



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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August 10, 2026

Desray Reeb
Acting Environmental Consultation and Coordination Section Supervisor
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Camarillo, CA 93010

RE: Request for Initiation of Endangered Species Act 7(a)(2) Expedited Informal Consultation and Conference and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Bureau of Ocean Energy Management's Proposed Marine Habitat Surveys for the Commercial Leasing for Minerals Offshore of the Commonwealth of the Northern Marianas (PIRO-2026-01570; I-PI-26-2708-DG; INQ-2026-00173).

Dear Ms. Reeb:

On July 22, 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 six 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 June 16, 2026 (INQ-2026-00173) and continued through July of 2026. On July 22, 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 on listed species.

The ESA requires federal action agencies to consult with NMFS when the action may affect a listed species or its designated critical habitat under our jurisdiction (50 CFR 402.14(a)).

This expedited LOC was prepared by NMFS pursuant to section 7(a)(2) of the ESA and implementing regulations at 50 CFR 402. On March 30, 2026, in *Center for Biological Diversity*

v. Burgum, No. 24-cv-04651 (N.D. Cal.), the U.S. District Court for the Northern District of California vacated aspects of four provisions from the 50 CFR part 402 regulations governing interagency consultation under section 7 of the Endangered Species Act and reinstated the provisions that were previously in effect. Consistent with the Court’s ruling, these are the governing provisions for this consultation:

- a, “*Effects of the action* refers to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, that will be added to the environmental baseline. The environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions which are contemporaneous with the consultation in process. Indirect effects are those that are caused by the proposed action and are later in time, but still are reasonably certain to occur. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration.”¹ (50 CFR 402.02 (2018)).
- b. 50 CFR 402.16(a): “(a) Reinitiation of consultation is required and shall be requested by the Federal agency or by the Service, where discretionary Federal involvement or control over the action has been retained or is authorized by law and” (50 CFR 402.16(a) (2023)).

NMFS also reviewed the proposed action for potential effects on essential fish habitat (EFH) designated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including conservation measures and any determination you made regarding the potential effects of the action. The EFH consultation was initiated on July 22, 2026 when the EFH Assessment was submitted. This review was pursuant to section 305(b) of the MSA, implementing regulations at 50 CFR 600.920, and agency guidance for use of the ESA consultation process to complete EFH consultation. After reviewing the consultation enclosures, we have determined that there may be adverse effects to EFH, but the proposed best management practices (BMPs) and minimization measures that will be implemented will be suitable to ensure that adverse effects to EFH will be no more than minimal. Additional conservation recommendations will not be necessary, thus satisfying the requirements of Section 305(b)(2) of the Magnuson-Stevens Act.

Proposed Action

The proposed federal action is to issue up to six commercial leases on the Outer Continental Shelf (OCS) of the Commonwealth of the Northern Mariana Islands (CNMI)—three in the

¹ This definition includes the second sentence of the definition of “effects of the action.” That sentence provided the definition of “environmental baseline” in effect as of 2018. In the 2019 rule amending the 50 CFR part 402 regulations, the Services established “environmental baseline” as a stand-alone definition. 84 Fed. Reg. 44976, 45016 (August 27, 2019). In the 2024 rule, the Services made minor revisions to the “environmental baseline” definition. 89 Fed. Reg. 24268, 24298 (April 5, 2024). The Court’s ruling did not touch upon that definition of “environmental baseline,” and it therefore remains valid. The definition is also fully consistent with the definition of “effects of the action” from 2018.

eastern area and three in the western area—to authorize preliminary environmental and geophysical survey activities. The primary objective is to allow for the collection of data to identify viable marine mineral resources and improve scientific understanding of the deep-sea environment. The eastern leasing area spans 35,483,044 acres (143,595 km²), while the western area encompasses 33,618,369 acres (136,049 km²). Each individual lease is approximately 44,977 to 45,699 km² in size, a scale intended to provide flexibility for environmental and technical requirements while promoting competitive interest in the region's mineral potential. These leases do not authorize commercial mining, delineation, or testing; any such future activities would necessitate the submission of a separate plan and a distinct environmental review process. The action area also includes vessel transit routes from U.S. mainland ports (e.g., Hawaii, U.S. West Coast, etc.) but could be from other energy hubs in the Pacific (e.g., southeast Asia).

