



NOAA FISHERIES

PROPOSED ACTION: Proposed Issuance of an Incidental Harassment Authorization to the Bureau of Land Management to Take Marine Mammals by Harassment Incidental to Land Survey Activities within the Eastern Aleutian Islands Archipelago, Alaska, June – July, 2015.

TYPE OF STATEMENT: Environmental Assessment

LEAD AGENCY: U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

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LOCATION: A small island within eastern Aleutian Islands archipelago in the northeast Pacific Ocean.

ABSTRACT: This Environmental Assessment analyzes the environmental impacts of the National Marine Fisheries Service, Office of Protected Resources proposal to issue an Incidental Harassment Authorization to the Bureau of Land Management, for the taking, by Level B harassment, of marine mammals, incidental to proposed land survey activities on a small island within the eastern Aleutian Islands archipelago, June - July, 2015.

DATE: June 2015

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LIST OF ABBREVIATIONS OR ACRONYMS

ANCSA Authorization	Alaska Native Claims Settlement Act Incidental Harassment Authorization
BiOp	Biological Opinion
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
cm	centimeters
Commission	Marine Mammal Commission
dB	decibel
DPS	distinct population segment
EA	Environmental Assessment
ESA	Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>)
FONSI	Finding of No Significant Impact
FR	<i>Federal Register</i>
ft	feet
GOA	Gulf of Alaska
IHA	Incidental Harassment Authorization
ITA	Incidental Take Authorization
ITS	Incidental Take Statement
kg	kilogram
km	kilometer
m	meter
mi	mile
MMPA	Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1631 <i>et seq.</i>)
μPa	micropascal
NAO	NOAA Administrative Order
NEPA	National Environmental Policy Act of 1969 (42 U.S.C. 4321 <i>et seq.</i>)
NMFS	National Marine Fisheries Service
NOAA	National Oceanographic and Atmospheric Administration

CHAPTER 1 – INTRODUCTION AND PURPOSE AND NEED

1.1 DESCRIPTION OF PROPOSED ACTION

The Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1631 *et seq.*) generally prohibits the incidental taking of marine mammals. The MMPA defines take as “...to harass, hunt, capture, or kill, or attempt to harass, hunt, capture or kill any marine mammal...”; and further defines harassment as any act of pursuit, torment, or annoyance which: (1) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (2) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

There are exceptions, however, to the MMPA’s prohibition on take. The National Marine Fisheries Service, Office of Protected Resources (NMFS, hereinafter, we) may authorize the incidental but not intentional taking of marine mammals by harassment upon the request of a U.S. citizen provided NMFS follows certain statutory and regulatory procedures and make determinations. We discuss this exception in more detail in section 1.2.

The Bureau of Land Management (BLM) has requested an Incidental Harassment Authorization (Authorization) to take marine mammals, by harassment incidental to conducting a one-day field-based land survey of cultural sites located on a small island within the eastern Aleutian Islands archipelago for a land claim made by an Alaska Regional Native Corporation under the Alaska Native Claims Settlement Act of 1971, as amended (ANCSA; 43 USC 1601-1624). In response to BLM’s request, NMFS proposes to issue an Incidental Harassment Authorization (Authorization) to BLM under Section 101(a)(5)(D) of the MMPA, which would allow the agency to take marine mammals, incidental to the conduct of proposed land survey activities on the island, June through July 2015. NMFS does not have the authority to permit, authorize, or prohibit BLM’s survey activities under Section 101(a)(5)(D) of the MMPA, as that authority lies with BLM.

NMFS’ proposed issuance of an Authorization to BLM is a major federal action under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) regulations in 40 CFR §§ 1500-1508, and NOAA Administrative Order (NAO) 216-6. Thus, NMFS is required to analyze the effects of our proposed action on the human environment. This Environmental Assessment (EA) titled, *Proposed Issuance of an Incidental Harassment Authorization to the Bureau of Land Management to Take Marine Mammals by Harassment Incidental to Land Survey Activities within the Eastern Aleutian Islands Archipelago, Alaska, June – July, 2015* addresses the potential environmental impacts of the following choices available to us under section 101(a)(5)(D) of the MMPA, namely:

- Issue the proposed Authorization¹ to BLM for take, by Level B harassment, of marine mammals during the proposed land survey activities, taking into account the prescribed means of take, mitigation measures, and monitoring requirements;
- Do not issue the proposed Authorization to BLM, in which case, the land survey activities would not proceed²;

¹ NMFS may issue an Authorization region if, after NMFS provides a notice of a proposed authorization to the public for review and comment: (1) NMFS makes certain findings; and (2) the taking is limited to harassment.

² NMFS would not issue an Authorization if it cannot make certain findings.

1.1.1 BACKGROUND ON BLM'S MMPA APPLICATION

BLM proposes to conduct one field-based land survey of a land claim made pursuant to section 14(h)(1) of the ANCSA by an Alaska Native Regional Corporation. The land survey may temporarily disturb Steller sea lions (*Eumetopias jubatus*) hauled out at the selected cultural site. BLM proposes to complete the land survey activities within one day between June 7 and July 31, 2015. BLM must conduct the land survey to support conveyance of existing cemetery sites and historical places to an Alaska Native Regional Corporation as required under the ANCSA. Once BLM concludes the land survey activities no additional visits would be necessary.

The following aspects of the proposed activity would likely result in the take of marine mammals: noise generated by vessel approaches and departures; noise generated by personnel while conducting the land survey; and human presence during the proposed activity. We describe BLM's land survey activities in more detail in section 2.2.

1.1.2 MARINE MAMMALS IN THE ACTION AREA

There is only one species with confirmed occurrence in the action area: Steller sea lions (*Eumetopia jubatus*). Of this species, a small number (~20 animals) could potentially experience Level B harassment incidental to BLM's conduct of their land survey activities.

Table 1 - General information on marine mammals that could potentially haul out in the proposed cultural site on a small island within the eastern Aleutian Islands archipelago, June through July, 2015.

Species	Stock Name	Regulatory Status ^{1,2}	Stock/Species Abundance ³	Occurrence and Range	Season
Steller sea lion (<i>Eumetopias jubatus</i>)	Western U.S.	MMPA - D, S ESA - T	82,516	common	Winter / Spring
Steller sea lion (<i>Eumetopias jubatus</i>)	Eastern U.S.	MMPA - D, S ESA - DL	60,131 - 74,448	uncommon/rare	Unknown

¹ MMPA: D = Depleted, S = Strategic, NC = Not Classified.

² ESA: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.

³ 2014 NMFS Stock Assessment Report (Allen and Angliss, 2015).

1.2 PURPOSE AND NEED

The MMPA prohibits "takes" of marine mammals with only a few specific exceptions. The applicable exception in this case is an authorization for incidental take of marine mammals in section 101(a)(5)(D) of the MMPA.

Section 101(a)(5)(D) of the MMPA directs the Secretary of Commerce (Secretary) to authorize, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if, after NMFS provides a notice of a proposed authorization to the public for review and comment: (1) NMFS makes certain findings; and (2) the taking is limited to harassment.

We have issued regulations to implement the Incidental Take Authorization provisions of the MMPA (50 CFR § 216) and have produced Office of Management and Budget (OMB)-approved application instructions (OMB Number 0648-0151) that prescribe the procedures necessary to apply for authorizations. All applicants must comply with the regulations at 50 CFR § 216.104 and submit applications requesting incidental take according to the provisions of the MMPA.

Purpose: The primary purpose of NMFS' proposed action is to authorize the take of marine mammals incidental to BLM's proposed land survey activities. The Authorization would exempt BLM from the take prohibitions contained in the MMPA.

To authorize the take of marine mammals incidental to a specified activity under the MMPA, NMFS must evaluate the best available information to determine whether the take would have a negligible impact on marine mammal species or stock and have an unmitigable impact on the availability of affected marine mammal species for certain subsistence uses.

In addition, NMFS must prescribe, where applicable, the permissible methods of taking and other means of effecting the least practicable adverse impact on the species or stocks of marine mammals and their habitat (*i.e.*, mitigation), paying particular attention to rookeries, mating grounds, and other areas of similar significance.

