

UNIVERSITY OF HAWAII AT MĀNOA

Hawaii Institute of Marine Biology

David Cottingham, Chief
 Marine Mammal and Sea Turtle Conservation Division
 Office of Protected Resources
 National Marine Fisheries Service
 NOAA
 1315 East-West Highway
 Silver Spring, Maryland 20910

Dear Dr. Cottingham,

I am responding to the Draft Programmatic Environmental Impact Statement that I received for review on 19 March 2007 on the issuance of the "*Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation and Release*, and future biomonitoring and research activities". I think that the permit is a fine idea and I also believe that the research under that permit should be done correctly. I believe that the section under **APPENDIX H – General Descriptions of Research Methodologies Under the ESA/MMPA Permit** requires modification in its section 1.1.15 **Auditory Brainstem Response/Auditory Evoked Potential**.

First of all, I believe that it is an error to not include the mysticete cetaceans in the research measuring hearing that can be measured using evoked potential procedures. There has been a previous Marine Mammal Permit issued to Dr. Sam Ridgway allowing Auditory Evoked Potentials to be measured on mysticete whales, and to exclude this sort of research now cuts off a very important and necessary source of information on this group of animals. There is no apparent justification for excluding this group of animals and they should be included in future efforts to measure the hearing of whales using auditory evoked potentials.

2. The first paragraph of 1.1.15 indicates that "sounds are presented through a jawphone attached to the lower jaw". That method of sound presentation is not the best method. While we are assured that bottlenosed dolphins hear well through their lower jaw, (Mohl et al 1999), many other species of odontocetes may not use this same pathway. One can be assured that sound is traveling through the best natural path, and that sound can be best measured in the free field, if it is presented in the water around the animal rather than through a jawphone. Sound presentation to all odontocetes in all Auditory Evoked Potential experiments for stranded animals should certainly not be limited to a "jawphone attached to the lower jaw". The lower jaw would also certainly not be the best place to present sounds to a mysticete.
3. The next sentence indicates that..."Recording, ground and reference suction cup electrodes are attached along the dorsal midline". That is also not necessary or required. Most animals held in water do not require a ground electrode. Only two electrodes are necessary. A suction cup electrode attached to the dorsal fin is certainly an excellent place to secure it with a suction cup. There is little myogenic electrical noise within the dorsal fin.
4. Many odontocetes that have been examined hear frequencies from 1 to 160 kHz. Some, like the harbour porpoise and the white beaked dolphin, hear as high as 180

kHz (Nachtigall et al, 2000). Some mysticetes, because of the frequency of their emitted signals, are thought to hear as low as 20 Hz. The written range of "Frequencies used for testing range from 5 to 120 kHz" written in section 1.1.15 severely, and unnecessarily, limits the hearing range tests of cetaceans.

I believe that the Stranding Response Program should be permitting the testing of hearing of stranded cetaceans and other marine mammals by qualified and trained professionals. These tests both allow the measurement of new species and the diagnostic evaluation of the hearing of beached and stranded animals. This knowledge serves to benefit both the individual animals and their species. I do not believe that qualified scientists should be limited by the Auditory Evoked Potential guidelines currently presented in Section 1.1.15.

Sincerely,



Paul E. Nachtigall

References

- Møhl, B., Au, W.W.L., Pawloski, J.L. and Nachtigall, P.E. (1999) Dolphin hearing: Relative sensitivity as a function of point of application of a contact sound source in the jaw and head region. *Journal of the Acoustical Society of America*. 105, 3421-3424
- Nachtigall, P.E., Lemonds, D.W., and Roitblat, H. L. (2000) Psychoacoustic Studies of Whale and Dolphin Hearing. In: Au, W.W.L, Popper, A.N. and Fay R.J. (eds) *Hearing By Whales*, Springer-Verlag, New York pp. 330-364.

April 25, 2007

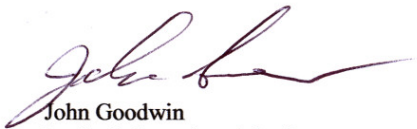
David Cottingham, Chief,
Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources,
National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, MD 20910

RE: Environmental Impact Statement (EIS) on the Marine Mammal Health and Stranding Response Program (MMHSRP)

Dear Chief Cottingham,

I am strongly against the release of rehabilitated seals to the wild! I believe that the risks from virus' or diseases that released seals may have, and that may be transferred to the wild stocks, greatly outweighs the potential benefit, if any, of releasing a few individual animals.

Sincerely,



John Goodwin
Ice Seal Committee Member
Subsistence Hunter

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Native Village of Kotzebue Kotzebue IRA

April 25, 2007

David Cottingham, Chief,
Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources, National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, MD 20910

- Knowledge of Language
- Knowledge of Family Tree
- Sharing
- Humility
- Respect for Others
- Love for Children
- Cooperation
- Hard Work
- Respect for Elders
- Respect for Nature
- Avoid Conflict
- Family Roles
- Humor
- Spirituality
- Domestic Skills
- Hunter Success
- Responsibility to Tribe

RE: Environmental Impact Statement (EIS) on the Marine Mammal Health and Stranding Response Program (MMHSRP)

Dear Chief Cottingham,

The Native Village of Kotzebue, a federally-recognized Tribe representing 3,000 persons living in northwest Alaska, would like to express serious concern on the specific issue of rehabilitation and release of pinnipeds into Alaska waters. The Inupiaq people continue to have strong cultural and utilitarian attachments to pinniped stocks in Alaska waters. The health of these stocks is of utmost importance and of late an increasing number of threats have come to the fore; climate change, persistent organic pollutants, large scale trawling operations, increased shipping, oil and gas exploration and development. In light of these, and other activities that currently pose risks to healthy populations of marine mammals, it would seem irresponsible to allow for the continuation of release of individual animals at the risk of entire populations. For coastal areas outside of Alaska, where the cultural context and the roles that marine mammals play in societal priorities and values may be able to accommodate the risks involved, such a policy may be tenable. However, even in those places, unless you are dealing with populations that are at low enough levels where the importance of each individual is magnified, the policy of release should also be called into question.

Specifically, for Alaska, we suggest that an alternative policy should be in place to recognize the different societal values at play and also the federal responsibility to Tribal peoples and their cultural prerogatives which are necessary to sustain their livelihoods. If the Office of Protected Resources wishes to continue the policy of releasing rehabilitated pinnipeds into Alaska waters we believe that they should have to justify their position in relation to the benefits accrued outweighing the risk potential. Considerations in such a cost benefit analysis should give significant weight to the trust responsibility the federal government has to indigenous peoples and their cultural economies and any policies the federal government may implement that endangers those economies.

We suggest creating a new alternative under the **Release of Rehabilitated Animals** section that would *prohibit release of rehabilitated pinnipeds into Alaska waters.*

Thank you for your consideration and we look forward to your response in the Final EIS.

Sincerely,



Linda Joule
Executive Director
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Phone: (907) 442-3467 • Fax: (907) 442-2162

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April 26, 2007

David Cottingham
 Chief, Marine Mammal and Sea Turtle Conservation Division
 Office of Protected Resources
 NMFS 1315 East-West Highway, Room 13635
 Silver Spring, MD 20910-3226

Dear Mr. Cottingham,

This letter, submitted on behalf of the National Aquarium in Baltimore (NAIB), addresses proposed alternatives as outlined in the Programmatic Environmental Impact Statement (PEIS) on the Marine Mammal Health and Stranding Response Program (MMHSRP). The NAIB supports the decision of the National Marine Fisheries Service (NMFS) to standardize the MMHSRP through the issuance and implementation of the Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation, and Release guidelines. We believe that NMFS has not only a need, but also an obligation to develop and implement national standards for marine mammal stranding response, rehabilitation, release, and disentanglement activities. The MMHSRP provides a vital service by facilitating the response to stranded marine mammals, as well as the collection of samples and data essential for effective management and conservation of these species and their habitats.


Staff from the Marine Animal Rescue Program (MARP) of the National Aquarium in Baltimore had the privilege of attending the PEIS public hearing in Silver Spring, MD, on April 6, 2007, where the preferred alternatives were presented. Following are specific comments relating to each preferred alternative.

1. Stranding Agreements and Response Preferred Alternative (A4): *Under this alternative, NMFS would implement the final Stranding Agreement evaluation criteria. Stranding Agreements would be issued on a case-by-case basis to those entities meeting the criteria (including renewals and new applicants), utilizing the new template. New Stranding Agreements would include current and future stranding response activities.*

The NAIB supports the alternative for implementing a National Template for Marine Mammal Stranding Agreements. Our Marine Animal Rescue Program has always strived to maintain high standards and excellent written protocols, and we fully support measures that will further advance our own operations and Stranding Network goals. However, providing the scope and volume of information required in the General Evaluation Criteria for Stranding Agreement renewal will take many weeks of dedicated effort — a task that many organizations that rely on volunteer services, including ours, may

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 be unable to achieve in the foreseeable future. We urge NMFS to develop a simpler process, particularly for Stranding Agreement renewals. One possibility would be to reduce the written component and rely more on NMFS inspection teams to conduct onsite evaluations. It would be highly regrettable to implement a process so burdensome that it would impede the ability of network members in good standing to continue to participate in this important program.

2. Carcass Disposal Preferred Alternative (B3): *Under this alternative, NMFS would advocate the removal of chemically euthanized animal carcasses off-site for disposal by incineration, landfill, or other methods, such as composting. Animals that die naturally or are euthanized by other means may be disposed of by whatever means feasible and allowed.*

The NAIB understands the potential negative impacts that chemically-euthanized carcasses may have on the natural environment and other animals, and supports the alternative to transport these carcasses off-site for disposal when possible. The NAIB also understands that every situation involving chemically-euthanized carcasses is unique (site location, size of animal, proximity to other federally protected lands/species, etc.), and that relocation of these carcasses is not always feasible. Incidents involving large whales and mass strandings are particularly problematic: the volume of euthanized animals can be great and the costs of removal even greater. The costs related to carcass removal in such events should be shared by local landowners or local/state agencies. This would require advanced development of cost-sharing agreements with these parties, particularly in areas where strandings are common.


“Other methods” of disposal, as listed above, should be further defined and a list of specific, approved disposal methods should be listed in detail. There is the potential for individuals or facilities to loosely interpret “other methods” as a means of disposal; for example, “composting” could be interpreted as burial at the stranding site, which contradicts the intent of the recommendation. The NAIB also recognizes the need to identify alternative disposal methods for non-euthanized carcasses.

Guidelines are also needed for euthanasia, particularly of large whales. Research should be funded to identify or develop methods of euthanasia that are humane, efficient, and pose minimum risks to human safety and environmental health.

3. Rehabilitation Activities Preferred Alternative (C3): *Under this alternative, NMFS would continue the current rehabilitation activities of the stranding network, with the ability to designate new rehabilitation facilities and modify rehabilitation activities, if necessary. The final Rehabilitation Facility Standards would be implemented.*

The NAIB supports the Rehabilitation Facility Standards and agrees that guidelines for live animal response, rehabilitation, and release should be directed by NMFS with input from regional stranding coordinators and local Stranding Agreement holders.

Public display of animals in rehabilitation should be investigated and defined. The Marine Animal Rescue Program recognizes the value of public outreach on marine mammal health and stranding response. Our outreach efforts are more effective when the public can make a personal connection to an animal, especially one that strands due to a human-related injury (marine debris ingestion, boat strike injury, gunshot, etc.). We believe a middle ground can

 be achieved, through technology and facility design, that will allow public viewing with no adverse effects on the animals. These opportunities increase public awareness and support for the stranding network and the MMHSRP.

Finally, financial assistance must be made available for rehabilitation facilities, and we strongly support the continuation of the John H. Prescott Marine Mammal Rescue Assistance Program. Priority funding should be awarded to organizations that seek to achieve or exceed minimum standards.

4. Release of Rehabilitated Animals Preferred Alternative (D3): *Under this alternative, NMFS would continue the current release activities of the stranding network, with the ability to modify release activities, when necessary. The final release criteria would be implemented.*

The NAIB supports the implementation of the Release Criteria. However, there are several topics that are not addressed in the current release guidelines. The criteria for immediate release, relocation and release, and post-rehabilitation release should be clarified, as each scenario requires a different type of health assessment. Also, post-release monitoring of animals should be encouraged or strongly recommended when appropriate, and funds to support these activities should be made available.


5. Disentanglement Activities Preferred Alternative (E3): *Under this alternative, NMFS would continue the current activities of the disentanglement network, with the ability to add new participants and modify disentanglement activities and technologies, when necessary. Current and future Stranding Agreements would continue to allow disentanglement of pinnipeds and small cetaceans. The new ESA/MMPA permit would be issued and would authorize the current and future disentanglement activities of ESA-listed species. The East Coast network would continue their current activities. Modifications would be made to the West Coast network to coordinate the structure and training with the East Coast network. The Disentanglement Guidelines and training prerequisites for network participants would be implemented nationwide.*

The NAIB supports the implementation of an effective and coordinated national disentanglement network. Good training is essential to improve human and animal safety. Stranding network participants should receive basic disentanglement training for response to local pinniped and small cetacean entanglements.

6. Biomonitoring and Research Activities Preferred Alternative (F3): *Under this alternative, NMFS Office of Protected Resources, Permits, Conservation and Education Division would issue the MMHSRP a new ESA/MMPA permit that would include the current and future biomonitoring and research activities.*

The NAIB supports the issuance of a new permit for current and new research projects. Stranded marine animals provide an excellent opportunity to monitor not only individual and species health, but ocean health in general.

In closing, we would like to thank the National Marine Fisheries Service for giving members of the stranding network and the public the opportunity to respond and comment on the preferred alternatives. We commend and applaud the efforts put forth by MMHSRP staff to draft the Programmatic Environmental Impact Statement and would like to thank you for the opportunity to participate in the EIS process. We have enjoyed being a member of the

 Northeast Region Stranding Network for nearly 16 years, and look forward to continuing our cooperative relationship with the network and NMFS.

Sincerely,



Brent R. Whitaker M.S., D.V.M.
Deputy Executive Director for Biological Programs
National Aquarium in Baltimore



Jennifer Dittmar
Stranding Coordinator
Marine Animal Rescue Program
National Aquarium in Baltimore

04/30/2007 12:59PM

North Slope Borough

OFFICE OF THE MAYOR

P.O. Box 69
Barrow, Alaska 99723
Phone: 907 852-2611 or 0200
Fax: 907 852-0337 or 2595
email: edward.itta@north-slope.org



Edward S. Itta, Mayor

April 26, 2007

David Cottingham
Chief
Marine Mammal & Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service, NOAA
1315 East-West Highway
Silver Spring, MD 20910

RE: Draft Programmatic Environmental Impact Statement for the Marine Mammal and Stranding Response Program

Dear Mr. Cottingham:

The North Slope Borough appreciates this opportunity to comment on the Draft Programmatic Environmental Impact Statement for the Marine Mammal and Stranding Response Program, specifically with respect to the sections pertaining to the release of rehabilitated animals. The borough's Department of Wildlife Management more detailed comments are provided in an attachment to this letter.

The North Slope Borough is in agreement with the Ice Seal Committee, the Alaska Nanuq Commission and the Eskimo Walrus Commission in their opposition to activities that may be harmful to our residents or the subsistence wildlife on which we depend. The reintroduction of rehabilitated marine mammals into the waters surrounding the borough conveys risks to our subsistence species through the possible introduction of transmissible wildlife diseases. Additionally, our residents could potentially be at risk if these diseases were zoonotic.

We are highly dependent on our wildlife, both nutritionally and culturally. The positive effects of reintroducing one animal into our surrounding marine mammal populations are small to non-existent, while the risks are potentially very large.

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It is our desire that NOAA will address our concerns in its revised MMHSRP SEIS document. We would like NOAA to recognize these risks and make an exception to its reintroduction rule by prohibiting the reintroduction of rehabilitated marine mammals into subsistence populations of marine mammals.

Again, thank you for the opportunity to comment and we appreciate your consideration of our request. For further information, please feel free to contact our Department of Wildlife Department.

Sincerely,

Edward S. Itta
Mayor

cc: Taquik Hepa, Director NSB Department of Wildlife Management
Johnny Aiken, Director NSB Planning Department
Ice Seal Commission
Alaska Nanuq Commission
Eskimo Walrus Commission

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NORTH SLOPE BOROUGH
Department of Wildlife Management
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Taqulik R. Hepa, Director

April 27, 2007

David Cottingham
Chief
Marine Mammal & Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service, NOAA
1315 East-West Highway
Silver Spring, MD 20910

RE: Draft Programmatic Environmental Impact Statement for the Marine Mammal and Stranding Response Program

Dear Mr. Cottingham:

The North Slope Borough Department of Wildlife Management (NSB-DWM) wishes to comment on NOAA's Draft Programmatic Environmental Impact Statement for the Marine Mammal Health and Stranding Response Program, specifically with respect to the sections pertaining to the release of rehabilitated animals.

The North Slope Borough Department of Wildlife Management facilitates sustainable harvests and monitors populations of fish and wildlife species through research, leadership, and advocacy from local to international levels. We specifically focus on subsistence species, including marine and terrestrial mammals, birds and fish.

Subsistence species are critical to the residents of the NSB, both culturally and nutritionally. We do not feel that the full range of potential adverse effects related to release of rehabilitated animals into subsistence species populations has been adequately addressed in the EIS.

As noted in the EIS, there are potential adverse effects associated with the release of rehabilitated animals back into the wild. The specific danger noted is:

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"Released animal could carry a zoonotic disease and infect wild population" (ES-10).

This point needs to address subsistence concerns (as does the EIS in general). It also should be expanded to include both zoonotic and non-zoonotic diseases, as both could affect population status and the subsistence users that consume reintroduced subsistence species or animals that come in contact with them. This concern is specific to Alaska.

With respect to population effects: there are no known endangered pinniped populations along the coasts of the North Slope Borough. The situation is similar for small cetaceans. It is reasonable to say that the reintroduction of one or even several rehabilitated animals into this region is unlikely to have a positive effect on the population status of a given species. The point that we would like clarified in this document is that there are several potential *negative* effects that may occur.

Animals under rehabilitation are potentially exposed to pathogens (both common and novel) introduced into the facility by other sick animals from different geographic areas/species groups. Regardless of the amount of care taken to avoid this by the rehabilitation facility, the possibility exists. In addition, animals admitted to these facilities are generally ill and are subsequently subjected to the additional stress of capture, transport and captivity. These additional stressors are likely to be immunosuppressive and therefore make the animal more susceptible to pathogens that it has previously been exposed to or carries, as well as pathogens it is "naïve" to. Stress-induced, sub-clinical activation of pathogens may also occur. Latent pathogens may pose an important infectious disease risk to marine mammals involved in rehabilitation. The risk likely increases as the rehabilitation duration increases. Risks associated with most bacterial, fungal, viral, and parasitic pathogens can potentially be *reduced* by a suitable quarantine period before release and by appropriate medical care. However, latent viruses are unaffected by such actions. Immune stress resulting from captivity/transport/handling may allow increased reactivation of viruses and may increase the incidence and duration of viral shedding. Such a result may increase the concentration of viruses in the rehabilitation facility environment, increasing the odds of transmission.

Increased susceptibility to disease may have several consequences for the residents of the NSB. The subsistence culture is dependent upon these species for survival. Any pathogen that directly threatens or affects the population health of a given subsistence species, in turn, affects the subsistence user. Population decline leading to decreased hunting success may be the most direct effect. Diseased or undesirable subsistence hunted animals unfit for consumption are other potential outcomes. Additionally, the species affected may not be the one reintroduced into the environment. A rehabilitated animal exposed to a pathogen (i.e., a viral disease), latent or non-latent, may function normally or adequately enough to allow for release. This pathogen may not affect this species directly, but may be transmitted to and have devastating effects on other species that share habitat with this animal.

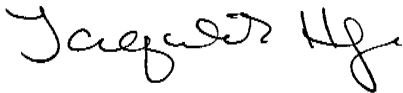
Of utmost concern are the potential effects of the introduction of a zoonotic disease into populations of any subsistence species, directly or indirectly. The real or perceived infection of subsistence species with a disease transmissible to humans would be disastrous to the communities of the NSB. We have already dealt with this on a smaller scale with respect to avian influenza (AI): after the large amount of media attention given to AI last spring, many residents of the NSB were reluctant to hunt waterfowl, even though the highly pathogenic strain of the disease had not been found in Alaska. The consequences of a confirmed zoonotic disease in a marine mammal population are likely to be much more serious, from economic, cultural and nutritional perspectives.

The average income of NSB residents is \$20,540 and 12 % of NSB residents live at a living standard below poverty level. The vast majority of residents depend upon subsistence resources for a large proportion of their food. This is of economic significance, as store-bought food alternatives are very expensive in the NSB. It is also important nutritionally, as the Inupiat diet has been subsistence-based for thousands of years and this is what this culture is adapted to consuming. It has been shown in several different studies that store-bought, Western foods are detrimental to the health of the Inupiat, therefore, any threat that renders subsistence foods undesirable to eat or less/unavailable is a direct threat to this culture.

Thus, in keeping with resolutions passed by the Ice Seal Committee, Alaska Nanuuq Commission and the Eskimo Walrus Commission, we oppose the reintroduction of rehabilitated animals into waters that are habitat for subsistence species. We urge NOAA to add these subsistence concerns into this EIS and to recognize these risks by prohibiting the reintroduction of rehabilitated marine mammals into subsistence populations of marine mammals.

We thank you for this opportunity to comment on these issues that are so important to the residents of the North Slope Borough. We are happy to provide any additional clarification that may be needed.

Sincerely,



Taqulik Hepa

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Subject: Review of the Draft Programmatic Environmental Impact Statement for the Marine Mammal Health and Stranding Response Program**Date:** Mon, 30 Apr 2007 12:44:41 -0500**From:** Sabrina Bowen <Sabrina.Bowen@noaa.gov>**To:** mmhsrpeis.comments@noaa.gov

Dear Dr. David Cottingham,

I would like to thank you for providing me a copy of the Draft Programmatic Environmental Impact Statement (DPEIS) for review. I support the recommended proposed actions in the DPEIS for the Marine Mammal Health and Stranding Response Program (MMHSRP) as I believe they will strengthen the Marine Mammal Stranding Network and fulfill the goals of the MMHSRP. Listed below are my suggestions and concerns that I had during my review of the DPEIS:

General Concerns:

Carcass Disposal – I agree that chemically euthanized carcasses need to be removed off-site to be disposed of properly. I do have a few concerns about carcasses that have not been chemically euthanized. It is written that Stranding Agreement (SA) holders need to contact federal, state, and local government offices regarding carcass disposal. Sometimes local governments are either non-responsive to contacts made by SA holders (and NMFS) or they are unavailable during nights and weekends. What efforts have been made to make sure that government contacts have knowledge of environmental concerns with marine mammal disposal and are aware that they need to be involved? What if a marine mammal strands on private property and the local governments refuse to interfere?

Stranding Agreements – I like the proposed SA criteria; however, I am concerned how this might affect the SA responders in areas where stranding response and coverage is limited. Many network responders in the Northern Gulf of Mexico, which is considered to be an area of needed improvement, have the desire to improve; however, they are held back by a lack of finances, updated information, and assistance. The Prescott Grant Program is very valuable; however, the grant process can be overwhelming to those who do not have writing experience. I believe that if appropriate mitigation measures such as an increase in training and workshop opportunities were available to the SA holders, the proposed actions could easily be accomplished. Training should be conducted frequently on a local level and travel grants should be provided to increase participation from all network responders. These trainings not only provide valuable up to date information on data collection, efficient responses, responder safety measures, and research; but motivate the network to continue and improve.

