



To All Interested Government Agencies and Public Groups:

Under the National Environmental Policy Act (NEPA), an environmental review has been performed on the following action.

TITLE: Marine Seismic Survey in the Eastern Mediterranean Sea, November - December, 2015.

LOCATION: The Eastern Mediterranean Sea

SUMMARY: We, the National Marine Fisheries Service, propose to issue an Incidental Harassment Authorization (Authorization) to the Lamont-Doherty Earth Observatory for the taking, by harassment, of small numbers of marine mammals, incidental to conducting a marine geophysical (seismic) survey in the Eastern Mediterranean Sea, November - December 2015.

We prepared an Environmental Assessment (EA) titled, *Proposed Issuance of an Incidental Harassment Authorization to Lamont Doherty Earth Observatory to Take Marine Mammals by Harassment Incidental to a Marine Geophysical Survey in the Eastern Mediterranean Sea, November - December 2015*, and prepared an independent Finding of No Significant Impact (FONSI). NMFS determined that the impact of conducting the seismic survey may result, at worst, in a temporary modification in behavior of small numbers of several species of marine mammals. Based on its review of the record, including the EA and FONSI, NMFS determined that issuance of the Authorization will not result in any significant direct, indirect, or cumulative impact to any element of the human environment. NMFS does not anticipate that take by serious injury or mortality would occur. We have further determined that this activity will result in a negligible impact on the affected species or stocks.

**RESPONSIBLE
OFFICIAL:**

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
PROGRAM PLANNING AND INTEGRATION
Silver Spring, Maryland 20910

All beneficial and adverse impacts of the action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an Environmental Impact Statement for this action is not necessary. We enclose for your information a copy of the FONSI prepared by us and supporting documentation.

Although NOAA is not soliciting comments on this FONSI, we will consider any comments submitted that would assist us in preparing future NEPA documents.

Please submit any written comments to the responsible official named above.

Sincerely,

TRONVIG.KRISTEN.A.13658860

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Kristen A. Tronvig
Acting NOAA NEPA Coordinator

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Enclosure



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PROPOSED ACTION: Proposed Issuance of an Incidental Harassment Authorization to Lamont-Doherty Earth Observatory to Take Marine Mammals by Harassment Incidental to a Marine Geophysical Survey in the Eastern Mediterranean Sea, November – December 2015.

TYPE OF STATEMENT: Environmental Assessment

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

RESPONSIBLE OFFICIAL: Donna S. Wieting, Director
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National Marine Fisheries Service

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LOCATION: The Eastern Mediterranean Sea

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 Lamont-Doherty Earth Observatory, for the taking, by harassment, of marine mammals, incidental to a marine geophysical survey in Eastern Mediterranean Sea, November – December 2015.

DATE: October 2015

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LIST OF ABBREVIATIONS OR ACRONYMS

Authorization	Incidental Harassment Authorization
CFR	Code of Federal Regulations
Commission	Marine Mammal Commission
dB	decibel
EA	Environmental Assessment
EEZ	Economic Exclusion Zone
EIS	Environmental Impact Statement
E.O.	Executive Order
ESA	Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>)
EZ	exclusion zone
FONSI	Finding of No Significant Impact
FR	<i>Federal Register</i>
ft	feet
Hz	hertz
IHA	Incidental Harassment Authorization
ITA	Incidental Take Authorization
ITS	Incidental Take Statement
kHz	kilohertz
km	kilometer
km ²	square kilometer
m	meter
mi	mile
mi ²	square 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
NSF	National Science Foundation
OBS	ocean bottom seismometer
OMB	Office of Management and Budget
Opinion	Biological Opinion

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.

Lamont-Doherty Earth Observatory of Columbia University (Lamont-Doherty) has requested an Incidental Harassment Authorization (Authorization) to take marine mammals, by harassment incidental to conducting a marine geophysical (seismic) survey in eastern Mediterranean Sea. In response to Lamont-Doherty’s request, NMFS proposes to issue an Incidental Harassment Authorization (Authorization) to Lamont-Doherty under Section 101(a)(5)(D) of the MMPA, which would allow Lamont-Doherty to take marine mammals, incidental to the conduct of a marine geophysical (seismic) survey within the Exclusive Economic Zone (EEZ) of Greece, November through December 2015. NMFS does not have the authority to permit, authorize, or prohibit Lamont-Doherty’s research seismic activities under Section 101(a)(5)(D) of the MMPA, as that authority lies with the National Science Foundation (NSF).

NMFS’ proposed issuance of an Authorization to Lamont-Doherty 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. NMFS is required to analyze the effects of our proposed action on the human environment.

This Environmental Assessment (EA) 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 Lamont-Doherty for take, by harassment, of marine mammals during the seismic survey, taking into account the prescribed means of take, mitigation measures, and monitoring requirements;
- Do not issue the proposed Authorization to Lamont-Doherty, in which case, the proposed survey activities would not proceed;²

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 LAMONT-DOHERTY'S MMPA APPLICATION

Lamont-Doherty proposes to use the R/V *Marcus G. Langseth* (*Langseth*). The purpose of the survey is to collect and analyze seismic refraction data on and around the island of Santorini (Thira) to examine the crustal magma plumbing of the Santorini volcanic system. Lamont-Doherty's application (LGL, 2015) (incorporated by reference here, see page 2) for more detailed information on the proposed research objectives.

NSF, which owns and operates the *Langseth* under a cooperative agreement with Lamont-Doherty, supports basic scientific research in the mathematical, physical, medical, biological, social, and other sciences pursuant to the National Science Foundation Act of 1950, as amended (NSF Act; 42 U.S.C. 1861-75). NSF considers proposals submitted by organizations and makes contracts and/or other arrangements (*i.e.*, grants, loans, and other forms of assistance) to support research activities. An NSF-expert panel recommended a research proposal titled, *Collaborative research: Crustal magma plumbing of the Santorini volcanic system* ([NSF Award #1459794](#)) for funding and ship time on the *Langseth*. As the federal action agency for this award, NSF has funded the proposed seismic survey in the Mediterranean Sea, as a part of the NSF Act of 1950.

Acoustic stimuli generated by the seismic airgun array have the potential to cause disturbances to marine mammals in the proposed project area. We describe the NSF-supported seismic survey in more detail in section 2.2.

1.1.2 MARINE MAMMALS IN THE ACTION AREA

There are 22 marine mammal species with confirmed or potential occurrence in the proposed action area, Tables 1(a), 1(b), and 1(c) in this section. These species would most likely be harassed incidental to Lamont-Doherty conducting the seismic survey (See Table 6, Section 3.2.1 Affected Environment, Marine Mammals).

Table 1(a) – Mysticetes with possible/confirmed occurrence in the proposed activity area.

Mysticetes		
1	Gray whale (Eastern N. Pacific)	<i>Eschrichtius robustus</i>
2	Humpback whale*	<i>Megaptera novaeangliae</i>
3	Common minke whale	<i>Balaenoptera acutorostrata</i>
4	Sei whale*	<i>Balaenoptera borealis</i>
5	Fin whale*	<i>Balaenoptera physalus</i>

Table 1(b) – Odontocetes with possible/confirmed occurrence in the proposed activity area.

Odontocetes		
1	Sperm whale*	<i>Physeter macrocephalus</i>
2	Dwarf sperm whale	<i>Kogia sima</i>
3	Pygmy sperm whale	<i>K. breviceps</i>
4	Blainville's beaked whale	<i>Mesoplodon densirostris</i>
5	Cuvier's beaked whale	<i>Ziphius cavirostris</i>
6	Gervais' beaked whale	<i>M. europaeus</i>
7	Sowerby's beaked whale	<i>M. bidens</i>
8	Bottlenose dolphin	<i>Tursiops truncatus</i>
9	Rough-toothed dolphin	<i>Steno bredanensis</i>
10	Striped dolphin	<i>Stenella coeruleoalba</i>
11	Short-beaked common dolphin	<i>Delphinus delphis</i>
12	Risso's dolphin	<i>Grampus griseus</i>

13	False killer whale	<i>Pseudorca crassidens</i>
14	Long-finned pilot whale	<i>Globicephala melas</i>
15	Harbor porpoise	<i>Phocoena phocoena</i>

Table 1(c) – Pinnipeds with possible/confirmed occurrence in the proposed activity area.

Pinnipeds		
1	Hooded seal	<i>Cystophora cristata</i>
2	Mediterranean monk seal*	<i>Monachus monachus</i>

* Listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

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 Lamont-Doherty’s proposed seismic survey. The Authorization would exempt Lamont-Doherty 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: On August 25, 2015, Lamont-Doherty 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 harassment incidental to the activities described in Lamont-Doherty's application (LGL, 2015) and NSF's Draft Environmental Analysis titled, *Draft Environmental Analysis of a Marine Geophysical Survey by the R/V Marcus G. Langseth in the Eastern Mediterranean Sea, November–December 2015* (NSF, 2015). NMFS' responsibilities under section 101(a)(5)(D) of the MMPA and its implementing regulations establish and frame the need for this proposed action.

Any alternatives considered under NEPA must meet the agency's statutory and regulatory requirements. NMFS' described purpose and need guide us in developing reasonable alternatives for consideration, including alternative means of mitigating potential adverse effects.

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 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 Lamont-Doherty's seismic 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 four 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 seismic survey program, 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 Lamont-Doherty's proposed action 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 53623, September 4, 2015](#));
- [Request by Lamont-Doherty Earth Observatory for an Incidental Harassment Authorization to Allow the Incidental Take of Marine Mammals during a Marine Geophysical Survey by the R/V Marcus G. Langseth in the Eastern Mediterranean Sea, November–December 2015](#) (LGL, 2015).

- [Draft Environmental Analysis of a Marine Geophysical Survey by the R/V Marcus G. Langseth in the Eastern Mediterranean Sea, November–December 2015](#) (NSF, 2015)
- [Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement for Marine Seismic Research Funded by the National Science Foundation or Conducted by the U.S. Geological Survey](#) (NSF/USGS, 2011); and
- [Record of Decision for Marine Seismic Research Funded by the National Science Foundation. June, 2012](#) (NSF, 2012).

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 during the corresponding NEPA review process.

On September 4, 2015, NMFS published a notice of a proposed Authorization in the *Federal Register* ([80 FR 53623, September 4, 2015](#)) which included the following:

- A detailed description of the proposed action 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 section 101(a)(5)(D) of the MMPA.

NMFS considered Lamont-Doherty’s proposed seismic survey and associated mitigation and monitoring measures and preliminarily determined that the proposed seismic survey in the eastern Mediterranean Sea, 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 A and 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. This EA does not further evaluate effects to the elements of the human environment listed in Table 3 because previous environmental reviews for Lamont-Doherty’s seismic survey, incorporated by reference (NSF, 2015; NSF/USGS, 2011), have evaluated the effects of these activities on other elements of the human environment.

NSF's draft environmental analysis (NSF, 2015) which tiers their *Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement for Marine Seismic Research Funded by the National Science Foundation or Conducted by the U.S. Geological Survey* (hereafter referred as the PEIS, NSF/USGS, 2011); and Record of Decision (NSF, 2012) concluded that the impact of the action:

- would have minor and transitory effects on the marine environment or marine resources;
- would not significantly impact marine invertebrate populations, recreational and commercial fisheries, seabirds, and associated Essential Fish Habitat;
- would not significantly impact archaeological and traditional cultural resources; and
- would not significantly impact recreational dive sites and shipwrecks.

