



MARINE MAMMAL COMMISSION

6 August 2009

Tammy C. Adams, Ph.D.
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Dr. Adams:

This letter responds to your 27 July 2009 e-mail asking the Commission to review and comment on two letters of intent involving research under the Marine Mammal Protection Act's general authorization (section 104)(c)(3)(C)). The researchers are requesting authorization to conduct aerial surveys of the approximately 300 harbor seals inhabiting Lake Iliamna, Alaska. At issue is whether the proposed activities, if allowed to go forward, would, in combination with other currently authorized research projects, result in adverse cumulative impacts on this population of seals. As you have requested a response by 7 August, our comments are limited to those of the Commission staff. We did not have time to solicit review by the Commissioners and Committee of Scientific Advisors on Marine Mammals. Thus, we make no recommendations in this letter.

Proposed Research

Dr. Jennifer Burns (letter of intent No. 14640) proposes to conduct an unspecified number of aerial surveys (apparently at least three) in September–October, January–February, and May–June. She states that “[e]xact survey timing will be coordinated with those planned by NMML and/or ADFG... [and]...other researchers working in the lake area [to] minimize cumulative impact and maximize data recovery.” Dr. Burns further states that she has contacted the National Marine Mammal Laboratory and the Alaska Department of Fish and Game and may be able to use the same pilots to ensure equivalent methodology. She states that she has not had success in attempting to coordinate surveys with Melissa Cunningham, the other researcher seeking similar authority.

Ms. Melissa Cunningham (letter of intent No. 14558) is proposing to conduct up to 15 aerial surveys per year: April (1), May (2), August (6), September (1), January (1), February (2), March (2). Ms. Cunningham states that she and her colleagues will be replicating the National Marine Mammal Laboratory survey route for seal haul-out sites in Lake Iliamna but also will conduct surveys at other sites around the lake (Porcupine, Flat, Seal and Triangle Islands, Big Island, Rabbit Island, etc.).

Currently Authorized Research

The National Marine Mammal Laboratory (letter of confirmation No. 14590) and ABR, Inc., (letter of confirmation No. 14227) are each authorized to conduct up to 24 aerial surveys annually in Iliamna, Iniskin, and Chinitna Bays according the following schedule: January (1), February (2), March (2), April (2), May (1 or 2), June (1 or 2), August (1 or 2), September (2), October (2), November (2), and December (1 or 2). The Alaska Department of Fish and Game (Permit No. 358-1787-01) is authorized to conduct a wide range of research projects involving capture, sampling, tagging, branding, etc., of harbor seals in southeast Alaska, Gulf of Alaska, and the Bering Sea.

However, specific information on when and what research is being or will be conducted on harbor seals at Lake Iliamna is not provided in the original permit application or the issued permit.

Staff Comments

The Commission's staff has reviewed the letters of intent and other pertinent materials and offers the following comments.

The research objectives proposed by Burns and Cunningham are to gather environmental baseline information (patterns of abundance and habitat use) on the harbor seal population inhabiting Lake Iliamna and its importance to local communities through traditional harvests and customary uses. These objectives are similar to those of the National Marine Mammal Laboratory and ABR, Inc. (i.e., to quantify the seasonal and inter-annual abundance and to map the distribution of marine wildlife in the area surrounding the potential port site for the proposed Pebble Mine being planned for development northwest of Iliamna). The research objective of the Alaska Department of Fish and Game is more general—to describe the ecology and behavior of harbor seals, spotted seals, ribbon seals, ringed seals, and bearded seals in Alaska.

As noted, the National Marine Mammal Laboratory and ABR, Inc., are each authorized to conduct 24 aerial surveys annually (a total of 48 annually). The Alaska Department of Fish and Game is authorized to conduct an unspecified number of surveys. Thus, the total number of surveys that will be conducted by these two organizations is not known. If Dr. Burns conducts at least three surveys and Ms. Cunningham an additional 15, then the Service will have authorized a minimum of 66 surveys of this population per year, which is more than one per week. In addition, the frequency and cumulative effects of such disturbance may be exacerbated by the activities of the Alaska Department of Fish and Game.

We see no basis for authorizing such extensive disturbance and suggest that the Service convene a meeting of the involved parties (i.e., Dr. Burns, Ms. Cunningham, the National Marine Mammal Laboratory, ABR, Inc., and the Alaska Department of Fish and Game) to discuss how to accomplish needed research while reducing the potential for adverse cumulative effects and duplication of effort (by sharing data, combining survey flights when possible, using equivalent methodologies, etc.). If the researchers are unwilling to reduce the number of surveys voluntarily, then we believe that the Service should cap the number of surveys allowed per year using its authorities under the Marine Mammal Protection Act or the National Environmental Policy Act. In addition, we question whether such overlapping studies are a wise use of limited resources. To ensure that scarce resources are directed effectively, the researchers also may wish to discuss the allocation of research funding and whether the duplicative survey efforts proposed are the most cost-effective way to build broader scientific understanding of the Lake Iliamna seals.

We also understand that some of the researchers intend to apply for permits to conduct additional activities on this population. We suggest that, as part of its review of those applications, the Service prepare an environmental assessment to ensure that the proposed activities, together and

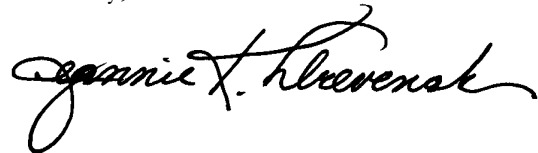
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in combination with other authorized research activities, do not result in significant adverse effects on the population.

Finally, according to Dr. Burn's letter of intent, spotted seals also may inhabit Lake Iliamna. However, neither Dr. Burns nor Ms. Cunningham has requested authorization to take this species. The presence of spotted seals should be clarified and, depending on the findings, the Service may need to include such authorization in any letters of confirmation that are issued.

We hope these comments are helpful. If you have any questions about them, please call.

Sincerely,

A handwritten signature in black ink, reading "Jeannie K. Drevenak". The signature is written in a cursive style with a large, looping initial "J".

Jeannie K. Drevenak
Permits Officer