If appropriate and where relevant, NMFS must also prescribe the means of effecting the least practicable impact on the availability of the species or stocks of marine mammals for subsistence uses. Authorizations must also include requirements or conditions pertaining to the monitoring and reporting of such taking.

Need: BLM submitted an adequate and complete application demonstrating both the need and potential eligibility for issuance of an Authorization in connection with the activities described in section 1.1.1. NMFS now has a corresponding duty to determine whether and how we can authorize take by Level B harassment incidental to the activities described in BLM's application (BLM, 2014). NMFS' responsibilities under section 101(a)(5)(D) of the MMPA and its implementing regulations establish and frame the need for this proposed action.

1.3 THE ENVIRONMENTAL REVIEW PROCESS

NEPA compliance is necessary for all major federal actions with the potential to significantly affect the quality of the human environment. Major federal actions include activities fully or partially funded, regulated, conducted, authorized, or approved by a federal agency. Because our issuance of an Authorization would allow for the taking of marine mammals consistent with provisions under the MMPA, NMFS considers this as a major federal action subject to NEPA.

Under the requirements of the National Oceanic Atmospheric Administration Administrative Order (NAO) 216-6 section 6.03(f)(2)(b) for incidental harassment authorizations, NMFS prepared this EA to determine whether the direct, indirect and cumulative impacts related to the proposed issuance of an Authorization for incidental take of marine mammals during the conduct of BLM's proposed land survey activities could be significant. If NMFS deems the potential impacts to be not significant, this analysis, in combination with other analyses incorporated by reference, may support the issuance of a Finding of No Significant Impact (FONSI) for the proposed Authorization.

1.3.1 LAWS, REGULATIONS, OR OTHER NEPA ANALYSES INFLUENCING THE EA'S SCOPE

NMFS has based the scope of the proposed action and nature of the two alternatives considered in this EA on the relevant requirements in section 101(a)(5)(D) of the MMPA and our related purpose and need. Thus, our authority under the MMPA bounds the scope of our alternatives. This analysis—combined with the analyses in the following documents—fully describes the potential impacts associated with the proposed land survey activities, including any required mitigation and monitoring measures for marine mammals.

After conducting a review of the information and analyses for sufficiency and adequacy, NMFS incorporates by reference the relevant analyses on BLM's proposed land survey activities as well as a discussion of the affected environment and environmental consequences within the following documents per 40 CFR 1502.21 and NAO 216-6 § 5.09(d):

- NMFS' notice of the proposed Authorization in the *Federal Register* ([80 FR 21213, April 17, 2015](#)) (NMFS, 2015); and
- BLM's [Application for Marine Mammal Incidental Take Authorization For the Bureau of Land Management - Alaska ANCSA Land Survey Project](#) (BLM, 2014).

MMPA APPLICATION AND NOTICE OF THE PROPOSED IHA

The CEQ regulations (40 CFR § 1502.25) encourage federal agencies to integrate NEPA's environmental review process with other environmental review laws. NMFS relies substantially on the public process for developing proposed Authorizations and evaluating relevant environmental information and provide a meaningful opportunity for public participation as we develop corresponding EAs. We fully consider public comments received in response to our publication of the notice of proposed Authorization.

On April 17, 2015, NMFS published a notice of a proposed Authorization in the *Federal Register* ([80 FR 21213, April 17, 2015](#)) which included the following:

- A detailed description of the BLM's proposed land survey activities and an assessment of the potential impacts on marine mammals and their habitat;
- Proposed mitigation and monitoring measures to avoid and minimize potential adverse impacts to affected marine mammal species or stocks and their habitat and proposed reporting requirements; and
- Our preliminary findings under the MMPA.

NMFS considered BLM's proposed land survey activities and associated mitigation and monitoring measures and preliminarily determined that the proposed land survey of cultural sites would have a negligible impact on the affected species or stocks of marine mammals, resulting at worst in a modification in behavior and/or low-level physiological effects (Level B harassment). In addition, NMFS preliminarily determined that the activity would not have an unmitigable adverse impact on the availability of marine mammals for subsistence uses. The notice afforded the public a 30-day comment period on our proposed MMPA Authorization, including the proposed mitigation, monitoring, and reporting requirements.

1.3.2 SCOPE OF ENVIRONMENTAL ANALYSIS

Given the limited scope of the decision for which NMFS is responsible, this EA intends to provide more focused information on the primary issues and impacts of environmental concern related specifically to the proposed issuance of the Authorization for BLM to conduct a one-time land survey of cultural sites on Tanginak Island, a small island within the eastern Aleutian Islands archipelago for a land claim made by an Alaska Regional Native Corporation under the Alaska Native Claims Settlement Act. This EA does not further evaluate effects to the elements of the human environment listed in Table 2 because BLM determined that their proposed land survey activities qualify as a categorical exclusion under NEPA because the action does not

individually or cumulatively have a significant effect on the human environment and does not require the preparation of an EA.

Table 2 – Components of the human environment not affected by our issuance of an Authorization.

Biological	Physical	Socioeconomic / Cultural
Amphibians	Air Quality	Commercial Fishing
Humans	Essential Fish Habitat	Military Activities
Non-Indigenous Species	Geography	Oil and Gas Activities
Seabirds	Land Use	Recreational Fishing
	Oceanography	Shipping and Boating
	State Marine Protected Areas	Recreational Diving
	Federal Marine Protected Areas	National Historic Preservation Sites
	National Estuarine Research Reserves	National Trails and Nationwide Inventory of Rivers
	National Marine Sanctuaries	Low Income Populations
	Park Land	Minority Populations
	Prime Farmlands	Indigenous Cultural Resources
	Wetlands	Public Health and Safety
	Wild and Scenic Rivers	Historic and Cultural Resources
	Ecologically Critical Areas	

However, previous environmental reviews for similar monitoring, research, or surveying activities, incorporated by reference, have shown that our limited action of issuing an Authorization would not affect components of the human environment listed in Table 1. They include:

- the *Environmental Assessment on the Issuance of an Incidental Harassment Authorization to PRBO Conservation Science to Take Marine Mammals by Harassment Incidental to Conducting Seabird Research in Central California* (NMFS, 2007a);
- the *Supplemental Environmental Assessment for the Issuance of an Incidental Harassment Authorization to Take Marine Mammals by Harassment Incidental to Conducting Seabird and Pinniped Research in Central California and Environmental Assessment for the Continuation of Scientific Research on Pinnipeds in California Under Scientific Research Permit 373-1868-00* (NMFS, 2008b); and
- the *Environmental Assessment on the Issuance of an Incidental Harassment Authorization to Point Blue Conservation Science and Partners to Take Marine Mammals by Harassment Incidental to Seabird and Pinniped Research Conducted in Central California* (NMFS, 2014b).
- the *Environmental Assessment on the Issuance of an Incidental Harassment Authorization to Glacier Bay National Park to Take Marine Mammals by Harassment Incidental to Seabird Monitoring and Research Conducted in Glacier Bay National Park, Alaska* (NMFS, 2014a)

In each case, NMFS concluded that the proposed issuance of an Authorization for monitoring, research, or surveying activities would not significantly affect the quality of the human environment and issued findings of no significant impact (FONSI).

1.3.3 NEPA PUBLIC SCOPING SUMMARY

NAO 216-6 established agency procedures for complying with NEPA and the implementing NEPA regulations issued by the CEQ. Consistent with the intent of NEPA and the clear direction in NAO 216-6 to involve the public in NEPA decision-making, NMFS requested comments on the potential environmental impacts described in BLM's MMPA application and in the *Federal Register* notice of the proposed Authorization ([80 FR 21213, April 17, 2015](#)). The CEQ regulations further encourage agencies to integrate the NEPA review process with review under the environmental statutes. Consistent with agency practice NMFS integrated our NEPA review and preparation of this EA with the public process required by the MMPA for the proposed issuance of an Authorization.

