



NOAA FISHERIES

PROPOSED ACTION: Issuance of an Incidental Harassment Authorization to the National Science Foundation and Antarctic Support Contract to Take Marine Mammals by Harassment Incidental to a Low-Energy Marine Geophysical Survey in the Scotia Sea and South Atlantic Ocean, September to October 2014.

TYPE OF STATEMENT: Environmental Assessment

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

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LOCATION: Selected regions of the Scotia Sea and South Atlantic Ocean in the Exclusive Economic Zone of the South Georgia and South Sandwich Islands and International Waters (i.e., high seas) (Approximately 53 to 58° South, between 33 to 40° West)

ABSTRACT: This Environmental Assessment analyzes the environmental impacts of the National Marine Fisheries Service, Office of Protected Resources, Permits and Conservation Division's proposal to issue an Incidental Harassment Authorization to the National Science Foundation and Antarctic Support Contract for the taking, by Level B harassment, of small numbers of marine mammals, incidental to conducting a low-energy marine geophysical survey in the Scotia Sea and South Atlantic Ocean, September to October 2014.

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LIST OF ABBREVIATIONS OR ACRONYMS

AEP	auditory evoked potential
ASC	Antarctic Support Contract
BiOp	Biological Opinion
CFR	Code of Federal Regulations
Commission	Marine Mammal Commission
dB	decibel
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>)
FONSI	Finding of No Significant Impact
FR	<i>Federal Register</i>
ft	feet
IEE/EA	Initial Environmental Evaluation/Environmental Assessment
IHA	Incidental Harassment Authorization
ITA	Incidental Take Authorization
ITS	Incidental Take Statement
km	kilometer
km/hr	kilometer per hour
kts	knots
m	meter
mi	mile
mph	miles per hour
MMPA	Mammal Protection Act of 1972, as amended (16 U.S.C. 1631 <i>et seq.</i>)
μPa	microPascal
nmi	nautical miles
<i>Palmer</i>	<i>RVIB Nathaniel B. Palmer</i>
PSO	Protected Species Observer

EXECUTIVE SUMMARY

The National Marine Fisheries Service (NMFS), Office of Protected Resources, Permits and Conservation Division has prepared this Environmental Assessment (EA) pursuant to 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 216-6.

ES.1 Description of the Proposed Action

We (National Marine Fisheries Service, Office of Protected Resources, Permits and Conservation Division) propose to issue an Incidental Harassment Authorization (IHA) to the National Science Foundation (NSF) and Antarctic Support Contract (ASC), 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 low-energy marine geophysical (seismic) survey in the Exclusive Economic Zone (EEZ) of the South Georgia and South Sandwich Islands and International Waters (i.e., high seas) in the Scotia Sea and southern Atlantic Ocean, September through October 2014. We do not have the authority to permit, authorize, or prohibit NSF and ASC's low-energy seismic survey in the Scotia Sea and South Atlantic Ocean.

Our proposed action results from NSF and ASC's request for an authorization to take marine mammals, by harassment, incidental to conducting a low-energy marine seismic survey in the Scotia Sea and southern Atlantic Ocean. NSF and ASC's low-energy seismic survey activities, which have the potential to cause marine mammals to be behaviorally disturbed, warrant an incidental take authorization from us under section 101(a)(5)(D) of the MMPA.

ES.2 Scope of this Environmental Assessment

This EA, titled *Environmental Assessment on the Issuance of an Incidental Harassment Authorization to the National Science Foundation and Antarctic Support Contract to Take Marine Mammals by Harassment Incidental to a Low-Energy Marine Geophysical Survey in the Scotia Sea and South Atlantic Ocean, September to October 2014*, focuses primarily on the environmental effects of authorizing the take of marine mammals incidental to NSF and ASC's activities.

To evaluate the effects of conducting the low-energy marine geophysical (seismic) survey in the Scotia Sea and South Atlantic Ocean during a period between September and October 2014, the NSF and ASC have prepared an *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Development of the Antarctic Circumpolar Current* (AECOM, 2014) (available at: http://www.nmfs.noaa.gov/pr/pdfs/permits/nsf_asc_iee_ea_draft.pdf). We do not duplicate their analysis; rather we incorporate it by reference as explained further in this document. NSF's 2014 analysis tiers to the 2011 *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 PEIS) (NSF, 2011) (available at: http://www.nsf.gov/geo/oce/envcomp/usgs-nsf-marine-seismic-research/nsf-usgs-final-eis-oeis_3june2011.pdf), which considers all impacts of conducting a low-energy seismic survey. We incorporate the 2011 NMFS/USGS PEIS by reference. Last, we published a notice of the proposed IHA in the *Federal Register* (79 FR 45592, August 5, 2014; [NMFS, 2014]) (available at: <http://www.gpo.gov/fdsys/pkg/FR-2014-08-05/pdf/2014-18396.pdf>), which provided a detailed

description of the proposed low-energy seismic survey and environmental information and issues related to it. We also incorporate this notice by reference.

We have prepared this EA to assist in determining whether the direct, indirect, and cumulative impacts related to our proposed issuance of an IHA under the MMPA for NSF and ASC's survey is likely to result in significant impacts to the human environment. This EA is intended to inform our decision on issuing the IHA. While the focus of this EA is on the effects caused by the proposed issuance of an IHA, in combining this analysis with the analyses in the previously referenced documents, we have considered all impacts associated with the underlying action which is the full suite of activities conducted by NSF and ASC for their proposed low-energy seismic survey. We anticipate the issuance of an IHA to result in the take of small numbers of marine mammals in a specific geographic region incidental to NSF and ASC's specified activities.

Our NEPA analysis further evaluates effects to marine mammals and their habitat due to the specific scope of the decision for which we are responsible (i.e., whether or not to issue the IHA, which includes prescribed means of incidental take, mitigation measures, and monitoring requirements). Our review of public comments submitted in response to our notice for the proposed IHA in the *Federal Register* (79 FR 45593, August 5, 2014) did not reveal additional environmental impacts or issues requiring analysis in this EA.

ES.3 Alternatives

Our Proposed Action (Preferred Alternative) represents the authorization of take incidental to the applicants' seismic survey, along with required monitoring and mitigation measures for marine mammals that would minimize potential adverse environmental impacts. The IHA includes prescribed means of incidental take, mitigation and monitoring measures, and reporting requirements.

For the No Action Alternative, we would not issue an IHA to NSF and ASC for the taking, by Level B harassment, of small numbers of marine mammals, incidental to the low-energy seismic survey.

- The No Action Alternative also includes the full suite of activities conducted by NSF and ASC for the low-energy seismic survey. Because we do not have the authority to permit, authorize, or prohibit the seismic survey activities themselves, NSF and ASC may decide to: (1) continue with the seismic survey with the inclusion of mitigation and monitoring measures sufficient to preclude any incidental take of marine mammals; (2) continue the seismic survey and be in violation of the MMPA if take of marine mammals occurs; or (3) choose not to conduct the seismic survey.
- For purposes of this NEPA analysis, however, we have focused on the potential environmental effects that could arise without the mitigation and monitoring measures for marine mammals prescribed in the IHA, in order to sharply compare and contrast alternatives.

ES.4 Environmental Impacts of the Proposed Action

NSF and ASC's proposed low-energy seismic survey activities would involve active acoustics that have the potential to cause marine mammals to be behaviorally disturbed.

- The impacts of the seismic survey on marine mammals are specifically related to acoustic activities, and these are expected to be temporary in nature, negligible, and would not result in substantial impacts to marine mammals or to their role in the ecosystem.

- The action alternative includes a suite of mitigation measures intended to minimize potential adverse interactions with marine mammals and their habitat. We acknowledge that the incidental take authorized by the IHA would potentially result in insignificant, unavoidable adverse impacts. However, we believe that the issuance of an IHA would not result in significant cumulative effects on marine mammal species or their habitats.

The analysis in this EA, including the documents we incorporate by reference, serve as the basis for determining whether our issuance of an IHA to NSF and ASC for the taking, by Level B harassment, of small numbers of marine mammals, incidental to the conduct of the low-energy marine seismic survey in the Scotia Sea and South Atlantic Ocean, September to October 2014, would result in significant impacts to the human environment.

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.*) prohibits the incidental taking of marine mammals. For a marine mammal to be incidentally taken, it is either killed, seriously injured, or harassed. The MMPA 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 to the MMPA's prohibition on take, such as the authority at issue here for us to authorize the incidental taking of small numbers of marine mammals by harassment upon the request of a U.S. citizen, provided certain statutory and regulatory procedures are met and determinations made. We describe this exception set forth in the MMPA at section 101(a)(5)(D) in more detail in Section 1.2.

We (NMFS, Office of Protected Resources, Permits and Conservation Division) propose to issue an IHA to NSF and ASC under the MMPA for the taking of small numbers of marine mammals, incidental to the conduct of a low-energy marine geophysical (seismic) survey in the EEZ of the South Georgia and South Sandwich Islands and International Waters in the Scotia Sea and South Atlantic Ocean, September through October 2014. We do not have the authority to permit, authorize, or prohibit NSF and ASC's low-energy seismic survey in the Scotia Sea and South Atlantic Ocean.

Our proposed action is triggered by NSF and ASC's request for an IHA to take marine mammals incidental to conducting the proposed low-energy marine seismic survey within the EEZ of the South Georgia and South Sandwich Islands and International Waters in the Scotia Sea and South Atlantic Ocean. NSF and ASC's seismic survey activities have the potential to cause marine mammals to be behaviorally disturbed by exposing them to elevated levels of sound which, as we have explained, is anticipated to result in take that would otherwise be prohibited by the MMPA. NSF and ASC therefore require an IHA for incidental take and have requested that we provide it through the issuance of an IHA under section 101(a)(5)(D) of the MMPA. Our proposed issuance of an IHA to NSF and ASC is a major federal action under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) regulations in 40 CFR §§ 1500-1508, and NOAA Administrative Order (NAO) 216-6. Thus, we are required to analyze the effects of the action on the human environment and determine whether they are significant, such that preparation of an Environmental Impact Statement (EIS) is necessary.

This EA, titled *Environmental Assessment on the Issuance of an Incidental Harassment Authorization to the National Science Foundation and the Antarctic Support Contract to Take Marine Mammals by Harassment Incidental to a Low-Energy Marine Geophysical Survey in the Scotia Sea and South Atlantic Ocean, September to October 2014*, addresses the potential environmental impacts of two choices available under section 101(a)(5)(D) of the MMPA, namely:

- Issue the IHA to NSF and ASC for Level B harassment take of marine mammals under the MMPA during the low-energy seismic survey, taking into account the prescribed means of take, mitigation measures, and monitoring requirements required in the IHA; or
- Not issue an IHA to NSF and ASC, in which case, for the purposes of NEPA analysis only, we assume the activities would proceed and cause incidental take without the mitigation and monitoring measures prescribed in the IHA.

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.

1.1.1 BACKGROUND ON THE APPLICANT'S MMPA APPLICATION

NSF and ASC propose to use the RVIB *Nathaniel B. Palmer* (*Palmer*), a 94 meter (m) (308.5 feet [ft]) research vessel owned by Edison Chouest Offshore, Inc. and operated by NSF and ASC (under a long-term charter with Edison Chouest Offshore, Inc.), to use conventional seismic methodology to perform marine-based studies in the Scotia Sea and South Atlantic Ocean. These studies would include evaluation of lithosphere adjacent to and beneath the Scotia Sea and southern Atlantic Ocean in two areas, the South Georgia micro-continent and the seafloor of the eastern portion of the central Scotia Sea (see Figures 1 and 2 of the IHA application).

NSF 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. In 2013, a NSF-expert panel recommended a collaborative research proposal titled, *Role of the Central Scotia Sea Floor and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (Award Smalley #1245660 and Dalziel/Lawver #1246111) for funding and ship time on the *Palmer*. As the federal action agency, NSF has funded ASC, University of Memphis, and University of Texas at Austin's proposed low-energy seismic survey in the Scotia Sea and South Atlantic Ocean, September through October 2014, under the NSF Act of 1950. We describe the NSF-supported low-energy seismic survey in more detail in Section 2.2.

1.1.2 MARINE MAMMALS IN THE ACTION AREA

On April 15, 2014, we received an application from NSF and ASC, which reflected updates to the mitigation zones (for safety), incidental take requests for marine mammals, and information on marine protected areas. Marine mammals under our jurisdiction that could be adversely affected by the proposed low-energy seismic survey include:

Mysticetes

- Blue whale (*Balaenoptera musculus*)
- Fin whale (*B. physalus*)
- Humpback whale (*Megaptera novaeangliae*)
- Sei whale (*B. borealis*)
- Antarctic minke whale (*B. bonaerensis*)
- Minke whale (*B. acutorostrata*)
- Southern right whale (*Eubalaena australis*)

Odontocetes

- Arnoux's beaked whale (*Berardius arnuxii*)
- Cuvier's beaked whale (*Ziphius cavirostris*)
- Gray's beaked whale (*Mesoplodon grayi*)
- Hourglass dolphin (*Lagenorhynchus cruciger*)
- Killer whale (*Orcinus orca*)
- Long-finned pilot whale (*Globicephala melas*)
- Peale's dolphin (*Lagenorhynchus australis*)
- Shepherd's beaked whale (*Tasmacetus shepherdi*)
- Sperm whale (*Physeter macrocephalus*)
- Southern bottlenose whale (*Hyperoodon planifrons*)
- Southern right whale dolphin (*Lissodelphis peronii*)
- Spectacled porpoise (*Phocoena dioptrica*)
- Strap-toothed beaked whale (*Mesoplodon layardii*)

Pinnipeds

- Crabeater seal (*Lobodon carcinophaga*)
- Leopard seal (*Hydrurga leptonyx*)
- Weddell seal (*Leptonychotes weddellii*)
- Southern elephant seal (*Mirounga leonina*)
- Antarctic fur seal (*Arctocephalus gazella*)
- Subantarctic fur seal (*Arctocephalus tropicalis*)

1.2 BACKGROUND FOR PURPOSE AND NEED

The MMPA and Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) prohibit “takes” of marine mammals and of threatened and endangered species, respectively, with only a few specific exceptions. The applicable exceptions in this case are an exemption for incidental take of marine mammals in sections 101(a)(5)(D) of the MMPA and 7(o)(2) of the ESA.

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 we make certain findings and provide a notice of a proposed IHA to the public for review. Entities seeking to obtain authorization for the incidental take of marine mammals under our jurisdiction must submit such a request (in the form of an application) to us. Section 101(a)(5)(D) of the MMPA also establishes a 45-day time limit for our review of the application for an IHA followed by a 30-day public notice and comment period on any proposed authorization for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the public comment period, we must either issue or deny the IHA.

In the case of a federal action that may affect marine mammal species listed as threatened or endangered under the ESA, the action agency responsible for funding, authorizing or carrying out the action must consult with NMFS under section 7 of the ESA to ensure that its action is not likely to jeopardize a listed species or result in the adverse modification or destruction of any designated critical habitat. The section 7 consultation process for this action is described in Section 1.4.1. Consultation is completed when NMFS issues a Biological Opinion (BiOp). The BiOp includes, among other things, an Incidental Take Statement (ITS), which must specify measures the Secretary considers necessary or appropriate to minimize the impact of such take. Any incidental take that occurs consistent with the terms and conditions in the ITS is not considered prohibited take under the ESA and is thus exempted.

We have promulgated regulations to implement the permit provisions of the MMPA (50 CFR Part 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 permits. All applicants must comply with these regulations and application instructions in addition to the provisions of the MMPA. Applications for an IHA must be submitted according to regulations at 50 CFR § 216.104.

