



MARINE MAMMAL COMMISSION

3 April 2017

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. 20294
(Robert DiGiovanni)

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). Mr. DiGiovanni is seeking to renew his permit to conduct research on marine mammals in the Atlantic Ocean during a five-year period—permit 15575 authorized the same activities.

Mr. DiGiovanni proposes to conduct aerial, vessel-based, and land-based surveys of marine mammals in coastal and offshore waters from Virginia to Rhode Island. The purpose of the proposed research is to (1) obtain baseline data on the presence, abundance, and distribution of various marine mammal species and (2) investigate human interactions and overall health of pinnipeds. Mr. DiGiovanni would harass, observe, photograph/videotape¹, and collect samples² from numerous individuals³ of various marine mammal species in a given year (see the take table).

To minimize impacts from vessel surveys, Mr. DiGiovanni would not separate female-calf pairs and would cease activities if any animal exhibits avoidance behavior (e.g., abruptly changes its location or behavior). Marine mammals would not be approached by a vessel head-on. During aerial surveys, an animal would not be circled if its behavior appears abnormal (e.g., swimming to avoid the aircraft or diving frequently) and no more than six orbits would be conducted to obtain the necessary photographs. For aerial surveys of hauled-out pinnipeds, surveys would be flown with the aircraft offset at a 45 degree angle and aircraft would not fly directly over the animals. If females with pups are hauled out during ground-based surveys, photographs would be taken from a distance and researchers would leave the area immediately thereafter to minimize the possibility of flushing the animals. Scat would be collected after the pinnipeds have vacated the beach⁴. In addition, the remote videocamera systems would be installed prior to the seals' seasonal arrival and would be

¹ Including using remote videocamera systems at pinniped haul-out sites.

² Scat would be collected opportunistically from pinniped haul-out sites.

³ Of either sex and any age class.

⁴ Due to presence of kayakers or recreational/commercial boaters or if the animals left the beach on their own accord.

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serviced when the haul-out site is vacant or a minimal number of animals are present. Mr. DiGiovanni would coordinate with researchers from the National Marine Fisheries Service's (NMFS) Northeast Fisheries Science Center, Northeast Regional Office, and Greater Atlantic Regional Fisheries Office and the New York Department of Environmental Conservation. For all of these reasons, the Commission believes that the proposed activities are consistent with the purposes and policies of the MMPA and recommends that NMFS issue the permit, as requested.

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". The signature is written in a cursive style with a large, sweeping initial "R".

Rebecca J. Lent, Ph.D.
Executive Director