



I Mina'trentai Dos na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specific Activities: U.S. Navy Training and Testing Activities in the Mariana Islands Training and Testing Study Area

Testimony of Senator Vicente (ben) C. Pangelinan, 32nd Guam Legislature

May 5, 2014

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Public Debt, Legal Affairs,
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and Land

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Håfa Adai! On behalf of the people of Guam and the Committee on Appropriations, Public Debt, Retirement, Legal Affairs, Public Parks, Recreation, Historic Preservation, and Land of the 32nd Guam Legislature, I would first like to thank the National Oceanic and Atmospheric Administration for the opportunity to provide testimony on the proposal for the expansion of naval sonar and undersea activities and to the five (5) year authorization for the Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Training and Testing Activities in the Mariana Islands Training and Testing Study Area (MITT); Proposed Rule.

Based on the Federal Register (Report) released March 19, 2014, there will be detrimental impacts to the Marine environment. This is of great concern to our community, which relies on our Marine environment for our livelihoods as well as our economic well-being. The report provides no quantifiable data or supporting studies on how marine mammal exposure to human-generated sound effects reproduction and survival. As the report cites, the Navy is one of the leading organizations in assessing the effects of human activities on the marine environment and provides a significant amount of funding to support marine research. It is therefore a concern that despite all the funding to support marine research, there is little or no data that would definitively or partially support the continuation of such activities which according to the many studies cited in the report, directly impacts marine mammals causing changes or interruptions in their behavior, leading to instances of stranding and to a decline in their numbers.

One study by Claridge, 2013 surmised that lower reproductive rates at the Navy's Atlantic Undersea Test and Evaluation Center were due to stressors associated with frequent and repeated use of Navy sonar. In other studies cited under the same section, it was noted that long-term and intense disturbance of these animals is a factor leading to population decline, reducing the body condition of individuals exposed which is followed by a reduction in reproductive success, survival or both. The report further details the findings of the International Whaling Commission which looked at mass stranding events of Baird's and Cuvier's beaked whales and found that 87.5% or seven (7) of eight (8) strandings were directly attributed to or associated with the use of tactical low and mid-frequency sonar and seismic airguns.

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: office@senbenp.com

Website: <http://senbenp.com>

Under the Stranding and Mortality section of the report, there are several examples of associated strandings attributed to Impulse sound. In the first example, which shows the inability for a lookout, safety boat and dive boat to prevent or mitigate the death of marine mammals, three (3) long beaked dolphins were killed during the course of an underwater detonation training event at the Silver Strand Training Complex in San Diego.

Further to the point, the Report specifies five (5) stranding events corresponding with the military's use of mid-frequency sonar; Greece, the Bahamas, Madeira Portugal, the Canary Islands and Spain are the sites for these occurrences. The marine mammals primarily affected were the beaked, minke dwarf sperm and pilot whale. In all of the stranding events cited, the mammals all exhibited brain and auditory system injuries, hemorrhages and congestion in multiple organs similar to the pathological findings of other known stranding events associated with the sonar use. With such findings, it is again questionable as to the lack of follow through to prevent further disruption of whale populations.

Another area of concern is the proposed mitigation efforts that the report outlines. According to the report, it is unclear as to how effective each proposed mitigation effort will be or has been in the past given the history of such exercises around the world. For instance, how effective are lookouts at detecting marine mammals that have not surfaced? How does one quantify that military activity avoidance of an area can help an animal avoid further acoustic effects or reduces further exposure? How is it a reasonable expectation that most animals will be expected to return to their usual locations and behavior after being exposed to naval sonar and seismic airguns? The scientific studies cited in the report would suggest a completely different, final outcome for the animals.

Additionally contained in the report is a statement that due to the ineffectiveness of mitigating such large areas, the Navy is unable to mitigate for onset of TTS during every activity. The takes of marine mammals as part of the MITT expects to increase the area, size and scope of training and activities in this area. How does the Navy expect to be able to mitigate an even larger area of water if it cannot fully mitigate impacts within its current marine footprint? And if there is an inability to mitigate for onset of TTS during every activity, how are we to know that it is conducted at all? In what instance would the Navy be unable to mitigate for onset of TTS? What protocols are called for when mitigation efforts are not able to begin prior to any training activity?

The activities that will be allowed in this proposal lack the clarity and detail for our community to assess and quantify for ourselves the effects of these expanded and extended activities. The Navy should be made to answer these questions to the members of our community in a manner that allows non-technical citizens to make informed decisions.

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Absent more information and engagement by the Navy and its multi-million dollars consultants and planners, I propose that approval of this proposal shall be deferred until the Navy provides more information and education to the general public.

Si Yu'os Ma'ase,

A handwritten signature in black ink, appearing to be the name of the senator, followed by a long horizontal line extending to the right.