



MARINE MAMMAL COMMISSION

22 January 2014

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

Re: Permit Amendment Application No. 16479
(Pacific Whale Foundation)

Dear Mr. Payne:

The Marine Mammal Commission (the 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 MMPA). Pacific Whale Foundation (PWF) is requesting authorization to amend the type of taking of false killer whales from Level B harassment incidental to conducting humpback whale research to Level B harassment associated with targeted false killer whale research.

RECOMMENDATION

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

RATIONALE

PWF is authorized to survey, observe, harass, photograph, videotape, and conduct focal follows on humpback whales in Hawaii during a five-year period. The purpose of the research is to quantify the potential for near misses between vessels and humpback whales and to define the probability of surprise encounters for humpback whales. PWF currently is authorized to take up to 240 Hawaiian insular false killer whales incidental to those activities.

PWF is requesting to amend the type of taking of false killer whales from Level B harassment incidental to conducting humpback whale research to Level B harassment associated with targeted false killer whale research. Researchers propose to survey, observe, harass, photograph, videotape, and conduct focal follows on false killer whales in the waters offshore of Maui and Lanai. The purpose is to study false killer whale occurrence, distribution, movement, site fidelity and habitat preference, abundance, social organization, home ranges, and life history. The number of authorized takes would not change. They would conduct systematic line transect surveys up to 10 times per month using an 8-m catamaran. Once within 400 m of a group of whales, the vessel would slow to an approach speed of 5 knots. Researchers would approach parallel and to the rear of the group. They also would use an underwater pole camera or video camera to confirm group size,

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composition, and behavior. Whales could approach the vessel at less than 10 m during the activities. Researchers could stay with a group of whales for up to 60 minutes to obtain good quality photographs and confirm group size information. Upon request, PWF would share its photo-identification catalog with federal agencies and other researchers. The Commission believes sharing data on endangered species and stocks, such as the Hawaiian insular false killer whale, is integral in advancing science and conserving the species or stock.

To minimize effects on false killer whales, researchers would avoid sudden changes in vessel course or speed, would remain at a constant slow speed, or would idle whenever possible. They would approach whales parallel and from the side so to not split the group. If other vessels (including whale-watching or recreational vessels) are already observing a group, researchers would remain 300 m from the whales until all vessels depart the group. They also would limit their activities to the minimum time required to collect the necessary data. If any individuals within the group show any signs of disturbance or stress, researchers would cease activities and slowly move the vessel away from the group. Finally, they would not approach resting whales at distances closer than 300 m. Therefore, the Commission recommends that the National Marine Fisheries Service issue the permit amendment, provided that the conditions contained in the current 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 MMPA.

The Commission appreciates the opportunity to comment on this permit amendment application. Kindly contact me if you have any questions concerning the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director