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FISH AND WILDLIFE SERVICE
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Standing Analysis: Alaska Communities Determination Key Version 1.0



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1 INTRODUCTION

1.0 PURPOSE OF STANDING ANALYSIS

This Standing Analysis provides an optional, streamlined alternative consultation process for federal action agencies to address potential effects of future actions, pursuant to section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.)(Act), to the following species and critical habitats:

Table 1. Species and Critical Habitats covered in the standing analysis for the Alaska Determination Key, including their listing status under the Act.

Species	ESA Status	Critical Habitat Designated?
Birds		
Short-tailed albatross (<i>Phoebastria albatrus</i>)	Endangered	No
Spectacled eider (<i>Somateria fischeri</i>)	Threatened	Yes
Steller's eider (<i>Polysticta stelleri</i>)	Threatened	Yes
Mammals		
Northern sea otter, Southwest Alaska DPS (<i>Enhydra lutris kenyoni</i>)	Threatened	Yes
Polar bear (<i>Ursus maritimus</i>)	Threatened	Yes
Wood bison (<i>Bison bison athabascæ</i>)	Threatened	No
Plants		
Aleutian shield fern (<i>Polystichum aleuticum</i>)	Endangered	No

The U.S. Fish and Wildlife Service (Service) developed this standing analysis to streamline the process of reviewing actions that would result in a “may affect, not likely to adversely affect” (NLAA) determination for the subject species and critical habitat(s). This standing analysis also provides proactive technical assistance to federal action agencies in making a “No Effect” (NE) determination.

This standing analysis provides an optional consultation process that is available to federal agencies for federal actions that meet the criteria described below as delivered through a Determination Key (DKey) in the Service’s Information for Planning and Consultation (IPaC) application. To obtain consultation documents, including technical assistance for NE and concurrence with NLAA determinations, federal agencies must use the associated DKey in IPaC to answer questions about the proposed action. By screening the project through the DKey, all or part of the standing analysis is adopted by the federal action agency and used to submit a concurrence request to support their NLAA determination. It also provides technical information to help agencies determine whether an action will have no effect on the species or critical habitat. Formal consultation under ESA section 7(a)(2) is required for actions that "may affect" a listed species and critical habitat, unless the Service concurs in writing that actions are not likely

to adversely affect listed species and critical habitat. Actions that an action agency determines will have no effect on species or critical habitat do not require submittal to the Service.

With the IPaC DKey established for this standing analysis, the action agency may receive a letter of concurrence for eligible projects by providing specific information requested by the DKey. Throughout the remainder of this document, statements regarding this standing analysis refer to both the standing analysis and the associated DKey.

1.1 BENEFITS OF THE STANDING ANALYSIS

For those federal actions that the Service has accumulated significant knowledge in analyzing previously, the Service is able to develop a standing analysis to streamline the consultation process for eligible federal actions. The streamlined process facilitated by this standing analysis will reduce the amount of Service staff time necessary to review actions requesting consultation and provide federal agencies, consultants, and other project proponents a predictable, consistent, and timely response for qualified actions. In addition, development of a standing analysis to assess the impacts of individual projects allows the Service to more efficiently track multiple independent actions on listed species and critical habitat.

1.2 ELIGIBILITY FOR USE OF THE STANDING ANALYSIS

A standing analysis does not convey concurrence with NLAA determinations for individual projects. Rather, it serves as a streamlining tool. Action agencies may use it to develop their request for concurrence from the Service and support their finding that the action is not likely to adversely affect species and critical habitat. The standing analysis also allows the Service to quickly evaluate an action agency's analysis of effects to listed species and critical habitat. If the action agency's proposed action is consistent with covered¹ area and covered activities, including any required conservation measures in the standing analysis, the Service will concur that the action will have insignificant, discountable, or completely beneficial effects on the relevant listed species and critical habitat (i.e., NLAA).

The standing analysis may also provide technical information to help agencies identify actions that will have no effects to the listed species and critical habitat. For projects that do not qualify to use the standing analysis, action agencies/project proponents should coordinate directly with the local Alaska Fish and Wildlife Field Office (FWFO) and address any consultation requirements, as appropriate.

1.3 ENSURING ACCURATE DETERMINATIONS

As is true in all consultation procedures, the Service relies on complete and accurate information provided by federal action agencies during consultation. To apply this standing analysis to a project, it is the responsibility of the action agency/project proponent to provide information that is truthful and accurate and that fully represents the entire scope of the project in order to comply with the Act.

¹ The term "covered" is used throughout this document to define the limits of use of a standing analysis. However, although the area, activities, and species are "covered" by the standing analysis, the future activities themselves are not "covered" by the standing analysis; there are additional steps (with or without a DKey) that take place for an action agency to utilize the information in the standing analysis and to request FWS concurrence that their proposed action is NLAA for listed species and critical habitat.

Where appropriate in our analysis, we make note of which activities are expected to have no effects² on a species or critical habitat. This information is provided as technical assistance to action agencies making no effect/may affect determinations.

1.4 UPDATES TO THE STANDING ANALYSIS

This standing analysis will be reviewed annually and updated as needed to ensure the analysis contains the best scientific and commercial data available. This update process will include regular reviews to ensure that the analysis is accurate and valid, and that the standing analysis still meets the Act's requirements. All updates will also ensure that the logic is sound, and determinations are appropriate for covered activities. Updates will be signed under an updated cover page.

Projects reviewed under this standing analysis must rely on the version that is current on the date consultation is completed. For reference, both current and previous versions of the standing analysis will be maintained by the lead field office.

If we revise the standing analysis and determine reinitiation is required for any ongoing activities that used the previous standing analysis, the Service will contact the respective action agency and advise them of their need to reinitiate.

1.5 CONTACT INFORMATION

For any questions pertaining to the Alaska Community Determination Key standing analysis, or for projects beyond the scope of this analysis, please email ak_fisheries@fws.gov.

2 COVERED AREA

This standing analysis applies to community-based projects within the State of Alaska, which includes two Fish and Wildlife Field Offices. The Northern Alaska FWFO in Fairbanks is responsible for the Interior, Northwestern, and far northern portions of Alaska. The Southern Alaska FWFO in Anchorage is responsible for the Aleutian Islands, Southwestern and Southcentral Alaska to the Yakutat forelands, and Southeast Alaska and the protected waters thereof.

In delineating the geographic scope of this standing analysis (coverage area), we determined the appropriate extent based on the species and critical habitat(s) included and the activities covered herein. To qualify to use this standing analysis, a project's action area must fall completely within the covered area, which includes the entire State of Alaska (Figure 1). Additionally, the project's action area must fall completely within an existing community footprint. To determine if the project is within a community, see section 3.1.2 below.

² A "no effect" determination is appropriate when either the species is not present in the action area or is not exposed to any possible stressors or impacts from the proposed action, or the proposed action would not result in any physical, chemical, or biotic changes to the environment that are reasonably certain to occur and would not occur but for the action (i.e., no action area can be defined).

