



# MARINE MAMMAL COMMISSION

31 January 2011

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. 15616  
(Craig Matkin, North Gulf Oceanic Society)

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. The applicant is requesting authorization to conduct research on killer, gray, Baird's beaked, Cuvier's beaked, and Stejneger's beaked whales in Alaska waters during a five-year period. In addition, the applicant is requesting permission to collect carcasses of various cetaceans and pinnipeds. This applicant is seeking to renew and amend permit 545-1761.

## RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service—

- issue the permit authorizing the applicant to biopsy and tag killer, gray, Baird's beaked, Cuvier's beaked, and Stejneger's beaked whales but condition the permit to exclude authorization to biopsy or tag calves less than 6 months of age or females accompanied by calves less than 6 months of age;
- include a permit condition requiring the applicant to document observations regarding possible short- and long-term effects from biopsy sampling and tagging and report them to the Permit Office;
- ensure that activities to be conducted under this permit and those of other permit holders who might be conducting research on the same species in the same areas are coordinated and, as possible, data and samples shared to avoid duplicative research and unnecessary disturbance of animals;
- include a permit condition specifically limiting the applicant from approaching a carcass if a marine mammal is within a specified distance (e.g., 100 yards) of the carcass; and
- prior to issuing the permit, require that a co-investigator's or collaborator's IACUC review and approve the research protocol.

**RATIONALE**

The applicant proposes to photograph, observe behaviors of, record sounds from, biopsy, and tag killer, gray, Baird’s beaked, Cuvier’s beaked, and Stejneger’s beaked whales in waters off of southeast Alaska, Prince William Sound, the Kenai Peninsula, the eastern Aleutian Islands, and the Bering Sea on a year-round basis. The purposes of the proposed research are to maintain a long-term (more than 25 years) killer whale monitoring program in Alaska waters and investigate possible impacts on cetaceans from increasing Navy activity in the Gulf of Alaska. The applicant plans to (1) continue killer whale population analyses and behavioral ecology studies, (2) describe abundance and social structure of resident and transient pods, (3) determine genetic affiliation and contaminant concentrations of biopsied whales, (4) examine movements and diving and feeding behavior of tagged whales, and (5) study killer whale feeding habits through recovered prey carcasses.

Each year, up to the following number of whales would be taken from each of the five species and by each of the four procedures:

Procedures	Whale species				
	Killer	Gray	Baird’s beaked	Cuvier’s beaked	Stejneger’s beaked
Photo-identify, observe, and acoustically record	2,000	100	50	50	50
Biopsy sample	100	8	8	8	8
Dart tag	75	25	8	8	8
Suction cup tag	75	0	0	0	0

The tags and related instruments may include VHF transmitters, satellite tags, time-depth recorders, passive acoustic recorders, and video cameras and would be deployed via pole, crossbow, rifle, or compressed-air rifle. The applicant will not biopsy or tag females with calves less than six months of age and calves less than 6 months of age; however, he would approach them for photo-identification and behavioral observation. In addition, the applicant would collect and analyze the remains of animals preyed upon by killer whales, including 15 minke whales, 25 gray whales, 15 Dall’s porpoises, 15 Pacific white-sided dolphins, 25 harbor seals, 25 northern fur seals, 25 other unidentified cetaceans, and 25 other unidentified pinnipeds. The applicant is not requesting authority to harass any other marine mammal species incidental to conducting the proposed research activities.

**Research on Mother-Calf Pairs**

As noted in the Commission’s previous letters, exposing mother-calf pairs to certain research procedures (i.e., biopsy sampling, tagging, acoustic playbacks) may pose heightened risks to the calves (e.g., separation from the mother). In addition, allowing research on calves based on their

assumed age is complicated by the fact that it can be difficult to determine a calf's age in the field. Recognizing these complications, the Commission nevertheless sees value in research on mother-calf pairs as long as the research involves documenting the responses of mother-calf pairs to the activities. In previous letters regarding tagging of large whales and non-neonate calves, the Commission has recommended that the Service require monitoring of short- and long-term effects to determine if such effects occur and to assess their nature and significance. Consistent with those past recommendations, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit authorizing the applicant to biopsy and tag killer, gray, Baird's beaked, Cuvier's beaked, and Stejneger's beaked whales but include a permit condition to exclude authorization to biopsy or tag calves less than 6 months of age or females accompanied by calves less than 6 months of age. To develop a better understanding of whale responses to research activities, the Marine Mammal Commission also recommends that the National Marine Fisheries Service include a permit condition requiring the applicant to document observations regarding possible short- and long-term effects from biopsy sampling and tagging and report them to the Permit Office. Moreover, the Marine Mammal Commission recommends that the National Marine Fisheries Service ensure that activities to be conducted under this permit and those of other permit holders who might be conducting research on the same species in the same areas are coordinated and, as possible, data and samples shared to avoid duplicative research and unnecessary disturbance of animals

### **Incidental Harassment**

The applicant's previous permit application requested, and the Service authorized, takes associated with harassment of marine mammals incidental to collection of carcass remains. However, the current permit application does not request such an authorization. The Marine Mammal Commission therefore recommends that the National Marine Fisheries Service include a permit condition specifically limiting the applicant from approaching a carcass if a marine mammal is within a specified distance (e.g., 100 yards) of the carcass.

### **IACUC Review and Approval**

The applicant has not submitted his proposed activities for review and approval by an Institutional Animal Care and Use Committee (IACUC), pursuant to section 2.31 of the Animal and Plant Health Inspection Service's Animal Welfare Act regulations. In this case, the applicant's institution does not have an IACUC. However, various co-investigators and collaborating institutions do have IACUCs. Therefore, the Marine Mammal Commission recommends that, prior to issuing the permit, the National Marine Fisheries Service require that a co-investigator's or collaborator's IACUC review and approve the research protocol.

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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 the Commission's recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Michael L. Gorkin" followed by a horizontal line and the word "for" written in a smaller, simpler script.

Timothy J. Ragen, Ph.D.  
Executive Director