1.2.1 PURPOSE OF ACTION

The primary purpose of our proposed action, the issuance of an IHA to NSF and ASC is to authorize (pursuant to the MMPA) NSF and ASC’s request to take marine mammals incidental to NSF and ASC’s proposed activities. The IHA, if issued, would exempt NSF and ASC from the take prohibitions contained in the MMPA. To authorize the take of small numbers of marine mammals in accordance with section 101(a)(5)(D) of the MMPA, we must evaluate the best available scientific information to determine whether the take would have a negligible impact on marine mammals or stocks and have an unmitigable impact on the availability of affected marine

mammal species for subsistence use. We cannot issue an IHA if it would result in more than a negligible impact on marine mammals or stocks or result in an unmitigable impact on subsistence. The statute also establishes substantive requirements. We must set forth the permissible methods of taking and other means of effecting the least practicable impact on the species or stocks of marine mammals and their habitat (i.e. mitigation), paying particular attention to rookeries, mating grounds, and areas of similar significance. If appropriate, we must prescribe the means of effecting the least practicable impact on the availability of the species or stocks of marine mammals for subsistence uses. IHAs must also include requirements or conditions pertaining to the monitoring and reporting of such taking, in large part to better understand the effects of such taking on the species. A proposed IHA must be published in the *Federal Register* for public notice and comment.

1.2.2 NEED FOR ACTION

As noted above this section, the MMPA establishes a general prohibition on the take of marine mammals, including take by Level B (behavioral) harassment. The MMPA establishes a process discussed in Section 1.2.1, by which individuals engaged in specified activities within a specified geographic area may request an IHA for the incidental take of small numbers of marine mammals.

On April 15, 2014, NSF and ASC submitted an IHA application demonstrating both the need and potential eligibility for issuance of an IHA in connection with the seismic survey described in Section 1.1.1. NMFS needs to review the IHA application to determine if the action proposed is consistent with applicable statutes and regulations. We now have a corresponding duty to determine whether and how we can fashion an IHA authorizing take by Level B harassment incidental to the activities described in NSF and ASC's application. The need for this action is therefore established and framed by the MMPA and our responsibilities under section 101(a)(5)(D) of the MMPA, its implementing regulations, and other applicable requirements which will influence our decision making, such as section 7 of the ESA, which is discussed in more detail below this section. In order for an alternative to be considered reasonable, it must meet the statutory and regulatory requirements. The previously mentioned purpose and need guide us in developing reasonable alternatives for consideration, including alternative means of mitigating potential adverse effects. We are thus developing and analyzing alternatives of developing and issuing an IHA, not alternative means of the applicant carrying out the underlying activities described in its application. We do recognize, though, that mitigation measures developed and included in a final IHA might affect those activities.

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 that are fully or partially funded, regulated, conducted, or approved by a federal agency. Because our issuance of an IHA would allow for the taking of marine mammals consistent with provisions under the MMPA and incidental to the applicant's activities, we consider this as a federal action subject to NEPA.

We prepared this EA to determine whether the direct, indirect and cumulative impacts related to our issuance of the IHA for incidental take of marine mammals under the MMPA during the low-energy seismic surveys in the EEZ of the South Georgia and South Sandwich Islands and International Waters in the Scotia Sea and South Atlantic Ocean are likely to be significant. If we deem 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 IHA.

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

We have based the scope of the proposed action and nature of the two alternatives (i.e., whether or not to issue the IHA, including prescribed means of take, mitigation measures, and monitoring requirements) considered in this EA on the relevant requirements in section 101(a)(5)(D) of the MMPA. The scope of our analysis is thus bounded by our decision-making discussed in Section 1.3.2. We believe this analysis, when combined with the analysis in NSF and ASC's 2014 *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (AECOM, 2014), and their 2011 *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) fully evaluate the impacts associated with this survey, with planned mitigation and monitoring for marine mammals in place.

MMPA APPLICATION AND NOTICE OF THE PROPOSED IHA

The MMPA and its implementing regulations governing the issuance of an IHA (50 CFR § 216.107) require that upon receipt of an adequate and complete application for an IHA, we must publish a notice of preliminary determinations and a proposed IHA in the *Federal Register* (FR) within 45 days.

The regulations published by the Council on Environmental Quality (CEQ regulations) (40 CFR §1502.25) encourage federal agencies to integrate NEPA's environmental review process with other environmental reviews under other laws. We rely substantially on the public process for developing proposed IHAs under the MMPA and its implementing regulations, to develop and evaluate 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 IHA during the corresponding NEPA review process.

On August 5, 2014, we published a notice of a proposed IHA with our preliminary determinations in the *Federal Register* (79 FR 45592). The notice included a detailed description of the proposed action, resulting from the MMPA consultation process; consideration of environmental issues and impacts of relevance related to the issuance of an IHA; and potential mitigation and monitoring measures to avoid and minimize potential adverse impacts to marine mammals and their habitats. We explained in that notice that we would use it to provide all relevant environmental information to the public and to solicit the public's comments on the potential environmental effects related to the proposed issuance of the IHA and issues for consideration in this EA.

This EA, titled *Environmental Assessment on the Issuance of an Incidental Harassment Authorization to the National Science Foundation and Antarctic Support Contract to Take Maine Mammals by Harassment Incidental to a Low-Energy Marine Geophysical Survey in the Scotia Sea and South Atlantic Ocean, September to October 2014*, incorporates by reference and relies on NSF and ASC's April 2014 IHA application, our notice of the proposed IHA (79 FR 45592,

August 5, 2014), and their environmental analyses to avoid duplication of analysis and unnecessary length.

Our notice of the proposed IHA (79 FR 45592, August 5, 2014) included a detailed description of the proposed project, an assessment of the potential impacts on marine mammals, mitigation and monitoring measures, reporting requirements planned for this project, and preliminary determinations required by the MMPA. The notice provided information on our proposal to issue an IHA to NSF and ASC to incidentally harass by Level B harassment only, 26 species of marine mammals during the proposed 30-operational-day, low-energy seismic survey. Within the notice of the proposed IHA (79 FR 45592, August 5, 2014), we considered the applicants' proposed action and their proposed mitigation and monitoring measures to effect the least practicable impact on marine mammals including: (1) vessel-based visual monitoring; (2) proposed exclusion zones; (3) shut-down procedures; (4) ramp-up procedures; and (5) speed and course alterations. We preliminarily determined, based on implementation of the required mitigation and monitoring measures, that the impact of conducting the proposed survey in the EEZ of the South Georgia and South Sandwich Islands and International Waters of the Scotia Sea and South Atlantic Ocean, from September through October 2014, would result, at worst, in a modification in behavior and/or low-level physiological effects (Level B harassment) of certain species of marine mammals, both of which would be insignificant.

PROPOSING FEDERAL AGENCY'S NEPA ANALYSIS ON THE PROPOSED SEISMIC SURVEY AND ISSUANCE OF AN ASSOCIATED IHA

NSF, which funds, and ASC, which operates the project and research vessel that would serve as the operational platform for the seismic survey, directed AECOM to prepare an environmental analysis, titled *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (AECOM, 2014), to meet their requirements under Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*, for NSF and ASC's proposed federal action. NSF and ASC's 2014 analysis tiers to the *2011 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, 2011) and the corresponding Record of Decision.

After conducting an independent review of the information and analyses for sufficiency and adequacy, we incorporate by reference the relevant analyses of NSF and ASC's proposed action and discussions of the affected environment and environmental consequences within the following documents, per 40 CFR 1502.21 and NAO 216-6 § 5.09(d):

- NSF and ASC's 2014 *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current*, prepared by AECOM (AECOM, 2014); and
- NSF's 2011 *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, 2011).

NSF and ASC's 2014 environmental analysis (AECOM, 2014) contains a description of NSF and ASC's proposed low-energy seismic survey, proposed mitigation measures, and issuance of

an IHA (Section II); and a discussion of the affected environment and environmental consequences (Section IV) (AECOM, 2014). The NSF/USGS 2011 PEIS (NSF, 2011) also considers, in a qualitative way (Section 2.3.1.2), the affected environment and environmental consequences of conducting a low-energy seismic survey in the Scotia Sea and South Atlantic Ocean including impacts on biota (Section 3.3), marine invertebrates (Section 3.3.1), fish (Section 3.3.2), sea turtles (Section 3.3.3), seabirds (Section 3.3.4), and marine mammals (Section 3.3.6); and physical disturbances, planned releases, and accidental releases (Sections 4.2, 4.3, and 4.4). In summary, NSF and ASC's analyses conclude that with incorporation of monitoring and mitigation measures proposed by NSF and ASC, the potential impacts of the proposed action to marine mammals would be limited to localized changes in behavior and distribution near the seismic vessel and would qualify as Level B harassment under the MMPA. NSF and ASC did not identify any significant environmental issues or impacts.

1.3.2 SCOPE OF ENVIRONMENTAL ANALYSIS

Given the limited scope of the decision for which we are responsible (i.e., whether or not to issue the IHA which includes prescribed means of take, mitigation measures and monitoring requirements), this EA (relying on the environmental review and analyses performed by NSF, the IHA application and the notice of proposed IHA collectively incorporated by reference herein) is intended to provide more focused information on the primary issues and impacts of environmental concern related specifically to our issuance of the IHA authorizing the take of marine mammals incidental to NSF and ASC's activities and the mitigation measures to minimize the effects of that take. For these reasons, this EA does not further evaluate effects to the elements of the human environment listed in Table 1 because these other elements will not be affected by our action.

Table 1. Components of the human environment not requiring further evaluation.

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

1.3.3 NEPA PUBLIC SCOPING SUMMARY

NAO 216-6 established agency procedures for complying with NEPA and the NEPA implementing 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, we requested comments on the potential environmental impacts described in the MMPA IHA application and in the *Federal Register* notice of the proposed IHA (79 FR 45592, August 5, 2014). The CEQ regulations further encourage agencies to integrate the NEPA review process with review under the environmental statutes. Consistent with agency practice we integrated our NEPA review and preparation of this EA with the public process required by the MMPA for issuance of an IHA.

The *Federal Register* notice of the proposed IHA with our preliminary determinations (79 FR 45592, August 5, 2014), supporting analyses, and corresponding public comment period 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 IHA (79 FR 45592, August 5, 2014) summarized our purpose and need; included a statement that we would prepare an EA for the proposed action; and invited interested parties to submit written comments concerning the application and our preliminary analyses and findings, including those relevant to consideration in the EA. The notice of the proposed IHA was available for public review and comment from August 5 to September 4, 2014.

This process served the public participation function for this EA in terms of scoping for the action and providing the public a meaningful opportunity to participate in the environmental decision-making process. In addition, we posted NSF's analysis on our website at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications> concurrently with the release of our *Federal Register* notice requesting comments on the proposed IHA (79 FR 45592, August 5, 2014). This EA does not expand the scope of environmental issues and impacts for consideration and is based primarily on the information included in our *Federal Register* notice (79 FR 45592, August 5, 2014), 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, the FONSI, on the same website.

1.3.4 RELEVANT COMMENTS ON NSF AND ASC'S ANALYSIS

NSF and ASC have followed the public review and comment system established under the Antarctic Conservation Act. Specifically, per 45 CFR 641.17c and Appendix 1, Article 6 of the Madrid Protocol under the Antarctic Treaty, the Environmental Office, Division of Polar Programs, shall make the list and copies of final IEEs available to the public upon request. An annual list of IEEs and a description of any decisions taken in consequence thereof shall be circulated to all Antarctic Treaty Parties in April, annually, as required using the Electronic Information Exchange System (<http://www.ats.aq/e/ie.htm>). The NSF and ASC IEE/EA will therefore be submitted to the Treaty Parties this coming April. NMFS posted NSF and ASC's analysis on our website at <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications> concurrently with the release of our *Federal Register* notice requesting comments on the proposed IHA (79 FR 45592, August 5, 2014). We evaluate and address relevant public comments that we received in response to the notice in Chapters 2, 3, and 4 of this EA. We will also address them in the *Federal Register* notice announcing issuance of the IHA, should we determine to issue the IHA.

1.3.5 RELEVANT COMMENTS ON OUR *FEDERAL REGISTER* NOTICE

During the 30-day public comment period on the notice of the proposed IHA (79 FR 45592, August 5, 2014) we received comments from one individual and the Marine Mammal Commission (Commission). Public comments on the notice of the proposed IHA postmarked by September 4, 2014, are a part of the public record and are available on our website. One member of the public (a private citizen) raised concern over the effects of the low-energy seismic survey in general, but 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 IHA will not result in significant impacts on the human environment. The comments related to the potential environmental impacts associated with our authorizing potential take of marine mammals incidental to NSF and ASC's action summarized here:

On August 18, 2014, we received comments from the Commission on the notice of the proposed IHA (79 FR 45592, August 5, 2014). The Commission provides comments on all proposed ITAs as part of its established role under the MMPA (MMPA § 202 (a)(2); 16 U.S.C. 1402(a)(2)).

We briefly summarize the Commission's comments here. Generally, the Commission recommended that we:

- Require NSF and ASC to re-estimate the proposed exclusion and buffer zones and associated takes of marine mammals, using site-specific parameters (including at least sound speed profiles, bathymetry, and sediment characteristics) and operational

parameters (including number/type of airguns, tow depth) for the proposed IHA, and make the same requirement for all future IHAs submitted by NSF, ASC, Lamont-Doherty Earth Observatory (L-DEO), U.S. Geological Survey (USGS), Scripps Institution of Oceanography (SIO), or any other related entity.

- Either estimate the number of takes that could occur during the bathymetric survey, which includes the use of the multi-beam echosounder and sub-bottom profiler, absent the airguns, or not include authorization for taking by the acoustic sources (echosounder, sub-bottom profiler, ADCP) in the final IHA.
- Consult with NSF, ASC, and relevant entities (e.g., L-DEO, SIO, and USGS) 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 by incorporating applicable $g(0)$ and $f(0)$ values.

We have considered the comments regarding monitoring and mitigation measures within the context of the MMPA requirement to effect the least practicable impact to marine mammals and their habitats. We have developed responses to specific comments related to the incidental harassment of marine mammals, and we will provide those responses in the *Federal Register* notice announcing the issuance of the IHA; and address them in Chapters 2, 3, and 4 of this EA. We fully considered the Commission's comments, particularly those related to mitigation, monitoring, and adaptive management measures, in preparing the final IHA and this EA.

Based on those comments, we have re-evaluated the mitigation and monitoring proposed for incorporation in the IHA and have determined, based on the best available data, that the mitigation measures proposed by the applicant are the most feasible and effective monitoring and mitigation measures to achieve the MMPA requirement of effecting the least practicable impact on each marine mammal species or stock. Public comments therefore did not reveal additional feasible means of effective mitigation for the proposed action.

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.

1.4.1 U.S. ENDANGERED SPECIES ACT OF 1973

Section 7 of the ESA requires consultation for actions funded, authorized or carried out by federal agencies (i.e., federal actions) that may affect a species listed as threatened or endangered or that may affect designated critical habitat under the ESA. The regulations at 50 CFR Part 402 specify the requirements for these consultations with NMFS.

NSF and ASC have requested authorization for the incidental take of the following marine mammals that are listed as endangered under the ESA under our jurisdiction: the blue, fin, sei, humpback, southern right, and sperm whales. Under section 7 of the ESA, NSF, as the lead federal agency which funds the *Palmer*, has engaged in a formal consultation with the NMFS, Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, on this proposed low-energy seismic survey.

Likewise, our proposed issuance of an IHA is an interrelated federal action that is also subject to the requirements of section 7 of the ESA. As a result, we are required to ensure that the action of

our issuance of an IHA to NSF and ASC is not likely to jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. In order for us to authorize the incidental take of blue, fin, sei, humpback, southern right, and sperm whales, we have also engaged in a formal consultation with the Office of Protected Resources, Endangered Species Act Interagency Cooperation Division.

The formal consultation under section 7 of the ESA will conclude with a single Biological Opinion for NSF's Division of Polar Programs and NMFS's Office of Protected Resources, Permits and Conservation Division for the seismic cruise and associated IHA in September 2014.

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

The requirements for Executive Order (E.O.) 12114 are discussed in NSF and ASC's 2014 *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (AECOM, 2014) and their 2011 *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, 2011). 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.

CHAPTER 2 – ALTERNATIVES INCLUDING THE PROPOSED ACTION

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 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, as we previously explained, an alternative will only meet 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.¹

We did not carry forward alternatives that we considered not reasonable for detailed evaluation in this EA. Section 2.3.4 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.

As described in Section 1.2.1, we must prescribe the means of effecting the least practicable impact on the species or stocks of marine mammals and their habitat. In order to do so, we must consider NSF and ASC's proposed mitigation measures, as well as other potential measures, and assess the benefit of the considered measures to the potentially affected species or stocks and their habitat. Our 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, the successful implementation of the measure is expected 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 us 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);

¹ 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)). 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.

