP.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on Rhode Island's coastal resources are anticipated.

In accordance with RIGL 46-23-6(B)(2), the preferred alternatives, with mitigation, do not, conflict with any resource management plan or program; make any area unsuitable for any uses or activities to which it is allocated by a resource management plan; or significantly damage the environment of the coastal region.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Rhode Island CRMP. The Rhode Island CRMC has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

March 14, 2007

Mr. David Cottingham
Chief, Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

RE: CRMC File No. 2007-03-037.

Dear Sirs:

In accordance with Title 15 of the Code of Federal Regulations, Part 930, Subpart C (Consistency for Federal Activities) and review of plans entitled:

Marine Mammal Health and Stranding Response Program programmatic Environmental Impact Statement,

The Coastal Resources Management Council hereby concurs with the determination that the referenced project is consistent with the federally approved Rhode Island Coastal Resources Management Program and applicable regulations therein.

Please contact this office at (401) 783-3370 should you have any questions.

Sincerely,


Grover J. Fugate, Executive Director
Coastal Resources Management Council

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM) with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under South Carolina's Coastal Zone Management Act (S.C. Code of Laws, Title 48, Chapter 39, Section 80), the State Coastal Management Program "shall provide for consideration of whether a proposed activity of any applicant for a federal license or permit complies with the State's coastal zone program and for the issuance of notice to any concerned federal agency as to whether the State concurs with or objects to the proposed activity." The PEIS will assess the impacts of the proposed alternatives on coastal resources that are provided under South Carolina's Coastal Zone Management Act.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on South Carolina's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with the State Coastal Zone Management Act policies regarding barrier islands, dunes, wetlands, natural areas, marine and estuarine sanctuaries, and cultural resources.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the South Carolina Coastal Management Program. The OCRM has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

April 28, 2007

DAVID COTTINGHAM
UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL MARINE FISHERIES SERVICE
SILVER SPRING MD 20910

Re: Marine Mammal Health & Stranding
CHARLESTON County
Federal Consistency - 58030

Dear Mr. Cottingham:

The staff of the Office of Ocean and Coastal Resource Management (OCRM) certifies that the above referenced project is consistent with the S.C. Coastal Zone Management Program provided that (1) no freshwater wetlands are disturbed or altered and that (2) all necessary erosion and sediment control practices are maintained until the entire site is stabilized. This certification shall serve as the final approval for the referenced permit only, by OCRM.

Sincerely,

BARBARA NEALE

Regulatory Programs Division

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Ocean and Coastal Resource Management

Charleston Office · 1362 McMillan Avenue, Suite 400 · Charleston, SC 29405

Phone: 843-953-0200 · Fax: 843-953-0201 · www.scdhec.gov

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Texas General Land Office, Coastal Resources Program with the with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Texas' Natural Resource Code, Section 33.053, the Texas Coastal Management Program (CMP) includes a procedure for "determining the consistency of a federal action or activity with the goals and policies of the coastal management program." The PEIS will assess the impacts of the proposed alternatives on coastal resources in the context of the goals and policies detailed in the Texas Coastal Management Program Final EIS. These goals and policies are enforceable under Texas Administrative Code (TAC), Title 31, Chapter 501.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on Texas' coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with the policies enumerated in 31 TAC §501.20.

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Texas Coastal Management Program. The Texas Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.

**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Virginia Department of Environmental Quality, Office of Environmental Impact Review with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted under the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under the Code of Virginia, Title 10, Chapter 1, Section 1183, the Department of Environmental Quality has the authority to “coordinate state reviews with federal agencies on environmental issues, such as environmental impact statements.” Under Executive Order Thirty-Three, this authority extends to ensuring that federal programs and activities are carried out in a manner that is consistent with the federally-approved Virginia Coastal Management Program. The PEIS will assess the impacts of the proposed alternatives on coastal resources.

