

APPENDIX I

Commandant Instruction 16475: Protected Living Marine Resources Program



COMDTINST 16475.

JUL 2 1996

COMMANDANT INSTRUCTION 16475.

Subj: PROTECTED LIVING MARINE RESOURCES PROGRAM

Ref: (a) National Environmental Policy Act, 42 U.S.C. Sections 4321-4335
(b) Endangered Species Act of 1973, 16 U.S.C., Sections 1531-1544
(c) Marine Mammal Protection Act of 1972 16 U.S.C., Sections 1361-1421
(d) National Environmental Policy Act-Implementing Procedures Manual, COMDTINST M16475.1(b)
(e) Endangered Species Act Manual, COMDTINST M16475.1(b)
(f) 22SEP95 Maritime Law Enforcement Manual, COMDTINST M16475.1
(g) Draft Environmental Assessment-Atlantic Coast,

1. **PURPOSE.** The Coast Guard will attempt to enhance the recovery of right whales, stellar sea lions, harbor seals, sea turtles, other protected (threatened and endangered) marine species and all other marine mammals by the enforcement of state Federal and international law and during the conduct of Coast Guard operations. Area and District commanders are required, as part of a Coast Guard wide effort, to formalize their Protected Living Marine Resources Program (PLMRP). PLMRP will consist of an external component (e.g. Law Enforcement mission directing the Coast Guard to enforce laws dealing with living marine resources) and of an internal component (e.g. Standard Operating Procedure (SOP) for Coast Guard units to reduce risk disturbance and harm to protected species). The PLMRP focuses on Coast Guard cutter, boat and aircraft operations not on the activities involved in construction, maintenance and repair of shore facilities.
2. **BACKGROUND.** The Coast Guard published a notice of intent to draft an Environmental Impact Statement (EIS) delineating the effects of the Coast Guard PLMRP on protected species in the Atlantic Ocean. The basis for this document will be ref (g). For the past year, Coast Guard Districts One, Five and Seven have conducted successful trial programs along the Atlantic Coast. This instruction will formalize the PLMRP in those areas and districts with trial programs and expand its application to the areas and districts on Gulf of Mexico, Pacific Ocean and Bering Sea. Biological Assessments (BA), Environmental Assessments (EA), and EISs will be prepared for these different oceanic environments. The BAs,

2. (cont'd) EAs and EISs will be prepared at headquarters with assistance of field units as needed. These documents, when completed, will serve as the basis for each Area and District PLMRP. However, it is not necessary to have an EIS, EA or BA to formalize a PLMRP. Examples of measures an Area or District may include in their PLMRPs are identified in reference (c) as follows:
 - a. Training programs for cutter lookouts and boat crews
 - b. Using NATEX program.
 - c. Noting presence and activities of protected species, during the course of operations and dedicated surveys of critical habitat areas.
 - d. Enforcing applicable Federal, state and international laws.
 - e. Establishing or modifying vessel traffic routes or areas to be avoided.
 - f. Developing Coast Guard-wide and regional procedures to alert Federal, state and local agencies and the public to seasonally-heightened potentials for interaction with protected species.
 - g. Informing the public by including protected species awareness information in boating safety training.
 - h. Notifying National Marine Fisheries Service regional office when a significant incident, involving a protected species is brought to the attention of the Coast Guard.
 - i. Participating in regional species stranding networks and recovery of carcasses for forensic purposes.
 - j. Surveying lighting options for Coast Guard stations in the vicinity of turtle nesting beaches.
 - k. Continuing liaison with National Marine Fisheries Service and U.S. Fish and Wildlife Service to determine the protected species within their area of operations.

3. **ACTION.** Area and District commanders, and unit commanding officers shall ensure continued compliance with refs a. thru g. They also will:
- a. Continue to survey their Area of Responsibility (AOR) to identify local and migratory/seasonal populations of protected species.
 - b. Identify all potential opportunities for conflict between the protected species and vessel or aircraft operations.
 - c. Participate in multi-agency planning groups to identify potential for non-regulatory cooperative efforts designed to lessen or eliminate future impact upon regional and migratory protected and candidate species.
 - d. Take appropriate action after coordination with appropriate environmental resource agencies. (e.g. FWS NMFS) to formally develop, implement and document a successful protected living marine resource program. Programs are to be composed of:
 - (1) District/Area operating procedures
 - (a) External enforcement as outlined in ref (e).
 - (b) Internal operating parameters outlined in SOP and Law Enforcement Bulletins (LEB).
 - (2) Education
 - (a) External - dissemination of information to the commercial maritime and fishing public and boating public by boarding officers. Using Auxiliary boating safety classes to alert the recreational boater.
 - (b) Internal - identification and recognition training for cutter lookouts and boat crews.
 - (3) Notices
 - (a) NAVTEX.
 - (b) Broadcast & Published Notices to Mariners.
 - (c) Cooperate with other federal agencies in charting critical habitats.

3.d. (4) Records

(a) External - pass information to regional interagency recovery implementation teams, stranding networks, Federal and state agencies and to assist in the collection of scientific data gathering

(b) Internal - (1) keep a record of MOAs and MOUs signed with Federal, state and local governments and agencies; (2) keep a record of attendance at regional and local recovery, stranding and recovery implantation team meetings; (3) record of activities involving direct contact with protected species (disentanglement of turtles or marine mammals, towing of carcasses, stranding of marine mammals); (4) record significant law enforcement cases involving protected species; and (5) record of activities assisting in scientific data gathering.

4. DIRECTIVES AFFECTED. None.

5. FORMS/REPORTS.

Each area and district will submit a letter report to Commandant (G-0) by 1 February of each year outlining significant activities during the previous calendar year. Recommendations on updating the PLMRP as necessary should be included. No required forms will be developed at the headquarters level. Rather, commands will work with local representatives of the scientific community to devise the most expeditious method for making available records of species observations, likely to promote species recovery enhancement efforts (e.g. On the U.S. East Coast, crews might forward photographs of right whales to the New England Aquarium for identification or alert the National Marine Fisheries Service of observed strandings of whales). Districts are encouraged to share lessons learned (positive/negative) via letter or message.


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