Section 3.2.2.6 NMFS Southeast Region, line 24 – Sperm whales are mistakenly listed under Mysticetes.

Section 3.2.2.6 NMFS Southeast Region, UMEs, lines 15-16 – I would suggest replacing the comma between 2005 and 2006 with a hyphen. This was one single UME that started in 2005 and continued into 2006.

Section 4.5.2.1, lines 15-16 (repeated in section 4.5.2.2 lines 6-8 and 4.5.3.2 lines 15-17) – It is stated that the public or stranding network responding to carcasses with biotoxin contaminants may “produce short-term affects, such as respiratory problems, lightheadedness, nausea, eye irritation, or skin irritation.” The symptoms listed are due to the exposure of aerosol brevetoxin, swimming in water with brevetoxins, or consuming shellfish exposed to brevetoxin. I have not suffered any of those red tide symptoms from necropsies or disposal of marine mammals which have had high levels of brevetoxin. However, I would say that these symptoms can affect the public or responders to a stranding if it occurs during a *K. brevis* bloom, not by interacting with a carcass contaminated with brevetoxin.

Sincerely,

Sabrina Bowen

Sabrina Bowen <sabrina.bowen@noaa.gov>
Marine Mammal Stranding Area Representative
NMFS Panama City Laboratory



Provincetown Center for Coastal Studies

30 years of discovery and commitment

David Cottingham, Chief, Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, MD 20910

April 30, 2007

Dear Mr. Cottingham:

**Re: Draft Programmatic Environmental Impact Statement on the
Marine Mammal Health and Stranding Program**

The Provincetown Center for Coastal Studies (PCCS) supports all the preferred alternatives proposed for Marine Mammal Health and Stranding Response Program (MMHSRP) in the Draft Programmatic Environmental Impact Statement (DPEIS). The MMHSRP is a vital program that enhances conservation of marine mammals. We are encouraged by the steps taken toward consolidating and strengthening national standards and guidelines in these fields. PCCS would particularly like to express strong support of alternative E3 relating to disentanglement activities conducted under the MMHSRP and also offer comments specifically addressing aspects of the DPEIS related to disentanglement of large cetaceans which PCCS has considerable experience with over the past 23 years.

Evaluation of the need for disentanglement response alternative E3

In the 1994 reauthorization of the Marine Mammal Protection Act (MMPA) of 1972, Congress and the President charged the National Marine Fisheries Service with the task of reducing the serious injury and mortality of all marine mammals to “insignificant numbers approaching zero” by April 30, 2001. We are now almost six years beyond the Zero Mortality Rate Goal deadline of the MMPA and the large whale entanglement rate has shown no signs of abatement. Endangered whales continue to die in unsustainable numbers from entanglement in commercial fishing gear regulated by U.S. and Canadian law.

Most large whale entanglements are an unintended consequence of commercial fishing operations that are regulated by state and federal governments. Whales become entangled in every part of fixed fishing gear systems, such as is found in trap/pot fisheries and gillnets fisheries. Entanglements in both derelict and mobile gear are also reported. So while it is correct to call entanglements “incidental” it is incorrect to refer to them as

“accidental.” Entanglements will kill and injure large whales as long as we continue to fish with current techniques – it is no accident.

Entangled whales, even when they survive the initial risk of drowning, often succumb to complications from their injuries or to starvation over time. These whales may travel thousands of miles dragging gear with them and death can occur months or even years after becoming entangled. Emaciated whales sink quickly upon death. As a result, most large whale entanglement deaths go unreported and no reliable mortality statistics exist. The most credible estimates of large whale entanglement rates come from photographic analysis of the scars on whales that survive. Approximately 3 out of every 4 North Atlantic right whales and at least 1 out of every 2 humpback whales in the Gulf of Maine population bear scars from becoming entangled in fishing gear. At least 10% of both these populations will acquire new entanglement scars each year. Although the entanglement problem may be best documented along the Atlantic coast of North America, it is a world wide problem with numerous documented cases in U. S. Pacific waters of Hawaii, Alaska, and the continental states.

Under the auspices of the MMHSRP, the Provincetown Center for Coastal Studies coordinates the emergency responses conducted by the Atlantic Large Whale Disentanglement Network (Network) that benefit the welfare of individual whales in distress from entanglement and collects scientific information about the causes and effects of entanglement. For populations or species with extremely low numbers of individuals, such as the North Atlantic right whale, saving any females may help tip the balance toward survival rather than extinction. The Network disentangles ~72% of the entangled whales that well-trained and equipped disentanglement teams can actually get to on the water, giving those whales a better chance to heal, recover, and hopefully reproduce. Disentanglement activities conducted under the MMHSRP improve the scientific understanding of entanglement by providing opportunities to collect critical data from affected animals.

Despite any benefits for individuals, disentanglement efforts should not be regarded as a long term conservation strategy to save endangered whale populations. It is important to understand that disentanglement cannot reverse injuries whales sustain during entanglement. These injuries are “takes” under the MMPA and may have health and reproductive consequences for the whales. Furthermore, more than two decades of experience suggests that only a small fraction of whales that become entangled will be reported. This is because reports of entangled whales depend largely on seasonal research survey efforts and opportunistic sightings. Even when an entangled whale is seen and reported, it is sometimes impossible for disentanglement teams to respond because of the distance, weather, time of day, or other factors. The greatest benefits for whale populations will ultimately rely on applying information gathered during disentanglement activities to designing and implementing effective regulations that prevent entanglements.

Until adequate take reduction measures are in place to achieve the Zero Mortality Rate Goal of the MMPA, disentanglement activities will remain an essential

method to respond to animals in distress and to collect detailed documentation of all aspects of whale entanglements and the health of animals involved. Disentanglement activities will continue to be needed to document that any take reduction measures enacted are actually having the desired effect. Setting national standards and guidelines for disentangling large whales and for collecting quality data is a critical step in ensuring that disentanglements are carried out as safely as possible and the necessary data are consistently gathered.

In that regard alternative E3 is a step in the right direction. This alternative allows for adding new disentanglement responders, and could benefit human safety by setting national standards for training in proven techniques and encouraging development of new disentanglement techniques as needed. Better and more uniform training across the nation will help all responders understand the need and reasons for documenting entanglements. Furthermore, implementing a network structure for disentanglement activities in all U. S. waters similar to that now utilized in Atlantic waters off the East coast will help ensure operational efficiency, maximizing the benefits of these opportunistic events and making the best use of limited resources for response.

Specific Comments

We cannot emphasize enough that disentangling large whales is very dangerous. The fact that PCCS has not had an injury during 23 years of disentanglement activity is testimony to the development of safety protocols and extensive training of Network members. The definitions, responsibilities, and training criteria used by PCCS have been the foundation on which the Network protocols and safety record have been built. A copy of current definitions of key disentanglement roles and training levels used by PCCS is attached for consideration.

PCCS has some concerns about the “Draft NMFS criteria for disentanglement roles and training levels” contained in the Interim Policies and Best Practices for Marine Mammal Response, Rehabilitation and Release section at the end of Appendix C. We realize that setting and implementing national standards takes time and this draft is to be used as a set of “Interim Disentanglement Guidelines”. We believe there is room for improvement in the criteria and training levels set forth in this document.

The definitions, responsibilities, and criteria should be realistic if they are to be realized. The definition of Primary Disentangler states that they “must have the experience, training, support and proper equipment at the time of the event to conduct a full disentanglement with a high likelihood of success.” The “likelihood of success” for any given disentanglement event depends on a combination of many variables, such as the nature of the entanglement, whale behavior, and weather conditions, that are beyond the control of a Primary Disentangler. The fact that “Primary Disentangler must have the experience, training, support and proper equipment at the time of the event to conduct a full disentanglement” is sufficient. We recommend that the words “with a high likelihood of success” be deleted.

There is no substitute for the give and take interactions that live training opportunities provide. PCCS encourages that two certified national training centers, one on the Atlantic coast and one on the Pacific coast, be established to accomplish the goal of implementing the national standards and guidelines. Having clearly designated certified training centers will greatly facilitate implementation of standardized training so that the full benefits to human safety of Alternative E3 can be realized. Training would not occur exclusively at these training centers; rather those conducting disentanglement training would come from the certified training centers. This model has proven to be very effective on the Atlantic coast where PCCS has hosted trainees in an apprenticeship program and also sent staff to train Network members at various locations.

The training video referred to in Level 1 and 2 criteria was created by PCCS specifically for distribution to U. S. Coast Guard stations to present Level 1 information to Coast Guard personnel. While much of the information is still relevant and accurate, the video is somewhat dated. Viewing this video is not a substitute for on-water experience or training and should be deleted as an “or” criteria listed for Level 2 certification.

Definition of criteria for certification should be improved. Requiring completion of Level 1, Level 2, and Level 3 classroom or on-water training without some indication of the objectives of the training is vague. It should also be recognized that some people have extensive skills and experience that is applicable. We suggest the following objectives be incorporated to help clarify the criteria:

Level 1

- Level 1 classroom training covers definition of entanglement with examples, information on species usually involved, need for standby, documentation, overview of basic assessment and disentanglement objectives and techniques.

Level 2

- Documented whale experience or at-sea training, including species and individual ID, visual tracking (standing-by), disentanglement operation protocols, basic understanding of equipment (including telemetry), and disentanglement strategy.

Level 3

- Demonstrated understanding of Network protocols and authorizations.
- Demonstrated understanding of, and ability to use specialized tools including telemetry equipment.
- Demonstrated understanding of disentanglement strategies, planning, and techniques.

There are inconsistencies between the responsibilities and certification criteria for some of the Levels. For example, Level 2 personnel are tasked to “provide a thorough assessment of the nature of the entanglement and the species, condition and behavior of the whale”, but specific knowledge of species ID and behavior is not required until Level 3 certification. The Level 2 criteria suggested above should help rectify this discrepancy. Level 3 personnel are critical to the success of Network response. In some areas they are the only Primary First Responders available. The stated objectives of training above will

help ensure that Level 3 personnel will be able to safely fulfill the responsibilities listed, especially disentanglement operations.

Level 3 responders may be authorized to disentangle whales under supervision. We suggest striking the words "a minor entanglement with potential to adversely affect" in the last bullet point under responsibilities for Level 3 responders. The bullet point would then read:

- May be asked (depending on experience) to disentangle any whale other than right whales under the supervision/authorization of Level 4 or 5 network members. Authorization and supervision may be given over the phone or radio depending on the circumstances and level of experience.

In our experience the severity and complexity of the entanglement does not correlate with the difficulty and dangers involved in disentanglement. A "minor entanglement with potential to adversely affect" a whale may be far more difficult and dangerous to disentangle, from a human safety aspect, than a severe entanglement deemed to be life-threatening to the whale. The suggested change will allow greater flexibility to take into account the specifics of the situation and personnel involved. PCCS has used the criteria "to prevent the imminent death of the whale or when it is determined that waiting for a Primary Disentanglement Team is unnecessary and/or tagging is a poor option" with Level 3 responders. We rely heavily on the assessment of the specific situation by the team on scene, take their experience into consideration and define the "circumstances" as being "relatively low risk to personnel with a high likelihood of success".

Finally, while listing the Primary First Responders (Level 3-5) in Appendix F is useful, listing Level 2 Network members may not be necessary. Level 2 is a large category and the associated responsibilities under the permit are far more limited. The list of active Level 2 Network members changes continually as new people are trained and trained people move, change jobs or move on to other endeavors. It also appears that the list of Level 2 personnel in Appendix F may be more complete for some regions than for others. Less than 5% of the Level 2 personnel in the NMFS Northeast and Southeast regions are listed. We can provide a more complete list if needed.

Thank you for the opportunity to comment on the DPEIS for the MMHSP. We believe that incorporating the recommendations made here will benefit operational efficiency, data quality, and human safety.

Sincerely,



Gregory Krutzikowsky
Director, Large Whale Disentanglement Program
Provincetown Center for Coastal Studies
5 Holway Ave.
Provincetown, MA 02657

DEFINITIONS OF KEY DISENTANGLEMENT ROLES AND TRAINING LEVELS

Provincetown Center for Coastal Studies

What follows is a set of definitions and guidelines for Network members that are applicable to the entire U.S. Atlantic Large Whale Disentanglement Network. Specific training curricula are not presented here.

Levels of Participation in the Disentanglement Network - Definitions

First Responder is a general term that is used to describe anyone in the Network with any level of training who may respond to an entanglement report under Network protocols and authorization. At a minimum a First Responder will voluntarily attempt to **standby** with an entangled whale and, depending on training, experience, authorization, and equipment available, may also **assess** and perhaps **tag** the whale. In certain cases individuals with higher Network responsibilities (Levels Three, Four, and Five) will serve as **Primary First Responders** in local areas. Primary First Responders are the principal local contacts for the Network. They typically organize efforts locally, have access to vessels and specialized equipment, and are on call full-time (may be seasonal). Primary First Responders may attempt disentanglements during first response only under certain conditions and authorization (described below).

Any **First Responder's** anticipated range of tasks is generally dependent upon Network classification. Member classifications are determined on an individual basis using a variety and combination of factors including, but not limited to:

- Preexisting experience and skills
- Training
- Opportunity and available resources
- Location
- Commitment and ability to respond as appropriate.

Primary Disentanglers are individuals who can perform all of the responsibilities of a first responder, but who also meet the criteria used by NMFS for selecting individuals who may undertake the very dangerous activity of disentangling (i.e. attaching to an entanglement, stopping, and cutting a whale free). Primary Disentanglers must have the experience, training, support and proper equipment to conduct a full disentanglement with a high likelihood of success. **Primary Disentanglers are those rated at Level Four and Five in the network.**

Authorization note

Only PCCS holds blanket standing authority to conduct disentanglement activities along the U.S. Atlantic coastline under federal authorization; no blanket authority is granted to individual Network members. Therefore all activities that may require federal authorization must be done under the supervision and permission of the Provincetown Center for Coastal Studies.

Personal risk

All responders are responsible for making their own judgment in regard to personal risk and must always work within their level of confidence regardless of its bearing on a mission's outcome.

Network Training and Response Levels

All training and authorization is limited to those with prerequisite professional marine experience - (i.e. fishermen, whale watchers, Marine Patrol Officers, marine scientists)

LEVEL 1

Responsibilities

Report, standby, assess (within experience)

- Rapidly alert Network with first-hand and/or second-hand knowledge of local entanglements
- If possible, initiate contact with vessel reporting an entanglement and the Coast Guard with offer to stand by entangled whale, as needed

Level 1 training criteria

- Preexisting skills and experience (this could come from professional fishing, field biology, marine law enforcement, whale watching, etc.)
- Completed Level 1 classroom training and provided contact information

LEVEL 2

Level 2 responsibilities

- All Level 1 responsibilities
- A higher expectation of commitment and participation
- Dedicated response for confirmation and stand-by, if requested
- Coordinate or assist the local management of first response (crowd control, contact info, etc.)
- Provide local knowledge, transportation, and assistance to Primary First Responders, as needed, on a voluntary basis
- On call, as available, to assist in planned disentanglement operations on telemetry tagged whales

Level 2 training requirements

- Level 1 qualification
- Documented whale experience or at-sea training, including species and individual ID, visual tracking (standing by), disentanglement operation protocols, basic understanding of equipment (including telemetry), and disentanglement strategy.

LEVEL 3

Level 3 responsibilities

- All Level 1 and Level 2 responsibilities
- Responsible for local readiness
- On call - must be reachable and prepared to respond if conditions allow
- Initiate and maintain preparedness with local fishing industry, Coast Guard, and other resources.
- Prepare local disentanglement preparedness plan (first response).
- Provide entanglement assessment, documentation, recommendations during first response
- Attach telemetry equipment to whale if needed and authorized
- Disentangle any whale, except right whales, under supervision (phone or radio) of PCCS and only to prevent the imminent death of the whale or when it is determined that waiting for a Primary Disentanglement Team is unnecessary and tagging is a poor option (low risk, high likelihood of success)

- Directly assist primary disentangles aboard inflatable during disentanglement operations if requested

Level 3 requirements

- Level 2 qualification
- Demonstrated understanding of Network protocols and authorizations
- Demonstrated understanding of, and ability to use, specialized tools, including telemetry equipment
- Demonstrated understanding of disentanglement strategy, planning, and technique
- Direct experience in disentanglement under Network protocols (assisting, documenting, etc.)
- Rapid access to tools and vessels, as available
- Strategic location
- Willing and committed to providing full-time on-call service (coverage may be shared among other local Level 3 members)
- Determination of qualification by PCCS and NMFS based on, but not limited to, assessment of all of the above criteria
- Insurance required, preferably through member's organization

LEVEL 4

Level 4 responsibilities

- Report, stand by, assess, document, attach a telemetry buoy, consult on an action plan
- Direct on-site disentanglement operations of any whale, except right whales.
- Commitment to Consultation to include:
 - Immediate Consultation: when possible, use satellite/cell phones to bring in additional expert ideas/experience while on scene with an entangled whale
- On a case by case basis after consultation certain cuts on entangled right whales may be permitted at level 4 *if the proposed action is first approved by a Level 5 member and NMFS authority (Rowles)*.

Level 4 requirements

All Level 3 qualifications plus advanced experience and proven competence

- Determination of qualification by PCCS and NMFS based on assessment of, but not limited to, all of the above criteria
- Positive evaluation from NMFS using information provided by PCCS/Network Coordinators and documentation (e.g. video)

LEVEL 5

Targeted Individuals: Level 4 Responders

Level 5 responsibilities

- All Level 4 responsibilities in response to all species including North Atlantic right whales
- Commitment to Consultation to include:
 - Immediate Consultation: when possible, use satellite/cell phones to bring in additional expert ideas/experience while on scene with an entangled right whale
- Action Plan consultation participant for active entangled whale cases along with NMFS managers and other disentanglement, and whale experts.

Level 5 Requirements

- Extensive large whale disentanglement experience under Network strategies and protocols
- Extensive experience operating vessels around right whales
- Documented participation in a right whale disentanglement

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David Cottingham, Chief, Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, MD 20910

May 9, 2007

Re: Draft Programmatic Environmental Impact Statement on the Marine Mammal Health and Stranding Program

Dear Mr. Cottingham:

Many of our comments have come up in the process; however, we have several additional minor comments/ recommendations to submit.

First, under Appendix F, we see no need to list level 2 or lower level responders under the Marine Mammal Disentanglement Network table. While it is important to have a list of the different responders and their levels, for the sake of standardization (mirror the listing for the Northeast Region), only level 3 and higher should be listed in this particular table within Appendix F.

It has been noted by several people involved in the Marine Mammal Disentanglement Network that the level designation should be reversed to coincide with designations standard in the Incident Command System structure (lower numbers actually represent the higher risk, greater experience roles). This is a minor point that might help integrate disentanglement response with other agencies' ICS response efforts.

Also under Appendix F, we noticed that the following responders, along with their level designations, were missing from the Alaska Region:

Steve Lewis, Tenekee Springs, AK – level 3 *
Chris Gabriele, Nat. Park Service, Glacier Bay National Park, Gustavus, AK – level 4 *
Pieter Folkens, Alaska Whale Foundation, Petersburg, AK – level 3 *
Sean Hanser, Alaska Whale Foundation, Petersburg, AK – level 3 *
Sara Graef, Alaska Whale Foundation, Petersburg, AK – level 3 *
Jan Straley, University of Alaska, Sitka, AK – level 4
Fred Sharp, Alaska Whale Foundation, Petersburg, AK – level 4
Dan Vos, Anchorage, AK - level 3

* Have been listed under other regions.

Within Appendix H, on page 6 (H-4) a description of the general disentanglement procedures for large whales should include at least the use of sea anchors and perhaps the drag of small boats, in addition to floats to slow, provide some control, and maintain at surface large whales during disentanglement efforts. This would better mirror what is written within the body of the DPEIS.

The DPEIS has strong ramifications regarding marine mammal response efforts of the MMHSRP, and we appreciate the opportunity to comment.

Sincerely,



Edward Lyman
Marine Mammal Response Manager
Hawaiian Islands Humpback Whale National Marine Sanctuary
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Kihei, HI 96753

Cc: David Mattila, Research and Rescue Coordinator for HIHWNMS

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Silver Spring, Md. 20910

24 May 2007

Re: Draft Programmatic Environmental Impact Statement on the Marine Mammal Stranding and Health Response Program (MMSHRP)

Dear Mr. Cottingham,

On behalf of the more than 9 million members and constituents of The Humane Society of the United States (The HSUS), I am writing to comment on the Draft Programmatic Environmental Impact Statement on the Marine Mammal Stranding and Health Response Program (the DEIS). We appreciate the National Marine Fisheries Service's (NMFS) effort to evaluate the impacts of response to strandings of marine mammals and evaluation of information that leads to a better understanding of their health and that of the environment in which they live. I am, not only a former member of a stranding network, but also an emeritus member of the Working Group on Marine Mammal Unusual Mortality Events (WGMMUME). I know first hand of the effort and expense involved in stranding response and health assessments and the critical nature of coordination and support from the NMFS.

The HSUS has no overarching concern with the sufficiency of the DEIS, and we find that it takes a much more thorough and appropriately systematic and in-depth look at the program than did another recent Draft Programmatic Environmental Impact Statement for Research on Steller sea lion and Northern fur seal research. These two DEIS's stand in stark contrast to one another. This DEIS provides a more appropriate specificity and acknowledgement of what is known and unknown, with a more appropriate evaluation of impacts. Further, this DEIS more appropriately provided a number of options for various aspects of the program (e.g., stranding agreements, carcass disposal, rehabilitation activities, etc) whereas the Steller sea lion DEIS did not allow for disparities in species status and greater need for conservatism in choice of alternatives for some species. The approach taken in the Stranding DEIS allows for different alternatives to address disparate aspects of the program. This is a helpful approach.

Promoting the protection of all animals

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Comments of The HSUS on MMSHRP DPEIS

General Comments

The HSUS has a number of specific comments on chapters and appendices but we wish to raise some general concerns that are overarching across many sections before providing comments on particular chapters and appendices.

There is research proposed under this DEIS. We have noted previously in our comments on the Steller sea lion EIS, that the NMFS does not have an Institutional Animal Care and Use Committee (IACUC) for its own researchers. We also note that it is not a signatory/ subscriber to standards published under the Interagency Review Animal Committee (IRAC), although other government agencies are (e.g. Department of Interior). It is imperative that research undertaken or funded by the federal government adhere to standards of the Animal Welfare Act and that government agencies uphold the same standards required of other institutions engaged in research (i.e., IACUC oversight and adherence to IRAC principles). The DEIS should contain an explanation of whether and how the federal government is complying with these standards and if its research does not have this type of oversight and adherence to standards, why not.

We are gratified that the NMFS has taken the step of putting guidance into writing, but these are only guidelines, not regulations. It would seem important to consider providing regulations with additional minimal facility standards, personnel qualifications, staffing patterns and other aspects of facility-based rehabilitation to assure that animals are properly cared for and that the care is uniform nationally and not variable depending on where the animal has the misfortune to strand. Regulations also facilitate enforcement of standards of care.

We are concerned that the stranding response program should make every effort to facilitate beach release of newly stranded animals. While we understand the desire to, and need for the ability to, test animals on the beach, taking time to gather blood samples and do extensive monitoring should not detract from the mission of getting animals back into the water in the case of mass strandings of small cetaceans (e.g. dolphins, pilot whales). We have seen instances in which beach coordinators specifically instruct responders not to return small cetaceans to the water until all biological sampling that can be done is completed. This delay in returning them to the water may compromise the animal's condition. Releases in other countries (e.g., New Zealand) are usually accomplished expeditiously and they should be here as well, since most studies have indicated that mass stranded animals are generally healthy. It is not clear from the protocols described in the DEIS that this is the goal or priority. It should be.

