26 April 2024

Dr. William Brown, Chief Environmental Officer
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Dr. Rodney Cluck, Chief
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Dear Dr. Brown and Dr. Cluck:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, is writing to encourage the Bureau of Ocean Energy Management (BOEM) to continue its support for the Atlantic Marine Assessment Program for Protected Species (AMAPPS). AMAPPS surveys have been conducted since 2011 and have greatly enhanced our knowledge of the marine mammals in U.S. East Coast waters and allowed for the development of new technologies to detect and track occurrence of marine mammals in wind energy areas in near real-time. Continued funding of AMAPPS would ensure this important research and monitoring continues and that the Administration meets its goal of "advancing offshore wind development responsibly, in partnership with states, Tribes, coastal communities, and a wide range of stakeholders, with data-driven decisions to protect marine ecosystems and promote ocean co-use."[1]

Section 117 of the Marine Mammal Protection Act (MMPA) mandates that the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) collect abundance and distribution data for all marine mammal stocks in U.S. waters. To address the chronic shortfall in funding for marine mammal surveys and the need that BOEM and other federal agencies have for updated and reliable data on marine mammals and other protected species in areas of ongoing human activities, such as energy development, NMFS and FWS have developed partnerships with other federal agencies, including BOEM, to support such surveys in three major offshore areas, including the Atlantic.

From 2016 to 2020, BOEM partnered with NMFS in the Gulf of Mexico and contributed significantly to the regional Gulf of Mexico Marine Assessment Program for Protected Species (GoMMAPPS), a broad-scale aerial and shipboard survey program using visual observations and acoustic monitoring to collect year-round spatially explicit abundance and distribution data on

[1] FACT SHEET: Biden-Harris Administration Continues to Advance American Offshore Wind Opportunities. (29 March 2023, www.whitehouse.gov/briefing-room/statements-releases/2023/03/29/fact-sheet-biden-harris-administration-continues-to-advance-american-offshore-wind-opportunities).

marine mammals, sea turtles, and seabirds in the Gulf. In 2020, BOEM announced that funding for that program would not be renewed, despite the ongoing need to provide such data to support its environmental assessments of offshore energy development under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and MMPA regarding environmental impacts on marine mammals and other protected species from oil and gas leasing, seismic exploration, drilling, production, and decommissioning projects.[2] Since 2020, NMFS has not secured adequate funding to continue conducting broad-scale surveys for marine mammals in coastal and offshore waters of the Gulf. Based on this, it is unclear how BOEM is meeting its ongoing need for survey data on protected species in the Gulf to inform its environmental assessments for new wind energy leasing and development and continued leasing of deep offshore waters for oil and gas development.

In 2020, BOEM also discontinued funding for NMFS to conduct its Aerial Surveys of Arctic Marine Mammals (ASAMM),[3] a broad-scale research and monitoring program that had been funded by BOEM and its predecessor, the Minerals Management Service, under various project names since 1979.[4] Those surveys provided long-term data on the annual distribution and seasonal movements of large cetaceans, particularly bowhead whales, but also gray, humpback, fin, minke and beluga whales, polar bears and walruses. BOEM indicated that it ended its support for ASAMM due to declines in oil and gas leasing and exploration in the region. However, the information that was collected on marine mammal abundance and distribution through ASAMM is still needed by BOEM to assess the environmental impact of ongoing offshore oil production in the Beaufort Sea, to ensure appropriate mitigation and monitoring of impacts on marine mammals, and to inform future decommissioning activities. These data are necessary to fulfill BOEM's cradle-to-grave oversight responsibilities under the Outer Continental Shelf Lands Act (OCSLA) and NEPA. Although limited aerial surveys were subsequently funded by the North Slope Borough, this critical long-term data collection program is no longer operational at a time when energy activities continue and significant climatic changes are occurring in the Arctic.

BOEM's support of AMAPPS has been critical for collecting broad-scale temporal data on the distribution and abundance of marine mammals to inform seasonally- and spatially-explicit density estimates.[5] In its Environmental Studies Plans for AMAPPS I and II (in 2010 and 2014 respectively), BOEM identified how the information gathered through AMAPPS is crucial to its mandates under NEPA, ESA, and MMPA to assess potential environmental impacts of offshore energy development. In its 2010 study plan for AMAPPS I, BOEM stated, "detailed information on the affected resources will be required for appropriate analysis and mitigation of any of the [offshore energy] activities" (which included, at the time, oil and gas exploration, sand and gravel operations,

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[2] The Commission expressed its concerns about BOEM's decision to withdraw funding from GoMMAPPS in a letter on 9 December 2020, available here: www.mmc.gov/wp-content/uploads/20-12-09-Cluck-BOEM-FY22-23-Environmental-Studies-Program.pdf.

[3] The Commission expressed its concerns about BOEM's decision to withdraw funding from ASAMM in a letter on 9 December 2020, available here: www.mmc.gov/wp-content/uploads/20-12-09-Cluck-BOEM-FY22-23-Environmental-Studies-Program.pdf.

[4] Including the Bowhead Whale Aerial Survey Project (BWASP) and the Chukchi Offshore Monitoring in Drilling Area (COMIDA) project.

