



MARINE MAMMAL COMMISSION

31 October 2016

Ms. Jolie Harrison, 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. 20452
(SMRU Consulting North America, LLC)

Dear Ms. Harrison:

The Marine Mammal Commission (the 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 (the MMPA). SMRU Consulting North America, LLC, (SMRU) is requesting authorization to conduct research on marine mammals in waters off Washington during a five-year period.

SMRU proposes to conduct research on marine mammals, primarily from spring through fall of each year, in the inland waters of Washington (see the Take Table). The purpose of the research is to investigate the potential effects of marine alternative energy, specifically tidal energy, on marine mammals. Researchers would harass, observe, photograph/videotape¹, record acoustically, and conduct playback studies² on harbor seals and harbor porpoises of either sex and various age classes (see the Take Table). Multiple species of marine mammals could be harassed incidental to the proposed activities (see the Take Table).

To minimize impacts during UAS activities, researchers would cease their activities if animals exhibit an adverse reaction (e.g., breaching, peduncle slapping, stress vocalizing, abrupt changes in direction, apparent displacement, etc.). They also would implement ramp-up and shut-down procedures³ during the playback studies. A playback session also would cease if a dependent calf is clearly separated from the accompanying female. In addition, if either killer whales or baleen whales are within visual range of the researchers, playbacks would either cease or be delayed until the whales have left the area. SMRU would coordinate its activities with researchers at the Whale Museum and Center for Whale Research and any visiting researchers based at the University of

¹ Including using unmanned aerial systems (UASs).

² By broadcasting recordings from various operational turbines at a source level no greater than 161 dB re 1 μ Pa at 1 m.

³ Including shutting down the source when an animal exhibits unusual or abnormal surface or subsurface behaviors involving apparent disorientation and confusion or dramatic changes in group cohesion putting it at risk of stranding or being struck by a vessel.

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Washington's Friday Harbor Laboratories (e.g., Cascadia Research Collective, National Marine Fisheries Service (NMFS)). For these reasons, the Commission believes that the proposed activities are consistent with the purposes and policies of the MMPA and recommends NMFS issue the permit, as requested.

Kindly contact me if you have any questions concerning the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director