



# MARINE MAMMAL COMMISSION

27 May 2014

Ms. Li Ling Hamady  
Permit Office, Room 755  
Office of Polar Programs  
National Science Foundation  
4201 Wilson Boulevard  
Arlington, VA 22230

Dear Ms. Hamady:

On 16 May 2014 the National Science Foundation (NSF) published a notice (79 Fed. Reg. 28558) requesting comments on a permit application from Mr. Robert Pitman, National Marine Fisheries Service's (NMFS) Southwest Fisheries Science Center (SWFSC). Mr. Pitman is seeking authorization under the Antarctic Conservation Act (the ACA) to conduct research on numerous cetacean species in Antarctica. The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the permit request with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA) and the ACA.

Permit 14097, issued to the SWFSC under the MMPA, authorizes Mr. Pitman to conduct research on numerous species of whales in Antarctica. The purpose of the research is to study cetacean movement patterns, diet preferences, and genetic parameters. Mr. Pitman proposes to conduct photo-identification of, collect biopsy samples from, and instrument numerous cetaceans with satellite and suction-cup tags in the southern Ross Sea and waters of the Antarctic Peninsula from 1 October 2014 until 1 October 2020 (see the Take Table). In addition, he would collect marine mammal carcasses and parts. Mr. Pitman would import the samples into the United States to conduct genetic, stable isotope, fatty acid, and baseline environmental composition analyses.

Dr. Ari Friedlaender also works under Permit 14097 and has his own ACA permit, which is conditioned to require him to contact Mr. Pitman daily to ensure they do not exceed cumulatively the takes authorized under Permit 14097. NSF indicated that Mr. Pitman's ACA permit would be conditioned in a similar manner, such that researchers working under the same MMPA permit must coordinate daily. In addition, Permit 14097 expires in 2015. NSF would include a condition in Mr. Pitman's ACA permit that stipulates the authorizations under his ACA permit would be contingent on either a renewal of Permit 14097 or a new permit that replaces it. The Commission supports inclusion of those two conditions in Mr. Pitman's ACA permit.

Mr. Pitman requested to suction-cup tag up to 50 humpback whales in his ACA application. However, Permit 14097 appears to authorize suction-cup tagging of only 40 humpback whales. Further, Mr. Pitman included a request to suction-cup tag up to 20 killer whales and satellite tag up to 50 killer whales in his ACA application. Permit 14097 appears to authorize Mr. Pitman to suction-cup or satellite tag only 50 killer whales. Therefore, the Commission recommends that NSF issue the ACA permit, provided that it includes authorization only for the numbers of specific types of taking authorized under Mr. Pitman's MMPA permit.

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The Commission believes that the activities in the permit application are consistent with the purposes and policies of the MMPA and ACA.

The Commission appreciates the opportunity to comment on this permit amendment application. Kindly contact me if you have any questions concerning the Commission's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large initial "R" and a distinct "Lent" at the end.

Rebecca J. Lent, Ph.D.  
Executive Director