



MARINE MAMMAL COMMISSION

9 April 2010

Mr. P. Michael Payne, Chief
Permits, Conservation, and Education Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910-3225

Re: Permit Application No. 15261
(Paul Ponganis, Ph.D.)

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 seeking authorization to take by harassment up to five adult leopard seals annually, not to exceed ten animals over five years, during the November through mid-December research season. The seals would be captured, sedated/anesthetized, instrumented with backpack digital cameras and time/depth recorders, and tagged with rototags to document their diving and foraging behavior near the emperor penguin colony at Cape Washington, Antarctica. About a week after instrumentation, the animals would be recaptured and sedated for instrument removal. The applicant is requesting authorization for the accidental death of one leopard seal annually. Up to one leopard seal per year would be harassed incidental to the research, and no incidental takes of non-target species are anticipated. The purpose of the proposed research is to construct time-activity budgets and determine prey intake rates of leopard seals. The proposed research has been reviewed and approved by the applicant's Institutional Animal Care and Use Committee. Funding of the project is pending from the Office of Polar Programs, National Science Foundation.

RECOMMENDATION

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

- research activities be suspended, pending review by the Service and approval from the Service to proceed, if more than one seal is accidentally killed during a field season or if five animals are killed during the five-year permit period; and
- the applicant is required to obtain the necessary permits under the Antarctic Conservation Act of 1978.

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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 this recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director

cc: Nadene Kennedy