Further, we believe that animals should not be taken into rehabilitation facilities if they are poor candidates for release. This has happened with some regularity with small cetaceans (i.e., neonates being taken in, animals missing or with necrotic body parts, seriously ill animals). It is also not clear that the protocol described in the DEIS and its appendices will prevent this current problem from occurring in the future.

Comments of The HSUS on MMSHRP DPEIS

The DEIS does not discuss in any detail what investigation should be undertaken determine whether human interaction has occurred nor how best to document it in dead animals. Increasingly take reduction teams mandated by the Marine Mammal Protection Act (MMPA) are relying on stranding data to provide evidence of interactions that may be occurring in times, areas or fisheries that are not monitored by observer coverage aboard fishing vessels. Further, the only evidence of large cetacean interactions with ships and commercial fishing gear comes from thorough necropsy. Some specificity might be provided with regard to standards for accurate determination and documentation of human interaction.

Finally, we are concerned with unfunded mandates. The NMFS must assure that it requests adequate funding to ensure that the standards of stranding response and rehabilitation are uniform and sufficient to the important task laid out in portions of the DEIS.

Chapter 3 The Affected Environment

Section 3.2.2.6 discusses impacts of the MMSHRP on marine mammals. Clearly, stranding response is intended to have a positive impact on marine mammals. There is a statement made on page 3-13 that “[o]f the live-stranded small cetaceans, few are taken into a rehabilitation facility and very few are released.” The wording in this sentence should be clarified. It is not clear whether this sentence means to inform readers that, of the animals taken into rehabilitation facilities, very few are released; or whether it is stating that few are taken into rehabilitation facilities and, of the remainder who are not, “very few” stranded small cetaceans are released alive from the beach where they stranded. Each of these quite different interpretations has implications that should be addressed in different ways by NMFS.

If “very few” of those taken into facilities are released, then the NMFS program should address the reasons for this (e.g., are poor candidates being chosen, are facilities unable to cope with needs of wild caught animals, etc.) and remedy them. If it is the latter scenario (that very few are released from the beach and die or are euthanized if not taken into rehabilitation facilities) then we believe that this too should be addressed. If the low release rate is because most are single-stranded and likely ill animals, then this would make sense. If most strandings of small cetaceans are mass strandings, then it is not clear why “very few” are successfully returned to the ocean. Other countries (e.g., Australia and New Zealand) have had an historically good success rate of beach releases of mass stranded animals. The reason for this discrepancy in successful beach releases should require further investigation to improve the successful beach release rate for stranded animals in the U.S. One would hope that this is not simply due to a different philosophical approach to stranded animals (i.e., “an animal on the beach should be presumed unlikely to survive even if released from the beach in short order” versus “an animal on the beach should be presumed to survive if released expeditiously”).

Comments of The HSUS on MMSHRP DPEIS

We would have appreciated a brief discussion of the likely reason for discrepancies in release of animals shown in charts depicting the fate of stranded pinnipeds and cetaceans shown in figures 3-2 and 3-3 of this chapter and in regional sections such as 3-4 and 3-5. There are virtually no releases of cetaceans shown. If this means that virtually all stranded animals are euthanized, we question this approach. If the “released” portion of each column only refers to animals taken into facilities for rehabilitation and subsequently released, this should be made clear. Similarly, if the “yellow” portion of the bar showing “alive” stranded animals includes animals that were returned to the water from the beach and thus not counted as “released,” then it should be so noted, with percentages provided in a separate color to help readers better determine a success rate for stranded animals. As noted in our comments above, if the tiny rate of “released” animals is in fact an indication that live stranded cetaceans are almost always euthanized, then is not the case elsewhere in the world at least for mass stranded animals. A discussion of the reason behind this phenomenon would be helpful and the guidelines presented in the appendix might provide guidance for improving this rate.

Chapter 5

Page 2 discusses procedures and safeguards for use of euthanasia including referring to the AVMA guidance. However, determining whether or not an animal should be euthanized becomes an individual decision. This decision can be guided by a philosophical underpinning which the NMFS needs to provide. For example, NMFS should provide general guidance on situations or types of animals who are clearly not good candidates for release and should be considered for euthanasia and/or when animals might be released from the beach rather than euthanizing them. This sort of guidance has been lacking and has led to situations in which animals that were clearly poor candidates for release were taken into rehabilitation facilities, necessitating the expenditure of resources for their ultimately unsuccessful care or to find placement for non-releasable animals. Contrarily, if most mass stranded small cetaceans are euthanized, as appears to be the case in the previous chapter, then the NMFS should give guidance as to when to give animals the “benefit of the doubt” prior to considering euthanizing them. It would be helpful if NMFS provided guidelines to this end (e.g., in the draft appendices) or provided directed training to holders of letters of authorization.

Mitigation for tagging, described under this chapter’s alternatives, as well as in the permit in Appendix G and H should include a stipulation that the tags being used should be the smallest and least intrusive available that has been proven effective to meet the purpose. Further, there should be a stipulation that if any death occurs during capture or tagging of animals, research should be halted pending review by experts as to the reason for the mortality and to recommend means of avoiding additional mortality.

Chapter 6 Cumulative Impacts

Section 6.1.1 and Table 6.1 discuss the possibility of amending regulations under the MMPA to allow public viewing of animals being rehabilitated. Although we understand

The HSUS on MMSHRP DPEIS

the utility of raising this possibility in the DEIS, we would strongly oppose such a measure if it is raised in the future, as it has been in the past. Because captive display is a lucrative industry, allowing animals to be viewed by the public for a fee simply encourages facilities to retain animals for the public to view even if an animal may be ready for release. Further, even if no fee is charged, it is difficult to completely isolate the public from animals. This exposes animals to noise, stress, habituation to excessive human presence and risk of disease transmission. Animals should only be viewed if seen from closed circuit TV. This also allows facilities to play tapes of previously rehabilitated animals when none are in residence.

Comments on Appendices

Appendix C. National Template for Best Policies and Practices

Again, we wish to emphasize our hope that this document will address in some manner that the goal of stranding response is to return animals to their natural habitat if at all possible. This should be done to the greatest extent possible from the stranding site (or nearby), but if taken into captivity, then as soon as possible after rehabilitation.

Page 13, Article IV, has a typo. It says under “B. 1. c” [acronym] shall tag any animals that are immediately release to their natural habitat using...” should say “released.”

Article V. A. (page 16) states that “live stranded marine mammals” may be taken for “rehabilitation and release which specifically includes the following activities: 1. Transferring marine mammals to another NMFS approved rehabilitation facility with the [region] for a. release back to the wild, b. temporary placement in a scientific research facility holding [NMFS and APHIS permits], c. for permanent disposition at an authorized facility (i.e., holds and APHIS “exhibitors” license after consultation with NMFS.” This language concerns us.

Transferring an animal for “permanent disposition at an authorized facility” does not meet the purpose of this paragraph, which was stated to relate to “rehabilitation and release.” Permanent display is not release as we understand the concept of release (and the term is not defined in the glossary) which implies release back to the wild. We are also concerned that this language in a section on the appropriate disposition of stranded animals may encourage animals to be taken from the beach for display rather than releasing them to the wild, particularly if they are from a species that is novel or otherwise desirable to a captive display facility. Clause “c” should be omitted from the section dealing with “release” and the possibility of keeping stranded animals for permanent display should be considered elsewhere.

Page ES-1 says one of the categories is “conditionally non-releasable” (manatees only). The definition of this term does not occur until page 5-22. Nowhere is it explained why this term applies only to manatees. It appears unnecessary or else this category should

Comments of The HSUS on MMSHRP DPEIS

apply to other species as well. The discussion in section 5 simply states that it’s applicable when the animal has a condition that would threaten the well-being of the animal or wild populations, but may change over time. Why is this term not used for cetaceans and/or pinnipeds? Why only manatees. The DEIS should explain the unique circumstances that require this extra category here and in section 5.

Page 2-2 and others have a discussion regarding determinations of suitability for release of animals in rehabilitation facilities. This page requests forwarding dissenting opinions of assessment team members for animals deemed “conditionally releasable.” This does not address the concern about facilities taking into rehabilitation animals with a very poor prognosis for release. Although page ES-3 discusses what to do with non-releasable animals (i.e. euthanize or send to public display) there is no discussion of how to prevent this outcome by choosing animals that are good candidates for rehabilitation. As we noted above, the NMFS should provide clearer guidance.

Page 2-9 and following pages provide questions to guide the decision regarding suitability of animals for release. Similar questions should be provided elsewhere to guide a determination of the suitability of an animal for transfer from the beach to a rehabilitation facility (versus either euthanasia or beach release). This can prevent situations that have arisen in the past with animals who are marginal or poor candidates being taken into facilities for rehabilitation. Similarly section 3 provides very specific guidance for evaluating the releasability of animals. There should be similar specificity as to what makes an animal a good candidate for removal to a rehabilitation facility (particularly in the case of small cetaceans).

Page 5-2 defines “conditionally non-releasable as it applies to manatees. As we note above, there should be a discussion of why this category is unique to manatees and not appropriate for other species.

Appendix H. General Description of Research Methodologies

As we noted above in our comments on Chapter 5, conditions of the permit and mitigation measures should include a stipulation that tags should not be experimental in design, and should be of a design that is the smallest and least intrusive available that has been proven successful to achieve the purpose of the tagging. There should also be a stipulation that the death of any animal during capture and/or tagging should result in immediate halt to the activity pending review by experts and possible modification of procedures to prevent future mortality.

Section 2.1.3 states that use of auditory evoked potential (AEP) studies on mysticetes is not permitted at this time. But it also states that “if mysticete procedures are approved within the timeframe of the permit (five years), the MMSHRP would use these to conduct research. All protocols would be provided to NMFS PR1 for approval prior to any

Comments of The HSUS on MMSHRP DPEIS

research activity.” The meaning of this is not entirely clear, but allowing the permit to be used to conduct auditory evoked potential studies on mysticetes should be considered a major amendment of the permit and require publication of the intent to amend the permit in the Federal Register with an opportunity for the public to comment on the methodology and magnitude of the research.

Section 2.1.4 states that the section on vaccination is not completed. The National Environmental Policy Act requires that reviewers be allowed to review and comment on all aspects prior to approval of any procedure.

Appendix I. Required Take Tables for the ESA/MMPA Permit Application

We do not see tables describing impacts of stranding response, other than the very general mention of Project 1, which we assume to be emergency stranding response. All impacts from all possible activities are lumped together. We would expect to see greater detail for stranding response that included, for example, estimates of the number of animals taken by intentional lethal take (i.e., euthanasia) and numbers of animals projected to be taken into/transferred to permanent captive display.

With regard to the tables for the NMFS permit, we note in the tables provided that 50 small cetaceans animals would be subject to study with a requested mortality of up to 3 animals per year. This is 6% mortality for cetaceans, which seems high based on capture and study-related mortality observed in studies by Mote Marine Lab in Sarasota. Further 100 pinnipeds would be taken with a requested mortality of 3. This represents a mortality rate much higher than the rates projected for mortality under the Steller sea lion EIS and in other permits for study of pinnipeds. These mortality rates should be explained. If they are accurate, then NMFS should reconsider the mortality rate allowed to other permit holders and/or question the accuracy of their reporting of mortality.

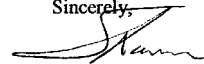
Conclusion

This DEIS is very thorough, though we would like to see it supplemented in the sections we have identified above. We wish to stress, as stated in our general comments at the beginning, that we believe additional regulations will be necessary to ensure parity in facility standards, personnel qualifications and treatment of animals. We also believe that the NMFS must adhere to the same standards for research as non-governmental entities such as having an IACUC in place. It should also join other government agencies in subscribing to IRAC principles. We also believe that the Stranding Response portion of the program should emphasize the imperative of returning mass stranded animals to the water expeditiously. Further, the NMFS should provide more specific guidance as to which animals make the best candidates for facility-based rehabilitation to prevent ongoing problems of animals being taken in who are poor candidates for release (e.g. infant cetaceans, animals with severe damage or fulminating disease processes)

Comments of The HSUS on MMSHRP DPEIS

Thank you for the opportunity to comment of the Draft Programmatic Environmental Impact Statement for this very important NMFS program.

Sincerely,



Sharon B. Young
Marine Issues Field Director

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME DIVISION OF WILDLIFE CONSERVATION

SARAH PALIN, GOVERNOR

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May 25, 2007

Mr. David Cottingham
Chief, Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Room 13635
Silver Spring, MD 20910

ATTN: MMHSRP PEIS

I appreciate the opportunity to comment on the Draft Programmatic Environmental Impact Statement (DPEIS) titled "Rehabilitation and Release of Marine Mammals" on behalf of the Alaska Department of Fish and Game (ADF&G).

The State of Alaska has the longest coastline of any state and is surrounded by four oceans that provide habitat for eight species of pinnipeds, 17 species of cetaceans, as well as sea otters and polar bears. Many of these species are important to coastal Alaska Natives for food, clothing, boat skins, and material for cultural and art objects. Although the State of Alaska has no formal responsibility for the harvest management of marine mammals it does have an obligation to the residents of Alaska to keep marine mammal populations and their ecosystems healthy.

The following are the ADF&G comments on the DPEIS addressing the activities of the Marine Mammal Health and Stranding Response Program (MMHSRP), which includes: the National Marine Mammal Stranding Network, the Marine Mammal Disentanglement Program, the Marine Mammal Unusual Mortality Event and Emergency Response Program, the Marine Mammal Biomonitoring and Research Program, the John H. Prescott Marine Mammal Rescue Assistance Grant Program, the National Marine Mammal Tissue and Serum Bank, and the MMHSRP Information Management Program. Our comments pertain specifically to the release of rehabilitated marine mammals.

As stated on page 4-17 of the DEIS (lines 7-11) "Any pathogen with a rehabilitation "hospital" setting has the potential to mutate or evolve into a novel organism (including those with drug resistant properties), creating a new (or drug resistant) disease which could then be introduced into the naïve wild population upon the release of an infected animal following rehabilitation, particularly if the animal is not thoroughly evaluated prior to release." Although the DEIS specifics (pg 4-23, lines 8-12) that release criteria would include a "medical assessment with a hands-on physical examination and a review of the animal's complete history, diagnostic test results, and medical and husbandry records," these precautions can only minimize the risk, not eliminate it. Testing is not possible for new diseases as tests are not developed until the disease is known. Many

Mr. David Cottingham

Page 2

May 25, 2007

tests used for marine mammals are developed for domestic animal use and the effectiveness for marine mammals is not known. False negatives from these tests are common.

In considering the effects of the release of rehabilitated marine mammals on cultural resources (Section 4.4.4.3, pg 4-47) we believe you need to consider that the ability to obtain marine mammals for food, boat covers, rope, clothing, artwork, and cultural objects could be severely affected by the release of a rehabilitated marine mammal that carries an undetected disease or parasite that infects wild populations.

In considering socioeconomics (Section 4.6.4.3, pg 4-61) we believe you need to consider the cost to families in coastal Alaska if they cannot obtain food from the marine mammal resources and must purchase it in local stores. Food costs are extremely high in remote villages due to fuel costs for air transportation.

The benefit to releasing a small number of rehabilitated marine mammals into healthy Alaskan populations does not come close to outweighing the risk to Alaskans dependent on marine mammal resources. Due to the importance of marine mammals to residents of Alaska and the risk to the wild populations, we recommend that the release of any translocated marine mammal (i.e., one that has been transported and placed into captivity for any length of time) into marine waters adjacent to Alaska be prohibited. To the extent that marine mammals can be rehabilitated or assisted in situ and released, we have no objection.

Please contact Dr. Robert Small (907-465-6167), ADF&G's marine mammal program leader, if you require further clarification.

Sincerely,



Matt Robus
Director

cc: R. Small – ADF&G Division of Wildlife Conservation

WA McLellan comments on MMHSRP Draft

Subject: WA McLellan comments on MMHSRP Draft**Date:** Tue, 29 May 2007 16:26:27 -0400**From:** "McLellan, William" <mclellanw@uncw.edu>**To:** mmhsrpeis.comments@noaa.gov**CC:** "McLellan, William" <mclellanw@uncw.edu>, "Pabst, D. Ann" <pabsta@uncw.edu>

29 May 2007

Dr David Cottingham

Chief, Marine Mammal and Sea Turtle Conservation Division

Attn: MMHSRP DPEIS

Office of Protected Resources

National Marine Fisheries Service

1315 East-West Highway

Silver Spring, MD 20910

Dear Dr. Cottingham.

Please find below a series of comments, or suggestions for the MMHSR document.

In general, I agree with all of the preferred options identified by NMFS in this document. I am sorry that I was not able to clean up these comments and form a more complete document, but even with the extension of deadline, time has a habit of disappearing. Should you require any clarification or additional comments, please do not hesitate to contact me.

Should the \$4 million specific figure be dropped from the text. I wouldn't want it to look like that is the final figure and can never go up (or down).

3-20 Add striped dolphins to the list of mass strandings in the SER.

I question the comment on page 3-21 that right whales and humpback strandings occur during the winter "migratory period from Nov – Apr". To begin that period described is six months long and therefore describes

WA McLellan comments on MMHSRP Draft

half of the year. Additionally, there is evidence from a number of aerial survey efforts off the mid-Atlantic and SE Atlantic Bight (reference documents as contract reports to the SER) of right whales and especially young humpbacks in the region from Sept to June. I would suggest some language like "southern component of their home range".

Why is there a specific section on "marine mammal population change" only for the Alaska region?

4-8 Direct cardiac injection of euthanasia solution on sedated animals has proven to be effective and relatively safe fro the responding team.

4-13 It is worth mentioning that euthanised animals generally concentrate fluids in the heart, brain and liver (?). These organs could be removed and dealt with separately while the remainder of the carcass was then safe to burry.

4-25 I would like to commend the statement regarding potential injury to entangled animals may be intentional by responders. I believe strongly that we need to be developing more invasive techniques for working with life threatening entanglements. A small injury to the animal, say a quick tissue cut, should not stop teams from going in and actually cutting heavily entangled animals. The faster gear can be cut loose, the better the potential outcome for the animal.

Sincerely

WAM

William McLellan

Biology and Marine Biology

UNC Wilmington

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David Cottingham
 Chief, Marine Mammal and Sea Turtle Conservation Division
 Attn: MMHSRP DPEIS
 Office of Protected Resources
 National Marine Fisheries Service
 1315 East West Highway
 Room 13635
 Silver Spring, MD 20910-3226

mmhsrpeis.comments@noaa.gov (MMHSRP EIS)

Re: Programmatic Environmental Impact Statement for the Marine Mammal Health and Stranding Response Program (MMHSRP).

29 May 2007

Dear Dr. Cottingham:

On behalf of the Whale and Dolphin Conservation Society- North America (WDCS-NA), I would like to offer the following comments regarding the Programmatic Environmental Impact Statement for the Marine Mammal Health and Stranding Response Program (MMHSRP).

WDCS appreciates the efforts by the NMFS to pursue, standardize and implement standards for the stranding response programs. We believe the stranding and disentanglement response programs are essential to the continued protection and conservation of marine mammals and recognize the need for standardized practices throughout these programs. We also believe there is a need, and there should be mandated requirement, for the continued collection and assessment of data and development of innovative, noninvasive response, rescue and research techniques.

Stranding Agreement and Response Alternatives

While WDCS supports the need for standardizing the program and issuing Stranding Agreements (SA) on a case-by-case basis, we believe that the Preferred Alternative (A4) must be stronger than is currently proposed.

The Preferred Alternative, as written, does not specify the need to respond to floating carcasses. As stated in our previous comments [submitted on February 28, 2006 regarding Docket No. [I.D. 120805B)] on the Notice of Intent to Prepare an EIS for the stranding program, the MMPA includes, in its definition of "stranded" as any marine mammal floating in waters under U.S. jurisdiction. Both humpback and right whales takes are known to exceed the designated Potential Biological Removal rate (PBR) for



these species yet floating carcasses of these species are not always retrieved for necropsy. Carcasses of other species of large whales are even less likely to be retrieved and necropsied resulting in limited information on the causes of death of these species.

We believe that NMFS must respond to reports of all floating large whales, regardless of whether external signs of human interaction are noted on the carcass, but having due regard to the operational conditions that may be limit or constrain such attempts. Vessel strikes are frequently determined by necropsy, and not by external signs of trauma and, according to Moore et al. 2004, post mortem examinations are necessary to ensure better understanding of mortalities that are due to human interaction. We believe that floating large whales should be retrieved and thoroughly necropsied with a draft necropsy report made available within 14 [working] days of when the carcass is examined.

Because there are areas where beaching a carcass for necropsy is difficult, we recommend NMFS funds the research, design and construction of a number of mobile necropsy stations or barges. These would be located along the length of the east coast, with sufficient funding available to allow for the stations or barges to be utilized thus ensuring these data are collected in all US waters and our knowledge increased.

Carcass Disposal Alternatives:

We support Alternative B3 recommending that chemically euthanized carcasses are transported offsite. While this Alternative alleviates many of the concerns of bioaccumulation resulting from scavengers preying on carcasses, we also believe that NMFS must support research into methods of euthanasia which are both humane and environmentally safe.

Rehabilitation Activities Alternatives:

We generally support Alternative C3 which would implement improved Rehabilitation Facility Standards, but we also strongly believe that the NMFS must be clear that the primary objective of the SA holder is to release or refloat an animal immediately from the stranding site and moving a stranded animal into a rehabilitation facility is a last resort.

We are concerned that animals may be taken into rehabilitation with the express intent of supplying a captive facility. Data presented by NMFS in this document appear to substantiate these concerns. For instance, section 3.2.2.6 states that "up to 50% of the rehabilitated seals and sea lions are released back into the environment" and "of the live-stranded small cetaceans, few are taken into a rehabilitation facility and very few are released". It is unclear as to what happens to the other 50% of pinnipeds that are not released- are they retained as captive animals, euthanized or die in rehab? Similarly, for cetaceans, it is unclear as to why "very few" are released. Figure 3-3, Cetacean Strandings Nationwide appears to demonstrate that there is a substantially higher number of cetaceans taken into rehab versus the number released. The document offers no



explanation for the discrepancy nor does it indicate what is the fate of those that are not released.

Furthermore, while we acknowledge that, as stated in 4.6.3.3, the cost to facilities resulting from upgrades necessary to meet new standards may be significant, we do not support the proposition that these additional funds can be raised by allowing these facilities to charge visitors to view animals in rehabilitation.

Disentanglement Alternatives

We fully support Alternative E3 which would require the West Coast Disentanglement Network to adhere to the training standards and techniques currently employed by the East Coast Network. This would include the on-going monitoring of animals through scar analyses.

We are concerned, however, that in section 4.2.5, NMFS indicates that “North Atlantic right whales would be greatly affected if disentanglement efforts ceased, as entanglements are known to be a significant source of mortality”. While we support the disentanglement program, we do not support the notion that this is an appropriate solution for right whale entanglements. Disentanglement is, at best, a stop-gap measure and should not be viewed as responsible or appropriate mitigation when other risk mitigation measures have already been held up for a number of years.

Biomonitoring and Research Activities Alternatives

While the Preferred Alternative F3, appears the most appropriate, we believe that the number of take permits on wild populations should be minimized and suggest that NMFS establish a sampling archive bank for unused portions of tissue, fecal matter, exhalation, fluids, etc. obtained by stranding networks. Future permit requests requiring these types of samples should be required to utilize archived materials prior to authorization of additional takes from the wild.

