



# MARINE MAMMAL COMMISSION

3 February 2012

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. 16621  
(Alejandro Acevedo-Gutiérrez, Ph.D.,  
Western Washington University)

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act. Dr. Acevedo-Gutiérrez is requesting authorization to conduct research on harbor seals in Washington waters during a five-year period.

## RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit, provided that it—

- condition the permit to (1) restrict Dr. Acevedo-Gutiérrez from conducting kayak experiments during peak pupping season (i.e., from May through June) and (2) require him to minimize the potential impacts of harbor seal disturbance by exercising caution when approaching female/pup pairs (i.e., during all other months) and stopping such an approach if there is evidence that the activity may be interfering with female/pup behavior, nursing, or other vital functions; and
- advise Dr. Acevedo-Gutiérrez of the need to obtain additional permits from the relevant entity (e.g., NOAA, the U.S. Fish and Wildlife Service, the state of Washington) prior to conducting the proposed activities in a marine protected area, wildlife refuge, or state park.

## RATIONALE

Dr. Acevedo-Gutiérrez proposes to conduct behavioral observations and vessel and predator simulation experiments on harbor seals in Puget Sound and the San Juan Islands, Washington. The purposes of the proposed research are to determine the response of seals to (1) varying kayak speeds for management purposes and (2) natural predators in areas of high boat traffic. Dr. Acevedo-Gutiérrez has communicated and will continue to communicate with researchers at the Washington Department of Fish and Wildlife, National Marine Mammal

Laboratory, SeaDoc Society, and Cascadia Research Collective to inform them of the proposed research activities, request feedback, and, more importantly, to avoid duplicative efforts.

Each year, Dr. Acevedo-Gutiérrez would harass 11,200 harbor seals of all age classes and either sex during kayak experiments at four haul-out sites in the San Juan Islands from April through October of each year. To assess the response of harbor seals to kayaks, the researchers would approach haul-out sites at varying speeds parallel to shore at a minimum distance of 50 m. Observers would monitor the seals from land or sea for up to two hours during each trial (i.e., one kayak run by the haul-out site) and up to two times per week. They also would observe seal responses to any non-project vessel during each two-hour trial and during control trials (i.e., without directed kayak approaches). Dr. Acevedo-Gutiérrez would avoid conducting kayak experiments at haul-out sites where pupping occurs as much as possible, attempt to minimize the frequency of those experiments during peak pupping season (May through June), and vacate the area at the first sign of distress. Although his proposed mitigation measures are prudent, some female/pup pairs could be disturbed. To ensure that disturbance of those pairs is minimized, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit, provided it is conditioned to (1) restrict Dr. Acevedo-Gutiérrez from conducting kayak experiments during peak pupping season (i.e., from May through June) and (2) require him to minimize the potential impacts of harbor seal disturbance by exercising caution when approaching female/pup pairs (i.e., during all other months) and stopping such an approach if there is evidence that the activity may be interfering with female/pup behavior, nursing, or other vital functions.

Harbor seals that are exposed and habituate to high levels of human disturbance (i.e., presence of vessels and kayaks) may be less inclined to flee from non-human predators such as bald eagles. To test this hypothesis, Dr. Acevedo-Gutiérrez would harass up to 12,800 non-pup seals per year during predator simulation experiments at four haul-out sites in Puget Sound (i.e., high vessel traffic) and four haul-out sites in the San Juan Islands (i.e., minimal human disturbance). All experimental areas would be non-pupping haul-out sites or would be studied during the non-pupping season. In addition, those haul-out sites would be different from the haul-out sites studied during the kayak experiment. During predator simulation experiments, bald eagle vocalizations would be emitted for up to two minutes and a remote-controlled bald eagle model would be deployed to swoop the haul-out at minimum altitude of 30 m. To ensure that any noted effect is caused by the simulation of the predator and not the disturbance of the sounds and objects, researchers would follow the same procedure for the control portion of the experiment but would emit background sound and deploy a control object of a similar size but different shape. Observations would be made from land and sea for 90 minutes, which includes pre- and post-experiment monitoring. Predator simulation trials would occur during a 2-day period every 12 to 16 days.

Dr. Acevedo-Gutiérrez stated that some of the proposed research activities would occur in various marine protected areas, wildlife refuges, and state parks. As such, the Marine Mammal Commission recommends that the National Marine Fisheries Service advise Dr. Acevedo-Gutiérrez of the need to obtain additional permits from the relevant entity (e.g., NOAA, the U.S. Fish and

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Wildlife Service, the state of Washington) prior to conducting the proposed activities in a marine protected area, wildlife refuge, or state park.

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 the Commission's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Timothy J. Ragen, Ph.D.  
Executive Director