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on Virginia’s coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with policies regarding wetlands, dunes, coastal lands, and historical sites. Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Resources Management Program. The Virginia Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR

930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax (804) 698-4500 TDD (804) 698-4021

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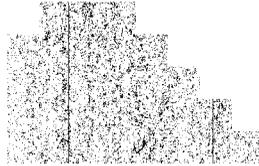
L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

May 1, 2007

Mr. David Cottingham
Chief, Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Room 13635
Silver Spring, Maryland 20910



RE: Marine Mammal Health and Stranding Response Program,
Federal Consistency Determination and Draft Programmatic
Environmental Impact Statement
DEQ-07-043F



Dear Mr. Cottingham:

The Commonwealth of Virginia has completed its review of the above-listed Draft Programmatic Environmental Impact Statement (Draft PEIS) and federal consistency determination. The Department of Environmental Quality ("DEQ") is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act ("NEPA") and responding to appropriate federal officials on behalf of the Commonwealth. DEQ is also responsible for coordinating Virginia's review of federal consistency determinations submitted pursuant to the Coastal Zone Management Act and providing the state's response to same. The following state agencies and regional planning district commission joined in this review:

Department of Environmental Quality
Department of Game and Inland Fisheries
Department of Conservation and Recreation
Marine Resources Commission
Hampton Roads Planning District Commission.

In addition, the Virginia Institute of Marine Science and the Accomack-Northampton Planning District Commission were invited to comment.

Description of Action

The National Marine Fisheries Service (NMFS) was charged by a 1992 amendment to the Marine Mammal Protection Act of 1972 to develop a marine mammal health and stranding response program aimed at facilitating the exchange of data on the health of marine mammals in the wild, correlating that health with available data on environmental and other conditions, and coordinating effective responses to unusual mortality events. In pursuit of these goals, NMFS proposes a program of four components:

- a) Issuance of a Policies and Best Practices guidance document;
- b) Issuance of a new 5-year permit under the Endangered Species Act and the Marine Mammal Protection Act to the program, covering anticipated future activities including disentangling, monitoring, and import and export of tissue samples;
- c) Continuation of current operations, including response, rehabilitation, release, and research; and
- d) Continuation of the Prescott Grant program, which provides funding to standing network members (including, in Virginia, the Virginia Institute of Marine Science and the Virginia Aquarium and Marine Science Center).

(Draft PEIS, pages ES-1 and ES-2, section ES.1.)

The Draft PEIS considers a number of alternative ways to address each of the six topics addressed by the program. The topics are:

- Stranding agreements and response
- Carcass disposal
- Rehabilitation activities
- Release activities
- Disentanglement
- Bio-monitoring and research activities

(Draft PEIS, pages ES-3 and ES-4; see also Chapter 2.)

Federal consistency determinations for coastal states, including Virginia, appear within Appendix B, "Agency Coordination and Consultation" in Volume 2 of the Draft PEIS.

Environmental Impacts and Mitigation

1. Waste Management. By assuming control of the carcass of a marine mammal, the marine mammal stranding teams may be subject to the

requirement to properly manage the carcass under the Virginia Solid Waste Management Regulations. These require the disposal of animal remains at a permitted solid waste management facility. DEQ recognizes, however, that movement of large carcasses to a permitted waste facility would be difficult, expensive, and possibly more destructive to the coastal environment than burial in place. Moreover, leaving the carcass to naturally decompose would also have multiple negative effects.

2. Wildlife Resources. The Department of Game and Inland Fisheries, as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state or federally listed endangered or threatened species, but excluding listed insects. The Department (hereinafter "DGIF") is a consulting agency under the U.S. Fish and Wildlife Coordination Act (16 U.S.C. sections 661 *et seq.*), and provides environmental analysis of projects or permit applications coordinated through the Department of Environmental Quality and several other state and federal agencies. DGIF determines likely impacts upon fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce, or compensate for those impacts.

According to the Department of Game and Inland Fisheries (DGIF), the preferred alternatives appear reasonable.

