

**FINDING OF NO SIGNIFICANT IMPACT
FOR THE ISSUANCE OF REGULATIONS AND A LETTER OF AUTHORIZATION
TO THE U.S. AIR FORCE TO TAKE MARINE MAMMALS INCIDENTAL TO
LAUNCHES, AIRCRAFT, AND HELICOPTER OPERATIONS AND HARBOR
ACTIVITIES AT VANDENBERG AIR FORCE BASE, CALIFORNIA**

NATIONAL MARINE FISHERIES SERVICE

BACKGROUND

The National Marine Fisheries Service (NMFS) received an application from the U.S. Air Force and its partners (hereafter, we refer to the entire group as the Air Force) requesting regulations and an associated Letter of Authorization (Authorization) under the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1631 *et seq.*) for the for the incidental taking of marine mammals incidental to the conduct of launch, aircraft, and helicopter operations from Vandenberg Air Force Base (VAFB) launch complexes and *Delta Mariner* operations, cargo unloading activities, and harbor maintenance dredging in support of the Delta IV/Evolved Expendable Launch Vehicle (EELV) launch activity on south VAFB for five years.

Under the MMPA, NMFS, shall grant authorization for the incidental taking of marine mammals if we find that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). The Authorization must prescribe, where applicable, the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat; and requirements pertaining to the mitigation, monitoring and reporting of such taking.

The proposed action is a direct outcome of the Air Force requesting an Authorization to take marine mammals, by harassment, incidental to conducting launch, aircraft, and helicopter operations from VAFB launch complexes and activities at the south VAFB harbor. The Air Force's activities, which have the potential to behaviorally disturb marine mammals, warrant an incidental take authorization from us under section 101(a)(5)(A) of the MMPA.

In accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) regulations in 40 CFR §§ 1500-1508, and National Oceanographic and Atmospheric Administration (NOAA) Administrative Order (NAO) 216-6, we completed an Environmental Assessment (EA) titled, *Issuance of Regulations and a Letter of Authorization to the U.S. Air Force to Take Marine Mammals Incidental to Launches, Aircraft and Helicopter Operations, and Harbor Activities at Vandenberg Air Force Base, California*. We incorporate this EA in its entirety by reference.

We have prepared this Finding of No Significant Impact (FONSI) to evaluate the significance of the impacts of our selected alternative—Alternative 1 (Preferred Alternative) titled, “Issuance of an Authorization with Mitigation Measures,” and our conclusions regarding the impacts related to our proposed action. Under this Alternative, we would issue an Authorization (valid for five years) under the MMPA with required mitigation, monitoring, and reporting measures. Based on our review of the Air Force's proposed action and the measures contained within Alternative 1, we have

determined that no direct, indirect, or cumulatively significant impacts to the human environment would occur from implementing the Preferred Alternative.

ANALYSIS

NAO 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the CEQ regulations at 40 CFR §1508.27 state that the significance of an action should be analyzed both in terms of “context” and “intensity.” Each criterion listed below this section is relevant to making a finding of no significant impact. We have considered each criterion individually, as well as in combination with the others. We analyzed the significance of this action 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 Fishery Management Plans (FMP)?

Response: We do not expect that our limited action of issuing an Authorization to the Air Force or the Air Force’s proposed action would cause substantial damage to the ocean and coastal habitats and/or essential fish habitat. The proposed launch vehicles are launched on land, and the aircraft activities would occur above the water. The sounds produced by the space launch vehicles and the aircraft operations only have the potential to affect pinnipeds hauled out on land. These temporary acoustic activities would not affect physical habitat features, such as substrates and water quality. Although the harbor maintenance and dredging may cause some temporary changes to the coastal environment, it will not cause substantial damage, and the harbor area is not important habitat for fish or marine mammals. The mitigation and monitoring measures required by the Authorization would not affect habitat 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: We do not expect that our limited action of issuing an Authorization to the Air Force or the Air Force’s proposed action would have a substantial impact on biodiversity and/or ecosystem function within the affected environment. The proposed action may temporarily disturb pinnipeds hauled out on land in the proposed action areas, but the effects would be short-term and localized.

