



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

National Marine Fisheries Service

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January 30, 2007

John Goll
Regional Director
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Alaska Outer Continental Shelf Region
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Subject: Minerals Management Service (MMS) Draft Environmental Impact Statement (DEIS) for the Chukchi Sea Planning Area - Oil and Gas Lease Sale 193 and Seismic Surveying Activities in the Chukchi Sea (Lease Sale 193).

Dear Mr. Goll:

The National Marine Fisheries Service (NMFS) has reviewed the subject DEIS and offers the following comments from our Protected Resources Division and Habitat Conservation Division. We apologize for commenting outside the public review period, but as a cooperating agency we offer these comments to assist in your decision-making process.

Lease Sale 193 offers numerous sale areas for lease and also authorizes survey activities in the Chukchi Sea. MMS has selected a preferred alternative (Alternative IV Corridor II) to minimize effects on marine resources within the nearshore corridor partially based upon a National Marine Fisheries Service (NMFS) 1987 Biological Opinion. Please note, the 1987 NMFS opinion has been superseded by the June 2006 opinion on oil and gas leasing activities in the Beaufort and Chukchi Seas. That opinion found these actions are not likely to jeopardize the continued existence of any endangered species under NMFS jurisdiction, and remains valid in addressing Sale 193. However, the information necessary to properly assess the biological effects of Sale 193 must necessarily be more thorough and at a much finer scale than that needed to consider jeopardy to a species. Unfortunately, much of this essential information is not available.

General Comments

We remain very concerned about potential impacts to living marine resources and their habitats, fisheries, and subsistence uses of marine resources as a result of lease sales, exploration, and development in the Chukchi Sea Planning Area (CSPA). The individual and cumulative effects of development in these relatively pristine environments could be significant. Any proposals for development in these areas should fully account for the associated environmental, economic, and social consequences to ensure the continued productivity of living marine resources for future generations.



The DEIS presents an accurate description of the environmental baseline within the CSPA and offers a reasonable account of the nature and extent of impacts that would be associated with the sale. The DEIS also includes a recent discussion of effects should a warming trend continue in Alaska. The Chukchi Sea, and adjoining Bering and Beaufort Seas, are experiencing a change in oceanic condition, and the effects to marine resources and their movements are uncertain. Thus, our 1987 Biological Opinion, used to select your preferred alternative, may be outdated and may not necessarily account for changes in marine resource distribution due to environmental change.

Marine Mammal Issues

Data to describe marine mammals within the sale area and their habitat use of the sale area are lacking or inadequate to support impact assessment and mitigation planning. The DEIS is rife with statements to this effect, and some of these gaps are striking given the ecological, social, and cultural importance of the marine mammals in question (e.g. “Recent data to evaluate bowhead use of the Chukchi Sea Planning Area, or adjacent areas to the south, are lacking.”, “Recent data on distribution, abundance, or habitat use in the Chukchi Sea Planning Area (on bowhead whales) are not available.”, “Information is not available to us that would permit evaluation of the current use of this area by fin whales.”, “Late summer distribution and fall-migration patterns (of beluga whales) are poorly known, wintering areas are effectively unknown, and areas that are particularly important for feeding have not been identified”). These data gaps are clearly a hindrance to MMS’s conditioning of any exploration plans or permits.

Underwater noise associated with oil and gas leasing, such as seismic and drilling noise, represents a significant source of harassment for marine mammals. Without current and thorough data which describe the habitat use and function of these waters, along with the seasonal presence and distribution patterns of marine mammals in the planning area, it will be very difficult to permit and conduct seismic surveys in a manner that has no more than a negligible impact to the stock and minimizes disturbance and harassment to the extent practicable.

The continued lack of basic audiometric data for key marine mammal species that occur throughout the proposed lease sale areas hampers our ability to determine the nature and biological significance of exposure to various levels of both continuous and impulsive oil and gas activity sounds. Audiometric data including threshold shifts and recovery for the dominant marine mammals in each region must also be obtained prior to further lease sale action for NMFS to consider authorizing incidental taking under the Endangered Species Act and Marine Mammal Protection Act. Acquisition of these data must precede leasing, where acoustic effects on marine mammal species have not been adequately researched.

