



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.