- A reduction in the number of times individual marine mammals are taken (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.

2.2 DESCRIPTION OF NSF AND ASC'S PROPOSED SEISMIC SURVEY

NSF and ASC plan to conduct a low-energy seismic survey in the Scotia Sea and South Atlantic Ocean from September to October 2014 (see Figures 1 and 2). In addition to the low-energy seismic survey, scientific activities would include conducting a bathymetric profile survey of the seafloor using transducer based instruments such as a multi-beam echosounder, and sub-bottom profiler; collecting global positioning system (GPS) information through the temporary installation of three continuous Global Navigation Satellite Systems on the South Georgia Islands, and collecting dredge samples around the edges of seamounts or ocean floor with significant magnetic anomalies to determine the nature and age of bathymetric highs near the eastern edge of the central Scotia Sea. The research would be conducted by two research institutions: University of Memphis and University of Texas at Austin. NSF and ASC plan to use one source vessel, the *Palmer*, and a seismic airgun array to collect seismic data in the Scotia Sea and South Atlantic Ocean. The vessel would be operated by ASC, which operates the United States Antarctic Program under contract to NSF. NSF and ASC plan to use conventional low-energy, seismic methodology to perform marine-based studies in the Scotia Sea and South Atlantic Ocean to include evaluation of lithosphere adjacent to and beneath the Scotia Sea and southern Atlantic Ocean in two areas, the South Georgia micro-continent and the seafloor of the eastern portion of the central Scotia Sea. In addition to the planned operations of the seismic airgun array and hydrophone streamer, NSF and ASC intends to operate a single-beam echosounder, multi-beam echosounder, ADCP, and sub-bottom profiler continuously throughout the survey.

The proposed survey of the Scotia Sea and southern Atlantic Ocean would involve conducting single channel seismic reflection profiling across the northern central Scotia Sea along two lines that cross the seismically active and apparently compressive boundary between the South Georgia micro-continent and the Northeast Georgia Rise. The targeted seismic survey would occur in the unexplored zones of elevated crust in the eastern central Scotia Sea and is designed to address several critical questions with respect to the tectonic nature of the northern and southern boundaries of the South Georgia micro-continent.

Opening of deep Southern Ocean gateways between Antarctica and South America and between Antarctica and Australia permitted complete circum-Antarctic circulation. This Antarctic Circumpolar Current is not well understood. The Antarctic Circumpolar Current may have been critical in the transition from a warm Earth in the early Cenozoic to the subsequent much cooler conditions that persist to the present day. Opening of Drake Passage and the west Scotia Sea likely broke the final barrier formed by the Andes of Tierra del Fuego and the "Antarctandes" of the Antarctic Peninsula. Once this deep gateway, usually referred to as the Drake Passage gateway, was created, the strong and persistent mid-latitude winds could generate one of the largest deep currents

on Earth, at approximately 135 Sverdrup (a Sverdrup [Sv] is a measure of average flow rate in million cubic meters of water per second). This event is widely believed to be closely associated in time with a major, abrupt drop in global temperatures and the rapid expansion of the Antarctic ice sheets at 33 to 34 Million Annus (Ma, i.e., million years from the present/before the current date), the Eocene-Oligocene boundary.

The events leading to the complete opening of the Drake Passage gateway are very poorly known. The uncertainty is due to the complex tectonic history of the Scotia Sea and its enclosing Scotia Ridge, the eastward-closing, locally-emergent submarine ridge that joins the southernmost Andes to the Antarctic Peninsula and deflects the Antarctic Circumpolar Current through gaps in its northern limb. The critical keys to this problem are the enigmatic floor of the central Scotia Sea between the high relief South Georgia (approximately 3,000 m [9,842.5 ft]) and the lower South Orkney islands (approximately 1,200 m [3,937 ft]), emergent parts of micro-continental blocks on the North and South Scotia ridges respectively, and the North Scotia Ridge itself.

In 2008, an International Polar Year research program was conducted using the RVIB *Nathaniel B. Palmer* (*Palmer*) (Cruise NBP 0805) that was designed to elucidate the structure and history of this area to help provide the constraints necessary for understanding of the initiation of the critical Drake Passage – Scotia Sea gateway. Underway data and dredged samples produced unexpected results that led to a structurally different view of the central Scotia Sea and highlighted factors bearing on initiation of the Antarctic Circumpolar Current that had not been previously considered.

The results of this study of the central Scotia Sea are fragmentary due to the limited time available during Cruise NBP 0805. Therefore, the extent, geometry, and physiography of a submerged volcanic arc that may have delayed formation of a complete Antarctic Circumpolar Current until after the initiation of Antarctic glaciation are poorly defined, with direct dating limited to a few sites. To remedy these deficiencies, thereby further elucidating the role of the central Scotia Sea in the onset and development of the Antarctic Circumpolar Current, the proposed targeted surveying and dredging would determine likely arc constructs in the eastern central Scotia Sea. These would be combined with a survey of the margins of the South Georgia micro-continent and installation of three continuous GPS stations on South Georgia that would test the hypothesis regarding the evolution of the North Scotia Ridge, also an impediment to the present Antarctic Circumpolar Current.



— = Study Area

Figure 1. Scotia Sea and South Atlantic Ocean study area.

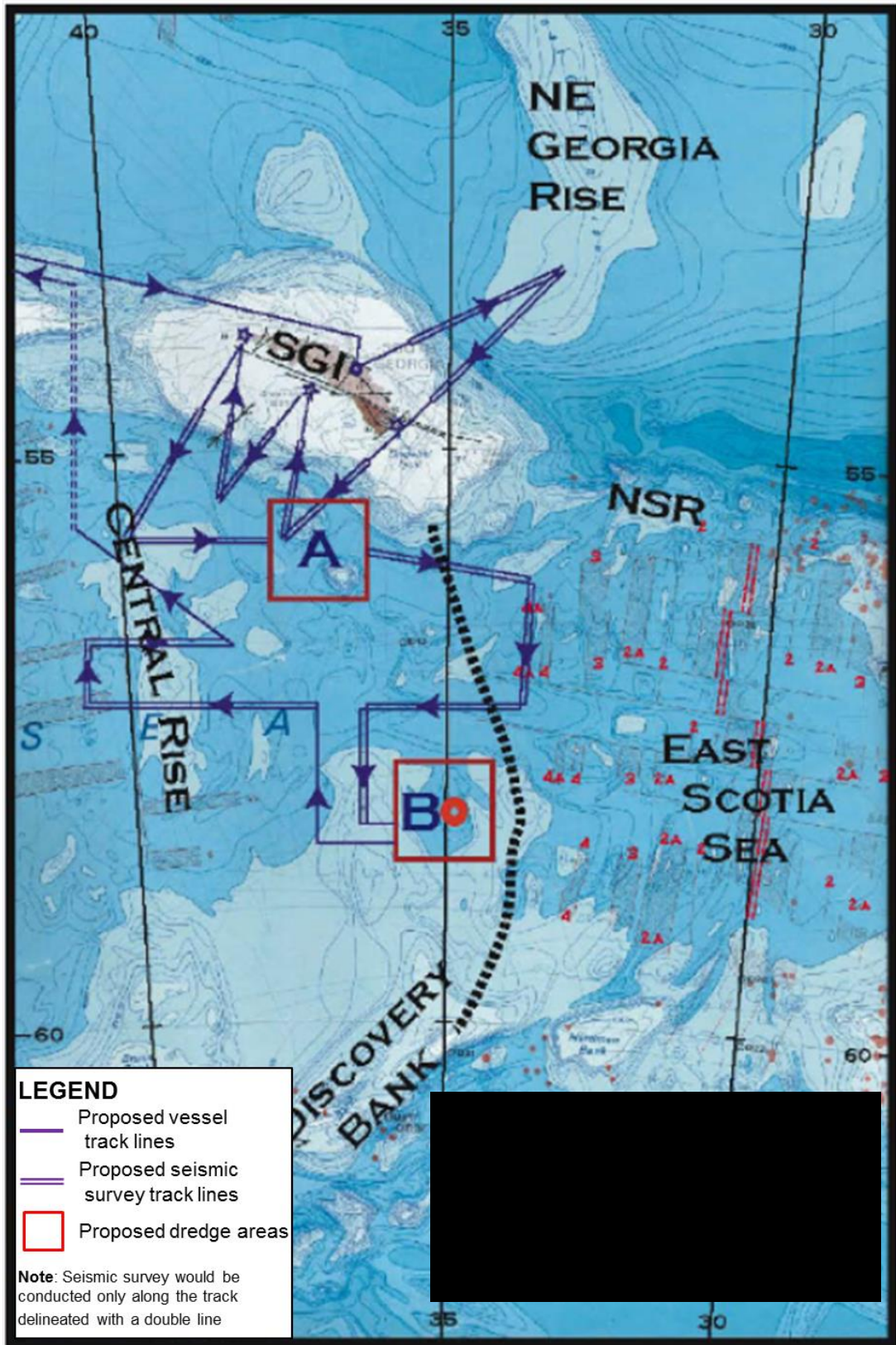


Figure 2. Proposed tracklines for the low-energy seismic survey.

2.2.1 SPECIFIED TIME AND SPECIFIED AREA

NSF and ASC's proposed project and survey sites are located in selected regions of the Scotia Sea (located northeast of the Antarctic Peninsula) and the southern Atlantic Ocean and focus on two areas: (1) between the central rise of the Scotia Sea and East Scotia Sea, and (2) the far southern Atlantic Ocean immediately northeast of South Georgia towards the northeastern Georgia Rise (both encompassing the region between 53 to 58° South, and between 33 to 40° West) (see Figure 2 of the IHA application). The majority of the proposed seismic survey would be within the EEZ of the Government of the South Georgia and South Sandwich Islands (United Kingdom), and a limited portion of the seismic survey would be conducted in International Waters. Figure 3 of the IHA application illustrates the general bathymetry of the proposed study area and the border of the existing South Georgia Maritime Zone. Water depths in the survey area exceed 1,000 m. There is limited information on the depths in the study area, and therefore more detailed information on bathymetry is not available. The proposed seismic survey would be within an area of approximately 3,953 km² (1,152.5 nmi²). This estimate is based on the maximum number of kilometers for the seismic survey (2,950 km) times the predicted rms radii (m) based on modeling and empirical measurements (assuming 100% use of the two 105 in³ GI airguns in greater than 1,000 m water depths), which was calculated to be 675 m (2,214.6 ft) (multiplied by two to calculate the diameter of the buffer zone).

The *Palmer* is expected to depart from Punta Arenas, Chile on approximately September 20, 2014 and return to Punta Arenas, Chile on approximately October 20, 2014. Research operations would be over a span of 30 days, including to and from port. Some minor deviation from this schedule is possible, depending on logistics and weather (i.e., the cruise may depart earlier or be extended due to poor weather; there could be additional days of seismic operations if collected data are deemed to be of substandard quality). Therefore, we propose to issue an IHA that is effective from September 20, 2014 to December 1, 2014.

2.2.2 SEISMIC ACQUISITION AND ACTIVE ACOUSTIC OPERATIONS

NSF and ASC's analysis titled, *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge on the Onset and Development of the Antarctic Circumpolar Current*, (AECOM, 2014); NSF and ASC's application; and our notice of the proposed IHA (79 FR 45592, August 5, 2014) describe the survey protocols in detail. We incorporate those descriptions by reference in this EA and briefly summarize them here.

The proposed low-energy seismic survey will involve one source vessel, the *Palmer*, which would deploy a two Sercel Generator Injector (GI) airgun array (each with a discharge volume of 105 cubic inch [in³], in one string, with a total volume of 210 in³) as an energy source at a tow depth of up to 3 to 4 m (9.8 to 13.1 ft) below the surface. A third airgun would serve as a "hot spare" to be used as a back-up in the event that one of the two operating airguns malfunctions. The airguns in the array would be spaced approximately 3 m (9.8 ft) apart and 15 to 40 m (49.2 to 131.2 ft) astern of the vessel. The receiving system would consist of one or two 100 m (328.1 ft) long, 24-channel, solid-state hydrophone streamer(s) towed behind the vessel. Data acquisition is planned along a series of predetermined lines, all of which would be in water depths greater than 1,000 m. As the GI airguns are towed along the survey lines, the hydrophone streamer(s) would receive the returning acoustic signals and transfer the data to the onboard processing system. All planned seismic data acquisition activities would be conducted by technicians provided by NSF and ASC, with onboard assistance by the scientists who have proposed the study. The vessel would be self-contained, and the crew would live aboard the

vessel for the entire cruise. The Principal Investigators are Dr. Ian Dalziel and Dr. Lawrence Lawver of the University of Texas at Austin, and Dr. Robert Smalley of the University of Memphis.

The weather and sea conditions would be closely monitored, including for conditions that could limit visibility. Pack ice is not anticipated to be encountered during the proposed cruise; therefore, no icebreaking activities are expected. If situations are encountered which pose a risk to the equipment, impede data collection, or require the vessel to stop forward progress, the equipment would be shut-down and retrieved until conditions improve. In general, the airgun array and streamer(s) could be retrieved in less than 30 minutes.

During the seismic survey, the vessel would attempt to maintain a constant cruise speed of approximately 5 knots (9 km/hr). There would be between 360 and 720 shots per hour (distributed over the 9 km distance), and the relative linear distance between shots would be between 15 and 30 m (49.2 to 98.4 ft). The airguns would operate continuously for no more than 40 hours at a time and duration of continuous operation is dependent on operational constraints. The cumulative duration of airgun operations will not exceed 325 hours.

The nominal source levels of the airgun array on the *Palmer* are 224.6 to 229.8 decibels (dB) re: 1 μ Pa (peak to peak) and the root mean square (rms) value for a given airgun pulse is typically 16 dB re: 1 μ Pa lower than the peak-to-peak value (Greene, 1997). The specific source output for the two airgun array is 230.6 dB (peak) and 235.8 dB (peak-peak). However, the difference between rms and peak or peak-to-peak values for a given pulse depends on the frequency content and duration of the pulse, among other factors². During firing, a brief (approximately 0.1 s) pulse sound is emitted; the airguns would be silent during the intervening periods. The dominant frequency components range from 2 to 188 Hertz (Hz).

The proposed study (e.g., equipment testing, startup, line changes, repeat coverage of any areas, and equipment recovery) would consist of approximately 2,950 km (1,592.9 nmi) of transect lines (including turns) in the survey area in the Scotia Sea and South Atlantic Ocean. The *Palmer* may conduct additional seismic operations in the survey area associated with turns, airgun testing, and repeat coverage of any areas where the initial data quality is sub-standard. In NSF and ASC's estimated take calculations, 25% has been added for those additional operations.

The *Palmer* would also operate a single-beam and multi-beam echosounder, ADCP, and a sub-bottom profiler concurrently during airgun operations to map characteristics of the ocean floor and to provide information about the sedimentary features and bottom topography. This sound source would be operated continuously from the *Palmer* throughout the cruise between the first and last survey sites. The nominal source levels for the single-beam echosounder and multi-

² Sound pressure is the sound force per unit area, and is usually measured in micropascals (μ Pa), where 1 pascal (Pa) is the pressure resulting from a force of one newton exerted over an area of one square meter. Sound pressure level (SPL) is expressed as the ratio of a measured sound pressure and a reference level. The commonly used reference pressure level in underwater acoustics is 1 μ Pa, and the units for SPLs are dB re: 1 μ Pa. $SPL \text{ (in decibels [dB])} = 20 \log (\text{pressure/reference pressure})$. SPL is an instantaneous measurement and can be expressed as the peak, the peak-peak (p-p), or the root mean square (rms). Root mean square, which is the square root of the arithmetic average of the squared instantaneous pressure values, is typically used in discussions of the effects of sounds on vertebrates and all references to SPL in this document refer to the root mean square unless otherwise noted. SPL does not take the duration of a sound into account.

beam echosounder, ADCP, and sub-bottom profiler are 242 dB re 1 μ Pa, 223.6 dB re 1 μ Pa and 222 dB re 1 μ Pa, respectively.

