



# MARINE MAMMAL COMMISSION

15 August 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 Application No. 23095  
(Dr. Ari Friedlaender,  
University of California at Santa Cruz)

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). Dr. Friedlaender is requesting authorization to conduct research on cetaceans in the Southern Ocean during a five-year period.

The purpose of the research is to investigate (1) demographics and growth rates, (2) behavioral ecology, and (3) body condition and health of cetaceans. Dr. Friedlaender would harass, observe, photograph/videotape, conduct photogrammetry on, sample<sup>1</sup>, and/or instrument<sup>2</sup> numerous cetacean species of any age class and either sex (see the application and take tables for specifics). He also requests authorization to import, receive, possess, and/or export samples from cetaceans. Dr. Friedlaender would use various measures to minimize impacts on marine mammals and would be required to abide by the National Marine Fisheries Service's (NMFS) standard permit conditions. Dr. Friedlaender's Institutional Animal Care and Use Committee currently is reviewing the proposed research protocols—the approval will be obtained before the proposed activities begin.

## **Incidental harassment of pinnipeds**

In his original application, Dr. Friedlaender stated that the research vessel would not approach any pinniped within 100 m and that he would cease any tagging or biopsy activities if a pinniped was in the vicinity of a target whale. The Commission suggested in its informal review of the application that Dr. Friedlaender request incidental harassment takes of pinnipeds likely to be encountered<sup>3</sup> to account for any incidental disturbance that could occur during research activities rather than abort those activities. It is standard practice for permits to include incidental taking of

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<sup>1</sup> Including biopsy samples and sloughed skin.

<sup>2</sup> Including suction-cup, dart, and/or implantable tags.

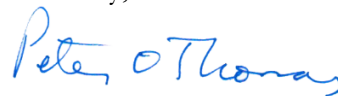
<sup>3</sup> Including crabeater, Weddell, leopard, and Antarctic fur seals.

Ms. Jolie Harrison  
15 August 2019  
Page 2

pinnipeds when cetacean researchers conduct activities in areas inhabited by pinnipeds<sup>4</sup>. Dr. Friedlaender did not follow the advice of the Commission and instead decreased the pinniped approach distance to 50 m in his revised application. Given the limited field season and resources in the Antarctic, the option of requesting incidental harassment takes of each pinniped species would allow tagging or biopsy attempts to continue in the proximity of pinnipeds. In the event that Dr. Friedlaender reconsiders this approach, the Commission recommends that NMFS issue the permit but include incidental harassment takes of crabeater, Weddell, leopard, and Antarctic fur seals in Dr. Friedlaender's final permit and remove the 50-m pinniped approach restriction.

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

Sincerely,



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

cc: Dr. Nature McGinn, National Science Foundation

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<sup>4</sup> See, for example, permits issued to Dr. Daniel Engelhaupt (21482), Alaska Department of Fish and Game (18890), and Dr. Tamara McGuire (22222).