The *Federal Register* notice of the proposed Authorization ([80 FR 21213, April 17, 2015](#)), combined with our preliminary determinations, supporting analyses, and corresponding public comment periods are instrumental in providing the public with information on relevant environmental issues and offering the public a meaningful opportunity to provide comments to us for consideration in both the MMPA and NEPA decision-making processes.

The *Federal Register* notice of the proposed Authorization summarized our purpose and need; included a statement that we would prepare an EA for the proposed action; and invited interested parties to submit written comments concerning the application and our preliminary analyses and findings including those relevant to consideration in the EA. NMFS invited interested parties to submit written comments concerning the application and our preliminary analyses and findings including those relevant to consideration in the draft EA. The public comment period for the notice of the proposed Authorization began on April 17, 2015 and ended on May 18, 2015.

We posted BLM's application on our [website](#) concurrently with the release of the *Federal Register* notice of the proposed Authorization. We base this EA on the information included in our *Federal Register* notice, the documents it references, and the public comments provided in response. At the conclusion of this process, we will post the final EA, and, if appropriate, FONSI, on the same website.

1.3.4 RELEVANT COMMENTS ON OUR *FEDERAL REGISTER* NOTICE

During the 30-day public comment period on the notice of the proposed Authorization, we received one comment from a private citizen and one comment from the Marine Mammal Commission (Commission).

The private citizen's comments related to the potential environmental impacts associated with our action of issuing an Authorization for BLM's proposed land survey activities include:

- Denial of the Authorization based on the commenter's view that NMFS should not allow Authorizations for harassment; and
- Negative effects of the proposed land survey activities on marine mammals.

We considered the commenter's general opposition to BLM's land survey activities and to our issuance of an Authorization. The Authorization, described in detail in the *Federal Register* notice of the proposed Authorization ([80 FR 21213, April 17, 2015](#)) includes mitigation and monitoring measures to effect the least practicable impact to marine mammals and their habitat. It is our responsibility to determine whether the activities would have a negligible impact on the

affected species or stocks; whether the activities would have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, where relevant; and to prescribe the means of effecting the least practicable adverse impact on the affected species or stocks and their habitat, as well as monitoring and reporting requirements.

Regarding the commenter's opposition to authorizing harassment, the MMPA allows U.S. citizens (which includes BLM) to request take of marine mammals incidental to specified activities, and requires us to authorize such taking if we can make the necessary findings required by law and if we set forth the appropriate prescriptions. As explained throughout the *Federal Register* notice ([80 FR 21213, April 17, 2015](#)), we made the necessary preliminary findings under 16 U.S.C. 1361(a)(5)(D) to support issuance of the Authorization.

The Marine Mammal Commission (Commission) provides comments on all proposed incidental take authorizations as part of their established role under the MMPA (§ 202 (a)(2)). The Commission concurred with our preliminary findings and recommended that we issue the Authorization to BLM subject to inclusion of the proposed mitigation and monitoring as described in the *Federal Register* notice of the proposed Authorization.

We have considered the comments regarding monitoring and mitigation measures within the context of the MMPA requirement to effect the least practicable impact to marine mammals and their habitat. Consequently, we have determined, based on the best available data that the mitigation measures proposed by BLM and us are the most feasible and effective monitoring and mitigation measures to achieve the MMPA requirement of effecting the least practicable impact on each marine mammal species or stock.

We will provide our responses to the public comments in the *Federal Register* notice announcing our decision on whether to issue the Authorization. We fully considered the comments, particularly those related to mitigation and monitoring measures in preparing the proposed final Authorization and this EA. None of the comments received in response to this application have resulted in substantive changes to this EA.

1.4 OTHER PERMITS, LICENSES, OR CONSULTATION REQUIREMENTS

This section summarizes federal, state, and local permits, licenses, approvals, and consultation requirements necessary to implement the proposed action. NMFS incorporates those descriptions by reference in this EA and briefly summarize them in this section.

1.4.1 ENDANGERED SPECIES ACT

Section 7 of the ESA and implementing regulations at 50 CFR § 402 require federal agencies to consult with the appropriate federal agency (either NMFS or the U.S. Fish and Wildlife Service) for federal actions that "may affect" a listed species or critical habitat. Accordingly, the ESA requires federal agencies to ensure that the proposed action would not likely jeopardize the continued existence of any threatened or endangered species or result in destruction or adverse modification of critical habitat for such species. There is one marine mammal species listed as endangered under the ESA with confirmed or possible occurrence in the proposed project area: the Steller sea lion, specifically the western Distinct Population Segment (DPS).

Under section 7 of the ESA, BLM, the lead Federal agency which will conduct the land survey, initiated formal consultation on their action with the NMFS, Alaska Regional Office. BLM

requested authorization for the incidental take Steller sea lions of the western DPS under the ESA.

NMFS' proposed issuance of an Authorization is also a federal action also subject to the Section 7 ESA consultation requirements Therefore NMFS requested consultation under Section 7 for the proposed Authorization to BLM for the incidental take of western Steller sea lions based on BLMs proposed action to conduct a one-time land survey of cultural sites on Tanginak Island, a small island within the eastern Aleutian Islands archipelago.

Under the ESA, NMFS has designated critical habitat for Steller sea lions based on the location of terrestrial rookery and haulout sites, spatial extent of foraging trips, and availability of prey items (50 CFR 226.202). BLM's proposed land survey activities fall within an area designated as a major haulout for Steller sea lions. In June 2015, NMFS Alaska Region Protected Resources Division issued a Biological Opinion (BiOp) with an Incidental Take Statement (ITS) to us and to BLM which concluded that the issuance of the Authorization and the conduct of the proposed land survey activities were not likely to jeopardize the continued existence of the western DPS of Steller sea lions. The BiOp also concluded that the issuance of the Authorization and the proposed conduct of the proposed land survey activities would not affect designated critical habitat for these species. Last, the Protected Resources Division issued an ITS for Steller sea lions which contains reasonable and prudent measures implemented by the terms and conditions to minimize the effect of the proposed authorized take.

1.4.2 MARINE MAMMAL PROTECTION ACT

We discuss the MMPA and its provisions that pertain to the proposed action described within section 1.2.

CHAPTER 2 – ALTERNATIVES

2.1 INTRODUCTION

The NEPA and the implementing CEQ regulations (40 CFR §§ 1500-1508) require consideration of alternatives to proposed major federal actions and NAO 216-6 provides agency policy and guidance on the consideration of alternatives to our proposed action. An EA must consider all reasonable alternatives, including the No Action Alternative. This provides a baseline analysis against which we can compare the other alternatives.

To warrant detailed evaluation as a reasonable alternative, an alternative must meet our purpose and need. In this case, and as we previously explained, an alternative meets the purpose and need if it satisfies the requirements under section 101(a)(5)(D) the MMPA. We evaluated each potential alternative against these criteria; identified one action alternative along with the No Action Alternative; and carried these forward for evaluation in this EA.

Alternative 1 includes a suite of mitigation measures intended to minimize any potential adverse effects to marine mammals. This chapter describes both alternatives and compares them in terms of their environmental impacts and their achievement of objectives.

2.2 DESCRIPTION OF BLM'S PROPOSED ACTIVITIES

We presented a general overview of BLM's proposed land survey activities in our *Federal Register* notice of the proposed Authorization ([80 FR 21213, April 17, 2015](#)). Also, BLM's application (LGL, 2014) describe the survey protocols in detail. We incorporate those descriptions by reference in this EA and briefly summarize them here.

2.2.1 SPECIFIED TIME AND SPECIFIED AREA

BLM proposes to conduct a one-day, field-based land survey of a land claim made pursuant to section 14(h)(1) of the ANCSA by an Alaska Native Regional Corporation. BLM must conduct the land survey activities to support conveyance of existing cemetery sites and historical places to an Alaska Native Regional Corporation as required under the ANCSA. BLM proposes to complete the land survey within one day between June 1 and July 31, 2015 on Tanginak Island. Once BLM concludes the survey, no additional visits would be necessary.