2.2.3 DREDGE SAMPLING DESCRIPTION AND DEPLOYMENT

The primary sampling goals involve the acquisition of in situ rock samples from deep marine rises (escarpments) at 3,000 to 4,000 m (9,842.5 to 13,123.4 ft) depths to determine the composition and age of the seafloor. Underway multi-beam and seismic data would be used to locate submarine outcrops. Dredging would be conducted upslope on escarpments. No dredging would be undertaken across the top of any seamounts, and final selection of dredge sites would include review to ensure that the tops of seamounts and corals in the area are avoided.

It is anticipated that researchers would survey and dredge two deep marine rises and one topographic high (see areas A and B in Figure 2 of the IHA application). There will be only six deployments of the dredge. The dredge buckets would be less than 1 m (3.28 ft) across and each sample area to be dredged would be no longer than approximately 1,000 m. Approximately 1,000 m² (10,763.9 ft²) of seafloor would be disturbed by each deployment of the dredge at two different sites (resulting in a total of approximately 6,000 m² [64,583.46 ft²] of affected seafloor for the proposed project). Six samples would be taken, with each dredge effort being 1,000 m² in length. Two samples would be collected from each of two locations (seamount sides) at Box A and two samples would be collected from one location at Box B (see Figure 2 of the IHA application).

Table 1. Proposed dredging activities in the Scotia Sea and South Atlantic Ocean.

Sampling Device	Area (see Figure 2 of the IHA Application)	Number of Deployments
Scripps Institution of Oceanography (SIO)-style Deep Sea Rock Dredge	A and B	3

The Government of South Georgia and South Sandwich Islands has established a large sustainable use Marine Protected Area covering over 1 million km² (291,553.35 nmi²) of the South Georgia and South Sandwich Islands Maritime Zone. Activities within the Marine Protected Area are subject to the requirements of the current Management Plan (see Attachment C of the IHA application). The area was designated as a Marine Protected Area to ensure the protection and conservation of the resources and biodiversity and support important ecosystem roles, such as feeding areas for marine mammals, and penguins and other seabirds. Research activities, including trawling and sampling the seafloor, require application for a permit issued by the Government of South Georgia and South Sandwich Islands.

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) has adopted Conservation Measures 22-06, 22-07, and 22-09 to protect vulnerable marine ecosystems, which include seamounts, hydrothermal vents, cold water corals, and sponge fields. These measures apply to the entire proposed study area. Additionally, the area surrounding South Georgia Island was designated by CCAMLR as an Integrated Study Area to assist with the collection and management of information relating to the CCAMLR Ecosystem Monitoring Program. The Conservation Measure 22-07 includes mitigation and reporting requirements if vulnerable marine ecosystems are encountered. The science team would follow these requirements (see Attachment C of the IHA application) if vulnerable marine ecosystems are encountered while sampling the sea bottom; however, the specific intent of the proposed dredging activities is to avoid obtaining material from the tops of seamounts.

2.2.4 GEODETIC MEASUREMENTS DESCRIPTION AND DEPLOYMENT

Researchers would install three continuous Global Navigation Satellite System (cGNSS) stations on the South Georgia micro-continent (see Figure 3 of the IHA application). The cGNSS systems would collect GPS and meteorological data with daily data recovery using IRIDIUM-based communications. These stations would complement the cGNSS station installed at King Edward Point in Cumberland Bay on the northeastern side of the island (see the “red star” in Figure 3 of the IHA application). One station would be installed near Cooper Bay on the southeastern extremity of the island, the second station would be installed on a reef or islet between Cooper Bay and Annenkov Island, and the third station would be installed on Bird Island. The stations would be removed after three years of operation.

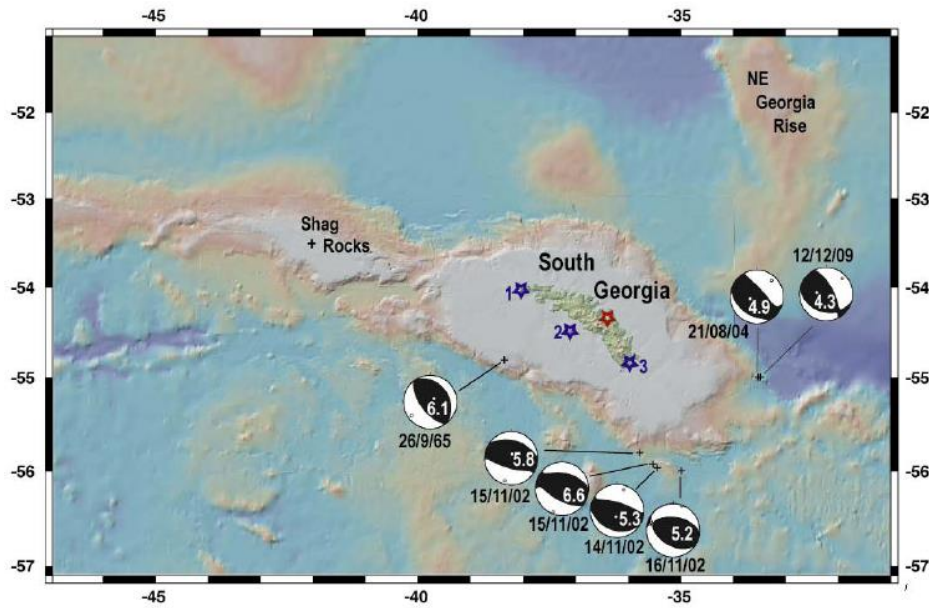


Figure 3. Location of cGNAA stations on the South Georgia Islands.

2.2.5 BATHYMETRIC SURVEY DESCRIPTION AND DEPLOYMENT

Along with the low-energy airgun operations, other additional geophysical measurements would be made using swath bathymetry, backscatter sonar imagery, high-resolution sub-bottom profiling (“CHIRP”), imaging, and magnetometer instruments. In addition, several other transducer-based instruments onboard the vessel would be operated continuously during the cruise for operational and navigational purposes. During operations, when the vessel is not towing seismic equipment, its average speed would be approximately 10.1 kts (18.8 km/hr). Operating characteristics for the instruments to be used are described below.

Single-Beam Echosounder (Knudsen 3260) – The hull-mounted CHIRP sonar would be operated continuously during all phases of the cruise. This instrument is operated at 12 kHz for bottom-tracking purposes or at 3.5 kHz in the sub-bottom profiling mode. The sonar emits energy in a 30° beam from the bottom of the ship.

Single-Beam Echosounder (Bathy 2000) – The hull-mounted sonar characteristics of the Bathy 2000 are similar to the Knudsen 3260. Only one hull-mounted echosounder can be operated at a time, and this source would be operated instead of the Knudsen 3260 only if needed (i.e., only one would be in continuous operation during the cruise). The specific model to be used is expected to be selected by the scientific researchers.

Multi-Beam Sonar (Simrad EM120) – The hull-mounted multi-beam sonar would be operated continuously during the cruise. This instrument operates at a frequency of 12 kHz, has an estimated maximum source energy level of 242 dB re 1µPa (rms), and emits a very narrow (<2°) beam fore to aft and 150° in cross-track. The multi-beam system emits a series of nine consecutive 15 ms pulses.

Acoustic Doppler Current Profiler (ADCP Teledyne RDI VM-150) – The hull-mounted ADCP would be operated continuously throughout the cruise. The ADCP operates at a frequency of 150 kHz with an estimated acoustic output level at the source of 223.6 dB re 1µPa (rms). Sound energy from the ADCP is emitted as a 30° conically-shaped beam.

Acoustic Doppler Current Profiler (ADCP Ocean Surveyor OS-38) – The characteristics of this backup hull-mounted ADCP unit are similar to the Teledyne VM-150 and would be continuously operated.

Passive Instruments – During the seismic survey in the Scotia Sea and southern Atlantic Ocean, a precession magnetometer and Air-Sea gravity meter would be deployed. In addition, numerous (approximately 60) expendable bathythermograph (XBTs) probes would also be released (and none would be recovered) over the course of the cruise to obtain temperature data necessary to calculate sound velocity profiles used by the multi-beam sonar.

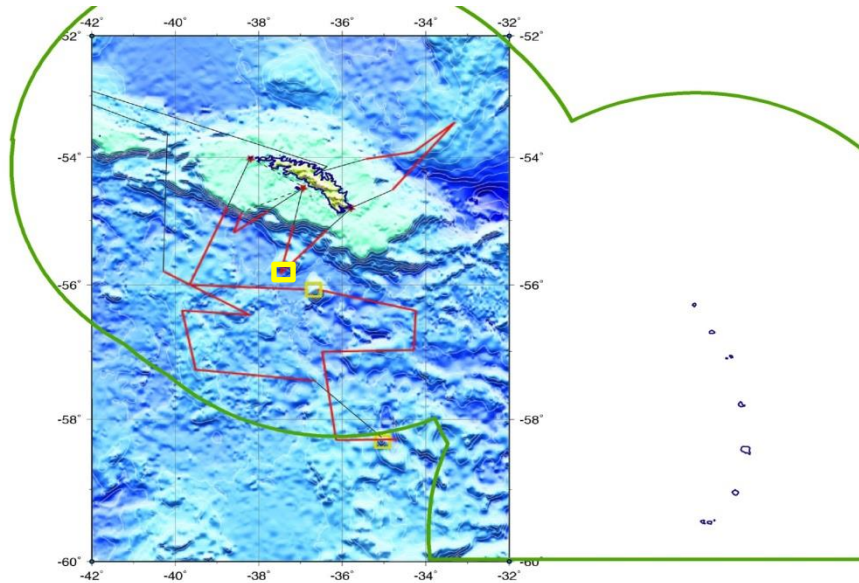


Figure 4. Scotia Sea bathymetry and South Georgia maritime zone boundary.

2.3 DESCRIPTION OF ALTERNATIVES

2.3.1 ALTERNATIVE 1 – ISSUANCE OF AN AUTHORIZATION WITH MITIGATION MEASURES

The Proposed Action constitutes Alternative 1 and is the Preferred Alternative. Under this alternative, we would issue an IHA (valid from September to December 2014) to NSF and ASC allowing the incidental take, by Level B harassment, of 26 species of marine mammals during the approximately 30-operational-day, low-energy seismic survey subject to the mandatory mitigation and monitoring measures and reporting requirements set forth in the IHA, if issued.

NSF and ASC’s analyses and our *Federal Register* notice requesting comments on the proposed IHA (79 FR 45592, August 5, 2014) analyzed the potential impacts of this alternative in detail. We incorporate those analyses by reference in this EA and briefly summarize the mitigation and monitoring measures and reporting requirements likely to be incorporated in the final IHA, if issued, in the following sections.

We preliminarily determined, under section 101(a)(5)(D) of the MMPA that the measures included in the proposed IHA were sufficient to reduce the effects of NSF and ASC’s activity on marine mammals to the level of least practicable impact. In addition, we preliminarily determined that the taking of small numbers of marine mammals incidental to NSF and ASC’s action would have a negligible impact on the affected species or stocks (79 FR 45592, August 5, 2014).

We have not altered the mitigation, monitoring and reporting requirements to be included in the final IHA; nor have we received any information that would cause us to change our negligible impact or small numbers determinations. Accordingly, this Preferred Alternative (Issuance of an IHA with Mitigation Measures) would satisfy the purpose and need of our proposed action under the MMPA (issuance of an IHA, along with required mitigation measures and monitoring), and would enable us, NSF, and ASC to comply with the statutory and regulatory requirements of the MMPA and ESA.

MITIGATION AND MONITORING MEASURES

To reduce the potential for disturbance from acoustic stimuli associated with the activities, NSF and ASC and/or its designees have proposed to implement the following monitoring and mitigation measures for marine mammals:

- (1) establishment of exclusion zones to avoid injury to marine mammals and visual monitoring of the exclusion zones by Protected Species Observers (PSOs);
- (2) shut-down procedures when PSOs detect marine mammals within or about to enter the exclusion zones while the airgun array is operating;
- (3) ramp-up procedures; and
- (4) speed or course alterations to avoid marine mammals entering the exclusion zone(s).

Proposed Buffer and Exclusion Zones: We have established various threshold criteria for injury and harassment that may result from exposure to acoustic stimuli. These thresholds are expressed as the root mean square (rms) of all sound amplitudes measured over the duration of an impulse with a base unit of decibels referenced to one micropascal (re: 1 μ Pa (rms)); the relevant thresholds for NSF and ASC’s action are 190 dB re 1 μ Pa (rms) for potential injury to pinnipeds; 180 dB re 1 μ Pa (rms) for potential injury to cetaceans; and 160 dB re 1 μ Pa (rms) for potential Level B (behavioral) harassment from pulsed sounds (e.g., airguns).

NSF and ASC will establish a 160, 180, and 190 dB re 1 μ Pa (rms) buffer and exclusion zone for marine mammals, cetaceans, and pinnipeds, respectively, before starting the two-GI airgun array (210 in³), based upon the modeled radii in their IHA application and shown here in Table 2.

Table 2. Predicted and modeled (two 105 in³ GI airgun array) distances by L-DEO to which sound levels greater than or equal to 160, 180, and 190 dB re 1 μ Pa could be received in deep water during the proposed low-energy seismic survey in the Scotia Sea of the South Atlantic Ocean, during September through October 2014.

Source and Total Volume	Tow Depth (m)	Water Depth (m)	Predicted RMS Radii Distances ¹ (m)		
			160 dB	180 dB	190 dB
Two 105 in ³ GI Airguns (210 in ³)	3 to 4	Deep (>1,000)	670 (2,198.2 ft)	100 (328 ft)	20 (65.6 ft) *100 (328 ft) be used for pinnipeds as well as cetaceans*

NMFS has determined that for acoustic effects, using acoustic thresholds in combination with corresponding exclusion zones is an effective way to consistently apply measures to avoid or minimize the impacts of an action. NSF and ASC use the thresholds to establish a mitigation

shut-down or exclusion zone, i.e., if an animal enters or is about to enter an area calculated to be ensonified above the level of an established threshold, a sound source is shut-down.

Shut-Down Procedures: NSF and ASC would shut-down the operating airgun(s) if they see a marine mammal within or approaching the exclusion zone for the single or two airguns. NSF and ASC would not resume airgun activity until the marine mammal(s) has cleared the exclusion zone, or until the PSO is confident that the animal has left the vicinity of the vessel.

Ramp-Up Procedures: NSF and ASC would initiate a ramp-up procedure, beginning with a single airgun in the array and then adding the second airgun after five minutes, when beginning operations and after a specified period (approximately 15 minutes) of non-active airgun operations when a shut-down has exceeded that period. SIO, USGS, and L-DEO have used similar periods during previous low-energy seismic surveys.

Speed and/or Course Alteration: If a marine mammal is detected outside the applicable exclusion zone and, based on its position and the relative direction of travel, is likely to enter the exclusion zone, NSF and ASC would consider changes of the vessel's speed and/or direct course, if this does not compromise operational safety. This would be done if operationally practicable, while minimizing the effect on the planned science objectives. For marine seismic surveys using large streamer arrays, course alterations are not typically possible. After any such speed and/or course alteration is begun, the marine mammal activities and movements relative to the seismic vessel will be closely monitored to ensure the marine mammal does not approach within the exclusion zone. If the marine mammal appears likely to enter the exclusion zone, further mitigation actions would be taken, including further course alterations or shut-down of the airgun(s).

Visual Monitoring: During seismic operations, NSF would place at least two PSOs aboard the *Palmer* for the duration of the cruise. One PSO would watch for marine mammals near the vessel during daytime airgun operations (from nautical twilight-dawn to nautical twilight-dusk) and during any ramp-ups at night. At least one visual PSO will be on watch during meal times and restroom breaks and the PSO shifts would last no longer than four hours at a time.

PSOs would record data to estimate the numbers of marine mammals exposed to various received sound levels and to document reactions or lack thereof. PSOs would also observe during daytime periods when the seismic system is not operating for comparison of sighting rates and behavior with versus without airgun operations. They would also provide information needed to order a shut-down of the seismic source when a marine mammal is within or near the exclusion zone. NSF and ASC would use the data to estimate numbers of animals potentially 'taken' by harassment (as defined in the MMPA).

