



MARINE MAMMAL COMMISSION

3 June 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. 16053
(Paul Nachtigall, Ph.D.,
Hawaii Institute of Marine Biology)

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. Nachtigall is requesting authorization to conduct research on 38 specified cetacean species and on the following cetaceans identified to genus only — *Mesoplodon* spp., *Hyperoodon* spp., *Globicephala* spp., *Stenella* spp., *Lissodelphis* spp., and *Cephalorhynchus* spp. Dr. Nachtigall would conduct his research in waters or on land in the United States during a five-year period. These activities currently are authorized under permit 731-1774, which he is seeking to renew.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit, as requested.

RATIONALE

Dr. Nachtigall proposes to conduct research on cetaceans in waters, on beaches, or in rehabilitation facilities in the United States. The purposes of the proposed research are to conduct auditory measurements and recordings of cetaceans that have stranded or are undergoing rehabilitation to (1) provide insight into the nature of strandings, including those that may be caused by man-made sounds and (2) determine the hearing capabilities of stranded cetaceans—information that can be used to decide whether to release these animals to the wild.

Dr. Nachtigall proposes to record auditory evoked potentials with noninvasive suction cup sensors and record sounds produced by the animals via hydrophones on up to 15 individuals of each specified cetacean genus or species per year. Up to eight 30-minute sessions composed of 24 recordings could be performed on an individual animal of any age class or sex. In addition, Dr. Nachtigall is requesting authorization for one unintentional death per year of any species not listed under the Endangered Species Act. Authorization for unintentional deaths is being requested because a cetacean that has stranded or is undergoing rehabilitation may die during the course of

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these tests. Absent other sources of stress, the methods used should not have significant impacts on the subject animals. However, given their condition, they may not tolerate additional handling or they may die from other causes during handling. To avoid such deaths, Dr. Nachtigall has been recording, and would continue to record, only those animals that are judged by the attending veterinarian to be healthy enough to tolerate the additional tests. He also would conduct his tests on stranded animals only when authorized by the stranding network coordinator. The tests should not result in the harassment of other marine mammal species. It is conceivable that additional animals might be harassed if the tests are performed on animals that have stranded together, but the impacts of such harassment are not expected to be significant in that context.

The proposed activities have been reviewed and approved by the applicant's Institutional Animal Care and Use Committee, as required by section 2.31 of the Animal and Plant Health Inspection Service's Animal Welfare Act regulations, and will continue to be reviewed on a yearly basis.

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,



Timothy J. Ragen, Ph.D.
Executive Director