

July 23, 2008

Michael Payne, Chief
Permits, Conservation and Education Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3225

Re: Proposed Rule for US Navy Training in the HRC, FR 73(121):35510-35577.

Dear Mike,

I am writing to provide a couple of comments on the proposed rule for US Navy Training in the Hawaii Range Complex.

Page 35543. Summary of monitoring effort proposed in Monitoring plan for the Hawaii Range Complex. Given the high species diversity (18 species of odontocetes documented around the main Hawaiian Islands), and the low density of most species, the sample sizes for tagging before, during and after training events, and the sample sizes of vessel surveys and aerial surveys, will likely be insufficient to answer any questions regarding potential impacts (redistribution or otherwise). In order to determine the sample sizes required to assess impacts and the validity of this monitoring effort, the statistical power should be estimated, with a range of potential effect sizes, and taking into account information available from previous monitoring efforts with vessel or aerial platforms, to predict sighting rates given the amount of effort planned. Planning on, for example, 40 hours of aerial surveys associated with a particular exercise, is likely provide such small sample sizes of sightings that the power to assess redistribution of animals may be close to zero. Deployment of five satellite tags on individuals prior to an exercise is not likely to be sufficient to assess reactions or redistribution during the exercise, as some of the satellite tagged animals may move out of the exercise area prior to the exercise, some tags may fail prior to the exercise, and individual variation in movement patterns of most species, and potential exposure to sonar, will potentially result in a sample size far lower than five.

Page 35546. Small-boat surveys covering 44,371 km of survey trackline (in 2,979 survey hours) around the main Hawaiian Islands from 2000 through 2007 documented 976 sightings of odontocetes (Baird unpublished), a sighting rate of 1 sighting per 45 km of trackline, or 0.327 sightings per survey hour. The aerial surveys associated with USWEX 08-1 reported sightings of 26 marine mammal groups in 3,150 km of survey trackline, a sighting rate of 1 sighting per 121 km of survey trackline. Note that the aerial surveys also include baleen whales, while baleen whales were excluded from the analyses of the small-boat surveys, thus the difference between

sightings rates is actually likely greater. Such a comparison illustrates that a large proportion of groups are missed in aerial surveys; this needs to be taken into account when assessing the efficacy of using aerial surveys for monitoring potential behavioral impacts. The fact that observers on-board naval vessels sighted no marine mammals during USWEX 06-04 and 07-02 illustrates either that marine mammals are strongly reacting to sounds produced by these vessels at distances far greater than the observers are able to monitor (and are thus not being detected), or that the on-board observer program for mitigating impacts is extremely ineffective, contrary to the statement that “data from watchstanders is generally useful to indicate the presence or absence of marine mammals within the safety zones” (pg. 35547).

I hope these comments are useful.

Best regards,

A handwritten signature in black ink, appearing to read 'RW Baird', with a decorative flourish at the end.

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