Table 3 – 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	

In addition, previous environmental reviews for similar Authorizations for seismic survey activities, incorporated by reference, have shown that NMFS' action would not affect those components of the human environment listed in Table 3. They include:

- *Environmental Assessment for the Issuance of an Incidental Harassment Authorization to Lamont-Doherty Earth Observatory to Take Marine Mammals by Harassment Incidental to a Marine Geophysical Survey in the Atlantic Ocean, April - June, 2013* (NMFS, 2013a);
- *Environmental Assessment: Issuance of an Incidental Harassment Authorization to Lamont-Doherty Earth Observatory to Take Marine Mammals by Harassment Incidental to a Marine Geophysical Survey in the Northeast Atlantic Ocean, June to July 2013* (NMFS, 2013b);
- *Environmental Assessment on the Issuance of an Incidental Harassment Authorization to Lamont Doherty Earth Observatory to Take Marine Mammals by Harassment Incidental to a Marine Geophysical Survey in the Northwest Atlantic Ocean, June – August, 2014* (NMFS, 2014); and
- *Environmental Assessment on the Proposed Issuance of an Incidental Harassment Authorization to Lamont-Doherty Earth Observatory to Take Marine Mammals by*

Harassment Incidental to a Marine Geophysical Survey in the Northwest Atlantic Ocean, June – August, 2015 (NMFS, 2015).

In each case, NMFS concluded that the proposed issuance of an Authorization for each seismic survey 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 Lamont-Doherty's MMPA application and in the *Federal Register* notice of the proposed Authorization ([80 FR 53623, September 4, 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, 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 NMFS' proposed action and any potential impacts to marine mammals and their habitat, and included a statement that we would evaluate NSF's draft environmental analysis (NSF, 2015) and determine whether or not to adopt it or prepare a separate NEPA analysis and incorporate relevant portions of NSF's draft amended EA by reference. 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 September 4, 2015, and ended on October 4, 2015. The NSF will finalize environmental analyses at the conclusion of environmental reviews conducted under various statutes, including the MMPA and ESA.

We posted Lamont-Doherty's application (LGL, 2015) and NSF's draft environmental analysis (NSF, 2015) 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 comment letters from the following:

Table 4a – U.S. Federal agencies who submitted comments on our proposed action.

U.S. Federal Agencies	
U.S. Marine Mammal Commission	

Table 4b – Greek organizations and private citizens who submitted comments on our proposed action.

Greek Organizations and Citizens in Support of the Proposed Action	
Professor Efthimios Lekkas, University of Athens	Geological Society of Greece
Earthquake Planning and Protection Organization	European Center on Prevention and Forecasting of Earthquakes
Anastasios Nikolaos Zorzos, Mayor of Santorini	

Table 4c – Organizations who submitted comments on our proposed action.

Other Organizations	
Marcus Langseth Science Oversight Committee	OceanCare
Natural Resources Defense Council	Oceanomare Delphis Onlus
Whale and Dolphin Conservation	

The substantive public comments related to the potential environmental impacts associated with NMFS' action of issuing an Authorization for Lamont-Doherty's action include:

- Encouraging NMFS to approve the Authorization due to significant support from the scientific community and other members of the Greek public to conduct the survey to enable government officials to make informed policies for its citizens' protection from earthquake or tsunami hazards;
- Considering the ACCOBAMS (Agreement on the Conservation of Cetaceans in the Black Sea Mediterranean Sea and Contiguous Atlantic Area) international guidelines on the protection of marine mammals;
- Addressing the proposed action's effects on two proposed Ecologically or Biologically Significant Areas (EBSAs) under the Convention on Biological Diversity (CBD);
- Evaluating the cumulative actions and effects from past and present sources with respect to ACCOBAMS Resolution 4.17; and
- Requiring the use of alternate technologies.

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 submitted the following recommendations:

- Require Lamont-Doherty to take in-situ measurements at the survey location to verify, refine, and if needed, recalculate exclusion zone estimates;
- Consult with the NSF and Lamont-Doherty to develop, validate, and implement a monitoring program that provides a scientifically sound, reasonably accurate assessment of the types of marine mammal takes and the actual numbers of marine mammals taken.

NMFS fully considered all of the public comments, including any pertinent and substantive information, as part of our MMPA and NEPA decision-making process and crafted our final Authorization and this EA accordingly. We have also provided responses to the public comments in the *Federal Register* notice announcing our issuance of the Authorization.

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 are five marine mammal species listed as endangered under the ESA with confirmed or possible occurrence in the proposed project area: fin, humpback, sei, and sperm whales and Mediterranean monk seals.

Under section 7 of the ESA, the NSF, the lead Federal agency which owns and operates the *Langseth*, initiated formal consultation on their action with the National Marine Fisheries Service, Office of Protected Resources, Endangered Species Act Interagency Cooperation Division. The NSF requested authorization for the incidental take of five species of marine mammals listed as endangered under the ESA under NMFS’ jurisdiction: fin, humpback, sei, and sperm whales and Mediterranean monk seals.

NMFS’ proposed issuance of an Authorization is also a federal action also subject to the section 7 ESA consultation requirements. For the proposed survey, NMFS requested authorization for same species of marine mammals listed as endangered under the ESA under NMFS’ jurisdiction. There is no designated critical habitat for any of the ESA-listed species within the action area; thus, our proposed Authorization would not affect any of these species’ critical habitats.

An October 2015 Biological Opinion issued under the ESA concluded that Lamont-Doherty’s project was not likely to jeopardize the continued existence of any listed species and would not affect critical habitat.

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.

1.4.3 E.O. 12114: ENVIRONMENTAL EFFECTS ABROAD OF MAJOR FEDERAL ACTIONS.

The requirements for Executive Order (E.O.) 12114 are discussed in Lamont-Doherty’s application (LGL, 2015) and NSF’s draft environmental analysis (NSF, 2015). We have incorporated both documents by reference in this EA.

Briefly, the provisions of E.O. 12114 apply to major federal actions that occur or have effects outside of U.S. territories (the United States, its territories, and possessions). Accordingly, NSF

prepares environmental analyses for major federal actions which could have environmental impacts anywhere beyond the territorial jurisdiction of the United States. NOAA, as a matter of policy, prepares NEPA analyses for proposed major federal actions occurring within its territorial waters, the U.S. EEZ, the high seas, and the EEZs of foreign nations up to the nation's territorial sea.

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 preferred action. It must also consider the no action alternative, even if it does not meet the stated purpose and need, so as to provide a baseline analysis against which we can compare the action alternative.

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 (see Chapter 1), which serves as the alternative's only screening criterion. We evaluated each potential alternative against this criterion. Based on this evaluation, we have identified one action alternative as reasonable and, along with the No Action Alternative have carried two alternatives forward for evaluation in this EA.³

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

We did not carry forward alternatives that we considered not reasonable for detailed evaluation in this EA. Section 2.4 presents alternatives considered but eliminated from further review. The action alternative includes a suite of mitigation measures intended to minimize potentially adverse interactions with 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 LAMONT-DOHERTY'S PROPOSED ACTIVITIES

We presented a general overview of Lamont-Doherty's proposed seismic survey operations in our *Federal Register* notice of the proposed Authorization ([80 FR 53623, September 4, 2015](#)). Also, Lamont-Doherty's application (LGL, 2015) and NSF's draft environmental analysis (NSF, 2015), 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

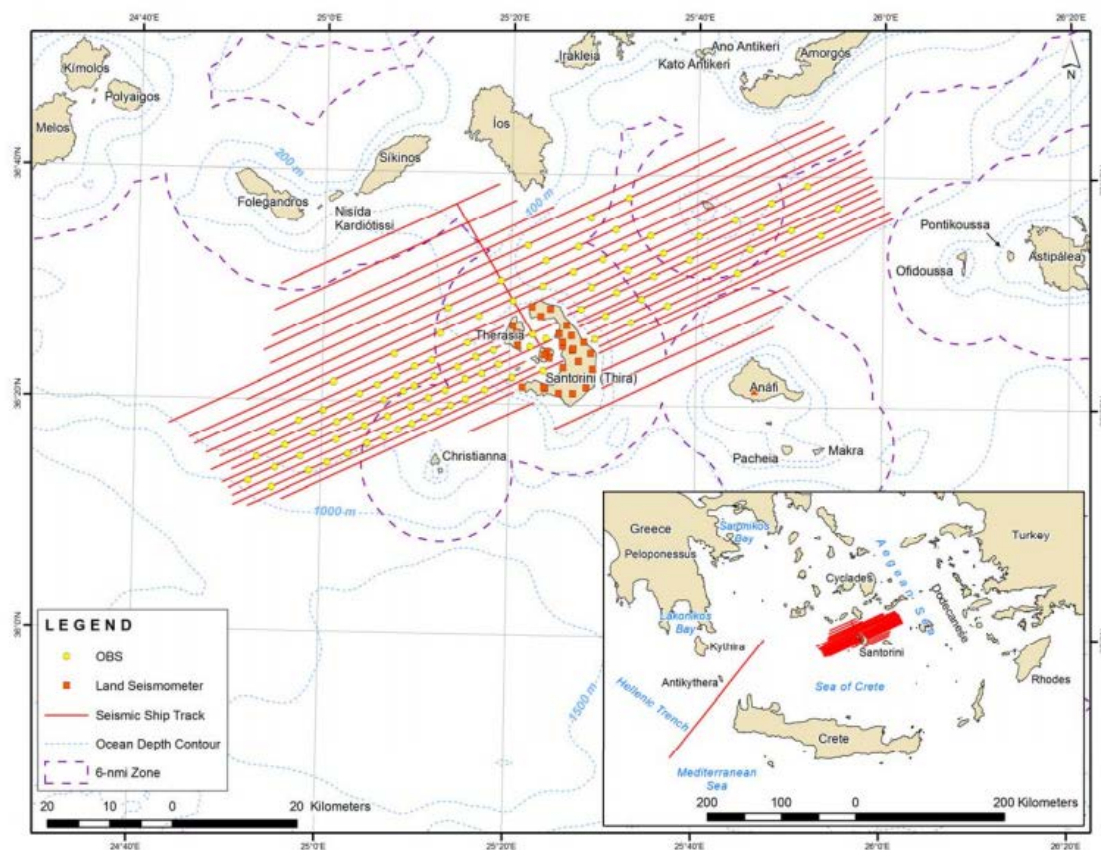
Lamont-Doherty proposes to conduct the seismic survey for approximately 30 days which includes approximately 16 days of seismic surveying, 11 days for OBS deployment/retrieval, and 1 day of hydrophone streamer deployment. The proposed study (*e.g.*, equipment testing, startup, line changes, repeat coverage of any areas, and equipment recovery) would include approximately 384 hours of airgun operations (*i.e.*, 16 days over 24 hours). Some minor deviation from Lamont-Doherty's requested dates of mid-November through December 2015 is

³ For instances involving federal decisions on proposals for projects, the single action alternative would consider the effects of permitting the proposed activity which would be compared to the "No Action" alternative. In this case, under the No Action Alternative, the proposed activity (*i.e.*, issuing the IHA with mitigation, monitoring, and reporting requirements) would not take place, and the resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity (NEPA; Section 1502.14(d)). Code of Federal Regulations (CFR) 40 CFR Sec. 1508.23 states that if an agency subject to NEPA has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal, the effects can be meaningfully evaluated.

possible, depending on logistics, weather conditions, and the need to repeat some lines if data quality is substandard. Thus, the proposed Authorization, if issued, would be effective from mid-November through December 31, 2015.