BLM's application contains information on sensitive archaeological site locations prohibited from disclosure to the public under the National Historic Preservation Act of 1966, as amended. Tanginak Island is small (less than 5 acres), extremely rugged, and uninhabited by people.

2.2.2 LAND SURVEY ACTIVITIES

BLM personnel would access the island using two types of boats: a mid-sized marine vessel (approximately 15 meters (m); 50 feet (ft) in length) and a small skiff. The main vessel would approach the remote island at a speed of approximately 8 knots (kt) (9.2 miles per hour) and would launch the skiff to cross the shallower waters immediately surrounding the small island in the eastern Aleutian Islands archipelago. Once on land, surveyors would walk to the survey sites to conduct their activities. BLM does not propose to use any type of motorized vehicles on the small island.

BLM proposes to conduct and complete the proposed land survey activities within one day (approximately 6-10 hours) using a small group of no more than four people who would use a global position system (GPS) unit to determine the locational accuracy of the selected cultural

site. After selecting the placement location for the survey marker, BLM surveyors would use shovels, digging bars, and mallets to set a group of official U.S. survey markers into the ground. BLM does not plan to use any power tools to conduct the land survey.

Ballast Water Requirements: The proposed land survey activities would not result in discharges of any pollutants or non-indigenous species into the ocean in the proposed action area. The operation of the vessel or skiff would only result in discharges incidental to normal operations of a small marine vessel.

2.3 DESCRIPTION OF ALTERNATIVES

2.3.1 ALTERNATIVE 1 – ISSUANCE OF AN AUTHORIZATION WITH MITIGATION MEASURES

The Proposed Action constitutes Alternative 1 and is the Preferred Alternative. Under this alternative, we would issue an Authorization (valid from June through July 2015) to BLM allowing the incidental take, by Level B harassment, of Steller sea lions subject to the mandatory mitigation and monitoring measures and reporting requirements set forth in the proposed Authorization.

MITIGATION MEASURES

As described in Section 1.2.1, NMFS must prescribe the means of effecting the least practicable adverse impact on the species or stocks of marine mammals and their habitat. In order to do so, we must consider BLM's proposed mitigation measures, as well as other potential measures. NMFS' evaluation of potential measures includes consideration of the following factors in relation to one another: (1) the manner in which, and the degree to which, we expect the successful implementation of the measure to minimize adverse impacts to marine mammals; (2) the proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and (3) the practicability of the measure for applicant implementation.

Any additional mitigation measure proposed by NMFS beyond what the applicant proposes should be able to or have a reasonable likelihood of accomplishing or contributing to the accomplishment of one or more of the following goals:

- Avoidance or minimization of marine mammal injury, serious injury, or death wherever possible;
- A reduction in the numbers of marine mammals taken (total number or number at biologically important time or location);
- A reduction in the number of times the activity takes individual marine mammals (total number or number at biologically important time or location);
- A reduction in the intensity of the anticipated takes (either total number or number at biologically important time or location);
- Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base; activities that block or limit passage to or from biologically important areas; permanent destruction of habitat; or temporary destruction/disturbance of habitat during a biologically important time; and
- For monitoring directly related to mitigation, an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

To reduce the potential for disturbance from acoustic stimuli associated with the activities, BLM has agreed to implement the following monitoring and mitigation measures for marine mammals. These include:

- conducting slow and controlled approaches to the island by vessel and skiff as far away as possible from hauled out sea lions to prevent or minimize stampeding;
- avoiding placing the skiff in the path of swimming sea lions that may be present;
- beginning terrestrial activities as far away as possible from hauled out sea lions;
- conducting slow movements to prevent or minimize stampeding;
- avoiding loud noises (*i.e.*, using hushed voices);
- avoiding pinnipeds along access ways to sites by locating and taking a different access way and vacating the area as soon as possible after completing the land survey;
- monitoring the offshore area for predators (such as killer whales and white sharks) and avoid flushing of pinnipeds when predators are observed in nearshore waters; and
- using binoculars to detect pinnipeds before close approach to avoid being seen by animals.

The primary method of mitigating the risk of disturbance to sea lions, which will be in use at all times, is the selection of judicious routes of approach to the survey site, avoiding close contact with sea lions hauled out on shore, and the use of extreme caution upon approach. In no case will BLM deliberately approach marine mammals. BLM personnel would select a pathway of approach to the survey sites that minimizes the number of marine mammals potentially harassed. In general, BLM personnel would stay inshore of sea lions whenever possible to allow slow and controlled egress to the ocean.

PROPOSED MONITORING MEASURES

BLM proposes to sponsor marine mammal monitoring during the present project, in order to implement the mitigation measures that require real-time monitoring, and to satisfy the monitoring requirements of the Authorization.

The Authorization, if issued, would require BLM to monitor the area for pinnipeds during all land survey activities. Monitoring activities would consist of conducting and recording observations on pinnipeds within the vicinity of the proposed land survey areas. The monitoring notes would provide dates, location, species, personnel activity, behavioral state, numbers of animals and disturbances.

PROPOSED REPORTING MEASURES

BLM would submit a draft report to NMFS within 90 days after completing the proposed land survey. The final report would describe the activities conducted and sightings of marine mammals near the proposed project. The final report would provide:

- (1) A summary and table of the dates, times, and weather during all land survey activities;
- (2) Species, number, location, and behavior of any marine mammals observed throughout all monitoring and research activities;
- (3) An estimate of the number (by species) of marine mammals that are known to have been exposed to acoustic or visual stimuli associated with the activities;

- (4) A description of the implementation and effectiveness of the monitoring and mitigation measures of the Authorization and full documentation of methods, results, and interpretation pertaining to all monitoring.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the Authorization (if issued), such as an injury (Level A harassment), serious injury, or mortality (*e.g.*, vessel-strike, stampede, etc.), BLM and/or its designees would immediately cease the specified activities and immediately report the incident to the Division Chief, Permits and Conservation Division, Office of Protected Resources and the Alaska Regional Stranding Coordinator. BLM and/or its designees may not resume activities until we are able to review the circumstances of the prohibited take. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Description and location of the incident (including water depth, if applicable);
- Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

In the event that BLM discovers an injured or dead marine mammal, and the lead researcher determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.*, in less than a moderate state of decomposition), BLM would immediately report the incident to the Division Chief, Permits and Conservation Division, Office of Protected Resources and the Alaska Regional Stranding Coordinator. The report must include the same information identified in the paragraph above this section. Activities may continue while we review the circumstances of the incident.

In the event that BLM discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (*e.g.*, previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), BLM would report the incident to the incident to the Division Chief, Permits and Conservation Division, Office of Protected Resources and the Alaska Regional Stranding Coordinator within 24 hours of the discovery. BLM would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us. We would allow BLM to continue their research activities.

TAKE ESTIMATES

BLM has requested take by Level B harassment as a result of the acoustic and visual stimuli generated by their proposed land survey activities. We expect that small boat operations and pedestrian traffic would cause a short-term behavioral disturbance for marine mammals in the proposed areas.

For the purpose of this proposed Authorization, BLM proposed take estimates based on sea lion survey counts obtained from NMFS' National Marine Mammal Laboratory (NMML) Steller Sea Lion Count Database (NMML, 2015) and from researchers with extensive knowledge and

experience of the survey location. These observations formed the basis of the actual number of marine mammals that may be subject to take. Based on best available information, NMFS estimates that the survey activities could potentially affect by Level B behavioral harassment up to 20 Steller sea lions over the course of the proposed Authorization. This estimate represents less than one percent (0.0002) of the western DPS of Steller sea lions and accounts for a maximum disturbance of 20 animals during the one-day visit to the island. Actual take may be slightly less if animals decide to haul out at a different location for the day or if animals are foraging at the time of the survey activities.

NMFS does not propose to authorize any injury, serious injury, or mortality. We expect all potential takes to fall under the category of Level B harassment only.

This Preferred Alternative would satisfy the purpose and need of our proposed action under the MMPA—issuance of an Authorization, along with required mitigation measures and monitoring that meets the standards set forth in section 101(a)(5)(D) of the MMPA and the implementing regulations.

