



MARINE MAMMAL COMMISSION

13 June 2019

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 Amendment Application 21321
(Pacific Whale Foundation)

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 amendment application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA). Pacific Whale Foundation (PWF) is authorized to conduct research on false killer whales around the Hawaiian Islands during a five-year period—permit 21321 expires on 30 April 2023. The purpose of the research is to investigate false killer whale (1) abundance and distribution, (2) movement patterns and habitat use, (3) foraging and social behavior, and (4) body condition and growth. Researchers are authorized to harass, observe/track, and photograph/videotape false killer whales of both sexes and all age classes. PWF requested to add (1) 20 cetacean species¹ upon which currently authorized activities may be conducted and (2) the use of remotely operated vehicles (see the amendment application for details). The Commission believes that the proposed activities are consistent with the purposes and policies of the MMPA and recommends that the National Marine Fisheries Service (NMFS) issue the permit amendment, contingent on inclusion of the current permit conditions.

In its [4 April 2018 letter](#) on the original permit application², the Commission noted that it would have been prudent for PWF to include all of its activities under a single authorization rather than including takes of one species under a research permit and takes of all other species under an LOC for the same activities in the same area, particularly since the LOC was set to expire. The Commission understands that NMFS did not contact PWF regarding whether it wanted to revise its application, claiming that such a request was not necessary due to the inclusion of most species under LOC 18101. However, PWF agreed with the Commission's advice and requested the relevant amendment. The Commission appreciates that PWF proactively sought to amend its permit to include all species under a single authorization.

Please contact me if you have any questions regarding the Commission's recommendation.

¹ Most of these species are currently authorized under letter of concurrence (LOC) 18101, which expires 21 June 2019.

² That also included PWF as a cc.

Ms. Jolie Harrison
13 June 2019
Page 2

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" for the middle name.

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