



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Mark Belton, Secretary
Joanne Throwe, Deputy Secretary

July 6, 2017

Jolie Harrison, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dr. Jeffrey Payne, Director
Office for Coastal Management, N6/OCM
1305 East-West Highway
Silver Spring, MD 20910

RE: 6/6/17 *Federal Register Notice* Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Geophysical Surveys in the Atlantic Ocean

Dear Ms. Harrison and Dr. Payne:

By way of this letter, I am requesting a Coastal Zone Management Authorization (CZMA) review and consultation for the State of Maryland from the National Oceanic and Atmospheric Administration due to potential negative impacts the proposed activity may have on our coastal economies and resources. Our concerns include potential impacts to the commercial and recreational fisheries, and the health and welfare of marine mammals and wildlife. Maryland municipalities such as Ocean City and Berlin have also expressed their objections through local resolutions against seismic testing that show cause for further consultation and review.

Furthermore, from both an economic and environmental perspective, the Hogan administration has serious concerns with seismic testing in the Atlantic Ocean and is opposed to offshore drilling off our coast.

Lastly, we would like to use this opportunity to review the two new applications as authorized under the Coastal Zone Management Act as provided for at 15 C.F.R. 930.54

As part of this letter, we are providing general comments shown below in response to the June 6, 2017 Federal Register notice regarding five proposed Incidental Harassment Authorizations (IHAs) in the Atlantic Ocean. Please consider this input as you consider the pending applications.

Maryland has long recognized the importance of coordination and cooperation in the management and stewardship of its coastal and ocean resources. It is in this spirit of collaboration with our federal partners and stakeholders throughout the region that we are providing these comments and formally requesting additional time to review this permitting activity. We

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410-260-8DNR or toll free in Maryland 877-620-8DNR – dnr.maryland.gov – TTY Users Call via the Maryland Relay

will be following up with your office next week regarding the specifics of this request and applications of interest. We look forward to working with you during this process.

Thank you for the opportunity to provide general comments (attached). We look forward to working with you and other partners as we strive to balance economic growth, energy development and protection of our resources. Matthew Fleming on my staff (matthew.fleming@maryland.gov, 410.260.8719) will be in contact in the coming weeks with technical comments regarding the IHAs and supporting details regarding this CZMA review.

Sincerely,

A handwritten signature in black ink that reads "Mark Belton". The signature is fluid and cursive, with the first letter "M" being particularly large and stylized.

Mark Belton, Secretary
Maryland Department of Natural Resources

cc:

Ben Grumbles, Maryland Department of the Environment
Elder Ghigiarelli, Maryland Department of the Environment
Matthew Fleming, Maryland Department of Natural Resources
Joseph Abe, Maryland Department of Natural Resources
Catherine McCall, Maryland Department of Natural Resources
Emily A. Vainieri, Office of the Attorney General
Jeffrey Mayville, WesternGeco
Amber Stooksberry, CGG

General Comments:

The State of Maryland is working closely with our regional partners and stakeholders as the federal government considers geological and geophysical (G&G) surveying off the Atlantic coast. We are having ongoing conversations with the U.S. Department of the Interior, NOAA, our coastal communities, and our congressional delegation to ensure that any proposed activity is consistent with the Maryland Coastal Zone Management Program, conducted in an environmentally-responsible manner that considers sensitive marine life, and respects the rights of commercial and recreational boaters and watermen.

Maryland considers marine mammals such as whales, dolphins, porpoises and seals vital coastal resources. We are committed to balancing economic growth and opportunity with protecting our natural resources. As evidence of our commitment to protecting marine mammals, Maryland has committed millions of dollars of state monies studying their abundance and distribution in both state and federal waters. Maryland is funding the following three surveys and we encourage NOAA to consider this new data and information in its analyses:

1. Aerial surveys to collect data on presence, density and seasonality of large whale species were conducted along the coastal waters of Maryland from July 2013 to June 2015. There were twenty-four surveys over 16,579 km of track-line. Here are a few highlights:
 - 23 large whale groups sighted (9 fin, 2 humpback, 1 minke, 8 right and 3 unidentified whales);
 - 417 bottlenose dolphin groups sighted and 36 groups of other dolphin species (25 common, 1 spotted, 10 unidentified dolphin groups); and
 - 809 loggerhead turtle sightings and 142 sightings of other turtle species (45 green, 14 leatherback, 1 Kemp's and 82 unidentified).

The study was conducted by the Virginia Aquarium and Marine Science Center and the Riverhead Foundation for Marine Research and Preservation. *A copy of this report is attached.*

2. Maryland is cost-sharing a 3-year study with the Bureau of Ocean Energy Management to collect acoustic data to:
 - characterize patterns of temporal and spatial occurrence of vocalizing marine mammal species (including right whales, fin whales, humpback whales, minke whale and any small cetacean species); and
 - characterize the existing ambient noise environment in and around the Maryland Wind Energy Area.

The project is being undertaken by the University of Maryland Center for Environmental Science and the Bioacoustics Research Program at Cornell University and is still ongoing with preliminary information and data available upon request.

3. Maryland provided funds to the Biodiversity Research Institute to expand their on-going work with the U.S. Department of Energy (DOE) to:
 - assess wildlife distribution and abundance patterns and examine temporal variation in these patterns;
 - development of statistical models to identify ecological drivers of these patterns and predict important habitat and aggregation areas; and
 - identification of species likely to be exposed to offshore wind energy development or other anthropogenic activities.

Maryland funded an extension of the DOE-funded surveys that included the expansion of existing boat surveys into Maryland waters, the extension of video aerial surveys into areas west and south of the Maryland Wind Energy Area, and an extra aerial survey in Maryland waters. A copy of this report and this work may be found online at: <http://www.briloon.org/mabs>. There are both Mid-Atlantic- and Maryland-scale data and reports on this website.

Marine mammals, fish, sea turtles and other aquatic life that inhabit the ocean off Maryland's shore contribute significantly to the economy and quality of life of our coastal communities. The presence of these creatures and healthy ocean waters

often define coastal recreational experiences and support numerous coastal uses such as swimming and surfing, boating, recreational and commercial fishing, wildlife watching and diving.

The ocean environment and our impacts to its health are not fully understood, but there is growing evidence that existing, emerging and cumulative human activities are having a significant impact. Among the growing list of impacts to the ocean – increasing anthropogenic noise, climate change, coastal eutrophication, pollution, ocean acidification, plankton decline, overfishing, invasive species – G&G surveys may add to the factors influencing our ocean environment.

Attachments:

(1) VAQF Scientific Report # 2015-06: “Marine Mammal and Sea Turtle Sightings in the Vicinity of the Maryland Wind Energy Area. July 2013–June 2015.”