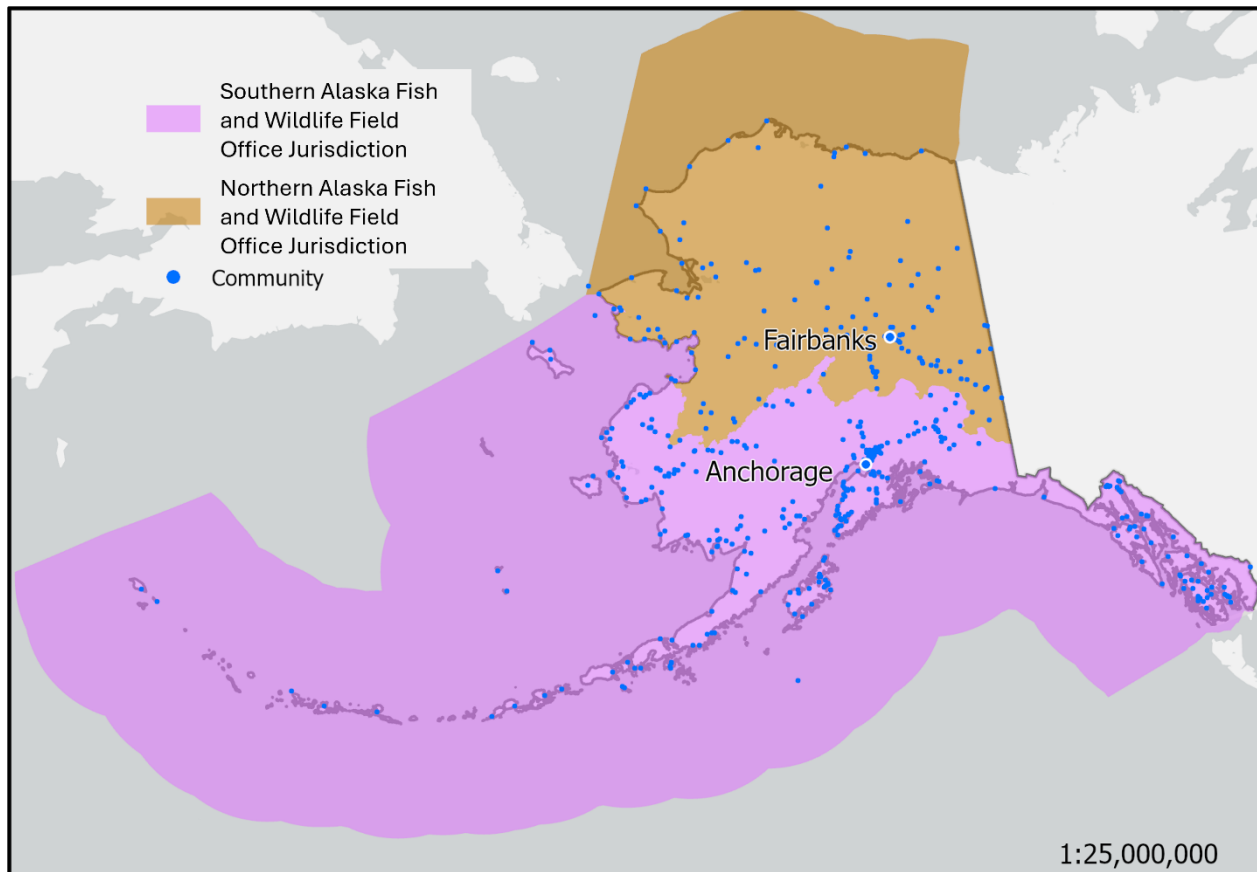


Figure 1. Areas of jurisdiction for each Fish and Wildlife Field Office in Alaska. Projects located entirely within the combined field office jurisdiction are covered by this standing analysis and associated DKey.

3 COVERED ACTIVITY DESCRIPTION

Consultation under the Act is required for any federal action that may affect threatened or endangered species. An action is defined as all discretionary activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. Examples include, but are not limited to: (a) actions intended to conserve listed species or their habitat; (b) the promulgation of regulations; (c) the granting of licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid; or (d) actions directly or indirectly causing modifications to the land, water, or air. Origin: 50 CFR 402.02.

This standing analysis and the associated DKey is developed to cover most actions that occur entirely within the **existing community footprint**, as defined below.

Community Footprint: The area within a perimeter immediately surrounding existing community and residential structures and a buffer extending outward 200 meters (219 yards) from this community perimeter, plus existing, outlying facilities such as cemeteries, water reservoirs, landfills, airports, and sewage treatment plants and a 200-meter (219-yard) buffer around these outlying facilities. The existing community footprint includes the road network connecting residential structures and public facilities within the community perimeter. Roads extending beyond the community perimeter, including to outlying facilities, are not included within this definition of existing community footprint (Figure 2).

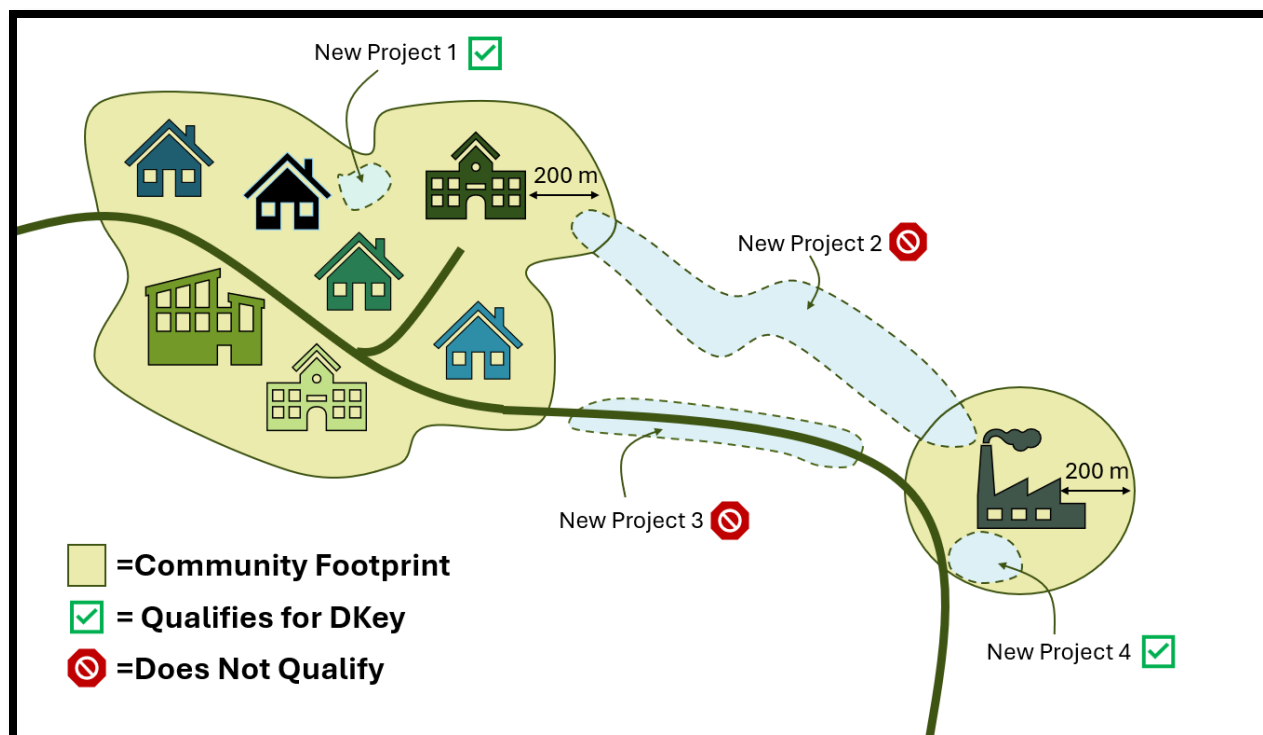


Figure 2. Projects that occur entirely within the **Community Footprint** (new projects 1 and 4) are covered by this standing analysis and qualify for the DKey. Projects that extend beyond the existing community footprint (new project 2 and 3) are not covered by this standing analysis and do not qualify for the DKey. New project 2 does not qualify because the action area is not entirely located within the community footprint. New project 3 does not qualify because the community footprint does not include roads extending more than 200 meters (219 yards) beyond existing structures.

