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## 3.9 Birds



## 3.9 BIRDS

### 3.9.1 AFFECTED ENVIRONMENT

For purposes of this Supplemental Environmental Impact Statement (EIS)/Overseas EIS (Supplemental EIS/OEIS), the Region of Influence (ROI) for birds remains the same as that identified in the March 2011 Gulf of Alaska (GOA) Navy Training Activities Final EIS/OEIS, which is the Temporary Maritime Activities Area (TMAA) (the Study Area). Similar to the Final EIS/OEIS, this section provides an overview of the species, distribution, and occurrence of birds that are either resident or migratory through the ROI.

#### 3.9.1.1 Existing Conditions

The nearest shoreline (Kenai Peninsula) is located approximately 24 nautical miles (nm) north of the TMAA's northern boundary. The approximate middle of the TMAA is located 140 nm offshore. Given that the TMAA is more than 12 nm from the closest point of land, it is therefore outside the United States (U.S.) territorial seas.

As presented in the 2011 GOA Final EIS/OEIS, the habitat found within the Study Area supports a wide diversity of resident and migratory seabirds and waterfowl. Since the TMAA occurs mostly over the outer shelf slope and deeper ocean waters, this area is dominated by species that utilize the region seasonally and are not land-based outside the nesting season. Birds that are year-round residents or that migrate from northern waters frozen over in the winter use the protected embayments of Kodiak Island and the mainland shoreline to avoid harsh winter storms.

Descriptions of the ROI ecosystem, climate, productivity, and oceanographic conditions were presented in the 2011 GOA Final EIS/OEIS. The ROI continues to be one of the world's most productive ocean regions, and the habitats associated with these cold and turbulent waters contain identifiable collections of microhabitats that sustain resident and migratory species of birds. The waters of the ROI provide nutrient-rich offshore areas for seabirds that rely on upwelling zones and shelf currents to transport prey to the surface. This Supplemental EIS/OEIS addresses the same activities within the TMAA as did the 2011 GOA Final EIS/OEIS. As such, the general description in the 2011 GOA Final EIS/OEIS of the existing conditions within the TMAA remains valid.

The 2011 GOA Final EIS/OEIS lists the bird species known to occur or breed in the coastal zones within the Gulf of Alaska. The information regarding the species presence or absence in the study area has not changed since the publication of the 2011 GOA Final EIS/OEIS. As such, the species list presented in the Final EIS/OEIS remains valid. Four of these species are protected under the authority of the Endangered Species Act (ESA); two are federally listed as endangered (short-tailed albatross [*Phoebastria albatrus*] and the eskimo curlew [*Numenius borealis*]), and two are federally listed as threatened (Steller's eider [*Polysticta stelleri*] and spectacled eider [*Somateria fischeri*]). Additionally, the yellow-billed loon (*Gavia adamsii*) is listed as a candidate species.

As presented in the 2011 GOA Final EIS/OEIS, based loosely on their geographic distribution and feeding habits, birds observed in the Study Area are divided into two groups: seabirds and waterfowl. Seabirds, such as alcids, shearwaters, and gulls, typically feed in open waters ranging from the shoreline and estuaries to the open ocean. Waterfowl, such as ducks and geese, are typically found near shore on the open coast and in estuaries, but some also use inland freshwater habitats. In general, seabird activity is most concentrated along the GOA coastline, while waterfowl are found primarily in the bays and shallow waters.

### 3.9.1.1.1 Seabirds

The seabird colonies off the coast of Alaska are among the largest in population in the continental United States. As presented in the 2011 GOA Final EIS/OEIS, seabirds known to occur within the ROI include those that are pelagic (generally foraging far offshore over the continental shelf and in oceanic waters) and those that feed in nearshore zones, but can transit the TMAA. Pelagic species include albatross, petrels, shearwaters, jaegers, skuas, gulls, terns, and alcids. Nearshore seabirds feed within sight of land and include species such as loons, grebes, brown pelicans, gulls, cormorants, murres, and phalaropes. The general information regarding representative species presence, utilization, and distribution throughout the ROI presented in the 2011 GOA Final EIS/OEIS remains valid.

