



# MARINE MAMMAL COMMISSION

12 September 2011

Mr. P. Michael Payne, Chief  
Permits, Conservation, and Education Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910-3225

Re: Permit Application No. 16109  
(Geo-Marine, Inc.)

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act. The applicant is requesting authorization to conduct systematic line transect surveys for marine mammals off the east coast of the United States during a five-year period.

## RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested permit, but condition it to require the applicant to minimize disturbance of the subject animals by exercising caution when approaching animals, particularly mother/calf pairs, and stopping an approach if there is evidence that the activity may be interfering with mother/calf behavior, feeding, or other vital functions.

## RATIONALE

Geo-Marine, Inc., proposes to conduct systematic, vessel-based line transect surveys for marine mammals in waters up to 30 m in depth from North Carolina to New Jersey. The applicant would conduct the surveys for approximately eight days in July, November, February, and April of each year. The purpose of the proposed research is to collect baseline data on the presence, abundance, distribution, migratory patterns, and behaviors of marine mammals in areas where alternative energy development may occur. This type of data would be useful for the National Marine Fisheries Service, U.S. Navy, industry, and scientific community, as year-round survey efforts currently do not occur in this region. For that reason, the data would be provided to all stakeholders. Therefore, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested permit.

Each year, Geo-Marine would harass numerous individuals of 36 cetacean species or stocks and 4 pinniped species of any age class or sex (see the take table in the application). Environmental and standard survey data (i.e., species, number, distance/heading, behavior, etc.) would be collected. If the applicant is unable to acquire good quality photographs or group size and species composition information, it would turn off the trackline and approach the animals at a close distance to obtain

Mr. P. Michael Payne  
12 September 2011  
Page 2

the data. The researchers would approach the animals on a parallel course at a speed less than 19 km/hour and at a distance of no less than 91 m for endangered whale species and 46 m for all other species. Approaches would be limited to once per day for any individual. Geo-Marine would terminate survey efforts immediately if the activities interfere with pair-bonding or nursing. The applicant also has indicated that it would not position its vessel between a mother and her calf. In addition, Geo-Marine would suspend its activities if any animal rapidly changes direction or swim speed, exhibits erratic swimming behavior or rapid diving, dives for prolonged periods of time, changes course abruptly underwater, tail slaps, or shields its calf. The Commission considers those measures to be prudent, but also believes that the permit should require adherence to such requirements explicitly. To that end, the Marine Mammal Commission recommends that the National Marine Fisheries Service condition the permit to require the applicant to minimize disturbance of the subject animals by exercising caution when approaching animals, particularly mother/calf pairs, and stopping an approach if there is evidence that the activity may be interfering with mother/calf behavior, feeding, or other vital functions.

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the Marine Mammal Protection Act. Please contact me if you have any questions concerning the Commission's recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director