The activity description, conservation measures, and covered area inform the standing analysis and describe which specific activities are appropriate for NE or NLAA outcomes under this analysis. Certain activities are beyond the scope of this analysis (as described in 3.0 Limits/Sideboards), and certain activities may require the implementation of conservation measures (as described in 3.1 Conservation Measures) to qualify for this analysis. Activities and their inclusion in the standing analysis should not be construed to indicate that these activities will always result in effects to the species or its critical habitat, nor is it meant to cover activities that fall outside of the analysis as described below. Action agencies are not required to use this standing analysis; they continue to have the option to request individual consultation on a project. However, in most cases, we anticipate using the standing analysis and associated Dkey will substantially decrease consultation timeframes.

3.0 LIMITS/SIDEBOARDS

To assist action agencies/project proponents in determining whether their project meets the requirements of this standing analysis, the Service will provide a series of questions (Appendix A) to assess whether the action is not likely to adversely affect listed species or critical habitat because the impacts are either unable to be meaningfully measured, detected, or evaluated and, therefore, are insignificant or are extremely unlikely to occur and, therefore, are discountable. Any actions that are likely to adversely affect a listed species or critical habitat do not qualify under this standing analysis and require separate individual project review and consultation by the local FWFO.

Actions that include certain activities, occur in certain geographic areas, or meet one or more context-dependent conditions will not be eligible to use the standing analysis. For projects requiring formal consultation (i.e., that “may affect” listed species or critical habitats) that do not qualify due to one or more of these exclusions, action agencies/project proponents must contact the appropriate FWFO directly to complete their consultation requirements.

3.0.0 Activity Based Limits/Sideboards

To receive the Service’s technical assistance acknowledgement of an action agency’s NE determination or the Service’s concurrence for a NLAA determination, based on this standing analysis, actions and activities may **NOT** include the following:

- Actions that are already covered by a biological opinion, where the action agency is following all conservation measures, project design criteria, best management practices, and reasonable and prudent measures as outlined in a biological opinion.
- Reinitiations of consultation or requests for an extension on the timeline of an already existing formal consultation.
- Actions that are already covered by a Section 10 permit.
- Actions that result in the approval of a long-term (i.e., greater than 10 years) permit, plan, or other action.
- Use of chemical dispersants, herding agents, or other broadcast chemical treatments (e.g., pesticides, herbicides).
- Activities occurring in the marine environment. Barging of materials is included only if it is entirely using regularly scheduled barge services (i.e., no new vessel traffic is added).
- Installation of towers less than 1 kilometer from the coast or north of 69.6° 00’ N latitude.
- Significant ground disturbance (greater than 200 cubic meters [261 cubic yards]) in communities north of 69.6° 00’ N latitude.
- New landfills within the range of polar bears, spectacled eiders, or Steller’s eiders.
- Expansion of existing landfills north of 69.6° 00’ N latitude.
- Actions that involve loud impulsive noises (e.g., military exercises, blasting for materials, or pile driving).

3.0.1 Location Based Limits/Sideboards

As outlined in Section 2 Covered Area, this standing analysis and the DKey only apply to projects entirely occurring within the State of Alaska. Projects in the following areas do not qualify for this standing analysis:

- Areas outside the existing **Community Footprint** as defined (see Section 3 Covered Activity Description).
- Any projects overlapping Steller’s eider critical habitat or spectacled eider critical habitat.

3.1 CONSERVATION MEASURES

This standing analysis applies conservation measures as design features to avoid adverse effects on an individual, population, or species. The Service has previously found that incorporation of certain conservation measures by action agencies has reduced effects to the extent that the actions do not require formal consultation, and the Service and the action agency have found that actions are not likely to adversely affect species and critical habitat. Projects using this standing analysis to support a determination of NE or NLAA must meet all the requirements of the standing analysis. The inability to

voluntarily adopt certain conservation measures may result in a project not qualifying to use this standing analysis.

Note: If conservation measures are committed to as part of the project description, regardless of whether they're required to conclude NLAA, such conservation measures are required as part of the action.

3.1.0 Required Conservation Measures to Conclude NLAA

- To avoid attracting birds towards landward structures, to the maximum extent practicable (without impairing health and safety), projects will use low-radiant, downcast, or down-shielded lighting to reduce visibility and possible attraction of birds in flight. Use of high-intensity lighting, steady-burning, or bright lights will be minimized. Projects will also use motion sensors, heat sensors, or switches to keep lights off when not required and window shades to reduce light pollution from internal lights.
- Any new powerlines and poles will be installed with bird flight diverters to minimize collision risk for listed eiders. The type and spacing of diverters will affect the degree to which collision risk is reduced. We recommend spacing of 15 to 30 feet between diverters. Diverters with demonstrated utility in extremely cold and windy environments, similar to FireFly™, are encouraged.
- New communication towers installed will be unlit or will use flashing-only LED lights at the minimum configuration allowed by the Federal Aviation Administration.

3.1.1 Recommended Conservation Measures

3.1.1.1 General Recommendations

- To the maximum extent practicable, clearly delineate and confine all activities related to demolition, new construction, repairs, restoration of infrastructure, and placement of borrow/fill to previously disturbed areas within the existing footprint of community structures or ancillary facilities.
- Take all precautions necessary to minimize spilling of fuels or other materials in aquatic environments:
 - Stage spill response equipment (e.g., containment booms) adjacent to vulnerable waterbodies and wetland habitats during activities that introduce risk of contamination (e.g., hazardous debris removal, marine or waterway debris removal, major construction).
 - Ensure that secondary containment is provided for storage of fuel or hazardous substances and sized as appropriate to container type and according to governing regulatory requirements in 18 AAC 75 and 40 CFR 112. Maintain a 200-foot (61 meter) setback from waterways and waterbodies when storing hazardous or toxic material.
 - To fulfill Federal and State reporting requirements, all spills of oil/petroleum/other hazardous substances, of any size, should be reported to the National Response Center (1-800-424-8802) and the ADEC Spill Reporting Hotline (1-800-478-9300).
- Secure all food, garbage, and other attractants to prevent drawing polar bears and/or predators of listed eiders into work areas. Use bear-resistant containers and enforce strict waste management protocols.
- Limit the spread of marine and terrestrial invasive species to the maximum extent practicable.
 - Avoid transporting any equipment, structure, shipping container, or supplies that could result in accidental transplant of non-native rodents or invasive plants.

- For various invasive species management guidelines and management plans, visit <https://www.fws.gov/initiative/invasive-species/invasive-species-alaska>.
- For activities that include construction, installation of utilities, and ground disturbance:
 - Develop and implement a Storm Water Pollution Plan to maintain water quality in freshwater and adjacent marine habitats.
 - Stabilize disturbed areas to prevent sedimentation and water turbidity and use silt control measures to trap sediment and prevent it from being transported into surrounding water bodies.
 - Salvage tundra sod and other organic materials and topsoils whenever possible for re-use.
 - When roads and gravel pads are installed near wetlands, ponds, and streams, line the graveled toe of the slope with salvaged sod to prevent eroded sediments from spreading into waters and wetlands.
 - Use project materials and erosion control measures that have minimal additional habitat impacts (e.g., weed-free gravel and erosion control materials, erosion control materials without plastic). Materials that degrade and create long-lasting debris in the environment, such as plastic netting, should be avoided.
 - Conduct post-project monitoring of hydroseeded areas and areas where non-local fill materials are used to ensure early detection and rapid response to priority invasive species.

