



MARINE MAMMAL COMMISSION

10 May 2012

Mr. P. Michael Payne, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3225

Re: Request to Amend Permit Application No. 16479
(Pacific Whale Foundation)

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act. On 23 November 2011, the National Marine Fisheries Service published a notice (76 Fed. Reg. 72389) regarding the Pacific Whale Foundation's application for a permit to study humpback whales in Hawaii during a five-year period. The Commission commented on the original application by letter of 12 December 2011. The Service is still in the process of reviewing that application.

The Pacific Whale Foundation now is requesting to change its principal investigator. Mr. Gregory Kaufman would be designated as principal investigator, rather than Dr. Daniela Maldini. The Foundation also would use an 8.1-m vessel rather than the 4.5-m rigid hull-inflatable watercraft as described in the original application. It is not requesting any other amendments to its permit application.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested permit, subject to the Commission's 12 December 2011 recommendation that the Service condition the permit to require the Pacific Whale Foundation to minimize disturbance of the subject animals by exercising caution when approaching animals, particularly mother/calf pairs, and stopping an approach if there is evidence that the activity may be interfering with mother/calf behavior, feeding, or other vital functions.

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the Marine Mammal Protection Act. Please contact me if you have any questions concerning the Commission's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen".

Timothy J. Ragen, Ph.D.
Executive Director