



MARINE MAMMAL COMMISSION

3 September 2021

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. 25739
(New England Aquarium)

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). New England Aquarium (NEAQ) is seeking to conduct research on North Atlantic right whales (NARWs) during a five-year period—permit 19674 authorized the same activities.

NEAQ proposes to conduct research year-round on NARWs in the western North Atlantic Ocean. The purpose of the research is to investigate (1) population structure and life history parameters, (2) distribution and movement patterns, (3) disease and health, and (4) anthropogenic impacts on NARWs. Researchers would harass, photograph/videotape¹, record acoustically, and sample² NARWs (see the take table for specifics). Samples could be imported or exported for analyses. Researchers would use various measures to minimize impacts on cetaceans and also would be required to abide by the National Marine Fisheries Service's (NMFS) standard permit conditions. In addition, NEAQ's Institutional Animal Care and Use Committee has reviewed and approved the research protocols.

On 30 July 2021, NMFS published NEAQ's application in the *Federal Register* (86 Fed. 41020) for public comment. Based on its informal review of the application available online, the Commission found that some of the information required in NMFS's 2016 application instructions and its implementing regulations was not clear in the application and provided to NMFS a list of minor comments on the application. The Commission subsequently received responses to these comments which adequately addressed the issues, but it did not receive a final application that was revised according to these responses. The Commission understands that the revisions mentioned in the responses will be incorporated into a final application once a permit decision is made. As such, the Commission believes that the proposed activities are consistent with the purposes and policies of the MMPA and recommends that NMFS issue the permit, contingent on ensuring that the final

¹ Including with unmanned aircraft systems.

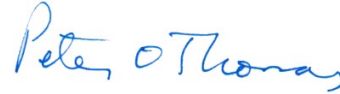
² Including collecting biopsy samples, sloughed skin, feces, and exhaled breath.

Ms. Jolie Harrison
3 September 2021
Page 2

permit application includes the relevant revisions based on responses to the Commission's informal comments.

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" before the last name.

Peter O. Thomas, Ph.D.
Executive Director