



MARINE MAMMAL COMMISSION

29 May 2012

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

Re: Request for Amendment, Permit No. 13927
(James H.W. Hain, Ph.D.,
Associated Scientists at Woods Hole)

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit amendment request with regard to the goals, policies, and requirements of the Marine Mammal Protection Act. Permit 13927 authorizes aerial and vessel surveys of North Atlantic right whales and humpback whales in waters off the U.S. southeast coast during a five-year period. It also authorizes harassment of bottlenose and Atlantic spotted dolphins incidental to the research activities. The current permit expires on 31 October 2016.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit amendment, provided that the conditions contained in the original permit remain in effect.

RATIONALE

Dr. Hain currently is authorized to harass North Atlantic right whales and humpback whales during aerial and vessel surveys in coastal waters of the southeastern United States. The objectives of his research are to (1) monitor abundance, distribution, and habitat use, primarily of North Atlantic right whales but also humpback whales and (2) study the acoustic behavior of right whales in those waters to determine the feasibility of passive acoustic monitoring.

Dr. Hain is requesting an amendment to increase the number of takes of North Atlantic right whales from 50 to 100 during aerial surveys and from 10 to 60 during vessel surveys for the remainder of the permit. He is not proposing to increase his research effort or amend his methods, locations, species, field season, or permit duration. The requested increase in takes stems from the fact that the National Marine Fisheries Service changed its policy on what constitutes a take after Dr. Hain submitted his original permit application. Under the new policy, the Service considers any cetacean approached within 100 yards by a vessel or any cetacean observed below 1,000 ft during aerial surveys to be taken, irrespective of whether the animal responded to the vessel or aircraft. In contrast, Dr. Hain based the original requested number of takes on the number of whales expected

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to respond. Therefore, he requests an increase in the number of takes of North Atlantic right whales to account for the Service's revised policy. Without the increase, surveying a few groups of whales could exhaust the currently authorized number of takes and he would not be able to survey the whales later in the breeding season.

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested permit amendment, provided that the conditions contained in the original permit remain in effect.

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