

MARINE MAMMAL COMMISSION
4340 East-West Highway, Room 700
Bethesda, MD 20814-4447

19 August 2008

Mr. P. Michael Payne
Chief, Permits Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

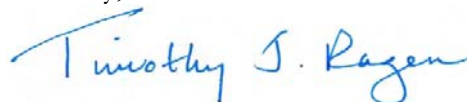
Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the request from the 30th Space Wing, U.S. Air Force, for authorization to take marine mammals under section 101(a)(5)(A) of the Marine Mammal Protection Act. The applicant is requesting authority to harass small numbers of pinnipeds incidental to space vehicle launches and test flight activities at Vandenberg Air Force Base, California, from February 2009 through February 2014. The taking of pinnipeds incidental to these activities is currently authorized under regulations that will expire in February 2009. The Commission also has reviewed the Service's 25 July 2008 *Federal Register* notice requesting comments on its intent to propose new regulations to govern the requested taking.

The Commission supports the Service's intent to publish proposed small-take regulations for these activities, provided that the research, mitigation, and monitoring activities described in the application and in the current regulations are incorporated into the rule. In this regard, we note that the results of the applicant's research, reporting, and monitoring efforts under current and previous regulations indicate that the launch operations apparently do not affect the haul-out behavior of harbor seals and that the animals do not seem to have incurred permanent hearing damage as a result of space vehicle launches. The application states that the research program was begun in 1997 to study the effects of noise from space vehicle and missile launches and sonic booms on the behavior, hearing ability, and population dynamics of pinnipeds in the vicinity of Vandenberg Air Force Base and the northern Channel Islands. It also states that the research program will continue under the current scientific research permit extension (Permit No. 859-1680-01), issued to the 30th Space Wing, U.S. Air Force, on 10 December 2007, as well as under any future permits that may be granted. The Commission assumes that the results of studies to date are available in the peer-reviewed literature. If not, we urge their publication.

The Commission looks forward to reviewing the proposed regulations.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director