[5] In 2023, the Commission wrote to BOEM's Division of Environmental Sciences Chief, Dr. Rodney E. Cluck, expressing its support for BOEM's continued investments in marine mammal research, including AMAPPS. The letter can be found here: www.mmc.gov/wp-content/uploads/23-07-21-BOEM-FY2024-2025-Environmental-Studies-Program.pdf.

and renewable energy development).[6] In its 2014 study plan for AMAPPS II, BOEM noted that AMAPPS was conceived as a long-term research and monitoring program, and continued funding was needed to continue AMAPPS I's core survey work, with the objective of improving the knowledge base of federal agencies with living marine resource responsibilities "to identify changing environmental conditions and assess the potential impact of BOEM-related activities on offshore species of interest in the Atlantic."[7] Although project-specific studies are being funded for individual wind energy areas by industry and coastal states, those studies do not provide information on potential large-scale and cumulative effects of wind energy development on the distribution and movements of species whose ranges span across project boundaries, nor continue the coast-wide data sets established by AMAPPS I and II to date. Recent research recognizes the impacts of climate change on the seasonal and spatial distribution of marine mammal species, and these shifts can both interact with and confound habitat use and population dynamics assessed at local scales, such as in and around wind lease sites (e.g. National Academies of Sciences 2024). These emerging patterns further necessitate the continuation of large-scale monitoring programs to identify and disentangle multiple environmental drivers.

The Commission is concerned that if BOEM similarly decides to discontinue funding of AMAPPS, that program, like GoMMAPPS and ASAMM, will cease to exist, thereby failing to provide broad-scale data on marine mammal abundance and distribution in U.S. Atlantic coastal and offshore waters. This potential curtailment of key data collection comes at a time when baseline surveys are needed to inform the planning of wind energy infrastructure across the Atlantic coast and the first wind energy facilities are being constructed and initiating operations in Southern New England. Future areas of wind energy development, such as the Central Atlantic Call Areas E and F, are particularly in need of survey coverage to characterize the species present in these poorly studied areas. The long-term impacts of wind energy development on marine mammals and marine ecosystems are a subject of considerable public debate[8] and scientific discussion (National Academies of Sciences 2024, Regional Wildlife Science Collaborative 2024). As we work to meet the Administration's goal of deploying 30 gigawatts of offshore wind by 2030, the need for environmental information to support further leasing, construction, and operation of wind farms and to understand the cumulative impacts of these activities will continue and intensify.

The Atlantic Scientific Review Group (ASRG), an independent advisory group established under Section 117 of the MMPA to review and comment on NMFS's marine mammal stock assessments, recently commented[9] on the extraordinary amount of information generated by AMAPPS I and II. The ASRG recommended that NMFS and BOEM identify a mechanism to continue funding AMAPPS for at least five more years, based on the enormous expansion of offshore wind farms on the U.S. East coast and the potential for climate-driven shifts in habitat use in the rapidly warming waters of the northwest Atlantic Ocean. The ASRG also viewed the continued funding of GoMMAPPS to be "of equal import, given the commencement of offshore

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[6] www.boem.gov/sites/default/files/environmental-stewardship/Environmental-Studies/GOMR/Protected-Species/AT-10-x11-Atlantic-Marine-Assessment-Program-for-Protected-Species-I.pdf.
[7] www.boem.gov/sites/default/files/documents/environment/environmental-studies/AT-14-03-AMAPPS-II.pdf.
[8] Whales are dying along the East Coast. And a fight is surfacing over who's to blame. (www.time.com/6254785/whale-deaths-offshore-wind-power, accessed 16 April 2024).
[9] The letter is attached in this correspondence. When NMFS responds to the ASRG letter, both the letter and NMFS's response will be posted here: www.fisheries.noaa.gov/national/marine-mammal-protection/scientific-review-groups#atlantic-scientific-review-group.

wind leasing in that region, and the existing knowledge gaps regarding vulnerable Rice's whales and coastal bottlenose dolphin populations."

With the above considerations in mind, the Commission strongly recommends that BOEM continue to fund the AMAPPS program, in collaboration with NMFS, FWS, and its other federal partners. The Commission continues to recommend, as it has previously to BOEM officials[10], that BOEM also renew its funding of periodic broad-scale marine mammal surveys in the Gulf of Mexico and consider funding follow-on surveys of Arctic marine mammals. BOEM's overall priority should be to continue to collect vital marine mammal data to inform environmental assessment in support of offshore energy development in U.S. waters; as well as, fulfill its oversight responsibilities under OCSLA and NEPA. The Commission recognizes the limited amount of federal funding and survey platforms available to NMFS, FWS, BOEM, and other federal agencies to support the broad-scale surveys necessary for reliable environmental assessments. The Commission recommends, therefore, that BOEM work closely with NMFS, FWS, ASRG, and other entities to determine the frequency of survey effort required to ensure that adequate platforms and personnel are available for future survey work, and to develop a jointly agreed long-term plan for collecting, and standardizing, synthesizing, and integrating marine mammal and other environmental data across federal and non-federal platforms and programs to ensure that BOEM's mandates for environmental assessments under OCSLA, NEPA, ESA, and MMPA are met.

Sincerely,

Peter O Thomas

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

cc: Janet Coit, Assistant Administrator, National Marine Fisheries Service
Martha Williams, Director, Fish and Wildlife Service

Enclosure

REFERENCES

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Regional Wildlife Science Collaborative for Offshore Wind. 2024. Marine Mammals. Chapter Three *in* Integrated Science Plan for Offshore Wind, Wildlife, and Habitat in U.S. Atlantic Waters. Version 1.0. www.rwsc.org/science-plan.

[10] A letter from the Commission to BOEM officials dated 2 September 2022 is available here: www.mmc.gov/wp-content/uploads/22-09-02-Matthews-BOEM-Draft-EA-for-GOM-wind-energy-leasing.pdf. An additional letter dated 6 October 2022 is available here: www.mmc.gov/wp-content/uploads/22-10-06-Hammerle-BOEM-2023-2028-National-OCS-Proposed-Program.pdf.