



MARINE MAMMAL COMMISSION

11 December 2017

Ms. Jolie Harrison, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3225

Dear Ms. Harrison:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Glacier Bay National Park's (GBNP) application for authorization under section 101(a)(5)(D) of the Marine Mammal Protection Act (the MMPA) to take small numbers of marine mammals by harassment. The taking would be incidental to conducting seabird surveys and climate monitoring activities in Glacier Bay National Park and Preserve in Alaska. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 1 December 2017 notice (82 Fed. Reg. 56953) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

GBNP plans to conduct up to five seabird surveys at up to four study sites and up to four climate monitoring activities at one study site. The purpose of the seabird surveys is to (1) identify onset of gull nesting, (2) conduct surveys of adult gulls, and (3) document gull nest sites. Climate monitoring activities would include installation, maintenance, and operation of a weather station to fill coverage gaps amongst existing weather stations in GBNP. Vessel- and research-related sound and the increased presence of humans would be the main sources of marine mammal disturbance.

NMFS preliminarily has determined that, at most, the proposed activities temporarily would modify the behavior of small numbers of harbor seals. It also anticipates that any impact on the affected species and stocks would be negligible. NMFS does not anticipate any take of marine mammals by death or serious injury and believes that the potential for disturbance will be at the least practicable level because of the proposed mitigation measures. The mitigation, monitoring, and reporting measures include—

- conducting pre-survey monitoring before accessing a study site;
- avoiding a site if a harbor seal pup less than one week of age is present or killer whales are present offshore;
- remaining at least 100 m from any Steller sea lion;
- accessing each study site slowly to prevent a panicked exit and selecting a pathway of approach farthest from the seals to minimize the number harassed;
- moving slowly when at the study site and using quiet voices in the visual presence of pinnipeds;

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- using qualified observers to monitor and record observations of pinnipeds within the vicinity of the proposed study sites;
- reporting (1) unusual behaviors, numbers, or distributions of pinnipeds, (2) rare or unusual species of marine mammals, and (3) tag-bearing carcasses of pinnipeds to the Alaska Department of Fish and Game and the Alaska Fisheries Science Center;
- reporting injured and dead marine mammals to NMFS and the Alaska Regional Stranding Coordinator using NMFS's phased approach and suspending activities, if appropriate; and
- submitting a final monitoring report.

Rounding of take estimates

The method NMFS used to estimate the numbers of takes during the proposed activities, which summed fractions of takes for each species across project days, does not account for and negates the intent of NMFS's 24-hour reset policy. As the Commission has indicated in previous letters regarding this matter¹, the issue at hand involves policy rather than mathematical accuracy. NMFS developed criteria associated with rounding quite some time ago and still has yet to share those criteria with the Commission. Therefore, the Commission again recommends that NMFS share the rounding criteria with the Commission expeditiously.

Please contact me if you have questions regarding the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director

¹ See the Commission's [29 November 2016 letter](#) detailing this issue.