(a) Rehabilitation Activities. The Draft PEIS places considerable emphasis on rehabilitation activities. It should be noted that marine mammals are notoriously difficult to maintain in captivity; success in their treatment, rehabilitation, and release requires considerable staff and resources. Moreover, treating and releasing animals that are compromised, or otherwise genetically unfit to survive (e.g., a starving pinniped full of worms) without human intervention, may not be in the best interests of the population at large. NMFS's program should include criteria that clearly identify high-priority species (such as threatened or endangered species, or species of high conservation concern) that qualify for some measures of human intervention. The criteria should also address the sources of debilitation that are appropriate to treat (i.e., human-induced versus natural).

(b) Marine Mammal Carcass Disposal. The Draft EIS recommends the transport of all chemically euthanized carcasses off site (page 2-5, section 2.1.2.2). The premise behind this recommendation (Draft EIS, page 2-4, section 2.1.2.1) is valid, and in most cases the recommendation can be followed. However, in cases involving large whales or mass strandings, removal to off-site locations may not be feasible. Allowances should be made, therefore, for on-site

disposal when it becomes logistically impossible to remove chemically euthanized animal carcasses from the beach.

3. *Regional Comments.* The Hampton Roads Planning District Commission, which represents the Virginia localities south of Hampton Roads, indicates that the proposed action is generally consistent with local and regional plans and policies.

Federal Consistency under the Coastal Zone Management Act

Pursuant to the Coastal Zone Management Act of 1972, as amended, federal activities located inside or outside of Virginia's designated coastal management area that can have reasonably foreseeable effects on coastal resources or coastal uses must, to the maximum extent practicable, be implemented in a manner consistent with the Virginia Coastal Resources Management Program (VCP). The VCP consists of a network of programs administered by several agencies. The DEQ coordinates the review of federal consistency determinations with agencies administering the Enforceable and Advisory Policies of the VCP.

DEQ published a public notice of this review from March 26, 2007 through April 19, 2007. No comments were received from the public.

Based on the information submitted and the comments of reviewing agencies, we concur that the proposed program elements are consistent with the Virginia Coastal Resources Management Program, provided that NMFS complies with all applicable requirements, and that no effort is made to dispose of carcasses in wetlands (see item 3, below).

1. *Fisheries Management.* The Department of Game and Inland Fisheries finds that implementation of the program is likely to have beneficial impacts on wildlife resources. The program will not adversely affect threatened, endangered, or critical wildlife resources under the Department's jurisdiction. The Department finds the program to be consistent with the fisheries management enforceable policy of the Virginia Coastal Resources Management Program.

2. *Subaqueous Lands Management.* The Marine Resources Commission requires a permit for any activities that encroach upon, or over, or take materials from the beds of the bays, ocean, rivers, streams, and creeks which are the property of the Commonwealth. If any such activities are contemplated, application for and issuance of a permit from the Commission will ensure that the

permitted activity is consistent with the subaqueous lands management enforceable policy of the Virginia Coastal Resources Management Program.

3. Wetlands Management. As DEQ's Tidewater Office and its Virginia Water Protection Permit Program Office indicate, any carcass disposal activities involving excavation in wetlands would be regulated under state law. Because of the time frame of the wetland permitting process (120 days from a complete application to permit issuance), it is unrealistic to expect that such activity could be appropriately permitted. For this reason, any land-based carcass disposal should be undertaken outside of wetland areas.

If wetland areas were to be proposed for use in this regard, a Virginia Water Protection Permit (VWPP) would be required for excavation or any other impacts in wetlands. VWPP regulations allow wetland impacts to be permitted only if the proposal is the least environmentally damaging practicable alternative. In this case, it appears that there may be alternatives to wetland disposal that are more practicable and less damaging to wetlands:

- disposal on-site at the beach;
- offshore disposal; or
- disposal at an approved solid waste facility

For these reasons, it would be difficult to obtain a VWP permit for this activity.

