



# MARINE MAMMAL COMMISSION

17 January 2014

Ms. Adrian Dahood  
Permit Office, Room 755  
Office of Polar Programs  
National Science Foundation  
4201 Wilson Boulevard  
Arlington, VA 22230

Dear Ms. Dahood:

On 19 December 2013 the National Science Foundation (NSF) published a notice (78 Fed. Reg. 76862) requesting comments on a permit application from Dr. Ari Friedlaender, Oregon State University. Dr. Friedlaender is seeking authorization under the Antarctic Conservation Act (the ACA) to conduct research on killer, humpback, minke, and Arnoux's beaked whales in Antarctica. The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the permit request with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA) and the ACA and offers the following recommendation.

## **RECOMMENDATION**

The Marine Mammal Commission recommends that, prior to issuing the permit, the National Science Foundation (1) require Dr. Friedlaender to indicate if he will be photographing or conducting focal follows or photogrammetry on the four species of whales and if so, authorize those activities under the ACA permit and (2) ensure that the numbers of takes do not exceed the numbers authorized in Permit 14097 accounting for (a) age class (i.e., at least 2 months old, at least 6 months old, juveniles, adults) of the whales, (b) takes by Mr. Pitman in the Antarctic, and (c) takes by other co-investigators in the Pacific and Southern Oceans.

## **BACKGROUND**

Permit 14097, issued to the National Marine Fisheries Service's Southwest Fisheries Science Center under the MMPA, authorizes Dr. Friedlaender to conduct research on numerous species of whales in Antarctica. Dr. Friedlaender proposes to collect biopsy samples from 400 killer whales, 300 humpback whales, 50 minke whales, and 10 Arnoux's beaked whales in inshore waters of the Antarctic Peninsula from January to December 2014. Dr. Friedlaender would collect the samples using a crossbow. The purpose of the research is to determine the stock structure and investigate the feeding ecology of whales that inhabit the nearshore waters of the Antarctic Peninsula. Dr. Friedlaender would import the samples into the United States to conduct genetic and stable isotope analyses and determine the sex of individuals. Further, Dr. Friedlaender would obtain the relevant authorization from the U.S. Fish and Wildlife Service under the Convention on International Trade in Endangered Species of Wild Fauna and Flora prior to importing the samples.

Ms. Adrian Dahood  
17 January 2014  
Page 2

Permit 14097 authorizes various co-investigators to conduct specified activities, including photographing, observing, conducting focal follows and photogrammetry, biopsy sampling, collecting sloughed skin, and tagging in the Pacific and Southern Oceans. In his application, Dr. Friedlaender indicated that he would be collecting biopsy samples but did not indicate if he would be photographing or conducting focal follows or photogrammetry, which frequently occur when biopsy samples are collected and are authorized under other ACA permits. He also did not specify the age class of whales he plans to biopsy sample in his application. Permit 14097 limits the number of individuals that could be biopsy sampled based on various age classes of whales (i.e., at least 2 months old, at least 6 months old, juveniles, adults; Table 2 of the permit delineating takes in the Pacific and Southern Oceans and Table 3 delineating additional takes in the Southern Ocean). In addition, Dr. Friedlaender and Mr. Robert Pitman would be conducting some of the same activities authorized under Permit 14097 on the same species in the Antarctic at the same time. Dr. Friedlaender indicated he would be coordinating with Mr. Pitman to ensure that they do not exceed the numbers of takes authorized under Permit 14097. Further, Dr. Friedlaender and Mr. Pitman should ensure that they have sufficient takes available under Permit 14097 for their combined activities, as the permit authorizes many co-investigators to conduct the same activities on the same species in the Pacific and Southern Oceans. Accordingly, the Commission recommends that, prior to issuing the permit, NSF (1) require Dr. Friedlaender to indicate if he will be photographing or conducting focal follows or photogrammetry on the four species of whales and if so, authorize those activities under the ACA permit and (2) ensure that the numbers of takes do not exceed the numbers authorized in Permit 14097 accounting for (a) age class (i.e., at least 2 months old, at least 6 months old, juveniles, adults) of the whales, (b) takes by Mr. Pitman in the Antarctic, and (c) takes by other co-investigators in the Pacific and Southern Oceans.

The Commission believes that the activities in the permit application are consistent with the purposes and policies of the MMPA and ACA.

The Commission appreciates the opportunity to comment on this permit amendment application. Kindly contact me if you have any questions concerning the Commission's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent".

Rebecca J. Lent, Ph.D.  
Executive Director