



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

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TO: Whom it may Concern

FROM: Samuel D. Rauch, III   
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Since July 2018, elevated numbers of harbor seals and gray seal mortalities have occurred across Maine, New Hampshire, and Massachusetts, and this event has been declared an Unusual Mortality Event (UME) pursuant to Section 404 of the Marine Mammal Protection Act (MMPA), 16 U.S.C. § 1421c. Necropsies performed on some of the seals have revealed the presence of avian influenza and phocine distemper virus, but it is still too soon to determine if either or both of these viruses are the primary cause of the mortality event. In response to the UME, state and local governments are acting to ensure appropriate disposal of carcasses for the protection of public health and welfare in accordance with Section 109(h) of the MMPA, 16 U.S.C. § 1379(h).

NOAA recognizes that some of this disposal work necessarily is being performed by contractors and private property owners acting under the guidance provided by state and local governments. Under the circumstances, activities associated with the disposal of these carcasses conducted by contractors and property owners, when carried out consistent with guidance provided by state and local authorities, serve the interest of the protection of public health and welfare. Accordingly, NOAA will treat such actions as consistent with the provisions of Section 109(h).

