



MARINE MAMMAL COMMISSION

19 March 2012

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 20910-3225

Re: Request to Amend Permit Application No. 16160
(The Whale Museum)

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 3 November 2011 the National Marine Fisheries Service published a notice in the *Federal Register* (76 Fed. Reg. 68161) regarding The Whale Museum's application for a permit to monitor vessel activities around marine mammals, primarily southern resident killer whales, in Washington during a five-year period. The Commission commented on the original application by letter of 21 November 2011 (see enclosure). The Service is still in the process of reviewing that application.

The Whale Museum now is requesting to change its principal investigator due to personnel changes within the organization. Eric Eisenhardt would be designated as principal investigator, rather than Kari Koski. The Whale Museum is not requesting any other amendments to its permit application.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested permit, subject to the recommendations from the Commission's 21 November 2011 letter. Those recommendations stipulate that the Service (1) condition the permit to require The Whale Museum 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 and (2) advise The Whale Museum of the need to obtain additional permits from the U.S. Fish and Wildlife Service prior to conducting the proposed activities in a wildlife refuge.

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".

Timothy J. Ragen, Ph.D.
Executive Director