2.3.2 ALTERNATIVE 2 – NO ACTION ALTERNATIVE

Under the No Action Alternative, NMFS would not issue the Authorization, which would be based on an inability to make one of the findings required by section 101(a)(5)(D) (*i.e.*, negligible impact or small numbers; subsistence impacts are not implicated here). Under the No Action Alternative, BLM could choose not to proceed with their proposed land survey activities or to proceed without an Authorization. If they choose the latter, they would not be exempt from the MMPA take prohibitions and would be in violation of the MMPA if take of marine mammals occurs.

CHAPTER 3 – AFFECTED ENVIRONMENT

This chapter describes existing conditions in the proposed survey area. Descriptions of the physical and biological environment of the action area are contained in the documents incorporated by reference (see section 1.3.1) and summarized here.

3.1 PHYSICAL ENVIRONMENT

As discussed in Chapter 1, NMFS' proposed action and alternatives relate only to the proposed issuance of our Authorization of incidental take of marine mammals and not to the physical environment. Certain aspects of the physical environment are not relevant to our proposed action (see section 1.3.2 - Scope of Environmental Analysis). Because of the requirements of NAO 216.6, however, we briefly summarize the physical components of the environment here.

In summary, Tanginak Island is a small, rocky, uninhabited islet within the Aleutian Islands archipelago in the Gulf of Alaska (GOA). The islet is approximately 0.5 miles long, is located approximately 1 mile southeast of Akun Island and has a total area of less than 5 acres (BLM, 2014; Orth, 1971). The GOA generally includes all waters within the Exclusive Economic Zone along the southeastern, southcentral, and southwestern coasts of Alaska from Dixon Entrance to Unimak Pass (NMFS, 2007b). Numerous troughs and shallow banks characterize the topography of the western GOA. The Aleutian shelf area, as defined by the 200-meter isobath, is narrower than the eastern Bering Sea shelf and drops abruptly to depths of 5000-6000 meters in the Aleutian Trench, which parallels the shelf edge (NMFS, 2007b).

3.1.1 MARINE MAMMAL HABITAT

We presented information on marine mammal habitat and the potential impacts to marine mammal habitat in the notice of the proposed Authorization ([80 FR 21213, April 17, 2015](#)). We incorporate that description by reference here. In summary, marine mammals haul out on the shorelines or in intertidal areas.

BLM's proposed land survey activities fall within an area designated as a major haulout for Steller sea lions. Under the ESA, NMFS has designated critical habitat for Steller sea lions based on the location of terrestrial rookery and haulout sites, spatial extent of foraging trips, and availability of prey items (50 CFR 226.202). Critical habitat includes a terrestrial zone that extends 0.9 km (3,000 ft) landward from the baseline or base point of a major haulout in Alaska. Critical habitat includes an air zone that extends 0.9 kilometers (km) (3,000 feet) above the terrestrial zone of a major haulout in Alaska, measured vertically from sea level. Critical habitat includes an aquatic zone that extends 20 nautical miles (37 km; 23 miles) seaward in state and federally managed waters from the baseline or basepoint of a major haulout in Alaska west of 144° W longitude.

3.2 BIOLOGICAL ENVIRONMENT

3.2.1 MARINE MAMMALS

We provide information on the occurrence of marine mammals with possible or confirmed occurrence in the survey area in section 1.1.2 of this EA. The western DPS of Steller sea lions is the only marine mammal most likely to be present in the action area.

The *Federal Register* notice of the proposed Authorization ([80 FR 21213, April 17, 2015](#)) provided information on the stock, regulatory status, abundance, occurrence, seasonality, and hearing ability of the marine mammals in the action area. BLM's application (BLM, 2014) also

provided information on the life history and population size information for marine mammals within the action area. We incorporate those descriptions by reference and briefly summarize the information here.

Western DPS of Steller sea lions: Steller sea lions range along the North Pacific Rim from northern Japan to California with centers of abundance and distribution in the Gulf of Alaska and Aleutian Islands (Allen & Angliss, 2014). Steller sea lions are the largest otariid (*i.e.*, eared seals) and show marked sexual dimorphism with males larger than females. The average standard length is 282 centimeters (cm) for adult males and 228 cm for adult females (maximum of about 325 cm and 290 cm, respectively); weight of males averages 566 kilograms (kg) and females 263 kg (maximum of about 1,120 kg and 350 kg) (NMFS, 2008a).

NMFS recognizes two separate stocks of Steller sea lions within U. S. waters: an eastern U. S. stock, which includes animals east of Cape Suckling, Alaska (144°W), and a western U. S. stock, which includes animals at and west of Cape Suckling (Allen & Angliss, 2014). NMFS categorizes the western DPS of Steller sea lion as a strategic stock and depleted under the MMPA and endangered under the ESA. The latest abundance estimate for the western DPS of Steller sea lions is 82,516 animals (Allen & Angliss, 2014).

The species is not known to migrate, but individuals disperse widely outside of the breeding season (late May-early July), thus potentially intermixing with animals from other areas (Sease & York, 2003). However, despite the wide-ranging movements of juveniles and adult males in particular, exchange between rookeries by breeding adult females and males (other than between adjoining rookeries) is low (Allen & Angliss, 2014).

The decline in the western DPS of Steller sea lion caused a change in the listing status of the stock in 1997 from threatened to endangered under the ESA. Survey data collected since 2000 indicate that the decline continues in the central and western Aleutian Islands but that regional populations east of Samalga Pass have increased or are stable (Allen & Angliss, 2014). Many factors have been suggested as causes of the steep decline observed in the 1980s, (*e.g.*, competitive effects of fishing, environmental change, disease, killer whale predation, incidental take, illegal and legal shooting) (Allen & Angliss, 2014). Decreases in rates of survival, particularly for juveniles, were associated with the steep 1980s declines (Holmes et al., 2007). Factors causing direct mortality were likely the most important. The slowing of the decline in the 1990s, and the periods of increase and stability observed between 2000 and 2008 were associated with increases in survival of both adults and juveniles, but also with continuation of a chronic decline in reproductive rate that may have been initiated in the early 1980s (Holmes, et al., 2007; Pitcher et al., 1998). In addition, nutritional stress related to competition with commercial fisheries or climate change, along with predation by killer whales, have been identified as potentially important threats to recovery (NMFS, 2008a).

Data from NMFS' NMML Steller Sea Lion Count Database indicate that approximately 80 adult Steller sea lions of the western DPS haul out on the small island mainly in late winter and early spring (NMML, 2015). However, use of that particular haulout decreases after May in the summer with NMML's database records (2000-2008) indicating a maximum of eight adults hauled out on the island during June or July (NMML, 2015).

CHAPTER 4 – ENVIRONMENTAL CONSEQUENCES

This chapter of the EA includes a discussion of the impacts of the two alternatives on the human environment. BLM's application, our notice of a proposed Authorization, and other related environmental analyses identified previously, inform our analysis of the direct, indirect, and cumulative effects of our proposed issuance of an Authorization.

Under the MMPA, we have evaluated the potential impacts of BLM's proposed land survey activities in order to determine whether to authorize incidental take of marine mammals. Under NEPA, we have determined that an EA is appropriate to evaluate the potential significance of environmental impacts resulting from the issuance of our Authorization.

4.1 EFFECTS OF ALTERNATIVE 1 – ISSUANCE OF AN AUTHORIZATION WITH MITIGATION MEASURES

Alternative 1 is the Preferred Alternative, where we would issue an Authorization to BLM allowing the take by Level B harassment, of Steller sea lions, incidental to the proposed land survey from June through July, 2015, subject to the mandatory mitigation and monitoring measures and reporting requirements set forth in the Authorization, if issued.

4.1.1 IMPACTS TO MARINE MAMMAL HABITAT

NMFS' proposed action would have no additive or incremental effect on the physical environment beyond those resulting from the proposed land survey activities. BLM's proposed land survey activities are not located within a marine sanctuary, wildlife refuge, a National Park, or other conservation area. BLM personnel would access the island using two types of boats: a mid-sized marine vessel and a small skiff. The main vessel would approach the remote island at a speed of approximately 8 kt (9.2 miles per hour) and would launch the skiff to cross the shallower waters immediately surrounding the small island. Thus, BLM's proposed land survey activities would minimally add to limited vessel/pedestrian traffic to the island and would not result in substantial damage to ocean and coastal habitats that might constitute marine mammal habitats. Finally, the proposed Authorization would not impact physical habitat features, such as substrates and/or water quality.