3.1.1.2 Recommended Measures for Eiders

- Buildings pose a significant collision risk, with over one billion bird deaths annually in the U.S. due to glass impacts. To mitigate this, project planners are encouraged to incorporate bird-friendly building designs that reduce glass reflectivity and improve visibility for birds. For more information, visit <https://www.fws.gov/story/threats-birds-collisions-buildings-glass>
- All new towers should be sited to minimize environmental impacts to the maximum extent practicable, using monopole structures when possible to discourage perching and nesting by ravens and birds of prey. If a monopole structure requires additional guy-wires on an otherwise un-guyed tower, lattice towers may be preferred if anti-perching and anti-nesting devices are incorporated. We recommend the installation of bird-strike deterrents on any guy wires.
- Ensure any problematic existing infrastructure (e.g., towers or power lines contributing to injury or mortality) is addressed and improved before or during the addition of new infrastructure.
- In areas in proximity to the nearshore environment, minimize activities that would impact areas of eelgrass, including through turbidity and sedimentation during debris removal or construction and mechanical disturbance related to vessel traffic.

3.1.1.3 Recommended Measures for Polar Bears

If any work in polar bear habitat may occur, see the USFWS Marine Mammals Management Best Management Practices (BMPs) to Minimize Impacts to Polar Bears (<https://www.fws.gov/media/polar-bear-bmps>) and implement as many relevant measures as possible. Contact USFWS Marine Mammals Management at 907-786-3800 or R7mmmregulatory@fws.gov for guidance if following these BMPs is not feasible:

- Provide mandatory training for all personnel on polar bear awareness, safety, and response procedures. Training should focus on being prepared, avoiding encounters, and knowing how

to respond if an encounter occurs. Include information on bear behavior, encounter protocols, and reporting requirements.

- Report all polar bear sightings, encounters, and incidents to USFWS Marine Mammals Management at 907-786-3800 or FW7_MMM_Reports@fws.gov (cc: amy_kirkham@fws.gov). Reports are mandatory if polar bears are harassed or harmed in an incident, and all sighting reports are helpful. Any injury or death of a bear related to human activities must be reported as soon as possible and no later than 48 hours after occurrence
- Secure all food, garbage, and other attractants to prevent drawing bears into work areas.
- Use bear-resistant containers and enforce strict waste management protocols.
- If desired, Marine Mammals Management is available to assist with developing a polar bear interaction plan and should also be contacted if activities may need authorization for incidental take of polar bears under the Marine Mammal Protection Act, including due to intentional, non-lethal take of polar bears (i.e., through non-lethal deterrence): R7mmmregulatory@fws.gov

4 COVERED SPECIES AND CRITICAL HABITAT

The following section includes a summary of relevant background information on the species and critical habitat(s) used to develop this standing analysis. A complete description of the species can be found on ECOS (<https://ecos.fws.gov>). This overview is included to inform the reader of the species prior to the analysis of the effects of the action presented below. Species and critical habitats within a project's action area that may be affected by the proposed action, but are not covered by this standing analysis, will require individual consultation with the local FWFO.

4.0 BIRDS

4.0.0 Spectacled Eider (*Somateria fischeri*)

The spectacled eider is a large, diving sea duck, measuring 52–56 cm (20–22 inches) in length. Males in breeding plumage are striking, with a black chest, white back, and a pale green head featuring white patches around the eyes that resemble spectacles. Females and juveniles are mottled brown year-round with pale eye patches. Spectacled eiders are adapted to marine environments and feed primarily on benthic invertebrates such as mollusks and crustaceans (USFWS, 2010).

Spectacled eiders spend most of the year in marine waters, using coastal tundra habitats only during the breeding season, which occurs from late May through August. In Alaska, they nest in two main areas: the Yukon-Kuskokwim Delta (Y-K Delta) and the Arctic Coastal Plain (ACP, or “North Slope”). Based on aerial survey data of the ACP, spectacled eiders do not nest south of roughly 69.6°00' N latitude (Osnas 2024). On the ACP, they prefer large, shallow thaw lakes with emergent vegetation and small islands or ridges for nesting and brood-rearing. On the Y-K Delta, they nest in low-lying, wet sedge meadows near shallow ponds, typically within 200 meters (219 yards) of water. After breeding, spectacled eiders migrate to molting areas in Norton Sound and Ledyard Bay, where they form large, dense flocks and are flightless for several weeks. In winter, birds from all breeding populations congregate in open leads within the pack ice of the central Bering Sea, between St. Lawrence and St. Matthew Islands (USFWS, 2010).

The spectacled eider is listed as threatened under the Act due to significant population declines, particularly on the Y-K Delta, where numbers dropped by over 95% between the 1970s and early 1990s.

Although some recovery has occurred, the species remains vulnerable to threats such as climate change, habitat degradation, and oil spills (USFWS, 2021).

4.0.0.1 Spectacled Eider Critical Habitat

On February 6, 2001, the U.S. Fish and Wildlife Service designated critical habitat for the spectacled eider, totaling approximately 100,988 square kilometers (38,992 square miles). This includes breeding habitat on the Y-K Delta and ACP, molting areas in Norton Sound and Ledyard Bay, and wintering habitat in the Bering Sea. These areas support essential life stages and behaviors, including nesting, molting, and overwintering (USFWS, 2000a).

The designation is based on the presence of physical or biological features (PBFs) essential to the species' conservation. These include:

- Coastal tundra wetlands with shallow freshwater ponds and emergent vegetation for nesting and brood-rearing.
- Shallow marine waters rich in benthic invertebrates for molting and staging.
- Open water areas within sea ice that provide access to food during winter.

These habitats are critical to maintaining the species' viability and resilience across its range.

4.0.1 Steller's Eider (*Polysticta stelleri*)

The Steller's eider is a small, compact sea duck. Though more closely related to large eiders, it resembles dabbling ducks in size and foraging behavior, particularly the body-tipping seen on tundra breeding grounds. Its body mass is significantly smaller than other eiders (Fredrickson, 2001). Steller's eiders exhibit sexual dimorphism in plumage. Breeding males (from early winter to mid-summer) display striking coloration: a white head with greenish lores, a black eye spot, chestnut underparts, and a bold white shoulder patch. Females and non-breeding males are mottled brown, with females showing a white-bordered blue wing speculum. Juveniles resemble females until they molt into adult plumage in their second fall. In flight, adults can be distinguished from other eiders by their unique wing and body markings (USFWS, 2002).

Steller's eiders spend most of their lives in marine environments, using terrestrial habitats only during the early June to early September nesting season. In northern Alaska, nesting is concentrated in polygonal tundra wetlands near Utqiagvik, with lower densities elsewhere on the ACP. Although specific habitat requirements remain uncertain, factors likely influencing demographic rates include: the availability and quality of freshwater invertebrates; predator-prey dynamics involving lemmings and avian predators; the presence and structure of polygonal tundra; the extent of disturbance to incubating females; and duckling access to freshwater (USFWS, 2002).