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

Response: We do not expect that our limited action of issuing an Authorization to the Air Force or the Air Force’s proposed action would have a substantial adverse impact on public health or safety. Humans are excluded from launch areas for the hours immediately preceding, during, and just after the launches pursuant to Air Force policy, and the personnel will take the necessary precautions to ensure their safety during all proposed activities.

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: We have determined that our issuance of an Authorization and the Air Force’s proposed action would likely result in limited adverse effects to California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina richardsi*), northern elephant seals (*Mirounga angustirostris*), Stellar sea lions (*Eumetopias jubatus*), and northern fur seals (*Callorhinus ursinus*). The EA evaluates the affected environment and potential effects of both proposed actions, indicating that only the sounds produced during the launches and harbor maintenance and dredging activities and the presence of personnel during the activities have the potential to affect marine mammals in a way that requires authorization under the MMPA. The activities and any required mitigation measures would not affect physical habitat features, such as substrates and water quality.

We have determined that the proposed activities may result in some Level B harassment (in the form of short-term and localized changes in behavior) of five species of marine mammals—none of which are listed as threatened or endangered under the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*).

Because the Air Force’s activities take place on land and do not overlap with offshore designated critical habitat areas, their proposed action would have no effect on critical habitat.

To reduce the potential for disturbance from acoustic and visual stimuli associated with the activities, the Air Force and/or its designees have proposed to implement several monitoring and mitigation measures for marine mammals, which are outlined in the EA. Taking these measures into consideration, we expect that the responses of marine mammals from the Preferred Alternative would be limited to temporary avoidance of the area, short-term behavioral changes, and/or low-level physiological effects, falling within the MMPA definition of “Level B harassment.” We do not anticipate that take by injury (Level A harassment), serious injury, or mortality would occur, nor would we authorize take by injury, serious injury, or mortality. We expect that harassment takes would be at the lowest level practicable due to the incorporation of the proposed mitigation measures.

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

Response: We expect that the primary impacts to the natural and physical environment would be temporary in nature (and not significant) and not interrelated with significant social or economic impacts. Issuance of an Authorization would not result in inequitable distributions of environmental burdens or access to environmental goods as the action is confined to military personnel and contractors. Since VAFB supports commercial test activities, issuance of the regulations is considered to have an indirect beneficial economic impact related to the ability to continue these commercial activities.

We have determined that issuance of the Authorization would not adversely affect low-income or a minority population— as our action only affects marine mammals. Further, there would be no impact of the activity on the availability of the species or stocks of marine mammals for subsistence uses, as there are no such uses of marine mammals in the proposed action area. Therefore, we expect that no significant social or economic effects would result from our issuance of an Authorization or the Air Force’s proposed action.

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

Response: The effects of our issuance of an Authorization for the take of marine mammals incidental to the proposed activities are not highly controversial. The Air Force has conducted these activities for decades, and we are unaware of any party characterizing their activities as controversial. Specifically, we did not receive any comments raising substantial questions or concerns about the size, nature, or effect of potential impacts from our proposed action or the Air Force's proposed project. There is no substantial dispute over effects to marine mammals.

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: We do not expect that our issuance of an Authorization and the Air Force's proposed action would 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. The Northern Channel Islands are part of the Channel Islands National Park and the Channel Islands National Marine Sanctuary. NMFS previously contacted the National Ocean Service's Office of National Marine Sanctuaries (ONMS) regarding NMFS' proposed action of issuing an Authorization for the Air Force's activities. ONMS determined that no further consultation was required by NMFS on its proposed action as it is not likely to result in substantial impacts to the sanctuary.

