

MARINE MAMMAL COMMISSION
4340 East-West Highway, Room 700
Bethesda, MD 20814-4447

13 February 2009

Ms. Nadene G. Kennedy
Permit Office, Room 755
Office of Polar Programs
National Science Foundation
4201 Wilson Boulevard
Arlington, VA 22230

Dear Ms. Kennedy:

By *Federal Register* notice dated 12 January 2009 (74 Fed. Reg. 1252), your office asked for comments on Robert Pitman's request to modify permit 2009-013, issued under the Antarctic Conservation Act of 1978. The permit authorizes the permit-holder to conduct research on killer whales, minke whales, and humpback whales in the vicinity of the Antarctic Peninsula. The amendment would allow the permit-holder to collect unidentified prey items (marine mammals and penguins) for identification using genetic analysis.

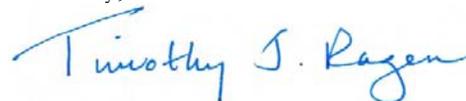
RECOMMENDATION

The Marine Mammal Commission recommends that the National Science Foundation defer authorization of the requested activities until it clarifies for the Commission and others whether the planned activities are authorized under a Marine Mammal Protection Act permit.

RATIONALE

In its letter of 19 September 2008 (enclosed) regarding Mr. Pitman's original permit application, the Commission advised the National Science Foundation that it was unable to provide a recommendation on the application until the Foundation clarified whether the applicant possessed or had applied for a research permit under the Marine Mammal Protection Act. The Commission received no response from the Foundation, and it remains unclear whether such clarification was obtained before the permit was issued. We ask that the Foundation advise the Commission as to whether this is the case. In addition, the Marine Mammal Commission recommends that the National Science Foundation defer consideration of the requested amendment until it clarifies for the Commission and others whether the applicant's planned activities are authorized under a Marine Mammal Protection Act permit.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director

Enclosure

Cc: Mr. P. Michael Payne