

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

15 September 2008

Ms. Diana Hynek
Departmental Paperwork Clearance Officer
Department of Commerce, Room 6625
14th and Constitution Avenue, NW
Washington DC 20230

Dear Ms. Hynek:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Department of Commerce's 17 July 2008 *Federal Register* notice requesting comments on the advisability of requiring written reports on scientific research, exempted fishing, and exempted activities. The Commission offers the following recommendations and comments.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the Department of Commerce—

- retract, revise, and republish the *Federal Register* notice to provide the information necessary for the public to comment meaningfully on the questions posed;
- require written reports for all activities for which it has issued a permit for scientific research, exempted fishing, or other exempted activities, and
- stipulate that the information to be included in such reports include, at a minimum, the activity conducted, the responsible party, the purpose of the activity, the means by which such activity was undertaken, the results of the activity, the value of that information, and the means by which it will be made available to other interested parties and the public.

RATIONALE

The information provided in the *Federal Register* notice was not sufficient to determine the types of research activities being undertaken, whether that research was to be conducted by private organizations or government agencies, whether the information was to be used for purposes related to private business interests or for the management of fisheries or other marine resources and, if the latter, how that information would be used for the management of fisheries or other marine resources. Absent a clear and complete description of the activities involved, readers cannot be expected to comment meaningfully on the value of the topic reports. For that reason, the Marine Mammal Commission recommends the Department of Commerce retract, revise, and republish the *Federal Register* notice to provide the information necessary for the public to comment meaningfully on the questions posed.

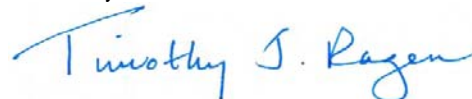
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As a general rule, scientific research is of no value if it is not published or otherwise made available. Documentation of procedures and results is necessary to evaluate the quality of the research and disseminate the resulting information. The same is true for exempted fishing permits. If the reason for the exemption is sufficient to grant a permit, then presumably the results are sufficient to warrant documentation. Requests for such permits are frequently published in the *Federal Register*, and the amount of activity does not appear to be negligible. In some cases, proposed activities may affect the marine environment (e.g., bottom trawl fishing) or non-target species (e.g., marine mammals). A well-maintained record of such activities should provide useful information over time, particularly when exemptions may be requested for the same or similar activities. Such a record could be used to document the amount of such activity in an area, avoid redundant or unnecessary research or experimental effort, and provide evidence of cumulative effects or the absence thereof. For these reasons, the Marine Mammal Commission recommends that the Department of Commerce require written reports for all activities for which it has issued a permit for scientific research, exempted fishing, or other exempted activities.

Finally, a minimum amount of information of certain types is necessary to ensure that the reports are useful (i.e., provide full, comparable descriptions of the activities and the results). Much of this information could be taken directly from the application (assuming the activity was conducted as proposed). To ensure a useful record of conducted activities, the Marine Mammal Commission recommends that the Department of Commerce stipulate a minimum amount of required information, including (but not necessarily limited to) the activity conducted, the responsible party, the purpose of the activity, the means by which such activity was undertaken, the results of the activity, the value of that information, and the means by which it will be made available to other interested parties and the public. Because some of this information has already been prepared, we do not believe that preparing a final report will impose a significant burden.

Please contact me if you have questions regarding the above recommendations or comments.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director