



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

JUN 27 2012

Mr. Bauke Houtman  
Integrated Programs Section Head,  
Division of Ocean Sciences,  
National Science Foundation,  
4201 Wilson Boulevard  
Arlington, VA 22230

Dear Mr. Houtman:

Enclosed is the National Marine Fisheries Service's (NMFS') reinitiated Biological Opinion, issued under the authority of section 7(a)(2) of the Endangered Species Act on the effects of a marine geophysical survey in the Northeastern Pacific Ocean on threatened and endangered species and designated critical habitat. Because this action will take marine mammals incidental to these surveys we also considered NMFS' issuance of an Incidental Harassment Authorization pursuant to section 101(a)(5)(D) of the Marine Mammal Protection Act as part of the proposed action. This biological opinion is the result of reinitiation of formal consultation on the issuance of an IHA to L-DEO for three geophysical surveys in the Northeastern Pacific Ocean. Reinitiated consultation continues on the remaining survey and a Biological Opinion will be issued once that consultation is complete.

This opinion describes the potential for incidental effects from a marine geophysical survey using acoustic sound sources on endangered blue, fin, sei, humpback and sperm whales as well as Steller sea lions. The survey may harass these whale and pinniped species, the activity for which an Incidental Harassment Authorization would be issued. The opinion also describes the potential for incidental effects of geophysical surveys on endangered and threatened sea turtles and fish. We conclude that these actions are not likely to jeopardize the continued existence of threatened or endangered species nor destroy or adversely modify designated critical habitat under NMFS' jurisdiction.

Attached to the biological opinion is an incidental take statement which provides an exemption for take of listed species during the survey. The exemption for take of endangered marine mammals takes effect when the Incidental Harassment Authorization is issued. The incidental take statement includes several nondiscretionary reasonable and prudent measures to minimize effects to listed species from the survey. These measures are binding conditions and must be followed for the exemption provided by the incidental take statement to apply.

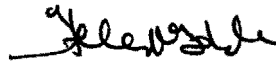
This concludes formal consultation for the proposed marine geophysical survey in the Northeastern Pacific Ocean. Consultation must be reinitiated if: (1) the amount or extent of taking specified in the Incidental Take Statement is exceeded; (2) new information reveals



effects of these actions that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) any of the identified actions are subsequently modified in a manner that causes an effect to listed species that was not considered in the Biological Opinion; or (4) a new species is listed or critical habitat designated that may be affected by the identified actions.

I look forward to continued cooperation with the National Science Foundation during future section 7 consultations.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen Golde", written in a cursive style.

Helen Golde  
Acting Director,  
Office of Protected Resources

Enclosure