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Application for Marine Mammal Incidental Take Authorization
For the Bureau of Land Management - Alaska
ANCSA Land Survey Project

Please note: This application contains sensitive archaeological site locations that are prohibited from disclosure to the public under the National Historic Preservation Act of 1966, as amended. These locations are only to be used for needs related to necessary federal management of these sites including under Section 14(h)(1) of the Alaska Native Claims Settlement Act.

1. A detailed description of the specific activity or class of activities that can be expected to result in incidental taking of marine mammals.

The Bureau of Land Management (BLM) - Alaska Division of Lands and Cadastral proposes to conduct a field-based land survey of a land claim made pursuant to Section 14(h)(1) of the Alaska Native Claims Settlement Act (ANCSA) of 1971, as amended. The land survey may disturb Steller sea lions using a major haulout identified in regulations at 50 CFR 226.202. Section 14(h)(1) and regulations at 43 CFR 2653.5 allow Alaska Native Regional Corporations to select existing cemetery sites and historical places for conveyance to their ownership. The Bureau of Indian Affairs has certified that the land selection meets the cultural criteria required by ANCSA regulation. A land survey to support the conveyance is required under ANCSA Section 22(j).

The land survey will be carried out by a small BLM or contract crew (typically 4 people) using hand tools such as a global position system (GPS) unit for determining locational accuracy, and shovels, digging bars and mallets for setting official U.S. Survey markers into the ground. Power tools typically are not used. The land survey markers will remain in place indefinitely but all other survey supplies and tools will be removed. The land survey will be completed within one day; no additional site visits will be necessary.

Access to the island will likely be obtained with two types of boats: a mid-sized (approximately 50 foot) marine vessel to transit the open sea, and a small skiff to cross the shallower waters immediately surrounding the island. Helicopter or sea plane access may be necessary if boats are infeasible due to weather or scheduling constraints. However, this is not the preferred method due to the high expense involved. Once on land, surveyors will walk to the survey sites; no motorized ground vehicles will be used.

2. The date(s) and duration of such activity and the specific geographical region where it will occur.

The area to be surveyed is on a small island within the eastern Aleutian Islands archipelago. The island is small (less than 5 acres), extremely rugged, and uninhabited by people. Field work will occur during June or July of 2015. The land survey must be completed during summer because rough seas and inhospitable weather preclude reliable, safe access during other months. Land survey activities will be completed within one day (6-10 hours).

3. The species and numbers of marine mammals likely to be found within the activity area.

Steller sea lions of the Western Distinct Population Segment (DPS) haul out the small island within the eastern Aleutian Islands archipelago. Data from NMML indicate seasonal use of the haulout by adult sea lions only (i.e., non-pups), with most use occurring during winter and early spring rather than during summer. Since the year 2000, the database shows up to 80 adults using the haulout before the end of May, whereas a maximum of 8 have been recorded in June or July. No population estimate has been developed for the eastern Aleutian Islands region. However, Allen and Angliss (2011) report a significant increase in count trends for both non-pups ($2.6\% \text{ y}^{-1}$, $P=0.005$, 2000-2011) and pups ($4.8\% \text{ y}^{-1}$, $P<0.01$, 2001/02-2011) for this region.

4. A description of the status, distribution, and seasonal distribution (when applicable) of the affected species or stocks of marine mammals likely to be affected by such activities.

The Western DPS of Steller sea lion is classified as a strategic stock and depleted under the MMPA. It is also listed as endangered under the Endangered Species Act. The DPS is distributed along the North Pacific Rim from approximately the Prince William Sound region of Alaska westward through the Aleutian Islands into Russian waters. Sea lions occupy this range year-round, although some seasonal movements do occur. Steller sea lions spend much of their time in marine water but they do rest and breed on land. During the breeding and pupping season (late May to early July), reproductively active adult Steller sea lions occupy rookeries (terrestrial birthing sites) whereas non-breeding individuals use haulouts (terrestrial resting sites). Tanginak Island is used solely as a haulout by small numbers (<10) of non-reproducing Steller sea lions during the breeding and pupping season, when land survey activities will occur. During fall and winter, many sea lions disperse from rookeries and increase use of haulouts until the next breeding season begins. Steller sea lions do not make regular migrations, but they can move considerable distances from their natal rookeries.

The island is a major haulout in the Steller sea lion critical habitat designation. Critical habitat for Steller sea lions in Alaska was designated in 1993 (58 FR 45269), based on the location of terrestrial rookery and haulout sites, spatial extent of foraging trips, and availability of prey items. The haulout is designated critical habitat.

5. The type of incidental taking authorization that is being requested (i.e., takes by harassment only; takes by harassment, injury and/or death) and the method of incidental taking.

