

NATIONAL SCIENCE FOUNDATION4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230

October 16, 2002

OFFICE OF THE
GENERAL COUNSEL

Ms. Brendan Cummings, Attorney
Center for Biological Diversity
PO Box 493
Idyllwild, CA 92549

Dear Ms. Cummings:

I am responding to your October 14, 2002 letter addressed to the National Science Foundation concerning the Research/Vessel Maurice Ewing and its operations in the Gulf of California in Mexico. The Ewing is engaged in seismic mapping to gather and examine data related to rifting of the continental crust and the initiation of sea floor spreading. In addition to seismic surveys, the R/V Ewing is used for physical oceanography and marine biology research.

We share the Center for Biological Diversity's concern for the safety and protection of marine mammals. For that reason, from the inception of the cruise, the Ewing had procedures in place to minimize the interactions between marine mammals and the vessel. Lamont-Doherty Earth Observatory appointed marine mammal observers for the expedition and bridge watch personnel were trained in sighting and identifying marine mammals. In addition, knowledge of marine mammal activities known in the area was obtained so that research could be scheduled to avoid significant seasonal events, such as migration or calving. The vessel also observed an established safety zone for marine mammals appropriate to the type of seismic activity and increased the acoustic sound in stages to allow any undetected marine mammals to move away from the sound source. Moreover, before the cruise began, we obtained all required permissions from the Mexican Government because the vessel is operating in Mexican waters.

On September 25, 2002, the Ewing was informed by a radio communication that two beaked whales had been found stranded on the Mexican island, Isla de San Jose. The ship was a considerable distance from this location. There is no evidence that there is any connection between the operations of the Ewing and the reported beached whales. However, because of our concern about the safety of marine mammals, the R/V Ewing temporarily ceased seismic activities until additional information could be obtained. An attempt was made to perform a necropsy on one of the whales but it was too decomposed. Following discussions with the National Marine Fisheries Service and Mexican officials, and marine mammal experts, Lamont Doherty instituted additional precautionary procedures for the Ewing's activities to further mitigate the risk of injuring marine mammals. These include conducting aerial surveys, limiting operations to daylight hours, supporting university researchers from Mexico to monitor marine mammal activity in the area, limiting seismic operations to water depths greater than 200 meters, and providing a safety zone for any undetected marine mammals to move from the source array. In addition, we decreased the array volume and revised the cruise route to avoid seismic

operations in sensitive regions. Of course, any operations will cease if there is any credible evidence of a harmful impact on marine mammals from the survey.

We have made great efforts to conduct this cruise in an environmentally responsible manner. We are open to continuing a dialogue with you on the important issue of marine mammal safety. If you wish to discuss this further, please feel free to call me at (703) 292-8060.

Sincerely,



Anita Eisenstadt
Assistant General Counsel