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NOAA announces regulations to protect marine mammals during Navy training and testing in Atlantic and Gulf of Mexico

NOAA Fisheries announced today final regulations requiring the United States Navy to implement protective measures during training and testing activities in the Atlantic Ocean and Gulf of Mexico to reduce effects on marine mammals.

The Navy requested an authorization under the Marine Mammal Protection Act, because the sound generated by active sonar, the sound and pressure generated by detonating explosives, and other associated activities could affect the behavior of some marine mammals, or cause a temporary loss of their hearing sensitivity or other injury.

The Navy's current authorization expires in January 2014. The purpose of the Navy training and testing is to ensure the readiness of naval forces. Under the MMPA, this new authorization is limited to five years, and expires in November 2018.

NOAA Fisheries recently made a final determination that the effects of these Navy operations would have a negligible impact on the overall species or stocks involved. Based on that final determination, NOAA Fisheries is requiring that the Navy use mitigation measures and, if properly followed, expects the exercises will not result in serious injury or death to a large number of marine mammals.

Exposure to sonar and explosives in certain circumstances has been associated with the stranding of some marine mammals, and some injury or death may occur despite the best efforts of the Navy. Therefore, the final rule allows for a small number of incidental injuries to marine mammals from sonar, as well as vessel strikes and explosions.

Under the authorization, the Navy will use the following mitigation measures to minimize effects on marine mammals, including:

- establishing marine mammal mitigation zones around each vessel using sonar;
- using Navy observers to shut down sonar operations if marine mammals are seen within designated mitigation zones;
- using mitigation zones to ensure that explosives are not detonated when animals are detected within a certain distance;
- implementing a stranding response plan that includes a training shutdown provision in certain circumstances, and allows for the Navy to contribute in-kind services to NOAA Fisheries if the agency has to conduct a stranding response and investigation; and,
- using specific mitigation measures at certain times to reduce effects on North Atlantic right whales.

These measures should minimize the potential for injury or death and significantly reduce the number of marine mammals exposed to levels of sound likely to cause temporary loss of hearing.

Additionally, the final rule includes an adaptive management component that requires that the Navy and NOAA Fisheries meet yearly to discuss new science, Navy research and development, and Navy monitoring results to determine if modifications to mitigation or monitoring measures are appropriate.

NOAA Fisheries and the Navy have worked to develop a robust monitoring plan to use independent, experienced vessel-based marine mammal observers (as well as Navy observers), and passive acoustic monitoring to help better understand how marine mammals respond to various levels of sound and to assess the effectiveness of mitigation measures. Additionally, an Integrated Comprehensive Monitoring Plan developed by the Navy (with input from NOAA Fisheries) will better prioritize monitoring goals and standardize data collection methods across all U.S. Navy range complexes.

The final rulemaking is posted on our website:
<http://www.nmfs.noaa.gov/pr/permits/incidental.htm#aftt>

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