Following nesting, these eiders migrate along the coast to southwest Alaska for a flightless molt, where they mix with the larger Russian-Pacific population. During molt, they primarily use shallow marine areas with extensive eelgrass beds and intertidal mud or sand flats. After molting, they disperse across the Aleutian Islands, Alaska Peninsula, and western Gulf of Alaska—including Kodiak Island and lower Cook Inlet—before returning to breeding areas in spring (USFWS, 2002).

The Alaska-breeding population of the Steller's eider is a distinct population segment listed as threatened under the Act due to a significant contraction in its breeding range. This population is now primarily limited to a single subpopulation in northern Alaska, with the western Alaska subpopulation considered functionally extirpated. Overall, presence in Alaska is limited and highly variable, with only a few hundred individuals observed annually (USFWS, 2019).

4.0.1.1 Steller's Eider Critical Habitat

The critical habitat for the Alaska-breeding population of Steller's eider was designated by the U.S. Fish and Wildlife Service on February 2, 2001, under the Act. This designation includes approximately 7,333 square kilometers (about 2,830 square miles) of terrestrial and marine habitat, along with 1,363 kilometers (852 miles) of shoreline in Alaska. The critical habitat is divided into key areas that support essential life stages of the species (USFWS, 2000b).

The geographic scope includes breeding habitat on the Yukon-Kuskokwim Delta (Y-K Delta), which historically supported a significant portion of the Alaska-breeding population. It also encompasses several important marine habitat units, including Kuskokwim Shoals, Seal Islands, Nelson Lagoon, and Izembek Lagoon along the north side of the Alaska Peninsula. These areas are vital for molting, staging, and migration (USFWS, 2000b).

The designation is based on the presence of physical or biological features (PBFs) essential to the conservation of the species. These include lowland tundra with freshwater wetlands for nesting and brood-rearing, and shallow marine waters with eelgrass beds, intertidal mudflats, and sand flats that support molting and staging. The habitat must also provide minimal disturbance during sensitive life stages such as nesting and molting (USFWS, 2000b).

4.0.2 Short-tailed Albatross (*Phoebastria albatrus*)

The short-tailed albatross is a large, long-lived seabird that breeds on remote islands in Japan and forages widely across the North Pacific, including the Gulf of Alaska, Aleutian Islands, and Bering Sea. Adults are distinguished by their white bodies, golden-yellow heads and napes, and large pink bills with bluish tips. Juveniles are dark brown and gradually acquire adult plumage over several years (USFWS, 2025).

Breeding occurs primarily on Torishima and Minami-kajima islands in Japan. Birds arrive at colonies in October, lay a single egg between late October and November, and fledge chicks by mid-July. The species is monogamous and highly philopatric, returning to the same nesting sites annually. The average age of first breeding is six years, and breeding success ranges from 60–70% under favorable conditions (USFWS, 2025).

Outside the breeding season, short-tailed albatrosses are pelagic, dispersing widely across the North Pacific. In Alaska, they are regularly observed in coastal shelf break areas of the Aleutians, Bering Sea, and northern Gulf of Alaska, where they forage on squid, fish, shrimp, and flying fish eggs. Although they do not breed in Alaska, their presence in U.S. waters makes them vulnerable to several stressors. Key threats to the species in U.S. waters include:

- Bycatch in longline fisheries, especially during line setting.
- Oil spills, marine pollution, and plastic ingestion can impair health and survival.
- Small population size and limited breeding distribution, increasing vulnerability to stochastic events.
- Entanglement in derelict fishing gear and other marine debris.

As of the late 1990s, the global population was estimated at approximately 1,200 individuals, including about 600 breeding-age birds. The population is increasing at an estimated 7.8% annually, approaching the species' maximum biological growth rate (USFWS, 2008).

4.1 MAMMALS

4.1.0 Polar Bear (*Ursus maritimus*)

The polar bear is a large, ice-dependent marine mammal listed as threatened under the Act. It inhabits the circumpolar Arctic, with 19 recognized subpopulations distributed across the seasonally and permanently ice-covered marine waters of Canada, Greenland, Norway, Russia, and the United States. In Alaska, polar bears are part of the Chukchi Sea and Southern Beaufort Sea subpopulations (USFWS, 2023).

Polar bears rely on sea ice for nearly all aspects of their life cycle: hunting seals (primarily ringed and bearded seals), breeding, traveling, and accessing terrestrial denning areas. The species' ecological requirements include sea ice over the continental shelf for hunting and movement, terrestrial denning habitat with snow accumulation of at least 2 meters for successful cub rearing, and access to high-fat marine prey, particularly during spring and early summer (Alaska Department of Fish and Game, 2025).

The primary threat to polar bears is the loss of sea ice due to climate change, which affects all aspects of their biology. Other stressors include:

- Reduced access to prey and declining prey abundance.
- Increased energy expenditure due to longer movements and swimming.
- Loss of denning habitat from delayed sea ice formation and reduced snow cover.
- Human activities, including industrial development, shipping, and human-bear conflicts.
- Contaminants, such as persistent organic pollutants and mercury, which may affect reproduction and immune function.

In Alaska, polar bears are present year-round in marine and coastal areas of the ACP, with increasing use of land during ice-free periods. The Southern Beaufort Sea (SBS) subpopulation has shown signs of decline in survival, body condition, and abundance, while the Chukchi Sea (CS) subpopulation currently shows more stable or improving conditions, though future declines are projected under continued sea ice loss (USFWS, 2023).

4.1.0.1 Polar Bear Critical Habitat

The critical habitat for the polar bear (*Ursus maritimus*) was designated in 2010 to support the conservation of the polar bear. This designation encompasses approximately 187,157 square miles within the state of Alaska and adjacent U.S. territorial waters (USFWS, 2010).

The critical habitat is divided into three primary units, each representing essential ecological features necessary for the polar bear's survival. The first unit, sea ice habitat, comprises the majority of the designated area—about 96%—and includes continental shelf waters up to 300 meters deep, extending to the outer limits of the U.S. Exclusive Economic Zone. This area is vital for hunting, breeding, and seasonal migration. The second unit, barrier island habitat, consists of coastal barrier islands and spits along Alaska's northern coast. These areas provide refuge from human disturbances, access to denning areas, and travel corridors. The third unit, terrestrial denning habitat, is located within 32 kilometers (20 miles) of Alaska's northern coast between the Canadian border and the Kavik River, and within 8 kilometers (5 miles) of Alaska's northern coast between the Kavik River and Barrow. This land is critical for maternal denning and cub rearing (USFWS, 2010).

Several communities have geographic overlap with Units 2 and/or 3 (Terrestrial Denning and Barrier Island Habitat, respectively) of designated polar bear critical habitat. However, polar bear critical habitat does not include manmade structures (e.g., houses, gravel roads, generator plants, sewage treatment

plants, hotels, docks, seawalls, pipelines) or the land on which they are located that were within the boundaries of designated critical at the time of designation (USFWS, 2010).

4.1.1 Northern Sea Otter (*Enhydra lutris kenyoni*)

The Southwest Alaska Distinct Population Segment (SW DPS) of the northern sea otter inhabits nearshore marine environments from western Cook Inlet to Attu Island in the Aleutian chain. This population is listed as threatened under the Act due to significant declines, particularly in the Western Aleutians during the 1990s (USFWS, 2021).

