



# MARINE MAMMAL COMMISSION

21 September 2018

Ms. Helene Scalliet  
Office of National Marine Sanctuaries  
National Oceanic and Atmospheric Administration  
1305 East West Highway, R/ORM6  
Silver Spring, Maryland 20910

Dear Ms. Scalliet:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Office of National Marine Sanctuaries' (ONMS) four regional draft programmatic environmental assessments (draft PEAs; 83 Fed. Reg. 38684) as they pertain to marine mammals. The four regions are Pacific Islands, West Coast, Southeast and Gulf of Mexico, and Northeast and Great Lakes. Because the four draft PEAs are substantially similar, the Commission will comment on them collectively rather than individually.

The Commission commends ONMS on the thoroughness and attention to detail in the draft PEAs. The draft PEAs provide sufficient descriptions of the activities to be undertaken by each of the sanctuaries and of their potential impacts on marine mammals, as well as on other protected species and on biological and physical resources more generally. Two types of sanctuary activities have the greatest potential for significant impacts on marine mammals—vessel operations and use of active acoustics.

The draft PEAs appropriately describe the potential for vessels to disturb marine mammals by disrupting their normal behavior (e.g., foraging) or displacing them, and to harm marine mammals via vessel strikes, which could cause injuries or deaths. In addition, adequate support is provided in the draft PEAs for the conclusion that sanctuary vessel operations are unlikely to have significant impacts on marine mammals. The draft PEAs explain how the specifications for vessel operation within the various sanctuaries adhere to the National Oceanographic and Atmospheric Administration's (NOAA) small boat standards and procedures. Further, many sanctuaries exceed those standards and procedures by requiring vessel operators to follow additional 'ONMS best management practices' that are designed to minimize the likelihood that the vessels will disturb or injure marine mammals. These best management practices, although not all followed in every sanctuary, include requirements to restrict operations to daylight hours, have an observer on board to spot marine mammals, limit vessel speeds in general and limit them further when marine mammals are present, and maintain a "safe" distance from all marine mammals. The Commission commends ONMS and the sanctuaries for establishing and following best management practices for vessel operation.

Several sanctuaries occasionally conduct active acoustic surveys to document and delineate both physical and biological features. Vessels operated by NOAA or partner agencies may use multibeam echosounders or side scan sonar to map benthic features, or single-beam echosounders to estimate fish or prey biomass. The draft PEAs describe the nature and scope of those activities,

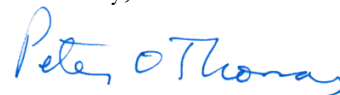
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paying particular attention to the potential for the acoustic signals generated by such devices to disturb or injure marine mammals. The draft PEAs consider the intensity, duration, and duty cycle of the signals, and whether their frequencies overlap with the hearing sensitivities of various species of marine mammals. The draft PEAs indicate that, in most situations, acoustic surveys would not have significant impacts on marine mammals unless the animals were very close to the vessel and in the direct path of the sound source. To avoid those situations, the sanctuaries have adopted survey operation protocols that require echosounders to be turned off if marine mammals are observed to be present within 200m of the vessel. The Commission finds that ONMS has adequately considered the factors that could lead to acoustic impacts on marine mammals and has sufficient mitigation measures in place that justify the conclusion in the draft PEAs that active acoustic surveys conducted in the sanctuaries would not have significant impacts on marine mammals.

In accordance with the National Environmental Policy Act and implementing regulations, each of the draft PEAs include two alternatives. Alternative 1 in each PEA is the ‘no action’ alternative, which proposes to conduct field operations in the same manner that is currently in place, including the vessel operation best management practices described above. Alternative 2 in each PEA proposes to conduct field operations as currently conducted, except for vessel operations. Every sanctuary will conduct vessel operations according to NOAA’s small boat standards, but without some or all of the best management practices, depending on the sanctuary. Although ONMS has not selected a preferred alternative, the Commission agrees with the conclusions of the draft PEAs that not following ONMS’s vessel operation best management practices could result in increased disturbance and increase the risk of vessel strikes to marine mammals. Therefore, the Commission recommends that ONMS choose Alternative 1 as the preferred alternative in each of the PEAs.

The Commission appreciates the opportunity to comment on the draft PEAs and hopes that NOAA finds our recommendations helpful. Please contact me if you have any questions concerning the points raised in this letter.

Sincerely,



Peter O. Thomas, Ph.D.,  
Executive Director