Authorized preliminary activities focus on characterizing the deep-sea environment. Bathymetric, geophysical, and mapping surveys form the initial phase, utilizing hull-mounted multibeam echosounders to measure depth and reflectivity, alongside high-resolution geophysical equipment like side-scan sonar, magnetometers, and sub-bottom profilers to map seafloor morphology and subsurface characteristics. To ground-truth these surveys, geological and biological sampling is permitted. In the eastern area, this involves using box core samplers and free-fall grab samplers from surface vessels, in addition to remotely operated vehicles (ROVs) for precise sample collection. The western area, characterized by hard or consolidated substrates, relies primarily on ROV-based sampling to minimize habitat disruption, prohibiting the use of box cores due to seafloor variability.

Beyond mapping and physical sampling, the leases authorize the deployment of a variety of scientific monitoring equipment. This includes meteorological buoys, moorings, and landers to measure oceanographic parameters and monitor biological communities. Additionally, lessees may place underwater transponder positioning units on the seafloor to support the navigation of autonomous underwater vehicles, which will perform detailed surveys of the lease areas. Biological surveys can be conducted via aerial digital imaging, radar, and thermal or acoustic monitoring from ships or water-based platforms. All operations that involve contacting the seafloor in the western area require prior visual clearance and controlled placement to ensure sampling methods are appropriate for the specific habitat. These survey efforts, supported by multi-stage vessel operations, are essential for identifying viable mineral resources while ensuring environmental stewardship through the application of mandatory best management practices.

To ensure the protection of ESA-listed species, all acoustic operations are strictly limited to Tier 4 sound sources as defined by (Ruppel et al. 2022) and *de minimis*. This authorization is contingent upon lessees maintaining equipment settings—specifically pulse repetition rates, duty cycles, and maximum power outputs—within the standardized thresholds. The use of high-impact, medium-penetration, or non-Tier 4 acoustic equipment is prohibited.

Endangered Species Act

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 ESA-listed species in Table 1.

Table 1. Common name, scientific name, ESA status, effective listing date, critical habitat designation, and recovery plans, with Federal Register reference for ESA-listed species considered in this consultation.

Species/ common name	ESA Status	Effective Listing Date/ FR Notice	Critical Habitat	Recovery Plan
<i>Chelonia mydas</i> Central West Pacific Green Sea Turtle	Endangered	05/06/2016 81 FR 20057	Proposed 07/19/2023 88 FR 46572	
Central South Pacific Green Sea Turtle	Endangered	05/06/2016 81 FR 20057	Proposed 07/19/2023 88 FR 46572	
Central North Pacific Green Sea Turtle	Threatened	05/06/2016 81 FR 20057	Proposed 07/19/2023 88 FR 46572	
East Indian-West Pacific Green Sea Turtle	Threatened	05/06/2016 81 FR 20057	Proposed 07/19/2023 88 FR 46572	
Southwest Pacific Green Sea Turtle	Threatened	05/06/2016 81 FR 20057	Proposed 07/19/2023 88 FR 46572	
<i>Eretmochelys imbricata</i> Hawksbill Sea Turtle	Endangered	06/03/1970 35 FR 8491		5/22/98 63 FR 28359
<i>Caretta caretta</i>	Endangered	10/24/2011		5/22/98