4. Coastal Lands Management. According to the Department of Conservation and Recreation's Division of Chesapeake Bay Local Assistance (Division), which administers the Chesapeake Bay Preservation Act (*Virginia Code sections 10-1-2100 et seq.*), addressing the stranding of marine mammals is assumed to be an emergency situation requiring temporary land disturbance. This particular activity is neither allowed nor disallowed in Chesapeake Bay Preservation Areas (Resource Protection Areas and Resource Management Areas). However, should it be required, any land-disturbing activity should be minimized, and access through the Chesapeake Bay Preservation Areas should be restricted to one point. Some explanation follows (Baird/Ellis, 4/30/07).

(a) Definitions. The Chesapeake Bay Preservation Act and the Chesapeake Bay Preservation Area Designation and Management Regulations implementing the Act (9 VAC 10-20-10 et seq.) set out a state and local government program defining two types of Chesapeake Bay Preservation Areas and setting out requirements for activities in each of them. The more restrictive designation, "Resource Protection Areas," is likely to apply to shorelines where stranding or proposed disposal might take place. Resource Protection Areas (RPAs), as defined in the Regulations (9 VAC 10-20-40) include the following:

Mr. David Cottingham

Page 6

- tidal wetlands;
- non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- tidal shores; and
- a 100-foot buffer adjacent to and landward of the aforementioned features, and along both sides of any water body with perennial flow.

(b) General Performance Criteria. Resource Management Areas (the less restrictive, locally defined designation) and Resource Protection Areas are subject to general performance criteria, which include the following (see 9 VAC 10-20-120):

- minimizing land disturbance;
- preserving indigenous vegetation;
- minimizing impervious surfaces;
- controlling stormwater runoff quality; and
- developing Erosion and Sediment Control Plans for land disturbances greater than or equal to 2,500 square feet.

Regulatory and Coordination Needs

1. Subaqueous Lands Management. Any program activities affecting state-owned subaqueous lands may require a permit from the Marine Resources Commission. Questions on applicability and fulfillment of this requirement may be directed to the Commission (George Badger, telephone (757) 247-2200).

2. Marine Mammal Conservation. NMFS is encouraged to consult with the Department of Game and Inland Fisheries (Ruth Boettcher, telephone (757) 787-5911) as it implements proposed management actions.

3. Local Coordination. NMFS is encouraged to contact appropriate local authorities in implementing proposed management actions.

Thank you for the opportunity to review this Draft PEIS and federal consistency determination. If you have questions, please feel free to call

Mr. David Cottingham
Page 7

me (telephone (804) 698-4325) or Charles Ellis of this Office (telephone (804) 698-4488).

Sincerely,



Ellie L. Irons
Program Manager
Office of Environmental Impact Review

Enclosures

cc: Andrew K. Zadnik, DGIF
Ruth Boettcher, DGIF
Michelle R. Hollis, DEQ-TRO
Michelle Henicheck, DEQ-VWP
George H. Badger III, MRC
David L. O'Brien, VIMS
Alice R. T. Baird, DCR-DCBLA
Arthur L. Collins, Hampton Roads PDC
Paul F. Berge, Accomack-Northampton PDC

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Ellis, Charles

From: Zadnik, Andrew (DGIF)
Sent: Thursday, March 22, 2007 2:57 PM
To: Ellis, Charles; Ruth Boettcher
Cc: ProjectReview (E-mail); ProjectReview@dgif.virginia.gov
Subject: 07-043F_ESS 21907_Marine Mammal Health and Stranding ResponseProgram

This project involves activities associated with the National Marine Fisheries Service's Marine Mammal Health and Stranding Response Program. The proposed actions include:

1. Issuance of the Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation, and Release as final guidance.
2. Issuance of a new Endangered Species Act (ESA)/MMPA permit to the MMHSRP. The new permit would include current and future response activities for endangered species, disentanglement activities, biomonitoring projects, and import and export of marine mammal tissue samples.
3. Continuation of current MMHSRP operations, including response, rehabilitation, release, and research activities, with renewal and authorization of Stranding Agreements (SAs) and Scientific Research Authorizations and other NMFS activities.
4. Continuation of the Prescott Grant Program, which provides funding to stranding network members. The two network members in Virginia are the Virginia Aquarium and Marine Science Center and the Virginia Institute of Marine Science, College of William and Mary.

