



MARINE MAMMAL COMMISSION

2 May 2013

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: Permit Application No. 17312
(Scripps Institution of Oceanography)

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. Scripps Institution of Oceanography is requesting authorization to conduct research on numerous cetacean species or stocks during a five-year period. It would renew and amend permit 727-1915.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit, as requested.

RATIONALE

Scripps proposes to conduct research on 35 cetacean species or stocks in the Pacific Ocean and Gulf of Mexico year-round. The activities in the Pacific Ocean would occur in waters along the west coast of the United States, Alaska, Hawaii, and other islands and atolls in the North Pacific Ocean. Scripps proposes to study the effects of anthropogenic sound and the Deepwater Horizon oil spill on cetaceans. Its objectives are to collect information useful for (1) determining cetacean abundance, distribution, and population structure, (2) determining cetacean taxonomy, sex, stock structure, and contaminant and hormone concentrations, and (3) studying cetacean diving behavior, vocalizations, feeding and movement patterns.

Scripps seeks authorization to observe, photograph, acoustically record, collect prey remains and sloughed skin from, and biopsy sample numerous cetacean species per year (see Take Tables 1 and 2 in the application). Individuals of all age classes and either sex could be harassed. Researchers would use small (5 m) and large (38 m) vessels to photograph large cetaceans at distances of 30 m and small cetaceans at distances of 10 m for no more than 40 minutes. Cetaceans would be approached at a consistent speed from behind or at an angle, depending on the species, to avoid blocking the intended path of the animals. They would cease activities if those activities disrupt the normal behavior of the animals, and they would approach female-calf pairs cautiously and avoid

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separating the pair. In addition, the researchers would monitor cetaceans acoustically using a towed hydrophone array or bottom-mounted autonomous acoustic recorders.

The researchers would collect feces and sloughed skin using a dip net after the animals have moved 30 m away from the samples. They would biopsy sample cetaceans using a crossbow or nylon scrubbing pad affixed to a pole at distances of 3–15 m. They would biopsy sample known individuals no more than once per year and would not biopsy sample calves less than one year of age or females with those calves. Samples would be analyzed for species identification, sex, genetic signatures, and contaminant and hormone concentrations by the Service's Southwest Fisheries Science Center. When investigating the effects of the Deepwater Horizon oil spill on marine mammals, Scripps also would collaborate with researchers from the Southeast Fisheries Science Center and Ocean Alliance to optimize spatial and temporal coverage of sampling effort in the Gulf of Mexico, including avoiding overlap in that effort.

Researchers would instrument numerous cetaceans using suction-cup attachment methods (see Take Tables 1 and 2). Suction-cup tags may include VHF transmitters and data loggers that would record and store time, depth, temperature, GPS locations, vocalizations, ambient and anthropogenic sound, swim speed, heading, pitch, and roll. Tags would be deployed via pole at a distance of 2–8 m, and individuals would be approached no more than three times. Here, too, they would not tag calves less than one year of age or females with those calves and known individuals would be tagged only once during the five-year period. Researchers would track the tagged cetaceans at a distance of at least 100 m until the tag falls off and can be retrieved.

To minimize effects from biopsy sampling and tagging, researchers would approach an individual or group of whales to within 100 m no more than three times per day. They also would cease their activities if a whale reacts negatively to the proposed activities (e.g., turning away from the vessel, diving, slapping a flipper or fluke, or swimming rapidly away from the vessel). The researchers would avoid the incidental harassment of all non-target marine mammals by remaining more than 100 m from those animals.

Scripps' Institutional Animal Care and Use Committee (IACUC) has reviewed and approved the proposed research protocols. The Marine Mammal Commission supports research on both the effects of sound and the Deepwater Horizon oil spill on marine mammals and therefore recommends that the National Marine Fisheries Service issue the permit, as requested.

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 recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen". The signature is written in a cursive style with a large initial 'T'.

Timothy J. Ragen, Ph.D.
Executive Director