



MARINE MAMMAL COMMISSION

2 January 2020

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 3 December 2019, the National Science Foundation (NSF) published a notice (84 Fed. Reg. 66223) 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 during a three-year period—permit 2019-018 authorized similar activities. 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.

The Commission understands that NSF would require Dr. Zitterbart and Dr. Ari Friedlaender² to coordinate their research activities to avoid attaching tags to and excessively harassing the same individuals, as was conditioned previously in his permit. Therefore, the Commission believes that the proposed activities are consistent with the purposes and policies of the ACA and recommends that NSF issue the permit. 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".

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

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