We do not anticipate a significant adverse impact upon threatened, endangered, or critical wildlife resources under our jurisdiction to occur due to this project. Implementation of the preferred alternatives should result in overall beneficial impacts upon wildlife resources. To assist in implementing the proposed actions, we recommend that the NMFS coordinate with the primary VDGIF biologist responsible for marine mammal conservation, Ruth Boettcher (757-787-5911).

We find this project consistent with the Fisheries Section of the Virginia Coastal Resources Management Program.

Thank you,

Andrew Zadnik

Ruth,

If you have any questions or comments about this, please let me and/or Charlie know by April 19. NMFS is interested in any comments we might have regarding the sorts of activities in response to stranded marine mammals or disease outbreaks should be conducted nationwide, how the national stranding network should be organized at the local, state, regional, ecosystem, and national levels, and what the minimum qualifications should be for an individual or group to become a Stranding Agreement holder.

Sorry I went ahead and sent comments to DEQ, but I will be going on 2 weeks of paternity leave starting any day now, and I want to make sure our comments get to DEQ.

Thanks
Andy

Andrew K. Zadnik
Environmental Services Section Biologist
Department of Game and Inland Fisheries
4010 West Broad Street
Richmond, VA 23230

(804) 367-2733

Comments on NMFS Marine mammal Health and Stranding Response Program EIS

Ruth Boettcher, VDGIF

4/16/07

Overall, the preferred alternatives outlined in the document are reasonable and prudent and I agree with all of them in the context of this EIS. However, I do have some concern over the considerable emphasis that is place on rehabilitation activities. Marine mammals are notoriously difficult to maintain in captivity and require considerable staff and resources to successfully treat, rehabilitate and release. Moreover, treating and releasing animals that are compromised or otherwise genetically unfit to survive (e.g., a starving pinniped full of worms) without human intervention, may not be in the best interest of the population at large. The plan should include criteria that clearly identify high priority species (e.g., T/E species or species of high conservation concern) that qualify for some measure of human intervention *and* the sources of debilitation which are appropriate to treat (e.g., human-induced versus natural).

I also have a minor concern regarding the preferred alternative under Marine Mammal Carcass Disposal (2.1.2.2) which recommends the transport of all chemically euthanized carcasses off site. The premise behind this recommendation is valid and in most cases can be followed. However, cases involving large whales or mass strandings, this may not be feasible. As such, allowances should be made for on site disposal when it becomes logistically impossible to remove chemically euthanized animals carcasses from the beach.

Ellis, Charles

From: Henicheck, Michelle
Sent: Friday, April 13, 2007 4:06 PM
To: Ellis, Charles
Cc: Davis, David
Subject: Marine Mammal Health and Stranding Response Program

Charlie,

I have reviewed the documents provided to me today regarding the above referenced program. Central Office concurs with the Tidewater comments regarding disposal of the dead marine life. DEQ would require a VWP permit for excavation in, or other impacts to wetlands to dispose of marine life. VWPP Program regulations allow wetland impacts to be permitted only if the proposal is the least environmentally damaging, practicable alternative. It appears that other, more practicable alternatives may exist that would not impact wetlands, such as disposal on-site at the beach, off-shore disposal, or disposal at an approved solid waste facility, therefore, it may be extremely difficult to obtain a VWP permit. In addition, an individual VWP permit has a 120-day processing time and would not meet the time constraints that appear to be needed for disposal of a decomposing carcass.