We also believe that while all species should be checked for signs of human interaction, it is particularly critical that strategic and/or depleted stocks be thoroughly examined for signs of human interaction (a.g. necropsy rather than external examination only).

General Comments regarding the PEIS

In section 3.3.2.6, subsection, Northeast Region- Human Interaction, the PEIS notes ship strikes to right whales but not to other species. While the issue of ship strikes is a significant contributing factor to the potential demise of the critically endangered North Atlantic right whales, all large whale species are at risk.



In the subsection, Northeast Region- Temporal Changes, it states that “ship strikes and entanglements are frequent in summer”. While we do not dispute the accuracy of this statement, we do question why documented entanglements and ship strikes that occur outside of summer are not considered, and have been excluded. Documenting human interaction throughout the year is critical in determining whether seasonal exemptions, as proposed in management schemes, are sufficient or appropriate.

Conclusion

We appreciate efforts by NMFS to increase standards throughout the Marine Mammal Health and Stranding Response Program. While we largely support the Proposed Alternatives within the PEIS, we believe that the document does not sufficiently consider response to reported individual animals from strategic/depleted stocks. Additionally it must increase mandates for thorough examination of carcasses for human interaction.

We thank you for the opportunity to comment and for your time and consideration.

Sincerely,

Regina A. Asmutis-Silva
Biologist
Whale and Dolphin Conservation Society
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Plymouth, MA 02360
508-830-1977
regina.asmutis-silvia@wcds.org

Moore, MJ, AR Knowlton, SD Kraus, WA McLellan, and RK Bonde. 2004. Morphometry, gross morphology and available histopathology in North Atlantic right whale (*Eubalaena glacialis*) mortalities (1970-2002). *J. Cetacean Res. Manage.* 6(3):199-214.

ATTN: MMHSRP PEIS

Subject: ATTN: MMHSRP PEIS

Date: Tue, 29 May 2007 15:25:43 -0400

From: "Shilling, Lauren" <LShilling@dnr.state.md.us>

To: mmhsrpeis.comments@noaa.gov

To whom it may concern:

The Maryland Department of Natural Resources (MD DNR) is authorized to respond to all dead stranded marine mammals under 109(h) of the Marine Mammal Protection Act. MD DNR's Marine Mammal and Sea Turtle Stranding Network have been responsible for stranding response efforts since 1990 and is located at the Cooperative Oxford Laboratory and will be hereinafter COL Network. The purpose of this letter is to comment upon the Draft Programmatic Environmental Impact Statement (DPEIS) on the activities of the Marine Mammal Health and Stranding Response Program.

After reviewing the proposed document, MD DNR has the following comments.

1. National Template, Article II, section c, part 4: While the participant organization is responsible for most costs incurred during a stranding event, this responsibility is unfair and impractical in the case of an Unusual Mortality Event. Sampling protocols are extensive during a UME and shipping costs to diagnostic labs can be an encumbrance to an organization. NMFS **must**, not may, support costs associated with UMEs, particularly supplies and shipping and diagnostic costs. A pot of money should be set aside to provide monetary support for UMEs around the country. It is unlikely that a Prescott grant could cover additional costs associated with a UME.
2. National Template, Article III, section B, part 1 a: If NMFS is going to implement the ICS structure in certain circumstances and expect the responding stranding organization to follow that structure, then NMFS needs to provide ICS training to all participants.
3. National Template, Article III, section B, part 2 a: The need for completed data such as Level A form is imperative, however, having a set schedule for when the data are due is a cause for concern. A set schedule suggests rigidity and does not allow for flexibility for organizations that have limited available personal or mitigating circumstances. It is a concern that organizations will be penalized if this inflexible schedule is not met.
4. Article III, section B, part 2 c: The ability to contact NMFS [Region] Regional Stranding Coordinator when there is a possible or confirmed human interactions, suspected unusual mortalities, extralimital or out of habitat situations, mass strandings, mass mortalities, large whale strandings, and any other involving endangered or threatened species of concern within 24 hours seems to be very time constraining. Many facilities within the region get several hundred stranded animals a year; it would be a huge additional time commitment to those facilities to report each of the scenarios listed above, particularly human interaction cases, within 24 hours. A larger time interval for this information should be taken into consideration as well as the importance of this information (does NMFS need to know about every human interaction case when that information will be submitted through the National Database via the Level A form?). This information will be entered in Level A data forms and other stranding/necropsy data sheets, so the need to also separately report this information seems to be double duty for the responder(s).
5. Article III, section B, part 2 d: To require additional information, expedited reports (written and or verbal) of Level B and C data such as analytical results and necropsy reports within 24 hours is also another time restrictive issue. It is not feasible to ask organizations to turn over completed reports and analytical data within 24 hours of the stranding(s). The need to have this information within 24 hours of a stranding is a concern especially for smaller organizations that have limited staff and resources or for organizations that are inclined to have several animals strand simultaneously including mass strandings. It often takes weeks, if not months, to get analytical results, therefore a 24 hour frame is impractical.
6. Article III, section B, part 3 a: The retention or transfer of any parts of marine mammals is filled out under the "Specimen Disposition" section on the Level A data sheet. It is redundant to also have to report this information to the NMFS Regional Stranding Coordinator within 30 days of the stranding(s)
7. Interim: Policies and Best Practices, section 3.1, part 2: Is NFMS going to provide required equipment lists that outline what they feel is necessary to collect Level A data? It is a concern that facilities may be penalized for not meeting the required equipment list. Throughout the NER facilities and organizations differ in size, number of staff and geographic area as well as in the quantity and variety of species of animals that strand. As a result the equipment needed to respond to strandings in one area may differ from another.

ATTN: MMHSRP PEIS

On behalf of MD DNR, thank you for the opportunity to comment on this document. If you have any questions or need clarification about any of the comments provided above, please contact Lauren Shilling at Lshilling@dnr.state.md.us or Tricia Kimmel at kimmel@dnr.state.md.us. We can also be reached at 410-226-5193.

Sincerely,

Lauren Shilling and Tricia Kimmel

Lauren N. Shilling
 Marine Mammal and Sea Turtle Stranding Coordinator
 Cooperative Oxford Lab
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 Oxford, MD 21654
 Phone: (410) 226-5193 x. 132
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ASC Executive

12:38:59 p.m. 05-30-2007 1 / 10

P.O. Box 1329, Seward, AK 99664
Fax (907) 224-6360
Telephone 1-800-224-2525 OR (907) 224-6300

Alaska SeaLife Center

Fax

To: NMFS
Attn: MMHSRP PEIS **From:** Annie Madsen, Husbandry Assistant
Fax: 301-427-2584 **Phone:** 907.224.6358
Phone: **Pages:** 10
Re: EIS for MMHSRP Comments

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:**

Please contact Carrie Goertz at 907-224-6326 or Lee Kellar at 907-224-6364 if you have questions or require further information.

05/30/2007 5:32PM

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ASC Executive

12:39:09 p.m. 05-30-2007 2 / 10



Alaska SeaLife Center®
windows to the sea

May 30, 2007

David Cottingham
Chief, Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, MD 20910

Dear Mr. Cottingham,

Thank you very much for the opportunity to comment on the Environmental Impact Statement (EIS) on the Marine Mammal Health and Stranding Response Program (MMHSRP). Attached, please find a list of comments.

If you have questions regarding this document, please contact Carrie Goertz, Associate Veterinarian and Stranding Program Manager or myself at 907-224-6364.

Sincerely,

R. Lee Kellar
Husbandry Director

Attachment: 1

301 Railway Avenue • P.O. Box 1329 • Seward, Alaska 99664
Phone (907) 224-6300 • Fax (907) 224-6320
www.alaskasealife.org

05/30/2007 5:32PM

Environmental Impact Statement (EIS) on the Marine Mammal Health and Stranding Response Program (MMHSRP) Comments

National Template Comments:

Page 1

Having an stranding agreement number would make it easier to reference, or please specify how this agreement should be referenced.

Having an abbreviated (1 page) version to present when transporting animals would be helpful.

Page 5, Section B.

Additional bullet for NMFS responsibility to read: 9. Coordinate regional activities to ensure appropriate division of responsibilities based on geography as well as institutional responsibilities.

Page 5, Section C.

What should an organization do if financial constraints require limiting its efforts? Financial difficulties can come up quite suddenly and may not permit the requested notification time for changing the agreement.

Is an organization still allowed to request payment for reasonable recovery costs for samples transferred to authorized persons or labs?

Page 10, Section B., Number 2, Bullet (e.)

In regards to bullet point (e.), forms or instructions should be provided by the NMFS office.

Page 11, Section A., Number 1, Bullet (b.) & (c.)

In regards to bullet point (b.), it is recommended that AVID chips and satellite tags be added to this list.

In regards to bullet point (c.), there is a formatting problem within the paragraph.

Page 13, Section B., Number 1, Bullet (c.)

In regards to bullet point (c.), it is recommended that AVID chips and satellite tags be added to this list.

Page 16, Section A., Number 3

In regards to number 3, it is recommended that AVID chips and satellite tags be added to this list.

Page 18, Section B., Number 1, Bullet (f.)

In regards to bullet point (f.), we object to a blanket prohibition as public display is possible without impacting the rehabilitation of these animals. Language used in another document concerning distance viewing with no impact is preferred.

Page 18, Section B., Number 2, Bullet (a.)

In regards to bullet point (a.), professional Husbandry staff is in a better position to assess the behavioral readiness and should either also sign or coordinate with the release determination paperwork.

Evaluation Criteria Comments:

Word choice sometimes implies requirements for 'new' applicants only, but doesn't always specify. Please clarify differences between new and existing organizations throughout the document.

Page 2-1, Section 2.1, Number 2.

Organizations will need time to develop the documentation described in 2.1 2. It would be best if the agency would provide examples or templates to work off of. Alternatively, could the organizational summary used for Prescott Grant applications suffice? Perhaps the requirements for both this document and the organizational summary for Prescott grants application be unified.

Page 2-1, Section 2.1, Number 3., Bullet (a.) & (b.)

Bullet (a.) should read: Brief summary of the existing or proposed scope of the stranding program (e.g., all species of cetaceans, pinnipeds), and whether the request is for response to dead animals only, live and dead animals, and/or rehabilitation.

Bullet (b.) should read: Justification and description of the existing or proposed geographic area of coverage and why the area of response is appropriate for the organization (e.g., the amount of personnel/volunteers and resources available, relative to shoreline covered,

Page 2-2, Section 2.1, Number 5.

It would be helpful if NMFS could generate a complete list of items and the level of detail ("102 1" x 19G needles" or "a supply of various sized needles" or even just misc. sampling supplies) they are interested in. Otherwise, organizations may not cover what the agency is looking for. Again, an example or template would help.

Page 2-3, Section 2.1, Number 8. & 9.

In regards to number 8, resumes are also required under 2.1 4. b. Pick one place to cover this requirement.

In regards to number 9, this should apply to new Stranding Agreements only.

Page 2-3, Section 2.2

The first paragraph should read: NMFS will evaluate existing and prospective participants based on their demonstrated track record and their capabilities in the following areas as described in their request.

Page 3-1, Section 3.1, Number 1.

In regards to number 1, what is the difference between representative and responder?

Page 4-2, Section 4.2, Number 3.

The paragraph should read: The prospective Participant should demonstrate knowledge of national, state, and local laws relating to live animal response.

Page 5-1, Section 5.1, Number 1., Bullet (a.), Sub-bullet (iii.)

The maximum holding capacity depends upon the species. For facilities that receive a number of different species and have flexible holding options, how would the agency determine max capacity? For example, a facility might have a pool that can hold several small animals (i.e. harbor seals) but only a couple large animals (i.e. Steller sea lions). Also, some organizations are limited more by staff and not space, how will NMFS take this into account?

Page 5-1, Section 5.1, Number 1, Bullet (b), Sub-bullet (ii)

The sentence should read: Human health and safety throughout the rehabilitation facility.

Page 6-1, Section 6

What is the policy for when the agency is proposing a designee for an existing organization?

Standards for Rehabilitation Facilities Comments:**Page 2-1, Section 2.1, Paragraph 4**

The last sentence reads: Pinnipeds with evidence of infectious disease must be quarantined (See Sections 2.4 Quarantine).

Does this mean that Pinnipeds with infectious diseases should be quarantined from other rehabilitating animals? How many isolation areas is expected?

Page 2-3, Section 2.1.2, 3rd Bullet Point

Sentence should read: The facility must have a plan to manage adult males.

Page 2-4, Section 2.1.5

Paragraph should read: Animals housed at rehabilitation facilities must be provided with shelter to provide refuge from extreme heat or cold. Pinnipeds held in rehabilitation facilities may not have normal activity levels and thin animals may be unable to thermoregulate properly. These animals may require shade structures to protect them from direct sunlight and extreme heat, or shelter to protect them from cold temperatures or inclement weather. Animals held in indoor facilities should be provided with appropriate light and dark photoperiods which mimic actual seasonal conditions. Except during the pre-release conditioning phase, ensure adequate refuge from extremes.

Page 2-5, Section 2.1.7, 4th Bullet Point

Is the structure referenced in the paragraph meant to be a separate building? Or can it be separate rooms/holding areas that prevent exchange of water and bodily fluids as well as prevent 'nose-to-nose' contact with other animals?

This requirement is stricter than the requirement listed on page 2-15.

Page 2-7, Section 2.1.10, 1st Bullet Point

Addition of the following sentence: Dependant pups are more labor intensive and require more staffing.

Page 2-10, Section 2.2.1, 2nd Bullet Point

Sentence should read: Drain water from pools as often as necessary to keep the pool water quality within acceptable limits.

Page 2-12, Section 2.3.2, 1st Bullet Point

Sentence reads: Measure water temperature, pH, salinity (if applicable), chemical additives (if applicable) daily in all pools.

Does this apply to open flow through systems with natural sea water?

Page 2-15, Section 2.4.1, 1st Bullet Point & 5th Bullet Point

In regards to the 1st bullet point, the use of dividers, tarps, or physical space is very different from the structurally separate facility referenced on page 2-5. The description listed here is much more reasonable.

In regards to the 5th bullet point, the sentence should read: Maintain equipment and tools strictly dedicated to the quarantine areas or thorough disinfection.

Page 2-21, Section 2.6.1, 3rd Bullet Point

In regards to the 3rd bullet point, it is excessive for a public display aquarium to have a nutritionist on staff.

Page 2-23, Section 2.7.1, 8th Bullet Point

Sentence reads: Have contingency plan for veterinary backup.

This should be the responsibility of the facility and not the veterinarian who may be a volunteer

Page 2-25, Section 2.7.2, 6th Bullet Point & Reports Bullets

It is not appropriate to assign human health plans to the veterinarian. A human health plan should be developed by the Human Resource personnel with the help of a human medical professional. This should be the responsibility of the facility, not the veterinarian.

The following reports should be the responsibility of the facility and not the veterinarian:

- Health and Safety Plan reviews
- Animal acquisitions and dispositions
- NOAA Form 89864, OMB#0648-0178 (Level A data)
- NOAA Form 89878, OMB#0648-0178 (Marine Mammal Rehabilitation Disposition Report)

Page 2-26, Section 2.8, 10th Bullet Point

Sentence reads: Serological assays may only go to labs that have validated tests approved by NMFS, especially for release decisions or determinations.

What does validation constitute? What labs are these? Will NMFS keep up with validations?

Page 2-30, Section 2.13

The verbiage in this paragraph differs from what is in the Stranding Agreement Template. This is a better version.

Standards for Release Comments:

NMFS & USFWS should take into account the recommendations of the stranding facility and the AZA Taxon Advisor or Studbook Keeper for the species before making a decision as to placement.

Page 2-9, Section 2.4, Number 1

When taking an animals history, does mouthing qualify as a bite or does the word bite pertain to an animal breaking the skin of a human?

Page 2-12, Section 2.4, Number 4, 5th Paragraph

The third sentence of this paragraph refers to microbial culture. Other than the obvious wounds, what would the 'routine' samples come from? Fecal? Nasal?

Page 2-13, Section 2.4, Number 5., Bullet (a.)

The paragraph should read:

Required Identification Prior to Release. Marine mammals must be marked prior to release for individual identification in the wild (see 50 CER Sec 216.27 (a)(5) for species under NMFS jurisdiction). Examples of pre-approved identification systems include flipper roto tags, flipper All-Flex tags, Flipper Temple tags, passive integrated transponder tags (PIT tags) radio tags, and freeze branding (Geraci and Loundsbury 2005). **(Satellite tags should be included in this list.)** Invasive procedures such as...should be done under the direct supervision of the attending veterinarian and will need prior approval from NMFS and FWS and may require a monitoring period following the procedure. Proper photo identification can also be considered part of this protocol. Standard identification protocols exist for various groups of marine mammals that detail the methods and procedures for marking for future identification in the wild, and are included in the appropriate section for each taxonomic group. Contact the Agency stranding coordinator for more direction on tagging.

Page 2-14, Section 2.4, Number 5., Bullet (b.)

First preference is releasing the animal in the same general/geographical area where the animal was stranded. The second choice, especially if the animal was stranded outside of its normal range, is to release the animal closer to or within its normal range. This is implied later but should probably also be referenced here.

NOTE: Section 4.3 beginning on page 4-4 is formatted differently than 4.4, 4.5 and 4.6, using the number subsections that more or less correspond to the checklist. 4.5's Behavioral subsections are given paragraph numbers. Recommend you standardize the style.

The organization for section 4.3 should mesh with the checklist presented later in the document. Each point on the checklist should be described here and each point here should have a corresponding question on the checklist.

Page 4-5, Number 4.

The last sentence should read: Consultation with NMFS or FWS is thus required for pinnipeds that have a known history of exposure to terrestrial animals.

Note: You can never know for sure what happened before an animal was reported and brought in.

Page 4-5, Number 5.

In regards to the first sentence, you might want to more precisely define bite to specify breaking of skin. "Bites" may occur without a breach of protective gear. Also, when tubing an animal, "bites" may occur without breach of protective gear.

In regards to rabies among pinnipeds, there is only one documented case.

Page 4-5, Number 6.

This sentence is confusing. Perhaps more detail can be added.

Page 4-5, Number 7.

We assume that just because an animal was at 2 places, does not mean it isn't releasable.

Page 4-9, Section 4.6, 2nd Paragraph

In the first sentence, list desired parameters. What does Chem-12 include? Also in the first sentence, delete blow hole as a sampling site for pinnipeds.

In the third sentence, 3ml of Serum is recommended but another document recommends 1ml per draw. Please clarify.

Page 4-10, Section 4.7

Recommend structuring this checklist as a stand alone document for greater usability. Recommend keeping it < 2 pages and reduce font size as needed.

Page 4-11, Section 4.7

New Point, History: The environmental conditions are considered acceptable (e.g. prey available, no lingering contamination).

7. Please define "bite" somewhere.

17. Is this the release determination exam? Don't you have to submit release paperwork 2 weeks prior?

19. Is this the exam to be done within 72 hours of release? 17 and 19 seem to overlap.

22. Change visual to in vision.

25. 3ml total or each? Note, elsewhere this document mentions 1ml per blood draw and that only 2 blood draws are required.

New Point, Medical Clearance: The veterinarian has received and reviewed all records on this animal from other facilities that held this animal.

Appendix E

Explain how the agency will keep this list and testing requirements up to date so that facilities can easily stay informed.

Appendix G

Some formatting issues took place after Appendix G. Unclear of the titles of some pages.

Appendix H

This appendix could use an up front description/summary of how this information should be used in the stranding context (verses the research context).

At points this document seems to refer only to one taxon or species in many places without specifying which and then does not discuss the other taxa/species. Bottom-line, it is not always clear what species is being included and if all other species are excluded.

Appendix H, page H-1, Section 1.1.2 & 1.1.3

Sections 1.1.2 and 1.1.3 are not typical activities for a stranding organization.

Appendix H, page H-2, Section 1.1.4

The first sentence reads:

Capture of marine mammals may be necessary during research activities to collect specimens, perform an examination, or attach tags or scientific instruments.

This appendix should address stranding scenarios, not research, or there should be a pre-amble to discuss how it applies in stranding situations

Appendix H, page H-4, Section 1.1.4

Chemical restraint should require veterinary input.

Appendix H, page H-5, Section 1.1.5

Sedation of large pinnipeds should require veterinary input.

Appendix H, page H-7, Section 1.1.6

Instruments should be attached to the coat of an animal, not to the skin.

Appendix H, page H-8, Section 1.1.7

Restrictions concerning hot branding should be specifically addressed.

Appendix H, page H-10, Section 1.1.9

The second paragraph refers to dolphin biopsy sites. What about other cetaceans and pinnipeds?

Appendix H, page H-10, Section 1.1.10

Some folks prefer 19G or even 20G, some prefer butterflies to straight needles. A4cm needle is longer than needed for some sites/animals and maybe too short in some cases. Recommend this be changed to read 'of appropriate size.'

Appendix H, page H-11, Section 1.1.10

Again, I would leave the precise needle size up to the discretion of the veterinarian. The extradural vessel is not a sampling site in otariids. Otariids and some phocids can be sampled from flipper web veins.

Appendix H, page H-12, Section 1.1.13

The second paragraph refers to extracting the #15 tooth of the lower jaw. What species is this for? Pre-molars are extracted in pinnipeds.

Appendix H, page H-13, Section 1.1.13

Catheterization is also possible in pinnipeds.

The fourth paragraphs last sentence reads: The samples are sent to a diagnostic laboratory for culturing and species identification.

Does species refer to the parasite species? Prey analysis?

Appendix H, page H-14, Section 1.1.13

Please site the source of the thermal probes. There are other deep rectal probes available.

In the last paragraph of Section 1.1.13, change brevetoxin to any toxin.

Appendix H, page H-14, Section 1.1.14

Veterinarian involvement should be required.

**MARINE MAMMAL COMMISSION
4340 EAST-WEST HWY., RM. 905
BETHESDA, MD 20814**

Telephone: (301) 504-0087
Facsimile: (301) 504-0099

FACSIMILE TRANSMISSION

Date: 30 May 2007
Total pages including cover 7

To: David Cottingham
Facsimile Phone #: 301-427-2584
Telephone #: 301-713-2322
From: Jennie Stewart
Subject: MMHSRP: DETS

Comments: See MMC letter attached.
Second transmission - please
ignore earlier version sent 17:44.

**MARINE MAMMAL COMMISSION
4340 EAST-WEST HIGHWAY, ROOM 905
BETHESDA, MD 20814-4447**

30 May 2007

Mr. David Cottingham
Chief, Marine Mammal and Sea Turtle
Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

David
Dear Mr. Cottingham:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Draft Programmatic Environmental Impact Statement (DPEIS) on the National Oceanic and Atmospheric Administration's Marine Mammal Health and Stranding Response Program (MMHSRP) with regard to the goals, policies, and requirements of the Marine Mammal Protection Act and the National Environmental Policy Act. We offer the following comments and recommendations.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service revise the DPEIS to—

- provide an update on the status of final reports of unusual mortality events, explore ways to promote completion and circulation of final reports more promptly, and identify actions that the Service can take to improve the synthesis and use of data from unusual mortality events;
- discuss the criteria that the Service intends to use in its review and approval or disapproval of recommended releases of marine mammals, and plans for such releases, by rehabilitation facilities;
- identify the types of information that would be included in protocols for monitoring released animals;
- specify actions that the Service plans to take to ensure that rehabilitation facilities are in compliance with the Interim Standards for Rehabilitation Facilities;
- elaborate on the Service's plans for developing draft guidelines to govern when public display of marine mammals undergoing rehabilitation will be authorized, including opportunities for the Commission, the affected facilities, and the public to review the draft guidelines before their adoption; and
- discuss alternatives for addressing overcrowding at rehabilitation facilities, issues associated with the placement of non-releasable marine mammals in public display facilities, and criteria for making on-site evaluations of the likelihood that a stranded marine mammal can be successfully rehabilitated and released.