4.1.2 IMPACTS TO MARINE MAMMALS

We expect that disturbance from acoustic and visual stimuli generated by proposed land survey activities : vessel approaches and departures and human presence during BLM's proposed land survey activities, have the potential to cause marine mammals to flush into the surrounding water or cause a short-term behavioral disturbance for marine mammals in the action area.

We expect that these disturbances would result, at worst, in a temporary modification in behavior, temporary changes in animal distribution, and/or low-level physiological effects (Level B harassment) of Steller sea lions. At most, we interpret these effects on marine mammals as falling within the MMPA definition of Level B (behavioral) harassment. We expect these impacts to be minor because we do not anticipate measurable changes to the population or impacts to rookeries, mating grounds, and other areas of similar significance. The duration and extent of the impacts would be short-term (6 to 10 hours) and localized.

Behavioral Disturbance: Disturbance includes a variety of effects, including subtle to conspicuous changes in behavior, movement, and displacement. Disturbance may result in reactions ranging from an animal simply becoming alert to the presence of the surveyors (e.g., turning the head, assuming a more upright posture) to flushing from the haul-out site into the water. NMFS does not consider the lesser reactions to constitute behavioral harassment, or Level B harassment takes, but rather assumes that pinnipeds that move greater than 1 m (3.3 ft) or change the speed or direction of their movement in response to the presence of surveyors are behaviorally harassed, and thus subject to Level B taking. Animals that respond to the presence of surveyors by becoming alert, but do not move or change the nature of locomotion as described, are not considered to have been subject to behavioral harassment.

Reactions to human presence, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors (Richardson et al., 1995; Southall et al., 2007). These behavioral reactions are often shown as: changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior; avoidance of areas; and/or flight responses (e.g., pinnipeds flushing into the water from haul-outs or rookeries).

If a marine mammal does react briefly to human presence by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if visual stimuli from human presence displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (e.g., Lusseau & Bejder, 2007).

Estimated Take of Marine Mammals by Level B Incidental Harassment: BLM has requested take by Level B harassment as a result of the acoustic and visual stimuli generated by their proposed land survey activities. We expect that vessel operations and pedestrian traffic would cause a short-term behavioral disturbance for the small number of Steller sea lions expected to be in the proposed area. Under the Preferred Alternative, we would authorize incidental take, by Level B harassment only, of up to 20 animals over the course of the Authorization. For the western DPS of Steller sea lions, this estimate is a small number (0.0002 percent relative to the stock size).

We expect no long-term or substantial adverse effects on marine mammals, their habitats, or their role in the environment. We do not expect the land survey activities to impact rates of recruitment or survival for any affected species or stock. Further, the activities would not take place in areas of significance for marine mammal feeding, breeding, or calving. We base our consideration on the results of previous monitoring reports and anecdotal observations for similar activities authorized in Alaska and in the Pacific Northwest United States.

Injury: BLM did not request authorization to take marine mammals by injury (Level A harassment), serious injury, or mortality. Our preliminary analyses presented in the *Federal Register* notice of the proposed Authorization ([80 FR 21213, April 17, 2015](#)), previous monitoring reports, and anecdotal observations for similar activities show that there is no evidence that their planned activities could result in injury, serious injury, or mortality within the action area. Under the Preferred Alternative, the required mitigation and monitoring measures would minimize any potential risk of injury, serious injury, or mortality for marine mammals.

Vessel Strikes: The potential for striking marine mammals is a concern with vessel traffic. Studies have associated ship speed with the probability of a ship strike resulting in an injury or mortality of an animal. However, it is highly unlikely that the use of small, slow-moving boats to access the survey areas would result in injury, serious injury, or mortality to any marine mammal. Typically, the reasons for vessel strikes are fast transit speeds, lack of maneuverability, or not seeing the animal because the boat is so large. BLM personnel would access areas at slow transit speeds in easily maneuverable boats negating any chance of an accidental strike.

Unmitigable Adverse Impact: Under the Preferred Alternative, our proposed action has no unmitigable adverse impact to subsistence uses, because there are no permitted subsistence uses of marine mammals in the region.

4.2 EFFECTS OF ALTERNATIVE 2– NO ACTION ALTERNATIVE

Under the No Action Alternative, NMFS would not issue an Authorization to BLM. As a result, BLM would not receive an exemption from the MMPA prohibitions against the take of marine mammals.

BLM would not conduct the proposed survey in the absence of an Authorization and marine mammals present in the survey area would not be incidentally harassed. This alternative would eliminate any potential risk to the environment from the proposed land survey activities. The impacts to the human environment resulting from the No Action alternative—no issuance of the proposed Authorization— would be less than the Preferred Alternative.

4.2.1 IMPACTS TO MARINE MAMMAL HABITAT

Under the No Action Alternative, BLM would not conduct the proposed land survey and marine mammal habitat would not be affected. This alternative would eliminate any potential risk to the environment from the proposed research activities.

4.2.2 IMPACTS TO MARINE MAMMALS

Under this No Action Alternative, BLM would not conduct the proposed land survey and marine mammals present in the area would not be incidentally harassed. This alternative would eliminate any potential risk to the environment from the proposed research activities, and the applicant would not receive an exemption from the MMPA and ESA prohibitions against take.

Under Alternative 2, the proposed land survey has no unmitigable adverse impact to subsistence uses, as there are no permitted subsistence uses of marine mammals in the region.

4.3 COMPLIANCE WITH NECESSARY LAWS – NECESSARY FEDERAL PERMITS

NMFS determined that the issuance of an Authorization is consistent with the applicable requirements of the MMPA and ESA. Please refer to section 1.4 of this EA for more information.

4.4 UNAVOIDABLE ADVERSE IMPACTS

BLM’s application, our *Federal Register* notice of a proposed Authorization, and other environmental analyses identified previously summarize unavoidable adverse impacts to marine mammals or the populations to which they belong or on their habitats, as well as subsistence uses of marine mammals, occurring in the land survey area. We incorporate those documents by reference.

We acknowledge that the incidental take Authorization would potentially result in unavoidable adverse impacts. However, we do not expect that BLM's proposed land survey activities would have adverse consequences on the viability of marine mammals on Tanginak Island. We do not expect the marine mammal populations in that area to experience reductions in reproduction, numbers, or distribution that might appreciably reduce their likelihood of surviving and recovering in the wild. We expect that the numbers of individuals of all species taken by harassment would be small (relative to species or stock abundance), that the proposed land survey and the take resulting from the land survey activities would have a negligible impact on the affected species or stocks of marine mammals, and that there would not be any relevant subsistence impacts.

4.5 CUMULATIVE EFFECTS

NEPA defines cumulative effects as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions” (40 CFR §1508.7). Cumulative impacts can result from individually minor but collectively significant actions that take place over a period of time.

Past, present, and foreseeable impacts to marine mammal populations typically includes marine pollution, climate change affecting the prey base and habitat quality as a result of global warming; vessel traffic and vessel strikes; marine mammal watching; fishing gear entanglement; exposure to biotoxins and the resulting bioburden; acoustic masking from anthropogenic noise; and killer whale predation. These activities account for cumulative impacts to regional and worldwide populations of marine mammals, many of whom are a small fraction of their former abundance. However, quantifying the biological costs for marine mammals within an ecological framework is a critical missing link to our assessment of cumulative impacts in the marine environment and assessing cumulative effects on marine mammals (Clark et al., 2009).