Lamont-Doherty proposes to conduct one portion of the proposed seismic survey in the Aegean Sea, located approximately between 36.1–36.8°N and 24.7–26.1°E in the eastern Mediterranean Sea (see Figure 1). Water depths in the Aegean Sea survey area are approximately 20 to 500 meters (m) (66 to 1,640 feet (ft)). Lamont-Doherty would conduct the second portion of the proposed seismic survey over the Hellenic subduction zone which starts in the Aegean Sea at approximately 36.4°N, 23.9°E and runs to the southwest, ending at approximately 34.9°N, 22.6°E. Water depths in that area range from 1,000 to 3,000 m (3,280 to 9,843 ft). Lamont-Doherty would conduct the proposed seismic survey within the EEZ and territorial waters of Greece. Greece's territorial seas extend out to six nautical miles (nmi) (7 miles [mi]; 11 kilometers [km]).

Figure 1 – Proposed location of the seismic survey in the eastern Mediterranean Sea November – December 2015.



2.2.2 SEISMIC SURVEY OPERATIONS

Source Vessel: The *Langseth* is 71.5 m (235 ft) long vessel with a gross tonnage of 3,834 pounds. The vessel's speed during operations would be approximately 4.5 knots (kt) (8.3 km/hour (hr); 5.1 miles per hour (mph)). It has an observation tower that is 21.5 m (71 ft) above sea level providing protected species observers an unobstructed view around the entire vessel.

Transit: The *Langseth* would depart from New York, NY, and transit for approximately three weeks to Greece. The *Langseth* would depart from Piraeus Greece in mid-November 2015 and spend one day in transit to the proposed survey areas. At the conclusion of the survey, the *Langseth* would arrive at Iraklio Crete. Some minor deviation from these dates is possible, depending on logistics and weather.

Transects: The proposed survey would cover a total of approximately 2,140 km (1,330 mi) of transect lines (1,936 km [1,203 mi] of transect lines for the Aegean Sea leg plus approximately 204 km [127 mi] of transect lines for the Hellenic subduction zone leg). For the Aegean Sea leg portion of the proposed survey, the parallel transect lines have a spacing interval that ranges from 1.4 to 4.5 km (0.9 to 2.8 mi). The Hellenic subduction zone leg of the proposed survey is one continuous transect line with no transect line overlap.

Seismic Airguns: During the survey, the *Langseth* would deploy 36 airguns as an energy source with a total volume of 6,600 cubic inches (in³). The airguns are a mixture of Bolt 1500LL and Bolt 1900LLX airguns ranging in size from 40 to 220 in³, with a firing pressure of 1,950 pounds per square inch. The dominant frequency components range from zero to 188 Hertz (Hz). The nominal source levels of the airgun subarrays on the *Langseth* range from 246 to 253 dB re: 1 µPa (peak-to-peak). During the survey, Lamont-Doherty would plan to use the full array with most of the airguns in inactive mode. The *Langseth* would tow the array at a depth of either 9 or 12 m (29.5 or 39.4 ft) resulting in a shot interval range of approximately 35 to 170 seconds (s) (approximately 80 to 390 m; 262 to 1,280 ft) for the Aegean Sea leg and a shot interval of approximately 22 s (50 m; 164 ft) for the Hellenic subduction zone leg of the proposed survey. During acquisition the airguns will emit a brief (approximately 0.1 s) pulse of sound. During the intervening periods of operations, the airguns are silent.

Receiving System: The receiving system would consist of 93 ocean bottom seismometers (OBS) for the Aegean Sea leg of the proposed survey and a single 8-km (5-mi) hydrophone streamer for the Hellenic subduction zone leg of the proposed survey. As the *Langseth* tows the airgun array along the survey lines, the OBSs and hydrophone streamer would receive the returning acoustic signals and transfer the data to the on-board processing system.

The *Langseth* would deploy the OBSs on the sea floor at the beginning of the proposed survey in the Aegean Sea and then recover the instruments at the conclusion of the proposed survey. Each seismometer is approximately 0.9 m (2.9 ft) high with a maximum diameter of 97 centimeters (cm) (3.1 ft). An anchor, made of a rolled steel bar grate which measures approximately 7 by 91 by 91.5 cm (3 by 36 by 36 inches) and weighs 45 kilograms (99 pounds) would anchor the seismometer to the seafloor. At the time for OBS retrieval, an acoustic release transponder interrogates the instrument at a frequency of 8–11 kHz for approximately 8 milliseconds which activates the burn-wire release assembly and releases the OBS from the anchor to float to the surface.

Multibeam Echosounder: The *Langseth* would operate a Kongsberg EM 122 multibeam echosounder concurrently during airgun operations to map characteristics of the ocean floor. The *Langseth* would not operate the multibeam echosounder during transits to and from the survey area, (i.e., when the airguns are not operating). The hull-mounted echosounder emits brief pulses

of sound (also called a ping) (10.5 to 13.0 kilohertz (kHz) in a fan-shaped beam that extends downward and to the sides of the ship. The nominal source level for the multibeam echosounder is 242 dB re: 1 μ Pa.

Sub-bottom Profiler: The *Langseth* would also operate a Knudsen Chirp 3260 sub-bottom profiler concurrently during airgun and echosounder operations to provide information about the sedimentary features and bottom topography. The *Langseth* would not operate the sub-bottom profiler during transits to and from the survey area, (*i.e.*, when the airguns are not operating). The hull-mounted profiler emits a ping with a dominant frequency component at 3.5 kHz. The nominal source level for the profiler is 204 dB re: 1 μ Pa.

Ballast Water Requirements: The proposed seismic research would not result in discharges of any pollutants or non-indigenous species or into ocean waters. The operation of the *Langseth* would only result in discharges incidental to normal operations of a surface vessel (NSF/USGS, 2011).

2.3 DESCRIPTION OF ALTERNATIVES

2.3.1 ALTERNATIVE 1 – ISSUANCE OF AN AUTHORIZATION WITH MITIGATION MEASURES

The Proposed Action constitutes the Preferred Alternative. Under this alternative, we would issue an Authorization (valid from November through December 2015) to Lamont-Doherty allowing the incidental take, by harassment, of marine mammals subject to the mandatory mitigation and monitoring measures and reporting requirements set forth in the proposed Authorization, subject to changes based on consideration of public comments.

MITIGATION MEASURES

As described in Section 1.2, 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 Lamont-Doherty'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, Lamont-Doherty has agreed to implement the following monitoring and mitigation measures for marine mammals. These include:

- 1) Establish a 180 dB re: 1 μ Pa and 190 dB re: 1 μ Pa exclusion zone (EZ) for marine mammals before the full array (*i.e.*, 6,660 in³) or a single airgun (*i.e.*, 40 in³) is in operation (Table 5).
- 2) Expand the exclusion zone for the mitigation airgun to 100 m (328 ft) in all water depths for pinnipeds and cetaceans.
- 3) Utilize NMFS-qualified, vessel-based Protected Species Observers (PSOs) to visually watch for and monitor marine mammals near the seismic source vessel during daytime operations (from nautical twilight-dawn to nautical twilight-dusk) and before and during start-ups of sound sources day or night. Two PSOs would observe the exclusion and disturbance zones. When practicable, as an additional means of visual observation, the *Langseth's* vessel crew may also assist in detecting marine mammals.
- 4) Visually observe the entire extent of the EZ (180 dB re: 1 μ Pa for cetaceans and 190 dB re: 1 μ Pa for pinnipeds) using NMFS-qualified PSOs, for at least 30 minutes (min) prior to starting the airgun array (day or night).
- 5) Implement a ramp-up procedure when initiating the seismic operations or any time after the entire array has been shut down for more than 8 minutes, which means start the smallest sound source first and add sound sources in a sequence such that the source level of the array shall increase in steps not exceeding approximately 6 dB per 5-minute period. During ramp-up, the PSOs would monitor the EZ, and if they sight marine mammals, they would implement a power-down or shutdown as though the full array were operational. Therefore, initiation of ramp-up procedures from shutdown requires that the PSOs visually observe the full EZ described in Measures 1 and 3.
- 6) Power-down or shutdown the sound source(s) if a PSO detects a marine mammal that is within, approaches, or enters the applicable EZ. A shutdown means that the crew shuts down all operating sound sources (*i.e.*, turned off). A power-down means reducing the number of operating sound sources to a single operating 40 in³ airgun, which reduces the EZ to the degree that the animal(s) is no longer within or about to enter it.
- 7) Set the shot interval for the single operating 40 in³ airgun to one shot per minute.
- 8) Following a power-down, the *Langseth* crew would not resume full airgun activity until the marine mammal has cleared the 180- or 190-dB exclusion zone. The observers would consider the animal to have cleared the exclusion zone if:
 - a. the observer has visually observed the animal leave the exclusion zone; or
 - b. an observer has not sighted the animal within the exclusion zone for 15 minutes for species with shorter dive durations (*i.e.*, small odontocetes or pinnipeds), or 30 minutes for species with longer dive durations (*i.e.*, mysticetes and large odontocetes, including sperm, pygmy sperm, and dwarf sperm whales).

- 9) Following a power-down, the *Langseth* crew would resume operating the airguns at full power after 15 minutes of sighting any species with short dive durations (*i.e.*, small odontocetes or pinnipeds). Likewise, the crew would resume airgun operations at full power after 30 minutes of sighting any species with longer dive durations (*i.e.*, mysticetes and large odontocetes, including sperm, pygmy sperm, and dwarf sperm whales).
- 10) Considering the conservation status of Mediterranean monk seals, the *Langseth* crew would be required to shut down the airgun(s) immediately in the unlikely event that observers detect any pinniped species, regardless of the distance from the vessel. The *Langseth* would only begin ramp-up if observers have not seen a pinniped for 30 minutes.
- 11) Following a shutdown for more than 8 min and subsequent animal departure, survey operations may resume following ramp-up procedures described in Measure 4.
- 12) The seismic survey may continue into night and low-light hours if such segment(s) of the survey is initiated when the entire applicable EZs can be effectively monitored visually (*i.e.*, PSO(s) must be able to see the extent of the entire applicable EZ).
- 13) No initiation of survey operations involving the use of sound sources is permitted from a shutdown position at night or during low-light hours (such as in dense fog or heavy rain) unless at least one airgun (40-in³ or similar) has been operating during the interruption of seismic survey operations. Given these provisions, it is likely that the vessel's crew would not ramp up the airgun array from a complete shutdown at night or in thick fog, because the outer part of the EZ would not be visible during those conditions.
- 14) Alter speed or course during seismic operations if a marine mammal, based on its position and relative motion, appears likely to enter the relevant EZ. If speed or course alteration is not safe or practicable, or if after implementing an alteration the marine mammal still appears likely to enter the EZ, further mitigation measures, such as a power-down or shutdown, shall be taken.
- 15) Power down the airgun array for concentrations of six or more animals are within the 160-dB buffer zone and avoid concentrations of large whales (if possible (*i.e.*, exposing concentrations of animals to 160 dB re 1 μ Pa). For purposes of the survey, a concentration or group of whales will consist of six or more individuals visually sighted that do not appear to be traveling (*e.g.*, feeding, socializing, etc.); and
- 16) Restrict the operation of the multi-beam echosounder and sub-bottom profiler during transit.
- 17) To the maximum extent practicable, the *Langseth* would conduct the seismic survey (especially when near land) from the coast (inshore) and proceed towards the sea (offshore) in order to avoid trapping marine mammals in shallow water.