REPORTING MEASURES

NSF and ASC would submit a comprehensive report to NMFS and the NSF within 90 days after the end of the cruise. The report would describe the operations that were 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 90-day report would summarize the dates and locations of seismic operations, and all marine mammal sightings (i.e., dates, times, locations, activities, and associated seismic survey). The report would also include

estimates of the number and nature of exposures that could result in takes of marine mammals by harassment or in other ways.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury (Level A harassment), serious injury or mortality (e.g., ship-strike, gear interaction, and/or entanglement), NSF and ASC shall immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources. NSF and ASC may not resume activities until we are able to review the circumstances of the prohibited take.

2.3.2 ALTERNATIVE 2 – NO ACTION

We are required to evaluate the No Action Alternative, per CEQ NEPA regulations (C.F.R. § 1502.14). The No Action Alternative serves as a baseline to compare the impacts of the Proposed Action.

Under the No Action Alternative, we would not issue an IHA to NSF and ASC for the taking, by Level B harassment, of small numbers of marine mammals, incidental to the conduct of a low-energy seismic survey in the EEZ of the South Georgia and South Sandwich Islands and International Waters in the Scotia Sea and South Atlantic Ocean, September through October 2014. For the purposes of this EA, NMFS assumes under the No Action Alternative that NSF and ASC would conduct the proposed low-energy seismic survey without an exemption from the MMPA against the take of marine mammals. NMFS also assumes that NSF and ASC will conduct the low-energy seismic survey in the absence of the protective monitoring and mitigation measures for marine mammals that would be required by the IHA.

2.3.3 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

We also considered an alternative whereby we issue the IHA for another time. However, this alternative failed to meet the statutory and regulatory requirements of the MMPA for an IHA, as NSF and ASC did not request nor submit an application (i.e., under the MMPA the Secretary shall issue an IHA upon request) to conduct the seismic survey at an alternate time. Further, NSF, in its 2014 *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (AECOM, 2014), considered and rejected an alternative of conducting the project at another time.

The proposed dates for the cruise (September through October 2014) are the most suitable dates that would best meet the applicant's objectives, from a logistical perspective, for NSF and ASC, and the *Palmer* and its crew. Because the proposed dates for the cruise (30 operational days in September to October 2014) are the dates when the personnel and equipment essential to meet the overall project objectives are available, we did not consider this alternative further.

The potential environmental impacts of this alternative would be similar to the impacts of the proposed action (Alternative 1).

CHAPTER 3 – AFFECTED ENVIRONMENT

This chapter describes existing conditions in the project area. Complete descriptions of the physical, biological, and social environment of the action area are in NSF and ASC's 2014 *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (AECOM, 2014) and their 2011 *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, 2011). We incorporate those descriptions by reference and briefly summarize or supplement the relevant sections for marine mammals in the following subchapters.

3.1 PHYSICAL ENVIRONMENT

We are required to consider impacts to the physical environment under NOAA NAO 216-6. As discussed in Chapter 1, our proposed action and alternatives relate only to the 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 subchapter 1.3.2 - Scope of Environmental Analysis). Because of the requirements of NAO 261-6, we briefly summarize the physical components of the environment here.

3.1.1 MARINE MAMMAL HABITAT

The proposed survey area is in the EEZ of the South Georgia and South Sandwich Island and International Waters of the Scotia Sea and South Atlantic Ocean. The Scotia Sea is influenced by the Antarctic Circumpolar Current, which includes high velocity currents and is highly constrained as it flows through the Drake Passage, after which it is able to meander more freely as it crosses the Scotia Sea. The Sub-Antarctic Front separates the Antarctic Circumpolar Current from temperate waters to the north. The Southern Antarctic Circumpolar Current Front crosses the central Scotia Sea and wraps around the eastern end of South Georgia, before retroflecting to the north and east of the island. The Polar Front lies between the Southern Antarctic Circumpolar Current Front and Sub-Antarctic Front and separates waters with a subsurface temperate minimum to the south from warmer waters to the north. Further south, it maintains a mostly eastward course through the Scotia Sea, but has a northward topographically induced loop in the vicinity of the South Sandwich Island arc. Within this area of complex oceanography, different water masses may be characterized by different flora and fauna, with fronts potentially providing elevated productivity and putative barriers to stenothermal (temperature sensitive) fauna. South Georgia lies to the south of the Polar Front, and hence the seas surrounding the island are cold throughout the year, ranging from 0° C in August to 4° C in late summer. Tidal ranges are generally small (<1 m). The waters around the South Sandwich Islands, which are south of it, are cooler than the waters around South Georgia, reaching 1.5° C in the northern area in summer. The southern islands are usually in the seasonal sea-ice zone, which often encompasses the whole island chain between August and October.

The area of the South Sandwich Islands (southwest Atlantic) is tectonically the most active zone in the Antarctic (Miller et al., 2004), as a segment of the South American-Atlantic Plate is being subducted under the Sandwich Plate at the Scotia Sea Trench, with an active seafloor spreading ridge just to the west of it. Several earthquakes per day occur in the region.

The Scotia Sea and South Atlantic region is biologically active and diverse, with krill populations, whales returning to feed from breeding areas in the north, as well as seal colonies, fish, and flying seabirds. The seafloor in the Scotia Sea is also known to contain diverse benthic communities. The marine habitats of the Scotia Sea and South Atlantic region can be divided into the pelagic and the benthic realms. The pelagic system is relatively uniform with similar species throughout, but with some depth stratification. Benthic habitats are considerably more diverse extending from the inter-tidal through the shallows to 8,000 m (26,246.7 ft) in the depths of the trenches near the South Sandwich Islands. Hogg et al. (2011) recently highlighted the tremendous faunal diversity in the waters of South Georgia, much of which was in the benthos.

More information on the physical conditions and marine mammal habitat in the Scotia Sea and South Atlantic Ocean study areas can be found in NSF's *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (available at: http://www.nmfs.noaa.gov/pr/pdfs/permits/nsf_asc_iee_ea_draft.pdf), which we incorporate here by reference.

3.2 BIOLOGICAL ENVIRONMENT

3.2.1 MARINE MAMMALS

We provide information on the occurrence, distribution, population size, and conservation status for each of the 26 species of marine mammals under our jurisdiction that may occur in the proposed survey area, including 7 mysticetes (baleen whales), 13 odontocetes (toothed whales, dolphins, and porpoises), and 6 pinnipeds (seals and sea lions), during September through October 2014. More information on the status, abundance, and seasonal distribution of the stocks or species of marine mammals likely to be affected by the proposed activities can be found in NSF and ASC's *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (available at: http://www.nmfs.noaa.gov/pr/pdfs/permits/nsf_asc_iee_ea_draft.pdf), which we incorporate here by reference.

We presented this information earlier in Section 1.1.2 in this EA and in Table 4 in the *Federal Register* notice requesting comments on the proposed IHA (79 FR 45592, August 5, 2014), and we incorporate those descriptions by reference here. Table 3 (see below) presents information on the habitat, regional abundance, and conservation and population status of marine mammals that may occur in or near the proposed low-energy seismic survey in the Scotia Sea and the South Atlantic Ocean.

All of the marine mammals are protected under the MMPA, and several of these species are listed as endangered under the ESA, and thus depleted under the MMPA, including the blue, fin, humpback, sei, southern right, and sperm whales (see Table 3 below). More information on the blue, fin, humpback, sei, southern right, and sperm whales in the proposed study area can be found below:

Blue whale – The blue whale is considered relatively rare in the Southern Ocean and Southern Hemisphere, with an abundance estimate of approximately 1,700 animals (Sears and Perrin, 2009). The population structure in the Southern Ocean is not well understood. Blue whales arrive in the Antarctic feeding grounds each austral summer, and some probably migrate past 60° South during early austral summer (October to November). Visual and acoustic surveys

conducted by the IWC in Antarctic waters recorded 710 blue whale calls in January 2002 and 2,559 calls in February 2002. Blue whales begin migrating north out of the Antarctic to winter breeding grounds earlier than fin and sei whales. The Antarctic blue whale occurs as a subspecies in the Antarctic (*B. musculus intermedia*), mainly in relatively high latitudes south of the Antarctic Convergence and close to the ice edge. The pygmy blue whale (*B. musculus breviceauda*) is also found in the Southern Hemisphere, typically north of the Antarctic Convergence, approximately 55° South.

Fin whale – Northern and southern fin whale populations are distinct, and are sometimes recognized as different sub-species (Aguilar, 2009). Fin whales migrate in the open oceans and their winter breeding areas are mostly uncertain. Fin whales likely migrate south beyond 60° South during early to mid-austral summer, arriving on more southern feeding grounds after blue whales. The distribution of fin whales during the austral summer ranges from 40 to 60° South in the southern Indian and South Atlantic Oceans and 50 to 60° South in the South Pacific Ocean. The New Zealand stock summers from 170° East to 145° West. Fin whales migrate north before the end of austral summer toward breeding grounds in and around the Fiji Sea.

Humpback whale – Southern hemisphere humpback whales typically feed near 60° South and between 120° East and 110° West during austral summer (December to March). The current population in the Scotia Sea and Antarctic Peninsula region (CCAMLR survey area) was estimated to be approximately 9,484 animals (Reilly et al., 2004). However, a small number of late- or early-migrating whales may pass further south of the area during early or late austral summer, based on the species' typical migration patterns. Animals using this region are likely part of the Area V stock that breeds in and around French Polynesia, the Cook Islands, and Tonga. Humpbacks that winter off New Caledonia and Tonga are estimated to number only in the few hundreds.

Sei whale – Sei whales are generally not found north of 30° South in the southern hemisphere and could visit the proposed study area in the Southern Ocean during the austral summer (Reeves et al., 1999). Their main summer feeding concentration occurs between 40 and 50° South. Populations of sei whales, like other rorquals, may seasonally migrate toward the lower latitudes during the winter and higher latitudes during the summer. No breeding grounds have been identified for sei whales anywhere in its range; however, calving is thought to occur from September to March. The population in the Southern Ocean has not been estimated but remains greatly depleted.

Southern right whale – Small numbers of feeding right whales could be present in the Scotia Sea during the austral summer. Summer feeding grounds have not been fully characterized for this species, but the International Whaling Commission has identified South Georgia and Shag Rocks (53° South) and the Antarctic Peninsula (60 to 70° South) as two feeding areas. Worldwide abundance of southern right whales in 1997 was estimated to be about 7,000 animals (IWC, 2001), but other population estimates range from 8,000 (Jefferson et al., 2008) to 15,000 animals (Academic Press, 2009). Historic whaling data suggest that this species migrates south past New Zealand during the austral spring, arriving in feeding waters near approximately 40° South 140° West by November and December. Southern right whales have been observed moving south and east from the Kermadec Islands beginning in November, continuing across 40° South, and reaching 50° South in January. The migration followed the line of the Louisville Ridge, where the whales may have fed on copepod and krill populations stimulated by upwelling from the ridge. Abundance in the CCAMLR survey area during 2000, which included the Scotia Sea and

Antarctica Peninsula, was estimated to be 1,755 animals (Reilly et al., 2004). This species has been sighted as recently as 2010 during AMLR visual surveys.

Sperm whale – Sperm whales, consisting of solitary males and mixed sex/age classes, are likely to occur in the Southern Ocean during the austral summer. Young calves could also be present during summer. A single group of four sperm whales was sighted in February 2005 during an NSF-funded SIO academic seismic survey in the southwest Pacific Ocean. Female and immature sperm whales generally occur at tropical and temperate latitudes of 50° North to 50° South, while solitary adult males are found to 75° North and 75° South. Home ranges of individual females span distances up to 1,000 km (540 nmi); however, some females travel several thousand miles across large parts of an ocean basin. Sperm whales generally occur in waters greater than 180 m (590 ft) deep; waters in the sub-Antarctic to the Antarctic coastal shelf are greater than 1,000 m (3,280 ft) deep.

Table 3. The habitat, regional abundance, and conservation status of marine mammals that may occur in or near the proposed low-energy seismic survey area in the Antarctic area of the Scotia Sea and South Atlantic Ocean. (See text and Table 4 in NSF and ASC’s application for further details.)

Species	Habitat	Occurrence	Range	Population Estimate	ESA ¹	MMPA ²
Mysticetes						
Southern right whale (<i>Eubalaena australis</i>)	Coastal, pelagic	Common	Circumpolar 20 to 55° South	8,000 ³ to 15,000 ⁴	EN	D
Pygmy right whale (<i>Caperea marginata</i>)	Coastal, pelagic	Rare	30 to 55° South	NA	NL	NC
Humpback whale (<i>Megaptera novaeangliae</i>)	Pelagic, nearshore waters, and banks	Common	Cosmopolitan	35,000 to 40,000 ³ - Worldwide 9,484 ⁵ - Scotia Sea and Antarctica Peninsula	EN	D
Minke whale (<i>Balaenoptera acutorostrata</i> including dwarf sub-species)	Pelagic and coastal	Common	Circumpolar – Southern Hemisphere to 65° South	NA	NL	NC
Antarctic minke whale (<i>Balaenoptera bonaerensis</i>)	Pelagic, ice floes	Common	7° South to ice edge (usually 20 to 65° South)	Several 100,000 ³ - Worldwide 18,125 ⁵ - Scotia Sea and Antarctica Peninsula	NL	NC
Bryde’s whale (<i>Balaenoptera brydei</i>)	Pelagic and coastal	Rare	Circumglobal 40° North to 40° South	NA	NL	NC
Sei whale (<i>Balaenoptera borealis</i>)	Primarily offshore, pelagic	Uncommon	Migratory, Feeding Concentration 40 to 50° South	80,000 ³ - Worldwide	EN	D
Fin whale (<i>Balaenoptera</i>)	Continental slope,	Common	Cosmopolitan, Migratory	140,000 ³ - Worldwide	EN	D

<i>physalus</i>)	pelagic			4,672 ⁵ - Scotia Sea and Antarctica Peninsula		
Blue whale (<i>Balaenoptera musculus</i>); including pygmy blue whale [<i>Balaenoptera musculus breviceuda</i>])	Pelagic, shelf, coastal	Uncommon	Migratory Pygmy blue whale – North of Antarctic Convergence 55° South	8,000 to 9,000 ³ - Worldwide 1,700 ⁶ - Southern Ocean	EN	D
Odontocetes						
Sperm whale (<i>Physeter macrocephalus</i>)	Pelagic, deep sea	Common	Cosmopolitan, Migratory	360,000 ³ – Worldwide 9,500 ³ - Antarctic	EN	D
Pygmy sperm whale (<i>Kogia breviceps</i>)	Pelagic, slope	Rare	Widely distributed in tropical and temperate zones	NA	NL	NC
Dwarf sperm whale (<i>Kogia sima</i>)	Pelagic, slope	Rare	Widely distributed in tropical and temperate zones	NA	NL	NC
Arnoux's beaked whale (<i>Berardius arnuxii</i>)	Pelagic	Common	Circumpolar in Southern Hemisphere, 24 to 78° South	NA	NL	NC
Cuvier's beaked whale (<i>Ziphius cavirostris</i>)	Pelagic	Uncommon	Cosmopolitan	NA	NL	NC
Shepherd's beaked whale (<i>Tasmacetus shepherdi</i>)	Pelagic	Common	Circumpolar – south of 30° South	NA	NL	NC
Southern bottlenose whale (<i>Hyperoodon planifrons</i>)	Pelagic	Common	Circumpolar - 30° South to ice edge	500,000 ³ – South of Antarctic Convergence	NL	NC
Andrew's beaked whale (<i>Mesoplodon bowdoini</i>)	Pelagic	Rare	32 to 55° South	NA	NL	NC
Blainville's beaked whale (<i>Mesoplodon densirostris</i>)	Pelagic	Rare	Temperate and tropical waters worldwide	NA	NL	NC
Gray's beaked whale (<i>Mesoplodon grayi</i>)	Pelagic	Common	30° South to Antarctic waters	NA	NL	NC
Hector's beaked whale (<i>Mesoplodon hectori</i>)	Pelagic	Rare	Circumpolar - cool temperate waters of Southern Hemisphere	NA	NL	NC