The following ESA-listed and ESA-candidate species seabirds are known to occur in the Gulf of Alaska.

#### 3.9.1.1.1.1 Short-Tailed Albatross

As presented in the 2011 GOA Final EIS/OEIS, the short-tailed albatross (*Phoebastria albatrus*) was listed as endangered throughout its range under the ESA in 2000 (65 Federal Register [FR] 46643). There is no designated critical habitat under ESA for the short-tailed albatross. Since the publication of the 2011 GOA Final EIS/OEIS, the status of the short-tailed albatross has not changed under ESA. However the current population estimate is approximately 3,000 birds (as compared to the 1,200 birds reported in the 2011 GOA Final EIS/OEIS) and is increasing at a rate of 5–8 percent per year (U.S. Fish and Wildlife Service 2012a).

The human-induced threats to the short-tailed albatross are described in the 2011 GOA Final EIS/OEIS. Following a review of recent literature (JSTOR, Web of Science, Google Scholar, EBSCO Academic, and U.S. Fish and Wildlife Service [USFWS] websites), these threats (hooking and drowning on commercial long-line gear, entanglement in derelict fishing gear, ingestion of plastic debris, contamination from oil spills, and potential predation by introduced mammals on breeding islands) have remained persistent since the publication of the 2011 GOA Final EIS/OEIS.

The life history of short-tailed albatrosses (lifespan, nesting, foraging, distribution, and presence in the Study Area) was also described in the 2011 GOA Final EIS/OEIS and has not changed since the publication of the 2011 GOA Final EIS/OEIS.

As such, the description in the 2011 GOA Final EIS/OEIS of the short-tailed albatross has not changed appreciably, and there is no new information or circumstances that would alter analysis of the 2011 GOA Final EIS/OEIS.

#### 3.9.1.1.2 Waterfowl

The general description, preferred habitats, and distribution of waterfowl throughout the Study Area were described in the 2011 GOA Final EIS/OEIS. Waterfowl spend most of their lifecycle on the water, typically breeding in freshwater habitats, and many species move to shoreline or nearshore habitats when breeding is complete. The usage of the ROI by these species has not changed since the publication of the 2011 GOA Final EIS/OEIS. As such, the general discussion in the 2011 GOA Final EIS/OEIS of representative species presence, utilization, and distribution within the ROI remains valid.

The following ESA-listed waterfowl species are known to occur in the Study Area.

#### **3.9.1.1.2.1 Steller's Eider**

The Alaska breeding population of Steller's eiders (*Polysticta stelleri*) was listed as threatened under the ESA in 1997 (62 FR 31748). Steller's eiders are not expected to occur in the Study Area, and there is no critical habitat or foraging areas in or within the vicinity of the TMAA. Since the publication of the 2011 GOA Final EIS/OEIS, the listing status of the Steller's eider has not been revised, and the population distribution and seasonal variation of the Steller's eider has not changed from those described in the 2011 GOA Final EIS/OEIS.

During the months of April to October, when training activities are planned to occur, Steller's eiders can be found in nearshore areas, and in particular protected lagoons with tidal flats located hundreds of miles to the northwest and west of the ROI. During the winter, the distribution of Steller's eiders includes the nearshore areas around Kodiak Island, Cook Inlet, the southern side of the Alaska Peninsula, and the eastern Aleutian Islands. As stated in the 2011 GOA Final EIS/OEIS, there are no naval activities in the TMAA during the winter, and there is no new information or circumstances that would alter analysis of the 2011 GOA Final EIS/OEIS. Therefore, the statement indicating that Steller's eiders are not likely to be present in the Study Area or be affected by any of the proposed activities remains valid. For this reason, the Steller's eider will not be carried forward for analysis in this Supplemental EIS/OEIS.

#### **3.9.1.1.2.2 Spectacled Eider**

The spectacled eider (*Somateria fischeri*) was designated as threatened throughout its range in May 1993 (58 FR 27474). Critical habitat for the spectacled eider was designated in 2001 (66 FR 9146). However, none of the critical habitat designation overlaps with the TMAA.

