



MARINE MAMMAL COMMISSION

1 October 2026

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. 26329
(Brandon Southall, Ph.D.,
Southall Environmental Associates, Inc.)

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). Dr. Southall proposes to amend permit 26329 to conduct research on cetaceans during a five-year period.

Permit 26329 authorizes Dr. Southall to conduct research year-round on cetaceans off the coast of California. Researchers can harass, observe, photograph/videotape, conduct prey mapping and playback studies on, collect sloughed skin from, and instrument with suction-cup tags numerous cetacean species of either sex and various age classes. The purpose of the research is to investigate (1) baseline behavioral parameters of marine mammals and (2) how those species respond to various natural and anthropogenic sounds. The amendment application proposes to improve and expand the research tools available under the permit, including updating suction-cup tagging methods to include additional odontocete species¹, tag types², and deployment methods³; expanding prey mapping activities to all permitted species; and conducting additional procedures, including UAS operations and deployment of dart/barb and deep-implant tags. Dr. Southall also proposes to expand biopsy sampling to all species that could receive a suction-cup or invasive tag, update take numbers of currently-permitted procedures, and update personnel roles.

Following its informal review of this amendment application, the Commission remains concerned about some of the personnel qualifications that the National Marine Fisheries Service (NMFS) has deemed sufficient to authorize co-investigators to deploy tags on cetaceans. For example, Dr. Cade would be authorized to conduct dart/barb tagging of all cetacean species, even

¹ Dr. Southall also proposes to collect sloughed skin samples from these species.

² Dr. Southall proposes to use a tag that includes a miniature, low-power active acoustic echosounder.

³ Dr. Southall proposes to attach suction-cup tags via unmanned aircraft systems (UAS).

though his qualifications form described his experience as deploying only a single tag on a humpback whale and observing/assisting with⁴ the deployment of six tags, all in 2018. Deploying a single tag on a large whale does not demonstrate proficiency in conducting the invasive procedure in general, let alone on smaller odontocete species (i.e., Risso's dolphins, goose-beaked whales). Additionally, Dr. Casey would be authorized to deploy suction-cup tags on large whales. Dr. Casey's qualification form indicated that she similarly deployed a single suction-cup tag on a blue whale in 2019. However, when NMFS issued permit 26329 in 2022, the agency did not authorize Dr. Casey to deploy suction-cup tags, and according to her qualifications form, she has not gained additional experience since. It is unclear what has changed in the intervening period, but in both of these cases, NMFS has stated that the CIs have performed the procedure and it has deemed them qualified. The Commission does not consider the deployment of a single tag several years ago to be sufficient experience to justify authorizing a researcher to conduct the procedures unsupervised as required under NMFS's implementing regulations (50 C.F.R. § 216.35(g)) and recommends that NMFS refrain from authorizing Dr. Cade and Dr. Casey to deploy the respective tag types in the permit amendment, if issued.

The Commission believes that the proposed activities are consistent with the purposes and policies under the MMPA. Please contact me if you have any questions concerning the Commission's recommendation.

Sincerely,



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

⁴ Including with dart sterilization and tag set-up.