

1401 Constitution Avenue NW, Room 5128
Washington, DC 20230

March 22, 2023

National Oceanic and Atmospheric Administration

Sent to the National Oceanic and Atmospheric Administration via www.federalregister.gov

Re: Request for comments regarding regulation of the take of marine animals at Naval Station Norfolk (Document #2023-04613)

To Whom it May Concern,

I am writing in response to the National Marine Fisheries Service's (NMFS) proposed rule regarding the regulation of the take of marine animals at Naval Station Norfolk. I am currently a 19 year old college student at the University of Miami studying Marine Affairs and Ecosystem Science and Policy. I came across this proposed rule when my Environmental Policy class explored the Federal Register. As someone who aims to go into the field of Environmental Policy, I am particularly interested in legislation concerning the National Oceanic and Atmospheric Administration (NOAA). While I understand the importance of the Navy's rebuilding of Pier 3 in Norfolk, Virginia, I have some concerns about the potential impacts on marine life in the surrounding area. Species such as whales, seals, and dolphins could potentially be harmed as a result of the building process, so I believe that it is important to take the most precautionary measures to ensure their safety while allowing for a timely completion of the

project. In this comment, I will outline my concerns about the construction, provide recommendations to help mitigate the harm to marine life, and offer insight into a broader perspective of the issue. I appreciate the opportunity to provide my feedback regarding this matter.

Background

The United States Navy has proposed a building project to rebuild Pier 3 at Naval Station Norfolk in Norfolk, Virginia (NOAA, 2023). However, in order to comply with the Marine Mammal Protection Act (MMPA), the Navy must be wary of any nearby marine life that could potentially be harmed in the process. Both the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration have outlined specific regulations that the Navy must follow regarding the take of marine life. These regulations include: the authorization of the incidental take of 18 marine mammal species, the establishment of exclusion zones surrounding the project to minimize risk of harm to the animals, requiring the Navy to follow various mitigation measure to ensure animal safety, requiring the Navy to monitor and report compliance with such regulations, and an establishment of a 5 year validity period from 2023 until 2028. NOAA and NMFS have requested public comments and suggestions regarding these regulation measures and the final regulations will be posted in the Federal Register.

Concerns

Firstly, I would like to address the potential runoff as a result of the construction. Coastal development can cause sediment to runoff into marine habitats which can smother marine plants and reduce light availability for primary productivity. The runoff will not only accumulate near

the pier, but also has the potential to spread into nearby ecosystems in the Atlantic Ocean. These species are vital to keeping ecosystems balanced, so their preservation is highly important to consider. The poles which support the pier will be partially submerged in water which can disrupt littoral drift. As a result of this, sea bed elevation has the potential to lower and one side of the pier will accrete this sediment while the other will erode. This issue must also be considered as it can significantly affect coastal ecosystem function.

In addition to the effects of sedimentation, the construction of the pier will generate a large volume of underwater noise that can have consequences on marine life. Higher noise levels can “reduce the ability to communicate with potential mates, other group members, their offspring, or feeding patterns.” (NOAA 2023). According to [Oceancare.org](https://www.oceancare.org), this noise can lower fertilization rate of certain fish species by 40%. This is particularly alarming considering the fact that a high percentage of fish eggs die from predators. Another example of marine life that could be impacted are sea turtles that rely on the sound of the ocean breaking as an indicator of where to lay their eggs.

Finally, I would like to discuss the timeline of the five year plan. Five years is a significant amount of time, which if the regulations are not helpful, could cause a significant amount of damage to marine life. I believe that the regulations should be valid for a shorter period of time. This way, NOAA and NMFS are able to reevaluate the success of this plan and make any necessary revisions.

Recommendations

To help with sedimentation, I think that the current outlined practices are very beneficial. In addition to setting up bubble curtains and shutdowns if sedimentation is too much, I would

plant extra vegetation and heavily monitor substances that enter the water. That way, scientists will be able to remedy the issue before it becomes too late. It would also be beneficial to discuss safe coastal building practices and methods to cause minimal disturbance.

Also, I would recommend carefully selecting trained professionals to report on the plan's success and any harmed marine life. I recently watched a documentary called Seaspiracy that exposed corporate corruption in the making of MSC Safe certified food labels. Corporate fishermen are trusted to report their own bycatch, but these numbers can be easily underestimated. I would hate to see a scenario like this during the building of the pier.

To combat noise pollution, I recommend limiting the duration and frequency of emitted noise to be beneficial to marine life. The practice of slowing or delaying construction in areas where marine life is spotted should be implemented. Also, using visual and acoustic monitoring techniques will ensure the building occurs safely.

The Navy should be held accountable by these organizations and regularly checked to ensure safe building practices. It would be beneficial to discuss ways that NMFS can perform these checks and different materials that they can provide to help monitor marine life.

Global Perspective

Assuming our current environmental and fishing practices, it is estimated that all fish species will collapse by 2048. This would have catastrophic effects on the global ecosystem, including potential food and water shortages. The construction of the pier at Naval Station Norfolk could potentially harm marine life in the surrounding area, which could contribute to the decline of species in the long run. Therefore, it is important to consider the long-term consequences of the project and take necessary precautions to ensure the safety and preservation

of marine life. By setting an example for other construction projects, the Navy can show that development can be done while minimizing harm to the environment. This can ultimately contribute to a more sustainable future.

Conclusion

In conclusion, while the rebuilding of Pier 3 at Naval Station Norfolk is important for the Navy, it is crucial to take into account the potential impacts on marine life in the surrounding area. I have outlined my concerns about the construction and provided recommendations to help mitigate the harm to marine life. Additionally, I have offered insight into a broader perspective of the issue and its potential impacts on the global ecosystem. I hope that these comments are helpful in informing the final regulations and ensuring the safety and preservation of marine life during the construction process. Thank you for allowing me to submit this proposal.

Sources

N. O. A. A. (2023, March 9). *Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Navy Construction of the Pier 3 Replacement Project at Naval Station Norfolk*. Federal Register. Retrieved March 31, 2023, from <https://www.federalregister.gov/documents/2023/03/09/2023-04613/takes-of-marine-mammals-incident-to-specified-activities-taking-marine-mammals-incident-to-us>

N. O. A. A. (n.d.). *Incidental Take Authorization: Replacement of Pier 3 at Naval Station Norfolk in Norfolk, Virginia*. Fisheries.Noaa.gov. Retrieved March 31, 2023, from

<https://www.fisheries.noaa.gov/action/incidental-take-authorization-replacement-pier-3-naval-station-norfolk-norfolk-virginia>

O. T. (n.d.).

Https://www.theworldcounts.com/challenges/planet-earth/oceans/overfishing-statistics. The

World Counts. Retrieved March 31, 2023, from

<https://www.theworldcounts.com/challenges/planet-earth/oceans/overfishing-statistics>