EXCLUSION ZONES

Table 5 – Predicted distances to which sound levels greater than or equal to 160 re: 1 μ Pa could be received during the proposed survey areas within the eastern Mediterranean Sea (November through December, 2015).

Source and Volume (in ³)	Tow Depth (m)	Water Depth (m)	Predicted RMS Distances ¹ (m)		
			190 dB	180 dB	160 dB
Single Bolt airgun (40 in ³)	9 or 12	< 100	100 ²	100 ²	1,041
		100 to 1,000	100 ²	100 ²	647
		> 1,000	100	100	431
36-Airgun Array (6,600 in ³)	9	< 100	591	2,060	22,580
		100 to 1,000	429	1,391	8,670
		> 1,000	286	927	5,780
36-Airgun Array (6,600 in ³)	12	< 100	710	2,480	27,130
		100 to 1,000	522	1,674	10,362
		> 1,000	348	1,116	6,908

¹ Predicted distances based on information presented in Lamont-Doherty's application.

² NMFS required NMFS to expand the exclusion zone for the mitigation airgun to 100 m (328 ft) in all water depths.

MONITORING MEASURES

Lamont-Doherty 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 section 101(a)(5)(D).

In addition to the PSOs described above, the Authorization would require Lamont-Doherty to use a passive acoustic monitoring (PAM) system, to the maximum extent practicable, to detect, and allow some localization of marine mammals around the *Langseth* during all airgun operations and during most periods when airguns are not operating. When the PAM operator detects an animal, he/she must notify the PSO immediately of a vocalizing marine mammal so the *Langseth* crew can initiate a power-down or shut-down, if required.

REPORTING MEASURES

Lamont-Doherty would submit a draft report to NMFS and the NSF within 90 days after the end of the cruise. The report would describe the operations conducted and sightings of marine mammals near the operations. The report would provide full documentation of methods, results, and interpretation pertaining to all monitoring. The report must contain and summarize the following information:

- 1) Dates, times, locations, heading, speed, weather, sea conditions (including Beaufort sea state and wind force), and associated activities during all seismic operations and marine mammal sightings;
- 2) Species, number, location, distance from the vessel, and behavior of any marine mammals, as well as associated seismic activity (number of power-downs and shutdowns), observed throughout all monitoring activities;
- 3) An estimate of the number (by species) of: (A) pinnipeds that have been exposed to the seismic activity (based on visual observation) at received levels greater than or equal to 160 dB re: 1 μ Pa and/or 190 dB re: 1 μ Pa with a discussion of any specific behaviors those individuals exhibited; and (B) cetaceans that have been exposed to the seismic activity (based on visual observation) at received levels greater than or equal to 160 dB re: 1 μ Pa and/or 180 dB re: 1 μ Pa with a discussion of any specific behaviors those individuals exhibited.

- 4) A description of the implementation and effectiveness of the: (A) terms and conditions of the Biological Opinion's Incidental Take Statement (ITS); and (B) mitigation measures required by our Authorization. For the Biological Opinion, the report shall confirm implementation of each Term and Condition, as well as any conservation recommendations, and describe their effectiveness, for minimizing the adverse effects of the action on ESA-listed marine mammals.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the Authorization, such as serious injury, or mortality (*e.g.*, ship-strike, gear interaction, and/or entanglement), Lamont-Doherty would immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, her designees, and the Greek Stranding Networks. Lamont-Doherty may not resume activities until we are able to review the circumstances of the prohibited take. The report must include the following information:

- 1) Time, date, and location (latitude/longitude) of the incident;
- 2) The *Langseth's* speed during and leading up to the incident;
- 3) Description of the incident;
- 4) Status of all sound source use in the 24 hours preceding the incident;
- 5) Water depth;
- 6) Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- 7) A description of marine mammal observations in the 24 hours preceding the incident;
- 8) Species identification or description of the animal(s) involved;
- 9) The fate of the animal(s); and
- 10) Photographs or video footage of the animal (if equipment is available).

In the event that Lamont-Doherty discovers an injured or dead marine mammal, and the PSO 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 as we describe in the next paragraph), Lamont-Doherty would immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, her designees, and the Greek Stranding Networks. 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. We would work with Lamont-Doherty to determine whether modifications in the activities are appropriate.

In the event that Lamont-Doherty discovers an injured or dead marine mammal, and the lead PSO 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), Lamont-Doherty would report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, her designees, and the and the Greek Stranding Networks within 24 hours of the discovery. Lamont-Doherty would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS. Activities may continue while we review the circumstances of the incident.

TAKE ESTIMATES

Lamont-Doherty modeled the number of different individuals that could be exposed to airgun sounds with received levels greater than or equal to 160 dB re: 1 μ Pa on one or more occasions by multiplying the total marine area that would be within the 160-dB radius around the operating seismic source on at least one occasion (7,686 km² which includes a 25 percent contingency factor to account for repeated tracklines), along with the expected density of animals in the area. Lamont-Doherty acknowledged in their application (LGL, 2015) and in NSF's draft environmental analysis (NSF, 2015) that this approach does not allow for turnover in the mammal populations in the area during the course of the survey as the actual number of individuals exposed may be underestimated because it does not account for new animals entering or passing through the ensonification area, however, Lamont-Doherty suggested that the 25 percent contingency factor would cover any potential underestimate of individuals.

For this proposed action, NMFS re-evaluated and revised the take estimates presented in Lamont-Doherty's application (LGL, 2015) and in NSF's draft environmental analysis (NSF, 2015). NMFS presented this re-evaluation in our *Federal Register* notice of the proposed Authorization ([80 FR 53623, September 4, 2015](#)). Thus, 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, based on the best available information.

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). Lamont-Doherty has indicated it would not proceed with their proposed activities absent an Authorization.

2.4 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM FURTHER CONSIDERATION

NMFS considered whether other alternatives could meet the purpose and need and support the Lamont-Doherty's activities. We considered an alternative that would allow for the issuance of an Authorization with no required mitigation or monitoring but eliminated that Alternative from consideration, as it would not be in compliance with the MMPA and therefore would not meet the purpose and need. For that reason, we do not analyze this alternative further in this document.

Alternate Survey Timing: This measure would require Lamont-Doherty to conduct research after the winter season. However, this alternative failed to meet the statutory and regulatory requirements of the MMPA for an Authorization, as Lamont-Doherty did not request nor submit an application (*i.e.*, under the MMPA the Secretary shall issue an Authorization upon request) to conduct the seismic survey at an alternate time.

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.

The Mediterranean Sea covers approximately 2.5 million km², and extends approximately 3800 km from east to west and approximately 900 km from north to south. It is a semi-enclosed area composed of two similar-size basins, the western Mediterranean Sea and the eastern Mediterranean Sea. The western Mediterranean Sea has a triangular shape and is connected to the Atlantic Ocean by the Strait of Gibraltar. The eastern Mediterranean Sea is separated from western Mediterranean Sea by the Strait of Sicily, and has a more irregular and complex topography composed of a succession of deep valleys, ridges, and pits. The eastern Mediterranean Sea consists of the Ionian Basin, the Adriatic and the Aegean seas, and the Levantine Basin, which occupies the easternmost part of the Mediterranean Sea (NSF, 2015).

3.1.1 MARINE MAMMAL HABITAT

We presented information on marine mammal habitat and the potential impacts to marine mammal habitat in our *Federal Register* notice of the proposed Authorization ([80 FR 53623, September 4, 2015](#)). Also, NSF presented more detailed information on the physical and oceanographic aspects of the Mediterranean Sea environment in the draft environmental analysis (NSF, 2015). In summary, the marine mammals in the survey area use the nearshore, shelf, shelf break, and continental slope waters, but may have differing habitat preferences based on their life history functions (NSF, 2015).

3.2 BIOLOGICAL ENVIRONMENT

3.2.1 MARINE MAMMALS

We provide information on the possible or confirmed occurrence in the survey area in section 1.1.2 of this EA (Tables 1a, b, and c). The marine mammals most likely to be present in the action area are in Table 6.

The *Federal Register* notice of the proposed Authorization ([80 FR 53623, September 4, 2015](#)) provided information on the stock, regulatory status, abundance, occurrence, seasonality, and hearing ability of the marine mammals in the action area. Lamont-Doherty's application and NSF's EA also provided distribution, life history, and population size information for marine mammals within the action area. We incorporate those descriptions by reference and briefly summarize the information in Table 6.

Table 6 – General information on marine mammals that could potentially occur in the proposed survey areas within the eastern Mediterranean Sea (November through December, 2015).

