



MARINE MAMMAL COMMISSION

6 April 2016

Ms. Jolie Harrison, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910-3226

Dear Ms. Harrison:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the application from Quintillion Subsea Operations, LLC, (Quintillion) seeking an incidental harassment authorization under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA). Quintillion is seeking authorization to take small numbers of marine mammals by harassment incidental to subsea cable-laying activities in the Bering, Chukchi and Beaufort Seas, Alaska, during the 2016 open-water season. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 30 March 2016 notice (81 Fed. Reg. 17666) announcing receipt of the application and proposing to issue the authorization subject to certain conditions.

Background

Quintillion plans to install a subsea fiber-optic cable network¹ between Nome and Oliktok Point, Alaska. Approximately 1,903 km of cable would be laid using a cable-laying barge or vessel in waters up to 300 m in depth. The cable-laying vessel would use a dynamic positioning system (DPS) with bow, aft, and fore thrusters. The cable would be buried using a plough in waters greater than 12 m in depth. Divers, a towed sled, and remotely-operated vehicle could be used for jet burial of the cable in waters less than 12 m in depth. The proposed activities are expected to occur on up to 150 days from 1 June to 31 October.

NMFS preliminarily has determined that the proposed activities could modify temporarily the behavior of small numbers of up to 12 species of marine mammals, but that the total taking would have a negligible impact on the affected species or stocks. NMFS does not anticipate any take of marine mammals by death or serious injury. It believes that the potential for temporary or permanent hearing impairment will be at the least practicable level because of Quintillion's proposed mitigation measures. The mitigation, monitoring, and reporting measures include—

- conducting in-situ sound source and sound propagation measurements for the DPS on the cable-laying vessel² and adjusting the Level B harassment zone³, if necessary;

¹ For internet services.

² Sound levels associated with a winching barge and a tug handling anchors also would be measured.

³ A Level A harassment zone does not exist for the proposed activities.

- using trained protected species observers (including Inupiat observers) to monitor the Level B harassment zone during daylight hours from when the vessel leaves to when the vessel returns to port at the end of the project;
- using avoidance measures and speed restrictions in proximity to whales and in poor visibility conditions;
- providing funding for passive acoustic monitoring to be conducted by the 2016 joint Arctic Whale Ecology Study/Chukchi Acoustics, Oceanography, and Zooplankton Study-extension⁴ project;
- reporting injured and dead marine mammals to the NMFS Office of Protected Resources and the Alaska regional stranding coordinator using NMFS's phased approach and suspending activities, if appropriate; and
- submitting a final report.

Availability of marine mammals for subsistence

Quintillion has developed a plan of cooperation in consultation with numerous Native Alaska communities⁵ outlining measures that it would implement to minimize any adverse impacts on the availability of marine mammals for subsistence. That plan includes requirements for Quintillion to maintain the minimum approach distances and operational requirements outlined in the previous section, as well as (1) providing real-time vessel information via the automatic identification system and daily reports to the communities and communication centers, (2) monitoring the position of its vessels and avoiding subsistence activity, (3) implementing various barge and vessel transit and routing schemes, and (4) completing the proposed activities in time to have all barges and vessels transit south through the Bering Strait no later than 15 November. Quintillion also met with the Alaska Eskimo Whaling Commission, which determined that developing a conflict avoidance agreement for the proposed activities was not necessary. Based on the proposed activities and mitigation measures, NMFS has preliminarily determined that the proposed taking would not have an unmitigable adverse impact on the availability of marine mammals for subsistence use by Alaska Natives.

The Commission concurs with NMFS's preliminary findings and therefore recommends that NMFS issue the incidental harassment authorization, subject to inclusion of the proposed mitigation, monitoring, and reporting measures.

Please contact me if you have questions concerning the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director

⁴ ARCWEST/CHAOZ-X.

⁵ Including Nome, Kotzebue, Point Hope, Wainwright, Barrow, and Nuiqsut.

North Slope Borough

OFFICE OF THE MAYOR

P.O. Box 69
Barrow, Alaska 99723
Phone: 907 852-2611 or 0200
Fax: 907 852-0337



Michael Aamodt, Mayor

April 29, 2016

Jolie Harrison
Chief, Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Via email: ITP.guan@noaa.gov

RE: Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Subsea Cable-Laying Operations in the Bering, Chukchi, and Beaufort Seas, 17666-17682 [2016-07109]

Dear Ms. Harrison,

The National Marine Fisheries Service (NMFS) has received an application from Quintillion for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to Subsea Cable-Laying Operations in the Bering, Chukchi, and Beaufort Sea. Quintillion proposes to install a subsea fiber optic network cable along the northern and western coasts of Alaska in the U.S. Bering, Chukchi, and Beaufort seas during the 2016 Arctic open-water season. The proposed activity would occur between June 1 and October 31, 2016. Noise generated from cable vessel's dynamic positioning thruster could impact marine mammals in the vicinity of the activities as might horizontal drilling near shore. Take, by Level B harassments, of individuals of 8 species of marine mammals is proposed to be authorized from the specified activity.

