



MARINE MAMMAL COMMISSION

6 October 2010

Ms. Nadene G. Kennedy
Permit Office, Room 755
Office of Polar Programs
National Science Foundation
4201 Wilson Boulevard
Arlington, VA 22230

Dear Ms. Kennedy:

By notice in the *Federal Register* dated 20 September 2010 (75 Fed. Reg. 57298), your office sought comments on a permit request from Paul Ponganis, Ph.D. Dr. Ponganis seeks authorization under the Antarctic Conservation Act of 1978 to assess leopard seal hunting strategies and their impact on the emperor penguin colony at Cape Washington, Antarctica. The Marine Mammal 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 and Antarctic Conservation Acts and offers the following recommendation.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Science Foundation issue the authorization under the Antarctic Conservation Act.

RATIONALE

Permit 15261 from the National Marine Fisheries Service authorizes the permit holder to conduct research on leopard seals to construct time-activity budgets and determine prey intake rates. It allows the permit holder to take by harassment up to five adult leopard seals annually, not to exceed 10 animals over five years, during the November through mid-December research season. The seals would be captured, sedated/anesthetized, instrumented with backpack digital cameras and time/depth recorders, and tagged with rototags to document their diving and foraging behavior near the emperor penguin colony at Cape Washington. About a week after instrumentation, the animals would be recaptured and sedated for instrument removal. The applicant is requesting authorization for the accidental death of one leopard seal annually.

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the Marine Mammal Protection and Antarctic Conservation Acts.

Please contact me if you have any questions regarding the Commission's recommendation.

Sincerely,


Timothy J. Ragen, Ph.D.
Executive Director

Cc: Mr. P. Michael Payne