Spectacled eiders are not expected to occur in the Study Area during the time period of training activities. Three primary nesting areas are known for the spectacled eider: the central coast of the Yukon-Kuskokwim Delta, the arctic coastal plain of Alaska, and the arctic coastal plain of Russia. Important late summer and fall molting areas have been identified in eastern Norton Sound and Ledyard Bay in Alaska, and in Mechigmenskiy Bay and an area offshore between the Kolyma and Indigirka River Deltas in Russia. Wintering flocks of spectacled eiders have been observed in openings in sea ice in the Bering Sea between St. Lawrence and St. Matthew Islands (U.S. Fish and Wildlife Service 2012b).

As there are no naval activities in the TMAA during the winter, and there is no new information or circumstances that would alter analysis of the 2011 GOA Final EIS/OEIS, spectacled eiders are not likely to be affected by any of the proposed activities. For this reason, the spectacled eider will not be carried forward for analysis in this Supplemental EIS/OEIS.

#### **3.9.1.1.2.3 Yellow-Billed Loon**

The yellow-billed loon (*Gavia adamsii*) was designated a candidate species throughout its range in March 2009 (74 FR 12932). There is no critical habitat designated for the yellow-billed loon.

Yellow-billed loons are not expected to occur in the Study Area during the time period of training activities. During the months of April to October, when training activities are planned to occur, yellow-billed loons can be found near freshwater lakes in the Arctic tundra located hundreds of miles to the north of the ROI. During the winter, the distribution of yellow-billed loons includes the coastal waters of southern Alaska from the Aleutian Islands to Puget Sound (U.S. Fish and Wildlife Service 2002). As there are no naval activities in the TMAA during the winter, yellow-billed loons are not likely to be affected by any of the proposed activities. For this reason, the yellow-billed loon will not be carried forward for analysis in this Supplemental EIS/OEIS.

#### **3.9.1.1.2.4 Eskimo Curlew**

The Eskimo curlew (*Numenius borealis*) was designated as an endangered species throughout its range in March 1967 (32 FR 4001). There is no critical habitat designated for the Eskimo curlew. It is highly possible that the species is extinct as the last confirmed observation took place in Nebraska in 1987 (76 FR 36491). For this reason, the Eskimo curlew will not be carried forward for analysis in this Supplemental EIS/OEIS.

#### **3.9.1.1.3 Hearing Capabilities of Birds**

As presented in the 2011 GOA Final EIS/OEIS, research suggests an in-air maximum auditory sensitivity between 1 and 5 kilohertz (kHz) for most bird species. A review of 32 terrestrial and marine species indicates that birds generally have greatest hearing sensitivity between 1 and 4 kHz (Beason 2004). Very few can hear below 20 Hertz, most have an upper frequency hearing limit of 10 kHz, and none exhibit hearing at frequencies higher than 20 kHz (Dooling et al. 2000). While birds, like humans, potentially can hear underwater, there continues to be little published literature of the hearing abilities of birds underwater. The additional information supplements and reinforces the information presented in the 2011 GOA Final EIS/OEIS, and there is no new information or circumstances that would alter the analysis of the 2011 GOA Final EIS/OEIS. As such, the additional description regarding hearing capabilities presented in the 2011 GOA Final EIS/OEIS remain valid.

#### **3.9.1.2 Current Requirements and Practices**

As presented in the 2011 GOA Final EIS/OEIS, standard operating procedures and best management practices implemented by the U.S. Department of the Navy (Navy) for resource protection would reduce potential effects to birds. Avoidance of birds and their nesting and roosting habitats provides the greatest degree of protection from potential impacts within the Study Area. These avoidance measures (measures to evaluate and reduce or eliminate bird/aircraft strike hazards to aircraft, aircrews, and birds that are implemented during operations in the TMAA) remain similar to those presented in the 2011 GOA Final EIS/OEIS. Land or at-sea activities involving explosive ordnance contains instructions to personnel to observe the surrounding area within 700 yards (640 meters) for 30 minutes prior to detonation. If birds (or marine mammals or sea turtles) are seen, the activity must be relocated to an unoccupied area or postponed until animals leave the area. As such, the descriptions presented in the 2011 GOA Final EIS/OEIS remain valid.

