



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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February 13, 2026

Susan F. Zaleski
Acting Regional Supervisor, Office of Environment
Diving Safety Officer
Bureau of Ocean Energy Management, Pacific Region
760 Paseo Camarillo, Suite 102
Camarillo, CA 93010

RE: Request for Initiation of Endangered Species Act 7(a)(2) Expedited Informal Consultation on the Proposed Marine Habitat Surveys for the Commercial Leasing for Minerals Offshore of American Samoa (PIRO-2026-03498; I-PI-26-2623-DG; INQ-2025-00435).

Dear Ms. Zaleski:

On January 16, 2026, NOAA's National Marine Fisheries Service (NMFS) received your written request for initiation of the Endangered Species Act (ESA) expedited informal consultation and conference on the United States (U.S.) Department of the Interior's Bureau of Ocean Energy Management (BOEM) proposed action to issue up to two leases for the purpose of commercial mining and authorize early-stage data collection, consistent with the limited and preliminary scope of activities evaluated in the environmental assessment. The United States Army Corps of Engineers (USACE) Honolulu District is identified as a cooperating agency as the project would involve the installation of structures, (e.g., buoys). USACE regulates the discharge of material into waters of the U.S. under Section 404 of the Clean Water Act and regulates work or structures in or affecting navigable waters of the U.S. under Section 10 of the Rivers and Harbors Act of 1899.

The subject project involves both types of activities, requiring the submission of an application to be reviewed by the USACE under the Nationwide Permit Program, Activity 6 (Survey Activities). Technical assistance for this proposed action originally began on December 11, 2025 (INQ-2025-00435) and continued through February of 2026 to discuss potential acoustic concerns related to the operational characteristics of those equipment that would be used under the proposed action. On February 3, 2026 we had sufficient information to initiate expedited consultation. Your request, including the biological evaluation assessment, qualified for our expedited review. It met our screening criteria and contained all required information on your proposed action and its potential effects to listed species.

The proposed federal action is to issue up to two commercial leases for marine mineral development in the American Samoa Outer Continental Shelf (OCS) and to authorize the corresponding preliminary activities which are limited to early-stage data collection and surveys necessary to develop a comprehensive Delineation, Testing, or Mining Plan. BOEM regulations

(30 CFR 582.21(d)) require these preliminary activities to have no significant adverse impact on the OCS's natural resources and are not mineral excavation activities.

Preliminary activities include a variety of non-invasive surveys and sampling. Bathymetric, geophysical, and mapping surveys utilize dynamic positioning vessels, autonomous underwater vehicles, and remotely operated vehicles (ROVs), along with High-Resolution Geophysical equipment. These surveys use sound sources like multibeam echosounders, side-scan sonar, and sub-bottom profilers to map the seafloor depth, elevation, and subsurface composition. Separately, focused biological surveys are expected to occur from the air, ship, or in the water, using non-contact methods such as aerial digital imaging, visual observation, radar, and thermal or acoustic monitoring to characterize the biological environment within the lease footprints. Most equipment expected to be used in this proposed action are outside the hearing range of the species considered in our analysis (i.e., above 200 kilohertz) and not considered further.

Some equipment, like the HRGs have the potential to produce acoustics which may produce noise sufficient to produce harm through auditory injury, temporary threshold shifts, or behavioral reactions depending on what operational characteristics are being employed. However, BOEM is implementing the criteria that equipment meets certain source levels, transmission frequencies, directionalities, beamwidths, tow depths, and pulse repetition rates to avoid potential adverse effects to the ESA-listed species under consideration. No equipment will be allowed to operate at decibels greater than 160 dB, which does not reach auditory injury, temporary threshold shifts, or behavioral thresholds for any species under consideration. Given these defined operational variables, we do not expect adverse effects to occur. Equipment operating higher than 160 dB will not be permitted by BOEM and additional consultation with NMFS would be required in that scenario.

Physical data collection involves geological, geotechnical, and biological Sampling and the placement of equipment. Sampling includes the precise collection of seabed sediments and animal species via ROVs, or the collection of larger sediment volumes using box core and free fall grab samplers lowered from a vessel. For a two-lease scenario, approximately 2,259 box core or free fall grab samples are estimated to be required to sufficient sample the proposed lease area. Moorings and equipment placement may involve anchoring scientific devices—such as oceanographic landers, acoustic doppler current profilers, and underwater transponder positioning units on the seafloor to collect physical, chemical, and biological data; or to aid in AUV navigation. The proposed action estimates placing a maximum of four large surface ocean buoys, each anchored to the seafloor.

Under section 7(a)(4) of the ESA, each Federal agency shall confer with the Secretary on any agency action that is likely to jeopardize the continued existence of any species proposed to be listed or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. While consultations are required when the proposed action may affect listed species, a conference is required only when the proposed action is likely to jeopardize the continued existence of a proposed species or destroy or adversely modify proposed critical habitat. However, Federal action agencies may request a conference on any proposed action that may affect proposed species or proposed critical habitat (USFWS and NMFS 1998).

