



MARINE MAMMAL COMMISSION

29 October 2010

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. 15543
(Randall S. Wells, Ph.D.,
Mote Marine Laboratory)

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 conduct research on bottlenose dolphins off the west coast of Florida during a five-year period. The proposed activities are nearly identical to those authorized under previous permits and their modifications, including Scientific Research Permit Nos. 945, 522-1569, and 522-1785.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit but condition it to require that the applicant not initiate any of the research prior to providing the Service with documentation that the applicant's IACUC has reviewed and approved the research protocol.

RATIONALE

The applicant proposes to photograph, remotely biopsy, and perform health assessments on bottlenose dolphins in the shallow coastal waters off west Florida out to 80 km (50 mi). Research would occur from the Florida/Alabama border southward to Naples, including Pensacola Bay, Choctawhatchee Bay, St. Joseph Bay, Sarasota Bay, Tampa Bay, Lemon Bay, Gasparilla Sound, Charlotte Harbor, and Pine Island Sound. The purposes of the proposed research are to (1) continue long-term studies (initiated in 1970) of bottlenose dolphin population structure, population dynamics, life history, social structure, genetic structure, and human interactions, (2) determine contaminant concentrations and associated effects, immune system function, effects of harmful algae, nutritional status, feeding behavior, movement patterns, whistle development and function, hearing ability, and behavior associated with sound production, and (3) assess the impact of oil spills at individual and population levels.

The applicant is seeking authorization to approach up to 1,500 dolphins 10 times a year for a total of 15,000 photo-identification/video and behavioral takes. He also requests authorization to remotely biopsy sample up to 100 dolphins annually and capture and release up to 50 dolphins

Mr. P. Michael Payne
29 October 2010
Page 2

annually to allow assessment of their health. During health assessments, the applicant proposes to capture, examine (including morphometric measurements and diagnostic ultrasound), sample (blood, blubber, skin, tooth, urine, feces, blowhole and air exudate, milk, and gastric contents), mark (freeze brand and tail notch), tag (plastic cattle ear tags or roto-tags, VHF roto-tags, and satellite-linked tag), acoustically record (auditory brainstem response, auditory evoked potential suction cups, and passive recordings of whistles and echolocations), and release the dolphins. The satellite-linked tags may include time-depth recorders, GPS tags, DTAGS, and other experimental tags and will be attached via delrin bolts or pins to the dorsal fin with a maximum of two tags per animal. In addition, forestomach temperature measurements will be performed on six dolphins per year in which an ingestible telemeter pill will be inserted in the forestomach via a gastric tube and measurements will be obtained via an external data logger mounted on the dorsal fin. The applicant expects the dolphin to expel the pill within 30 hours and the attachment mechanism for the data logger to corrode within a day. While the dolphins are held in a corral net, the applicant will conduct whistle playback and habituation-dishabituation experiments with a maximum source level of 169 dB re 1 μ Pa at 1 m and received sound pressure level of approximately 154 dB re 1 μ Pa. The applicant would not biopsy sample or include in live-captures for health assessment known pregnant females, females with young-of-the-year calves, and calves less than two years of age. The applicant has requested two lethal takes per year of non-neonate bottlenose dolphins and does not expect to harass other marine mammals incidentally.

IACUC Review and Approval

The current proposed activities have not been reviewed and approved by the applicant's Institutional Animal Care and Use Committee (IACUC), as required by section 2.31 of the Animal and Plant Health Inspection Service's Animal Welfare Act regulations. This presents a dilemma with regard to the Service's new policy, which the Commission supports, requiring IACUC approval before issuing a permit. In this case, the applicant is required to obtain his research permit as a condition for receiving approval for the requested permit from his IACUC. To avoid an irreconcilable standoff, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit but condition it to require that the applicant not initiate any of the research prior to providing the Service with documentation that the applicant's IACUC has reviewed and approved the research protocol.

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,



Timothy J. Ragen, Ph.D.
Executive Director