This EA's cumulative effects analysis focuses on the human-related activities affecting Steller sea lions on Tanginak Island

4.5.1 CLIMATE CHANGE

Over the past 50 years, temperatures across Alaska increased by an average of 3.4°F. Winter warming was even greater, rising by an average of 6.3°F (Karl et al., 2009). The rate of warming in Alaska was twice the national average over that same period of time. Average annual temperatures in Alaska are projected to increase an additional 3.5 to 7°F by the middle of this century (Karl, et al., 2009). Precipitation in Alaska has also increased slightly, but the trend is not significant. Climate projections indicate that Alaskan winters are likely to be wetter, and that summers could become drier, as rising air temperatures accelerate the rate of evaporation (ACI, 2004; Karl, et al., 2009).

We recognize that warming of this region could affect the prey base and habitat quality for marine mammals, however, the precise effects of climate change on the action area cannot be predicted at this time because the coastal marine ecosystem is highly variable in its spatial and temporal scales. Nonetheless, we expect that the conduct of BLM's proposed land survey and the issuance of an Authorization to BLM would not result in any noticeable contributions to climate change. Nonetheless, we expect that the issuance of an Authorization to BLM to conduct the proposed land survey activities would not result in any noticeable contributions to climate change.

4.5.2 SURVEYS, RESEARCH, OR MONITORING ACTIVITIES

NMFS has issued incidental take authorizations for similar survey activities and other monitoring and research activities in the past that may have resulted in the harassment of marine mammals within Alaska. These survey, monitoring and research activities—dispersed both geographically and temporally—are short-term in nature; and use mitigation and monitoring measures to minimize impacts to marine mammals.. While other survey, monitoring, and research projects in the Gulf of Alaska may result in harassment to marine mammals, we do not expect that the impacts would be cumulatively significant. Any future Authorizations would have to undergo the same permitting process and would take BLM’s proposed land survey activities into consideration when addressing cumulative effects.

4.5.3 SUMMARY OF CUMULATIVE EFFECTS

Climate change and other authorized surveys, research and monitoring activities continue to result in some level of impact to Steller sea lion populations in the wider Gulf of Alaska region. Nonetheless, the proposed land survey activities would add another, albeit temporary activity to the human environment limited to small, remote, and limited-access area on the island. Therefore, NMFS determined that BLM’s proposed land survey activities and the proposed Authorization would not have a significant cumulative effect on the human environment, provided that BLM implements the required mitigation and monitoring measures described in Section 2.3.1.

CHAPTER 5 – LIST OF PREPARERS AND AGENCIES CONSULTED

Agencies Consulted:

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**FINDING OF NO SIGNIFICANT IMPACT
FOR THE PROPOSED ISSUANCE OF AN INCIDENTAL HARASSMENT AUTHORIZATION
TO THE BUREAU OF LAND MANAGEMENT
TO TAKE MARINE MAMMALS BY HARASSMENT INCIDENTAL
TO LAND SURVEY ACTIVITIES WITHIN THE EASTERN ALEUTIAN ISLANDS ARCHIPELAGO,
ALASKA, JUNE – JULY, 2015
NATIONAL MARINE FISHERIES SERVICE**

BACKGROUND

We (National Marine Fisheries Service, Office of Protected Resources, Permits and Conservation Division) propose to issue an Incidental Harassment Authorization (Authorization) to the Bureau of Land Management (BLM) under the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1631 *et seq.*) for the incidental taking of small numbers of marine mammals, incidental to the conduct of land survey activities on Tanginak Island, June through July, 2015.

Under the MMPA, NMFS, shall grant authorization for the incidental taking of small numbers of marine mammals if we find that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). The Authorization must prescribe, where applicable, the permissible methods of taking; other means of effecting the least practicable impact on the species or stock and its habitat; and requirements pertaining to the mitigation, monitoring and reporting of such taking.

Our proposed action is a direct outcome of the BLM requesting an authorization to take marine mammals, by harassment, incidental to conducting land survey activities on Tanginak Island, AK. The BLM's proposed land survey activities, which have the potential to behaviorally disturb marine mammals, warrant an incidental take authorization from us under section 101(a)(5)(D) of the MMPA.

In accordance with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), we completed an Environmental Assessment (EA) titled, *Proposed Issuance of an Incidental Harassment Authorization to the Bureau of Land Management to Take Marine Mammals by Harassment Incidental to Land Survey Activities within the Eastern Aleutian Islands Archipelago, Alaska, June – July, 2015*.

We have prepared this Finding of No Significant Impact (FONSI) to evaluate the significance of the impacts of our selected alternative—Alternative 1 (Preferred Alternative) titled, “Issuance of an Authorization with Mitigation Measures,” and our conclusions regarding the impacts related to our proposed action. Based on our review of the BLM's proposed land survey activities and the measures contained within Alternative 1, we have determined that no direct, indirect, or cumulatively significant impacts to the human environment would occur from implementing the Preferred Alternative.

ANALYSIS

NAO 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the CEQ regulations at 40 CFR §1508.27 state that the significance of an action should be analyzed both in terms of “context” and “intensity.” Each criterion listed below this section is relevant to making a finding of no significant impact. We have considered each criterion individually, as well as in combination with the others. We analyzed the significance of this action based on the NAO 216-6 criteria and CEQ’s context and intensity criteria. These include:

1) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in Fishery Management Plans (FMP)?

Response: We do not expect our proposed action of issuing an Authorization for the take of marine mammals incidental to the conduct of the proposed land survey activities would cause substantial damage to the ocean and coastal habitats and/or essential fish habitat because the proposed activities would occur on land. The mitigation and monitoring measures required by the Authorization for BLM’s proposed land survey activities would only affect marine mammals, specifically, Steller sea lions (*Eumetopias jubatus*) and do not apply to ocean and coastal habitats or to piscine life stages (e.g., eggs, larvae, early juveniles, late juveniles, and adults) as identified in the Bering Sea Aleutian Islands Fishery Management Plan.

2) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

Response: We do not expect our proposed action of issuing an Authorization for the take of marine mammals incidental to the conduct of land survey activities to have a substantial impact on biodiversity or ecosystem function within the affected environment. The proposed land survey activities may temporarily disturb pinnipeds hauled out on the perimeter of the survey area, but the effects would be short-term and localized.

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

Response: The proposed land survey activities would occur on the unpopulated Tanginak Island. We do not expect our proposed action (i.e., issuing an Authorization to the BLM) to have a substantial adverse impact on public health or safety because the taking, by harassment, of marine mammals does not involve the public and the proposed land survey activities will take place on unpopulated Tanginak Island.

4) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

Response: We have determined that our proposed issuance of an Authorization would likely result in limited adverse effects to the western Distinct Population Segment of Steller sea lions (*Eumetopias jubatus*) only.

Under the ESA, NMFS has designated critical habitat for Steller sea lions based on the location of terrestrial rookery and haulout sites, spatial extent of foraging trips, and availability of prey items (50 CFR 226.202). BLM's proposed land survey activities fall within an area designated as a major haulout for Steller sea lions. However, our proposed action and the BLM's proposed activities would not adversely affect critical habitat as determined by a Biological Opinion on the proposed action and BLM's proposed land survey activities issued in June, 2015.

The EA evaluates the affected environment and potential effects of BLM's proposed land survey activities, indicating that only the presence and approach of the personnel during the proposed land survey activities have the potential to affect one species of marine mammal in a way that requires authorization under the MMPA.

The proposed land survey activities and the required mitigation measures would not significantly affect physical habitat features, such as substrates and water quality.

The impacts of the proposed land survey activities on marine mammals are specifically related to acoustic and visual stimuli. To reduce the potential for disturbance from the proposed land survey activities BLM would implement several monitoring and mitigation measures for marine mammals, which are outlined in the EA. Taking these measures into consideration, we expect that the responses of marine mammals from the Preferred Alternative would be limited to temporary displacement from the area and/or short-term behavioral changes, falling within the MMPA definition of "Level B harassment." We do not anticipate that take by injury (Level A harassment), serious injury, or mortality would occur, nor have we authorized take by injury, serious injury, or mortality. We expect that harassment takes would be at the lowest level practicable due to the incorporation of the proposed mitigation measures.