We anticipate take only by incidental harassment without potential to injure, and therefore seek authorization for Level B Harassment. Level B harassment is defined as “any act of pursuit, torment, or annoyance which has the potential to disturb a marine mammal or stock in the wild by causing a disruption of behavioral patterns, including but not limited to migration, breathing, nursing, breeding or sheltering, but which does not have the potential to injure a marine mammal or stock in the wild.”

According to 73 FR 34705, an incidental take of Level B harassment occurs when an animal moves any distance away from the presence of a field crew, watercraft, or aircraft, or if an animal already moving shifts direction. An animal that raises its head without moving is not considered to be disturbed.

Steller sea lion responses to our activities will be limited to a temporary change in sheltering behavior. This includes the possibility of sea lions vacating their haulouts to enter water.

6. By age, sex, and reproductive condition (if possible), the number of marine mammals (by species) that may be taken by each type of taking identified in paragraph (a)(5) of this section, and the number of times such takings by each type of taking are likely to occur.

Steller Sea Lion: Observations since 2000 suggest that fewer than 10 non-breeding adult Steller sea lions would be present at the island haulout and subject to disturbance. However, we request authorization for taking up to 20 non-breeding animals (juveniles and adults) to accommodate the increasing trend observed in the eastern Aleutians region and stochastic inter-annual variation. No pups or breeding adults will be present or taken. Takings would occur a maximum of once per animal, coincident with the initial entry or movement of humans toward animals using the haulout. Once animals entered the water, no further harassment is anticipated as animals will have complete freedom of movement to maintain refuge. Steller sea lions are very adept swimmers, and are capable of remaining in water for more than 20 hours (NMFS 2008). Surveyors will finish all survey activities within approximately 10 hours, negating the need to return on a second day. The haulout will be suitable for reoccupation by Steller sea lions immediately after survey crew departure.

7. The anticipated impact of the activity upon the species or stock.

Sea lion reaction to occasional disturbance ranges from no reaction at all to complete and immediate departure from the haulout area (Allen, undated). Long term avoidance is not expected. The land survey project will constitute a one-time disturbance lasting less than 10 hours. The haulout will be suitable for reoccupation by Steller sea lions immediately after field crew departure from the area, within 10 hours of arrival. Given the remoteness of the island, other anthropogenic disturbances will not likely be present to deter animals from returning. Any animals temporarily displaced from the island during land surveys will presumably remain at

sea until they could return, or swim to another haulout. Steller sea lions are adept swimmers, and are capable of remaining in water for more than 20 hours (NMFS 2008).

The island will not be crowded with sea lions during June or July when land survey activities occur. This eliminates the possibility of a potentially injurious mass movement of animals attempting to vacate the haulout. This is true regardless of the source of the disturbance, whether it is boat traffic, air traffic, or human activity on land. Furthermore, Steller sea lions are physically adapted through thick layers of skin and fat to endure abrupt contact with jagged rocks that are characteristic to haulouts.

In summary, disturbance related to the land survey project will be temporary and minor, with no more than a negligible impact to the Steller sea lion.

8. The anticipated impact of the activity on the availability of the species or stocks of marine mammals for subsistence uses.

The land survey will result in only temporary and minor disturbance lasting less than one day. The haulout will be suitable for reoccupation by Steller sea lions immediately after departure of the survey crew. No barriers will be formed between subsistence hunters and Steller sea lions. Therefore, the project will have no impact on the availability of Steller sea lions for subsistence uses.

9. The anticipated impact of the activity upon the habitat of the marine mammal populations, and the likelihood of restoration of the affected habitat.

There will be no modification to water or landforms as a result of the activity. Disturbance will have a temporary and minor affect only on animal behavior, not on the physical or biological features of the habitat. Therefore there will be no need for habitat restoration.

10. The anticipated impact of the loss or modification of the habitat on the marine mammal populations involved.

There will be no loss or modification of marine mammal habitat. The haulout will be suitable for reoccupation by Steller sea lions immediately after departure of the survey crew. Therefore there will be no impact on marine mammal populations.

11. The availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, their habitat, and on their availability for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance.

