

A-026



# The Whale Center of New England

A NON-PROFIT ORGANIZATION EMPHASIZING WHALE RESEARCH, CONSERVATION AND EDUCATION

Naval Facilities Engineering Command, Atlantic  
Attn: Code EV22 (AFASST PM)  
6506 Hampton Blvd  
Norfolk VA 23508-1278

March 10, 2008

To Whom It May Concern,

[We are writing to comment on the Atlantic Fleet Active Sonar Training (AFASST) Draft Environmental Impact Statement (DEIS). Specifically, we want to encourage the Navy to take Alternative # 3 – to analyze data to determine where and when Areas of Increased Awareness should be designated, and to not use those for AFASST exercises.]

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[The Whale Center of New England has been conducting research on marine mammals in and around the project area since 1979. Our studies of endangered right, humpback, fin and other whales in the area have resulted in over 25 peer-reviewed publications. Our sighting data have been extensively used by the Stellwagen Bank National Marine Sanctuary (SBNMS), the National Marine Fisheries Service (NMFS), the Environmental Protection Agency (EPA), and others to make informed management decisions about marine mammal use of the area. Our staff currently serves on nearly every regional team dealing with large whale conservation and management, including the Northeast Large Whale Recovery Plan Implementation Team (Steering Committee members), the Atlantic Large Whale Take Reduction Team, the SBNMS Advisory Council, and the scientific committee of the International Whaling Commission, among others. Hence, we can speak to the concerns about potential impacts of the project on whales and their environment with expertise and authority.]

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[While we acknowledge the importance of having proper training exercises for Navy personnel, in today's world there is no reason that there need be a conflict with marine life, especially marine mammals. These animals could be sensitive to the sounds produced during Navy training exercises as well as the associated vessel activities, at times with fatal consequences. In the past, our lack of knowledge and technology would likely have limited our ability to properly assess and designate areas where such conflicts could be likely. However, in the past several decades, intensive research has resulted in a much better ability to assess the predictable presence of important species in time and space. There is no reason for the Navy not to use this information to assure the safety of marine life.]

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[This is particularly important when it relates to endangered species, such as the North Atlantic right whale. The accidental death of even a single right whale from Navy

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training exercises would be a blow to their recovery. [The Navy is capable of minimizing this risk thanks to intensive research efforts in all known portion of their range.] While the materials issued by the Navy in relation to the AFAST DEIS list a few actions to reduce risk to right whales (training and increasing crewmember vigilance to spot right whales; avoiding head-on approaches to whales and keeping at least 500 yards away from them; reporting whale sightings; participating in a data fusion center), half of these are simply legal requirements for most vessels. [Certainly none of them goes further than simply avoiding conducting training exercises at times and in places where there is a strong possibility that right whales will occur, such as off the southeast US or the mid-Atlantic within 50 miles of shore during their migratory periods (essentially November through April) or offshore in the Gulf of Maine at any time of the year.]

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[Of course, even in species where the knowledge of their distribution is great, individuals can be found in many unexpected locations and/or times of the year. For instance, right whales have been seen off of Philadelphia harbor in winter, and humpback and right whales have been seen off the mid- and southeast-Atlantic in the summer.] Hence, we would like to stress that creating and avoiding areas of heightened environmental concern should only be considered as additive to existing precautions to detect and avoid harm to marine mammals, and not in lieu of these important measures.]

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[We also acknowledge that the Navy has recently undertaken important studies of the diving and other behaviors of beaked whales in the North Atlantic to better assess their risk of exposure to sounds we know can be fatal to them. We strongly encourage the Navy to make the findings of these studies available at the earliest possible date. Further, the conclusions of these studies should be used to design further mitigation measures to avoid potential harm to the whales that could be exposed to and affected by such sounds.]

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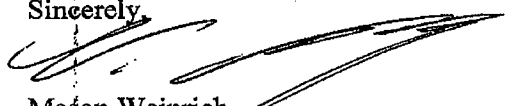
[There is legal precedent for the Navy to take such precautions. In recent court decisions in both Hawaii and in California, limitations were placed on where and when naval training exercises could take place because of marine mammals. Clearly the courts felt it is in the public's and the environment's interest to do everything possible to avoid damaging these important national resources. It is our hope that the AFAST training exercises will be conducted with this philosophy from this point forward, without the time or expense of legal tests of where they should or should not be allowed.]

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[Thank you for the opportunity to comment on this important issue. We trust that the Navy will take the proper actions to fulfill the public mandate of environmental and marine species protection by only conducting training exercises in areas after taking every reasonable measure to reduce the risk of harming species, including designating Areas of Increased Awareness.]

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Sincerely,



Mason Weinrich  
Executive Director and Chief Scientist