28 May 2025

Mr. Trevor Spradlin, Supervisor
Directed Take Program
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3225

Re: Permit Amendment Application No. 26663
(Alaska Whale Foundation)

Dear Mr. Spradlin:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit amendment application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (MMPA). Alaska Whale Foundation is authorized to conduct research on cetaceans in Alaska during a five-year period—permit 26663 expires on 15 February 2029. The purpose of the research is to investigate (1) abundance and distribution, (2) health, (3) foraging ecology, and (4) social and acoustic ecology. Alaska Whale Foundation is authorized to harass, observe, photograph/videotape, passively record, sample[1], instrument[2], and/or conduct other procedures[3] on cetaceans of any age and either sex per year.

Due to increasing numbers of gray whales in the study region, Alaska Whale Foundation is proposing to increase their drone- and boat-based photo-identification and body condition efforts on gray whales and to conduct biopsy sampling, suction-cup tagging, and underwater filming[4] on that species. The amendment also would authorize suction-cup tagging via unmanned aircraft systems (UAS) for gray and humpback whales. Researchers would use various measures to minimize impacts on marine mammals.

Qualifications to deploy suction-cup tags via UAS

The amendment application specified that the principal investigator (PI), Madison Kosma, had not yet deployed suction-cup tags via UAS but would train with experienced teams before deploying them under the permit. During its informal review of the amendment application, the Commission noted that the PI should not be authorized to conduct the procedure until she had

[1] Including skin, blubber, exhaled air, feces, and sloughed skin.
[2] Including DTAG and CATSCAM suction-cup tags deployed using a handheld pole.
[3] Including acoustic playback and sound broadcasting activities and prey mapping.
[4] Via snorkeler.

been adequately trained. In response to the Commission's concern, the National Marine Fisheries Service (NMFS) stated that the PI is an experienced UAS pilot and has successfully deployed at least 14 suction-cup tags by pole from a vessel, and that she therefore has the necessary experience to perform this activity.

The drone-based tag deployment system and associated tagging methodology were developed by Ocean Alliance. Based on the supplemental materials that Ocean Alliance submitted with its application to amend Kerr permit #23644 and initially authorize this novel methodology, the Commission understands that deploying suction-cup tags via UAS requires specific UAS operation techniques, including placing the UAS in "Attitude Mode" prior to dropping the tag. Because even the most experienced UAS operators need to master specific techniques to successfully and safely deploy a tag via UAS, the Ocean Alliance team has recommended a variety of training protocols that involve using the tag deployment system to conduct practice drops on static and moving targets, both on land and over water, prior to attempting to tag a marine mammal. Consistent with the team's recommendation, the qualification forms for investigators previously authorized to conduct this procedure[5] all describe their experience conducting training flights and test drops on "a makeshift surrogate whale", "a towed standup paddle board", or "an overturned inflatable towed behind a research vessel".

The Commission disagrees with NMFS's determination that Ms. Kosma currently has the necessary experience to perform this procedure and does not consider experience in suction-cup tagging via pole as adequate to enable her to successfully and safely apply a tag via UAS. The Commission supports efforts to authorize Ms. Kosma and other researchers to deploy suction-cup tags via UAS, however, NMFS should do so only after ensuring that researchers have been appropriately trained. As such, the Commission recommends that NMFS refrain from authorizing Ms. Kosma to deploy suction-cup tags via UAS until she has been adequately trained to conduct this procedure, which at a minimum should include training with the tag deployment system on static and moving targets, both on land and over water.

The Commission believes that the proposed activities are consistent with the purposes and policies of the MMPA and recommends that NMFS issue the permit amendment. Please contact me if you have any questions concerning the Commission's recommendations.

Sincerely,

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

[5] Iain Kerr (Ocean Alliance), Chris Zadra (Ocean Alliance), Kevin Bierlich (authorized under Friedlaender permit #27911), and Jason Moore (authorized under Pack permit #26593).