



MARINE MAMMAL COMMISSION

9 July 2012

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: Request for Amendment, Permit No. 16160
(The Whale Museum)

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. Permit 16160 authorizes The Whale Museum to conduct research on eight cetacean species or stocks, including the southern resident killer whale, in the inland waters of Washington. The current permit expires on 6 June 2017. The Whale Museum is requesting to increase the number of southern resident killer whale takes each year.

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

The Whale Museum is authorized to conduct systematic surveys as part of its Soundwatch Program to monitor the effects of vessels on marine mammals in the waters of Haro Strait, Washington, and near Vancouver, British Columbia. The purpose of the proposed research is to continue a long-term (18-year) monitoring program to document vessel use and characterize marine mammal responses to those vessels. The existing permit does not authorize Level A harassment takes or unintentional mortality.

During review of The Whale Museum's original permit application, a Service biologist conducting a section 7 consultation noted an error in the application and recommended that southern resident killer whale takes be increased from 50 to 200 whales per year. The increase is to correct an error in the original application. The original application estimated the number of takes based on the expected number of encounters with killer whale groups, but failed to account for the expected number of whales per group.

The Service has decided to treat the adjustment as an amendment and therefore published a notice in the *Federal Register* to seek public comment. The Marine Mammal Commission concurs

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with that approach and, based on the information provided, 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 Marine Mammal Protection Act. Please contact me if you have any questions concerning the Commission's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen". The signature is written in a cursive style with a prominent initial "T".

Timothy J. Ragen, Ph.D.
Executive Director