### **3.9.2 ALTERNATIVES ANALYSIS**

All three alternatives (No Action Alternative, Alternative 1, and Alternative 2), as discussed in the 2011 GOA Final EIS/OEIS, remain the same for this Supplemental EIS/OEIS. The Navy conducted a review of existing federal and state regulations and standards relevant to birds, as well as a review of new literature, to include laws, regulations, and publications pertaining to birds. Although additional information relating to existing environmental conditions was found, the new information does not indicate an appreciable change to the existing environmental conditions as described in the 2011 GOA Final EIS/OEIS. Because the existing conditions have not changed appreciably, and no new Navy training activities are being proposed to occur in the TMAA in this Supplemental EIS/OEIS, re-analysis of the alternatives with respect to birds is not warranted. Subsequently, the conclusions made for the alternatives analyzed in the 2011 GOA Final EIS/OEIS remain unchanged in this Supplemental EIS/OEIS.

### **3.9.3 CONCLUSION**

As described above, there is new information on existing environmental conditions with regard to birds. However, this new information does not change the affected environment, which forms the

environmental baseline of the birds analysis in the 2011 GOA Final EIS/OEIS. Additionally, no new Navy training activities are being proposed in this Supplemental EIS/OEIS that would affect birds in the TMAA. Therefore, conclusions for bird impacts made for the alternatives analyzed in the 2011 GOA Final EIS/OEIS remains unchanged in this Supplemental EIS/OEIS. For a summary of effects of the No Action Alternative, Alternative 1, and Alternative 2 on birds under both the National Environmental Policy Act and Executive Order 12114, please refer to Table 3.9-3 (Summary of Effects by Alternative) in the 2011 GOA Final EIS/OEIS.

The take of an individual bird from the Proposed Action is allowed under the Migratory Bird Treaty Act provided it does not result in a significant adverse effect on a population of a migratory bird species. As presented in the 2011 GOA Final EIS/OEIS, the Proposed Action would not diminish the capacity of a population of a migratory bird species to maintain genetic diversity, to reproduce, and to function effectively in its native ecosystem, nor would it adversely affect migratory bird populations. Because the Proposed Action has not changed and there is no new information that would change the analysis conducted in support of the 2011 GOA Final EIS/OEIS, the Navy is not required to confer with the USFWS on the development and implementation of conservation measures to minimize or mitigate adverse effects to migratory birds that are not listed under the ESA.

In accordance with Section 7 of the ESA (50 Code of Federal Regulation [C.F.R.] §402), during the preparation of the 2011 Final EIS/OEIS the Navy prepared a biological evaluation and submitted it to the USFWS. The Navy received a concurrence letter from USFWS (March 2010), which agreed that the Navy's actions may affect, but were unlikely to adversely affect, the short-tailed albatross. As provided in 50 C.F.R. §402.16, re-initiation of formal consultation is normally required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded, (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion, (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion, or (4) a new species is listed or critical habitat designated that may be affected by the action.

Previous analysis for ESA-listed bird species remains unchanged in this Supplemental EIS/OEIS. The Navy evaluated listed species potentially affected by Navy training activities in the TMAA covered by the 2011 GOA Final EIS/OEIS. The criteria for re-initiation of consultation with USFWS for listed bird species, as set forth in 50 C.F.R. §402.16, are not triggered. Specifically, there has not been an exceedance of incidental take for listed birds; there is no new information that reveals new effects to listed bird species that were not previously considered; Navy training activities in the TMAA are not being substantially modified in a manner that would cause effect to listed bird species that was not previously considered; and there has not been a new species of bird listed within the TMAA.

## **REFERENCES CITED AND CONSIDERED**

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