



MARINE MAMMAL COMMISSION

18 July 2022

Ms. Madonna Baucum, Information Collection Clearance Officer
U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, Virginia 22041-3803

Dear Ms. Baucum:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Department of Interior's (DOI) notice (87 Fed. Reg. 39112) regarding revisions to information collection requirements under the Marine Mammal Protection Act (the MMPA) and Endangered Species Act (ESA). Under those statutes, certain actions affecting marine mammals and endangered and threatened species are prohibited unless authorization is obtained from the responsible federal agency. Researchers, photographers, public display facilities, and members of the public seeking authorization to take or import marine mammals or listed species are required to apply for a permit to conduct their proposed activities. U.S. Fish and Wildlife Service (FWS) requires certain types of information to make the necessary findings and issue permits under the applicable statutes and regulations. Permit holders then must report on their activities to track compliance with permit conditions and to ensure protection of the animals. FWS requests comments on how it generally collects information for obtaining a permit to take or import marine mammals under the MMPA or ESA, but it has not revised its specific application instructions for doing so.

The Commission will provide comments on the revised application instructions when they are available. The Commission reiterates its recommendations from its [26 November 2019 letter](#) for FWS's previous request for comment on its information collection protocols, as FWS has still not implemented these recommendations. For further detail on and justification for these recommendations, please see the Commission's 26 November 2019 letter.

First, the Commission recommends that FWS (1) remove the requirement to denote procedures as Level A or B harassment or other take, and (2) ensure that mortality takes are denoted on separate rows and classified appropriately in the "procedure/activity" column of take tables.

Second, for clarity regarding the activities that a principal investigator (PI) and co-investigators (CIs) would be authorized to conduct if the permit is issued, the Commission recommends that FWS require applicants to provide a personnel table based on the example provided in Table 1 of the Commission's 26 November 2019 letter for applications involving live-capture activities and multiple invasive procedures. In addition, the Commission recommends that FWS (1) establish a standardized qualification system similar to that of the National Marine Fisheries Service, (2) authorize a PI and CIs to conduct procedures according to this qualification system, and

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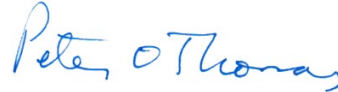
(3) require that, instead of a curriculum vitae, each PI or CI submit a qualification table based on the example provided in Table 2 of the Commission's 26 November 2019 letter.

Fourth, the Commission recommends that FWS reconsider and adjust its burden hours for applicants to complete and review an application for public display and research and enhancement permits and commercial photography permits to ensure they are commensurate with the time actually required to complete such a task.

Finally, the Commission recommends that FWS ensure that all applicants have addressed fully each of the relevant requirements in the application instructions prior to sending the application to the Commission for its review.

The Commission appreciates discussions to date with FWS staff and the opportunity for future consultation on these matters. Please contact me if you have any questions regarding the Commission's recommendations.

Sincerely,



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