



MARINE MAMMAL COMMISSION

21 November 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. 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. The applicant is requesting authorization to monitor vessel activities around marine mammals, primarily southern resident killer whales, in Washington during a five-year period.

RECOMMENDATIONS

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

- condition the permit to require The Whale Museum 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; and
- advise The Whale Museum of the need to obtain additional permits from the U.S. Fish and Wildlife Service prior to conducting the proposed activities in a wildlife refuge.

RATIONALE

The Whale Museum proposes 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. Researchers would conduct the surveys daily from May through October and opportunistically from November through April of each year. 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. Vessel monitoring conducted by the Soundwatch Program has been identified by federal, state, and local governments as an essential component of the U.S. and Canadian southern resident killer whale recovery action plans. Therefore, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested permit.

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Each year The Whale Museum could harass up to 20 Pacific white-sided dolphins, 10 Dall's porpoise, 10 harbor porpoise, 5 gray whales, 10 humpback whales, 10 offshore killer whales, 50 southern resident killer whales, 50 transient killer whales, and 10 minke whales. The Whale Museum would use binoculars, laser range-finders, and radar to collect standard vessel data (i.e., vessel type, activity, location, number of passengers, compliance with viewing guidelines or regulations) and marine mammal data (i.e., species, number, distance/heading, behavior, etc.). In addition, researchers would photograph and videotape marine mammals every 30 minutes to identify individuals and document responses to the vessels. Researchers would attempt to remain at least 91 m from the whales, but if the whales are spread out and foraging in a non-directional manner, the survey vessel may approach the whales to observe and record whale and vessel activities accurately. If, during the course of the proposed activities the survey vessel is within 91 m of a marine mammal, the captain would shut down the engine or put the engine in neutral. Once the animal (s) has passed beyond 91 m, the captain would engage the engine and move away from the animal (s). The Commission considers those measures to be prudent, but also believes that the permit should require conditions specific to mother/calf behavior. Accordingly, the Marine Mammal Commission recommends that the National Marine Fisheries Service condition the permit to require The Whale Museum 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.

The Whale Museum also may need to obtain permits to conduct the proposed activities in various wildlife refuges. Consequently, the Marine Mammal Commission recommends that that the National Marine Fisheries Service advise The Whale Museum of the need to obtain additional permits from the U.S. Fish and Wildlife Service prior to conducting the proposed activities in a wildlife refuge.

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