Species	Stock Name	Regulatory Status ^{1, 2}	Stock/Species Abundance ³	Local Occurrence and Range ⁴	Season ⁵
Gray whale (<i>Eschrichtius robustus</i>)	Eastern North Pacific	MMPA - NC ESA – EN	19,126 ⁶	Visitor Extralimital	Spring ⁷
Humpback whale (<i>Megaptera novaeangliae</i>)	North Atlantic	MMPA - D ESA – EN	11,570 ⁸	Visitor Extralimital	NA
Common minke whale (<i>Balaenoptera acutorostrata</i>)	Canadian East Coast	MMPA - D ESA – NL	20,741	Visitor Extralimital	NA
Sei whale (<i>Balaenoptera borealis</i>)	Nova Scotia	MMPA - D ESA – EN	357	Vagrant Pelagic	NA
Fin whale (<i>Balaenoptera physalus</i>)	Mediterranean	MMPA - D ESA – EN	5,000 ⁹	Present Pelagic	Summer
Sperm whale (<i>Physeter macrocephalus</i>)	Mediterranean	MMPA - D ESA – EN	2,500 ¹⁰	Regular Pelagic/Slope	Year-round
Dwarf sperm whale (<i>Kogia sima</i>)	Western North Atlantic	MMPA - NC ESA – NL	3,785	Vagrant Shelf	NA
Pygmy sperm whale (<i>K. breviceps</i>)	Western North Atlantic	MMPA - NC ESA – NL	3,785	Vagrant Shelf	NA
Cuvier's beaked whale (<i>Ziphius cavirostris</i>)	Western North Atlantic	MMPA - NC ESA – NL	6,532	Regular/Present Slope	Year-round
Blainville's beaked whale (<i>Mesoplodon densirostris</i>)	Western North Atlantic	MMPA - NC ESA – NL	7,092 ¹¹	Vagrant Slope	NA
Gervais' beaked whale (<i>M. europaeus</i>)	Western North Atlantic	MMPA - NC ESA – NL	7,092 ¹¹	Vagrant Extralimital	NA
Sowerby's beaked whale (<i>M. bidens</i>)	Western North Atlantic	MMPA - NC ESA – NL	7,092 ¹¹	Vagrant Extralimital	NA
Bottlenose dolphin (<i>Tursiops truncatus</i>)	Western North Atlantic	MMPA - NC ESA – NL	77,532	Regular/Present Coastal	Year-Round
Rough-toothed dolphin (<i>Steno bredanensis</i>)	Western North Atlantic	MMPA - NC ESA – NL	271	Visitor Pelagic	NA
Striped dolphin (<i>S. coeruleoalba</i>)	Mediterranean	MMPA - NC ESA – NL	233,584 ¹²	Regular Pelagic	Year-round
Short-beaked common dolphin (<i>Delphinus delphis</i>)	Western North Atlantic	MMPA - NC ESA – NL	173,486	Present Coastal/Pelagic	Spring Summer
Risso's dolphin (<i>Grampus griseus</i>)	Western North Atlantic	MMPA - NC ESA – NL	18,250	Present Pelagic/Slope	NA
False killer whale (<i>Pseudorca crassidens</i>)	Western North Atlantic	MMPA - NC ESA – NL	442	Visitor Pelagic	NA
Long-finned pilot whale (<i>Globicephala melas</i>)	Western Mediterranean	MMPA - NC ESA – NL	240-270 ¹³	Rare or Absent Pelagic	NA
Harbor porpoise (<i>Phocoena phocoena</i>)	Gulf of Maine/ Bay of Fundy	MMPA - NC ESA – NL	79,883	Vagrant Coastal	NA
Hooded seal (<i>Cystophora cristata</i>)	Western North Atlantic	MMPA - NC ESA – NL	Unknown	Vagrant Pelagic/Pack Ice	NA
Monk seal (<i>Monachus Monachus</i>)	Mediterranean	MMPA - D ESA – EN	341 ¹⁴	Present Coastal	Year-round

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

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

³ Except where noted abundance information obtained from NOAA Technical Memorandum NMFS-NE-228, U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments - 2013 (Waring *et al.*, 2014) and the Draft 2014 U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments (*in review*, 2015).

⁴ For most species, occurrence and range information based on *The Status and Distribution of Cetaceans in the Black Sea and Mediterranean Sea* (Reeves and Notarbartolo di Sciarra, 2006). Gray whale and hooded seal presence based on sighting reports.

⁵ NA= Not available. Seasonality is not available due to limited information on that species' rare or unlikely occurrence in proposed survey area.

⁶ NOAA Technical Memorandum NMFS-SWFSC-532, U.S. Pacific Marine Mammal Stock Assessments - 2013 (Carretta *et al.*, 2014).

⁷ Scheinin *et al.*, 2011.

⁸ Stevick *et al.*, 2003.

⁹ Panigada et al. (2012). IUCN – *Balaenoptera physalus* (Mediterranean subpopulation).

¹⁰ Notarbartolo di Sciara, et al. (2012). IUCN - *Physeter macrocephalus* (Mediterranean subpopulation).

¹¹ Undifferentiated beaked whales abundance estimate for the Atlantic Ocean (Waring et al., 2014).

¹² Forcada and Hammond (1998) for the western Mediterranean plus Gómez de Segura et al. (2006) for the central Spanish Mediterranean.

¹³ Estimate for the western Mediterranean Sea (Reeves and Notarbartolo di Sciara, 2006).

¹⁴ Rapid Assessment Survey of the Mediterranean monk seal *Monachus monachus* population in Anafi island, Cyclades (MOM, 2014) and UNEP. (2013) Draft Regional Strategy for the Conservation of Monk Seals in the Mediterranean (2014-2019) for Greece, Turkey, and Cyprus breeding areas.

CHAPTER 4 – ENVIRONMENTAL CONSEQUENCES

This chapter of the EA includes a discussion of the impacts of the two alternatives on the human environment. Lamont-Doherty's application, our *Federal Register* notice of a proposed Authorization ([80 FR 53623, September 4, 2015](#)), 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 Lamont-Doherty's seismic 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 Lamont-Doherty allowing the take by harassment, of marine mammals, incidental to the proposed survey from November through December, 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 survey activities. Lamont-Doherty's proposed seismic survey is not located within a marine sanctuary, wildlife refuge, a National Park, or other conservation area. The proposed activity—which uses one seismic source vessel—would minimally add to vessel traffic in the region 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.

Prey: The overall response of fishes and squids from the seismic survey is to exhibit responses including no reaction or habituation (Peña et al., 2013) to startle responses and/or avoidance (Fewtrell & McCauley, 2012) and vertical and horizontal movements away from the sound source. We expect that the seismic survey would have no more than a temporary and minimal adverse effect on any fish or invertebrate species. Although there is a potential for injury to fish or marine life in close proximity to the vessel, we expect that the impacts of the seismic survey on fish and other marine life specifically related to acoustic activities would be temporary in nature, negligible, and would not result in substantial impact to these species or to their role in the ecosystem.

4.1.2 IMPACTS TO MARINE MAMMALS

We expect that Lamont-Doherty's 3-D seismic survey has the potential to take marine mammals by Level B harassment, as defined by the MMPA. Acoustic stimuli generated by the airgun arrays (and to a lesser extent the multibeam echosounder, sub-bottom profiler, and acoustic Doppler current profiler) may affect marine mammals in one or more of the following ways: behavioral disturbance, tolerance, masking of natural sounds, and temporary or permanent hearing impairment, or non-auditory physical effects (Richardson et al., 1995).

Our *Federal Register* notice of proposed Authorization ([80 FR 53623, September 4, 2015](#)), Lamont-Doherty's application (LGL, 2015) and in NSF's draft environmental analysis (NSF,

2015) provide detailed descriptions of these potential effects of seismic surveys on marine mammals. We incorporate those discussions by reference here and summarize our consideration of additional studies submitted during the public comment period in the following sections.

The effects of noise on marine mammals are highly variable, ranging from minor and negligible to potentially significant, depending on the intensity of the source, the distances between the animal and the source, and the overlap of the source frequency with the animals' audible frequency. Nevertheless, monitoring and mitigation measures required by us for Lamont-Doherty's proposed activities would effectively reduce any significant adverse effects of these sound sources on marine mammals.

Behavioral Disturbance: The studies discussed in the *Federal Register* notice for the proposed Authorization note that there is variability in the behavioral responses of marine mammals to noise exposure. It is important to consider context in predicting and observing the level and type of behavioral response to anthropogenic signals (Ellison et al., 2012).

Marine mammals may react to sound when exposed to anthropogenic noise. 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 or cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where noise sources are located; and/or flight responses (e.g., pinnipeds flushing into water from haul-outs or rookeries). The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography) and is also difficult to predict (Richardson, et al., 1995; Southall et al., 2007).

Studies have shown that underwater sounds from seismic activities are often readily detectable by marine mammals in the water at distances of many kilometers (Castellote et al., 2012). Many studies have also shown that marine mammals at distances more than a few kilometers away often show no apparent response when exposed to seismic activities (e.g., Akamatsu et al., 1993; Harris et al., 2001; Madsen & Møhl, 2000; Malme et al., 1983, 1984; Richardson et al., 1986; Weir, 2008). Other studies have shown that marine mammals continue important behaviors in the presence of seismic pulses (e.g., Dunn & Hernandez, 2009; Greene Jr. et al., 1999; Holst & Beland, 2010; Holst & Smultea, 2008; Holst et al., 2005; Nieu Kirk et al., 2004; Richardson, et al., 1986; Smultea et al., 2004).

In a passive acoustic research program that mapped the soundscape in the North Atlantic Ocean, Clark and Gagnon (2006) reported that some fin whales in the northeast Pacific Ocean stopped singing for an extended period starting soon after the onset of a seismic survey in the area. The authors could not determine whether or not the whales left the area ensonified by the survey, but the evidence suggests that most, if not all, of the singers remained in the area. When the survey stopped temporarily, the whales resumed singing within a few hours and the number of singers increased with time. Also, one whale continued to sing while the seismic survey was actively operating (Figure 4, Clark & Gagnon, 2006). The authors concluded that there is not enough scientific knowledge to adequately evaluate whether or not these effects on singing or mating behaviors are significant or would alter survivorship or reproductive success.

MacLeod et al. (2006) discussed the possible displacement of fin and sei whales related to distribution patterns of the species during a large-scale, offshore seismic survey along the west coast of Scotland in 1998. The authors hypothesized about the relationship between the whale's absence and the concurrent seismic activity, but could not rule out other contributing factors (MacLeod, et al., 2006; Parsons et al., 2009). We would expect that marine mammals may briefly respond to underwater sound produced by Lamont-Doherty's seismic survey by slightly changing their behavior or relocating a short distance. Based on the best available information, we expect short-term disturbance reactions that are confined to relatively small distances and durations (Thompson et al., 1998; Thompson et al., 2013), with no long-term effects on recruitment or survival of marine mammals.

McDonald et al. (1995) tracked blue whales relative to a seismic survey with a 1,600 in³ airgun array. One whale started its call sequence within 15 km (9.3 mi) from the source, then followed a pursuit track that decreased its distance to the vessel where it stopped calling at a range of 10 km (6.2 mi) (estimated received level at 143 dB re: 1 μ Pa (peak-to-peak)). After that point, the ship increased its distance from the whale which continued a new call sequence after approximately one hour and 10 km (6.2 mi) from the ship. The authors reported that the whale had taken a track paralleling the ship during the cessation phase but observed the whale moving diagonally away from the ship after approximately 30 minutes continuing to vocalize. Because the whale may have approached the ship intentionally or perhaps was unaffected by the airguns, the authors concluded that there was insufficient data to infer conclusions from their study related to blue whale responses (McDonald, et al., 1995).

McCauley et al. (2000; 1998) studied the responses of migrating humpback whales off western Australia to a full-scale seismic survey with a 16-airgun array (2,678 cubic inches (in³)) and to a single, 20-in³ airgun. Both studies point to a contextual variability in the behavioral responses of marine mammals to sound exposure. The mean received level for initial avoidance of an approaching airgun was 140 dB re: 1 μ Pa for humpback whale pods containing females. In contrast, some individual humpback whales, mainly males, approached within distances of 100 to 400 m (328 to 1,312 ft), where sound levels were 179 dB re: 1 μ Pa (McCauley, et al., 2000). The authors hypothesized that the males gravitated towards the single operating air gun possibly due to its similarity to the sound produced by humpback whales breaching. Despite the evidence that some humpback whales exhibited localized avoidance reactions at received levels below 160 dB re: 1 μ Pa, the authors found no evidence of any gross changes in migration routes, such as inshore/offshore displacement during seismic operations (McCauley, et al., 2000; McCauley, et al., 1998).