The project as designed will have only temporary and minor impacts to Steller sea lions using the island haulout. The project will not cause permanent abandonment of the haulout or result in barriers between subsistence users and Steller sea lions. Less than 20 animals, none of which are reproducing, could be temporarily displaced from the island. Furthermore, the haulout will be suitable for reoccupation by Steller sea lions immediately after departure of the survey crew (up to 10 hours). No habitat will be physically altered. Only hand tools will be used. All overland travel will be conducted on foot. In addition, the following measures will be used to reduce disturbance to Steller sea lions using the area:

- The skiff and main vessel will approach the island as far away as possible from hauled out sea lions, and at a reasonably slow speed.
- A person who is familiar with Steller sea lion and other marine mammal identification and behavior will serve as a marine mammal observer (MMO) for the project. This observer will communicate all marine mammal observations to the operator of any boat (i.e., skiff and main vessel) used during the project, and to the land survey crew while they are on land. This person will also be responsible for ensuring that all personnel associated with the project minimize disturbance to Steller sea lions as much as possible.
- No vessel or person will purposefully approach a Steller sea lion in the water or on land, or place the vessel in the path of a swimming sea lion.
- The survey crew will begin their terrestrial activities as far away as possible from hauled out sea lions. The land survey will proceed in the direction toward sea lions as gradually as feasible. The intent of this is to allow Steller sea lions to maximize their use of the haulout, and to vacate the haulout in an unhurried manner.
- The survey crew will vacate the island immediately after their work is complete.

12. Where the proposed activity would take place in or near a traditional Arctic subsistence hunting area and/or may affect the availability of a species or stock of marine mammal for Arctic subsistence uses, the applicant must submit either a "plan of cooperation" or information that identifies what measures have been taken and/or will be taken to minimize any adverse effects on the availability of marine mammals for subsistence uses.

Not applicable. The activity will occur at a latitude of 54° North, and therefore does not meet the definition of Arctic waters (i.e., north of 60° North).

- 13. The suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species, the level of taking or impacts on populations of marine mammals that are expected to be present while conducting activities and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity. Monitoring plans should include a description of the survey techniques that would be used to determine the movement and activity of marine mammals near the activity site(s) including migration and other habitat uses, such as feeding. Guidelines for developing a site-specific monitoring plan may be obtained by writing to the Director, Office of Protected Resources.**

Monitoring will be commensurate with the magnitude and duration of the anticipated impacts. All observations will be confined to the time period in which the project is occurring because impacts are not expected to last beyond this time.

- The main vessel or aircraft will circle the island from the greatest distance feasible for accurate observation so that the marine mammal observer (MMO) can map and otherwise record the initial locations, numbers, and behaviors of Steller sea lions using the island before surveys commence. The MMO will use this information to recommend where the skiff or aircraft should approach the survey area so that it causes minimal disruption to Steller sea lions. For safety reasons, the boat captain or pilot shall have final say in this matter.
- Once on land, the MMO will record any changes in sea lion locations, numbers or behaviors observed during the reconnaissance.
- The MMO will then post at a location where sea lions can be visually observed with no or minimal risk of modifying their behavior. This will most likely be on a ridge or other high elevation area. If possible, the MMO should also have the land survey crew in sight; however, hand held radios will be the primary means of communication between the MMO and the surveyors.
- The MMO will map all relevant locations throughout the land survey period, including the observation point, the location and number of all sea lions/sea lion groups, and the location/progression of the survey crew. A series of maps may be required to track changes throughout the day.
- In addition to the maps and general information such as observer name, weather conditions, and time/date, the MMO will document the reactions of sea lions to survey activities and the distances at which they occur. Reaction categories will include, at a minimum: movement on land (and distance moved), entry in water, vocalization, and no apparent reaction. The MMO will also record sea lion behaviors and movements that do not appear to be related to survey activities.
- The MMO will not attempt to modify the progression of the field crew such that the land survey cannot be completed. However, the MMO will advise the crew on the location and behavior of the sea lions to maximize the safety of both the sea lions and the crew.

- The MMO shall work with the BLM-Alaska's Threatened and Endangered Species Program Lead to summarize a report of the monitoring findings.

14. Suggested means of learning of, encouraging, and coordinating research opportunities, plans, and activities relating to reducing such incidental taking and evaluating its effects.

A key step in improving the ability to avoid sensitive marine mammal resources is knowing where the resources are located, and in the case of habitats, how they are used. Currently, geospatial information on marine mammal haulouts and rookeries are difficult to obtain. The BLM MMO will record and share with NMFS all marine mammal haulouts and rookeries encountered during this and other land surveys in the Aleutian Islands. NMFS can then act as a clearinghouse for the data so that it can be used for project planning purposes.

References

Allen, L. Undated. Biological Opinion on proposed marine mammal permits which would authorize various research activities on Steller sea lions. Memorandum for the Record. Downloaded from <http://alaskafisheries.noaa.gov/protectedresources/stellers/litigation/biopsslresearch2005.pdf>

National Marine Fisheries Service. 2008. Recovery plan for the Steller sea lion. Prepared NMFS Office of Protected Resources. 325pp.