

**Marine Mammal Commission**  
4340 East-West Highway, Room 700  
Bethesda, MD 20814-4447

22 April 2008

Naval Facilities Engineering Command Northwest  
1101 Tautog Circle, Suite 203  
Silverdale, WA 98315-1101

ATTN: Ms. Amy Burt, Gulf of Alaska EIS/OEIS Project Manager

Dear Ms. Burt:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the 17 March 2008 *Federal Register* notice and the Gulf of Alaska Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) made available on the Web site <http://www.gulfofalaskanavyeis.com>. These documents were provided by the Department of the Navy to examine the individual and cumulative environmental effects of naval training and exercises in the Gulf of Alaska.

The Commission does not normally comment during the scoping phase of analyses under the National Environmental Policy Act. We anticipate that we will have more specific comments and recommendations once the draft EIS/OEIS becomes available for review. However, based on information in the Navy's *Federal Register* notice and on its Web site, we provide the following recommendations and rationale.

## **RECOMMENDATIONS**

The Marine Mammal Commission recommends that the Navy—

- include a true “No-Action” alternative in its analysis to ensure that decision-makers are fully informed regarding the likely consequences for national defense readiness as well as the full environmental risks associated with existing and proposed actions;
- refrain from using the term “No-Action” to refer to an alternative of continuing activities at current levels;
- incorporate in the Gulf of Alaska EIS/OEIS a full description of the operational benefits and indirect environmental effects resulting from the Navy's support activities in the Gulf;
- provide a comprehensive description of the various monitoring and mitigation measures that might be used; evaluate the performance of those measures, taking into account existing marine mammal monitoring and mitigation data; and instigate planning to evaluate and address the strengths and shortcomings of the proposed measures; and
- explicitly describe the measures that will be taken to ensure the protection of endangered, threatened, and depleted marine mammal stocks and provide the evidence confirming that those measures will be effective for that purpose.

## **RATIONALE**

***No Action:*** The National Environmental Policy Act requires that environmental impact statements include a “No-Action” alternative so that reviewers of such documents are informed as to the full consequences of an action. Even under the best circumstances, it is not possible for the Navy to have eliminated all environmental effects of current operations. To be fully informed, decision-makers must understand both existing effects and those that will accrue as a result of new proposed activities. If the environmental effects of existing operations are already described in a preceding Gulf of Alaska EIS/OEIS, then that information—if still accurate—could be incorporated by reference and should be made available to the public. If that is not the case, the Marine Mammal Commission recommends that the Navy include a true “No-Action” alternative in its analysis to ensure that decision-makers are fully informed regarding the likely consequences for national defense readiness as well as the full environmental risks associated with existing and proposed actions. The Marine Mammal Commission also recommends against using the term “No-Action” to refer to an action of continued activities at current levels. We believe that such use could be misleading and confusing if, for example, the so-called “No-Action” alternative has larger environmental impacts than other alternatives under consideration.

***Effects of Support Activities:*** The Gulf of Alaska EIS/OEIS should review activities carried out in support of the Navy’s primary mission in the Gulf as these support activities also may pose potential environmental risks. Research and acquisition, for example, might be driven by factors other than environmental considerations, such as cost savings and reduced manning goals, but have environmental effects that should be described. For example, the growing costs of hydrocarbon fuel and the climatic consequences of large-scale fuel combustion warrant consideration in these analyses, despite the well-established and widely accepted merits of realism in training. Much of the needed information regarding such potential effects likely already exists within the Navy and could be incorporated into the EIS/OEIS to make it more informative. Recent efforts by the Department of Defense to document the cost of lost training due to “encroachment” on range activities, such as the loss of the Vieques range, could improve the EIS/OEIS with regard to potential impact on readiness resulting from lost training opportunities. Similarly, documents likely exist to justify the costs of Navy research, development, testing, and evaluation efforts to improve training, and this information should be useful in evaluating alternative training procedures. Here, again, the aim of the EIS/OEIS should be to promote informed decision-making about the benefits and costs of proposed alternatives, and such analyses should be as complete as possible. For that reason, the Marine Mammal Commission recommends that the Navy incorporate in the Gulf of Alaska EIS/OEIS a full description of the operational benefits and environmental effects resulting from the Navy’s support activities in the Gulf.

