



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
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National Marine Fisheries Service (NMFS) Alaska Region
Statewide Marine Mammal Spill Preparedness and Response Structure;
Expectations for Responsible Parties

Revised February 2023

The Oil Pollution Act of 1990 (OPA-90) expanded the federal government's ability to prevent and respond to oil spills. OPA-90 established new requirements for contingency planning by government and industry by expanding the National Contingency Plan to a three-tiered system: 1) the federal government, through the National and Regional Response Team(s) were empowered to direct all public and private response efforts for certain types of spill events through their corresponding Response Plans; 2) Area Committees (composed of federal, state, and local government officials) were required to develop detailed, location-specific Area Contingency Plans; and 3) owners or operators of vessels and certain facilities that pose a serious threat to the environment must prepare their own Facility Response Plans.

In an effort to assist with emergency response preparedness for marine mammals under NMFS jurisdiction in Alaska, the NMFS Alaska Region Protected Resources Division (AKR PRD) has developed the following general guidelines and standards for response capacity by responsible parties. All disaster response activities involving NMFS trust species must first be authorized under NMFS Marine Mammal Health and Stranding Response Program (MMHSRP) permit #24359 or later.

- **Preparedness and Response Standards and Thresholds (Initial Immediate Response)**
 - Samples: Prepare to sample 50 live or dead pinnipeds (i.e., bearded seal, harbor seal, ribbon seal, ringed seal, spotted seal, northern fur seal, and/or Steller sea lion) the first week. Prepare to sample 5 live or dead cetaceans (i.e., whales and porpoise) the first week. After the first week, the Responsible Party (RP) has the responsibility to fund the storage of carcasses, fund transport to approved facilities for analysis, and fund additional sampling or any live or dead pinnipeds or cetaceans. Sampling shall be performed by an individual or entity approved under NMFS MMHSRP permit #24359.
 - Necropsy: Prepare to necropsy 50 dead pinnipeds and/or cetaceans. Necropsies shall be performed and samples stored by an individual or entity approved under NMFS MMHSRP permit #24359. If mortalities exceed 50 animals, the RP has the responsibility to fund the storage of carcasses and fund transport to approved facilities for analysis.
 - Sample storage: Maintain level of readiness to store 1,000 marine mammal samples, which likely includes multiple samples from individual animals, and therefore, does not represent 1,000 animals. Samples shall be stored by an individual or entity approved under NMFS MMHSRP permit #24359.

- Cleaning/rehabilitation threshold: The following thresholds apply for live moribund animals whose condition can withstand transport.
 - Pinnipeds: The RP should maintain a level of readiness for 25 live pinnipeds to be cleaned and rehabilitated.
 - ✓ This applies to bearded, ringed, ribbon, spotted, harbor, and northern fur seals and Steller sea lions. However, capturing and cleaning oiled adult Steller sea lions is generally not feasible given their size and the difficulties in their collection and transport, as well as danger to response personnel.
 - ✓ It may not be feasible to capture oiled northern fur seals. Human safety must be a primary consideration as it may be dangerous to response personnel to capture oiled fur seal pups because of territorial bulls, and oiled adult fur seals would be extremely dangerous to handle, even if partially debilitated. Also, separating a pup from its mother temporarily may lead to abandonment.
 - ✓ Approved cleaning protocols and practices by species can be found in the Wildlife Protection Guidelines in the Alaska Unified Response Plan and NMFS National Marine Mammal Oil Spill Guidelines.
 - ✓ All cleaned pinnipeds must be tagged prior to release to monitor survivorship. Per a request from the Ice Seal Committee, we recommend that ice seals which are transported outside their region of capture not be released back to the wild after rehabilitation. This request does not apply to ice seals captured and cleaned on-site.
 - Cetaceans: The RP should maintain a level of readiness for two live small cetaceans (e.g., young beluga whale, young killer whale, or porpoise) to be cleaned and rehabilitated.
- **Readiness Time Horizon**
 - Maintain readiness for additional sampling, necropsies, sample storage, and cleaning/rehabilitation for up to one year post-spill.
 - After the official closure of a spill response, RPs should remain prepared to support NMFS and wildlife response organizations to respond to oil-affected marine mammals under NMFS jurisdiction.
- **Authority**
 - Response authority for oiled marine mammals under NMFS jurisdiction is always retained by NMFS, and interventions can be authorized only by NMFS on a case by case basis. During a spill, authority to respond to oiled marine mammals may be granted under the NMFS MMHSRP permit #24359 issued to Sarah Wilkin and her authorized NMFS Co-Investigators. Pre-authorization is not a component of this response structure.
 - Stranding Agreement (SA) holders alone do not authorize decision-making, handling,

sampling, transport, or treatment of oil-affected NMFS species. These activities, as well as all stranding responses involving ESA-listed marine mammals, fall under the NMFS MMHSRP permit #24359 and require NMFS authorization.

- **Spill Response Network Model**

- Preparedness and response shall be led through a NMFS approved contractor (e.g., Alaska SeaLife Center [ASLC]) under U.S. Coast Guard's Oil Spill Removal Organization (OSRO) program, after obtaining authorization through NMFS MMHSRP permit #24359. NMFS will provide guidance regarding: 1) marine mammal response standards, 2) training requirements, and 3) regulatory pathways for response authorizations (e.g., authorizing marine mammal responses pursuant to NMFS MMHSRP permit #24359). NMFS will maintain contact information on trained stranding network members and Incident Command System staff. NMFS-approved wildlife responders will facilitate preparedness for the stranding network as a primary field response participant, along with trained stranding network members. OSROs will need to work with NMFS-approved wildlife response organizations to ensure preparedness levels are sufficient for a rapid response to oiled marine mammal under NMFS jurisdiction. Currently, NMFS does not have the in-house capacity to lead field efforts, so will act in a guidance and oversight capacity through the Wildlife Protection Branch.

- **Adding Stranding Agreement Holders**

- NMFS will continue to approach qualified entities and individuals throughout Alaska to encourage participation and engagement in the Alaska Marine Mammal Stranding Network. Training will need to be provided to new stranding network members at annual stranding network meeting or by other mechanisms.