Michelle Henicheck, PWS
Dept. of Environmental Quality
Environmental Specialist II
Phone: 804-698-4007
Fax: 804-698-4347
mmhenicheck@deq.virginia.gov
*NEW mailing address:
P.O. Box 1105
Richmond, VA 23218

4/13/2007



DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
ENVIRONMENTAL IMPACT REVIEW COMMENTS

April 4, 2007

PROJECT NUMBER: 07-043F

PROJECT TITLE: Marine Mammal Health and Stranding Response Program

As Requested, TRO staff has reviewed the supplied information and has the following comments:

Petroleum Storage Tank Cleanups:

No objections or concerns.

Petroleum Storage Tank Compliance/Inspections:

No objections or concerns.

Virginia Water Protection Permit Program (VWPP):

We have reviewed this document from our programmatic perspective and note that the location and methods of disposal will be based on the facts surrounding unpredictable individual stranding events. Any carcass disposal activities that would involve excavation in wetlands would be regulated under state law. Given the time constraints associated with the permit process (120 days from a complete application), it is unrealistic to expect that such activity could be appropriately permitted. As such, any land based carcass disposal should be undertaken outside of wetland areas.

Air Permit Program :

No comments.

Water Permit Program :

The TRO Water Permit Section has no comment on the document content as there is no activity described here that requires a water permit or is impacted by DEQ water pollution regulations to the best of my knowledge. However, it may be important to note that in general this project extends beyond the Tidewater region and may best be reviewed on a programmatic basis by personnel within the Central Office.

Waste Permit Program :

By assuming control of the carcass, the marine mammal stranding teams may be subject to the requirement to properly manage the carcass in accordance with the Virginia Solid Waste Management Regulations (VSWMR). Currently, the VSWMR requires the disposal of animal remains at a permitted solid waste management facility. However, it is realized that the movement of the large carcasses to a permitted facility would be difficult, expensive, and possibly more destructive to the coastal environment than burial in place and that leaving the carcass to naturally decompose would also have multiple negative effects. Because the proposal extends beyond the boundaries of the Tidewater Region and a possible variance may be required to continue to bury the carcasses on site it is recommended further discussions be conducted with DEQ staff at both the region and central office concerning the management and disposal of the carcasses.



DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
ENVIRONMENTAL IMPACT REVIEW COMMENTS

April 4, 2007

PROJECT NUMBER: 07-043F

PROJECT TITLE: Marine Mammal Health and Stranding Response Program

The staff from the Tidewater Regional Office thanks you for the opportunity to provide comments.

Sincerely,

Michelle R. Hollis
Environmental Specialist
5636 Southern Blvd.
VA Beach, VA 23462
(757) 518-2146
(757) 518-2009 Fax
mrhollis@deq.virginia.gov



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Marine Resources Commission

2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

Steven G. Bowman
Commissioner

March 23, 2007

Mr. Charles H. Ellis III
c/o Department of Environmental Quality
Office of the Environmental Impact Review
629 East Main Street, Sixth Floor
Richmond, Virginia 23219

Re: 07-043F, "Marine Mammal Health Program"

Dear Mr. Ellis:

You have inquired regarding the permitting requirements for *Developing the Marine Mammal Health & Standing Response Program*. The goal is to promote sound stewardship and improve the effectiveness of the National System.

The Marine Resources Commission requires a permit for any activities that encroach upon or over, or take use of materials from the beds of the bays, ocean, rivers and streams, or creeks, which are the property of the Commonwealth.

If I may be of further assistance, please do not hesitate to contact me at (757) 414-0710.

Sincerely,

A handwritten signature in black ink, appearing to be 'GHB', written over a horizontal line.

George H. Badger, III
Environmental Engineer

An Agency of the Natural Resources Secretariat

Web Address: www.mrc.virginia.gov

Telephone: (757) 247-2200, (757) 247-2200 V/FDD, Information and Environmental Media: 1-800-541-4646 V/FDD



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Jeanne Zeidler, *Mayor*

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James O. McReynolds, *County Administrator*
Thomas G. Shepperd, Jr., *Board Member*

April 19, 2007

Mr. Charles H. Ellis III
Department of Environmental Quality
Office of Environmental Impact Review
629 West Main Street, Sixth Floor
Richmond, VA 23219

Re: Marine Mammal Health and Stranding Response Program
#07-043F (ENV:GEN)

Dear Mr. Ellis:

Pursuant to your request of March 14, 2007, the staff of the Hampton Roads Planning District Commission has reviewed the Draft Programmatic Environmental Impact Statement and Consistency Determination for the Marine Mammal Health and Stranding Response Program.