DeRuiter *et al.* (2013) recently observed that beaked whales (considered a particularly sensitive species) exposed to playbacks (*i.e.*, simulated) of U.S. Navy tactical mid-frequency active sonar from 89 to 127 dB re: 1 μ Pa at close distances responded notably by altering their dive patterns. In contrast, individuals showed no behavioral responses when exposed to similar received levels from *actual* U.S. Navy tactical mid-frequency active sonar operated at much further distances (DeRuiter, et al., 2013). As noted earlier, one must consider the importance of context (*e.g.*, the distance of a sound source from the animal) in predicting behavioral responses.

Tolerance: With repeated exposure to sound, many marine mammals may habituate to the sound at least partially (Richardson & Wursig, 1997). Bain and Williams (2006) examined the effects of a large airgun array (maximum total discharge volume of 1,100 in³) on six species in shallow waters off British Columbia and Washington: harbor seal, California sea lion (*Zalophus*

californianus), Steller sea lion (*Eumetopias jubatus*), gray whale (*Eschrichtius robustus*), Dall's porpoise (*Phocoenoides dalli*), and the harbor porpoise. Harbor porpoises showed reactions at received levels less than 145 dB re: 1 μ Pa at a distance of greater than 70 km (43 miles) from the seismic source (Bain & Williams, 2006). However, the tendency for greater responsiveness by harbor porpoise is consistent with their relative responsiveness to boat traffic and some other acoustic sources (Richardson, et al., 1995; Southall, et al., 2007). In contrast, the authors reported that gray whales seemed to tolerate exposures to sound up to approximately 170 dB re: 1 μ Pa (Bain & Williams, 2006) and Dall's porpoises occupied and tolerated areas receiving exposures of 170–180 dB re: 1 μ Pa (Bain & Williams, 2006; Parsons, et al., 2009). The authors observed several gray whales that moved away from the airguns toward deeper water where sound levels were higher due to propagation effects resulting in higher noise exposures (Bain & Williams, 2006). However, it is unclear whether their movements reflected a response to the sounds (Bain & Williams, 2006). Thus, the authors surmised that the lack of gray whale responses to higher received sound levels were ambiguous at best because one expects the species to be the most sensitive to the low-frequency sound emanating from the airguns (Bain & Williams, 2006).

Pirotta et al. (2014) observed short-term responses of harbor porpoises to a 2-D seismic survey in an enclosed bay in northeast Scotland which did not result in broad-scale displacement. The harbor porpoises that remained in the enclosed bay area reduced their buzzing activity by 15% during the seismic survey (Pirotta, et al., 2014). Thus, animals exposed to anthropogenic disturbance may make trade-offs between perceived risks and the cost of leaving disturbed areas (Pirotta, et al., 2014). However, unlike the semi-enclosed environment described in the Scottish study area, Lamont-Doherty's seismic study occurs in the open ocean. Because Lamont-Doherty would conduct the survey in an open ocean area, we do not anticipate that the seismic survey would entrap marine mammals between the sound source and the shore as marine mammals can temporarily leave the survey area during the operation of the airgun(s) to avoid acoustic harassment.

Masking: Studies have shown that marine mammals are able to compensate for masking by adjusting their acoustic behavior such as shifting call frequencies and increasing call volume and vocalization rates. For example, blue whales increase call rates when exposed to seismic survey noise in the St. Lawrence Estuary (Di Iorio & Clark, 2010). North Atlantic right whales exposed to high shipping noise increased call frequency (Parks et al., 2007), while some humpback whales respond to low-frequency active sonar playbacks by increasing song length (Miller et al., 2000).

Risch et al. (2012) documented reductions in humpback whale vocalizations in the Stellwagen Bank National Marine Sanctuary concurrent with transmissions of the Ocean Acoustic Waveguide Remote Sensing (OAWRS) low-frequency fish sensor system at distances of 200 km from the source. The recorded OAWRS produced series of frequency modulated pulses and the signal received levels ranged from 88 to 110 dB re: 1 μ Pa (Risch, et al., 2012). The authors hypothesized that individuals did not leave the area but instead ceased singing and noted that the duration and frequency range of the OAWRS signals (a novel sound to the whales) were similar to those of natural humpback whale song components used during mating (Risch, et al., 2012). Thus, the novelty of the sound to humpback whales in the study area provided a compelling contextual probability for the observed effects (Risch, et al., 2012). However, the authors did not state or imply that these changes had long-term effects on individual animals or populations (Risch, et al., 2012). The changes in vocal behaviors related to mating activities do not apply to the marine mammal species present in the area of Lamont-Doherty's seismic survey. Again,

Lamont-Doherty's study area is well away from any known breeding grounds for low frequency cetaceans, thereby reducing further the likelihood of causing an effect on marine mammal mating behaviors.

We expect that masking effects of seismic pulses would be limited in the case of smaller odontocetes given the intermittent nature of seismic pulses (22 or 65 seconds) plus the fact that sounds important to them are predominantly at much higher frequencies than are the dominant components of airgun sounds. Pinnipeds have best hearing sensitivity and/or produce most of their sounds at frequencies higher than the dominant components of airgun sounds, but there is some overlap in the frequencies of the airgun pulses and the calls. However, the intermittent nature of airgun pulses presumably reduces the potential for masking.

Hearing Impairment: Marine mammals exposed to high intensity sound repeatedly or for prolonged periods can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Finneran et al., 2005; Finneran & Schlundt, 2013; Finneran et al., 2000; Kastak & Schusterman, 1998; Kastak et al., 1999; Schlundt et al., 2013; Schlundt et al., 2000).

Lucke et al. (2009) found a threshold shift (TS) of a harbor porpoise after exposing it to airgun noise with a received sound pressure level (SPL) at 200.2 dB (peak –to-peak) re: 1 μ Pa, which corresponds to a sound exposure level of 164.5 dB re: 1 μ Pa² s after integrating exposure. NMFS currently uses the root-mean-square (rms) of received SPL at 180 dB and 190 dB re: 1 μ Pa as the threshold above which permanent threshold shift (PTS) could occur for cetaceans and pinnipeds, respectively. Because the airgun noise is a broadband impulse, one cannot directly determine the equivalent of rms SPL from the reported peak-to-peak SPLs. However, applying a conservative conversion factor of 16 dB for broadband signals from seismic surveys (McCauley, et al., 2000) to correct for the difference between peak-to-peak levels reported in Lucke et al. (2009) and rms SPLs, the rms SPL for TTS would be approximately 184 dB re: 1 μ Pa, and the received levels associated with PTS (Level A harassment) would be higher. This is still above our current 180 dB rms re: 1 μ Pa threshold for injury. However, we recognize that TTS of harbor porpoises is lower than other cetacean species empirically tested (Finneran & Schlundt, 2010; Finneran et al., 2002; Kastelein & Jennings, 2012).

Recent studies by Kujawa and Liberman (2009) and Lin et al. (2011) found that despite completely reversible threshold shifts that leave cochlear sensory cells intact, large threshold shifts could cause synaptic level changes and delayed cochlear nerve degeneration in mice and guinea pigs, respectively. We note that the high level of TTS that led to the synaptic changes shown in these studies is in the range of the high degree of TTS that Southall et al. (2007) used to calculate PTS levels. It is unknown whether smaller levels of TTS would lead to similar changes. We, however, acknowledge the complexity of noise exposure on the nervous system, and will re-examine this issue as more data become available.

A recent study on bottlenose dolphins (Schlundt, et al., 2013) measured hearing thresholds at multiple frequencies to determine the amount of TTS induced before and after exposure to a sequence of impulses produced by a seismic air gun. The air gun volume and operating pressure varied from 40-150 in³ and 1000-2000 psi, respectively. After three years and 180 sessions, the authors observed no significant TTS at any test frequency, for any combinations of air gun volume, pressure, or proximity to the dolphin during behavioral tests (Schlundt, et al., 2013). Schlundt et al. (2013) suggest that the potential for airguns to cause hearing loss in dolphins is

lower than previously predicted, perhaps as a result of the low-frequency content of air gun impulses compared to the high-frequency hearing ability of dolphins.

The predicted distances at which sound levels could result in Level A harassment are relatively small (585 m; 1,919 ft for cetaceans, and 157 m; 515 ft for pinnipeds). The avoidance behaviors observed in Thompson et al.'s (1998) study supports our expectation that individual marine mammals would avoid exposure at higher levels. Also, it is unlikely that animals would encounter repeated exposures at very close distances to the sound source because Lamont-Doherty would implement the required shutdown and power down mitigation measures to ensure that marine mammals do not approach the applicable exclusion zones for Level A harassment. We also expect that the required vessel-based visual monitoring of the exclusion zones and implementation of mitigation measures would mitigate instances of Level A harassment.

Strandings: In 2013, an International Scientific Review Panel (ISRP) investigated a 2008 mass stranding of approximately 100 melon-headed whales in a Madagascar lagoon system (Southall et al., 2013) associated with the use of a high-frequency mapping system. The report indicated that the use of a 12-kHz multibeam echosounder was the most plausible and likely initial behavioral trigger of the mass stranding event. This was the first time that a relatively high-frequency mapping sonar system had been associated with a stranding event. However, the report also notes that there were several site- and situation-specific secondary factors that may have contributed to the avoidance responses that lead to the eventual entrapment and mortality of the whales within the Loza Lagoon system (*e.g.*, the survey vessel transiting in a north-south direction on the shelf break parallel to the shore may have trapped the animals between the sound source and the shore driving them towards the Loza Lagoon). They concluded that for odontocete cetaceans that hear well in the 10-50 kHz range, where ambient noise is typically quite low, high-power active sonars operating in this range may be more easily audible and have potential effects over larger areas than low frequency systems that have more typically been considered in terms of anthropogenic noise impacts (Southall, et al., 2013). However, the risk may be very low given the extensive use of these systems worldwide on a daily basis and the lack of direct evidence of such responses previously (Southall, et al., 2013).

We have considered the potential for behavioral responses and injury or mortality from Lamont-Doherty's use of the multibeam echosounder. Given that Lamont-Doherty proposes to conduct the survey offshore and transit in a manner that would not entrap marine mammals in shallow water, we do not anticipate that the use of the source during the seismic survey would entrap marine mammals between the vessel's sound sources and the Grecian coastline. In addition the proposed Authorization outlines reporting measures and response protocols intended to minimize the impacts of, and enhance the analysis of, any potential stranding in the survey area.

In sum, we interpret these effects on all marine mammals as falling within the MMPA definition of Level A and B harassment. We expect these impacts to be minor because we do not anticipate measurable changes to the population or measurable impacts to rookeries, mating grounds, and other areas of similar significance.

Under the Preferred Alternative, we would authorize incidental take, by harassment only, of 22 species of marine mammals. Based on our best professional judgment and our evaluation of all of the available data, we expect no long-term or substantial adverse effects on marine mammals, their habitats, or their role in the environment.

Lamont-Doherty proposed a number of monitoring and mitigation measures for marine mammals as part of our evaluation for the Preferred Alternative. In consideration of the potential effects of the proposed seismic survey, we determined that the mitigation and monitoring measures described in section 2.3.1 of this EA would be appropriate for the preferred alternative to meet the Purpose and Need.