Northern sea otters are marine mammals in the weasel family (Mustelidae), adapted to cold water through dense fur and high metabolic rates rather than blubber. They are long-lived, with females reaching sexual maturity at 2 to 4 years and typically producing one pup annually. Births occur year-round, with peaks in spring and summer, and pups remain dependent for about six months (USFWS, 2021).

Sea otters rely on shallow coastal waters, generally less than 40 meters deep, for foraging and resting. Their primary prey includes benthic invertebrates such as clams, crabs, and sea urchins. They also use canopy-forming kelp beds for shelter and predator avoidance and haul out on land or ice for resting. Although they are dietary generalists capable of switching prey based on availability, their high metabolic demands require them to consume 20–30% of their body weight daily. Pup rearing is a particularly vulnerable life stage, with high mortality in the first months of life (USFWS, 2021).

Within the SW DPS, sea otters are divided into five management units: Western Aleutians, Eastern Aleutians, South Alaska Peninsula, Bristol Bay, and Kodiak/Kamishak/Alaska Peninsula. Population trends vary across these units. The Eastern Aleutians and Kodiak units show stable or increasing populations, while the Western Aleutians and South Alaska Peninsula units have low densities and low resiliency. The population is exposed to a variety of stressors, including climate change (particularly ocean warming and acidification), oil spills, disease outbreaks, and predation by killer whales. Human activities such as subsistence harvest, coastal development, and vessel traffic also pose localized risks, though current harvest levels are considered sustainable (USFWS, 2021).

4.1.1.1 Northern Sea Otter SW DPS Critical Habitat

The critical habitat for the northern sea otter SW DPS, was designated in 2009 and encompasses approximately 15,164 square kilometers (5,855 square miles) of nearshore marine habitat in five units across southwest Alaska. These units are located in the Aleutian Islands, Alaska Peninsula, and Kodiak Archipelago, and include shallow coastal waters typically within 100 meters of the shoreline. The designated areas are characterized by rocky and soft-bottom substrates, kelp forests, and eelgrass beds—habitats that support the sea otter’s foraging and resting behaviors (USFWS, 2009).

The primary biological features essential to the conservation of the northern sea otter include:

- Shallow, nearshore waters that provide access to benthic invertebrates such as clams, crabs, and sea urchins, which are the otters’ main food sources.
- Kelp and eelgrass beds, which offer cover from predators and support prey abundance.
- Resting areas, including haul-out sites on shorelines and floating kelp beds.
- Sheltered waters that protect otters from harsh weather and wave action are especially important for pups.

4.1.2 Wood Bison (*Bison bison athabasca*)

The wood bison is the largest native land mammal in North America, with adult males averaging 910 kg and females 440 kg (USFWS, 2021). It is adapted to boreal meadow and forest ecosystems, favoring

grass and sedge meadows interspersed with coniferous forest, bogs, and shrublands. Wood bison primarily feed on sedges, but also eat grasses, willow, and lichen seasonally (Alaska Wildlife Conservation Center, 2024).

The species has a seasonal breeding cycle, with mating occurring from July to October and calves born in spring. Females typically begin reproducing at age 3 and may remain reproductively active up to age 20. Males reach peak reproductive success between ages 7 and 14 (USFWS, 2012).

In 1970 the wood bison was first listed as endangered under the Act based on the species' dramatic population decline due to unregulated hunting and habitat loss. In 2012, the Service finalized the reclassification of the wood bison from endangered to threatened throughout its range. Historically, wood bison ranged across much of interior Alaska and boreal Canada but were extirpated from Alaska in the last few hundred years (USFWS, 2021).

Wood bison populations have been established along the Innoko River in Southwest Alaska, and in the Lower Tanana River drainage approximately 50 miles southwest of Fairbanks. Establishment of a third population is planned for 2027 near the Yukon Flats National Wildlife Refuge. Updates can be found on the Alaska Department of Fish and Game webpage at Wood Bison Restoration in Alaska.

Wood bison are exposed to several stressors (USFWS, 2021):

- Habitat loss due to agricultural expansion and fire suppression, which reduces open meadow habitat.
- Diseases, particularly bovine brucellosis and tuberculosis, affect herd health and limit translocation efforts.
- Hybridization with plains bison (*Bison bison bison*), which threatens genetic integrity.
- Climate change, which may alter habitat availability and increase disease risk.
- Vehicle collisions, especially in areas where herds overlap with roads.

4.2 PLANTS

4.2.0 Aleutian shield fern (*Polystichum aleuticum*)

The Aleutian shield fern is a small, tufted fern that grows up to 6 inches tall, with dark green fronds and toothed leaflets. It is the only plant species in Alaska listed under the Act.

The fern is endemic to Adak Island in the Aleutian chain, where it is found exclusively on Mount Reed within the Alaska Maritime National Wildlife Refuge. It inhabits moist crevices, rock grottos, and the base of steep rock outcrops, typically on east to northeast-facing slopes between 1,108 and 1,725 feet in elevation. The fern's fronds emerge late in the growing season, sometimes as late as August or September, and are only present during this period. It reproduces via spores, which are clustered in sori on the undersides of the fronds (USFWS, 2018).

Due to its extremely limited range, the species is vulnerable to earth slides, caribou grazing (introduced in 1958), and accidental human disturbance. Although human activity is rare in this remote area, hikers and climbers may pose a risk. The Service actively monitors the populations to minimize these threats.

5 EFFECTS OF COVERED ACTIVITIES

This section covers the effects of the anticipated activities covered in this standing analysis to the covered species and critical habitat (above). Where appropriate in our analysis, we make note of which activities

are expected to have no effect on a species and critical habitat. This information is provided as helpful technical assistance to those agencies and project proponents who may be unfamiliar with the species and activities and can be incorporated by reference by action agencies when they make a NE determination.

The effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action but that are not part of the action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action (50 CFR 402.02).

A project's action area must include all areas affected (i.e., modifications to land, air, or water) by the proposed action, and not merely the immediate area involved in the action. If the activities satisfy the two-part test for causation ("but for" and "reasonably certain to occur"), they should be considered as part of the action. To qualify for use of this standing analysis, a project's action area must be wholly encompassed within the existing community footprint and all activities within the proposed action must fit within the scope of the standing analysis.

Actions that qualify and reach NLAA through this analysis typically involve one or more of the stressors addressed below.

5.0 EFFECTS TO SPECTACLED EIDERS AND STELLER'S EIDERS

5.0.0 Effects of Overhead Infrastructure

Overhead power lines and poles pose a collision risk to Steller's and spectacled eiders, especially when installed without bird deterrents. These structures can be hazardous during flight, particularly in low-visibility conditions. As a result, projects involving such infrastructure without bird diverters fall outside the scope of this standing analysis and require individual review. However, if bird diverters (spaced about 15-30 ft apart) are used on new powerlines and the project occurs within the existing community footprint, the risk is considered discountable and not likely to adversely affect eiders. Studies suggest that most bird collisions occur with the shield wire, the smallest diameter and highest wire on a transmission line. Although diverters have been successfully used on powerlines to reduce collision risk in some locations, prior experience and local knowledge indicate some types of diverters do not survive the rigors of arctic weather (APLIC 2012). Some of the diverters that have been used on the ACP readily break and would require constant maintenance to remain functional. Therefore, if bird diverters are being used, the Service encourages use of more durable types (similar to FireFly™) with demonstrated utility in extremely cold and windy environments.