Based on this review, the proposal is generally consistent with local and regional plans and policies.

We appreciate the opportunity to review this project. If you have any questions, please do not hesitate to call.

Sincerely,


Arthur L. Collins
Executive Director/Secretary

MLJ/kg

RECEIVED

APR 2 2007

DEQ-Office of Environmental
Impact Review

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**NATIONAL MARINE FISHERIES SERVICE
COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION**

This document provides the Washington Department of Ecology, Coastal Management Program with the National Marine Fisheries Service (NMFS) Consistency Determination under the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) and 15 CFR Part 930, subpart C, for activities coordinated and conducted by the Marine Mammal Health and Stranding Response Program (MMHSRP).

Necessary Data and Information:

1. NMFS is announcing the availability of a draft Programmatic Environmental Impact Statement (PEIS) for the MMHSRP. Some activities of the MMHSRP are conducted under a permit issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1421) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531-1544) by the Permits, Conservation, and Education Division of the NMFS Office of Protected Resources. The current ESA/MMPA permit expires on June 30, 2007. A National Environmental Policy Act (NEPA) analysis of the current and future activities covered under the permit must be completed prior to the issuance of a new permit. The potential impacts of the permitted activities as well as the day-to-day operations of the MMHSRP are analyzed in the draft PEIS. Day-to-day operations include the coordination and oversight of the National Marine Mammal Stranding and Disentanglement Networks, the National Marine Mammal Tissue Bank, the Working Group on Unusual Marine Mammal Mortality Events, and the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

NMFS has also developed several policy documents that are collectively named the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*. These documents are currently issued on an interim basis, and the MMHSRP is proposing to issue them as final guidance after the NEPA analysis is concluded. The PEIS is intended to satisfy the requirements of NEPA and implementing regulations for all pertinent agency actions.

2. Under Washington Administrative Code, Title 173, Chapter 27, Section 060, "Direct federal actions and projects (within the coastal counties) shall be consistent to the maximum extent practicable with the approved Washington state coastal zone management program." The PEIS will assess the impacts of the proposed alternatives on coastal resources in the context of the Washington Coastal Program's enforceable policies, including the Shoreline Management Act (Chapter 90.58 Revised Code of Washington [RCW]) and Ocean Resources Management Act (Chapter 43.143 RCW)

3. Informal consultation has been initiated with NMFS Office of Protected Resources and the U.S. Fish and Wildlife Service to explore potential impacts to species protected under the ESA and the MMPA. A permit application for the MMHSRP activities involving ESA and MMPA species is currently being evaluated by the NMFS Office of Protected Resources Permits, Conservation and Education Division.

However, at this time, no significant impacts on Washington's coastal resources are anticipated. The preferred alternatives, with mitigation, are consistent with the Shoreline Management Act, the Ocean Resources Management Act, and the State Environmental Policy Act (Chapter 43.21C RCW).

Based upon the preceding information, data and analysis, NMFS finds that the MMHSRP is consistent to the maximum extent practicable with the enforceable policies of the Washington Coastal Management Program. The Washington Coastal Management Program has 60 days (plus any appropriate extension under 15 CFR 930.41(b)) from the receipt of this letter and accompanying information in which to concur with or object to the NMFS Consistency Determination. Concurrence will be presumed if the State's response is not received by NMFS on the 60th day from receipt of this Determination.



