



MARINE MAMMAL COMMISSION

2 May 2011

Mr. Douglas Burn
Office of Marine Mammals Management
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503

Dear Mr. Burn:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the applications from the Alaska Department of Transportation and Public Facilities and the Aleutians East Borough seeking to renew their authorizations under section 101(a)(5)(D) of the Marine Mammal Protection Act to take small numbers of northern sea otters by harassment. The taking would be incidental to construction of a new airport, access road, and hovercraft landing area on Akun Island, Alaska, and a hovercraft landing and storage area on Akutan Island, and the testing of a hovercraft between Akun and Akutan Islands. The construction and hovercraft testing activities would occur from 1 July 2011 to 30 June 2012. The Commission also has reviewed the Fish and Wildlife Service's 1 April 2011 *Federal Register* notice (76 Fed. Reg. 18232) announcing receipt of the application and proposing to renew the authorizations, subject to certain conditions. The Commission previously commented on similar incidental harassment authorizations.

RECOMMENDATION

The Marine Mammal Commission recommends that the Fish and Wildlife Service issue the incidental harassment authorizations, provided that it—

- requires the applicants to conduct monitoring for 30 minutes before, during, and 30 minutes after hovercraft testing; and
- conditions the authorizations to require suspension of hovercraft testing if a sea otter is seriously injured or killed and the injury or death could be associated with those activities, and, if additional measures are unlikely to reduce the risk of additional serious injuries or deaths, require the applicants to obtain the necessary authorization for such takings under section 101(a)(5)(A) of the Marine Mammal Protection Act before allowing hovercraft testing to continue or before initiating future hovercraft operations.

RATIONALE

The Alaska Department of Transportation and Public Facilities and the Aleutians East Borough propose to renew their authorizations to construct an airport and associated facilities on Akun and Akutan Islands and to test a hovercraft operation between Akun and Akutan Islands. These previously proposed activities have been delayed by funding constraints. Construction activities and hovercraft testing are expected to begin in spring 2011 under the current incidental harassment authorization. The applicants plan to initiate sustained hovercraft service between the two islands after construction and testing are completed, which is expected to begin in the fourth

quarter of 2012. The proposed incidental harassment authorizations would cover activities through June 2012; the applicants will need an additional authorization to cover activities after June 2012.

The proposed activities have been modified slightly from those considered in previous authorizations. The applicants propose to (1) extend the existing seaplane ramp from 40 x 43 ft to 110 x 112 ft to accommodate the hovercraft landing area on Akutan Island, (2) realign the hovercraft runway counterclockwise 20° from a heading of 110–290° to 90–270° to increase hovercraft safety and reduce the impact on Akun Island, (3) construct an armor rock berm to protect the hovercraft landing pad from natural shifting of a streambed on Akun Island, and (4) use a temporary beach access route, construction camp, and fuel storage facility on Akun Island.

The Service preliminarily has determined that, at most, the proposed activities temporarily would modify the behavior of small numbers of northern sea otters. It anticipates that any impact on the affected stock would be negligible. The Service does not anticipate any take of marine mammals by death or serious injury and believes that the potential for disturbance will be at the least practicable level because of the proposed mitigation and monitoring measures. The measures include—

- using a hovercraft—which produces less wake and less sound than a conventional vessel—to transport passengers to and from the airport;
- constructing the hovercraft landing areas away from intertidal and subtidal sea otter habitats, thus limiting the impact to only 1.34 acres of those habitats;
- constructing land-based hovercraft landing areas to eliminate in-water dredging and pile driving;
- establishing sea otter avoidance areas for hovercraft based on sea otter survey data from 2006 to 2010 (i.e., data collected before construction);
- developing and expediting a hovercraft route operational manual in collaboration with the Service to avoid sea otters and their habitats and with the manufacturer to ensure that the operations occur in an environmentally sensitive manner;
- altering hovercraft speed and course if a sea otter is within or approaching the safety zones that would be established by the Service as a result of reinitiating the section 7 consultation and development of the operational manual;
- using ramp-up (i.e., 6 dB per 5 minutes) and powerdown (i.e., decreasing to the slowest practicable speed) procedures based on those safety zones for the hovercraft;
- developing low-light operating procedures for the hovercraft in collaboration with the Service; these have yet to be detailed but could include reducing hovercraft speed and using night-vision technology;
- storing fuel and fueling and maintaining the hovercraft at least 100 ft from the water to minimize any adverse impact from oil;
- using qualified hovercraft-based observers to monitor 30 minutes before and during hovercraft testing; and
- conducting a minimum of three vessel-based line transect surveys of the affected areas in April to determine baseline sea otter abundance and distribution.

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Based on the timing and location of the proposed activities and subsistence harvest patterns in the area (on average, less than one sea otter per year is harvested from the islands), the Service preliminarily has determined that the expected taking would not have an unmitigable adverse impact on the availability of sea otters for subsistence use by Alaska Natives.

Disruption of Behavior

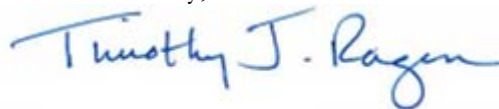
Behavioral disruption of sea otters from the proposed construction activities and testing of the hovercraft most likely would be from short-term displacement of sea otters. Sea otter behavior is variable and difficult to predict. It also is not possible to determine beforehand whether displacement will occur and, if so, whether it will be temporary, longer term, or permanent. The applicants plan to monitor sea otter presence and activity for 30 minutes before and during hovercraft testing, which includes ramping up and powering down the craft. However, post-testing monitoring was not discussed in the *Federal Register* notice or the applications. Because researchers and managers know relatively little about sea otter responses to hovercraft, the Marine Mammal Commission recommends that the Fish and Wildlife Service require the applicants to conduct monitoring for 30 minutes before, during, and 30 minutes after hovercraft testing. Such monitoring will provide an opportunity to document any changes in behavior, assess the types and total number of takes that result from the activities, and start building a dataset that can be used to inform decisions regarding similar activities in the future.

Level A Harassment and Mortality

The applicants are not seeking authorization to take sea otters by serious injury or mortality. As such, the Marine Mammal Commission recommends that the Fish and Wildlife condition the incidental harassment authorization, if issued, to require suspension of hovercraft testing if a sea otter is seriously injured or killed and the injury or death could be associated with those activities. The injury or death should be investigated to determine the cause. If the hovercraft caused the injury or death, the full impact of hovercraft testing (e.g., the total number of animals involved) should be assessed and modifications to hovercraft use should be determined to avoid additional injuries or deaths. Full investigation of such incidents is essential to provide information regarding the potential impact on marine mammals from hovercraft use. If additional measures are unlikely to reduce the risk of additional serious injury or death of sea otters to a very low level, the Service should require the applicants to obtain the necessary authorization for such takings under section 101(a)(5)(A) of the Marine Mammal Protection Act before allowing hovercraft testing to continue or before initiating future hovercraft operations.

Please contact me if you have questions regarding the Commission's recommendations.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director