



MARINE MAMMAL COMMISSION

22 December 2016

Dr. Nature McGinn, ACA Permit Officer
Permit Office, Room 755
Division of Polar Programs
National Science Foundation
4201 Wilson Boulevard
Arlington, VA 22230

Dear Dr. McGinn:

On 7 December 2016, the National Science Foundation (NSF) published a notice (81 Fed. Reg. 88273) requesting comments on a permit application from Dr. David Johnston, Duke University Marine Laboratory. Dr. Johnston is seeking authorization under the Antarctic Conservation Act (the ACA) to conduct research on humpback and minke whales in Antarctica from 2017 to 2019. The Marine Mammal Commission (the 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 Act (the MMPA) and the ACA.

Dr. Johnston proposes to harass, observe, photograph, and conduct photogrammetry on up to 100 humpback whales and 100 minke whales per year using unmanned aerial systems. The objectives of the research are to assess body condition of individuals. The research activities would be authorized under a minor amendment to permit 14809 to be issued by the National Marine Fisheries Service (NMFS). The Commission believes that the activities are consistent with the purposes and policies of the MMPA and ACA and recommends that NSF issue the ACA permit, contingent on NMFS amending permit 14809 that would authorize Dr. Johnston's proposed activities.

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

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent".

Rebecca J. Lent, Ph.D.
Executive Director

cc: Amy Sloan, NMFS