



ALASKA ESKIMO WHALING COMMISSION
P.O. Box 570 UTQIAGVIK, ALASKA 99723

July 6, 2021

Jolie Harrison
Chief
Permits and Conservation Division
Office of Protected Resources
1315 East-West Highway
13th Floor
Silver Spring, MD 20910

RE: Taking Marine Mammals Incidental to a Geophysical Survey in the Arctic Ocean
[RTID 0648–XB015]

Dear Ms. Harrison:

The purpose of this letter is to provide two brief observations, on behalf of the Alaska Eskimo Whaling Commission (AEWC), regarding the above cited project.

At the outset, let me apologize for sending this letter to you a week after the Federal Register deadline. June was a busy month for whaling and the AEWC has been responding to information requests as quickly as we can.

The AEWC does not oppose this project, nor did we oppose a similar research project in 2011. However, we do not understand why NMFS did not submit both applications to the Peer Review Committee?

As noted in the Federal Register, Dr. Coakley, the Principal Investigator, met with the AEWC to provide information and to respond to questions regarding the 2021 project, making sure that local hunters and whalers are aware of planned activities. He also sought our advice and noted that he expected to be required to apply for an Incidental Harassment Authorization.

We appreciate Dr. Coakley's thoughtful actions. We also would have appreciated hearing a report from the Peer Review Committee on potential impacts of this geophysical activity, which includes both low and high energy output. Receiving comments from the Peer Review Committee seems especially important in situations where NMFS is not requiring acoustic monitoring. Failing to submit the application to independent Peer Review under these circumstances undermines the transparency of NMFS' decision process.

According to 50 CFR §216.108 (d),

Where the proposed activity may affect the availability of a species or stock of marine mammals for taking for subsistence purposes, proposed monitoring plans or other research proposals must be independently peer-reviewed prior to issuance of an incidental harassment authorization under this subpart . . . *Upon receipt of a complete monitoring plan*, and at its discretion, the National Marine Fisheries Service *will either* submit the plan to members of a peer review panel for review or within 60 days of receipt of the proposed monitoring plan, schedule a workshop to review the plan. [Emphasis added.]

The agency's discretion here goes to *how* it chooses to engage peer review, not *whether*. As the AEWG has noted previously, "sound is sound" whether coming from industrial activity or university-led research. We recognize that Dr. Coakley's project is a good distance from shore, and we greatly appreciate his commitment to communications with the AEWG. However, we are concerned that NMFS is treating this activity differently than it would treat the same activity undertaken by a geophysical operator working for an oil and gas contractor. Congress did not grant the agency this discretion. And in failing to exercise its authority as prescribed by Congress, the agency denies our communities and whaling captains' insights we might have gained from a Peer Review Committee report.

This oversight is significant at a time when our ocean is filling up with sound from a variety of different sources. Both NMFS and the AEWG need to take every opportunity available to apply, analyze, critique, expand, and build upon the tools we have for helping us to learn how our living resources are responding to the increasing levels of anthropogenic impacts in their habitat.

We hope that NMFS will consider these comments in making future decisions on offshore activities of all kinds in our waters.

Thank you,



John Hopson, Jr.

cc: AEWG Commissioners
Mayor Harry Brower
Congressman Don Young
Senator Lisa Murkowski
Senator Dan Sullivan
Dr. Bernie Coakley