

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

7 May 2009

Mr. P. Michael Payne, Chief  
Permits, Conservation, and Education Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910-3225

Re: Permit Application No. 14197  
(U.S. Air Force, 30th Space Wing)

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit request with regard to the goals, policies, and requirements of the Marine Mammal Protection Act. The applicant is requesting authorization to harass up to 50 Pacific harbor seals annually at Vandenberg Air Force Base and to accidentally kill up to two seals annually in the course of the research. Proposed activities would include capturing the animals, restraining them by physical or chemical means, taking physiological measurements, tagging with telemetry instruments, and conducting hearing tests. The applicant also is requesting authorization to conduct the same research activities at the northern Channel Islands on up to 50 Pacific harbor seals, 200 northern elephant seals, and 200 California sea lions annually and to accidentally kill up to two animals per year of each of these species. Further, the applicant is seeking authorization to harass up to 600 Pacific harbor seals, 50 northern elephant seals, and 10 California sea lions at Vandenberg Air Force Base and up to 2,000 California sea lions, 500 northern elephant seals, and 200 Pacific harbor seals on the northern Channel Islands annually incidental to the proposed research. The proposed activities are a continuation of research authorized under the applicant's previous permit (No. 859-1680) and would be carried out over a five-year period.

## RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested authorization, provided that—

- the permit require that activities be suspended, pending review and authorization to proceed, if a total of two animals are accidentally injured or killed in any single year;
- the proposed studies have been reviewed and approved by the applicant's Institutional Animal Care and Use Committee in accordance with § 2.37 of the Animal and Plant Health Inspection Service's regulations governing the humane handling, care, treatment, and transportation of marine mammals; and
- the Service ensure that activities to be conducted under this permit and those of other permit-holders who might be carrying out research on the same species in the same areas are coordinated and, as possible, data are shared to avoid unnecessary duplication of research and disturbance of animals.

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The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the Marine Mammal Protection Act.

Please contact me if you have any questions concerning these recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen". The signature is written in a cursive style with a prominent initial "T".

Timothy J. Ragen, Ph.D.  
Executive Director