Species/ common name	ESA Status	Effective Listing Date/ FR Notice	Critical Habitat	Recovery Plan
North Pacific Loggerhead Sea Turtle		76 FR 58868		63 FR 28359
South Pacific Loggerhead Sea Turtle	Endangered	10/24/2011 76 FR 58868		5/22/98 63 FR 28359
<i>Lepidochelys olivacea</i> Olive Ridley Sea Turtle	Threatened	08/28/1978 43 FR 32800		5/22/98 63 FR 28359
Olive Ridley Sea Turtle; Mexico (Pacific coast) breeding populations	Endangered	08/28/1978		43 FR 32800
<i>Dermochelys coriacea</i> Leatherback Sea Turtle	Endangered	06/03/1970 35 FR 8491		5/22/98 63 FR 28359
<i>Neomonachus schauinslandi</i> Hawaiian Monk Seal	Endangered	11/23/1976 41 FR 51612	9/21/2015 (revised) 80 FR 50925	8/22/07 72 FR 46966
<i>Arctocephalus townsendi</i> Guadalupe Fur Seal	Threatened	01/15/1986 50 FR 51252		
<i>Balaenoptera musculus</i> Blue Whale	Endangered	12/02/1970 35 FR 18319		Proposed 10/12/18 83 FR 51665
<i>Balaenoptera physalus</i> Fin Whale	Endangered	12/02/1970 35 FR 18319		8/06/10 75 FR 47538
<i>Balaenoptera borealis</i> Sei Whale	Endangered	12/02/1970 35 FR 18319		7/22/11 76 FR 43985
<i>Physeter macrocephalus</i> Sperm Whale	Endangered	12/02/1970 35 FR 18319		12/28/10 75 FR 81584
<i>Eubalaena japonica</i> North Pacific Right Whale	Endangered	04/07/2008 73 FR 12024		6/07/13 78 FR 34347
<i>Megaptera Novaeangliae</i>	Endangered	09/08/2016 81 FR 62259	4/21/2021 86 FR 21082	

Species/ common name	ESA Status	Effective Listing Date/ FR Notice	Critical Habitat	Recovery Plan
Western North Pacific Humpback Whale				
Mexico Humpback Whale	Threatened	11/11/2016 81 FR 62260	4/21/2021 86 FR 21082	
Central America Humpback Whale	Endangered	11/11/2016 81 FR 62260	4/21/2021 86 FR 21082	
<i>Pseudorca crassidens</i> False Killer Whale Main Hawaiian Island Insular ²	Endangered	12/28/2012 77 FR 70915	8/23/2018 83 FR 35062	11/03/2021 86 FR 60615
<i>Sphyrna lewini</i> Scalloped Hammerhead Shark Indo West Pacific	Threatened	09/02/2014 79 FR 38213		
<i>Carcharhinus longimanus</i> Oceanic Whitetip Shark	Threatened	03/01/2018 83 FR 4153		7/11/2024 89 FR 56865
<i>Manta birostris</i> Giant Manta Ray	Threatened	02/21/2018 83 FR 2916		Proposed 10/15/2024 89 FR 82991
Corals <i>Acropora globiceps</i>	Threatened	10/10/2014 79 FR 53852	7/15/25 90 FR 31800	
<i>Acropora retusa</i>	Threatened	10/10/2014 79 FR 53852	7/15/25 90 FR 31800	
<i>Acropora speciosa</i>	Threatened	10/10/2014 79 FR 53852	7/15/25 90 FR 31800	
<i>Euphyllia paradivisa</i>	Threatened	10/10/2014 79 FR 53852	7/15/25 90 FR 31800	
<i>Isopora crateriformis</i>	Threatened	10/10/2014 79 FR 53852	7/15/25 90 FR 31800	
<i>Nautilus pompilius</i>	Threatened	10/29/2018		

