



MARINE MAMMAL COMMISSION

19 December 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 22 October 2019, the National Science Foundation (NSF) published a notice (84 Fed. Reg. 56477) requesting comments on a permit application from Dr. Ari Friedlaender, University of California at Santa Cruz. Dr. Friedlaender is seeking authorization under the Antarctic Conservation Act (the ACA) to conduct research on cetaceans and pinnipeds 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.

The purpose of the research on cetaceans 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/videotape¹, conduct photogrammetry on, sample², and/or instrument numerous cetacean species of any age class and either sex (see the application and take tables for specifics)⁴. He would photograph/videotape⁵ numerous pinniped species of any age class and either sex.

Dr. Friedlaender and Dr. Daniel Zitterbart plan to conduct research activities under separate permits 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. Friedlaender coordinate with Dr. Zitterbart to avoid attaching tags to and excessively harassing the same individuals. In addition, Dr. Friedlaender requested that the ACA permit be valid until 30 November 2024 consistent with his Marine Mammal Protection Act (MMPA) research permit that expires on that date. However, his Institutional Animal Care and Use Committee (IACUC) approval is valid only until June 2020, and Dr. Johnston's Letter of Confirmation (LOC) authorizing Level B harassment takes of pinnipeds during UAS activities is valid until November 2022. The Commission understands that NSF plans to condition the ACA permit to (1) require Dr. Friedlaender to submit his updated IACUC protocols and approval and Dr.

¹ Including unmanned aircraft systems (UAS).

² Including biopsy samples and sloughed skin.

³ Including suction-cup, dart, and/or implantable tags.

⁴ Research activities to be conducted on cetaceans have been authorized under permit 23095 issued by the National Marine Fisheries Service (NMFS).

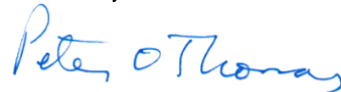
⁵ Including UAS. Research activities to be conducted on pinnipeds have been authorized under General Authorization 21363 granted to Dr. Dave Johnston by NMFS.

Dr. Nature McGinn
19 December 2019
Page 2

Johnston's updated LOC once they have been issued but before the current ones expire and (2) if not submitted in a timely manner, suspend the related activities under the ACA until the new documents are submitted to NSF. The Commission agrees with the manner in which NSF plans to handle these issues and recommends that NSF issue the ACA permit, contingent on inclusion of the aforementioned permit conditions.

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

Sincerely,



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