5.0.1 Effects of Lighting

Artificial lighting can negatively affect Steller's and spectacled eiders by attracting and disorienting them, particularly in coastal areas during nighttime or low-visibility conditions (e.g., Day et al. 2005). This can increase the risk of collisions with structures or cause unnecessary energy expenditure. To reduce these impacts, the Service requires (unless it impairs health and safety) the use of low-radiant, downcast, or down-shielded lighting to reduce visibility and possible attraction of birds in flight. These measures help minimize light pollution and reduce the likelihood of disturbing or endangering eiders in flight. Projects within the existing community footprint that either follow these recommendations or do not use artificial lighting are not likely to adversely affect eiders.

5.0.2 Effects of Communication Towers

Communication towers also pose a collision risk to Steller's and spectacled eider, in part because their potential effects include those outlined in 5.0.0 Effects of Overhead Infrastructure on Eiders and 5.0.1 Effects of Lighting on Eiders. It is estimated that approximately 7 million birds collide with communication towers in North America each year (Longcore et al. 2012). The tower height, structure (guyed or other), and lighting influences the frequency of avian collisions (Gehring et al. 2011, Longcore et al. 2012). Due to the high collision risk with eiders posed by communication towers, their construction may affect listed eiders. Any communication tower qualifying for concurrence under this standing analysis must be either unlit or using flashing-only LED lights at the minimum configuration allowed by the FAA. If these communication towers are built outside of core eider nesting habitat (i.e., built south of 69.6° 00' N) and away from the marine environment where eiders migrate, molt, and overwinter (i.e. greater than 1 kilometer from the coast), we expect any effects to listed eiders to be discountable.

5.0.3 Effects of Ground Disturbance

North of 69.6° 00' N latitude, ground disturbance, particularly during the nesting season (May through September), can negatively impact Steller's and spectacled eiders by disrupting nesting behavior, destroying nests, or altering nesting habitat. Above 69.6° 00' N, the Service recommends limiting such activities to non-nesting seasons and minimizing the extent of disturbance (i.e., less than 200 cubic meters) to avoid adverse effects. Projects north of 69.6° 00' N latitude that exceed 200 cubic meters of ground disturbance or occur beyond the community footprint require individual consultation. South of 69.6° 00' N latitude, impacts to nesting listed eiders would be discountable from projects involving ground disturbance within the community footprint because we do not expect birds to be present.

5.0.4 Effects of Landfills

Landfill projects that overlap with eider habitat can pose a threat to eiders because landfills are known to attract predators to eiders (e.g., foxes, bald eagles, and ravens). Due to this risk, projects involving new landfill construction are excluded from this standing analysis and require individual section 7 consultation to assess and mitigate potential impacts. Further, any expansion of landfills north of 69.6° 00' N latitude will require individual section 7 consultation to assess and mitigate potential impacts because these projects occur within eider nesting habitat. Expansion or maintenance of landfills south of 69.6° 00' N latitude are not likely to adversely affect eiders because these areas are beyond the core nesting areas. We do not expect eiders to be using habitat within the existing community footprint in their molting and overwintering range, so any impacts of landfill expansion or maintenance south of 69.6° 00' N would be discountable.

5.0.5 Effects of Barges

Vessels can cause collisions with ESA-listed birds. Steller's and spectacled eiders are at risk of colliding with marine vessels around Alaska because these birds fly in groups low over the water and at relatively high speeds. Vessel and eider collisions are well documented. Risks are greatest when vessels are moving at high speed and under low visibility conditions. [Best management practices](#) can be implemented to reduce the risk of vessel-eider collisions. Due to the increased risk of collision, marine work is beyond the scope of this standing analysis. The only exception is in the case of barging project materials **when the barging is entirely using regularly scheduled barge services to a given area (i.e., no new vessel traffic)**. In these cases, no new vessel traffic is being added to the marine environment. Thus, there has been no change from the baseline and therefore no change in collision risk.

5.1 EFFECTS TO SHORT-TAILED ALBATROSS

This standing analysis is limited to activities occurring within the **Community Footprint**, as defined previously. Projects that qualify under this DKey do not include work within the marine environment. The short-tailed albatross forages in pelagic, offshore waters and is extremely unlikely to occur in or be affected by projects within the existing community footprints. When a listed species (such as short-tailed albatross) is not expected to be present, it is reasonable to determine the project will have “no effect” on those species.

5.2 EFFECTS TO POLAR BEARS

5.2.0 Effects of Ground Disturbance

Qualifying activities involving ground disturbance could be within the range of both the SBS and CS subpopulations of polar bears, and the timing of activities may overlap with the polar bear denning season (November – April). However, suitable polar bear denning habitat (topographic features with certain macrohabitat characteristics) is generally absent within the community footprint. Additionally, because qualifying activities would take place within existing community footprints, and these areas are subject to established, on-going human disturbance, we expect the likelihood of a female polar bear denning within these areas to be extremely low (i.e., discountable).

Transient (non-denning bears) exposed to ground disturbance may respond behaviorally (e.g., escape response) or physiologically (e.g., increased heart rate, hormonal response) (86 FR 42982). However, we expect that any effects from ground disturbance on transient polar bears would be minor and temporary (i.e., limited to changes in behavior that would not be biologically significant), and transient bears would be able to respond to disturbance by departing the area.

Additionally, coastal communities of the North Slope Borough actively monitor for polar bears and deter them from entering communities when necessary. Because it is very unlikely that polar bears would enter these communities, projects occurring within the existing community footprint and with no or limited ground disturbance would generally have insignificant and discountable effects on transient and denning polar bears, respectively.

5.2.1 Effects of Landfills

Landfill projects can pose a risk to polar bears by acting as an attractant and altering their natural behavior. By acting as an attractant to bears, landfills have the potential to increase the likelihood of human/bear conflict. Landfills are also typically located on the periphery of the community footprint, potentially making attractants more accessible. For these reasons, landfill projects may affect polar bears. Assessing the potential effects of new landfills within the range of the polar bear is beyond the scope of this analysis and will require individual consultation.

Maintenance and expansion of existing landfills would not create a new attractant to polar bears. However, the potential effects of landfill maintenance and expansion are particularly nuanced around terrestrial maternal denning habitat. Therefore, landfill maintenance and expansion projects occurring within potential terrestrial maternal denning habitat may affect polar bears and are also beyond the scope of this analysis. Any landfill maintenance and expansion projects occurring beyond terrestrial maternal

denning habitat (south of 69.6° 00' N latitude³) would not create a new attractant and therefore are expected to have insignificant effects on denning polar bears. We expect impacts to non-denning polar bears to be insignificant because these bears can move away from disturbance, resulting in minor changes in behavior that are biologically insignificant.

5.3 EFFECTS TO POLAR BEAR CRITICAL HABITAT

This standing analysis is limited to activities occurring within the existing **Community Footprint**, as defined. There are areas in Alaska where the community footprint may overlap with the Terrestrial Denning Habitat (Unit 2) and Barrier Island Habitat (Unit 3) units of polar bear critical habitat. However, polar bear critical habitat does not include manmade structures (e.g., houses, gravel roads, generator plants, sewage treatment plants, hotels, docks, seawalls, pipelines) or the land on which they are located that were within the boundaries of designated critical at the time of designation (USFWS, 2010). Further, the conservation role of these critical habitat units is to support polar bear denning and movement along the coast to access denning and feeding habitat. Given the lack of suitable habitat and implementation of polar bear deterrence within communities, as described above, it is extremely unlikely for polar bears to den within the community footprint. Thus, any effects to denning habitat would be discountable. It is also unlikely that qualifying activities occurring within existing community footprints would appreciably affect the movement of polar bears along the coast. Finally, any geographic overlap between qualifying activities and designated critical habitat would be extremely minor compared to the available 14,654 and 10,576 square kilometers of Units 2 and 3, respectively. Therefore, while projects in the community footprint may overlap with polar bear critical habitat, these projects are not likely to adversely affect polar bear critical habitat.

