

**Finding of No Significant Impact for the Issuance of  
an Incidental Harassment Authorization to Take Marine Mammals  
by Harassment During Black Abalone Research at San Nicolas Island, California**

**National Marine Fisheries Service**

The National Marine Fisheries Service (NMFS) received an application for an incidental harassment authorization (IHA) pursuant to its responsibility to authorize the taking of small numbers of marine mammals incidental to an otherwise lawful activity other than commercial fishing, provided that NMFS determines that the action will have no more than a negligible impact on the affected species or stocks of marine mammals. NMFS has made such a determination for this authorization for the take of California sea lions, Pacific harbor seals, and northern elephant seals, by harassment, incidental to black abalone surveys conducted at permanent study sites at San Nicolas Island (SNI), California. During each survey year, each of the nine permanent study sites at SNI will be visited three times. Abalone surveys, which take no more than 4 hours at each site, will be conducted during two of the three visits to each of the nine sites and a third maintenance visit, which takes less than half of an hour at each site, will be used to take measurements and make necessary repairs to plots. NMFS has prepared an Environmental Assessment (EA) specifically addressing the issuance of an IHA, and potential subsequent IHAs, for this activity. NMFS' 2005 Environmental Assessment on the Issuance of an IHA to Take Marine Mammals by Harassment During Black Abalone Research at San Nicolas Island contains a description of the proposed action and reasonable alternatives, the affected environment, the potential impacts to marine mammals, and appropriate mitigation measures.

National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. 1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

1) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in FMPs?

Response: The proposed research consists of counting black abalone at permanent sites in the rocky intertidal zone. Two researchers will visit each of nine sites on the island three times per year. Small numbers of invertebrates may be crushed if either researcher steps on them, but the researchers will use care to minimize these impacts and NMFS does not expect the proposed action to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat.

2) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

Response: NMFS does not expect the proposed action to have any impact on biodiversity or ecosystem function within the affected area. With the exception of very small numbers of invertebrates or plants being crushed by the two researchers stepping on them, no physical changes will be made to the area.

3) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

Response: Public access is restricted on SNI and NMFS believes no aspect of the project that could adversely impact public health or safety.

4) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

Response: A single adult male Guadalupe fur seal (*Arctocephalus townsendi*), federally listed as threatened under the Endangered Species Act (ESA), was seen at one abalone research site on two occasions during the summer months in the mid-1980's; however, there have been no sightings of this species on the island since then. As described in the IHA application, researchers will suspend all activities and vacate the study site if a Guadalupe fur seal is sighted while researchers are at SNI, which will allow VanBlaricom to avoid impacts to this species.

Southern sea otters (*Enhydra lutris nereis*), federally listed as threatened under the ESA, occur offshore of SNI, but are not expected ashore (and have never been encountered by the researcher) during the time periods when the research activities would be conducted. However, if sea otters are sighted ashore during the abalone research, VanBlaricom would suspend all research activities and vacate the study site that California sea otters are occupying, which will allow VanBlaricom to avoid impacts to this species.

Based on reports of marine mammals disturbances during abalone counts conducted at SNI in previous years, NMFS believes that small numbers (relative to the population counts) of California sea lions, Pacific harbor seals, and northern elephant seals will be disturbed (in the form of moving away from the researchers) by researchers on foot that visit each site three times a year. Due to the infrequency and small numbers affected NMFS believes these takes will have a negligible impact on the species stock.

5) Are significant social or economic impacts interrelated with natural or physical environmental effects?

Response: Public access is restricted at SNI. The proposed research is not anticipated to generate any economic gains for the applicant or anyone else. The proposed research does not permanently change the physical environment in any way. NMFS finds there are no significant social or economic impacts interrelated with natural or physical environmental effects.

6) Are the effects on the quality of the human environment likely to be highly controversial?

Response: The project application was open to public comment for 30 days and no comments that would suggest controversy were received. NMFS believes that the effects on the quality of the human environment are not likely to be highly controversial.

7) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?

Response: NMFS is not aware of any unique areas, as described above or otherwise, at SNI. SNI and all of the Channel Islands are important for the hauling out and pupping of pinnipeds, however, no major disruptions or physical changes will be made at the study sites and, therefore, NMFS does not anticipate any impacts to unique areas.

8) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

Response: Dr. VanBlaricom has been conducting the same abalone research on SNI since 1979 with no unexpected adverse outcomes. The effects on the human environment are not likely to be highly uncertain or involve unique or unknown risks.

9) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

Response: Since SNI is owned and operated by the Navy, public access is restricted and human activity on the beaches is limited primarily to researchers monitoring pinniped populations. Though military exercises are occasionally conducted on beaches, operational constraints associated with seasonal marine mammal shore activity and bird nesting behaviour are placed on the training activities to ensure that animals are not disturbed. The Navy is already authorized to take marine mammals incidental to the launch of no more than 40 Vandal (or similar sized missiles) per year on SNI, each of which results in strong noise at the western end of SNI that lasts no more than a few seconds. The Navy has two other projects, Tomahawk Testing and Training, and an Inert Ordnance Delivery Area that together include 11 or less overflights (non-low altitude) on the eastern side of the island. All together, these other activities at SNI only occur infrequently and for a relatively short amount of time, and, therefore, NMFS does not anticipate any cumulatively significant impacts to pinnipeds.

10) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

Response: NMFS is not aware of anything at this project site that is listed in the National Register of Historic Places. This project consists of two researchers, on foot, counting abalone

and will result in no physical changes to the site and, therefore, NMFS anticipates no loss or destruction of significant scientific, cultural or historical resources.

11) Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

Response: NMFS is aware of no mechanism within this project description that would allow the introduction or spread of non-indigenous species, as the research consists entirely of two pedestrian researchers surveying abalone. NMFS does not expect the proposed action to result in the introduction or spread of a non-indigenous species.

12) Is the proposed action likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

Response: Many other plant and animal surveys have been conducted at many locations with greater impacts than the proposed action, and this survey has been conducted for 26 years. Additionally, this project has no unique aspects that would suggest it be a precedent for any future actions. The proposed action is not likely to establish a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration.

13) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

Response: NMFS does not expect this action to violate any Federal, State, or local law, or requirements imposed for the protection of the environment. Neither a federal nor a state permit is necessary for the proposed research being conducted on black abalone because the abalone are not handled or removed during the surveys, only counted. The applicant coordinates closely with the Navy to determine appropriate times to conduct fieldwork.

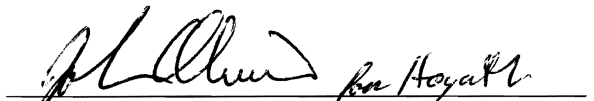
14) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

Response: The proposed research has been conducted for the past 26 years and the applicant has not noted a decrease in numbers of pinnipeds at the study sites, in fact, he reports that pinnipeds are now present at certain study sites at SNI that they did not used to occupy. NMFS anticipates that the three (maximum 4-hour) visits to each of the nine study sites per year, even over multiple years, will result in the minor disturbance of small numbers of pinnipeds and will not have a substantial effect on either the target or any non-target species.

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**DETERMINATION**

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for the issuance of an IHA for the taking of marine mammals by harassment during black abalone research at San Nicolas Island, it is hereby determined that the issuance of the IHA for black abalone research will not significantly impact the quality of the human environment as described above and in the Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an Environmental Impact Statement or Supplemental Environmental Impact Statement for this action is not necessary.

  
Assistant Administrator for Fisheries, NOAA

11-21-05  
Date