Species/ common name	ESA Status	Effective Listing Date/ FR Notice	Critical Habitat	Recovery Plan
Chambered Nautilus		83 FR 48976		
<i>Hippopus hippopus/ Horse's Hoof Clam</i>	Proposed Threatened	7/25/2024 89 FR 60498		
<i>Tridacna derasa/ Smooth Giant Clam</i>	Proposed Endangered	7/25/2024 89 FR 60498		
<i>Tridacna gigas/ True Giant Clam</i>	Proposed Endangered	7/25/2024 89 FR 60498		
<i>Orcinus orca</i> Southern Resident Killer Whale	Endangered	2/16/2006 70 FR 69903	8/2/2021 (revised) 86 FR 41668	1/24/2008 73 FR 4176
<i>Eschrichtius robustus</i> Western North Pacific Gray Whale	Endangered	12/2/1970 35 FR 18319		
<i>Eumetopias jubatus</i> Steller Sea Lion	Delisted		8/27/1993 58 FR 45269	3/5/2008 (revised) 73 FR 11872
<i>Oncorhynchus tshawytscha</i> Sacramento River winter-run Chinook Salmon	Endangered	1/4/1994 59 FR 440	6/16/1993 58 FR 33212	7/22/2014 79 FR 42504
Central Valley spring-run Chinook Salmon	Endangered	11/15/1999 64 FR 50394	9/2/2005 70 FR 52488	7/22/2014 79 FR 42504
California Coastal Chinook Salmon	Threatened	9/16/1999 64 FR 50394	9/2/2005 70 FR 52488	10/13/2016 81 FR 70417
Lower Columbia River Chinook Salmon	Threatened	8/29/2005 70 FR 37159	9/2/2005 70 FR 52630	7/12/2013 78 FR 41911
Upper Columbia River Spring run Chinook Salmon	Endangered	8/28/2005 64 FR 14308	9/2/2005 70 FR 52630	10/9/2007 72 FR 57303

Species/ common name	ESA Status	Effective Listing Date/ FR Notice	Critical Habitat	Recovery Plan
Snake River Fall Chinook Salmon	Threatened	5/22/1992 57 FR 14653	12/28/1993 58 FR 68543	11/2/2015 80 FR 67386
Snake River Spring/Summer Run Chinook Salmon	Threatened	4/14/2014 79 FR 20802 (reaffirmed)	10/25/1999 64 FR 57399	12/15/2016 81 FR 90786
Upper Willamette River Chinook salmon	Threatened	8/29/2005 70 FR 37160	9/2/2005 70 FR 52630	8/22/2011 76 FR 52317
Puget Sound Chinook salmon	Threatened	8/29/2005 70 FR 37160 (reaffirmed)	9/2/2005 70 FR 52630	1/19/2007 72 FR 2493
<i>Oncorhynchus kisutch</i> Central California Coast coho salmon	Endangered	6/28/2005 70 FR 37160	5/5/1999 64 FR 24049	9/5/2012 61 FR 56138
Southern Oregon/Northern California Coast coho salmon	Threatened	6/5/1997 62 FR 24588	5/5/1999 64 FR 24049	9/20/2014 79 FR 58772
Lower Columbia River coho salmon	Threatened	8/29/2005 70 FR 37159	2/24/2016 81 FR 9252	6/12/2013 78 FR 41911
Oregon Coast coho salmon	Threatened	5/12/2008 73 FR 7816	2/11/2008 73 FR 7816	12/15/2016 81 FR 90780
<i>Oncorhynchus mykiss</i> California Central Valley steelhead trout	Threatened	1/5/2006 71 FR 833 (reaffirmed)	9/2/2005 70 FR 52488	7/22/2014 79 FR 42504
Central California Coast steelhead trout	Threatened	4/14/214 79 FR 20802	9/2/2005 70 FR 52488	10/13/2016 81 FR 70845
Southern California steelhead trout	Endangered	7/1/2002 67 FR 21585 (range extension)	9/2/2005 70 FR 52488	1/11/2012 77 FR 1670