Spade-toothed beaked whale (<i>Mesoplodon traversii</i>)	Pelagic	Rare	Circumantarctic	NA	NL	NC
Strap-toothed beaked whale (<i>Mesoplodon layardii</i>)	Pelagic	Common	30° South to Antarctic Convergence	NA	NL	NC
Killer whale (<i>Orcinus orca</i>)	Pelagic, shelf, coastal, pack ice	Common	Cosmopolitan	80,000 ³ – South of Antarctic Convergence 25,000 ⁷ - Southern Ocean	NL	NC
Long-finned pilot whale (<i>Globicephala melas</i>)	Pelagic, shelf, coastal	Common	Circumpolar - 19 to 68° South in Southern Hemisphere	200,000 ^{3,8} – South of Antarctic Convergence	NL	NC
Risso's dolphin (<i>Grampus griseus</i>)	Shelf, slope, seamounts	Rare	60° North to 60° South	NA	NL	NC
Bottlenose dolphin (<i>Tursiops truncatus</i>)	Offshore, inshore, coastal, estuaries	Rare	45° North to 45° South	>625,500 ³ - Worldwide	NL	NC
Southern right whale dolphin (<i>Lissodelphis peronii</i>)	Pelagic	Uncommon	12 to 65° South	NA	NL	NC
Peale's dolphin (<i>Lagenorhynchus australis</i>)	Coastal, continental shelf, islands	Uncommon	33 to 60° South	NA 200 – southern Chile ³	NL	NC
Commerson's dolphin (<i>Cephalorhynchus commersonii</i>)	Coastal, continental shelf, islands	Rare	South America Falkland Islands Kerguelen Islands	3,200 – Strait of Magellan ³	NL	NC
Dusky dolphin (<i>Lagenorhynchus obscurus</i>)	Coastal, continental shelf and slope	Rare	Widespread in Southern Hemisphere	NA	NL	NC
Hourglass dolphin (<i>Lagenorhynchus cruciger</i>)	Pelagic, ice edge	Common	33° South to pack ice	144,000 ³ – South of Antarctic Convergence	NL	NC
Spectacled porpoise (<i>Phocoena dioptrica</i>)	Coastal, pelagic	Uncommon	Circumpolar – Southern Hemisphere	NA	NL	NC
Pinnipeds						
Crabeater seal (<i>Lobodon carcinophaga</i>)	Coastal, pack ice	Common	Circumpolar - Antarctic	5,000,000 to 15,000,000 ^{3,9}	NL	NC
Leopard seal (<i>Hydrurga leptonyx</i>)	Pack ice, sub-Antarctic islands	Common	Sub-Antarctic islands to pack ice	220,000 to 440,000 ^{3,10}	NL	NC
Ross seal (<i>Ommatophoca</i>)	Pack ice, smooth ice	Rare	Circumpolar - Antarctic	130,000 ³ 20,000 to 220,000 ¹⁴	NL	NC

<i>rossii</i>)	floes, pelagic					
Weddell seal (<i>Leptonychotes weddellii</i>)	Fast ice, pack ice, sub-Antarctic islands	Uncommon	Circumpolar – Southern Hemisphere	500,000 to 1,000,000 ^{3,11}	NL	NC
Southern elephant seal (<i>Mirounga leonina</i>)	Coastal, pelagic, sub-Antarctic waters	Common	Circumpolar - Antarctic Convergence to pack ice	640,000 ¹² to 650,000 ³ , 470,000 – South Georgia Island ¹⁴	NL	NC
Antarctic fur seal (<i>Arctocephalus gazella</i>)	Shelf, rocky habitats	Common	Sub-Antarctic islands to pack ice edge	1,600,000 ¹³ to 3,000,000 ³	NL	NC
Subantarctic fur seal (<i>Arctocephalus tropicalis</i>)	Shelf, rocky habitats	Uncommon	Subtropical front to sub-Antarctic islands and Antarctica	Greater than 310,000 ³	NL	NC

NA = Not available or not assessed.

¹ U.S. Endangered Species Act: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.

² U.S. Marine Mammal Protection Act: D = Depleted, S = Strategic, NC = Not Classified.

³ Jefferson *et al.*, 2008.

⁴ Kenney, 2009.

⁵ Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) survey area (Reilly *et al.*, 2004)

⁶ Sears and Perrin, 2009.

⁷ Ford, 2009.

⁸ Olson, 2009.

⁹ Bengston, 2009.

¹⁰ Rogers, 2009.

¹¹ Thomas and Terhune, 2009.

¹² Hindell and Perrin, 2009.

¹³ Arnould, 2009.

¹⁴ Academic Press, 2009.

3.2.2 PROTECTED SPECIES (OTHER THAN MARINE MAMMALS)

More information on five species of ESA-listed sea turtles (i.e., leatherback [*Dermochelys coriacea*], green [*Chelonia mydas*], loggerhead [*Caretta caretta*], hawksbill [*Eretmochelys imbricata*], and olive ridley [*Lepidochelys olivacea*]), six seabird families (i.e., albatrosses, petrels/shearwaters, diving petrels, gannets/boobies, gulls, and terns/noddies), and five species of penguin (i.e., Adellie penguin [*Pygoscelis adeliae*], king penguin [*Aptenodytes patgonicus*], gentoo penguin [*Pygoscelis papua*], macaroni penguin [*Eudyptes chrysolophus*], and Emperor penguin [*Aptenodytes forsteri*]), that could occur in the sub-Antarctic area can be found in Section 3 of NSF and ASC's *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (available at: http://www.nmfs.noaa.gov/pr/pdfs/permits/nsf_asc_iee_ea_draft.pdf), which we incorporate here by reference. The limited available data indicate that sea turtles hear airgun sounds and sometimes exhibit localized avoidance; however, none are expected to occur in the proposed action area where airgun operations activities are planned. No effects are anticipated to the seabird species from the airgun array during the low-energy seismic survey.

CHAPTER 4 – ENVIRONMENTAL CONSEQUENCES

This chapter of the EA analyzes the impacts of the two alternatives (i.e., whether or not to issue the IHA which includes prescribed means of incidental take, mitigation measures, and monitoring requirements for marine mammals only) and addresses the potential direct, indirect, and cumulative impacts of our issuance of an IHA for Level B harassment take of marine mammals during the seismic survey. NSF and ASC's analyses (i.e., the 2014 *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* [AECOM, 2014] and their 2011 *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, 2011]) and our *Federal Register* notice requesting comments on the proposed IHA (79 FR 45592, August 5, 2014) facilitate an analysis of the direct, indirect, and cumulative effects of our proposed issuance of an IHA.

In developing this EA, NMFS adhered to the procedural requirements of NEPA; the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR 1500-1508), and NOAA's procedures for implementing NEPA (i.e., NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing the National Environmental Policy Act).

The following definitions will be used to characterize the nature of the various impacts evaluated with this EA:

- *Short-term or long-term impacts.* These characteristics are determined on a case-by-case basis and do not refer to any rigid time period. In general, short-term impacts are those that would occur only with respect to a particular activity or for a finite period. Long-term impacts are those that are more likely to be persistent and chronic.
- *Direct or indirect impacts.* A direct impact is caused by a proposed action and occurs contemporaneously at or near the location of the action. An indirect impact is caused by a proposed action and might occur later in time or be farther removed in distance but still be a reasonably foreseeable outcome of the action. For example, a direct impact of erosion on a stream might include sediment-laden waters in the vicinity of the action, whereas an indirect impact of the same erosion might lead to lack of spawning and result in lowered reproduction rates of indigenous fish downstream.
- *Minor, moderate, or major impacts.* These relative terms are used to characterize the magnitude of an impact. Minor impacts are generally those that might be perceptible but, in their context, are not amenable to measurement because of their relatively minor character. Moderate impacts are those that are more perceptible and, typically, more amenable to quantification or measurement. Major impacts are those that, in their context and due to their intensity (severity), have the potential to meet the thresholds for significance set forth in CEQ regulations (40 CFR 1508.27) and, thus, warrant heightened attention and examination for potential means for mitigation to fulfill the requirements of NEPA.
- *Adverse or beneficial impacts.* An adverse impact is one having adverse, unfavorable, or undesirable outcomes on the man-made or natural environment. A beneficial impact is one having positive outcomes on the man-made or natural environment. A single act might result in adverse impacts on one environmental resource and beneficial impacts on another resource.
- *Cumulative impacts.* CEQ regulations implementing NEPA define cumulative impacts as the "impacts on the environment which result 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 taking place over a period of time within a geographic area.

4.1 EFFECTS OF ALTERNATIVE 1 – ISSUANCE OF AN IHA WITH MITIGATION

Alternative 1 is the Preferred Alternative, under which we would issue an IHA to NSF and ASC for the taking, by Level B harassment, of small numbers of marine mammals, incidental to the conduct of a low-energy seismic survey in the EEZ of the South Georgia and South Sandwich Islands and International Waters in the Scotia Sea and the South Atlantic Ocean, September through October 2014. We would incorporate the mitigation and monitoring measures and reporting requirements described earlier in this EA into a final IHA.

NSF and ASC’s 2014 *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (AECOM, 2014), their 2011 *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, 2011), and our *Federal Register* notice requesting comments on the proposed IHA (79 FR 45592, August 5, 2014) describe the potential effects of airgun sounds, and single-beam echosounder, multi-beam echosounder, ADCP and sub-bottom profiler signals on marine mammals. We incorporate those descriptions by reference and briefly summarize or supplement the relevant sections in the following subchapters.

4.1.1 IMPACTS TO MARINE MAMMAL HABITAT

Our proposed action would have no additive or incremental effect on the physical environment beyond those resulting from the cruise itself and evaluated in the referenced documents.

The effects of one seismic source vessel would not result in substantial damage to ocean and coastal habitats that might constitute marine mammal habitats. The seismic survey will not result in any permanent impact on habitats used by the marine mammals in the survey area, including the food sources they use (i.e., fish and invertebrates), as this impact is temporary and reversible. The main impact associated with the activity will be temporarily elevated noise levels and the associated direct effects on marine mammals. The issuance of an IHA would not affect physical habitat features, such as substrates and water quality. NMFS included a discussion of the potential effects of this action on marine mammal habitats in the notice of the proposed IHA (79 FR 45592, August 5, 2014), and that discussion is incorporated here by reference.

4.1.2 IMPACTS TO MARINE MAMMALS

The impacts of the seismic survey on marine mammals are specifically related to acoustic activities. We expect that impacts to marine mammals that could be encountered within the survey area would be limited to temporary behavioral responses (such as brief masking of natural sounds) and temporary changes in animal distribution. We interpret these effects on marine mammals as falling, at most, within the MMPA definition of Level B (behavioral) harassment for those species managed by us. NMFS included a discussion of the potential effects of this action on marine mammals in the notice of the proposed IHA (79 FR 45592, August 5, 2014), and that discussion is incorporated here by reference. This discussion includes the effects of sound from airguns as well as additional sound sources (i.e., single beam echosounder, multi-

beam echosounder, ADCP, and sub-bottom profiler) on mysticetes, odontocetes, and pinnipeds, including tolerance, masking, behavioral disturbance, hearing impairment, and other non-auditory physical effects.

Under Alternative 1 – Preferred Alternative, we would authorize the incidental, Level B harassment only, in the form of temporary behavioral disturbance, of 26 species of cetaceans and pinnipeds and expect no long-term or substantial adverse effects on marine mammals, their habitats, or their role in the environment.

NSF and ASC proposed a number of monitoring and mitigation measures for marine mammals as part of its IHA application. In analyzing the effects of the Preferred Alternative, we conclude that the IHA's requirement of the following monitoring and mitigation measures would minimize and/or avoid impacts to marine mammals:

- (1) establishment of exclusion zones to avoid injury to marine mammals and visual monitoring of the exclusion zones by Protected Species Observers (PSOs);
- (2) shut-down procedures when PSOs detect marine mammals within or about to enter the exclusion zones while the airgun is operating;
- (3) ramp-up procedures; and
- (4) speed or course alterations to avoid marine mammals entering the exclusion zone(s).

In NSF and ASC's IHA application, they did not request authorization to take marine mammals by Level A harassment because their environmental analyses indicate that marine mammals would not be exposed to levels of sound likely to result in Level A harassment (we refer the reader to Appendix B of NSF and ASC's NEPA document titled 2011 *Final 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, 2011]). Consequently, NSF and ASC's request for take by Level A harassment is zero animals for any species.

We do not anticipate that take by injury (Level A harassment), serious injury, or mortalities would occur, nor would we authorize take by injury, serious injury, or mortality, and we expect that harassment takes should be at the lowest level practicable, due to the incorporation of the mitigation measures proposed in NSF and ASC's IHA application.

Survey Timing: We expect the activity to result in limited temporary behavioral responses (such as brief masking of natural sounds) and temporary changes in animal distribution. There are no known biologically important events (e.g., calving, feeding, etc.) in the survey area during this time.

Acoustic Thresholds: We have determined that for acoustic effects, using acoustic thresholds in combination with corresponding buffer and exclusion zones is an effective way to consistently apply measures to avoid or minimize the impacts of an action. NSF and ASC would use the thresholds to establish a mitigation shut-down or exclusion zone for potential acoustic injury and behavioral disturbance (i.e., if an animal is about to enter or enters an area calculated to be ensonified above the level of an established threshold, a sound source is shut-down).

Vessel Strikes: The potential for striking marine mammals is a concern with vessel traffic. The probability of a ship strike resulting in an injury or mortality of an animal has been associated

with ship speed; it is highly unlikely that the proposed low-energy seismic survey would result in a serious injury or mortality to any marine mammal as a result of vessel strike, given the *Palmer's* slow survey speed (approximately 9.3 kilometers/hour (km/hr); 5 knots [kts]). NSF and ASC have not requested authorization for take of marine mammals that might occur incidental to vessel ship strike while transiting to and from the survey site. However, the probability of marine mammal interactions occurring during transit to and from the survey area is unlikely, due to the *Palmer's* slow cruising speed which is approximately 18.7 to 26.9 km/hr (10.1 to 14.5 kts), which is generally below the speed at which studies have noted reported increases of marine mammal injury or death (Laist, Knowlton, Mead, Collet, & Podesta, 2001).

Estimated Take of Marine Mammals by Level B Incidental Harassment: NSF and ASC have requested take by Level B harassment as a result of their proposed low-energy marine seismic survey. Acoustic stimuli (i.e., increased underwater sound) generated during the operation of the seismic airgun array are expected to result in the behavioral disturbance of marine mammals. Take is not expected to result from the use of the single-beam echosounder, multi-beam echosounder, ADCP, and sub-bottom profiler, as the brief exposure of marine mammals to one pulse, or small number of signals, to be generated by these instruments in this particular case is not likely to result in the harassment of marine mammals.

As mentioned previously, we estimate that 26 species of marine mammals under our jurisdiction could be potentially affected by Level B harassment over the course of the proposed IHA. For each species, these take numbers are small relative to the regional or overall population size (all estimates are less than or equal to five percent). Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (i.e., 24-hour cycle). Behavioral reactions to noise exposure (such as disruption of critical life functions, displacement, or avoidance of important habitat) are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall et al., 2007). While we anticipate that the seismic operations would occur on consecutive days, the estimated duration of the survey would last no more than 30 operational days. Additionally, the low-energy seismic survey would be increasing sound levels in the marine environment in a relatively small area surrounding the vessel (compared to the range of the animals), which is constantly travelling over distances, so most animals may only be exposed to and harassed by sound for short periods (i.e., less than day).

Table 4 outlines the number of requested Level B harassment takes that are anticipated as a result of these activities and the regional or overall population estimates for the marine mammal species that may be taken by Level B harassment.

Table 4. Estimates of the densities and possible numbers of marine mammal species that might be exposed to sound levels greater than or equal to 160 dB re 1 μ Pa (airgun operations) during the proposed low-energy seismic survey in the Scotia Sea and South Atlantic Ocean, during September through October 2014.