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

Response: We expect that the primary impacts to the natural and physical environment would be temporary in nature and not interrelated with significant social or economic impacts. Issuance of an Authorization would not result in inequitable distributions of environmental burdens or access to environmental goods as the action is confined to federal personnel and contractors.

We have determined that issuance of the Authorization would not adversely affect low-income or a minority population, as our action only affects marine mammals. Further, there would be no impact of the activity on the availability of the species or stocks of marine mammals for subsistence uses, as there are no such uses of marine mammals in the proposed action area. Therefore, we expect that no significant social or economic effects would result from our proposed issuance of an Authorization or the BLM's proposed land survey activities.

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

Response: The effects of our proposed issuance of an Authorization for the take of marine mammals incidental to land survey activities are not highly controversial. There is not a substantial dispute about the size, nature, or effect of our proposed action and the scope of this proposed action is no different than previously authorized survey or research activities in other areas.

For several years, we have assessed and authorized incidental take for similar survey and research activities and have developed relatively standard mitigation and monitoring measures, all of which have been vetted during past public comment periods. We are unaware of any party characterizing the BLM's proposed activities as controversial and there is no substantial dispute over effects to marine mammals.

We fully considered all of the public comments in preparing the final EA and Authorization. Although one member of the public raised concern over the effects of the land survey, we have determined, based on the best available information, the limited duration of the project, and the low-level effects to marine mammals, that our proposed Authorization would not result in significant impacts to the human environment. The Marine Mammal Commission which provides comments on all proposed incidental take authorizations as part of their established role under the MMPA (§ 202 (a)(2)) concurred with these findings and recommended that we issue the Authorization to the BLM subject to inclusion of the proposed mitigation and monitoring measures.

Previous projects of this type required marine mammal monitoring and reporting, which have been reviewed by us to ensure that activities have a negligible impact on marine mammals. In no case have impacts to marine mammals, as determined from monitoring reports, exceeded our analyses under the MMPA and NEPA.

7) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?

Response: The issuance of an Authorization for the take of marine mammals incidental to the proposed land survey activities would not result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas.

The proposed survey area is not located within a National Park or other type of conservation areas. The proposed activity—which uses one vessel and a small skiff to slowly approach the island— would minimally add to limited vessel/pedestrian traffic to the region and would not result in substantial damage to historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas.

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

Response: The potential risks of BLM's proposed land survey activities are neither unique nor unknown nor is there significant uncertainty about impacts. We have issued incidental take authorizations for similar activities or activities with similar types of marine mammal harassment in the Pacific Ocean and conducted NEPA analysis on those projects. In no case have impacts to marine mammals from these past activities, as determined from monitoring reports, exceeded our analysis under the MMPA and NEPA. Therefore, we expect any potential effects from the proposed issuance of our Authorization to be similar to prior activities and are not likely to be highly uncertain or involve unique or unknown risks.

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

Response: The EA and the documents it references analyzed the proposed issuance of an Authorization for the take of marine mammals incidental to the conduct of proposed land survey activities and the impacts of the proposed survey activities in light of other human activities within the study area.

We expect the following combination to result in no more than minor and short-term impacts to marine mammals in the area in terms of overall disturbance effects: (a) our proposed issuance of an Authorization with prescribed mitigation and monitoring measures; (b) past, present, and reasonably foreseeable activities within the action area; and (c) climate change.

The proposed activities of the BLM conducting the land survey activities and our proposed action of issuing an Authorization to the BLM for the incidental take (Level B behavioral harassment) of a small number of Steller sea lions are interrelated. The proposed land survey activities conducted under the requirements of the proposed Authorization authorizing Level B harassment of marine mammals is not expected to result in cumulatively significant impacts when considered in relation to other separate actions with individually insignificant effects.

We are unaware of any synergistic impacts to marine resources associated with reasonably foreseeable future actions that may be planned or occur within the same region of influence as the proposed survey. We have issued incidental take authorizations for similar types of surveying and monitoring activities that may have resulted in the harassment of marine mammals. These research activities are dispersed both geographically (throughout the world) and temporally; are short-term in nature; and use mitigation and monitoring measures to minimize impacts to marine mammals.

The proposed issuance of an Authorization to BLM is not related to other actions with individually insignificant, but cumulatively significant impacts. While other research projects in Alaska may result in harassment to marine mammals, we do not expect that the impacts would be cumulatively significant. Any future incidental take authorizations would have to undergo the same permitting process and would take the BLM's proposed land survey activities into consideration when addressing cumulative effects.

The Cumulative Effects section of the EA and the material incorporated by reference provide more detail regarding other past, present, and reasonably foreseeable future actions, but concludes that the impacts of the BLM's proposed land survey activities are expected to be no more than minor and short-term with no potential to contribute to cumulatively significant impacts.

10) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

Response: We have determined that our proposed action is not an undertaking with the potential to affect historic resources because our proposed action is limited to the issuance of an Authorization to harass marine mammals consistent with the MMPA definition of Level B harassment. There are no districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places within the activity area. Our proposed action would not cause loss or destruction of significant scientific, cultural or historical resources.

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

Response: Our proposed action is the issuance of an Authorization to the BLM which does not have the potential to introduce or spread non-indigenous species because it will not require or encourage BLM personnel or their contractors to conduct long-range vessel transit that could result in the introduction or spread of invasive species. In addition, BLM's proposed land survey activities would not result in discharges of any pollutants or non-indigenous species or into ocean waters in the marine environment. The operation of the vessel or skiff would only result in discharges incidental to normal operations of a small marine vessel.

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

Response: Our proposed action of issuing an Authorization for the take of marine mammals incidental to the conduct of BLM's proposed land survey activities would not set a precedent for future actions with significant effects or represent a decision in principle. Each MMPA authorization applied for under section 101(a)(5) must contain information identified in our implementing regulations. We consider each activity specified in an application separately and, if we issue an Authorization, we must determine that the impacts from the specified activity would result in a negligible impact to the affected species or stocks. Our proposed issuance of an Authorization may inform the environmental review for future projects, but would not establish a precedent or represent a decision in principle about a future consideration.

13) Can the proposed action reasonably be expected to threaten a violation of any Federal, State, or local law or requirements imposed for the protection of the environment?

Response: The proposed issuance of an Authorization would not result in any violation of federal, state, or local laws for environmental protection. The applicant is required to obtain any additional federal, state, and local permits necessary to carry out the proposed activities.

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

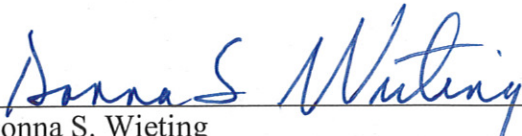
Response: The proposed action would not result in any significant cumulative adverse effects on target or non-target species incidentally taken by harassment due to the proposed land survey activities. We have determined that marine mammals may exhibit behavioral changes such as avoidance of or changes in movement within the action area. However, we do not expect the proposed activities to result in significant cumulative adverse effects on the affected species or stocks.

We have issued incidental take authorizations for other conduct of survey and monitoring (to other agencies) that may have resulted in the harassment of marine mammals, but they are dispersed both geographically (throughout the world) and temporally, are short-term in nature, and all use mitigation and monitoring measures to minimize impacts to marine mammals. Because of the project's relatively short timeline (1 day), the proposed land survey activities would not result in synergistic or cumulative adverse effects that could have a substantial effect on any species.

DETERMINATION

In view of the information presented in this document, the analysis contained in the supporting EA titled, *Proposed Issuance of an Incidental Harassment Authorization to the Bureau of Land Management to Take Marine Mammals by Harassment Incidental to Land Survey Activities within the Eastern Aleutian Islands Archipelago, Alaska, June – July, 2015*, we have determined that issuance of an Authorization to BLM in accordance with the Preferred Alternative would not significantly impact the quality of the human environment..

In addition, we have addressed all beneficial and adverse impacts of the action to reach the conclusion of no significant impacts. Accordingly, the preparation of an Environmental Impact Statement for this action is not necessary.



Donna S. Wieting
Director, Office of Protected Resources,
National Marine Fisheries Service

JUN 01 2015

Date