Species/ common name	ESA Status	Effective Listing Date/ FR Notice	Critical Habitat	Recovery Plan
South-Central California Coast steelhead trout	Threatened	2/6/2006 71 FR 834 (reaffirmed)	9/2/2005 70 FR 52488	12/23/2013 78 FR 77431
Northern California steelhead trout	Threatened	2/6/2006 71 FR 834 (reaffirmed)	9/2/2005 70 FR 52488	10/13/2016 81 FR 70666
Lower Columbia River steelhead trout	Threatened	2/6/2006 71 FR 834	9/2/2005 70 FR 52488	7/12/2013 78 FR 41911
Middle Columbia River steelhead trout	Threatened	2/6/2006 71 FR 834 (reaffirmed)	9/2/2005 70 FR 52488	9/30/2009 74 FR 50152
Upper Columbia River steelhead trout	Endangered	4/14/2014 79 FR 20802	9/2/2005 70 FR 52488	10/9/2007 72 FR 57303
Puget Sound steelhead trout	Threatened	4/14/2014 79 FR 20802	2/24/2016 81 FR 9252	12/27/2019 84 FR 71379
Snake River steelhead trout	Threatened	4/14/2014 79 FR 20802	9/2/2005 70 FR 52488	12/15/2016 81 FR 90786
Upper Willamette River steelhead trout	Threatened	4/14/2014 79 FR 20802	9/2/2005 70 FR 52488	7/22/2011 76 FR 52317
<i>Oncorhynchus keta</i> Columbia River chum salmon	Threatened	4/14/2014 79 FR 20802	9/2/2005 70 FR 52488	7/12/2013 78 FR 41912
Hood Canal summer-run chum salmon	Threatened	4/14/2014 79 FR 20802	9/2/2005 70 FR 52488	5/24/2007 72 FR 29122
<i>Acipenser medirostris</i> North American Southern green sturgeon	Threatened	4/7/2006 71 FR 1775	10/9/2009 74 FR 52300	1/9/2018 83 FR 1025 (draft/ final not released in the FR)
<i>Thaleichthys pacificus</i>	Threatened	4/17/2010	12/19/2011	9/6/2017

Species/ common name	ESA Status	Effective Listing Date/ FR Notice	Critical Habitat	Recovery Plan
Pacific Southern eulachon		75 FR 13012	76 FR 65324	10/20/2016
<i>Haliotis cracherodii</i> Black abalone	Endangered	2/13/2009 74 FR 1937	10/27/2011 76 FR 66806	1/30/2020 85 FR 5396
<i>Haliotis sorenseni</i> White abalone	Endangered	5/29/2001 66 FR 29046	5/29/2001 66 FR 29046	10/20/2008 73 FR 62247
<i>Pycnopodia helianthoides</i> Sunflower sea star	Proposed Threatened	3/16/2023 88 FR 16212		

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.

Magnuson Stevens Fisheries Conservation Act

Section 305(b) of the MSA directs federal agencies to consult with NMFS on all actions or proposed actions that may adversely affect EFH. Under the MSA, this consultation is intended to promote the conservation of EFH as necessary to support sustainable fisheries and the managed species' contribution to a healthy ecosystem. For the purposes of the MSA, EFH means "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity", and includes the associated physical, chemical, and biological properties that are used by fish (50 CFR 600.10). Adverse effect means any impact that reduces quality or quantity of EFH, and may include direct or indirect physical, chemical, or biological alteration of the waters or substrate and loss of (or injury to) benthic organisms, prey species and their habitat, and other ecosystem components, if such modifications reduce the quality or quantity of EFH. Adverse effects may result from actions occurring within EFH or outside of it and may include direct, indirect, site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions (50 CFR 600.810). Section 305(b) of the MSA also requires NMFS to recommend measures that can be taken by the action agency to conserve EFH. Such recommendations may include measures to avoid, minimize, mitigate, or otherwise offset the adverse effects of the action on EFH (50 CFR 600.905(b)).

