



MARINE MAMMAL COMMISSION

3 August 2015

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 Amendment Application No. 17670
(Northeast 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 amendment application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA). The Northeast Fisheries Science Center (NEFSC) is seeking to amend permit #17670 to conduct research on pinnipeds along the U.S. east coast during a five-year period—the permit expires 30 April 2018.

NEFSC is authorized to conduct research year-round on harbor, gray, harp, and hooded seals within and proximal to waters of the U.S. Exclusive Economic Zone from North Carolina to Maine and to Canadian waters in the Gulf of Maine. The objectives are to continue long-term research to (1) determine stock structure, (2) estimate abundance and distribution, (3) determine movement patterns and habitat use, (4) study foraging ecology, (5) assess health, and (6) determine the effects of natural and anthropogenic factors.

NEFSC is requesting multiple changes to its permit, including:

1. increasing the numbers of harbor and gray seals harassed incidentally during (a) manned aerial surveys, (b) small-boat surveys, and (c) ground surveys for scat collection based on increases in the populations and to better meet its objectives;
2. adding the use of unmanned aerial systems to survey harbor and gray seals;
3. adding a study to collect molt data on gray seal pups via ground surveys;
4. increasing the number of harbor and gray seal non-pups that could be captured/handled/released (including increasing the number of times an individual can be captured/released/handled) and captured/handled/sampled/released to monitor seasonal movements and habitat use;

5. increasing the number of gray seal pups that can be captured/handled/released and captured/handled/sampled/released to conduct health assessments during an extended pupping season (i.e., mid-December to early February);
6. increasing the number of gray seals that may be harassed incidentally during gray seal capture operations for both non-pups and pups;
7. adding incidental harassment of harbor seal non-pups during gray seal capture operations for both non-pups and pups;
8. increasing the numbers of samples, and the numbers of individuals from which those samples could originate, to be imported and exported for both harbor and gray seals on a world-wide basis;
9. combining the numbers of mortalities¹ of non-pups and pups for each species (harbor, gray, harp and hooded seals) authorized to be conducted; and
10. combining, consolidating, and clarifying take tables based on species.

The Commission understands that NEFSC originally had requested to increase the authorized numbers of mortalities from two to three for both harp and hooded seals based on the assumption that fetuses would count against the allotted mortalities. NMFS has since changed its policy regarding counting fetuses. Thus, NEFSC has indicated it no longer needs to increase the numbers of harp and hooded seal mortalities. The Commission understands those increases would not be authorized.

In addition, NEFSC indicated that its Institutional Animal Care and Use Committee (IACUC) is in the process of reviewing the proposed research protocols but has yet to approve them. The Commission finds this unusual not only because of the need for IACUC input on the proposed increases in mortalities, but also because NMFS has a policy that requires the Science Centers to include the IACUC assurance statement with all applications—a policy that has been in effect since 2009. 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. Accordingly, the Commission recommends that NMFS abide by its own policy by returning all permit and permit amendment applications that do not include the IACUC assurance statement and refrain from publishing those applications for public comment until such time that the IACUC assurance statement has been provided.

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the MMPA. Please contact me if you have any questions concerning the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director

¹ And for intentional mortalities via euthanasia and unintentional mortalities.