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RATIONALE

The MMHSRP has been instrumental in coordinating responses to stranding events nationwide, providing care for stranded marine mammals, and examining carcasses and tissue samples to collect background information on the possible causes of morbidity and mortality. The Marine Mammal Commission commends the Service and stranding network participants for these efforts. The Commission also commends the Service for its efforts in developing the DPEIS, which we generally believe provides a thorough analysis of the relevant issues. There are, however, certain areas where we think that the discussion in the DPEIS needs to be expanded or clarified or where additional issues need to be considered. We offer the following comments and recommendations to assist the Service in improving the stranding response program and the DPEIS.

Collection and Synthesis of Data from Unusual Mortality Events

As indicated in the DPEIS, Title IV of the Marine Mammal Protection Act requires, among other things, that the MMHSRP “facilitate the collection and dissemination of reference data on the health of marine mammals and health trends of marine mammal populations in the wild” and “correlate the health of marine mammals and marine mammal populations, in the wild, with available data on physical, chemical, and biological environmental parameters.” The National Template Marine Mammal Stranding Agreement (p. 4) states that one of the Service’s responsibilities, pursuant to section 402 of the Marine Mammal Protection Act, is to “collect and update periodically and make available to stranding network participants and other qualified scientists, existing information on...strandings by region to monitor species, numbers, conditions, and causes of illness and death in stranded marine mammals.” The Commission notes, however, that of the 26 unusual mortality events that were officially declared by the Working Group on Marine Mammal Unusual Mortality Events between 1991 and the end of 2005,¹ final reports have been completed for only six events. Draft reports have been prepared on three other unusual mortality events and papers have been published on seven additional events. This means that the circumstances and consequences of 10 events have not been reported. Such reports are of potential value to stranding network participants and to researchers who are responding to and seeking to understand such events. The Commission believes that it is important that these reports be completed in a timely fashion. The Marine Mammal Commission therefore recommends that the Service (1) provide an update on the status of final reports of unusual mortality events and (2) explore ways to complete and circulate final reports more promptly. In this regard, the Commission points to and endorses the recommendations made in Gulland (2006) (enclosed; see pages 23 and 24), which identified several actions that the Service could take to improve the utility of data collected during unusual mortality events.

Those recommended actions are consistent with the Service’s mandate under Title IV and would enhance the Service’s Marine Mammal Unusual Mortality Event Response Program. The

¹ See Gulland 2006. Dr. Gulland noted that there have been 29 unusual mortality events since 1992. We included only 26 in our discussion because the other events are currently ongoing or were closed only recently.

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Marine Mammal Commission therefore recommends that the Service revise the DPEIS to discuss actions the Service has taken or plans to take to improve the synthesis and use of data collected during unusual mortality events.

Interim Standards for Release

The Interim Standards for Release appended to the DPEIS include several safeguards for ensuring that marine mammals are not released prematurely or in situations where they might pose a threat to wild populations. For example, the interim standards require that stranding network participants prepare “release determination recommendations” and release plans and to obtain the Service’s concurrence prior to release. These requirements recognize that facilities may have incentives to promote inadvisable releases. The interim standards do not, however, recognize that, for some species, there may be a countervailing incentive to retain marine mammals for long-term maintenance in captivity and, perhaps, eventual placement at a public display facility. For such circumstances, protocols need to be established to ensure that the rehabilitation of animals and their preparation for eventual release to the wild are pursued diligently and with suitable agency oversight.

The Commission notes that incentives to retain stranded animals for long-term captive maintenance likely are greatest for species with commercial value, such as bottlenose dolphins, or for depleted species for which public display permits are not available. With only a few exceptions, these are species listed under the Endangered Species Act as threatened or endangered. Thus, this may be an issue best addressed in the context of the new MMPA/ESA permit being contemplated in the DPEIS.

Page 2-2 of the Interim Standards for Release states that “[t]he Regional Administrator (i.e., NMFS staff) will review the recommendation and release plan [submitted by a stranding facility] and provide a signed written notification to the Stranding Network participant indicating concurrence and authorization to release or direct an alternate disposition....” The DPEIS does not, but should, discuss the criteria that the Service will use to review and approve or disapprove the recommendations and plans. The Commission’s concern is underscored by the Service’s Southeast Regional Office’s authorization in August 2003 of the release of five pilot whales, despite objections from experts in the fields of cetacean biology, behavior, and veterinary medicine and contrary to the Service’s own release guidelines. The animals in question included a dependent calf and a juvenile animal exhibiting aberrant behavior, prompting the outside experts to conclude that release of these animals would be inhumane. Under the Service’s own guidelines, the release of dependent calves and animals exhibiting aberrant behavior is precluded. Nine days after the animals’ release, scientists tracking the whales observed sharks attacking the calf, and the fate of two other animals was unknown. In that case, the Service chose not to follow its draft release criteria and the advice of the majority of experts it consulted—with adverse consequences. The Marine Mammal Commission therefore recommends that the Service clarify the procedures and substantive criteria, other than those that facilities would need to consider under the Interim Standards for Release, that it will follow in reviewing and approving or disapproving a stranding network participant’s recommendation and release plans.

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The Interim Standards for Release (pages 3-12 and 4-14) note that “[p]ost-release monitoring provides essential information to develop and refine marine mammal rehabilitation and release practices.” On page 2-14 it states that standardization of data collection protocols for monitoring released animals may be helpful in comparing individual cases, and that the Service “will provide the stranding network with the desired format for receipt of tracking data in reports.” However, the Service does not elaborate on what that format might be. We concur that standardized data collection protocols would be useful, and the Marine Mammal Commission recommends that the DPEIS be revised to identify the types of information that would be included in protocols for monitoring released animals.

Interim Standards for Rehabilitation Facilities

The introduction to this section (page iv) notes that the Interim Standards for Rehabilitation Facilities establish minimum standards for the temporary care of animals undergoing rehabilitation and that it is the Service’s intent to provide a reasonable process for facilities to be upgraded to meet or exceed those standards. However, there is no indication of what the Service intends to do to ensure that rehabilitation facilities are, in fact, meeting the minimum standards (e.g., whether inspections will be conducted, how often, and by whom). The Marine Mammal Commission recommends that this information be provided.

Pages 1-4 and 2-4 state that shade structures or shelters must be provided when local climatic conditions could otherwise compromise the health of the animal. This standard is subjective and allows for broad interpretation. The Service should better define the conditions under which shade must be provided to animals that are undergoing rehabilitation, recognizing that, if such animals are unable to thermoregulate or swim and dive normally, protection from the sun is essential.

Public Viewing of Marine Mammals Undergoing Rehabilitation

Page 6-3 of the DPEIS states that “[c]urrently, public viewing of animals in rehabilitation is not allowed under MMPA regulations. . . .” The discussion goes on to indicate that the MMHSRP “would like to establish guidelines to allow public viewing that would protect the animals as well as the general public. . . .”

Contrary to the statement in the DPEIS, the cited regulation (50 C.F.R. § 216.27(c)(5)) does not establish a complete prohibition on the public display of marine mammals undergoing rehabilitation. Rather, such displays are not allowed unless the Regional Director or the Director of the Office of Protected Resources has specifically authorized them and unless they are conducted in a manner consistent with the requirements applicable to public display. This being the case, regulatory changes are not needed.

The Commission concurs that establishing guidelines for when and under what conditions public display should be allowed is a good idea. However, the DPEIS does not sufficiently describe the types of guidelines being contemplated by the Service, except to note that those guidelines

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would be designed to protect the animals and the general public, including animal and human health. It would be helpful if the final EIS expanded on the Service’s plans for developing the guidelines and identified other factors that need to be considered before public display of animals in rehabilitation facilities is authorized. For example, public display should only be allowed in situations and in ways in which it would not interfere with the MMHSRP’s goal of eventually returning rehabilitated marine mammals to the wild (e.g., precautions should be taken to ensure that viewing opportunities do not acclimate animals to the presence of humans). The Marine Mammal Commission therefore recommends that the DPEIS be revised to elaborate on the Service’s plans for developing draft guidelines to govern when public display of marine mammals undergoing rehabilitation will be authorized, including opportunities for the Commission, the affected facilities, and the public to review the draft guidelines prior to their adoption.

A possible complicating issue is whether placing marine mammals undergoing rehabilitation on public display triggers Animal Welfare Act care and maintenance standards that might not otherwise be applicable. Compliance with these standards might place additional financial burdens on rehabilitation facilities and could deflect attention away from achieving the rehabilitation goals of the Marine Mammal Protection Act. The Marine Mammal Commission therefore urges the National Marine Fisheries Service to work closely with the Animal and Plant Health Inspection Service in developing the guidelines for public viewing to ensure that the requirements of the two statutes are met and that the potential for successful rehabilitation is not compromised.

Stranding Network Issues

Over the years, three separate stranding-related issues have generated ongoing concern: insufficient space at rehabilitation facilities, particularly in light of the potential for increased numbers of strandings in the future as a result of climate-related changes; difficulties associated with placing non-releasable marine mammals (particularly pinnipeds, neonates, and animals with chronic health problems [e.g., neurological problems and skin conditions]) in public display facilities; and criteria for determining when stranded marine mammals should be removed from the wild for treatment and rehabilitation (i.e., making on-scene evaluations of the likelihood of a stranded marine mammal being successfully rehabilitated and released). Clear and specific standards also are needed for determining when euthanasia of a stranded animal is appropriate. We understand that this and related issues are discussed in depth by Moore et al. (in press) and suggest that the Service contact the authors for a copy of that paper if it does not already have one. The Commission believes that an in-depth examination of these problems and of potential solutions is warranted. The Marine Mammal Commission recommends that the National Marine Fisheries Service revise the DPEIS to discuss these issues and possible strategies for addressing them.

Mr. David Cottingham
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Page 6

Please contact me if you have any questions concerning the Commission's comments and recommendations.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director

Enclosure

References:

- Gulland, F. M. D. 2006. Review of the Marine Mammal Unusual Mortality Event Response Program of the National Marine Fisheries Service. U.S. Dept. of Commerce, NOAA Tech. Memo. NMFS-OPR-35, 32 pp.
- Moore, M., G. Early, K. Touhey, S. Barco, F. Gulland, and R. Wells. In press. Marine mammal rehabilitation and release in the United States, costs and benefits. Marine Mammal Science.

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Subject: comments
From: Charles Johnson <CJ.AKNanuq@alaska.com>
Date: Wed, 30 May 2007 16:06:33 -0800
To: mmhsrpeis@noaa.gov

301 427 2584

David,

The Ice Seal Committee at its annual meeting of Oct, 06 passed a resolution against the reintroduction of rehab seal into the wild, feeling the potential risks of introduced pathogens far outweigh the benefits of a few reintroduced animals to populations that are healthy. Attached are the fminutes and the resolution. The Alaska Nanuq Commission at its Dec, 05 annual meeting also passed a resolution against the reintroduction of rehab seals.

Charles Johnson, Executive Director
Alaska Nanuq Commission

The emails keep coming back

Chak

see p 5 of minutes

May 1, 2007

Mr. David Cottingham
Chief, Marine Mammal and Sea Turtle Division (F/PR2)
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, MD 20910

Charles D.N. Brower
Chairman, Ice Seal Committee
PO Box 946
Nome, Alaska 99762

Subject: Rehabilitation and Release of Arctic Ice Seals

Dear Mr. Cottingham,

The Ice Seal Committee is opposed to the release of rehabilitated ice seals in the Arctic back to the wild due to the threat of spread of disease. Current regulations and policy require the release of marine mammals that are deemed healthy to return back to the wild. We wish to have this practice stopped for ice seals. We have passed resolution, as have the Eskimo Walrus Commission and the Alaska Nanuq Commission to oppose the release practices for ice seals.

We are willing to work with the National Marine Fisheries Service and other partner organizations to find ways to address the laws, regulations, and policies regarding this issue. We hope to have and exemption for the release of Alaska Arctic ice seals that requires the release stipulations. We do not intend to affect other species within United States jurisdiction.

Sincerely,



Charles D.N. Brower
Chairman, Ice Seal Committee

**Minutes of the
Ice Seal Committee
Alaska Nanuq Commission**

24-25 October 2006
Meeting
Captain Cook Hotel, Anchorage, Alaska

List of Participants:

<u>Name</u>	<u>Organization</u>	<u>Contact</u>
<u>Members</u>		
Charles D.N.	Brower North Slope Borough	CBrower@Ukpik.com
Molly Chythlook	Bristol Bay Native Assocation	mchythlook@bbna.com
Austin Ahmasuk	Kawerak Inc./Bering Straights	sub.rec@kawerak.org
Jennifer Hooper	Assoc. of Village Council Presidents	jhooper@avcp.org
John Goodwin	Maniilaq	JGoodwin@otz.net
<u>Staff</u>		
Rex Snyder	Alaska Nanuq Commission	harpoon907@yahoo.com
Charles Johnson	Alaska Nanuq Commission	cj.aknanuq@alaska.com
<u>Federal Agency</u>		
Peter Boveng	National Marine Mammal Lab	peter.boveng@noaa.gov
Michael Cameron	National Marine Mammal Lab	Michael.comeron@noaa.gov
Barbara Mahoney	National Marine Fisheries Service	Barbara.mahoney@noaa.gov
<u>Guest Presenters</u>		
Brendan Kelly	University of Alaska Southeast	brendan.kelly@uas.alaska.edu
Lori Quakenbush	Alaska Department of Fish & Game	lori_quakenbush@fishgame.state.ak.us
Bob Small	Alaska Department of Fish & Game	bob_small@fishgame.state.ak.us
Paul Stang	Minerals Management Service	paul.stang@mms.gov
Lee Kellar	Alaska SeaLife Center	lee.kellar@alaskasealife.org
Carrie Goertz	Alaska SeaLife Center	
Monica Riedel	Indigenous Peoples' Council Marine Maml	monicariedel@pci.net
<u>Other Guests</u>		
John Reynolds	Marine Mammal Commission	
Cheryl Rosa	North Slope Borough	
Tim Liebling	Alaska SeaLife Center	
Ann Hoover-Miller	Alaska SeaLife Center	
Pam Tuomi	Alaska SeaLife Center	
Mitch Simionoff	Alaska Native Harbor Seal Commission	
Vera Metcalf	Eskimo Walrus Commission	
Chris Perkins	Eskimo Walrus Commission	
Donna Willoya	Alaska Sea Otter and Sea Lion Commission	
Chandra Meeck	University of Alaska Fairbanks, Student	

05/30/2007 8:33PM

Call to Order: Chairman Charles Brower called the meeting of the Ice Seal Committee (ISC) to order at 8:43am.

Roll Call: Rex Snyder recognized present Charles Brower, Austin Ahmasuk, Jennifer Hooper, John Goodwin, and Molly Chythlook. Quorum Established.

Approval of Agenda: Motion to approve agenda by Jennifer Hooper, 2nd Molly Chythlook, passed unanimously.

Approval of Minutes: Motion to approve January 2006 and February 06 Meetings minutes by Austin Ahmasuk, 2nd by John Goodwin, passed unanimously.

Charlie Johnson suggested that in order for the ISC to be consistent with other commissions it should change its bylaws to be representatives from tribal entities not tribal governments.

John Goodwin mentioned that he does not work for Maniilaq but went to the board and asked them to appoint him because he was a seal hunter. He did not want to send an interior person to be on the ISC and they appointed him.

Charlie Brower suggested that an amendment to the bylaws be put forth at the next meeting and he would discuss the issue with Inupiat Community of the Arctic Slope.

Regional Reports:

North Slope: Charles Brower- good hunting in all villages this summer. Mr. Brower personally had an excellent harvest. Lost much dried seal meat from seagulls. Some seals unhealthy and unedible but not a bad season.

Maniilaq: John Goodwin- a good harvest season. Stated that his region is losing old hunters. Subsistence Coordinator for Maniilaq region connects families in need with hunters. A warm fall season. While out tagging ugruqaq noticed more ringed seals this year. The ringed seals were fatter and healthier looking too. Harvested ugruk were not as fat this year. Usually it is the bigger ugruks with rusty faces but some of the young ones had it too. John wants to know more about the red faces and what causes it.

Kawerak Inc./Bering Straits: Austin Ahmasuk reported on comprehensive survey that included questions on seal harvest. Survey is in cooperation with ADFG and North Pacific Research Board funding and is 80% complete. Official report should be available soon. Ice conditions were very good – though trend in weather has been generally warm. Have not heard much in terms of diseases or unhealthy seals. Salmon on increase with record runs – will help spotted seals mostly. A 2002 survey will compliment the 2005 survey. Harvest seems normal from informal discussions. This fall is warm and seems a bit behind in freeze-up; a little late.

Association of Village Council Presidents: Jennifer Hooper reported on not hearing any village concerns. Late Spring break-up with grey summer and fall. Freeze-up is late. AVCP-IUM submitted a joint request for funding with other Indigenous Peoples' Council on Marine Mammals

05/30/2007 8:33PM

for line item funding. Jennifer was approached by a museum wanting an ugruk specimen for display. She was uneasy about asking a hunter to catch food to send out and fill with plastic for display. However, request was retracted due to expense of such a display.

Bristol Bay Native Association: Molly Chythlook has replaced Ralph Andersen as the ISC representative. Molly Chythlook described her affiliation with harbor seal surveys with Alaska Native Harbor Seal Commission and ADFG in 13 communities. Numbers of sea lions harvested declined as numbers of animals declined. Bearded seals are less numerous and timid. Mukluk seal's oil is yellow and must not get warm because it spoils easily. Togiak and Twin Hills reported skinny seals. Lot of sea ice this year making open water skiff use difficult. Ice departed in time for normal herring harvest date. Raining and unpredictable summer weather made hunting difficult such as Round Island walrus hunt. February – April is the peak seal harvest and the harvest stops after the salmon come in because the seals taste too fishy then. Hunting starts again in October. Conditions of skins seems to be degrading -- cutting through skin easier when flensing blubber.

Austin Ahmasuk said he has heard of thinner skins too. As a trapper he knows it could be a difference in the timing of the harvest because skins are thinner at certain times of year. Skins may be thinner when seals are molting too.

Indigenous Peoples' Council on Marine Mammals

Monica Riedel gave an update and provided a handout titled "Alaska Native Co-Management and Consolidation of IPCoMM" dated 18 October 2006. She said that the document was the result of meetings and discussion and was initiated by IPCoMM members. She urged support from the Marine Mammal Commission and acknowledged support from others. She asked for a resolution of support and letters to Senators and the President. John Reynolds from the Marine Mammal Commission said that she should discuss her request with Tim Ragen, the new Executive Director, but that the MMC planned a fall 2007 Co-management workshop, which may help.

Monica said that IPCoMM's message has already been delivered to Congress but no commitments have been received. They are still optimistic because the 07 spending bill has not been signed. She gave a copy of IPCoMM's agenda for next meeting to Rex.

Staff Reports

Rex Snyder gave an update on activities, funding requests, and ice seal sampling efforts in North Slope villages. Rex Snyder handed out a copy of an Arctic Sounder Article about seal hunting and emphasized the use of Alaska newspapers to get information out to communities. He also passed out an organizational chart for the ISC. Rex also made a plea for a better process for getting money from NMFS for ISC operations. He has been turning in receipts for reimbursement but often he has no money to work with. NMFS responded that they could assist with that.

Charles Johnson, Executive Director of the Alaska Nanuq Commission (ANC) presented a report on activities of ANC. The primary focus has been the treaty with Russia and the Administrations hesitation to support congressional enactment due to language mandating the assignment of joint commission members as "Alaska Native"; that the President may assign anyone he or she pleases. Highlighted other projects ANC is involved with: Chukotka Traditional Knowledge Study, Annotated Bibliography of Russian research, Treaty enactment, FWS research on population and polar bear village patrols.

BREAK

Unfinished Business:

National Marine Mammal Lab (NMML)- Peter Boveng and Mike Cameron with Polar Ecosystems reported on seal capture and satellite tracking project from the *Thomas Thompson* research cruise vessel at the leading edge of pack- ice in the Bering Sea during April. John Goodwin and Charles Saccheus also participated and felt that having Alaska Natives as research team members was vital and made for a very successful and advantageous for the program. NMML also gave an update on the Kotzebue satellite tagging project.

LUNCH

Unfinished Business Continued:

Austin Ahmasuk gave a presentation on draft results from a Kawerak Inc. ballistics project on the effectiveness of .17 cal. and .22 cal. for seal hunting. Project provides information for hunters and could be transformed into a handbook or other useful tool.

Dr. Kelly gave an update on ringed seal population movements and genetics that are useful for understanding population structure. Warm weather is affecting seal habitat with reduced ice and snow cover as well as limited denning seasons for pups. So far 338 ringed seal DNA samples are being analyzed so far from known breeding sites.

Lori Quakenbush gave an update on ice seal biomonitoring in villages – working with hunters and users to get full suite of tissue samples and information. Program has sampled 1,102 seals. Alaska ice seal contaminant loads appear nearly 10 times lower than the average of three sites in Canada. She also introduced Mark Nelson, ADFG, and a newly funded effort to collect ice seal harvest information. The funding includes money for workshops and meetings to determine the best way to collect the information. The harvest calendars will also be a focus.

Paul Stang with the Minerals Management Service provided information on Outer Continental Shelf oil and gas lease programs. Mr. Stang informed Committee on MMS's Five Year Lease Program for Beaufort and Chukchi sea lease sales. Chairman Brower suggested more wildlife monitors on board seismic vessels.

New Business:

Alaska Sealife Center (ASLC), National Marine Fisheries, and Ice Seal Committee discussed strengths and weaknesses of rehabilitation and release of arctic seals. Charlie Brower referred to the Resolutions passed by several ANOs, including ISC, but releases are still continuing. ISC members reiterated concerns about introduction of parasites and diseases to the wild population and that the benefit of release of a few seals does not outweigh the huge potential risk.

Lee Keller of the ASLC explained that their stranding agreement with NMFS requires the ASLC to release rehabilitated seals meeting the release criteria. The current stranding agreement and policies between NMFS and ASLC require release of seals that meet requirements. ASLC gave a review of their rehabilitation program and what types of things they can learn from live but sick animals. ASLC doesn't know how to honor the stranding agreement with NMFS and ISC resolutions. The short-term solution appears to be for ISC to continue to promote local actions as laid out by the posters and pursue a long-term solution such as an exemption in the MMPA for release of ice seals in Alaska.

Motion by Austin Ahmasuk to make exemption for Alaska under the MMPA to the release requirements of stranded and rehabilitated ice seals, 2nd by Molly Chythlook. Discussion: wording must be clear and strong for exemption. Passed unanimously.

October 25, 9:10am

Co-management Agreement discussion on any additions or missing elements. Rex Snyder recommended the agreement address some enforcement issues, especially the concerns with border crossings wearing traditional marine mammal clothing. Barbara Mahoney suggested the ISC approach the Custom Agents for their next meeting. NOAA Enforcement would also be able to attend the next ISC meeting to answer questions on ice seal enforcement issues. No changes to Agreement.

Motion by Austin Ahmasuk to sign Agreement, 2nd by Jennifer Hooper. passed unanimously. Signed by Charles Brower and Barbara Mahoney. Members of Co-management Committee appointed are: All 5 members of Ice Seal Committee and Peter Boveng, Barbara Mahoney, and Kaja Brix.