Species	Density (# of animals/km ²) ¹	Calculated Take from Seismic Airgun Operations (i.e., Estimated Number of Individuals Exposed to Sound Levels \geq 160 dB re 1 μ Pa) ²	Requested Take Authorization	Abundance ³	Approximate Percentage of Population Estimate (Requested Take) ⁴	Population Trend ⁵
Mysticetes						
Southern right whale	0.0079652	31	31	8,000 to 15,000	0.39	Increasing at 7 to 8% per year
Humpback whale	0.0006610	3	3	35,000 to 40,000 – Worldwide 9,484 – Scotia Sea and Antarctica Peninsula	0.03	Increasing
Antarctic minke whale	0.1557920	616	616	Several 100,000 – Worldwide 18,125 – Scotia Sea and Antarctica Peninsula	3.4	Stable
Minke whale (including dwarf minke whale sub-species)	0.1557920	616	616	NA	NA	NA
Sei whale	0.0063590	25	25	80,000 - Worldwide	0.03	NA
Fin whale	0.0182040	72	72	140,000 – Worldwide 4,672 – Scotia Sea and Antarctica Peninsula	1.54	NA
Blue whale	0.0000510	1	1	8,000 to 9,000 - Worldwide	0.01	NA
Odontocetes						
Sperm whale	0.0020690	8	8	360,000 – Worldwide 9,500 - Antarctic	<0.01	NA
Arnoux's beaked	0.0113790	45	45	NA	NA	NA

whale						
Cuvier's beaked whale	0.000548	3	3	NA	NA	NA
Gray's beaked whale	0.0018850	7	7	NA	NA	NA
Shepherd's beaked whale	0.0092690	37	37	NA	NA	NA
Strap-toothed beaked whale	0.0007716	3	3	NA	NA	NA
Southern bottlenose whale	0.0089307	35	35	50,000 – South of Antarctic Convergence	0.07	NA
Killer whale	0.0153800	61	61	80,000 – South of Antarctic Convergence	0.08	NA
Long-finned pilot whale	0.2145570	848	848	200,000 – South of Antarctic Convergence	0.42	NA
Peale's dolphin	0.0026551	10	10	NA – Worldwide; 200 – southern Chile ³	NA 5	NA
Hourglass dolphin	0.0154477	61	61	144,000	0.04	NA
Southern right whale dolphin	0.0061610	24	24	NA	NA	NA
Spectacled porpoise	0.0015000	6	6	NA	NA	NA
Pinnipeds						
Crabeater seal	0.0185313	73	73	5,000,000 to 15,000,000	<0.01	Increasing
Leopard seal	0.0115194	46	46	220,000 to 440,000	0.02	NA
Weddell seal	0.005129	20	20	500,000 to 1,000,000	<0.01	NA
Southern elephant seal	0.0003000	1	1	640,000 to 650,000 – Worldwide; 470,000 – South Georgia Island	<0.01	Increasing, decreasing, or stable depending on breeding population
Antarctic fur seal	0.5103608	2,017	2,017	1,600,000 to 3,000,000	0.13	Increasing
Subantarctic fur seal	0.5103608	2,017	2,017	>310,000	0.65	Increasing

NA = Not available or not assessed.

¹ Sightings from a 47 day (7,560 km) period on the RRS James Clark Ross JR82 survey during January to February 2003 and sightings from a 34 day (1,296 km) period on the Kotic II from January to March 2006.

² Calculated take is estimated density (reported density times correction factor) multiplied by the area ensounded to 160 dB (rms) around the planned seismic lines, increased by 25% for contingency.

³ See population estimates for marine mammal species in Table 4 (above).

⁴ Total requested authorized takes expressed as percentages of the species or regional populations.

⁵ Jefferson *et al.* (2008).

Note: Take was not requested for Ross seals because preferred habitat for this species is not within the proposed action area.

We do not expect the activity to impact rates of recruitment or survival for any affected species or stock. The seismic survey would not take place in areas of significance for marine mammal feeding, resting, breeding, or calving and would not adversely impact marine mammal habitat.

4.2 EFFECTS OF ALTERNATIVE 2– NO ACTION ALTERNATIVE

Under the No Action Alternative, we would not issue an IHA to NSF and ASC for the taking, by Level B harassment, of small numbers of marine mammals, incidental to the conduct of a low-energy seismic survey in the EEZ of the South Georgia and South Sandwich Islands and International Waters in the Scotia Sea, September through October 2014. As a result, NSF and ASC would not receive an exemption from the MMPA. For the purposes of this EA, NMFS assumes under the No Action Alternative that NSF and ASC would conduct the proposed low-energy seismic survey without an exemption from the MMPA for the take of marine mammals. NMFS also assumes that NSF and ASC will conduct the low-energy seismic survey in the absence of the protective monitoring and mitigation measures for marine mammals that would be required by the IHA.

4.2.1 IMPACTS TO MARINE MAMMALS

Under the No Action Alternative, the cruise would likely result in additional impacts to marine mammals, specifically related to acoustic activities, compared to the Proposed Action, due to the absence of mitigation and monitoring measures required under the IHA.

If the survey proceeded without the protective monitoring and mitigation measures and reporting requirements required by a final IHA under the MMPA, the direct, indirect, or cumulative effects on marine mammals of not issuing the IHA would include the following:

-
- Incidental take of marine mammals would likely occur at levels we have already identified and evaluated in our *Federal Register* notice on the proposed IHA (79 FR 45592, August 5, 2014) (see Table 4 [above] for the estimated number of individuals and takes authorized by marine mammal species), or at higher levels, due to the lack of mitigation measures required in the IHA. The *Federal Register* notice of the proposed IHA (79 FR 45992, August 5, 2014) has a description of the potential effects on marine mammals from the acoustic stimuli, which includes one or more of the following: tolerance, masking of natural sounds, behavioral disturbance, temporary or permanent hearing impairment, or non-auditory physical or physiological effects; and
- Marine mammals that could be encountered within the survey area could experience acoustic injury, and temporary behavioral responses (such as brief masking of natural sounds), and temporary changes in animal distribution more significant than under the Preferred Alternative, because of the lack mitigation measures required in the IHA;
- NMFS would not be able to obtain the monitoring and reporting data needed to assess the anticipated impact of the activity upon the species or stock of marine mammals, assess the anticipated impact of the activity on the availability of the species or stocks of marine

mammals for subsistence uses and comply with the MMPA's requirement to increase the knowledge of the species.

4.3 COMPLIANCE WITH NECESSARY LAWS – NECESSARY FEDERAL PERMITS

We have determined that the issuance of an IHA is consistent with the applicable requirements of the MMPA, ESA, and our regulations.

Under section 7 of the ESA, NSF initiated formal consultation with the NMFS, Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, on this seismic survey. Likewise, we have also conducted a concurrent formal consultation with the Office of Protected Resources, Endangered Species Act Interagency Cooperation Division.

The formal consultation under section 7 of the ESA concluded with a single Biological Opinion for NSF's Division of Polar Programs and NMFS's Office of Protected Resources, Permits and Conservation Division. All parties must comply with the relevant terms and conditions of the ITS corresponding to the Biological Opinion issued to NSF, ASC, and us. NSF and ASC must comply with the mitigation and monitoring requirements included in the IHA in order to be exempted from the prohibition on take of listed endangered marine mammal species otherwise imposed by section 9 of the ESA.

4.4 UNAVOIDABLE ADVERSE IMPACTS

NSF and ASC's 2014 *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (AECOM, 2014), their 2011 *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, 2011), and our *Federal Register* notice requesting comments on the proposed IHA (79 FR 45592, August 5, 2014) summarize unavoidable adverse impacts to marine mammals or the populations to which they belong or to their habitats occurring in the survey area. We incorporate those documents by reference.

We acknowledge that the incidental take authorized by the IHA would potentially result in unavoidable adverse impacts. However, we do not expect NSF and ASC's activities to have adverse consequences on the viability of marine mammals in the study area and 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. Numbers of individuals of all species taken by harassment are expected to be small (relative to species or stock abundance), and the seismic survey would have a negligible impact on the affected species or stocks of marine mammals.

4.5 CUMULATIVE EFFECTS

Cumulative effects are defined 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 (e.g., in the Scotia Sea and South Atlantic Ocean for 30 operational days).

Impacts to marine mammal populations include the following: past, present, and reasonably foreseeable future commercial whaling; altered prey base and habitat quality as a result of global climate change; past, present, and reasonably foreseeable future predation, exposure to biotoxins and the resulting bioburden; past and future research activities in the area; vessel noise and collisions; and commercial fisheries. These activities account for cumulative impacts to regional and worldwide populations of marine mammals, many of whom are a small fraction of their former abundance and are listed as endangered or threatened under the ESA and depleted under the MMPA.

Marine mammal experts now consider acoustic masking from anthropogenic noise as a major threat to marine mammal populations, particularly low-frequency specialists such as baleen whales. Low-frequency ocean noise has increased in recent decades, often in habitats with seasonally resident populations of marine mammals, raising concerns that noise chronically influences life histories of individuals and populations (Clark et al., 2009). However, quantifying the biological costs for marine mammals within an ecological framework is a critical missing link to our assessment of cumulative noise impacts in the marine environment and assessing cumulative effects on marine mammals (Clark et al., 2009).

Natural background underwater acoustic sources in Antarctic waters include the movement and grinding of ice floes, grounding of icebergs, wind, waves, precipitation, and earthquakes (SCAR, 2004). The proposed low-energy seismic survey would add another, albeit temporary activity to the marine environment in the Scotia Sea and South Atlantic Ocean, though the proposed low-energy seismic survey would be limited to a small area in the Scotia Sea and South Atlantic Ocean for a relatively short period of time.

The NSF and ASC's 2014 *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (AECOM, 2014) summarizes the potential cumulative effects to marine mammals or the populations to which they belong or on their habitats occurring in the survey area. Our analyses, which incorporate their analyses by reference and briefly summarize them here, focus on the activities that are most likely to impact the marine mammals found in the proposed survey area (i.e., research activities, vessel traffic, and commercial fisheries).

4.5.1 PAST, PRESENT, AND REASONABLY FORESEEABLE FUTURE SEISMIC SURVEYS IN THE SCOTIA SEA AND SOUTH ATLANTIC OCEAN

Other scientific research activities have been conducted and may be conducted in the foreseeable future in this region. NSF Division of Polar Programs has conducted a low-energy seismic survey for the Antarctic region (off the coast of East Antarctica) in January to March 2014 and another is currently planned for the Antarctic region (in the Ross Sea) in January 2015.

At the present time, the action proponents are not aware of other research activities planned to occur in the proposed survey area during the September to October 2014 timeframe, but research activities planned by other entities are possible, although unlikely. The proposed study site is remote and difficult to access; therefore, relatively few activities are conducted in it. The Scotia Sea and South Atlantic Ocean region has been studied by several National Antarctic Programs and numerous research cruises have been conducted by Chilean, Argentine, British, and U.S. Antarctic research teams. Within the larger region of the marine environment, commercial fishing and tourism both occur at very low levels, though if these types of vessels are encountered it is unlikely that the proposed research would impact them. National Antarctic

Program research cruises also occur in low numbers. Efforts will be made by NSF and ASC to identify such cruises and coordinate with them to reduce potential impacts.

There are no other seismic surveys with an IHA from us scheduled to occur in the EEZ of the South Georgia and South Sandwich Islands and International Waters in the Scotia Sea and South Atlantic Ocean, September through October 2014. Therefore, 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 impacts of conducting the low-energy seismic survey on marine mammals are specifically related to acoustic activities, and these are expected to be temporary in nature, negligible, and would not result in substantial impacts to marine mammals or to their role in the ecosystem. We do not expect that the issuance of an IHA would have a significant cumulative effect on the human environment, due to the required mitigation and monitoring measures described in Section 2.3.1.

4.5.2 VESSEL TRAFFIC, VESSEL NOISE, AND COLLISIONS

Vessel traffic around the proposed study area in the Scotia Sea and South Atlantic Ocean occurs at very low levels. The total transit distance by NSF and ASC's *Palmer* would be minimal relative to total transit length for vessels operating in the proposed survey area during September to December. We expect that the impacts of the *Palmer*'s operations combined with the existing shipping operations would produce insignificant overall effects from ship disturbance on marine mammals.

4.5.3 FISHING

NSF and ASC's 2014 *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current* (AECOM, 2014) describes commercial fisheries operations in the general area of the proposed survey (Chapter 4). The Antarctic krill fishery may operate within the proposed Antarctic study areas. Many Southern Ocean fisheries are regulated by the Commission for the Conservation of Antarctic Marine Living Resources. The primary contributions of fishing to potential cumulative impacts on marine mammals involve, noise, potential entanglement and the direct and indirect removal of prey items. However, fishing operations at most of the proposed survey sites likely would be limited because of distance from shore. There may be some localized avoidance by marine mammals of fishing vessels near the proposed low-energy seismic survey area. NSF and ASC's operations in the proposed survey area are also limited temporally (duration of 30 operational days), and we expect that the combination of the *Palmer*'s operations with the existing commercial fishing operations would produce an insignificant overall disturbance effect on marine mammals. Proposed survey operations should not impede commercial fishing operations, and the *Palmer* would avoid fishing vessels when towing seismic equipment.

4.5.4 COMMERCIAL WHALING

Large whale and pinniped population numbers in the proposed action area have been impacted historically by commercial exploitation, mainly in the form of whaling. The development of steam-powered boats in the late 19th century, coupled with the use of the forward-mounted gun-fired harpoon, made it possible to more efficiently kill and tow ashore the larger baleen whale species such as blue, fin, and minke whales. Roman and Palumbi (2003) have reported that pre-whaling population estimates for fin and humpback whales were far greater than those previously calculated and 6 to 20 times higher than present-day population estimates. Prior to

current prohibitions on whaling, such as the International Whaling Commission's (IWC) moratorium, most large whale species had been depleted to the extent that it was necessary to list them as endangered under the ESA. For instance in the southern hemisphere, commercial whalers took at least 68,000 humpback whales prior to the IWC's ban on humpback whaling in the southern hemisphere in 1966 (Bonner, 1982). As humpback whale catches dropped, blue whale catches began to climb, taking thousands of whales annually from 1914 to 1924 and by the late 1920's, tens of thousands of whale annually (Mizroch et al., 1984b). As catches of blue whales declined, whalers took on average over 20,000 fin whales per year from the mid-1940's through the 1960's (Mizroch et al., 1984a,b). Between 1904 and 1975, over 703,000 fin whales were harvested throughout the Antarctic (IWC, 1990). In the southern hemisphere, whalers then switched to harvesting sei whales in the 1950's and 1960's, as catches of other baleen species diminished, taking more than 20,000 sei whales in 1964 (Mizroch et al., 1984a). Commercial whalers did not take large numbers of Antarctic minke whales until the early 1970s, when stocks of blue, fin, sei, and humpback whales had been depleted.

4.5.5 CLIMATE CHANGE

The 2007 Intergovernmental Panel on Climate Change concluded that there is very strong evidence for global warming and associated weather changes and that humans have "very likely" contributed to the problem through burning fossil fuels and adding other "greenhouse gases" to the atmosphere (IPCC, 2007a; 2007b). This study involved numerous models to predict changes in temperature, sea level, ice pack dynamics, and other parameters under a variety of future conditions, including different scenarios for how human populations respond to the implications of the study.

Increased ocean temperatures will reduce oxygen, and atmospheric CO₂ will reduce ocean pH and threaten the health of the marine ecosystem. Ocean circulation patterns will change, with less mixing of cold and warm water in tropical and subtropical areas, affecting the ability of near-surface species to reach nutrients at lower depths (NJCAA, 2014). At more northern latitudes, mixing could actually increase with melting of sea ice, but general ocean warming will alter migration and breeding patterns and push species further northward (NJCAA, 2014).

With the large degree of uncertainty on the impact of climate change to marine mammals in the Scotia Sea and South Atlantic Ocean, we recognize that warming of this region could affect the prey base and habitat quality for marine mammals. Nonetheless, we expect that the low-energy seismic survey and the issuance of the IHA to NSF and ASC would not result in any noticeable contributions to climate change and would not lead to any incremental adverse effects on marine mammals, when combined with the effects of climate change.

CHAPTER 5 – LIST OF PREPARERS AND AGENCIES CONSULTED

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CHAPTER 6 – REFERENCES

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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 Issuance of an Incidental Harassment Authorization to the National Science Foundation and Antarctic Support Contract to Take Marine Mammals Incidental to Conducting a Low-Energy Marine Geophysical Survey in the Scotia Sea and South Atlantic Ocean, September to October 2014

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 (IHA) to the National Science Foundation (NSF) and Antarctic Support Contract (ASC), 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 low-energy marine geophysical (seismic) survey in the Exclusive Economic Zone of the South Georgia and South Sandwich Islands and International Waters (i.e., high seas) in the Scotia Sea and southern Atlantic Ocean, September through October 2014.

