



MARINE MAMMAL COMMISSION

3 June 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. 15646
(Rebecca Dickhut, Ph.D.,
Virginia Institute of Marine Science)

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. Dr. Dickhut is requesting authorization to import samples from four phocid species and one cetacean species for purposes of scientific research. The samples were collected in Antarctica and would be imported from Sweden. The permit would be valid for five years.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested permit, provided that the permit be conditioned to require the applicant to—

- submit documentation that each sample to be imported was taken legally under Swedish law; and
- obtain all necessary permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora before importing any marine mammal part.

RATIONALE

Dr. Dickhut proposes to import seal and whale samples collected in Antarctica to analyze them for persistent organic pollutants, mercury, and stable isotopes. The purpose of the proposed research is to use chemical concentrations to assess the dietary preferences and feeding ecology of Antarctic marine mammals. Dr. Dickhut proposes to import archived fur, blood, and blubber from the Swedish Museum of Natural History. Those samples were collected in 1987–1988, 2008–2009, and 2010–2011 from 300 crabeater seals, 200 Weddell seals, 50 Ross seals, 25 leopard seals, and 20 killer whales.

Section 102(c) of the Marine Mammal Protection Act prohibits the importation of any marine mammal or marine mammal part into the United States if it was taken in another country in violation of the law of that country. Although we have no reason to believe that the specimens to be

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imported were taken in violation of Swedish laws, the application contains no documentation of the origin of the specimens other than a summary statement that the specimens “were collected by Swedish scientists under the authority of the Swedish Polar Research Secretariat....” To ensure compliance with the Marine Mammal Protection Act, the Service should ask Dr. Dickhut to provide additional documentation (e.g., copies of Swedish permits or affidavits from Swedish officials) that the specimens to be imported into the United States were obtained in accordance with the laws of Sweden. To that end, the Marine Mammal Commission recommends that the National Marine Fisheries Service condition the permit to require the applicant to submit documentation that each sample to be imported was taken legally under Swedish law.

Dr. Dickhut’s application states that none of the species to be imported are listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In fact, all cetaceans not listed under Appendix I are included under Appendix II of the Convention. As such, killer whales are listed under Appendix II and Dr. Dickhut will require a CITES export permit that must accompany imports of specimens from this species. The Marine Mammal Commission therefore recommends that the National Marine Fisheries Service condition the permit to require the applicant to obtain all necessary permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Dr. Dickhut has indicated that she intends to obtain authorization under the Antarctic Conservation Act before importing any marine mammal part. However, our understanding is that she does not need a permit under that Act (or the Antarctic Treaty and the Protocol on Environmental Protection to the Antarctic Treaty) if the specimens were collected in accordance with the laws adopted by another party to implement the Treaty and Protocol. The Service should seek clarification on this matter from the National Science Foundation.

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