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

Response: The potential risks of launches and equipment resulting in elevated sound levels are not unique or unknown, nor do we expect there to be significant uncertainty about impacts. We have issued numerous Authorizations to the Air Force and its contractors for the same activities for decades and have conducted previous NEPA analyses on those actions. Each Authorization required marine mammal monitoring and monitoring reports, which we reviewed to ensure that activities have a negligible impact on marine mammals. In no case have impacts to marine mammals, as determined from monitoring reports, exceeded our previous determinations under the MMPA and our analyses under the NEPA. Therefore, 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: Issuance of an Authorization to the Air Force is not related to other actions with individually insignificant but cumulatively significant impacts. While other projects in south-central California may result in harassment to marine mammals, we do not expect that the impacts would be cumulatively significant. Any future Authorizations would have to undergo the same permitting process and would take the Air Force's proposed action into consideration when addressing cumulative effects.

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: We have determined that the proposed action would not adversely affect entities listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources. The proposed action is limited to the authorization to harass marine mammals consistent with the MMPA definition of “Level B harassment.”

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

Response: Our action is the issuance of an Authorization to the Air Force—one cannot reasonably expect that our office-based action would result in the introduction or spread of a non-indigenous species into the human environment.

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

Response: Our proposed action of issuing an Authorization would not set a precedent for future actions with significant effects or represent a decision in principle. Each MMPA authorization applied for under 101(a)(5)(A) must contain information identified in our implementing regulations. We consider each activity specified in an application separately and, if we issue an Authorization to an applicant, we must determine that the impacts from the specified activity would result in a negligible impact to the affected species or stocks. Our issuance of an Authorization may inform the environmental review for future projects, but would not establish a precedent or represent a decision in principle about a future consideration.

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

Response: The issuance of an Authorization would not result in any violation of federal, state, or local laws for environmental protection. The applicant is required to obtain any additional federal, state and local permits necessary to carry out the proposed activities.

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 action allows for the taking, by incidental harassment, of marine mammals during the proposed launch, aircraft, and helicopter operations from VAFB launch complexes and *Delta Mariner* operations, cargo unloading activities, and harbor maintenance dredging in support of the Delta IV/EELV launch activity on south VAFB. We have determined that marine mammals may exhibit behavioral changes such as avoidance of or changes in movement within the action area. However, we do not expect the authorized harassment to result in significant cumulative adverse effects on the affected species or stocks. We do not expect that the issuance of an Authorization would result in any significant cumulative adverse effects on target or non-target species incidentally taken by harassment due to elevated sound levels or human presence.

Cumulative effects refer to the impacts on the environment that result from a combination of past, existing, and reasonably foreseeable human activities and natural processes. Human activities in the immediate vicinity of the proposed action are limited to military personnel, although there is some recreational use at nearby beaches. Because of the relatively small area of potential ensonification and human interaction along with the corresponding mitigation measures, the action would not result in synergistic or cumulative adverse effects that could have a substantial effect on any species.

The proposed action does not target any marine species, and we do not expect it to result in any individual, long-term, or cumulative adverse effects on the species incidentally taken by harassment due to these activities. The potential temporary behavioral disturbance of marine species might result in short-term behavioral effects for these marine species within the disturbed areas, but we expect no long-term displacement of marine mammals as a result of the proposed action conducted under the requirements of the Authorization. Thus, we do not expect any cumulative adverse effects on any species as a result of our action.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting EA titled, *Issuance of Regulations and a Letter of Authorization to the U.S. Air Force to Take Marine Mammals Incidental to Launches, Aircraft and Helicopter Operations, and Harbor Activities at Vandenberg Air Force Base, California*, we, NMFS, have determined that issuance of regulations and an associated Letter of Authorization to the U.S. Air Force for the take, by Level B harassment only, of marine mammals incidental to conducting launch, aircraft, and helicopter operations from VAFB launch complexes and *Delta Mariner* operations, cargo unloading activities, and harbor maintenance dredging in support of the Delat IV/EELV launch activity on south VAFB in accordance with Alternative 1 in the 2014 EA would not significantly impact the quality of the human environment, as described in this FONSI and in the EA.

In addition, we have addressed all beneficial and adverse impacts of the action to reach the conclusion of no significant impacts. Accordingly, the preparation of an Environmental Impact Statement for this action is not necessary.



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Date