

Instructions for Submitting a “Letter of Intent” under the General Authorization for Scientific Research

Introduction

Under the Marine Mammal Protection Act (MMPA), the General Authorization (GA) applies to *bona fide* scientific research¹ studies on marine mammals for activities involving only Level B harassment². Research on marine mammals listed as endangered or threatened under the Endangered Species Act (ESA), including research that would qualify for the GA, requires an ESA/MMPA scientific research permit.

Researchers desiring to take marine mammals in the wild via Level B harassment for purposes of *bona fide* scientific research under the GA must submit a letter of intent to the Chief, Permits, Conservation and Education Division (see below). The individual responsible for the overall research project (*i.e.*, the principal investigator or responsible party) must submit the letter of intent via certified return receipt mail at least 60 days before the intended research start date. The principal investigator is the individual primarily responsible for the activities conducted under the GA and must have qualifications, knowledge and experience relevant to the type of research activities proposed. The responsible party is the individual who has the legal authority to bind an organization and who is responsible for supervision of the principal investigator.

The following types of research activities will likely qualify for inclusion under the GA: photo-identification studies, behavioral observations, and vessel and aerial population surveys (except aerial surveys over pinniped rookeries at altitudes of less than 1,000 ft.) of non-ESA listed marine mammals.

Requirements for applying for a GA included in these instructions are pursuant to National Marine Fisheries Service regulations implementing the MMPA [50 CFR 216.45] and MMPA section 104(c)(3)(C). If you have any questions about applying for a GA, call the Permits, Conservation and Education Division at (301) 713-2289.

¹ ***Bona fide* scientific research:** Scientific research conducted by qualified personnel, the results of which—

- likely would be accepted for publication in a refereed scientific journal;
- are likely to contribute to the basic knowledge of marine mammal biology; or
- are likely to identify, evaluate, or resolve conservation problems.

² **Harassment:** Under the 1994 Amendments to the MMPA, harassment is statutorily defined as, any act of pursuit, torment, or annoyance which—

(Level A harassment) has the potential to injure a marine mammal or marine mammal stock in the wild; or,
(**Level B harassment**) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

General Authorization Letter of Intent

National Marine Fisheries Service regulations require that General Authorization “Letters of Intent” contain the following information:

1. The name, address, telephone number, qualifications and experience of the applicant (*i.e.*, principal investigator) and any co-investigator(s)³ to be conducting the proposed research, and curriculum vitae for each, including a list of publications by each investigator relevant to the objectives, methods, or other aspects of the proposed research.

NOTE: The qualifications and experience listed in each curriculum vitae must include accomplishments relevant to the proposed activities each person will be performing.

2. The species or stocks of marine mammals (common and scientific names) that are the subject of the scientific research and any other species or stock of marine mammals that may be harassed during the conduct of the research.
3. The geographic location(s) in which the research is to be conducted.

NOTE: Identify locations as specifically as possible within a general area (*e.g.*, specific islands, bays, latitude/longitude, etc., within a specified geographic region or state). Include a map if available. For aerial or vessel surveys, indicate the coordinates outlining the proposed survey area(s). Indicate whether the location you will be working in has been given any special status (*e.g.*, National Marine Sanctuary, State Reserve, etc.).

4. The period(s) of time over which the research will be conducted (up to five years), including start date, approximate dates or field season(s), and end date.
5. The purpose of the research, including a description of how the proposed research qualifies as “*bona fide* scientific research.”

NOTE: This includes, but is not limited to, the following information: hypothesis and objectives; how the results of the research are likely to contribute to the basic knowledge of marine mammal biology or are likely to identify, evaluate, or resolve conservation problems; how the research relates to the current body of knowledge on the subject species or past NMFS permitted research conducted by the applicant (if applicable).

6. The methods to be used to conduct the research.

NOTE: This includes, but is not limited to, the following information: sample size, specific methods or protocols to meet objectives of research, approach distances and frequencies, number of crew during field research, etc. NMFS may determine that specific proposed activities (*e.g.*, underwater photography and filming; aerial surveys over pinniped rookeries) may exceed Level B harassment. In these cases, the applicant will be notified that a scientific research permit is required.

³ **Co-investigator** means the on-site representative of a principal investigator.

7. The “Letter of Intent” must include the following certification statement, signed and dated by the applicant:

“In accordance with section 104(c)(3)(C) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.) and implementing regulations (50 CFR part 216) I hereby notify the National Marine Fisheries Service of my intent to conduct research involving only Level B harassment on marine mammals in the wild, and request confirmation that the General Authorization for Level B Harassment for Scientific Research applies to the proposed research as described herein. I certify that the information in this letter of intent is complete, true, and correct to the best of my knowledge and belief, and I understand that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or penalties under the MMPA and implementing regulations. I acknowledge and accept that authority to conduct scientific research on marine mammals in the wild under the General Authorization is a limited conditional authority restricted to Level B harassment only, and that any other take of marine mammals, including the conduct of any activity that has the potential to injure marine mammals (i.e., Level A harassment), may subject me to penalties under the MMPA and implementing regulations.”

Please send an original signed General Authorization “Letter of Intent” to the following address:

Chief, Permits Conservation and Education Division
Office of Protected Resources, F/PR1
NOAA/National Marine Fisheries Service
1315 East-West Highway, Room 13705
Silver Spring, MD 20910
Phone: (301) 713-2289
Fax: (301) 427-2521

No later than 30 days after receipt of a letter of intent, NMFS will issue a letter to the applicant either:

- (1) Confirming that the GA applies to the proposed scientific research as described in the letter of intent;
- (2) Notifying the applicant that all or part of the research described in the letter of intent is likely to result in a taking of a marine mammal in the wild involving other than Level B harassment and, as a result, cannot be conducted under the GA, and that a scientific research permit is required to conduct all or part of the subject research; or
- (3) Notifying the applicant that the letter of intent fails to provide sufficient information and providing a description of the deficiencies, or notifying the applicant that the proposed research as described in the letter of intent is not *bona fide* research as defined above.

Additional Information:

Under section 104(c)(3)(C) of the MMPA, as amended, persons may be authorized to take marine mammals in the wild by Level B harassment, as defined in 50 CFR 216.3, for purposes of *bona fide* scientific research. Interested persons are required to submit a letter of intent in accordance with the interim final rule published on October 3, 1994 and submit certain information outlined at 50 CFR 216.45(b) under the General Authorization and provided in these instructions. Regulations implementing the GA may be found at 50 CFR 216.45 [59 FR 50376, Oct. 3, 1994] and are available at the following web site: <http://www.gpo.gov/>. MMPA section 104 is available at the following web site: <http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa104.pdf>.

The information requested in this application is required and is used to determine whether the research described in the letter of intent is likely to exceed Level B harassment of a marine mammal in the wild; and whether a scientific research permit is required to conduct all or part of the subject research; and whether the research as described in the letter of intent is *bona fide*.

Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Chief, Permits Conservation and Education Division, Office of Protected Resources, F/PR1, NOAA/National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

The letter of intent and any associated documents, including any reports required under the GA, are considered public information and as such, are subject to the Freedom of Information Act.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.