Back to Unfinished Business:

Technical Committee: Peter Boveng took lead on discussion to review and update Ice Seal Research Plan as a guide and tool for fiscal proposals to Congress and reviewing ice seal work. Discussion on introduction to reflect emphasis on promoting needs for funding – with a clearer voice for broad audience. Charles Johnson will be in D.C. in mid November and would like updated introduction of the research plan for his trip.

Motion by Austin Ahmasuk to table elections for next meeting, 2nd by John Goodwin, passed unanimously.

Adjournment: Next meeting at the call of the Chair. *Motion to adjourn by Austin Ahmasuk, 2nd by John Goodwin, passed unanimously.*

Resolution Against the Release of Rehabilitated Seals to the Wild

Ice Seal Committee Resolution # 01-2006

- WHEREAS a stated purpose of the Ice Seal Committee is to preserve and enhance the marine resources of ice seals (ringed, bearded, spotted, and ribbon), and
- WHEREAS healthy ice seal populations are important for the subsistence of coastal Alaska Native people of the Bering, Chukchi, and Beaufort Seas, and
- WHEREAS the practice of transporting a sick ice seal from its Arctic environment (Bering, Chukchi, or Beaufort Sea), nursing it back to health in waters from the Gulf of Alaska, and releasing it back into the Arctic creates great potential risk of introducing diseases and/or parasites into the wild ice seal populations, and
- WHEREAS there is no population crisis for any of the ice seal species that would justify the potential risk of releasing a few individuals back to the wild, then
- BE IT RESOLVED that the Ice Seal Committee is opposed to this practice and will act locally to prevent sick ice seals from being transported for the purposes of rehabilitation and release.

31 January 2006

Date

Charles D. N. Brower



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
 P.O. Box 21668
 Juneau, Alaska 99802-1668

May 30, 2007

David Cottingham, Chief
 Marine Mammal and Sea Turtle Conservation Division
 Office of Protected Resources
 National Marine Fisheries Service
 1315 East-West Highway, Rm 13635
 Silver Spring, MD 20910

Dear Mr. Cotton:

NOAA Fisheries' Alaska Region Protected Resources Division (AKR PRD) appreciates the opportunity to comment on the Draft Programmatic Environmental Impact Statement (DPEIS) for the Marine Mammal Health and Stranding Response Program (MMHSRP). We support the preferred alternative as described in the Executive Summary and in Chapter 2 of the document. In addition, we submit the following comments for consideration:

1. Ice Seal Release

- We encourage the development of national policy which will address the concerns of Alaska Native communities and organizations related to the release of rehabilitated marine mammals into the wild (current concern over ice seal release, may expand to other species as well). The agency should develop a consistent policy under the directives of the ESA and MMPA to address this through the MMHSRP, as it is a marine mammal health and management issue which may set precedent for other species and regions.

2. Large Whale Disentanglement

- Under the close supervision and authorization of the MMHSRP permit issued to Dr. Teri Rowles, we encourage the development and support of a West Coast large whale disentanglement network. Strong progress has been made in this arena in recent years through regional coordination efforts between Hawaii, Alaska, California and the Northwest (forthcoming) to build partnerships and capacity through safety training, awareness-raising, and equipment acquisition. We encourage resource prioritization and national oversight facilitated through the MMHSRP permit for further West Coast coordination efforts.
- For Marine Mammal Disentanglement Network members named in Appendix F, we recommend only listing those individuals trained at Levels 3 & above. Levels 1 and 2 are basic familiarization levels, now numbering hundreds of individuals nation-wide who have been exposed to disentanglement techniques and protocols in a cursory manner.
- To this end, please make the following corrections:



- Mr. Dennis Thaute, NMFS Enforcement, as a Level 3
- Mr. Brad Smith is with the Protected Resources Division and a Level 2
- Ms. Jamie Womble and Mr. Ron Antaya are both Level 2.
- Ms. Janet Neilson, Glacier Bay National Park, should be added as a Level 3.
- Mr. Don Holmes, Petersburg Marine Mammal Center, should be added as a Level 3.
- Mr. Barry Bracken, Petersburg Marine Mammal Center, should be added as a Level 3.
- Dr. Fred Sharpe, Alaska Whale Foundation, should be added as a Level 4.
- Ms. Chris Gabriele, Glacier Bay National Park, should be added as a Level 4.

3. Appendix F Stranding Network Members

- Please add the following to page F4 for AK Stranding Network Members: Dr. Rachel Dziuba, SA (new agreement holder) and Mr. Jamie King, Alaska Dept. of Fish and Game, 109h.

4. Chapter 3, Affected Environment. Page 3-29, Human Interactions section.

- We recommend either omitting the last sentence which refers to Steller sea lion net entanglements, or changing it to read "Numerous cases of Steller sea lion fishery interactions are reported annually. These cases include animals that have swallowed hooks, flashers and lures; animals with packing bands around their necks; and animals wrapped in net or other fishery related material." It has come to our attention that the Alaska Dept. of Fish and Game has many more reports of entangled sea lions that currently reside in NMFS database. We plan to update and correct our database this summer by merging our state and federal reports. Thus, the number reported in the DPEIS is an inaccurate total and should be deleted or changed as above.

5. ESA Species and Public Safety

- We recommend that the MMHSRP develop a national policy regarding response to problem or nuisance T/E individuals that have become a threat to public safety. Currently, there is no authorization for lethal removal of such an individual animal under the existing MMHSRP Rowles permit. We recommend that provisions for lethal take be considered in certain situations when an aggressive animal threatens public safety and welfare. This authorization would be granted on a case-by-case basis after thorough regional and national assessment within the agency, in addition to consultations with health professionals in the stranding network. A private citizen in Alaska recently experienced an unprovoked Steller sea lion attack and was severely injured as a result. Given the number of aggressive sea lions reports that NMFS AKR receives based on sea lions'

habituation to humans and associations with food, this is a scenario likely to repeat itself in the future. The agency needs to be prepared for this and must develop a means to ensure human safety.

6. Oil Spill Response

- In Alaska, we recommend a set of Regional conditions be developed for responders. This might include consideration of our multiple co-management agreements, consultation with whaling captains, local hire provisions for the North Slope, plans "on file" with personnel, equipment, training credentials, protocols, etc to enhance the efficiency of NMFS response time.
- It is unclear from the DPEIS and existing permit how T/E species are to be handled differently than other marine mammals with regard to oil spill response. In addition, how do the oil spill guidelines in Appendix L integrate with state/regional on-scene command structures during a spill?
- Letter of transmittal from Leathery to Rowles
 - Neither this letter nor the permit clarify any distinctions for ESA species
 - The second paragraph here describes "two projects", while the attached permit contains three.
- Amendment 8 (permit)
 - Abstract. There does not seem to be any abstract here.
 - General comment: Recommend consolidating all activities related to spill response (e.g., A.1. b. 10. allows holders to take samples from oiled carcasses, without mention of evidentiary issues such as chain of custody, secondary oiling, disposition, reporting to ICS, etc. A single spill response section could include such concerns).
 - Project II-Enhancement. Established protocols have been developed with the FOSCs, DOI, and State of Alaska such as the State-Federal response plan and the Wildlife Protection Guidelines for Alaska. The permit should clarify that although this amendment conveys legal authority to take marine mammals in response actions, any such actions must be coordinated with and approved by the RO of NMFS and the FOSC beforehand. Actual protocols for hazing, collection, rehab, or release should also be developed which advocate the least invasive and disruptive means necessary to achieve the desired effect. It is essential that the permit requires plans to be submitted to the RO before any response is approved.
 - Part B.1.a., concerns conditions for any spill response (termed "enhancement" in the permit), and states that the WGUMME will provide advice on any live animal investigative activities. What does this mean? How would NMFS expect this consultation to occur during a response?
 - Part B.1.d. refers to authorization in A.1.b. 13, however there is no such

section, and nothing beyond A.1.b. 12.

--Part B.2.a.3. states that only "experienced personnel can apply and deploy tags by an acceptable means" What are acceptable means?

--Part 4.c. describes that researchers may conduct activities "as described in the application". What application?

--Part 4 should be re-written to include a section dealing only with spill response. It might look something like this:

x) For marine mammal response activities related to oil and HAZMAT responses

1. Any hazing of marine mammals must be approved by the CI after the responder has submitted a written plan describing their proposed methodology and protocols.

2. any responders must meet applicable requirements of OSHA and the USCG regarding safety in areas of spills.

3. any response activities during a Federalized response must be coordinated through the RO of NMFS or the NOAA representative to the Regional Response Team.

4. any animals or carcasses to be captured or collected during a response shall be reported to the NMFS RO prior to collection and removal. Chain of custody procedures may be required of the collector, and the animals/carcasses shall become the property of NMFS unless specifically authorized.

5. any hazing shall employ the least disruptive means to prevent a marine mammal from becoming oiled/impacted by the spill.

6. No pre-approval of marine mammal response is authorized.

Thank you for the opportunity to comment.

Sincerely,



Kaja Brix
Assistant Regional Administrator
for Protected Resources



Sarasota Dolphin Research Program

A Collaborative Effort of the
Chicago Zoological Society and Mote Marine Laboratory
c/o Mote Marine Laboratory
1600 Ken Thompson Parkway Phone: (941) 388-2705
Sarasota, Florida 34236 USA Fax: (941) 388-4223
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Mr. David Cottingham
Chief, Marine Mammal and Sea Turtle Conservation Division,
Office of Protected Resources,
National Marine Fisheries Service,
1315 East-West Highway, Room 13635,
Silver Spring, MD 20910 mmhsrpeis.comments@noaa.gov

30 May 2007

Re: MMHSRP PEIS

Dear David,

Thank you for the opportunity to comment on the MMHSRP PEIS. My familiarity with the issues addressed in this document come from many years of experience as a member and now chair of the Working Group on Marine Mammal Unusual Mortality Events, a long-time participant in stranding response and cetacean rehabilitation along the Florida and central California coasts, a principal investigator for long-term bottlenose dolphin health assessment research, a researcher responsible for follow-up monitoring of released rehabilitated cetaceans, and a member and past-chair of the Atlantic Scientific Review Group. The views expressed in the following comments are strictly my own, however, and do not necessarily reflect those of any organization or group with which I work.

The activities of the Marine Mammal Health and Stranding Response Program should be considered essential to responsible management of marine mammals in the United States. I am continually impressed by the dedication and productivity of the members of this small team of experts, and by the vision of their leader, Dr. Teri Rowles. In spite of: 1) the small size of the program in terms of staffing, 2) ongoing resource limitations, and 3) expectations that they "fight fires" as they occur unexpectedly, program staff members have been able to accomplish a great deal. If the "preferred alternatives" identified in the PEIS (and listed below) are realized, then the program should be able to operate even more effectively and efficiently. I support the implementation of the preferred alternatives.

Stranding Agreements and Response

Alternative A4 (Preferred) Final SA criteria would be implemented, new SA template would be utilized, current and future activities included.

The national stranding network is far too valuable a resource to allow to disintegrate or to not be coordinated in such a fashion as to optimize its information potential. There needs to be greater consistency across regions in terms of how stranding network participation is managed, and the

expectations for participant involvement. Many stranding-related issues cross regional boundaries (e.g., Unusual Mortality Events), and lack of consistency in terms of stranding response, data collection, and data access detracts from our ability to understand the causes of strandings, and potentially the expeditious detection of UMEs. More centralized oversight and management of national stranding response, through Headquarters, would be beneficial.

Carcass Disposal

Alternative B3 (Preferred) Recommendation to transport chemically euthanized animal carcasses off-site.

Carcass disposal has been an ongoing issue with stranding response, especially with large whales and with Unusual Mortality Events. It is important that chemically-euthanized animals not remain in areas where the chemicals can be released to the marine environment as the animals decompose.

Rehabilitation Activities

Alternative C3 (Preferred) New SAs would be issued, rehabilitation activities continue. Final Rehabilitation Facility Standards would be implemented.

While there is increasing recognition that many stranded animals may not be appropriate candidates for rehabilitation (Moore *et al.*, in press), there currently is public pressure for rehabilitation of at least some stranded marine mammals. In addition, rehabilitation of endangered species has the potential to provide conservation benefits that are more difficult to identify with non-endangered species. Currently, rehabilitation efforts are performed by facilities with very diverse physical capabilities and husbandry programs. Implementing a minimum set of standards would help to improve care for the animals, and would improve the knowledge base for treatments.

Release of Rehabilitated Animals

Alternative D3 (Preferred) New SAs would be issued, release activities continue. Final Release criteria would be implemented.

Recognizing the risks posed to wild populations by the release of marine mammals from rehabilitation facilities, stringent criteria are needed for deciding which animals are appropriate release candidates. Obligatory follow-up monitoring, with timely dissemination of results, is needed to learn which rehab efforts are useful, and to explore the impacts of released animals on wild populations (e.g., Wells *et al.* 1999; in review a, in review b). Sample sizes from releases to date are generally too small to be conclusive.

Disentanglement Activities

Alternative E3 (Preferred) Disentanglement network would continue current activities on East Coast with modifications to West Coast network. The Disentanglement Guidelines and training prerequisites would be implemented.

The Disentanglement Network has played an important role with large whales, especially in the case of northern right whales, where each individual is critical to the continuation of the species.

This is a highly visible and dangerous activity. Every effort should be made to ensure proper training and maintenance of standards for operations.

Biomonitoring and Research Activities

Alternative F3 (Preferred) New ESA/MMPA permit would be issued to include current and future biomonitoring and research activities.

Biomonitoring and research activities are crucial for identifying current and emerging threats to marine mammal populations, and for placing strandings into appropriate perspective (e.g., Wells *et al.* 2004). Methods have been developed to accomplish many of these research activities safely and effectively, with minimal risk to the animals, but with tremendous returns in terms of data that can not be obtained in any other way. Focused hypothesis-driven research, as well as research for establishing health baselines, should aid future investigations of Unusual Mortality Events. In order to optimize the value of this research, it is important that a set of standardized diagnostic laboratories be identified or established that will allow for consistent sample analyses, and will be able to expeditiously handle the large number of samples that may result from a research program or Unusual Mortality Event investigation, for example.

I am very supportive of the development and implementation of the "Policies and Best Practices Manual" as described, including:

- Evaluation Criteria for a Marine Mammal SA (New Applicants and Renewals)
- National Template for Marine Mammal SAs
- Standards for Marine Mammal Rehabilitation Facilities (a.k.a. Rehabilitation Facility Standards)
- Standards for the Release of Rehabilitated Marine Mammals (a.k.a. release criteria)
- Marine Mammal Disentanglement Guidelines

Such a package of standardized policies and practices will help to elevate the quality of efforts of the entire network, will increase the value of the information resulting from these activities, and will improve the return on investment the Prescott Grants Program, for example. The Prescott Grants Program has accomplished a great deal to date, and its continuation is crucial to the continuation and improvement of national stranding response.

I would be happy to discuss any of these points in greater detail with you at your convenience. Staff should be commended for the work they put into this lengthy document.

Sincerely,



Randall S. Wells, PhD

P.S. In Section 3-20, line 24, sperm whales should be moved from the list of mysticetes.

Literature Cited

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- Wells, R.S., C.A. Manire, D. Smith, J.G. Gannon, D. Fauquier, and K.D. Mullin. In review b. First records of movements and dive patterns of a Risso's dolphin, *Grampus griseus*, in the Gulf of Mexico and Atlantic Ocean.

Attn: MMHSRP PEIS

Subject: Attn: MMHSRP PEIS
Date: Wed, 30 May 2007 08:37:01 -0400
From: Tech Desk <mmsc@verizon.net>
Organization: Marine Mammal Stranding Center
To: mmhsrpeis.comments@noaa.gov

Dear Mr. Cottingham,

The efforts of NMFS to standardize the care among stranding response organizations is welcome and all of your work is greatly appreciated. The following are some suggestions regarding the "Policies and Best Practices: Marine Mammal Stranding and Response, Rehabilitation and Release standards for Rehabilitation Facilities" specifically as it pertains to pinniped rehabilitation facilities and their pool requirements.

In Section 2.1.1 the recommended standard for pools is for them to meet USDA, APHIS regulations. These standards are based on the adult length of the largest species housed in that pool and were developed for permanent display facilities. These standards would not be very practical for rehabilitation facilities like ours who handle primarily pups and juveniles of various species that can grow to be quite large and rarely, if ever, strand in our area of response as adults. Also, it is not very clear whether these standards would apply to all pools used for rehabilitation or only those used for holding animals in the final stage of care prior to their release.

I appreciate the opportunity to comment and thank you for your time and consideration.

Robert C. Schoelkopf

Director

Marine Mammal Stranding Center

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30 May 2007

Mr. David Cottingham, Chief
Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources, National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, MD 20910

Dear Mr. Cottingham,

Thank you for the opportunity to comment on the Marine Mammal Health and Stranding Response Program Draft Programmatic Environmental Impact Statement. The document is thorough and thoughtful, and clearly represents a great deal of positive effort on the part of MMHSRP program staff to support and improve the stranding network.

I fully support adoption of the preferred alternatives.

- * Alternative A4 – to implement final Stranding Agreement criteria, use a new SA template, and include current and future activities.
- * Alternative B3 – to transport chemically euthanized carcasses offsite when possible and practical.
- * Alternative C3 – to issue new Stranding Agreements, continue rehabilitation activities, and implement Rehabilitation Facility Standards.
- * Alternative D3 – to issue new Stranding Agreements, continue release activities, and implement Release Criteria.
- * Alternative E3 – to continue current activities of the Disentanglement Network on the east coast, to continue with modifications the Disentanglement Network on the west coast, and to implement Disentanglement Guidelines and training prerequisites.
- * Alternative F3 – to issue a new ESA/MMPA permit to include current and future biomonitoring and research activities.

In order to facilitate organizations meeting and maintaining Rehabilitation Facility Standards and all other standards and activities recommended in the preferred alternatives, I urge NOAA to continue and expand the John H. Prescott Rescue Assistance Grant Program. The Prescott Grant Program has been responsible for many improvements in marine mammal stranding response, rehabilitation, and release. Additionally, the Prescott Grant Program is responsible for significant advances in science that continue to improve our knowledge of marine wildlife health and how that relates to oceans and human health.

Thank you for considering these comments.

Sincerely,

Kathryn A. Zagzebski
President & Executive Director
kzagzebski@nmlc.org

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May 30, 2007

David Cottingham, Chief
Marine Mammal and Sea Turtle Division
NMFS 1315 East-West Highway
Silver Spring, MD 20910-3226

Dear Mr. Cottingham,

I am writing on behalf of the New England Aquarium, a stranding agreement holder in the Northeast region, to provide feedback on the Draft Programmatic Environmental Impact Statement for the Marine Mammal Health and Stranding Response Program. We support NOAA in your efforts to develop standards for the national marine mammal stranding and disentanglement networks. We appreciate the effort that has gone into these documents and are grateful for the opportunity to provide comments.

Of great significance are Section 2.1.1.3 Stranding Agreement and Response Alternatives. We reject Alternative A1 and A5 primarily because the risk to public safety is too great. If trained authorized personnel do not respond to injured or distressed marine mammals the public will take matters into their own hands as we have seen in the past. We also reject Alternative A3 and A2 on the grounds that they lack standardization and guidelines for the national network. We endorse Alternative A4 and support NOAA in their goal to offer guidelines, minimum criteria and standardization for network participants.

Although we support NOAA's development of a Policies and Best Practices Manual, we are concerned that there are countless items throughout that add new or increased responsibilities onto stranding organizations. We are very supportive of the cooperative relationship that we have enjoyed for years with NOAA, but the constant addition of new requirements in reporting, inspection, training, etc. add additional strain to organizations that have minimal staff, funding, and time and that cover a huge area of coastline and a large number of stranding responses each year.

Specific Comments on the draft National Stranding Agreement Template

1. *Article III section B & C.* The language in the NOAA deliverables section is quite different from the language used in the Stranding Agreement Participant section. The NOAA deliverables section includes the phrase "as needed and as available," while in the Participant deliverables section the wording changes dramatically to the participant "shall bear all expenses." While it is appropriate to clarify the financial liability, we believe NOAA should cover the cost, if one exists, of all Level B or C data they request.

- Alternatively, the language could be changed to closely match the NOAA section; for example: "as needed and as funds are available".
2. *Article II section B* lists the NMFS responsibilities. It would be helpful to the Stranding Agreement Participants to understand the experience level and qualifications of the NOAA employees in its region. Stranding Participants are all required to provide such information and it seems prudent the NOAA agree to do the same.
 3. *Article II, section C, part 4* states that the stranding participant shall bear any and all expenses incurred with the taking, collection, or other activities pursuant to this agreement. NMFS may be able to support costs associated with specific analysis and additional requests as funds are available and authorized.

This section should clarify that these activities do not include the towing of large whales. We also suggest that the language reflect the fact that activities will be based on the financial resources of the Stranding Participant. If the Stranding Participant does not have the resources available then the samples cannot be collected, shipped, or analyzed. Language used in the NMFS responsibility section such as "as resources are available" would be appropriate here.
 4. *Article V, section B1, part f* states that the stranding participants "shall prohibit the public display and training for the performance of stranded rehabilitating marine mammals as required by 50 CFR 216.27 (c) (5). This includes any aspect of a program involving interaction with the public."

We feel that the sentence, "This includes any aspect of a program involving interaction with the public" should be clarified and the terms defined. As it stands this would eliminate many highly effective yet non-detrimental education programs currently in progress. It would significantly impact many facilities that have free visitation programs to their rehabilitation centers.

Specific Comments on the Evaluation Criteria for a Marine Mammal Stranding Agreement (New Applicants and Renewals)

1. *Section 2.1 General Evaluation Criteria for Articles III, IV, and V Authorization section 10.* This section states that a prospective SA must apprentice under a SA holder for a minimum of three years. We suggest that NOAA assign a number of rehabilitation cases to meet the minimum requirements rather than length of time.
2. *Section 3.2* states that key personnel are required to have necropsy experience, but this seems unnecessary if level B and C data is only collected "if possible" as is stated in this section. If necropsies are not required, why is necropsy experience for staff?
3. *Section 4.2 Qualifications for Article IV Authorization section f.* Although it states that this qualification is "preferred but not required" it should be removed

since mass strandings are limited to only a few geographical locations throughout the nation.

4. *Section 5.2 Qualifications for Article V Authorization section 1 c.* "Experience in a supervisory role" should be defined. Does this mean supervising volunteers and interns during husbandry care or supervising the rehabilitation case?

Specific Comments on Standards for Cetacean Rehabilitation Facilities

1. *Section 1.1 Facilities, Housing and Space*
In the paragraph on unweaned neonate cetaceans, if the rehabilitation facility is considering permanent care, they should also provide an updated staffing plan to NOAA since an unweaned cetacean would likely require 24-hour care for weeks or months.
2. *Section 1.6.1 Diets and Food Preparation.* Bullet three states, "Diets reviewed by a nutritionist and the attending veterinarian." This request seems excessive. Most facilities do not have a nutritionist on staff, even the large facilities like the New England Aquarium. It should be enough that the attending veterinarian and the biologists evaluate and calculate the diets. Requiring that a nutritionist review all the diets may prove to be prohibitively costly for the majority of the rehabilitation centers when the husbandry and veterinary staff can manage this.
3. *Section 1.6.6. Feed Records, Minimum Standard* bullet three states that a girth measurement must be obtained weekly on cetacean rehabilitation candidates. While this may be okay in the beginning stages of rehabilitation, weekly captures in later stages are excessive. Every other week would be more appropriate with cetaceans in the later stages of rehabilitation.
4. *Section 1.7.1 Veterinary Experience* states that veterinarians be available to assess animals during mass stranding events. This should be clarified. In many smaller events veterinarians are often not on site but consulting via phone. We acknowledge that in some regions Participants often act on their own accord with limited or in the absence of veterinary oversight. Wording needs to provide direct guidance for these groups but should also not cripple more responsible mass stranding responders who work consistently under the direction of veterinarians. Under *RECOMMENDED* for that section is states the vet be a full time employee or contracted veterinarian of record at facilities managing ten or more cetacean cases per year. This does not clarify if that included live and dead animals or just live? If the latter then this requirement could prove prohibitive for smaller facilities with traditionally low cetacean numbers. *Section 2.7.1 in the Pinniped section* also recommends that the vet consult with the vet on record at facilities managing over 50 pinniped cases per year. Does this included dead animals? If not this seems to go against NMFS new direction of making difficult decisions.

