

Marine Mammal Avoidance Plan

Alaska Coast and Islands, U.S. territorial Waters off Alaska, and Open Seas

National Science Foundation, Arctic Sciences Section

For Researchers and Contract Employees Who May Incidentally Encounter Marine Mammals from Vessels, Land or Sea Ice in U.S. or International Waters



Walrus hauled out on ice in the Bering Sea (source: Kim Sheldon; NOAA)

Please Note: This Avoidance plan does not pertain to researchers who are working directly with marine mammals (e.g sampling walrus blood), or working in areas of high concentrations of marine mammals (haulouts [onshore aggregation location], or rookeries [colony of breeding animals]), which would require additional authorization under the Marine Mammal Protection Act (MMPA). It is intended only for those who might have incidental or passive contact with marine mammals indirect to their research.

Introduction

Marine mammals are those mammals that are adapted for life in the marine environment. There are two major groups of marine mammals – these are managed by the National Oceanic and Atmospheric Administration:

- Cetaceans, which include whales, dolphins, and porpoises
- Pinnipeds, which include seals, sea lions, and walrus

Polar bears, sea otters, manatees and dugongs are classified as marine mammals and managed by the U.S. Fish and Wildlife Service.

Manatees and the dugong, which are restricted to tropical and temperate waters, are not addressed in this plan. [Polar Bear Interaction Guidelines](#) approved by the USFWS are provided to researchers and contract employees that work in areas where this species may occur. Therefore, the polar bear is not further addressed in this Avoidance Plan.

The Marine Mammal Protection Act (MMPA) provides for management of approximately 125 marine mammal species.

All marine mammals are protected under the MMPA. Marine mammals may be designated as "depleted" under the MMPA, which means that it has been determined that a species or population stock is below its optimum sustainable population. To determine whether a research permit is required before starting project work, researchers may go to the NOAA Fisheries website at:

<https://apps.nmfs.noaa.gov/questionnaire/questionnaire.cfm>

NSF developed this Avoidance Plan to provide basic information about these protected species to help guide field researchers. More information about marine mammals and the MMPA may be found at NOAA Fisheries website at:

<http://www.nmfs.noaa.gov/pr/laws/mmpa/>

Key points to remember from this document:

- Avoid marine mammals
- Avoid actions that modify the animal's behavior – e.g. if they are eating/sleeping, do not interrupt their eating/sleeping
- Do not intentionally make animals move (harassment)
- Stay downwind if possible
- Stay at least 100 yards from all marine mammals and farther from Steller Sea Lions
- Report interactions to contacts listed below for their data on marine mammals

NOAA Fisheries / USFWS Contact information:

Please notify NOAA Fisheries or USFWS, as appropriate, as soon possible should you encounter marine mammals during research or access to sites. This information is useful to the Services for monitoring purposes.

Report to NOAA Fisheries at:

Anchorage
Barbara Mahoney
Biologist
NMFS Alaska Region
Protected Resources Division
222 W. 7th Ave., #43
Anchorage, AK 99513-7577
PH: (907) 360-3481 Fax:(907) 271-3030
email: barbara.mahoney@noaa.gov

or

Juneau
Aleria Jensen
Biologist
NMFS Alaska Region
Protected Resources Division

P.O. Box 21668
709 West 9th Street
Juneau, AK 99802
PH: (907) 586-7248 Fax: (907) 586-7012
email: Aleria.jensen@noaa.gov

Report to USFWS at:

Neesha Stellrecht
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Fairbanks Fish and Wildlife Field Office
101 12th Avenue, Room 110
Fairbanks, AK 99701
Phone: (907) 456-0297 Fax: (907) 456-0208
e-mail: neesha_stellrecht@fws.gov

Work in U.S. Territorial Waters and Open Seas



Killer whale (source: David Ellifrit; NOAA fisheries image)

Incidental encounters with marine mammals at sea, such as an unexpected whale or seal surfacing in proximity to the moving vessel, will be handled in accordance with the NOAA Fisheries [Guidelines for Viewing Marine Mammals](#), which specify 100 yards as the minimum approach distance for boats. Researchers will comply with these guidelines and inform boat captains to remain at least 100 yards from all marine mammals.

Further, if an incidental encounter is in an area where the presence of marine mammals would prevent continued travel, such as in a narrow passage where transit would require the vessel

closing within 100 yards of the animals, then the boat will cease travel until after the marine mammals have voluntarily left the area. Harassment is not allowed to induce animals to leave the area.

Any incidental encounters at sea will be reported to the appropriate office as described above.

Terrestrial Work along Alaska Coast and Alaska Coastal Islands



Stellar sea lions at a haulout (source: Kathryn Sweeney; NOAA fisheries image)

Incidental encounters with marine mammals during terrestrial work includes pinnipeds or sea otters that have come ashore individually or in small groups. As noted above, proposed work in proximity to haulouts or rookeries requires separate authorization from NOAA Fisheries and possibly Endangered Species Act consultation. Encounters in these areas are not considered incidental to research.

All major Steller sea lion (SSL) haulouts and rookeries throughout Alaska are protected by regulation (58 FR 45269 August 27, 1993). Extra caution is needed in these areas to prevent harassment of SSLs in their critical habitat and researchers proposing to work in any of these areas must coordinate with NOAA Fisheries. Critical habitat includes air, land, and sea surrounding the site to 3,000 ft (0.9 km) in all directions. From Cape Suckling (144° West) throughout western Alaska protection is increased.

Critical habitat at sea increases to 20 nautical miles (nm) (37 km). For rookeries, no-entry zones exist to 3 nm (5.5 km) at sea and 0.5 miles (0.8 km) on land, or within sight of a rookery, whichever is greater. At Marmot Island the no-entry zone is increased to 1.5 mi (2.4 km) on land. Critical habitat regulations and maps are available through NMFS.

If pinnipeds are observed along an access route to a research area, travel will stop and the animals will not be approached. NOAA Fisheries *Guidelines for Viewing Marine Mammals* explain that on land or ice, animals may respond to human activity at distances greater than the 100 yards. Therefore, if the animals express agitation through increased movements, vocalization, or aggressive behavior due to the presence of the researchers beyond the 100 yard buffer, the researchers will cautiously leave the vicinity. Travel will not be continued until after the animals voluntarily leave the area. Alternately, a different route of travel, if one exists, could be used to avoid the pinnipeds and continue to or from the research site. Harassment is not allowed to induce animals to leave the area.

Pinnipeds may occur within or in proximity to research sites. Researchers should remain downwind and not approach within 100 yards of pinnipeds or such distance that the animals show no reaction to the researcher's presence, whichever is greater. Research work could continue in portions of the site that are beyond the 100 yard buffer as long as animals do not react to the presence of the researcher, or if necessary, a greater distance to avoid harassing the pinnipeds. Research activities that would require researcher presence within 100 yards of an animal or that would result in the animal reacting to the presence of the researcher must be delayed until the animal(s) voluntarily leaves the area. Harassment is not allowed to induce animals to leave the area.

Any incidental encounters, either in travel or at research sites, will be reported to the appropriate office as described above.