We reviewed your consultation request document and related materials. Based on our knowledge, expertise, and the materials you provided, we concur with your conclusions that the

proposed action may affect, but is not likely to adversely affect the following ESA-listed species: endangered blue, fin, sei, sperm Main Hawaiian Island insular false killer whale, southern resident killer whale, Central American humpback whale, western North Pacific gray whale, and North Pacific right whales; threatened Mexican Humpback whale; endangered Hawaiian monk seal; threatened Guadalupe fur seal, Steller sea lion designated critical habitat; threatened Central North Pacific, East Pacific, East Indian-West Pacific, Southwest Pacific green sea turtles; Endangered Central South Pacific and Central West Pacific green turtles; endangered hawksbill, leatherback turtle, North and South Pacific Loggerhead turtles; threatened olive ridley sea turtles; threatened oceanic whitetip shark, giant manta ray; threatened Indo-West Pacific scalloped hammerhead shark; threatened chambered nautilus; threatened corals- *Acropora globiceps*, *Acropora retusa*, *Acropora speciosa*, *Fimbriaphyllia paradivisa*, *Isopora crateriformis*; proposed threatened Horse's hoof clam, Proposed endangered smooth and true giant clam, endangered Sacramento River winter-run, Upper Columbia River Spring-run, and Central Valley spring-run chinook salmon; threatened California Coastal, Lower Columbia River, Snake River Fall, Snake River Spring/Summer Run, Upper Willamette River, and Puget Sound chinook salmon; endangered Central California Coast coho salmon; threatened Southern Oregon/Northern California Coast, Lower Columbia River, Oregon Coast Coho salmon; threatened California Central Valley, Central California Coast, South-Central California Coast, Northern California, Lower Columbia River, and Middle Columbia River, Puget Sound, Snake River, and Upper Willamette River steelhead trout; endangered Southern California and Upper Columbia River steelhead trout; threatened Columbia River and Hood Canal summer-run chum salmon; threatened North American southern green sturgeon, threatened Pacific southern Eulachon; endangered black and white abalones; and proposed threatened sunflower sea star.

This concludes informal consultation under section 7 of the ESA for species under our jurisdiction. A complete record of this consultation is on file at the Pacific Island Regional Office, Honolulu, Hawaii. Reinitiation of consultation is required and shall be requested by BOEM or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law and if:

- a. Take occurs to an ESA-listed species;
- b. New information reveals effects of the action that may affect ESA-listed species or designated critical habitat in a manner or to an extent not previously considered;
- c. The identified action is subsequently modified in a manner that causes an effect to ESA-listed species or designated critical habitat that was not considered in this concurrence; or
- d. A new species is listed or critical habitat designated that may be affected by the identified action.

If you have further questions, please contact Joshua Rudolph at (808) 725-5147 or joshua.rudolph@noaa.gov. Thank you for working with us to protect our nation's living marine resources.

Sincerely,

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Dawn Golden
Assistant Regional Administrator
Protected Resources Division

CC: Jason Brewer, USACE Honolulu District
Chiharu Mori, BOEM Pacific Regional Office
Lisa Gilbane, BOEM Pacific Regional Office
Ingrid Biedron, BOEM Pacific Regional Office
Chuck Wheeler, NMFS PIRO PRD
Amy Scholik, NMFS OPR PRD
Dayv Lowry, NMFS WCR PRD

NMFS File No.: PIRO-2026-03498
PIRO Reference No.: I-PI-26-2623-DG

References:

USFWS and NMFS. 1998. Endangered Species Consultation Handbook. Procedures for Conducting Consultation and Conference Activities under Section 7 of the Endangered Species Act. 315 p.



Joshua Rudolph - NOAA Federal <joshua.rudolph@noaa.gov>

Updated American Samoa BA with two docs for Appendix A

Joshua Rudolph - NOAA Federal <joshua.rudolph@noaa.gov>

Fri, Apr 17, 2026 at 10:54 AM

To: "Mori, Chiharu" <Chiharu.Mori@boem.gov>

Cc: Chuck Wheeler - NOAA Federal <chuck.wheeler@noaa.gov>, Ron Dean - NOAA Federal <ron.dean@noaa.gov>, "Reeb, Desray" <Desray.Reeb@boem.gov>, "Schroeder, Donna M" <Donna.Schroeder@boem.gov>

Aloha Chi,

Thank you for providing the finalized revisions to the BA. After reviewing the slight modifications to the acoustics description and nomenclature, we find that reinitiation of ESA consultation (PIRO-2026-03498, I-PI-26-2623-DG, INQ-2025-00435) is not warranted. While we previously considered a maximum source level of 160 dB, the implementation criteria include variables such as source levels, transmission frequencies, directionalities, beamwidths, tow depths, and pulse repetition rates to avoid potential adverse effects on the ESA-listed species under consideration. Even with a change in source level, the other variable requirements would limit potential effects, and this change would not be expected to result in adverse effects given the defined criteria. Therefore we would not expect this to change our conclusion that the acoustic stressor is discountable, or our overall determination of NLAA. This is further supported by the previously completed biological opinion which considered this information on ONMP protocols and reached a NLAA conclusion for those variables that fall in the "*de minimus; tier 4*" categorical bin (OPR-2022-03526); and as supported by Ruppel et al. (2022). This email is sufficient for our records.

In the future, once Lessees submit detailed information on the actual planned equipment types, settings, and survey methods to you, we will gladly assist with any acoustic reviews to confirm that the proposed sources meet the *de minimis* criteria in Ruppel et al. (2022); and the ONMP/NMFS 2025 if needed; or if reinitiation would be required at that time for effects not previously considered.

Thanks and have a great weekend,
-Josh

References:

NMFS. 2025. Biological and Conference Opinion on Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement's Oil and Gas Program Activities in the Gulf of America. OPR-2022-03526. NMFS Office of Protected Resources. Silver Spring, MD. 701 p.

Ruppel, C. D., T. C. Weber, E. R. Staaterman, S. J. Labak, and P. E. Hart. 2022. Categorizing Active Marine Acoustic Sources Based on Their Potential to Affect Marine Animals. *Journal of Marine Science and Engineering*. 10(1278).