5. *Section 1.7.2 Veterinary Program section, Minimum Standards.* This section taxes the veterinarians with a lot of paperwork that seems excessive, particularly bullet two, which requires a review of Standard Operating Procedures every six months. One time per year is sufficient. Smaller facilities or those not associated with a larger park or Zoo have contracted veterinarians who have another full time job in private practice. While we strongly support veterinary oversight we also think the demands on the veterinarian's time should be reasonable and focused on animal health and direct animal care. Non-veterinarians can perform some of the tasks listed here.
6. *Section 1.9.1 Record Keeping:* Bullet 13 states that medical records should be available for NMFS review upon request. It should be clarified that this statement does not mean that NMFS is able to retain copies of the medical files or diagnostic results, because these are level B and C data and are owned by the Participant. This should be modeled after the AFIS regulations where regular inspections and reviews take place but AFIS does not retain copies. An agent visits the facility and reviews the documents in house. **Bullet 14** states that medical records must be kept on site for a minimum of 15 years. It should be clarified if this means hard copies or computer copies. Computer copies can be kept more easily, whereas hard copy storage may be problematic. If this refers to hard copies then ten years on site or fifteen years at a secured storage area should be sufficient. (This is restated in the Pinniped section).
7. *Section 1.14 Training and Deconditioning Behaviors* states the staff veterinarian should evaluate the benefits of training. We recommend that a person with at least three years of operant conditioning with cetaceans be consulted regarding the training plan and the plan for deconditioning. Phone consult would be sufficient before, during and prior to the deconditioning. Many marine mammal trainers will provide support free of charge.

Specific Comments on Release Criteria

8. *Section 3.8 Marking for Individual Identification of Cetaceans prior to Release.* This section suggests three forms of identification prior to release. One of these is non-invasive while the other two are invasive. We are concerned about freeze branding and whether this is really necessary with a dorsal or satellite tag in place?

ATTN: MMHSRP PEIS

Subject: ATTN: MMHSRP PEIS**Date:** Wed, 30 May 2007 20:05:37 -0400**From:** Rob DiGiovanni <rdigiovanni@riverheadfoundation.org>**To:** mmhsrpeis.comments@noaa.gov**CC:** rdigiovanni@riverheadfoundation.org

Dear Mr. Cottingham,

I would like to thank you for the opportunity to comment on the draft EIS statement. These comments refer to the Interim policies and best practices, Marine Mammal Stranding Response, Rehabilitation and Release.

I feel that the guidelines outlined in this document are acceptable as long as they remain guidelines and do not become regulations. The major issues I have are the discrepancies between the minimum and recommended standards. I do not understand how they relate and how they would be weighted if they became regulations. I feel most facilities will aspire to meet the minimum standards and improve their facilities. However, if the recommended guidelines become regulations this would require an additional upgrade coupled with an increase the cost of conducting rehabilitation. These upgrades would require and additional source of funding not able to be covered under the current John H. Prescott Rescue Assistance Grant Program. Currently the only way to fund moderate upgrades is through this grant program. Unfortunately if these funds are diverted from general operational support our programs will not be able to meet our obligations operationally. As the cap for funding is \$100,000 (and we currently do not have enough funding to support the existing program proposals) when the burden of upgrade is added, funding will fall short.

A couple of examples of where costs of general operations will increase without any increase in animals recovered are as follows. By increasing the coliform sampling regime for rehabilitation tanks to a weekly cycle lab costs for facilities that maintain individual pools for each animal would rise to \$70,000 a year at current prices. When looking at staffing requirements under the proposed guidelines, if we were to maintain 24-hour care, staffing costs would more than double at the current rate. The doubling in staff cost would not be able to be absorbed if Prescott Grant Funding is not increased significantly. Another concern is that over the year's marine mammal stranding facilities have seen major changes and shifts in numbers and species composition of stranded animals. This would require our facility and many others to make changes in the life support system and staffing levels in addition to our five-year upgrade plan. For example, our facility does not currently rehabilitate pups but if pupping starts occurring in our region there would be a costs associated with modifying the facility to comply with the new regulations. Although we do meet the guidelines set forth to deal with current strandings it is the increase in strandings and rare occurrences that cause concerns. Another general comment is that all references to tank diameters and dimensions should be based on actual animal size being rehabilitated in that tank and not the average adult length. These changes assume that animals will not be in the facilities during construction and operations will be conducted offsite. Another problem associated with these upgrades is related to the continuous operations of the rescue program. If facility upgrades cannot be timed to coincide with a decrease in the number of animals, alternate housing would need to be secured. It would be helpful to have NMFS facilitate a coordinated plan, based on their need assessment throughout each region, to upgrade facilities so as not to create a response void.

Section 1.1 Facilities, housing and space

The statement "prior to receiving an unweaned cetacean calf for rehabilitation, facility personnel must submit a plan to the NMFS regional coordinator which will include options and timeline for decisions regarding disposition" should be clarified whether that means receiving from another facility or picking it up from the beach, as most assessment would be done

ATTN: MMHSRP PEIS

upon arrival at the facility. It should be modified to "shortly after receiving an unweaned cetacean calf for rehabilitation, facility personnel must submit a plan to the NMFS regional coordinator which will include options and timeline for decisions regarding disposition"

Section 1.1.1 Space requirements for pool, bay, or ocean pens
The statement "pools shall have a minimum horizontal dimension of 9.75 meters (32 feet) or two times the average adult length of the largest species in the pool, whichever is greater" should be changed to "pools shall have a minimum horizontal dimension of 9.14 meters (30 feet) or two times the actual length of the largest species in the pool, whichever is greater"

Section 1.1.4 Critical Care Animals and Calves

The statement "control air temperature above the pool between 50 - 80°F when appropriate to facilitate recovery" should refer to the environmental parameters encountered by the species undergoing rehabilitation.

Section 1.3.2. Frequency of testing in closed, semi-open or open systems

The statement "maintain records for tests with time, level and results - reviewed and signed monthly by the attending veterinarian" should add "or a husbandry care specialist"

Section 1.6.1 Diets and Food Preparation

The statement "diets reviewed by a nutritionist and the attending veterinarian" should be altered to "diets reviewed by a nutritionist, attending veterinarian or animal care specialist"

Section 2.1.1 Pool requirements

The statement "facilities where numerous pinnipeds are rehabilitated consistently each year should be equipped with at least one pool and haul-out area that meets APHIS standards for at least one adult of that species where one or more per year strands as adults" should be altered to "facilities where numerous pinnipeds are rehabilitated consistently each year should be equipped with at least one pool and haul-out area that meets APHIS standards for at least one adult of the species when the average of occurrence increases to one or more per year."

Thank you for you consideration in this matter.

Robert A. DiGiovanni Jr.

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BRISTOL BAY NATIVE ASSOCIATION

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May 31, 2007

Mr. David Cottingham
 Chief, Marine Mammal and Sea Turtle Conservation Division
 Office of Protected Resources
 National Marine Mammal Fisheries Service
 1315 East-West Highway
 Room 13635
 Silver Spring, MD 20910

ATTN: MMHSRP PEIS

On behalf of the Qayassiq Walrus Commission, and the Bristol Bay Marine Mammal Council, we thank you for the opportunity to comment on the Draft Programmatic Environmental Impact Statement (DPEIS) on the 'Rehabilitation and Release of Marine Mammals.' I also work for the Bristol Bay Native Association's Marine Mammal Program which serves thirty (30) federally recognized tribal/village councils from Togiak to the Nushagak Bay and Nushagak River watershed communities, the Lake Iliamna sub-region, the Naknek area, and the Alaska Peninsula Region to Ivanoff Bay area.

The Bristol Bay and the Alaska Peninsula coastal and inland communities totally rely heavily on Alaska Native traditional harvest of the food resources which include marine mammals (bearded seals, ringed seals, spotted seals, harbor seals, beluga whales, Steller sea lions, Northern sea otters, and walrus). The marine mammals are an integral part of the culture and economy in Native communities and have been since time immemorial. Traditionally, Native hunters have never looked to just one of these species for sustenance and still do not today. Native communities depend on everything the marine ecosystem can provide including seabirds, waterfowl, salmon, herring, clams, and other shellfish species found in the marine environment. The Alaska Native way of life consists of a year-round cycle in harvesting the marine mammals, seabirds, waterfowl eggs, salmon, herring, smelts, hooligans, Northern pike, whitefish, Dolly varden, trout, Arctic char, blackfish, tomcod fish, herring eggs, clams and other shellfish. Hunting for large land animals, trapping for furbearing animals, and gathering edible berries, plants, and medicinal plants is part of the Native way of life. There are oral traditional Native customs, values, and ways the hunters and gatherers adhere to continue to be provided by Mother Nature. For example, Alaska Native people were taught by their ancestors to treat the land and the sea they harvested from with respect; to get only what they needed and leaving

enough eggs, fish, and animals behind so more will be available next season. This is still a part of conserving the natural resources by the Alaska Native people. The Alaska Native people were taught not to leave the place where they harvested traditional foods disturbed and messy. They were taught to properly dispose of unedible animal parts either to designated land and sea areas. Today, hunt captains have a process they go by in screening their hunt crew to ensure a successful harvest by abiding by the Alaska Native traditions. One of the practices, the Alaska Native's was taught was not to play or treat animals disrespectfully. This is one of the reasons, the majority of Alaska Native communities do not support some of the Western scientists, and institutions research projects. The animals are not to be touched or played with was one of the traditional Alaska Native customs, otherwise if the hunter hunted, slowly, the animals or game he hunted will eventually become scarce. These very important Alaska Native traditions or customs need to be respected by researchers. Cooperatively working with the respected communities of any proposed projects need to be presented to the village council's for their approval. One of Bristol Bay Native Association's goals is to build local capacity. One information and or way of doing this is to hire local people to provide expertise in a project because they are knowledgeable about their environment and their traditional hunting areas. A simple courtesy can go a long ways.

The main concerns I would like to address include release of marine mammals after they have been rehabilitated; freeze branding or marking marine mammals for research purposes; and prescribing medicines to marine mammals. My other comment will be recommendations of this Program to conduct statewide/regional marine mammal stranding workshops in coastal Alaskan sub-regional hub communities in the Bristol Bay, and the Alaska Peninsula.

Release of Marine Mammals After Rehabilitation

We do not support releasing marine mammals after they have been rehabilitated to a different area than from where they originally came from. One of the Bristol Bay Marine Mammals concern is if the Alaska SeaLife Center or agencies rehabilitating a marine mammal, and releases it to a different location than where it originally came from, various diseases, parasites, and new illnesses can be spread to the marine mammals and other marine resources. The recommended process for agencies that rehabilitate marine mammals from communities is to work with the local village council where the call originated from. The Alaska Native traditions is if a baby marine mammal is observed, do not touch it thinking it is orphaned, because usually the mother is nearby feeding and sometimes they feed up to a day. The majority of coastal communities recommend leaving the orphaned baby animal alone, and let nature take care of it. An educational flyer needs to be made about observing marine mammals that may be orphaned, stranded or ill and be sent to all Alaskan coastal communities. I have received some calls from Bristol Bay communities of marine mammals thinking they were orphaned, and they went ahead and called, for example, the Alaska SeaLife Center, or the local National Wildlife Refuge offices without contacting the local village or traditional councils. The recommended procedure is if a call is made to, for example, the Alaska SeaLife Cent to rehabilitate a baby animal, contact the village council. Find out who the Village Council President or Vice-President is and follow their recommendations. If they approve to have the animal rehabilitated, then the person can also contact their regional Native Association marine mammal program, the Refuge, and Fish & Game offices to cooperatively rehabilitate the animal upon approval of the Council. These types

of protocols need to be developed.

Freeze Branding or Marking of Marine Mammals

Another procedure that researchers, federal and state agencies have conducted is branding/marketing marine mammal's skin and hides for research tracking purposes. This was a revocation of the federal trust responsibility between the Alaska Natives and the Federal Government. The main Federal Trust Responsibility between the Federal Government and the Alaska Natives is to protect their traditional way of life to ensure it will continue on into the millenium and beyond. This includes harvesting marine mammals for food, to use the fur for parkas, hats, and hide for footwear or for covering the traditional *qayaq* or boat. These so called freeze branding or marking of Sea lions was done without the permission of the local coastal Alaska Native people that traditionally harvest seals. There have been studies done by so Western science 'experts' including marine mammal population trends, genetic research and collecting skin samples. These are good as long as the marine mammal is not 'played' with meaning, treating the animal disrespectfully. Some of the marine mammal studies have concluded a decline in various species. One of the reason is Alaska Native traditional customs are not being adhered to which includes 'freeze branding or marking *any* animals in the sea, the land, and any location they haulout at. Thus, a population of an animal can misteriously decline, or in the Alaska Native culture, an animal can become scarce for an unknown reason. These are important Native traditional advice to consider before Western scientists touch the animals eaten. Just like the beef rib-eye steaks eaten in the lower '48 and relished by a majority of Americans, coastal Alaska Natives relish and cherish their seal oil, dried seal meat, and traditional delicacies that cannot be replaced by damaged or spoiled goods. Therefore, we do not support any freeze branding or marking of any marine mammals in coastal Alaskan waters. It would be beneficial for researchers and scientists to contact local Alaska Native Organizations or Village Councils or Traditional Councils or IRA's to present them with any proposed research projects including marking, tagging, sampling of any animals.

Prescribing and/or Injecting Medicines to Marine Mammals

Another concern of the Bristol Bay Marine Mammal Council, the Qayassiq Walrus Commission, and Bristol Bay communities is researchers prescribing or injecting medication to marine mammals while in the field. The hunters want to ensure the marine mammals they harvest are healthy and drug free, as well as disease free. They understand and trust agencies which get samples of marine mammals in their area, that the animals will be analyzed and results will be send back to their communities in a timely manner. Due to the high cost of fuel, and oil, the majority of the hunters are staying out longer until they harvest marine mammals. For example, for the Dillingham walrus hunt, it costs approximately \$ 6,000 to traditionally harvest walrus at Round Island. The hunt captain and crew will try to get their quota of four walrus. The walrus will be brought back to Dillingham and will be shared with the surrounding Nushagak Bay communities. The value of hunting a healthy animal is essential for the survival of several communities in Bristol Bay. We want to continue to hunt and harvest healthy marine mammals and know they are drug free.

Other Recommendations

I am enclosing the Bristol Bay Native Association's Policy Guidelines for Research In Bristol Bay, Alaska adopted by the BBNA Board of Directors for your information.

For further information on the communities served by the Bristol Bay Native Association, you may connect to the following BBNA web link site at: <http://www.bbna.com/who.htm>.

Thank you for considering our public programmatic EIS comments and we look forward in working with you in the future.

Sincerely,

Bristol Bay Native Association

Helen M. Chythlook
Marine Mammal Coordinator

Enclosure: Bristol Bay Native Association Policy Guidelines for Research in Bristol Bay

**BRISTOL BAY NATIVE ASSOCIATION
POLICY GUIDELINES FOR RESEARCH IN BRISTOL BAY**

The following principles, adopted by the BBNA Board of Directors, are consistent with those adopted by the Alaska Federation of Natives in May of 1993 and shall serve as guidelines for scientific research in the Bristol Bay region.

Alaska Natives in Bristol Bay share with the scientific community an interest in learning more about the history and culture of our societies. The best scientific and ethical standards are obtained when Alaska Natives are directly involved in research conducted in our communities and in studies where the findings have a direct impact on Native populations.

BBNA recommends to public and private institutions that conduct or support research among Alaska Natives in Bristol Bay that they include a standard category of funding in their projects to ensure Native participation. BBNA recommends all scientists and researchers who plan to conduct studies among Alaska Natives in Bristol Bay to comply with the following principles:

Advise Native people who are to be affected by the study of the purpose, goals and timeframe of the research, the data-gathering techniques, and the positive and negative implications of the research.

Obtain the informed consent of the appropriate governing body, village or tribal council through a letter of support or the resolution process.

Hire and train Native people to assist in the study with the intent to building capacity for Native-led research.

Guarantee confidentiality of surveys and sensitive material.

Honor the contributions of Native participants by compensating them for their time, intellectual property and involvement.

Respect the culture and traditions of affected communities.

Use Native language in communities where English is the second language.

Provide the affected Native communities with the opportunity to comment on research reports before a final draft is released.

Include Native viewpoints and acknowledge the contributions of Native resources and people in final publications.

Inform affected parties and villages in a summary and in non-technical language of the major findings of the study.

Provide copies of studies to the local library, villages, agencies and other affected organizations.

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Subject: Comments on draft rehab standards

Date: Thu, 31 May 2007 09:39:12 -0700

From: "Dr. Felicia B. Nutter" <felicia_nutter@hotmail.com>

To: mmhsrpeis.comments@noaa.gov

Comments on Interim Policies and Best Practices Marine Mammal Stranding Response, Rehabilitation, and Release: Standards for Rehabilitation Facilities<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Chapter 2 – Standards for Pinniped Rehabilitation Facilities

Throughout this document, suggest that “at the discretion of the attending veterinarian” be applied to many if not all of the minimum standards. Many situations arise during medical treatment and rehabilitation of stranded marine mammals where it might actually be detrimental to their recovery to follow the standards. For example, activity and access to water may need to be severely limited for animals with fractures.

1.0 Facilities, housing, and space

Due to variations amongst the most commonly rehabilitated species, their growth rates, and varying sizes at different life stages and age classes, standards for space requirements should be based on the individual animal housed at any given time, and not generalized on measurements of adults of the same species.

p 26, line 5: Suggest that the temperature range of 60-80F is too narrow and unrealistic. The range should be the same as pinniped species are exposed to in the wild, with protection from extremes of heat and cold.

1.1 Pool requirements and 1.2 Dry resting area

As stated in 9CFR3.110 (revised January 1, 2005), Sec 3.110(b)

Holding facilities used only for medical treatment and medical training need not meet the minimum space requirements as outlined in Sec 3.104. Holding of a marine mammal in a medical treatment or medical training enclosure that does not meet minimum space requirements for periods longer than 2 weeks must be noted in the animal's medical record and the attending veterinarian must provide justification in the animal's medical record. If holding in such enclosures for medical treatment and/or medical training is to last longer than 2 weeks, such extension must be justified in writing by the attending veterinarian on a weekly basis.

Since the USDA-APHIS standards make a specific exception for medical treatment, and since rehabilitation facilities are by definition providing medical treatment, there should be no requirement for rehabilitation facilities to meet the same USDA-APHIS standards for marine mammal housing for long-term/display facilities. The exception for medical treatment should remain.

To reduce paperwork, particularly in high-volume rehabilitation centers, we suggest that an exception be made to the required weekly written justification for holding animals under medical treatment. Holding in appropriate facilities for medical care should be permitted until the rehabilitated animals are deemed healthy for release by the attending veterinarian.

Veterinary discretion should apply to all pool dimensions, not just surface area of the pool, as written in the recommended standards.

1.2 Dry Resting Area

The description of how to calculate dry resting area is confusing to read. We suggest that a table be prepared, based on body length, for the required surface area. This table could be similar to the one for cetaceans in 9CFR3.104, which is based on body length and not on species.

1.6 Air Temperature

Please clarify whether the proposed minimum standard applies to indoor facilities only. For outdoor rehabilitation facilities, there is no practical way to control ambient air temperature.

Suggest that if protection from extremes of heat and cold are provided, such as access to heating pads, shelters, shade, water spray, etc., the holding of animals in such areas should be at the discretion of the attending veterinarian.

1.7 Housing for Critical Care Animals

The language in section 1.7 is more generally appropriate for ambient conditions: *provide shelter from extremes of heat or cold, and provide heat as appropriate for animals held in cold climates.*

Please clarify what “appropriate in size” means for individual dry haul out space or individual enclosures.

Providing a structurally separate quarantine facility for all incoming animals is not necessarily appropriate or feasible. If there is adequate separation between portions of a structure and between animals, that should

suffice.

1.8 Housing of Pups

Housing arrangements should be at the discretion of the attending veterinarian and/or trained husbandry staff. In many situations, paired or group housing of young animals helps to decrease stress.

Raised platforms (in both section 1.8 and 1.9) are not appropriate, as animals in the wild often haul out and sleep on hard, cold surfaces. Dry resting areas may be appropriate and necessary for critically ill animals, but should be at the discretion of the attending veterinarian.

1.11 Housekeeping

Requiring enrichment items to be non-porous and cleanable excludes most if not all natural items, such as kelp, driftwood, etc. Suggest that if items are not porous and easily cleaned, that they be disposable and not shared between pens or pools, e.g. used for only one animal or group of animals.

1.12 <?xml:namespace prefix = st1 ns = "urn:schemas-microsoft-com:office:smarts" /> Pest Control

Preventing contact between rehabilitating animals and all wild animals (i.e. birds, small rodents, insects) is not feasible, particularly for outdoor facilities. Control is appropriate.

2.7 Water Temperature

Holding water temperature within the normal habitat range is not feasible, nor is it necessary for short-term rehabilitation. Suggest that this be changed to "protect from extremes of heat and cold," as in other sections.

3.1 Prevention of Animal to Animal Disease Transmission

Individual quarantine of all animals is not necessary or appropriate. Please insert language indicating that batch quarantine is permitted and appropriate, as animals are often admitted in groups during seasons.

Eye shields or safety glasses are not necessary or appropriate. Suggest changing this to the provision of eye-wash stations, and the option for personnel to wear shields or glasses at their discretion.

3.3 Prevention of wild animal to marine mammal transmission of disease

It is not practical to build perimeter fencing that will prevent all wildlife from entering the premises. Suggest deter instead of prevent.

Similarly, it is not practical or even desirable to build net pens that will keep all wildlife (i.e. fish) from coming into contact with rehab animals.

3.6 Methods to reduce spread of disease from animals housed in open sea/bay pen systems

Placing a second set of perimeter nets 30 feet from the pens is not practical nor always desirable.

We suggest that placing pens 1000 m from storm drains is not practical (i.e. run-off from building roofs, etc., can be considered storm drains). Limit this requirement to sewage outfall.

Daily coliform testing for net pens is not practical. Pens may be located in remote areas where testing cannot be carried out, and it is also not feasible to control the coliform count in open water areas.

3.7 Evaluation requirements before placing marine mammals together

Obtaining full bloodwork, cultures, etc., is neither practical nor appropriate in all cases. For example, diseases such as leptospirosis, which is endemic in certain wild populations, can be presumed present in certain groups of animals, and they can be housed together appropriately without extensive preliminary testing.

Please clarify the meaning of contingency plan. Is this a treatment plan for the various conditions listed? Housing plan? Please also clarify which diseases are reportable for marine mammals, and to which agency. CDC? WHO? OIE? USDA? Suggest that a table would be helpful.

3.8 Zoonotic considerations

This section is very vague. All pinniped handling may result in exposure to potentially zoonotic pathogens. So does all handling, including beach rescues, require full protective gear?

