



# MARINE MAMMAL COMMISSION

22 February 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. 15274  
(Dan Salden, Ph.D.,  
Hawaii Whale Research Foundation)

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 humpback whales, Hawaiian insular false killer whales, and other cetaceans in Hawaii waters during a five-year period. The applicant is seeking to renew and amend permit 587-1767.

## RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit but condition it to—

- ensure that the applicant takes steps to minimize disturbance of the subject animals by exercising caution when approaching animals, particularly mother/calf pairs, and stopping an approach if there is evidence that the activity may be interfering with mother/calf behavior, feeding, or other vital functions;
- require monitoring, documentation, and reporting of any and all strong whale reactions to approach and presence of the research watercraft and researchers; and
- ensure that activities to be conducted under this permit and those of other permit holders who might be carrying out research on the same species in the same areas are coordinated and, as possible, data and samples shared to avoid unnecessarily duplicative research and unnecessary disturbance of animals.

## RATIONALE

The applicant proposes to photograph, videotape, observe behaviors of, and record sounds from various cetacean species in Hawaii waters, primarily off the Kona Coast and Maui County in waters near Lanai and in Kalohi Channel and Pailolo Channel, on a year-round basis. The research activities also would occur in Southeast Alaska and Kachemak Bay if platforms are available. In addition, the applicant proposes to collect soft parts (i.e., sloughed skin or placenta) and feces from

Mr. P. Michael Payne  
22 February 2011  
Page 2

the water. The purposes of the proposed research are to (1) continue and expand a long-term (more than 20-year) study of humpback whales, (2) examine the role and function of competitive groups and their relationship to the humpback whale mating system, (3) study the life histories of known individual humpback whales, and (4) opportunistically study the stock structure, social interactions, and abundance of other cetaceans.

Each year, researchers would harass up to 3,000 humpback whales, 150 Hawaiian insular false killer whales, 850 additional false killer whales, 500 short-finned pilot whales, 2,000 bottlenose dolphins, 2,000 spinner dolphins, 500 killer whales, and 2,000 pantropical spotted dolphins of any age and gender. The applicant would approach the animals at a distance of less than 100 yards no more than three times per day. Up to two divers would be videotaping and one diver would be photographing the cetaceans underwater. The applicant is not requesting authority to harass any other marine mammal species incidental to conducting the proposed research activities.

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit, but ensure that the applicant takes steps to minimize disturbance of the subject animals by exercising caution when approaching animals, particularly mother/calf pairs, and stopping an approach if there is evidence that the activity may be interfering with mother/calf behavior, feeding, or other vital functions. Such steps seem necessary for all species and stocks involved, but particularly for Hawaiian insular false killer whales, which have declined to a low number and are being considered for listing under the Endangered Species Act. Furthermore, given the large number of takes involved in this permit, the Commission recommends that the Service condition the permit to require monitoring, documentation, and reporting of any and all strong whale reactions to approach and presence of the research watercraft and researchers. Finally, the Commission recommends that the Service condition the permit to ensure that activities to be conducted under this permit and those of other permit holders who might be carrying out research on the same species in the same areas are coordinated and, as possible, data and samples shared to avoid unnecessarily duplicative research and unnecessary disturbance of animals.

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,



Timothy J. Ragen, Ph.D.  
Executive Director