



# MARINE MAMMAL COMMISSION

20 December 2010

Mr. P. Michael Payne, Chief  
Permits, Conservation, and Education Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, Maryland 20910

Re: Permit Application No. 15750  
(ABR, Inc. Environmental Research  
and Services)

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act. The applicant is requesting authorization to take by Level B harassment 11 species of marine mammals in Alaska waters during a five-year period.

## RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service—

- issue the requested permit with the condition that ABR, Inc., collect, maintain, and annually report records of any disturbance caused by the planned surveys; and
- require that ABR, Inc., consult with the Service if the surveys cause disturbance of Cook Inlet beluga whales to determine how to adjust survey methods to prevent such disturbance.

## BACKGROUND

The applicant is requesting authorization to conduct aerial surveys in Iniskin, Illiamna, Chinitna, and Kamishak Bays to document seasonal and annual distribution and abundance of marine mammals in western lower Cook Inlet, Alaska. The surveys would provide baseline data for marine mammals in the port area and shipping lane potentially affected by the proposed Pebble Mine, which is a major gold, copper, and molybdenum prospect. Between 16 and 20 visits per year with two replicate surveys per visit would be flown by helicopter in Iniskin, Illiamna, and Chinitna Bays, and 12 visits per year with one survey per visit would be flown by fixed-wing aircraft in Kamishak Bay. During the proposed surveys, humpback whales, fin whales, minke whales, gray whales, beluga whales, killer whales, harbor porpoises, Dall's porpoises, Steller sea lions, northern fur seals, and harbor seals may be taken by Level B harassment. Disturbance would be minimized by limiting the circling of aircraft, staying more than 800 m from pinniped haul-out sites, and avoiding low-tide periods and the pupping season for harbor seals.

Mr. P. Michael Payne  
20 December 2010  
Page 2

The surveys proposed by ABR, Inc., should provide useful baseline information regarding marine mammal habitat use in the affected part of Cook Inlet. However, the applicant requests permission to conduct up to 200 surveys in Iniskin, Iliamna, and Chinitna Bays and 60 surveys in Kamishak Bay during the five-year duration of the permit. That many surveys, involving both helicopters and fixed-wing aircraft, have the potential to cause repeated disturbance of marine mammals in the survey area, which might lead to changes in habitat-use patterns. To determine if such disturbance occurs, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested permit with the condition that ABR, Inc., collect, maintain, and annually report records of any disturbance caused by the planned surveys.

At present, Cook Inlet beluga whales tend to use the northern reaches of the Inlet, but historically they have occurred in the area where the proposed surveys would take place. On the whole, this stock may have limited tolerance for such disturbance, given its small population size, endangered status, exposure to other forms of disturbance, and failure to recover as expected after the subsistence harvest was brought under management control. To ensure that these surveys are not an additional impediment to the recovery of this stock, the Marine Mammal Commission recommends that the National Marine Fisheries Service require that ABR, Inc., consult with the Service if the surveys cause disturbance of Cook Inlet beluga whales to determine how to adjust survey methods to prevent such disturbance.

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the Marine Mammal Protection Act.

Please contact me if you have any questions concerning the Commission's recommendations and comments.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen". The signature is written in a cursive style with a large, sweeping initial 'T'.

Timothy J. Ragen, Ph.D.  
Executive Director