About the Borough

The North Slope Borough (Borough) is the regional municipal government for the northern 89,000 square miles of Alaska. Our coastline stretches from the U.S.-Canadian border, across to the western border of Alaska. The vast majority of our residents are Inupiat Eskimos who rely heavily on marine mammals for cultural and nutritional needs.

In the broadest sense, the primary goal of the Borough is to maintain a healthy environment supporting Inupiat subsistence practices, while at the same time promoting economic growth and

responsible resource development. Together, these provide the services, facilities, and jobs that allow our communities to function safely amidst the myriad challenges of the Arctic.

As you know, the subsistence harvest of marine mammals and other marine resources is vital to our North Slope communities. Our people depend on these animals for nutrition and to maintain our culture. The Borough seeks to ensure that any activities occurring in our oceans are conducted in such a manner that they do not impact our subsistence harvests, marine resources, or their habitat.

Timing

The Borough has participated in decisions related to this project and overall supports Quintillion's efforts to bring better access to the internet to the remote villages. However, the Borough must also balance any new technology with the potential for impacts to subsistence.

The Borough would like to thank Quintillion for its efforts to find a second cable lay vessel so it is more likely to ensure operations do not overlap with fall whaling. The Borough supports the request of the Barrow Whaling Captains Association that Quintillion complete its operations in the Beaufort Sea by about September 10 so as not to disturb fall whaling in this community.

Mitigation Measures

The IHA provides some mitigation measures but none during the cable laying process. The Borough wants to ensure that all appropriate and feasible mitigation measures are required for the permit. This includes:

- Continued coordination with the Alaska Eskimo Whaling Commission (AEWC), and its member communities, and other Alaska Native marine mammal user groups as appropriate, and participation in the well-established and effective Conflict Avoidance Agreement (CAA) process;
- Communications with all villages near their operations to make sure Quintillion's activities do not disrupt subsistence activities, and to ensure the life, health and safety of Borough residents who may be out on the ocean.

Further, because Quintillion cannot completely mitigate their impacts while they are cable-laying, the Borough would request a robust monitoring plan. This should include the use of appropriate technologies, both visual and acoustic. Because these operations are very unique to the Beaufort and Chukchi, any impacts or potential impacts from the cable laying and installation process should be documented to increase our understanding of the propagation of anthropogenic sounds and impacts to marine mammals. This would be a good contribution to the state of the knowledge about the Beaufort and Chukchi seas. Quintillion should work with subsistence hunters and the Borough's Department of Wildlife Management for assistance in establishing this monitoring program.

Further, as these monitoring and mitigation requirements are implemented, their effectiveness should be verified, to protect subsistence species, habitat and subsistence hunters.

New Data

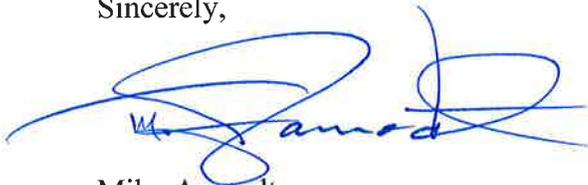
In evaluating this proposal, it is important to evaluate new data available on surface currents. The data are collected from surface current drifters and high frequency radar. Summaries of both are available on a University of Alaska Fairbanks website.¹ There is also some information from the surface drifters on our Department of Wildlife Management's website.²

The Borough has also been conducting studies of tagged Ringed and Spotted Seals to better understand migration patterns, habitat use areas, and foraging and diving behavior for use in the development of robust monitoring and management strategies.³

Conclusion

Thank you for considering our comments on this IHA.

Sincerely,



Mike Aamodt
Mayor

cc: Jacob Adams, Sr., CAO
John Boyle, Special Counsel
Dawn Winalski, Assistant Borough Attorney
Rhoda Ahmaogak, Director, Planning Department
Taqulik Hepa, Director, Wildlife Management

¹ University of Alaska Fairbanks and BOEM, Chukchi and Western Beaufort Circulation Studies.
<http://dm.sfos.uaf.edu/chukchi-beaufort/>

² North Slope Borough, Department of Wildlife Management. Satellite-tracked Surface Drifter Measurements off Barrow and Wainwright, Alaska,
<http://www.north-slope.org/departments/wildlife-management/studies-and-research-projects/oceanography-and-sea-ice/oceanography-and-sea-ice-research#OceanDriftersProject>

³ North Slope Borough, Department of Wildlife Management, Ringed Seal Research, www.north-slope.org/departments/wildlife-management/studies-and-research-projects/ice-seals/ringed-seal-research