



# MARINE MAMMAL COMMISSION

13 April 2015

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 in Glacier Bay National Park and Preserve in Alaska from July through September 2015. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 6 April 2015 notice (80 Fed. Reg. 18359) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions. The Commission commented on a similar proposed incidental harassment authorization in 2014.

GBNP plans to conduct up to three ground- and two vessel-based surveys at up to four study sites where marine mammals may be present. Those surveys would occur from 15 May through 30 September 2015. The purpose of the surveys is to determine the number and distribution of nesting gulls. 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) more than 25 harbor seals are present, (b) pups are present, (c) Steller sea lions are present, or (d) killer whales are present offshore;
- accessing each study site slowly to prevent a stampede and selecting a pathway of approach to minimize the number of seals harassed;
- moving slowly when at the study site and using quiet voices in the visual presence of pinnipeds;
- monitoring for offshore predators and avoiding approaching the study site if killer whales are present;

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- using qualified observers to monitor and record observations of pinnipeds within the vicinity of the proposed study sites;
- 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.

The Commission concurs with NMFS's preliminary finding and recommends that NMFS issue the incidental harassment authorization, subject to inclusion of the proposed mitigation, monitoring, and reporting measures. Please contact me if you have questions regarding the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.  
Executive Director