***Monitoring and Mitigation:*** With regard to monitoring and mitigation, previous training range documents developed by the Navy to comply with the National Environmental Policy Act have suffered from two main shortcomings: they did not include a comprehensive description of monitoring and mitigation options, and they offered estimates of performance for proposed

mitigation measures that were inconsistent with existing performance data from similar survey and mitigation efforts.

Although the methods for assessing mitigation performance are well understood and such assessments could be easily carried out, the Navy apparently has not done so. The Navy's SURTASS LFA EIS includes this type of analysis but, to our knowledge, similar analyses have not been conducted for the monitoring and mitigation activities for other Navy activities. In the absence of such information, we believe it is incumbent upon the Navy to include a plan for obtaining performance data to justify its confidence in such critical mitigation measures as sonar ramp-up, watchstander training effectiveness, and watchstander probability of detection of marine mammals and other species of concern. This should not be difficult for watchstander performance, as substantial quantitative data are available from many well-documented surveys for marine mammals and sea turtles. Probabilities of detection for experienced survey observers working under ideal conditions and counting highly visible species still do not rise to the 100 percent level required to ensure zero environmental risk. Detection probabilities are even lower for species that are difficult to detect, such as beaked whales or sea turtles. Probability-of-detection data are easily verified by well-known methods such as dual ship surveys or multiple independent blind control surveys of similar design. Such verification and validation procedures are regularly undertaken by the Navy to verify personnel weapons training performance and to establish the performance of new weapons and sensor systems under standard research, development, testing, and evaluation processes that precede acquisition and fleet use. Performing similar verification and validation for environmental effects mitigation would not be unduly costly and would clarify whether the Navy is, in fact, being realistic in its assessment of mitigation options.

In addition, passive acoustics and other sensing technologies that might improve marine mammal detection and risk mitigation should not be rejected for consideration without undergoing similar performance evaluation and development. Dismissing additional mitigation measures as not sufficiently developed to use, and then making no effort to bring such tools to maturity, should not be an acceptable position when the potential adverse effects of the proposed action are significant and the action agency is as technically adept and strong in new technology acquisition as the Navy. For these reasons, the Marine Mammal Commission recommends that the Navy provide a comprehensive description of the various monitoring and mitigation measures that might be used, evaluate the performance of those measures taking into account existing marine mammal monitoring and mitigation data, and instigate planning to evaluate and address the shortcomings of the various measures.

***Endangered, threatened, and depleted species:*** The Gulf of Alaska supports a rich diversity of marine mammals, a number of which are listed as endangered or threatened under the Endangered Species Act or designated as depleted under the Marine Mammal Protection Act. They include pinnipeds (Steller sea lions, northern fur seals, and sea otters) and cetaceans (AT1 killer whales, eastern North Pacific right whales, Cook Inlet beluga whales, humpback whales, fin whales, sperm whales, and sei whales). All of these stocks will require special attention in planning and carrying out naval activities. Several of them are in especially critical condition: the AT1 killer whale stock found primarily in or near Prince William Sound; the eastern North Pacific right whale stock

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found in the Bering Sea, Gulf of Alaska, and North Pacific; and the beluga whale stock named for its distribution in Cook Inlet. The low abundance and elevated risk of extinction for each of these stocks suggest that they have virtually no tolerance for additional risk factors. To ensure that naval activities do not result in significant effects on endangered, threatened, and depleted marine mammal stocks, the Marine Mammal Commission recommends that the Navy explicitly describe the measures that will be taken to ensure the protection of those stocks and provide the evidence sufficient to confirm that those measures will be effective for that purpose.

We have tried to keep our recommendations within the demonstrated capabilities of the Navy and hope that our recommendations will enhance the Navy's ability to carry out its mission-essential activities in a manner consistent with its respected record of stewardship of the ocean environment.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director

Cc: RADM Larry Rice  
The Honorable Donald Schregardus