5.0 Food, Handling, and Preparation

Suggest check of wild pinniped foraging literature, as there are many reports that pinnipeds will forage and then haul out for several days.

5.1 Food Storage and Thawing

If daily food intake is recorded per animal or per group, then kCals consumed can be calculated if/when necessary from the medical records. Requiring daily calculation is adding unnecessary work.

Suggest that the composition of each diet routinely used be calculated.

Fish supplies maintain composition analysis records for each batch. It is not necessary for each facility to replicate that work.

5.6 Feed records

Daily feed records cannot be maintained for individuals when they are housed in groups. Group records can be maintained, and together with daily husbandry notes and weekly records of weight provide sufficient indication of individual animal consumption.

Please indicate that food can be weighed before and after feeding to individuals or groups.

6.1 Veterinary Experience

It is not possible for an attending veterinarian to certify that animals are likely to survive, or that they are free from known communicable diseases. We do not test for all known communicable diseases, so we cannot certify that animals are free from them. For example, *E. coli* is a potentially communicable pathogen, and all animals certainly have *E.coli*. Suggest that a more appropriate standard is that animals must be free from clinical signs of disease, able to swim and dive, and free feed.

6.2 Veterinary Program

Suggest that annual review of SOPs is sufficient.

Please clarify what constitutes a health and safety plan. Is a preventative health program required for all staff/personnel?

7.0 Laboratory Tests and Frequency of Testing

Suggest that one blood sample and CBC/serum chemistry is sufficient, as admit and release exams may be the

same in many cases. Additional testing should be at the discretion of the attending veterinarian.

Measuring girth is not practical in all cases, for example when manual restraint of large animals is used for exams. Most formulas are based on length and weight, so standard length and weekly weights should be sufficient. Suggest that girth measurements be recommended but not required.

Suggest that complete necropsies performed within 72 hours are sufficient, and that 24 hours is not practical.

Suggest that histopathology on select tissues is at the discretion of the attending veterinarian, as for cultures and other diagnostic sampling.

Please clarify which disease are reportable for marine mammals (see notes above), and also which disease require notification to NMFS.

Release should be at the discretion of the attending veterinarian. Advance notice to NMFS is not always practical nor in the best interest of the animal, e.g. animals very stressed by captivity.

For recommended standards, frequency of blood sampling beyond the single collection should be at the discretion of the attending veterinarian.

Please explain the utility of banking the buffy coat. Suggest that it be performed on selected animals only subject to utility.

8.1 Record Keeping

Under recommended record keeping:

Please define the set of standard morphometric measurements that should be collected and include a suggested recording format.

Suggest that obtaining photographic documentation of all animals is not practical and of questionable utility. Animals with distinguishing markings, or other unusual features could be documented.


Please see the previous comments on determining the daily caloric intake for each animal. This is not practical and of questionable utility, particularly in high volume centers. If caloric value of commonly used diets is calculated, and then minimum intakes are set based on weight, that should be sufficient. Additional calculations should be at the discretion of the attending veterinarian.

Daily weighing of pups is too stressful and results in too much handling. Suggest that weekly weight be required, more frequently at the discretion of the attending veterinarian.

8.2 Data Collection

Please define "real time accessible compiled comparative data."

Felicia B. Nutter, DVM, PhD
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 Draft rehab standards response.doc	Name: Draft rehab standards response.doc Type: WINWORD File (application/msword) Encoding: base64 Download Status: Not downloaded with message
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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



JUN 13 2007

In Reply Refer To:
ER 07/332

Dr. David Cottingham
Chief, Marine Mammal and Sea Turtle Conservation Division
Attn: MMHSRP DPEIS
Office of Protected Resources National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910

Dear Dr. Cottingham:

The Department of the Interior has reviewed the Draft Programmatic Environmental Impact Statement (EIS) for the Marine Mammal Health and Stranding Response Program (MMHSRP). The notice of availability for this Draft Programmatic EIS was published by the Environmental Protection Agency in the *Federal Register* on March 16, 2007 (72 FR 12611).

The Department has received comments from the Fish and Wildlife Service (FWS) in response to our review request. With the exception of section 408, the MMHSRP is a program created and implemented, as authorized under the Marine Mammal Protection Act, by the Secretary of Commerce. Therefore, for the most part, this Draft Programmatic EIS refers to management of marine mammals under the jurisdiction of the National Marine Fisheries Service, i.e., cetaceans and pinnipeds (except the walrus). Accordingly, the Department's comments are limited to those involving marine mammals under the management jurisdiction of the Secretary of the Interior, i.e., manatees, sea otters, walrus, and polar bears and those actions that overlap with the FWS management regimes. Our comments are provided in the enclosure.

We appreciate the opportunity to provide these comments and hope that they prove to be useful. If you have any questions regarding specific technical issues in these comments, please direct them to the Fish and Wildlife Service's Martin Kodis, Chief, Branch of Resource Management Support, at (703) 358-2161. For all other questions, you may contact Ken Havran in the Office of Environmental Policy and Compliance at (202) 208-7116.

Sincerely,

Willie R. Taylor
Director
Office of Environmental Policy
and Compliance

Enclosure

06/14/2007 2:36PM

Enclosure

Department of the Interior's Comments on the Draft Programmatic EIS for the Marine Mammal Health and Stranding Response Program

Chapter 1. Purpose and Need for the Proposed Action. To be all inclusive, the Department recommends the following additions to the second full paragraph on page 1-10 concerning permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora:

"For import and export of marine mammal specimens, the MMHSRP may be required to have import and export permits, if the species is listed on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Appendix I, II, or III. The CITES permits for import and export are issued by the FWS and are required to import and export samples, parts, carcasses, or live animal species (for treatment or release) listed in the CITES Appendices. Species listed on CITES Appendix I require both an import permit and an export permit be issued for international shipments. Species listed on CITES Appendix II only require an export permit, unless the importing country has stricter measures than CITES. The only marine mammal listed under Appendix III is the walrus, *Obobenus rosmarus*; either an export permit or a certificate of origin is required for each international shipment of walrus specimens."

Chapter 3. Affected Environment.

On page 3-24, the paragraph titled UMEs identifies several unusual mortality events that have occurred over the years. We note that a UME was declared for southern sea otters in 2003. Unless this event is being lumped with the "Multi-species UME" for 2003, the 2003 southern sea otter UME should be included in this paragraph.

On page 3-28, first line, including the polar bear, there are twenty-nine marine mammal species that have the potential to occur in the Alaska Region. This change also needs to be made to Table E-18 in Appendix E (see below).

Also on page 3-28, insert the following sentence on line 4 before the sentence beginning with "Endangered species include . . .": "On January 9, 2007, the polar bear was proposed for listing as a threatened species throughout its range (72 FR 1064-1099); a final determination will be made following the ESA review process."

On page 3-29, at the end of the first paragraph, Mass Strandings, add the following sentences: "There were six polar bear mortalities in 2006. Mass walrus mortalities are occasionally reported at Alaska terrestrial haul-outs. In 2005, about 30 walrus died from terrain falls at Cape Pierce in the Togiak National Wildlife Refuge. Trampling deaths have been reported in the Penuk Islands near St. Lawrence Island."

Also on page 3-29, in the second paragraph under Human Interactions, add the following sentences: "From 1996-2000, the estimated mean mortality of walrus from fisheries activities was 1.2 walrus per year. Most human induced mortality on the Pacific walrus is presently from legal subsistence hunting in Alaska and the Russian Federation (Chukotka). In 2005, the estimated total hunting removal of walrus from the population was 5,276 animals."

06/14/2007 2:36PM

On page 3-29, line 13, Temporal Changes, add the following sentences: "Polar bear and Pacific walrus strandings would be most likely attributed to changing sea ice habitat and could occur year round although the most critical times for polar bears would probably be the spring soon after cubs are born through the fall. For Pacific walrus the critical time for young animals and calves would be during the late spring-early summer when the females and calves follow the ice pack north."

Also, on page 3-29, line 21, Marine Mammal Population Changes, add the following sentences: "The size and trend of the Pacific walrus population are currently unknown. Population point estimates from 1975-1990 ranged between 202,039 to 246,360 walruses, but were not precise enough to accurately reflect trend. The Southern Beaufort Sea Population and Chukchi/Bering Seas populations of Polar bear are thought to be declining."

On page 3-30, ensure that Figure 3-12, Alaska Region Pinniped Strandings 2001-2004, includes the strandings of Pacific walrus.

Appendix C-Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation, and Release. The NMFS coordinated with the FWS to compile the Standards for Release Guidelines that are a part of these policies and practices. The FWS provided comments throughout the development of these Guidelines and we appreciate that they have been incorporated in the January 2007 version. No further comment is necessary at this time; however, we do have some editorial suggestions:

On page 2-1, under 2.1.1 NMFS Policies, last sentence, delete "with" so the sentence reads: "However, authorization to take ESA listed species by the Stranding Network is currently provided under MMPA/ESA permit #932-1489-01 as amended and requires authorization and direction from NMFS Regional Stranding Coordinator in the event of a stranding involving a threatened or endangered marine mammal."

On page 2-3, a facility may also request permanent placement under Section 104(c)(3) if an ESA-listed marine mammal is determined unreleasable. Please edit the last paragraph on this page to reflect such:

"For FWS species, LOA and permit holders provide recommendations to the FWS Field Offices for decisions regarding releasability of rehabilitated marine mammals (see Appendix H for contact information). The FWS retains the authority to make the final determination on the disposition of these animals. If FWS determines that a marine mammal is non-releasable, the holding facility may request a permit for permanent placement in captivity as prescribed in Section 104(c)(7) of the MMPA for non-depleted species, or Section 104(c)(3) or 104(c)(4) and Section 10(a)(1)(A) of the ESA for depleted species."

On page 5-1, under Guidelines for Release of Rehabilitated Manatees: Introduction, second paragraph, the third and fourth sentence should read: "All rescue-related communications and the day to day decision making process in the field are generally handled by the local field

Stations of the Florida Fish and Wildlife Conservation Commission (FFWCC) in conjunction with reports from the public using the 1-888-404-FWCC hotline. All activities related to verification of a report of a manatee in trouble, subsequent rescue, and transport to rehabilitation facilities are communicated through the FFWCC Field Stations, according to established protocols."

Appendix E-Biological Resources Tables. In Table E-17, Marine Mammals Common in the NMFS Northwest Region, the northern sea otter is identified as "threatened" under the U.S. Endangered Species Act (ESA). However, the northern sea otter stock that occurs in this area, i.e., Washington State, is not listed as endangered or threatened under the ESA.

In Table E-18, page E-30, Marine Mammals Common in the NMFS Alaska Region, the distribution for the Pacific walrus should read: "Found in shallow water areas, close to ice or land; geographic range is mainly in the Bering Sea and Chukchi Sea ice pack."

In addition, on page E-31, the northern sea otter is identified as "threatened" under the ESA. Although this is correct for the southwest Alaska distinct population segment, neither the southcentral nor the southeast DPS is listed under the ESA.

Also, under Table E-18, we recommend including the Polar bear (*Ursus maritimus*) as a year round resident of the Arctic Circle.

Appendix L-Marine Mammal Oil Spill Response Guidelines. On page 4 under Trustee Organizations, the fifth sentence reads:

"The Marine Mammal Protection Act (MMPA) prohibits the "take" of sea otters, seals, sea lions, walruses, whales, dolphins, and porpoises, which includes harassing or disturbing these animals as well as actual harming or killing . . ." To avoid potential misunderstandings, we suggest including manatees and polar bears in the list of marine mammals for which the MMPA prohibits take.

San Fran transcript
MS. HOWLETT: Sure.

(Recess taken.)

MS. HOWLETT: Our court reporter will be recording your comments. Also, your written comments are also welcome today. You can hand them in today. We also have comment sheets up front that you can write on, or you can submit them to us by mail or e-mail. I believe we have on the handouts -- we also have our information for you to send them to. We just ask for written and verbal comments, that you bring very specific concerns regarding the content of the draft document. And please suggest civic changes to alternative environmental consequences that NMFS should consider.

MR. FOLKENS: You want a written response in addition to the oral?

MS. HOWLETT: No. If you just want to give oral, that's fine. If you think of something that you didn't give us, you can feel free to write it down. Just to let you know that additional information is also

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available via public libraries, and it's available on our NMFS web page. If you comment today, you will get a copy of the final document. But if you're not commenting and you want a copy, please feel free to check up on our sign-in sheet if you would like one. We can begin.

MR. FOLKENS: This is Peter Folkens from the Alaska Whale Foundation. I have four specific items to

San Fran transcript

raise.

First one pertains to the recognition of stranding agreements across regions. Due to an ongoing research affiliation at University of California, Davis, a number of Alaska Whale Foundation personnel went over into the San Francisco Bay Area from October to May.

We keep two of our six boats here as well. They are assigned at the moment to Contra Costa County Search and Rescue team. In southeast Alaska, we now see more whale entanglements in one season than the southeast region has experienced in a decade.

The Alaska Whale Foundation boat, disentanglement equipment, and expertise can be put to good use in Northern California. However, in a recent Alaska stranding network meeting in Anchorage, it was pointed out that stranding agreements are not recognized across regions.

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Under the notion of best practices, we recommend that the National Marine Mammal Health and Stranding network implements a policy and procedure to either recognize stranding agreements across regions or issue additional stranding agreements to singular organizations that typically cross multiple jurisdictions.

Item 2. Since the 9/11 and Katrina disasters, the federal government has implemented policies and procedures for the standardization of roles and training levels of responders. This has taken the form of the

San Fran transcript

12 ICS 100 and NMFS 200 response management protocols for
13 all types of official responses. I understand the
14 National Marine Fisheries Service employees are trained
15 to these standards.

16 At a recent Alaska Marine Mammal
17 Disentanglement Network meeting in Anchorage, the
18 question was raised about ICS training. It turns out
19 that everyone in attendance except one has had ICS 100
20 training. It was also mentioned by Robert Mahoney from
21 the NMFS office in Anchorage that the disentanglement
22 network follows a de facto NMFS kind of structure. It's
23 my suggestion that an ICS 100 structure be officially
24 part of the entanglement responses across regions.

25 Item 3. In a related issue, responder typing

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1 at the federal and state levels is a 1 to 4 hierarchy
2 with 1 being the highest certification. However, the
3 National Marine Fisheries Service disentanglement
4 response training typing is backwards with 1 being the
5 lowest level of training. Since such responses often
6 include the U.S. Coast Guard and other official
7 government entities that follow the other ICS and NMFS
8 typing protocols, I recommend that National Marine
9 Fisheries Service flips its type numbering so that 1 is
10 at the highest level with perhaps a 1A designation for
11 specific right whale responders.

12 Item 4. For many years, the standard training
13 response data form was one from the Smithsonian
14 Institution designed by comparative anatomists. As the

San Fran transcript

15 Marine Mammal Protection Act and National Fisheries
16 Office of Protective Resources began to play a bigger
17 role in such events, the response data forms became
18 heavily focused on soft tissue sampling, probably
19 largely due to expertise of the veterinarians that were
20 taking major positions at the federal level.

21 Unfortunately, this was at a near-complete
22 disregard for anatomical and morphological data. Here I
23 requested the National Marine Fisheries Service
24 incorporate more anatomical data on its Level A data
25 form. Towards that end, I have offered a couple of

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1 solutions that meet the needs of both the soft tissue
2 collectors and the comparative anatomists. I have
3 copies here that I've given to a few people and I can
4 give for the official record.

5 To give you an example of a real world
6 situation in which a better data form would have saved
7 literally hundreds of thousands of dollars for the
8 government, I was involved as an expert witness in a
9 ship strike event in which if the original stranding
10 data were taken better and with a more forensic line and
11 morphological and anatomical data, it is unlikely that
12 there would have been litigation over that event, saving
13 literally hundreds of thousands of dollars both for the
14 government and the private sector.

15 So I feel very strongly that the Level A data
16 form needs to include more forensic, morphological
17 information. Are there any questions?



Written Comment Form
Draft Programmatic Environmental Impact Statement
(DPEIS) for the Marine Mammal Health
and Stranding Response Program

Your input is important to us. Please feel free to use additional comment sheets if more space is needed. To ensure that your comments are considered in the Final PEIS, we must receive them by April 30, 2007.

Carcass disposal - We will need assistance with determining appropriate burial & other disposal as not possible. We also request assistance in ranking chemicals for toxicity levels if chemical euthanasia is used and in working w/ vet & zoo/aquarium groups in developing non-chemical, humane & use friendly ways to euthanize

We support an article addition to the SA on small cetacean & pinniped disentanglement

We support close coordination between HQ & regions when evaluating SA's rehab centers & releases. There should be cross regional consistency whenever possible

We suggest that IOTG holders be held to similar criteria as SA holders are

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Your Name & Email Address: Sw Barco sbarco@virginiaaquarium.com
Mailing Address: 717 General Booth Blvd
City, State, Zip Code: VA Beach, VA 23451

This form can be submitted to:

David Cottingham
Chief, Marine Mammal and Sea Turtle
Conservation Division
Office of Protected Resources,
NMFS 1315 East-West Highway, Room 13635
Silver Spring, MD 20910-3226
Email: mmhsrpeis.comments@noaa.gov
Fax: 301-427-2584

For Office Use Only

mmhsrp eis

Subject: mmhsrp eis**From:** Caleb Pungowiyi <caleb.pungowiyi@maniilaq.org>**Date:** Fri, 27 Apr 2007 14:06:05 -0800**To:** mmhsrpeis.comments@noaa.gov**CC:** jgoodwin@otz.net, lori_quakenbush@fishgame.state.ak.us

Mr. David Cottingham, Chief
Marine Mammal & Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Springs, MD 20910

Dear Mr. Cottingham;

We strongly recommend that any marine mammal that may be in distress or out of its natural habitat not be disturbed and no attempts be made to pick up or rescue the animal unless and until appropriated approvals have been received or given by the proper authorities. It is unlawful for any citizen of United States to touch or attempt to rescue any marine mammal without proper authorization. This wording should be boldly highlighted in the EIS. We also strongly opposed any release of any marine mammals that have been rehabilitated into the wild. There is too much risk that such released animals will introduce viruses or diseases that the animals in the wild have no immunity to. Regulations must be adopted that prohibits release of rehabilitated marine mammals into the wild.

Sincerely,

Caleb Pungowiyi
Coordinator, Natural Resources
Maniilaq Association

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public comment on peis for marine mammal stranding program of 3/07 deis

Subject: public comment on peis for marine mammal stranding program of 3/07 deis

From: Bk1492@aol.com

Date: Sun, 08 Apr 2007 18:11:44 -0400 (EDT)

To: mmhsrpeis.comments@noaa.gov, americanvoices@mail.house.gov

attention david cottingham mmhsrp dpeis nmfs silver spring md

15 years to come up with this plan - isnt that a little bit tardy and not protecting resources for far too long a time in this eat em up world. Congress decided 15 years ago to have a good plan in place to protect marine mammals in distress.

I dont think the us dept of commerce should have jurisdiction over any animals since it is so focused on business and commerce and certainly not interested at all in the welfare of any animal. Profiteers and businessmen rule this dept and the animals get unprotected and abused in this department. Overfishing is rampant in this commerce filled dept, concerned only about more and more and more and with no conception of saving or protecting.

i have comments on the pages below:

1-8 future generations are being robbed blind by mgt policies of this agency. virtually every species is overfished courtesy of this agency.

1-11 Prescott grant program accomplishes imporant work. its spending should be closely audited to eliminate all graft and corruption but more of nmfs budget should to to helping mammals in trouble. right now graft and corruption gets too much of tax dollars.

1-13 - asking usda to participate (as anti animal a dept as can be imagined in our wildest nightmares) is no help at all in protecting marine mammals. also what does geological survey have to do with marine mammals? this is a very strange choice of participating agencies. meanwhile animal protection groups are blacklisted and kept out of the loop - shows how democracy is not working in corrupt washington dc bureaucracy.

3-5 - public notice and public comment re authorization of "incidental" killing and murder - the public comment is given short shrift if it comes in saying protect the marine mammals. these permits to kill are approved 100% of the time. such a 100% system is a scam on the public. it is pro forma.

3-18 - 61% of right whales show entanglement in fishing nets. this must be stopped now. negligence of this agency in regard to this killing and injury is horrendous.

3-31 - the reporting of marine mammals entangled in fishing gears is NEVER truthfully reported by the commercial fish profiteers. commercial fish profiteers instead carry guns to kill all marine mammals. we need satellite records of all that goes on on commercial fish boats.

3-33 under the bush atmospheric deposition has gotten much dirtier and unhealthy. water quality has also been destroyed by policies of corrupt washington.

3-34 - 100% of estuarine area in n ortheast is polluted - not 27%. Sediment contamination in this area is poor - not fair. why isn't this agency testifying against allowing the contamination that has gone on for the past sixty years? this agency is instead silent and doing NOTHING for a clean environment.

3-35- to say Gulf of Mexico with its dead zone the size of NJ is in "fair condition" seems like a ludicrous overstatement.

3-39 NMFS enters into co op agreements with alaska native organizations to kill marine mammals NOT TO CO MANAGE THEM.this is a lie and a use of deceptive words so americans dont understand exactly what your are doing.

4-4 - NMFS/noaa already allows the spread of fish practices that are harmful to marine mammals - that is already here. i do not think the stranding network does enough to act as a "surveillance" network.

public comment on peis for marine mammal stranding program of 3/07 deis

4-6 tags do caues pain and infection and use of them should be severely restricted. that is not happening.

4-10 - absolutely periodic review should be made to stay in the stranding network.

4-13 - public continually wanred about pathogens. no appendix was affixed showing any such issue exists or has existed in last ten years. please advise why you are claiming.

4-14 - this doesnt have to be a 300 pg book. there is far far too much repetition in writing this book.

4-19 - dont touch the animal unles syou intend to help it. otherwise leave it alone.

4-24 - it is illustrative that 300 right whales are such a small population. their efforts at reproduction will probably NOT be successful and this species will probably go extinct like so many many others. it is clear that allowing commercial fish profiteers to use whale life threatening gear is ludicrous and should be stopped now.

4-26 educated people on the west coast certainly can follow guidelines on how to disentangle a whale without "training".

4-30 tags on marine animals severely disrupt their lives. the use of tags should be banned just about totally.

4-32 - inescapable that critter cams represent severe drain on a creature's energy causing injury and possible death. how would you like to drag 30 to 50 lbs weight with YOU every day of your life? the cruel abuse of these animals by alleged "researchers" is far too frequent and given much too liberably.

4-33 using bleach to mark an animal - what crazy insane researcher is on the loose with that insane idea? if there is no evidence of infection from being hit by a blowgun - i think the research is not satisfactory here and believe infection can and does result. this old research from 1992 seems wrong.

the research from 1993 on effects on mammal of biopsy should be redone by researcher accompanied by animal protection person. some statements saying animal is "unconcerned" seem like self serving statements of the researcher hoping it is so. so researchers can then continue their assault on these animals.. self serving statements.

4-36 the stupid negligent diversion of all animal life into usda, fws, dot, noaa is far too divisive. there should be ONE AGENCY DEALING WITH ALL ANIMALS LIVING IN USA, STAFFED BY ANIMAL PROTECTIONISTS, NOT STAFFED BY ANIMAL USERS AND ABUSERS.

4-37 - FESS UP - WHAT DISEASES HAS THIS DEPT INITIATED WHICH RAN RAMPANT BASED ON VACCINES INJECTED INTO PERFECTLY HEALTHY MAMMALS.

B. SACHAU
15 ELM ST
FLORHAM PARK NJ07932

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See what's free at <http://www.aol.com>.