Serious Injury or Mortality: Lamont-Doherty did not request authorization to take marine mammals by serious injury or mortality. Based on the results of our analyses, Lamont-Doherty's environmental analyses, and previous monitoring reports for the same activities, we do not expect Lamont-Doherty's planned activities to result in serious injury or mortality within the action area. The required mitigation and monitoring measures would minimize any potential risk for marine mammals. Although considered unlikely, any Level A harassment potentially incurred would be expected to be in the form of some smaller degree of permanent hearing loss due in part to the required monitoring measures for detecting marine mammals and required mitigation measures for power downs or shut downs of the airgun array if any animal is likely to enter the Level A exclusion zone. Neither mortality nor complete deafness of marine mammals are expected to result from this survey.

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 Lamont-Doherty would strike a marine mammal given the *Langseth's* slow survey speed (8 to 12 km/hr; 4 to 6 kt). Moreover, mitigation measures would be required of Lamont-Doherty to reduce speed or alter course if a collision with a marine mammal appears likely.

Estimated Take of Marine Mammals by Level B Incidental Harassment: We expect that the survey would cause a short-term behavioral disturbance for marine mammals in the proposed area. As mentioned previously, we estimate that the activities could potentially affect, by harassment only, 22 species of marine mammals under our jurisdiction. For each species, these estimates are small numbers relative to the population sizes.

Table 7 outlines the density estimates or estimated group size for marine mammals in the action area, the number of takes that we propose to authorize in this Authorization, the percentage of each population or stock proposed for take as a result of Lamont-Doherty's activities, and the population trend for each species.

Table 7 – Densities, mean group size, and estimates of the possible numbers of marine mammals and population percentages exposed to sound levels greater than or equal to 160 dB re: 1 µPa over 20 days during the proposed seismic survey **outside of territorial waters and the high seas** in the eastern Mediterranean Sea (November through December, 2015).

Species	Density Estimate ¹	Modeled Number of Instances of Exposures to Sound Levels ≥ 160, 180, and 190 dB ² (Outside Territorial Sea)	Authorized Level A Take ³	Authorized Level B Take ³	Percent of Regional Population ⁴	Population Trend ⁵
Gray whale	NA	1, 0, -	0	1	0.01	Unknown
Humpback whale	NA	60, 0, -	0	60	0.52	Increasing
Minke whale	NA	40, 0, -	0	40	0.193	Unknown
Sei whale	NA	1, 0, -	0	1	0.28	Unknown
Fin whale	0.00168	40, 0, -	0	40	0.80	Unknown
Sperm whale	0.00052	20, 0, -	0	20	0.80	Unknown
Dwarf sperm whale	NA	2, 0, -	0	2	0.05	Unknown
Pygmy sperm whale	NA	2, 0, -	0	2	0.05	Unknown
Cuvier's beaked whale	0.00156	40, 0, -	0	40	0.61	Unknown
Blainville's beaked whale	NA	27, 0, -	0	3	0.04	Unknown
Gervais' beaked whale	NA	27, 0, -	0	3	0.04	Unknown
Sowerby's beaked whale	NA	27, 0, -	0	3	0.04	Unknown
Bottlenose dolphin	0.043	900, 160, -	160	900	1.37	Unknown
Rough-toothed dolphin	NA	8, 0, -	0	8	2.95	Unknown
Striped dolphin	0.22	4,560, 780, -	780	4,560	2.29	Unknown
Short-beaked common dolphin	0.03	620, 100, -	100	620	3.71	Decreasing
Risso's dolphin	0.015	320, 60, -	60	320	2.08	Unknown
False killer whale	NA	3, 0, -	0	3	0.68	Unknown
Long-finned pilot whale	NA	33, 0, -	0	33	13.75	Unknown
Harbor porpoise	NA	1, 0, -	0	1	0.001	Unknown
Hooded seal	NA	1, -, 0	0	1	Unknown	Unknown
Monk seal	NA	560, -, 0	0	35	10.26	In Review

¹ Densities (where available) are expressed as number of individuals per km². NA = Not available.

² See (80 FR 53623, September 4, 2015) for information on NMFS' take estimate calculations. NA = Not applicable.

³ Modeled instances of exposures includes adjustments for species with no density information. The Level A estimates are overestimates of predicted impacts to marine mammals as the estimates do not take into consideration the required mitigation measures for shutdowns or power downs if a marine mammal is likely to enter the 180 dB exclusion zone while the airguns are active.

⁴ Table 2 in the *Federal Register* notice (80 FR 53623, September 4, 2015) lists the stock species abundance estimates used in calculating the percentage of species/stock or regional population.

⁵ Population trend information from Waring *et al.*, 2014. Population trend information for Mediterranean monk seals from MOm (Pers. Comm., 2015). Unknown = Insufficient data to determine population trend.

Our *Federal Register* notice for the proposed Authorization contains a complete description of the take estimate calculations and we incorporate our process by reference here ([80 FR 53623, September 4, 2015](#)). We do not expect the proposed activities to impact rates of recruitment or survival for any affected species or stock. Further, the activities would not adversely affect marine mammal habitat.

Under Alternative 1, the 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 Lamont-Doherty. As a result, Lamont-Doherty would not receive an exemption from the MMPA prohibitions against the take of marine mammals. NSF has stated that Lamont-Doherty would not conduct the survey in the absence of an Authorization. Thus, Lamont-Doherty would not conduct the seismic survey 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 research activities. The impacts to the human environment resulting from the No Action alternative—no issuance of the proposed Authorization—would be less than less than the Preferred Alternative.

4.2.1 IMPACTS TO MARINE MAMMAL HABITAT

Under the No Action Alternative, Lamont-Doherty would not conduct the seismic survey and marine mammal habitat would not be affected by the seismic survey. 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, Lamont-Doherty would not conduct the seismic survey 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 research activities, and the applicant would not receive an exemption from the MMPA and ESA prohibitions against take.

Under this No Action Alternative, the proposed action has no unmitigable adverse impact to subsistence uses, as there are no permitted subsistence uses of marine mammals in the region.

4.5 COMPLIANCE WITH NECESSARY LAWS – NECESSARY FEDERAL PERMITS

NMFS determined that the issuance of an Authorization is consistent with the applicable requirements of the MMPA, ESA, E.O. 12114, and our regulations. Please refer to section 1.4 of this EA for more information.

4.6 UNAVOIDABLE ADVERSE IMPACTS

Lamont-Doherty'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 seismic 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 Lamont-Doherty's activities to have adverse consequences on the viability of marine mammals in the eastern Mediterranean Sea. 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 seismic survey and the take resulting from the seismic 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.

4.7 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.

The proposed seismic survey would add another, albeit temporary, activity to the marine environment in the Mediterranean Sea and the proposed survey would be limited to a relatively small area for a comparatively short period of time. Lamont-Doherty’s application (LGL, 2015) and in NSF’s draft environmental analysis (NSF, 2015) summarize the potential cumulative effects to marine mammals or the populations to which they belong to and their habitats within the survey area. This section incorporates Lamont-Doherty’s application (LGL, 2015) and in NSF’s draft environmental analysis (NSF, 2015) by reference and provides a brief summary of the human-related activities affecting the marine mammal species in the action area.

4.7.1 PREVIOUS SEISMIC RESEARCH SURVEYS IN THE SAME AREA

The Hellenic Republic Ministry of Environment, Energy and Climate Change conducted a larger scale seismic survey in the eastern Mediterranean Sea from mid-November 2012 to end of January 2013 (Lie et al., 2014). The addition of the increased sound due to the *Langseth’s* operations associated with the proposed seismic survey during a shorter time-frame (approximately 20 days from mid-November to mid-December) is not outside the present experience of marine mammals in the eastern Mediterranean Sea, although levels may increase locally.

NMFS does not expect that Lamont-Doherty’s 20-day proposed survey would have effects that could cause significant or long-term consequences for individual marine mammals or their populations.

4.7.2 FUTURE SEISMIC RESEARCH IN THE MEDITERRANEAN SEA

Geophysical surveys and/or drilling could occur in western Greece at the same time as the proposed survey; the majority of activity is likely to take place offshore West Patraikos Gulf and Katakolon where there is hydrocarbon potential. An industry seismic survey could be planned for the eastern Aegean Sea, Kastelorizo, and south of Crete in the near future; however, no further details about this project are known (NSF, 2015).

NMFS is 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.

4.7.3 MILITARY ACTIVITIES

A small portion of the proposed survey is located within NATO’s Missile Firing Installation (NAMFI) guided missile range in the eastern Mediterranean Sea (NAVFAC 2008). NAMFI is Approximately 14,400 km² in area and is located in the Sea of Crete. The northern boundary of the range area is located just south of Santorini and includes Christianna Island, thus overlapping the southwest corner of the proposed primary survey area. The types of activities that could occur in the NAMFI range include testing long-range and very long-range weapon systems and missiles. L-DEO and NSF are coordinating, and would continue to coordinate, with the NATO to ensure there would be no conflicts.

If Lamont-Doherty’s proposed activities were to occur simultaneously, the cumulative environmental effects resulting from the seismic survey would be negligible and not additive or cumulative because the proposed survey would be transitory, moving about 200 km a day. The implementation of mitigation measures and the limited spatial overlap with other activities would minimize any potential for cumulative effects.

4.7.4 CLIMATE CHANGE

4.7.4.1 INTRODUCTION

Climate change is a global issue and greenhouse gas emissions are a concern from a cumulative perspective because individual sources of greenhouse gas emissions are not large enough to have an appreciable impact on climate change. Greenhouse gases are compounds that contribute to the greenhouse effect, a natural phenomenon in which these gases trap heat within the surface-troposphere (lowest portion of the earth’s atmosphere) system, causing heating (radiative forcing) at the surface of the earth. Scientific evidence indicates a trend of increasing global temperature over the past century due to increasing greenhouse gas emissions from human activities (Karl et al., 2009). Additionally, the Intergovernmental Panel on Climate Change reports that physical and biological systems on all continents, and in most oceans, are already being affected by climate changes and that there is strong evidence for global warming associated weather changes and that humans have “very likely” contributed to this problem through burning fossil fuels and adding other “greenhouse gases” to the atmosphere (IPCC, 2007a, 2007b). Finally, some of the major potential concerns for the marine environment as a result of global warming include sea temperature rise, melting of polar ice, rising sea levels, changes to major ocean current systems and ocean acidification.

4.7.4.2 CLIMATE CHANGE AND THE MEDITERRANEAN

Mariotti et al., (2015) investigated long-term climate change and decadal variability in the Mediterranean region during 1860–2100 using observational data and the newly available Coupled Model Intercomparison Project—Phase 5 (CMIP5) experiments. The authors report that observational records show that decadal variability and long-term trends have characterized the Mediterranean climate since 1860 with a general tendency for annual mean conditions to be warmer and drier. Further, the authors surmise that future anomalies could progressively shift towards drier conditions (northern parts of the Mediterranean in winter are an exception) and that the odds for future dry decades are increasing (Mariotti, et al., 2015).

