Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

July 5, 2017

Jolie Harrison, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Harrison,

Please accept these comments from the Mid-Atlantic Fishery Management Council (Council) regarding five requests for incidental harassment authorizations (IHAs) to take marine mammals while conducting geophysical survey activities in the Atlantic Ocean.

The Council has management jurisdiction over 13 marine fishery species in federal waters of the Mid-Atlantic region, and members from the coastal states of New York to North Carolina (including Pennsylvania). The Council develops fishery management plans to achieve its vision of "Healthy and productive marine ecosystems supporting thriving, sustainable marine fisheries that provide the greatest overall benefit to stakeholders."

Marine fisheries are profoundly important to the social and economic well-being of Mid-Atlantic communities and provide numerous benefits to the nation, including domestic food security. In 2015, the commercial seafood industry in the Mid-Atlantic region supported 100,954 jobs, $13.9 billion in sales, $3.2 billion in income, and $5.1 billion in value added impacts across the Mid-Atlantic.[1] Commercial fishermen landed 648 million pounds of finfish and shellfish, earning $512 million in landings revenue, while 2.0 million recreational anglers took 12.4 million fishing trips and spent nearly $3.5 billion on trip and equipment expenditures.[1]

The Council supports U.S. energy development that sustains the health of marine ecosystems while minimizing environmental risks to those resources. The Council has significant concerns about the propagation of sound from seismic surveys and other sound-producing geologic and geophysical activities associated with offshore oil development on marine mammals protected under the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA). The ocean is an acoustic environment, and at present, there is insufficient information about how the proposed geophysical survey activities, if permitted, may affect marine mammals both directly and indirectly.

---

[1] National Marine Fisheries Service. 2017. Fisheries Economics of the United States, 2015. U.S. Dept. Commerce, NOAA Tech. Memo. NMFS-F/SPO-170, 247p. Available at: http://www.st.nmfs.noaa.gov/Assets/economics/publications/FEUS/FEUS-2015/Report-Chapters/FEUS%202015-AllChapters_Final.pdf

These five permit requests propose geophysical survey activities that range in duration from 6 months to 1 year within the Bureau of Ocean Energy Management's Mid-Atlantic and South Atlantic Outer Continental Shelf (OCS) planning areas (i.e., from Delaware to Cape Canaveral, FL), and out to 350 nautical miles (648 km).

The conventional mitigation approaches described within the applications for IHAs focus strongly on the assumption that marine mammals will move away from the source of sound or activity to minimize the risk of direct injury. The Council is concerned that this does not fully address or consider the consequences of marine mammal displacement, which may result in increased stress, reduced foraging success, and effects on survival and reproduction (Forney et. al. 2017).[2] Animals, including marine mammals, favor areas because of their importance to fitness and survival, and the proposed surveys have the potential to cause displacement and changes to behavior for long periods of time over very large areas. Marine mammal species (especially those with high site fidelity) may be motivated to remain in an area despite the potential for negative impacts or direct injury because of their behavioral instincts, or they may leave an area at a cost to their survival and fitness that is both poorly understood and difficult to document because they may be displaced outside the range of direct observation from those conducting monitoring activities associated with the geophysical surveys.

The Council is concerned about the potential for negative impacts on marine mammals in the Mid-Atlantic and OCS and cautions against issuing these IHAs in the absence of more complete information on the direct and indirect impacts of these activities on marine mammals.

The Council recognizes the importance of energy exploration and development to U.S. economic security, but these activities have the potential to contravene the Council's efforts to conserve and manage living marine resources, which is only possible in the context of a resilient and healthy marine ecosystem. The Council's Policy on Offshore Oil (attached) should be considered with these comments, and can also be found at: http://www.mafmc.org/habitat.

Please feel free to contact me if you have any questions.

Sincerely,

Dr. Christopher M. Moore
Executive Director, Mid-Atlantic Fishery Management Council

cc: J. Coakley, W. Elliott, M. Luisi, C. Oliver

---

[2] Forney, K. A., B.L. Southall, E. Slooten, S. Dawson, A.J. Read, R.W. Baird, R. L. Brownell Jr. 2017. Nowhere to go: noise impact assessments for marine mammal populations with high site fidelity. Endangered Species Research doi: 10.3354/esr00820. Available at: http://www.cascadiaresearch.org/publications/nowhere-go-noise-impact-assessments-marine-mammal-populations-high-site-fidelity