Our proposed action results from NSF and ASC's request for an authorization to take marine mammals, by harassment, incidental to conducting a low-energy marine seismic survey in the Scotia Sea and southern Atlantic Ocean. NSF and ASC's seismic survey activities, which have the potential to cause marine mammals to be behaviorally disturbed, warrant an Incidental Take Authorization from us under section 101(a)(5)(D) of the MMPA.

In accordance with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), we completed an Environmental Assessment (EA), titled *Issuance of an Incidental Harassment Authorization to the National Science Foundation and Antarctic Support Contract to Take Marine Mammals by Harassment Incidental to a Low-Energy Marine Geophysical Survey in the Scotia Sea and South Atlantic Ocean, September to October 2014*. The EA focuses primarily on the environmental effects of authorizing the incidental take of marine mammals incidental to NSF and ASC's activities.

This EA also incorporates by reference the following documents per 40 CFR 1502.21 and NOAA Administrative Order (NAO) 216-6 § 5.09(d):

- NSF's *Initial Environmental Evaluation/Environmental Assessment to Conduct a Study of the Role of the Central Scotia Sea and North Scotia Ridge in the Onset and Development of the Antarctic Circumpolar Current*; and
- NSF's 2011 *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*.



NMFS has prepared this Finding of No Significant Impact (FONSI) to evaluate the significance of the impacts of NMFS's action. This FONSI presents our selected alternative—Alternative 1 (Preferred Alternative), titled "Issuance of an Authorization with Mitigation Measures," and our conclusions regarding the impacts related to our proposed action. Based on our review of NSF and ASC's proposed low-energy seismic survey and the mitigation and monitoring measures contained in Alternative 1, we have determined that no significant impacts to the human environment would occur from implementing the Preferred Alternative.

ANALYSIS

NAO 216-6 contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (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 FONSI and has been considered individually, as well as in combination with the others. The significance of this action is analyzed 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 (EFH) as defined under the Magnuson-Stevens Act (MSA) and identified in Fishery Management Plans (FMP)?

Response: Our proposed action of issuing an IHA for the take of marine mammals incidental to the conduct of a low-energy seismic survey cannot reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or EFH as defined under the MSA and identified in FMPs. The acoustic sources are not expected to affect physical habitat features, such as substrates and water quality. Additionally, the effects from vessel transit, and the airgun operations of a single vessel would not result in substantial damage to ocean and coastal habitats, including marine mammal habitat. Commercial fishing, vessel traffic, tourism, and other activities in the study area generate noise throughout the year. The additional noise produced by an airgun array is comparatively minor in terms of total additional acoustic energy and will be brief relative to the other activities. The mitigation and monitoring measures required by the IHA would not affect ocean and coastal habitats or EFH. The dredging is not expected to cause substantial damage to the ocean and coastal habitats because it will be limited to a small area (1,000 km² at six sites, for a total of 6,000 km²), and any disturbed benthic habitats would be re-established through infaunal mixing.

No EFH has been identified in the proposed study area. NMFS, Office of Protected Resources, Permits and Conservation Division has determined that the issuance of an IHA for the taking of marine mammal incidental to a low-energy marine seismic survey in the Scotia Sea and southern Atlantic Ocean will not have an adverse impact on EFH; therefore, an EFH consultation is not required.

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: The proposed action is not expected to have a substantial impact on biodiversity or ecosystem function within the affected environment. The effects of our proposed action 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. No injury (Level A harassment), serious injury, or mortality is anticipated or authorized.

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

Response: The proposed action is not reasonably expected to have a substantial adverse impact on public health or safety because the proposed activities would occur in the open ocean, away from any populated area. The IHA would require constant monitoring for marine mammals and other marine life during seismic operations, which would effectively eliminate the possibility of any humans being inadvertently exposed to levels of sound that might have adverse effects. Although the conduct of the low-energy seismic survey may carry some risk to the personnel involved (i.e., boat or mechanical accidents during surveys), the applicant and those individuals working with the applicant would be required to be adequately trained or supervised in performance of the underlying activity (i.e., the low-energy seismic survey) to minimize such risk to personnel. The low-energy seismic survey is not expected to have any adverse impacts on traffic and transportation, as this is only a single working sound source vessel that will be at sea for a relatively short period of time (i.e., approximately 30 operational days) over a relatively small geographic area. Also, there is little risk of exposure to hazardous materials or wastes, risk of contracting diseases, or risk of damage from a natural disaster.

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: The proposed action may result in limited adverse effects to 26 species of marine mammals, 6 of which are listed under the Endangered Species Act of 1973 (ESA; 16 U.S.C. §1531 *et seq.*). We have determined that the proposed seismic survey may result in some Level B harassment (in the form of short-term and localized changes in behavior) of small numbers of marine mammals. The impacts of the low-energy seismic survey on marine mammals are specifically related to acoustic activities, and these are expected to be temporary in nature, and would not result in substantial impact to marine mammals or to their role in the ecosystem. Take is not expected to result from the use of the single-beam echosounder, multi-beam echosounder, acoustic Doppler current profiler, and sub-bottom profiler, as the brief exposure of marine mammals to one pulse, or small number of signals, to be generated by these instruments in this particular case is not likely to result in the harassment of marine mammals.

The proposed action may have the potential to adversely affect the following species listed as threatened or endangered marine mammals under the ESA: Southern right, humpback, sei, fin, blue, and sperm whales. No designated critical habitat exists near the study area. Pursuant to section 7 of the ESA, the NMFS, Office of Protected Resources, Permits and Conservation Division, consulted with NMFS, Office of Protected Resources, ESA Interagency Coordination Division on the issuance of an IHA under section 101(a)(5)(D) of the MMPA, because the action of issuing the IHA may affect threatened and endangered species under NMFS's jurisdiction. In September 2014, the ESA Interagency Coordination Division issued a Biological Opinion, which concluded that the issuance of an IHA to NSF and ASC for the proposed low-energy seismic survey is not likely to jeopardize the continued existence of any

listed species or result in the destruction or adverse modification of any designated critical habitat.

The following mitigation measures will be required to minimize adverse effects to protected marine mammals:

- (1) proposed exclusion zones to avoid injury to marine mammals and visual monitoring of the exclusion zones by Protected Species Visual Observers (PSOs);
- (2) shut-down procedures when PSOs detect marine mammals within or about to enter the exclusion zone while the airgun array is operating;
- (3) ramp-up procedures; and
- (4) speed or course alteration of the vessel to avoid marine mammals entering the exclusion zone.

Taking these measures into consideration, we expect the responses of marine mammals from the preferred alternative to be limited to avoidance of the area around the airgun operations and short-term behavioral changes, falling within the MMPA definition of "Level B harassment." Numbers of individuals of all marine mammal species taken by harassment are expected to be small (relative to species or stock abundance), and the take is anticipated to have a negligible impact on any species or stock.

We do not anticipate that marine mammal take by injury (Level A harassment), serious injury, or mortality would occur, nor have we authorized take by injury, serious injury or mortality. We also expect that harassment takes should be at the lowest level practicable due to the incorporation of the mitigation measures required by the IHA.

We do not anticipate that issuance of the IHA or the proposed low-energy seismic survey will adversely affect other non-target species. The proposed seismic survey may cause some fish and invertebrates to avoid the area around the airgun operations and to have short-term behavioral changes, but any such impacts would be temporary and reversible and would not result in any permanent adverse effects; therefore, the proposed seismic survey is anticipated to have a negligible impact on non-target species.

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

Response: The primary impacts to the natural and physical environment are expected to be acoustic and temporary in nature (and not significant), and not interrelated with significant social or economic impacts. Issuance of the IHA would not result in inequitable distributions of environmental burdens or access to environmental goods. We have determined that issuance of the IHA will not adversely affect low-income or minority populations. Further, there will be no impact of the activity on the availability of the species or stocks of marine mammals for subsistence uses. Therefore, we do not expect significant social or economic effects to result from our issuance of the IHA.

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

Response: The effects of the proposed action are not likely to be highly controversial. Specifically, there is not a substantial dispute about the size, nature, or effect of potential impacts from NMFS's proposed action.

For several years, NMFS has assessed and authorized incidental take for multiple seismic research surveys conducted within the same year and has developed relatively standard mitigation and monitoring measures, all of which have been vetted to the public many times during past public comment periods. Previous projects of this type required marine mammal monitoring and monitoring reports, which have been reviewed by us to ensure that activities have a negligible impact on marine mammals. In no case have impacts to marine mammals, as determined from monitoring reports, exceeded our analyses under the MMPA and NEPA. The scope of this action is no different than past seismic research surveys, is not unusually large or substantial, and will include the same or similar mitigation and monitoring measures required in past surveys.

NMFS made NSF and ASCS's draft IEE/EA available to the public on the NMFS permit website (<http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>) concurrently with the release of the *Federal Register* notice of requests for comments on the proposed IHA (79 FR 45592, August 5, 2014). During the 30-day public comment period, NMFS received comments from one private citizen and the Marine Mammal Commission. Specific responses to public comments will be provided in the *Federal Register* notice announcing the issuance of the IHA. Although one member of the public (a private citizen) raised concern over the effects of the survey, 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 IHA will not result in significant impacts to the human environment.

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, EFH, or ecologically critical areas?

Response: There are no unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, EFH, or ecologically critical areas that could be affected by the proposed action; therefore, no impacts to these resources are anticipated. There is no EFH and there are no habitats of particular concern (HAPC) in the proposed survey area. All proposed activities would occur in the marine environment and would not impact terrestrial resources. No discharges to the marine environment are proposed within the project area; therefore, there would be no impacts to water resources.

Two areas in the Scotia Sea are under consideration as designated Marine Protected Areas (MPAs) and, if adopted, would be managed by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The dredging would disturb marine sediments in a 1,000 m² area at each of six sampling locations and any disturbed benthic habitats would be re-established through infaunal mixing. A total area of 6,000 m² along 6,000 m of dredge line would be disturbed during the project. Because the dredge sampling is intended to focus on seamounts, mitigation and reporting requirements contained in CCAMLR conservation measures 22-06b and 22-07 would be followed by NSF and ASC. These mitigation measures

include that if three or more Vulnerable Marine Ecosystems (VMEs) indicator units are recovered at any one of the sites, then no additional dredging would be conducted at that site within a 1 nmi radius of the dredges conducted, and the grantee would contact NSF. In addition, NSF would urge the grantee to contact NMFS's Southwest Fisheries Science Center to provide the CCAMLR representative with information as stipulated in 22-06b. The proposed action would not have any substantial impact to benthic organisms in these MPAs.

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

Response: NMFS does not expect the proposed action to have effects on the human environment that would be highly uncertain or involve unique or unknown risks. The potential risks of low-energy seismic surveys resulting in elevated sound levels are not unique or unknown, nor is there significant uncertainty about impacts. NMFS has issued IHAs for marine mammal take for similar types of oceanographic research seismic surveys for over 10 years. In no case have impacts to marine mammals from these past activities, as determined from monitoring reports, exceeded our analysis under the MMPA or NEPA. The scope of this action is no different than past research seismic surveys, is not unusually large or substantial, and will include the same or similar mitigation and monitoring measures required in past seismic surveys. Therefore, any potential effects from the issuance of our IHA are expected to be similar to prior activities and are not likely to be highly uncertain or involve unique or unknown risks. The best available science, including input from prior monitoring reports for seismic surveys, supports our determination that adverse impacts are unlikely and will be minimized through the implementation of the proposed mitigation and monitoring requirements.

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

Response: The proposed action is not related to other actions with individually insignificant but cumulatively significant impacts. The EA and the documents it references analyzed the issuance of an IHA for the take of marine mammals incidental to conducting a low-energy seismic survey in light of other human activities within the study area. We expect the following combination of activities 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 IHA with prescribed mitigation and monitoring measures for the low-energy seismic survey; (b) past, present, and reasonably foreseeable future research in the Scotia Sea and southern Atlantic Ocean; (c) vessel traffic, noise, and collisions; and (d) fishing and tourism.

The proposed activities of NSF and ASC conducting the low-energy seismic survey in the Scotia Sea and South Atlantic Ocean and our proposed action of issuing an IHA to NSF and ASC for the incidental take (Level B [behavioral] harassment) of a small number of marine mammals are interrelated. The low-energy seismic survey conducted under the requirements of an IHA authorizing Level B harassment of marine mammals is not expected to result in cumulatively significant impacts when considered in relation to other separate actions with individually insignificant effects.

NMFS has issued IHAs for other research seismic 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 action area. There are no other low-energy seismic surveys currently scheduled for the same time in the Scotia Sea and South Atlantic Ocean.

There was one additional research seismic survey that was conducted in the Dumont d'Urville Sea off the coast of East Antarctica in 2014. There is one additional research seismic survey to be conducted in the Ross Sea in 2015. Both surveys are dispersed both geographically and temporally, are short-term in nature, and the IHA holder (NSF and ASC) would be required to use mitigation and monitoring measures to minimize other potential adverse environmental impacts in the activity area.

These research activities, when conducted separately or in combination with other activities, have the potential to affect marine mammals in the study area. Any cumulative effects caused by the addition of the seismic survey impacts on marine mammals would be extremely limited and would not rise to the level of "significant," especially considering the timeframe (September to October 2014) and limited duration (not more than 30 operational days) of the proposed activities, the location of the proposed survey area away from known areas of importance to marine mammals, and the mitigation and monitoring requirements in the IHA.

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, and they conclude that the impacts of NSF and ASC's proposed low-energy seismic survey in the Scotia Sea and South Atlantic Ocean 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: The proposed action 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, as none are known to exist at the site of the proposed low-energy seismic survey and because the proposed action is not expected to alter any physical resources.

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

Response: The proposed action is not an undertaking with the potential to introduce or spread non-indigenous species. The RVIB *Nathaniel B. Palmer* 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: The proposed action would not set a precedent for future actions with significant effects, nor represent a decision in principle about a future consideration. Each MMPA authorization applied for under section 101(a)(5) must contain information identified in our implementing regulations. We consider each activity specified in an application separately and, if we issue an IHA, 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 IHA may inform the environmental review for future projects, but would not establish a precedent or represent a decision in principle about a future consideration.

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

Response: The proposed action would not result in any violation of Federal, State, or local laws for environmental protection. We have fulfilled our section 7 responsibilities under the ESA (see response to Question 4) and the MMPA for this action. 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 cannot reasonably be expected to result in cumulative adverse effects that could have a substantial effect on target or non-target species. 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, because any harassment would be temporary and negligible and is not expected to result in long-term or substantial adverse effects. We do not expect our issuance of an IHA to result in any significant cumulative adverse effects on target or non-target species incidentally taken by harassment due to elevated sound levels.

We have issued Incidental Take Authorizations for other seismic research surveys (to Scripps Institution of Oceanography, Lamont-Doherty Earth Observatory of Columbia University, U.S. Geological Survey, and other agencies) that may have resulted in the harassment of marine mammals, but they are dispersed both geographically (throughout the world) and temporally, are short-term in nature, and all use mitigation and monitoring measures to minimize impacts to marine mammals. As evaluated in the EA and documents incorporated by reference, other human activities in the area of the proposed seismic survey include vessel traffic, noise, and collisions; commercial fishing; commercial whaling; and climate change. These activities, when conducted separately or in combination with other activities, have the potential to affect marine mammals in the study area. However, because of the relatively short time that the project area will be ensounded (not more than 30 operational days) and the mitigation measures that will be required by the IHA, the action will 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 *Issuance of an Incidental Harassment Authorization to the National Science Foundation and Antarctic Support Contract to Take Marine Mammals by Harassment Incidental to a Low-Energy Marine Geophysical Survey in the Scotia Sea and South Atlantic Ocean, September to October 2014*, we have determined that issuance of an IHA to NSF and ASC in accordance with Alternative 1 of the EA would not significantly impact the quality of the human environment, as described in this FONSI and in the EA. In addition, 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.

Perry GAYWOOD

SEP 19 2014

for

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

Date