

## **NOAA OER Marine Operation Activities: Summary of Amendments to the Action May 04, 2023**

### **Background**

NOAA OER has made us aware of several changes they want to make to the programmatic letter of concurrence (LOC) on their marine operation activities (OPR-2021-03453) completed in March of 2022. The requested changes are presented in Appendix 1 and 2 of this document.

During the annual review of the programmatic, NOAA OER reached out to NMFS about the possibility of adjusting the action to allow for an extended action area while also including new technologies. We are summarizing the proposed changes to the action in this document. The issue at hand is whether or not the proposed changes are beyond the scope of what was evaluated in the 2022 programmatic letter of concurrence, and if the consultation needs to be reinitiated.

### **Conclusion**

Although there are several adjustments being made to the action which include an extended action area and additional technologies, the changes presented by NOAA OER do not change our effect determinations made in the programmatic LOC. Under the proposed changes, NOAA OER will conduct additional best management practices for remotely operated vehicle (ROV) surveys conducted in shallower waters than those included in the original Programmatic LOC. Also, the new technologies that NOAA OER proposes to use will have the same effects and stressors as those assessed in the programmatic LOC. As a result, we are not reinitiating consultation on the proposed changes.

### **Rationale and Details**

The following section compares the original action to the proposed changes, and further explains the rationale for our determination to not reinitiate.

#### **Action Area**

Original: OER's marine operation activities encompasses the marine environment in areas around the Gulf of Mexico, Caribbean, Greater Atlantic, Southeast Atlantic, North Pacific Ocean, Eastern Pacific Ocean, Central Pacific Ocean, and Alaska, and vessel transit areas between ports, including but not limited to ports of call located in North America (Figure 1). All mapping and ROV operations are expected to be in waters 200 meters (656 feet) and greater.

Proposed Change: In addition to the original action area, NOAA OER would like to conduct an ROV survey in water depths approximately 20 to 150 meters deep within Tanaga Bay, Alaska. Also, NOAA OER proposes the use of uncrewed aerial systems (UAS) in coastal waters shallower than 200 meters.

There are no new designated or listed species in the action area. The only new species or critical habitat that are going to be exposed beyond those already considered in the 2022

programmatic letter of concurrence are queen conch (proposed threatened) and proposed critical habitat for Nassau grouper. The only activities that overlap with this species and critical habitat is vessel transit and UAS. Based on the best management practices considered in OPR-2021-03453 and submitted in OER's project specific review (Appendix 1), we do not expect these activities to effect this newly proposed species or critical habitat.

The addition of the Tanaga Bay, Alaska survey area will take place in the vicinity of several Steller Sea Lion haul-out locations, but not rookeries. In response, NOAA OER will follow additional BMPs provided by the NMFS Alaska Regional Office (Appendix 1). As a result, our effect determinations made in the programmatic LOC do not change.

### **New Activities/Technologies**

Original: Use of Remotely operated vehicles (ROV), multibeam echosounders, split beam sonar, sub-bottom profilers, Acoustic Doppler Current Profilers, Underway Conductivity-Temperature-Density (UCTDs), Ultra Short Baseline (USBL), Autonomous Underwater Vehicles (AUV), Autonomous Surface Vessels (ASVs), Expendable Bathythermographs

Proposed Change: Addition of the use of UAS, ROV based push core operation, and InVader Raman Spectrometer

The addition of NOAA OER's proposed new technologies are similar in scope to the activities addressed in OPR-2021-03453. These new technologies include the same stressors (i.e., operational noise and visual disturbance from vessels and equipment; elevated sound pressure levels from the use of active acoustics; vessel and vehicle strike; entanglement in gear; expending steel ballasts and lead weights; and vessel waste and discharge) and effects determinations as the activities considered in OPR-2021-03453. More information on the similarity of effects are presented in Appendix 2. As a result, our effect determinations made in the programmatic LOC do not change.