UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

FINDING OF NO SIGNIFICANT IMPACT FOR THE ISSUANCE OF AN INCIDENTAL HARASSMENT AUTHORIZATION FOR WEST HARRISON BAY SEISMIC SURVEYS AND ICE TRAIL CONSTRUCTION IN THE ARCTIC

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The National Environmental Policy Act (NEPA; 42 U.S.C. § 4321 et seq.) requires the preparation of an Environmental Impact Statement (EIS) for any proposal for a major federal action significantly affecting the quality of the human environment. 42 U.S.C. § 4332(C). Agencies may issue a Finding of No Significant Impact (FONSI) if they determine that a proposed agency action will not have a reasonably foreseeable significant effect on the human environment and therefore does not require the issuance of an EIS. *Id.* § 4336e(7). NMFS received an application from Narwhal, LLC. (Narwhal) requesting an incidental harassment authorization (IHA) to take small numbers of marine mammals incidental to oil and gas exploration activities (i.e., seismic surveys and construction and operation of sea ice trails in west Harrison Bay, Alaska). Based on the Final Environmental Assessment for the Issuance of an Incidental Harassment Authorization for West Harrison Bay Seismic Surveys and Ice Trail Construction in the Arctic, NMFS has determined in this FONSI that preparation of an EIS is not required because NMFS' Proposed Action of issuing an IHA to Narwhal for the incidental take of bowhead whales (*Balaena mysticetus*), ringed seals (*Phoca hispida*), bearded seals (*Erignathus barbatus nauticus*), and spotted seals (*Phoca largha*), by Level B harassment only, as proposed in the Environmental Assessment (2025 EA), would not have significant adverse effects on the quality of the human environment.

This FONSI incorporates by reference the Final Environmental Assessment for the Issuance of an Incidental Harassment Authorization for West Harrison Bay Seismic Surveys and Ice Trail Construction in the Arctic, which contains the evidence and analysis supporting this FONSI. As further detailed in the EA, the purpose for the Proposed Action is to evaluate Narwhals' request pursuant to requirements of the Marine Mammal Protection Act (MMPA) of 1972, as amended; 16 U.S.C. § 1371(a)(5)(D)) and its implementing regulations (50 CFR Part 216) administered by NMFS and to determine whether the findings necessary to issue the IHA can be made. NMFS' must consider the impacts of authorizing the requested incidental take on marine mammals, evaluate mitigation measures that would effect the least practicable adverse impact on marine mammals and their habitat, prescribe monitoring and reporting measures, render a decision regarding the request for authorization under its MMPA authority and its implementing regulations and issue the IHA if specific findings can be made.

Sounds produced by Narwhal's use of a seismic airgun and sparker have the potential to result in take by Level B harassment for bowhead whales, ringed seals, bearded seals, and spotted seals. Equipment and personnel present during ice trail construction and operation along the Colville River Delta has the potential to result in the take, by Level B harassment, of only ringed seals. Takes are expected to occur in the form Level B harassment consisting primarily of temporary modification in the behavior of individual marine mammals. Therefore, Narwhal requested an authorization from NMFS for incidental taking pursuant to the MMPA. Authorizations for incidental takings of small numbers of marine mammals shall be granted if NMFS finds that the taking would have a negligible impact on the species or stock(s), and, where relevant, would not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, the IHA must set forth the permissible methods of taking, other means of effecting the least practicable adverse impact on the species or stock and its habitat, and requirements pertaining to the monitoring and reporting of such takings.

Narwhal's action may cause direct effects to marine mammals, marine mammal habitat, and socioeconomics in the action area, though there is no potential for the effects of NMFS' action to add to the effects of other projects such that the effects taken together could be significant.

NMFS' proposed action, the issuance of an IHA to Narwhal to incidentally take marine mammals during their oil and gas exploration activities is expected to result in direct, short-term, minor impacts to marine mammals and marine mammal habitat. No take of marine mammals by Level A harassment, serious injury, or mortality is anticipated or proposed to be authorized in the IHA. Further, the expected socioeconomic impacts of the proposed action would be direct, short-term, minor impacts to the oil and gas industry.

NMFS' proposed action, the issuance of an IHA to Narwhal, would not meaningfully contribute to significant impacts to specific resources, given the limited scope of NMFS' action and required mitigation and monitoring measures, as described in the 2025 EA and this FONSI.

Mitigation and Monitoring:

Section 2.2.2 of the 2025 EA lists all of the mitigation and monitoring measures required by the IHA, if issued, to Narwhal for the proposed project. Mitigation and monitoring for the seismic surveys would include the use of pre- and post- activity monitoring, ramp-up procedures, shutdown zones, approved Protected Species Observers (PSOs) monitoring, and designated monitoring locations. The sea ice trail construction and operation mitigation and monitoring would include wildlife training for all PSOs, vehicle speed limits, observation of seals and seal structures, and planned surveys for workaround routes. NMFS has determined that the required mitigation measures are sufficient to achieve the least practicable adverse impact on the affected species and stocks of marine mammals and their habitat, as required by the MMPA. Further, Narwhal must fulfill the monitoring and reporting measures listed in the IHA, if issued. The monitoring plan was independently peer reviewed since the proposed activity may affect the availability of a species or stock for taking for subsistence uses (16 U.S.C. 1371(a)(5)(D)(ii)(III)). Narwhal fully addressed concerns raised by the panel and this project is not expected to have significant effects on the availability of a species or stock for taking for subsistence uses.

DETERMINATION

Based on the 2025 EA, the NOAA Office of Protected Resources has determined in this FONSI that preparation of an EIS for issuance of an IHA to Narwhal to authorize the take of small numbers of marine mammals incidental to Narwhal's proposal to conduct seismic surveys and construct and operate sea ice trails in west Harrison Bay, Alaska, is not required because the proposed action will not have significant effects. All adverse impacts of the proposed action as well as mitigation measures have been evaluated to reach this conclusion of no significant impacts.

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August 12, 2025

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Date