22 June 2023

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. 26663
        (Fred Sharpe, Ph.D.,
        Alaska Whale Foundation)

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[1] with regard to the humaneness and *bona fide* criteria of the Marine Mammal Protection Act. The Commission believes that the proposed activities meet these requirements and recommends that NMFS issue the permit, as requested. The Commission further recommends that NMFS consult with its acoustic expert before finalizing its approach regarding when to authorize takes for target and non-target species exposed to active acoustic sources under scientific research permits and authorize such taking consistently across all permits. Kindly contact me if you have any questions concerning the Commission's recommendations.

Sincerely,

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

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[1] Based on informal comments from the Commission, the National Marine Fisheries Service (NMFS) is reassessing its most recent approach regarding when authorization of takes is necessary for target and non-target species exposed to active acoustic sources (e.g., playbacks, pingers, echosounders, etc.) under scientific research permits. With regard to Dr. Sharpe's permit, NMFS plans to add "active, acoustic playback/broadcast" procedures to the take table for the target species, similar to NMFS's proposed authorization of takes in the take table for some non-target species during playback and pinger studies. In addition, "acoustic, sonar for prey mapping" will be removed from the target species take table rows, because the operating frequency of the echosounder is outside of the hearing range of humpback whales, and takes of non-target species that can hear and may be exposed to the echosounder will be added to the take table.