The marine water column from the surface to a depth of 3,280 ft from shoreline to the outer boundary of the Exclusive Economic Zone (200 nautical miles) around each of the Marianas, Hawaiian, and Pacific Remote Islands (PRI) Area and the seafloor from the shoreline out to a depth of 1,312 ft around each of the Marianas and PRI, and a depth of 2,296 ft around each of the Hawaiian Islands have been designated as EFH for management unit species (MUS) identified under the Western Pacific Fishery Management Council's (WPFMC) Hawai'i, Marianas, PRI Area, and Pelagic Fishery Ecosystem Plans (WPFMC 2009a, 2009b, 2009c, 2009d). As such, the water column, its bottom, and all surrounding waters and submerged lands within and around Guam, CNMI, the Pacific Remote Islands, and Hawai'i are designated as EFH and support various life stages for MUS. The transit corridor further intersects with the jurisdictional boundaries of four fisheries overseen by the Pacific Fishery Management Council (PFMC). These include the Coastal Pelagic Species (CPS), Highly Migratory Species, Pacific Groundfish, and Pacific Coast Salmon Fishery Management Plans (FMPs). Specific types of habitats considered to be EFH within, or adjacent to, the proposed project area include coral reef, patch reefs, hard substrate, artificial substrate, seagrass beds, soft substrate, mangrove, lagoon, estuarine, surge zone, deep-slope terraces and pelagic/open ocean.

BOEM determined that the proposed activities and their resulting impacts would result in minimal adverse effects to EFH and where present, Habitat Areas of Particular Concern² (HAPCs) based on the fact that the preliminary activities will primarily take place on the seafloor at depths beyond designated EFH, and with the application of enforceable listed BMPs.

Temporary reductions to the quantity or quality of EFH are considered adverse effects. Non-fishing effects that may adversely affect essential fish habitat in the Pacific Islands region are described by Minton (2017). NMFS has determined the proposed action may adversely affect EFH as follows:

1. Physical damage to EFH ecosystem component species during deployment and recovery of buoys, AUVs, ROVs, samplers, sensors, and other project related equipment.
2. Physical damage to MUS through vessel strike during transit
3. Temporary degradation of habitat (water column, nearshore area, hard bottom, sandy bottom) for all life stages of Pelagic and Bottomfish Management Unit Species due to increased turbidity associated with deployment and recovery of buoys, AUVs, ROVs, landers, and other project related equipment.
4. Potential introduction, resuspension, and bioaccumulation of contaminants that could reduce the quality or quantity of EFH, and adversely affect MUS and their prey base during benthic surveys, sampling operations, and transit activities.
5. Increased risk of marine debris in the action area
6. Potential introduction of invasive species from vessel transits across ocean basins.
7. Fish aggregating device effect due to temporary buoys

NMFS agrees with the BOEM's determination that the proposed action will result in no more than minimal adverse effects to EFH. The proposed BMPs are suitable to ensure that adverse effects to EFH will be no more than minimal. Therefore, NMFS will not provide additional EFH

² HAPCs are now defined as subsets of EFH that exhibit one or more of the following traits: rare, stressed by development, provide important ecological functions for federally managed species, or are especially vulnerable to anthropogenic (or human impact) degradation. They can cover a specific location (a bank or ledge, spawning location) or cover habitat that is found at many locations (e.g., coral, nearshore nursery areas, or pupping grounds).

conservation recommendations for this project, satisfying the requirements of Section 305(b)(2) of the Magnuson-Stevens Act.

The BOEM must reinitiate EFH consultation with NMFS if the proposed action is substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS' effects determination (50 CFR 600.920(1)).

If you have further ESA questions, please contact Joshua Rudolph at (808) 725-5147 or joshua.rudolph@noaa.gov. For EFH related questions, please contact Alexandria Barkman at (808)725-5150 or alexandria.barkman@noaa.gov. Thank you for working with us to protect our nation's living marine resources.

Sincerely,

BRINDOCK.KEVIN.MI
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Kevin Brindock
Acting Assistant Regional Administrator
Protected Resources Division

CC: Chiharu Mori, BOEM Pacific Regional Office
Donna Schroeder, BOEM Pacific Regional Office
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Dayv Lowry, NMFS WCR PRD

NMFS File No.: PIRO-2026-01570
PIRO Reference No.: I-PI-26-2708-DG

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