5.4 EFFECTS TO NORTHERN SEA OTTER

This standing analysis is limited to activities occurring within the **Community Footprint**, as defined. Projects that qualify under this standing analysis and associated DKey do not include work within the marine environment. Loud activities where noise may carry over into the marine environment (such as blasting or pile driving) are also beyond the scope of the analysis and do not qualify. For these reasons, we it is reasonable to determine projects which qualify for this standing analysis will have “no effect” on the northern sea otter. Barging of materials is an aspect of federally funded proposed actions that applicants may inadvertently fail to consider in their analysis. For this reason, we have included an additional question pertaining to barging activities in the DKey. If the project would increase the amount of vessel traffic in the area through increased barge service specifically for the project, it may affect listed species such as the northern sea otter and is beyond the scope of this standing analysis. All projects which qualify under this standing analysis have no new vessel traffic being added to the marine environment. Thus, there has been no change from the baseline and therefore no change in collision risk to otters.

³ We use south of the 69.6° 00' N latitude to indicate areas where we do not expect regular use of terrestrial maternal denning habitat. While this latitude is derived from eider breeding habitat, using it for polar bears is a simplistic way of creating a universal cut off in this standing analysis and associated DKey for projects that could potentially rise to may affect for both eiders and polar bears. Although polar bears could potentially den south of 69.6° 00' N, the likelihood is very low as the Chukchi Sea subpopulation of polar bears den predominantly on sea ice and along the Russian Coast and very few terrestrial dens have been documented along the Chukchi Sea coast south of 69.6° 00' N (USFWS 2016, Durner et al. 2020).

5.5 EFFECTS TO NORTHERN SEA OTTER CRITICAL HABITAT

This standing analysis is limited to activities occurring within the **Community Footprint**, as defined. No marine work, except for regularly scheduled barging, is included. Projects with loud, impulsive noises and projects with the use of chemical dispersants that could run off into adjacent waters do not qualify. For these reasons, it is reasonable to determine projects which qualify for this standing analysis will have “no effect” on northern sea otter critical habitat.

5.6 EFFECTS TO WOOD BISON

Consultation under section 7(a)(2) of the ESA is not required for wood bison outside of National Park Service and National Fish and Wildlife Refuge lands because of its nonessential experimental population status under section 10(j) of the ESA. Therefore, we expect that most projects occurring within existing community footprints will not require ESA consultation for wood bison.

For purposes of ESA section 7, a nonessential experimental population is treated as a threatened species wherever it occurs within National Wildlife Refuge System or National Park System lands, and consultation is required for projects intersecting or occurring on these lands. The DKey requires users to disclose if their project occurs on National Wildlife Refuge or National Park System lands. In the event a project does occur on National Wildlife Refuge or National Park System lands, the project proponent is directed to contact the appropriate field office for consultation. In all other instances, wood bison does not need to be considered for section 7 consultation.

Outside of National Wildlife Refuge System or National Park System lands, for the purposes of section 7, a nonessential experimental population is treated as a species proposed for listing, triggering conference under section 7(a)(4) instead of consultation under section 7(a)(2) of the ESA. Because other federal agencies are not required to consult under section 7(a)(2) for a species proposed for listing, a nonessential experimental population designation reduces the regulatory requirements that typically apply to listed species.

Section 7 (a)(4) requires federal agencies to confer (rather than consult) with the Service on actions that are likely to jeopardize the continued existence of a species proposed for listing. The results of a conference are in the form of conservation recommendations that are optional as the agencies carry out, fund, or authorize activities. Because the nonessential experimental population is, by definition, not essential to the continued existence of the species, the effects of proposed actions affecting the nonessential experimental population will not rise to the level of jeopardizing the continued existence of the species. As a result, a formal conference will likely never be required for individuals established within the experimental population area. Activities that are not carried out, funded, or authorized by federal agencies are not subject to provisions or requirements in section 7.

Please see the [Wood Bison Consultation FAQ webpage](#).

5.7 EFFECTS TO ALEUTIAN SHIELD FERN

We expect projects occurring within existing community footprints would not overlap the range of the Aleutian shield fern. When a listed species (such as Aleutian shield fern) is not expected to be present, it is reasonable to determine the project will have “no effect” on those species.

6 SUMMARY AND CONCLUSION

After considering the relevant information pertaining to the species and critical habitat, reviewing the covered activities and associated required conservation measures, and evaluating their anticipated effects, we conclude that the actions subject to this standing analysis will support a federal action agency determination of “No Effect” or support a section 7(a)(2) determination pursuant to the Act of “may affect, not likely to adversely affect,” as appropriate, for the subject species and critical habitat as described above. This standing analysis is based on the consultation provisions of section 7(a)(2) of the Act and the information cited and will undergo review and revision, as needed, if any of the following conditions have been met: 1) If new information reveals the effects of the covered action(s) to the covered species or critical habitat are occurring in a manner or to an extent not considered in this standing analysis based on applied use; or 2) If the species or critical habitat covered by the standing analysis has a change in status.

This standing analysis will be provided as an attachment to our concurrence letter provided to the action agency as described in **Appendix A**.

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APPENDIX A - STRUCTURED QUESTIONS FOR SCREENING A PROJECT VIA A DKEY TO DETERMINE WHETHER IT IS APPLICABLE FOR USE UNDER THIS STANDING ANALYSIS

[This appendix will be automatically generated for a user when they complete a DKey in IPaC]

APPENDIX B – AUTHORITIES OF U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The Alaska Communities Determination Key (DKey) and Standing Analysis mark a new phase of partnership between the U.S. Fish and Wildlife Service and the U.S. Department of Housing and Urban Development (HUD) as we continue to work together to streamline Endangered Species Act (Act) section 7 consultation on HUD-funded projects in Alaska.

The HUD carries out its environmental responsibilities under two regulatory frameworks. Under 24 CFR Part 50, HUD itself performs the environmental review and serves as the responsible Federal official. Under 24 CFR Part 58, HUD's environmental review responsibilities are assumed by a Responsible Entity.

A Responsible Entity is a unit of general local government, such as a town, village, city, or county, or a State or Tribe, that has assumed the environmental review responsibilities that would otherwise be carried out by HUD. When those responsibilities are assumed under 24 CFR Part 58, the Responsible Entity, not HUD, is responsible for the scope and content of the environmental review and for making the finding. The certifying officer of the Responsible Entity, who is ordinarily the chief elected official, signs the review and takes on the legal responsibility for it, including acceptance of the jurisdiction of the Federal courts.

For purposes of section 7 of the Act, this means the party making and documenting the effect determination through the DKey will be either HUD, where HUD is conducting the review under Part 50, or the Responsible Entity acting on HUD's behalf as its non-Federal representative, where the review has been assumed under Part 58. In either case, the party completing the review maintains the complete record of the evaluation in the environmental review record.