With the large degree of uncertainty on the impact of climate change to marine mammals in the Mediterranean Sea, we recognize that warming of this region could affect the prey base and habitat quality for marine mammals. Nonetheless, we expect that the conduct of the seismic survey and the issuance of an Authorization to Lamont-Doherty would not result in any noticeable contributions to climate change.

CHAPTER 5 – LIST OF PREPARERS AND AGENCIES CONSULTED

Agencies Consulted:

Marine Mammal Commission
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NOAA – National Marine Fisheries Service
Office of Protected Resources
Endangered Species Act Interagency Cooperation Division
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

**FINDING OF NO SIGNIFICANT IMPACT
FOR THE PROPOSED ISSUANCE OF AN INCIDENTAL HARASSMENT AUTHORIZATION
TO LAMONT-DOHERTY EARTH OBSERVATORY TO TAKE MARINE MAMMALS INCIDENTAL
TO CONDUCTING A MARINE GEOPHYSICAL SURVEY
IN THE EASTERN MEDITERRANEAN SEA, NOVEMBER – DECEMBER, 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 Lamont-Doherty Earth Observatory of Columbia University (Lamont-Doherty) 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 a marine geophysical (seismic) survey in federal waters in the in the Eastern Mediterranean Sea, November – December, 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 would 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 Lamont-Doherty requesting an authorization to take marine mammals, by harassment, incidental to conducting a marine seismic survey in the Eastern Mediterranean Sea. Lamont-Doherty's seismic 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.

The issuance of an Authorization to Lamont-Doherty would allow for the taking of marine mammals, consistent with provisions under MMPA, and is considered a major federal action under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*). Thus, we prepared an Environmental Assessment (EA) in accordance with NEPA, the Council on Environmental Quality (CEQ) regulations in 40 CFR §§ 1500-1508, and NOAA Administrative Order (NAO) 216-6 "Environmental Review Procedures for Implementing the National Environmental Policy Act."

The EA addresses the potential environmental impacts of the proposed action and alternatives for the issuance of an Authorization and incorporates, by reference, all relevant analyses of Lamont-Doherty's proposed action within the following documents:

- NMFS' notice of the proposed Authorization in the *Federal Register* (80 FR 53623, September 4, 2015);



- *Request by Lamont-Doherty Earth Observatory for an Incidental Harassment Authorization to Allow the Incidental Take of Marine Mammals during a Marine Geophysical Survey by the R/V Marcus G. Langseth in the Eastern Mediterranean Sea, November–December 2015* (LGL, 2015).
- *Draft Environmental Analysis of a Marine Geophysical Survey by the R/V Marcus G. Langseth in the Eastern Mediterranean Sea, November–December 2015* (NSF, 2015)
- *Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement for Marine Seismic Research Funded by the National Science Foundation or Conducted by the U.S. Geological Survey* (NSF/USGS, 2011); and
- *Record of Decision for Marine Seismic Research Funded by the National Science Foundation. June, 2012* (NSF, 2012).

We considered two alternatives in the analysis and Alternative 1 is the preferred alternative. Based on our review of Lamont-Doherty's proposed seismic survey and the measures contained within Alternative 1, we have determined that no significant 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: Our proposed action of issuing an Authorization for the take of marine mammals incidental to the conduct of a seismic survey is not expected to cause damage to the ocean and coastal habitats and/or essential fish habitat. The mitigation and monitoring measures required by the Authorization would not affect ocean and coastal habitats. There is no Essential Fish Habitat as defined under the Magnuson-Stevens Act in the proposed action area.

Effects on ocean and coastal habitats by Lamont-Doherty's proposed survey and the proposed issuance of the Authorization assessed here would be temporary and minor. The main effect would be short-term disturbance that might lead to temporary and localized relocation of the marine species or their food.

- 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 action to have a substantial impact on biodiversity or ecosystem function within the affected environment. Our proposed action of authorizing incidental harassment for Lamont-Doherty's seismic survey would be limited to temporary behavioral responses (such as brief masking of natural sounds) and temporary changes in animal distribution. These 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 survey activities would occur in eastern Mediterranean Ocean. We do not expect our proposed action of issuance an Authorization to Lamont-Doherty to have a substantial adverse impact on public health or safety as the taking, by harassment, of marine mammals would pose no risk to humans.

- 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 issuance of an Authorization would likely result in limited adverse effects to 22 species of marine mammals. The EA evaluates the affected environment and potential effects of our proposed action, indicating that Lamont-Doherty's seismic survey has the potential to affect marine mammals in a way that requires authorization under the MMPA. The activities and required mitigation measures would not affect physical habitat features, such as substrates and water quality.

We have determined that the proposed activities may result in some harassment (in the form of short-term and localized changes in behavior and displacement) of small numbers, relative to the population sizes, of 22 species of marine mammals. The impacts of the seismic survey on marine mammals relate to acoustic activities, and we expect these to be temporary in nature and not result in substantial impact to marine mammals or to their role in the ecosystem.

The proposed seismic survey may have the potential to adversely affect the following species listed as threatened or endangered marine mammals under the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*): fin, humpback, sei, and sperm whales and Mediterranean monk seal. An October 2015 Biological Opinion issued under the ESA concluded that Lamont-Doherty's project was not likely to jeopardize the continued existence of any listed species and would not affect critical habitat.

To reduce the potential for disturbance from the activities, Lamont-Doherty 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 A or Level B harassment." We do not anticipate that take by serious injury or mortality would occur, nor have

we authorized take by serious injury or mortality. We expect that impacts 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 with no interrelated significant social or economic impacts. Issuance of an Authorization would not result in inequitable distributions of environmental burdens or access to environmental goods.

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 issuance of an Authorization or Lamont-Doherty's proposed seismic survey.

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

Response: Although there is some lack of agreement within the scientific and stakeholder communities about the potential effects of noise on marine mammals, there is not a substantial dispute about the size, nature, or effect of our proposed action. For several years, we have assessed and authorized incidental take for multiple geophysical surveys conducted within the same year and have developed relatively standard mitigation and monitoring measures, all of which have been vetted during past public comment periods. The scope of this action is no different than past geophysical surveys, is not unusually large or substantial, and would include the same or similar mitigation and monitoring measures required in past surveys. Previous projects of this type required marine mammal monitoring and monitoring reports, which we have reviewed to ensure that the authorized activities have a negligible impact on marine mammals.

NMFS received comments from several Greek organizations, the Mayor of Santorini, Greece, one U.S. organization, and the Marine Mammal Commission. Members of the public expressed support for Lamont-Doherty conducting the proposed survey and we fully considered all of the public comments in preparing the proposed Authorization and the EA. We have determined, based on the best available scientific literature, the limited duration of the project, and the low-level effects to marine mammals, that our proposed Authorization would have a negligible impact on the affected species or stocks of marine mammals.

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 conduct of a seismic survey would not impact the survey area. There are no unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas that could potentially be affected by our proposed action. The impacts

to ocean habitat from Lamont-Doherty's action would likely have minor adverse effects but would be localized and short-term in nature. (See responses to questions 1 and 2.)

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

Response: The potential risks associated with research seismic surveys are neither unique nor unknown nor is there significant uncertainty about impacts. We have issued Authorizations for similar activities or activities with similar types of marine mammal harassment in the Atlantic, Pacific, and Southern Oceans 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 issuance of our Authorization to be similar to prior activities which 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 issuance of an Authorization for the take of marine mammals incidental to the conduct of a seismic survey the impacts of the seismic survey 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 survey area in terms of overall disturbance effects: (a) our issuance of an Authorization with prescribed mitigation and monitoring measures for the seismic survey; (b) past, present, and reasonably foreseeable future seismic surveys in the Mediterranean Sea; (c) military activities; and (d) climate change.

The proposed action of Lamont-Doherty conducting the survey in the Mediterranean Sea and our proposed action of issuing an Authorization to Lamont-Doherty for the incidental take of a small number of marine mammals are interrelated. The survey conducted under the requirements of an Authorization authorizing 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 have issued incidental take authorizations for other research surveys that may have resulted in the harassment of marine mammals, but these research seismic surveys 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 and to minimize other potential adverse environmental impacts in the activity area.

We are unaware of any other research seismic surveys scheduled for the Mediterranean Sea. Also, 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. The Cumulative Effects section of the EA and the material incorporated by reference go into more detail regarding other past, present, and reasonably foreseeable future actions, but concludes that the impacts of Lamont-Doherty's proposed survey in the Mediterranean Sea 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 the proposed action is not an undertaking with the potential to affect historic resources. The issuance of an Authorization for the take of marine mammals incidental to the conduct of a seismic survey would affect marine mammals and would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or 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 does not have the potential to introduce or spread non-indigenous species because it does not encourage or require the *Langseth* to conduct long-range vessel transit that would lead to the introduction or spread of non-indigenous species. The *Langseth* complies with all international and U.S. national ballast water requirements to prevent the spread of a non-indigenous species.

- 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 action of issuing an Authorization for the take of marine mammals incidental to the conduct of a seismic survey 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)(D) 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 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 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 seismic 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 authorized harassment to result in significant cumulative adverse effects on the affected species or stocks.

We have issued incidental take authorizations for other seismic research surveys (to Lamont-Doherty and other entities) 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 relatively short time that the project area would be ensonified (not more than 20 days), the action 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 and the analysis contained in the supporting EA titled, *Proposed Issuance of an Incidental Harassment Authorization to Lamont-Doherty Earth Observatory to Take Marine Mammals by Harassment Incidental to a Marine Geophysical Survey in the Eastern Mediterranean Sea, November – December, 2015*, and documents that it references, we have determined that issuance of an Incidental Harassment Authorization to Lamont-Doherty in accordance with Alternative 1 (Preferred Alternative) would not significantly impact the quality of the human environment, as described in this FONSI and in the EA.

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.

Perry Gaydos

Digitally signed by GAYALDO PERRY.F.DR.136588858
DN: cn=U.S. Government, ou=DoD, ou=PM,
ou=OTHER, ou=GAYALDO PERRY.F.DR.136588858
Date: 2015.10.15 15:21:17 -0400

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

Date



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

MEMORANDUM FOR: Kristen A. Tronvig
Acting NOAA NEPA Coordinator

FROM: Dr. Perry F. Gayaldo *Perry Gayaldo*
Deputy Director, Office of Protected Resources

SUBJECT: Finding of No Significant Impact for the Environmental
Assessment on the Proposed Issuance of an Incidental Harassment
Authorization to Lamont Doherty Earth Observatory to Take
Marine Mammals by Harassment Incidental to a Marine
Geophysical Survey in the Eastern Mediterranean Sea, November
– December 2015—DECISION MEMORANDUM

Based on the subject environmental assessment, I have determined that no significant environmental impacts will result from the proposed action. I request your concurrence in this determination by signing below. Please return this memorandum for our files.

TRONVIG.KRISTEN.A.1365886012

Digitally signed by TRONVIG.KRISTEN.A.1365886012
DN: c=US, o=U.S. Government, ou=DoD, ou=PM, ou=OTIHER,
ou=THOMAS.KRISTEN.A.1365886012
Date: 2015.10.16 09:52:27 -0400

1. I concur. _____
NOAA NEPA Coordinator Date
2. I do not concur. _____
NOAA NEPA Coordinator Date

Attachments

