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, Maryland 20910

Dear Mr. Cottingham:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Programmatic Environmental Impact Statement (DPEIS) for the Marine Mammal Health and Stranding Response Program (CEQ No. 20070097) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

The DPEIS evaluates the effects from the Marine Mammal Health and Stranding Response Program's stranding response operations, the issuance of the *Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation, and Release* document, and future biomonitoring and research activities. Based on our review of the DPEIS, we have no objections to the proposed action; thus, we are rating the document LO- Lack of Objections. However, we have noted in our enclosure a few issues we recommend be discussed further in the FPEIS.

We appreciate the opportunity to review this DPEIS. We look forward to reviewing future documents related to this proposed action. The staff contact for this review is Matthew Harrington and he can be reached at (202) 564-7148.

Sincerely,

Anne Norton Miller
Director
Office of Federal Activities

Enclosure

cc: Steve Kokkinakis, NOAA Office of Strategic Planning

Enclosure
Marine Mammal Health and Stranding Response Program Draft Programmatic EIS Comments

Water Quality-

Water and sediment quality impacts appear to be minor for all alternatives. However, we suggest that care should taken by response personnel to guard against any chemical/medical/fuel spills during the processing of stranded animals (e.g., euthanasia fluids) or their rehabilitation. With this in mind, the FPEIS should highlight that spill prevention best management practices should be established, monitored and practiced. This is critically important if public beaches are involved, strandings are multiple, and the cause of death is unclear (e.g., chemical causes, such as pesticide, mercury, PCB, biotoxin or disease contamination versus physical causes, such as hemorrhages from ship-strikes or possible underwater noise events, marine debris entanglement, predation or natural causes).

Contaminants-

The DPEIS discusses the potential for release of "decay products" into the surrounding environment from burial on the beach or burial at sea of marine mammal carcasses. Specifically, the DPEIS states "the evaluation of the potential toxicological environmental hazards posed by a decomposing carcass cannot be determined at this time." The DPEIS goes on to say that "the potential does exist for the decay products of carcasses to be released into the surrounding environment or recycled into the food web, with subsequent negative impacts." The DPEIS also notes that marine mammal carcasses' "contaminant levels would likely be higher in (these) species (as they) feed at higher trophic levels and/or (are) in areas where prey may be more contaminated."

Although the DPEIS indicates that in cases where a marine mammal carcass is determined to be "toxic" that the carcass may be removed to an approved incineration facility, the DPEIS does not address the sampling procedure to be followed on marine mammal carcasses to determine how the carcass would be considered "toxic." Accordingly, we recommend that the FPEIS indicate what measures will be used to determine the toxicity of the marine mammal carcass.

Cultural Resources-

The DPEIS indicates there is the potential for "minor, long-term, adverse effects" from the preferred alternative to allow for burial of marine mammal carcasses on the beach. Although the DPEIS states that all work in the area will be halted in cases where undiscovered or unknown cultural resources are encountered, the FPEIS should clarify how this requirement will be communicated to the voluntary Stranding Network members. One consideration could be to have contacting the State Historic Preservation Officer or Tribal Historic Preservation Office be a requirement of the Stranding Agreements or part of annual training for the members of the Stranding Network. Further, the FPEIS should delineate how undiscovered or unknown Tribal

Government cultural resources will be handled when discovered during marine mammal carcass burial operations.

In a related matter, it may be prudent to discuss with the Advisory Council on Historic Preservation the possibility of developing a Programmatic Agreement under Section 106 of the National Historic Preservation Act. As the Stranding Network is a "volunteer" based organization, the process to follow in handling cultural resources may not be readily known. A PA would provide the agency with an appropriate process that Stranding Network members can follow to ensure compliance with Section 106.

Human Health-

The DPEIS does not delineate to any great extent what should be the human health and safety guidelines and practices (especially related to zoonotic diseases communicable to humans**:** pg. 1-7) to be followed for both on-site and off-site disposal of marine mammal carcasses. NMFS should more clearly delineate what the appropriate safety measures are for response personnel (given that some may be untrained volunteers). For example, some of the safety measures that could be discussed in greater detail that would provide better human health and safety practices during operations include training on animal husbandry practices and safety training. Animal husbandry training would help to minimize the potential spread of infections (i.e., "zoonotic" disease communicable to humans.) Also, general safety training during various operations would help previously untrained volunteers understand the precautions that need to be taken during operations, biohazards and potential biohazard releases possible during stranding operations.