

**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?

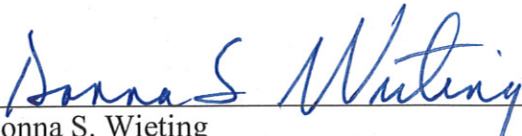
Response: The proposed action would not result in any significant cumulative adverse effects on target or non-target species incidentally taken by harassment due to the proposed land survey activities. We have determined that marine mammals may exhibit behavioral changes such as avoidance of or changes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