Connecticut Commission on Culture & Tourism

March 16, 2007

Historic Preservation
& Museum Division

59 South Prospect Street
Hartford, Connecticut
06106

(v) 860.566.3005
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Mr. David Cottingham
Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources, National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway
Silver Spring, MD 20910

Subject: Marine Mammal Health and Stranding Response Program

Dear Mr. Cottingham:

The State Historic Preservation Office has reviewed the *Draft Programmatic Environmental Impact Statement for the Marine Mammal Health and Stranding Response Program* prepared by the National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Office of Protected Resources. This office expects that the proposed actions will have no adverse effect on Connecticut's coastal and maritime heritage. This comment is conditional upon our understanding that the National Oceanic and Atmospheric Administration shall consult with our professional staff with respect to actual field implementation of appropriate case-by-case actions.

This office appreciates the opportunity to have reviewed and commented upon the proposed undertaking.

This comment is provided in accordance with the National Historic Preservation Act and the Connecticut Environmental Policy Act.

For further information, please contact Dr. David A. Poirier, Staff Archaeologist.

Sincerely,

Karen Senich
Deputy State Historic Preservation Officer

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FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

May 4, 2007

Mr. David Cottingham
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway
Silver Spring, MD 20910

RE: DHR Project File No: 2007-2045/Received by DHR: March 12, 2007
National Oceanic and Atmospheric Administration (NOAA)
Draft Programmatic Environmental Impact Statement for the Marine Mammal Health and
Stranding Response Program
All Florida

Dear Mr. Cottingham:

This office received and reviewed the above referenced Environmental Impact Statement in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties* and the *National Environmental Policy Act of 1969*, as amended. The State Historic Preservation Officer is to advise Federal agencies as they identify historic properties (listed or eligible for listing in the *National Register of Historic Places*), assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

This submission was well designed. Based on the information provided, this office concurs with NOAA that the above referenced federal plan (or action) will have only a minor adverse impact on historic properties. As a result, NOAA needs to make contingency plans in the case of fortuitous finds or unexpected discoveries during ground disturbing activities on the particular property. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with early Native American, early European, or American settlement are encountered at any time within the project site area, the applicant shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 once rescue or carcass removal activities are finished. Non emergency project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
(850) 245-6300 • FAX: 245-6436

Archaeological Research
(850) 245-6444 • FAX: 245-6452

Historic Preservation
(850) 245-6333 • FAX: 245-6437

Historical Museums
(850) 245-6400 • FAX: 245-6433

Southeast Regional Office
(561) 416-2115 • FAX: 416-2149

Northeast Regional Office
(904) 825-5045 • FAX: 825-5044

Central Florida Regional Office
(813) 272-3843 • FAX: 272-2340

Mr. Cottingham
May 4, 2007
Page 2

If you have any questions, please contact James Toner, Historic Sites Specialist, by electronic mail at jetoner@dos.state.fl.us, or at 850-245-6333.

Sincerely,

A handwritten signature in black ink that reads "Frederick P. Gaske". The signature is written in a cursive style with a long horizontal line extending to the right.

Frederick P. Gaske, Director, and
State Historic Preservation Officer



April 3, 2007

Mr. David Cottingham, Chief
Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
National Oceanic
and Atmospheric Administration
3115 East-West Highway
Silver Spring, Maryland 20910

**SHPO: 03-19-07-03 NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION DRAFT PROGRAMMATIC ENVIRONMENTAL
IMPACT STATEMENT FOR THE MARINE MAMMAL HEALTH AND
STRANDING RESPONSE PROGRAM, ISLANDWIDE, PUERTO RICO**

Dear Mr. Cottingham:

Our Office received correspondence on March 19, 2007 regarding the above referenced project. We have reviewed the Draft Programmatic Environmental Impact Statement for the Marine Mammal Health and Stranding Response Program. We concur with the coordination procedures presented in chapter 5.4 of the Draft EIS.

If you have any questions, please contact Miguel Bonini at (787) 721-3737 or mbonini@prshpo.gobierno.pr.

Sincerely,

Aida Belén Rivera Ruiz, Archaeologist
State Historic Preservation Officer

ABR/KG/MB/img

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