Much of the coastal region within the Sale 193 area is an important subsistence hunting area for Alaskan Native villages on the Chukchi Sea. Leasing and exploration activity in these waters would increase the potential for subsistence hunting to be disrupted. Any such impact should be recognized by MMS through adoption of Alternative III as the preferred Alternative.

Fisheries

While no commercial fisheries occur in the lease sale area, MMS should be aware of recent discussions undertaken by the North Pacific Fishery Management Council (NPFMC) and NMFS regarding the northward expansion of Bering Sea fisheries. The potential exists for fisheries to move into more northern regions, should warming conditions continue and species extend into areas and habitats currently thought to be at the limit of their distribution. A brief of the most recent discussion for this potential can be found with the NPFMC December 2006 Newsletter at <http://www.fakr.noaa.gov/npfmc/newsletters/NEWS1206.pdf>.

Essential Fish Habitat

MMS determined that activities associated with oil and gas exploration may have adverse effects on EFH. Accordingly, MMS initiated Essential Fish Habitat (EFH) consultation by copy of the DEIS and inclusion of an EFH Assessment. NMFS has reviewed the DEIS and specific references to sections addressing mandatory requirements of an EFH Assessment. After review of this information, NMFS offers the following EFH Conservation Recommendation pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Fishery Conservation and Management Act: NMFS recommends MMS select Alternative III (Corridor I) and include mitigation measures outlined in DEIS Sections II.B.3 and II.B.4. This recommendation compliments our recommendation to protect threatened and endangered marine mammal populations and subsistence resources.

Conclusions

Alternative III includes the deferral setback of lease sale blocks within approximately 60 miles of the Chukchi coast. We strongly endorse Alternative III (Corridor I) and associated mitigative measures for several reasons:

- Alternative III would provide some degree of impact reduction for the endangered bowhead whale, as this population migrates through the nearshore lead system of the sea ice during its spring migration into the Beaufort Sea. The spring lead system is one of the most sensitive environments for these whales.
- Alternative III would afford some mitigation and avoidance for the Native villages along the Chukchi coast which depend on subsistence resources, especially marine mammals.
- Alternative III would protect nearshore marine resources and reduces the potential for a catastrophic event to impact benthic habitats, migratory current corridors, and nearshore estuarine habitats.
- Alternative III offers a precautionary setback to better protect marine resources facing warmer oceanic conditions and larger open water areas.
- Alternative III would reduce the effect of seismic geophysical surveys occurring in the productive nearshore zone of the Chukchi Sea.

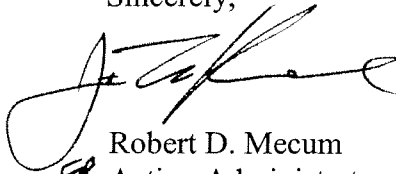
MMS's view and analysis supporting Alternative IV (Corridor II), the smaller setback, did not present a strong enough case to NMFS that marine resources would be adequately protected. In our comments on the DEIS for Sales 109 and 126, we noted the limited amount of biological and physical information for the northern Chukchi Sea. NMFS found the data base prevented meaningful analysis, yet could not support MMS conclusions of minor effects to fish populations. Unfortunately, little additional fisheries information has been recently gathered. We continue to find that the extant data do not support the impact assessments presented in the DEIS, and recommend additional research on the coastal, anadromous, and marine fishery resources within the planning area.

MMS offers only one negative aspect of a larger deferral area: the larger setback likely would require longer pipelines, which would be subject to increased risk of failure resulting in spilled product. However, any length of pipeline poses risks and would include control measures such as periodic control vales, selection of the most feasible and least damaging (to sensitive habitats) routes, and burial techniques.

NMFS recommends that MMS adopt Alternative III (Corridor I) over the preferred Alternative IV (Corridor II) for this action. Alternative III offers a larger migration corridor for marine resources, including those that are important to subsistence activities. The larger corridor offers a precautionary approach to afford protection of marine resources in a data limited environment.

For further coordination on this lease sale please contact Brad Smith regarding marine mammal issues (907-271-3023) or Matt Eagleton regarding fish habitat issues (907-271-6354).

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc:

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