



MARINE MAMMAL COMMISSION

1 March 2019

Dr. Nature McGinn, ACA Permit Officer
Permit Office, Room 755
Division of Polar Programs
National Science Foundation
2415 Eisenhower Avenue
Alexandria, Virginia 22314

Dear Dr. McGinn:

On 4 February 2019, the National Science Foundation (NSF) published a notice (84 Fed. Reg. 1520) requesting comments on a permit application from Dr. Daniel Zitterbart, Woods Hole Oceanographic Institution. Dr. Zitterbart is seeking authorization under the Antarctic Conservation Act (the ACA) to conduct research on humpback whales in Antarctica. 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 ACA.

Dr. Zitterbart proposes to harass, observe, photograph, and/or attach suction-cup tags to humpback whales of either sex and any age class (see the take table for specifics). The objectives are to investigate humpback whale foraging behavior and ecology. Dr. Zitterbart's research activities are authorized under permit 2018-0020 issued by the Australian Department of the Environment and Energy¹.

Dr. Zitterbart's application indicated he would serve as back-up tagger to Dr. Mackenzie, who would be the lead tagger. Based on the qualifications provided in his application, Dr. Zitterbart has no large whale tagging experience and should not be authorized to deploy tags unsupervised absent the necessary experience². In addition, Dr. Zitterbart and Dr. Ari Friedlaender³ plan to conduct research activities on the same species in the same general area and at the same time. As such, NSF would require in the ACA permit that Dr. Zitterbart coordinate with Dr. Friedlaender to avoid attaching tags to and excessively harassing the same individuals. The Commission recommends that NSF issue the permit, contingent on (1) authorizing Dr. Zitterbart to deploy tags only while under the direct supervision of Dr. Mackenzie and (2) requiring Dr. Zitterbart and Dr. Friedlaender to coordinate their research activities on humpback whales.

¹ A research permit under the Marine Mammal Protection Act (MMPA) is not required, because Dr. Zitterbart is a German citizen and his co-investigator, Dr. Kylie Mackenzie, is an Australian citizen.

² However, Dr. Zitterbart would be allowed to gain tagging experience under the direct supervision of Dr. Mackenzie.

³ Dr. Friedlaender's activities are authorized under MMPA permit 14809 and ACA permit 2015-011.

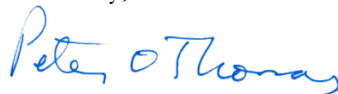
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The Commission believes that the proposed activities are consistent with the purposes and policies of the ACA. Kindly contact me if you have any questions concerning the Commission's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Peter O. Thomas". The signature is written in a cursive style with a large initial "P" and a distinct "O" in the middle name.

Peter O. Thomas, Ph.D.,
Executive Director