



# MARINE MAMMAL COMMISSION

9 December 2009

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

Re: Amendment of Permit No.781-1824  
(Northwest Fisheries Science Center,  
National Marine Fisheries Service)

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced request for a permit amendment with regard to the goals, policies, and requirements of the Marine Mammal Protection Act.

## **RECOMMENDATION**

The Marine Mammal Commission recommends that the National Marine Fisheries Service approve the requested amendment, provided that—

- the conditions contained in the existing permit remain in effect, and
- the Service ensure that the researchers coordinate and integrate all proposed tagging and biopsy activities with those of Canadian researchers studying the southern resident killer whale population.

## **RATIONALE**

Permit No. 781-1824 authorizes the permit holder to take by Level A and Level B harassment 19 cetacean species for research purposes. The primary purposes of the research are to determine the abundance, distribution, movement patterns, habitat use, contaminant levels, prey, behavior, energetics, and stock structure of cetaceans in U.S. and international waters, focusing on the Pacific Northwest region. Among other things, the permit authorizes the taking by harassment of up to 215 southern resident killer whales during aerial and vessel surveys, photo-identification, photo/videogrammetry, and focal follows of whales. The permit authorizes a subset of these animals to be biopsy-sampled (up to 25 adults and juveniles of both sexes and females with calves more than two years of age) and suction-cup tagged (adults and juveniles of both sexes and females with calves). Calves would not be suction-cup tagged or biopsy-sampled. The permit expires 14 April 2011.

The permit holder is requesting that the permit be amended to authorize an increase from 10 to 20 in the number of southern resident killer whales that can be suction-cup tagged annually and

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to authorize satellite tagging with dart tags of six southern resident killer whales. The animals used for these studies would be post-reproductive females more than 40 years of age and adult males more than 15 years of age. The primary purpose of the amendment request is to enable the permit holder to determine winter ranges and to increase available data on distribution patterns of southern resident killer whales for use in critical habitat determinations. Scientists conducting the research authorized by this permit would apply dart tags concurrently with already permitted activities (i.e., vessel surveys, focal follows, photo-identification, suction-cup tagging, etc.). The permit holder is requesting authorization of the additional activities for the duration of the existing permit.

The Marine Mammal Commission recommends that the National Marine Fisheries Service approve the requested amendment, provided that the conditions contained in the existing permit remain in effect. The Commission also encourages the researchers to do everything possible to minimize the impact on the whales while collecting essential data. Disturbance is one of the three main hypotheses that might explain the poor status of southern resident killer whales, and tagging may be one of the more intrusive forms of disturbance. The information sought through tagging will be highly useful, but minimizing the associated impact is especially important on such small populations. Also, the Commission notes that a number of Canadian researchers study the southern resident killer whale population. The Marine Mammal Commission recommends that the National Marine Fisheries Service take the steps necessary to ensure that the applicant and other U.S. scientists working on the southern resident killer whale stock coordinate with Canadian researchers to avoid unnecessary redundancy of and disturbance from all research on this population, including tagging and biopsy sampling.

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 this recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director