



MARINE MAMMAL COMMISSION

19 April 2018

Ms. Jolie Harrison, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3225

Re: Permit Application No. 21348
(Northwest Fisheries Science Center)

Dear Ms. Harrison:

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). Northwest Fisheries Science Center (NWFSC) is seeking to renew its permit to conduct research on cetaceans in the Pacific Ocean during a five-year period—permit 16163 authorized similar activities.

NWFSC proposes to conduct research on numerous species of cetaceans, but primarily southern resident killer whales, in the Pacific Ocean year-round. The purpose of the research is to investigate (1) population structure and life history parameters, (2) foraging ecology and energetics, (3) social organization and behavior, (4) movement patterns and habitat use, (5) disease and health, and (6) responses to anthropogenic activities including sound-related activities. Researchers would harass, observe/track, photograph/videotape, record acoustically, conduct playback studies and ultrasound on, sample, and/or instrument, numerous cetaceans of both sexes and various age classes (see the take tables and application for specifics). Physiological studies on captive killer whales also would be conducted. Various activities could be conducted opportunistically on pinnipeds as well. NWFSC would use various measures to minimize impacts to marine mammals and also would be required to abide by the National Marine Fisheries Service's (NMFS) standard permit conditions.

NWFSC's Institutional Animal Care and Use Committee (IACUC) is in the process of reviewing the research protocols but has yet to approve them. NMFS's current policy¹ requires that the Science Centers provide the IACUC assurance statement with all applications. Based on that policy, any applications for permits or permit amendments that do not include the assurance statement are to be returned to the applicant. It has been the Office of Protected Resources' practice to not require the assurance statement at the time an application is submitted—the Science Center must provide the statement before the permit is issued. If the Office of Protective Resources believes that its IACUC policy is too onerous or not practical, then it should consider amending the policy. However, the Commission recommends that, until such time that the policy is amended,

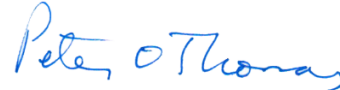
¹ Which has been in effect since 2009.

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NMFS return all permit and permit amendment applications that do not include the IACUC assurance statement to the respective Science Center and refrain from publishing those applications for public comment until the IACUC assurance statement has been provided.

The Commission believes that the proposed activities are consistent with the purposes and policies of the MMPA. Kindly contact me if you have any questions concerning the Commission's recommendation.

Sincerely,



Peter O. Thomas, Ph.D.,
Executive Director