



# MARINE MAMMAL COMMISSION

13 April 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. 16087  
(National Marine Mammal 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. Application The applicant seeks to renew and amend existing permit 782-1812. The National Marine Mammal Laboratory is requesting authorization to continue research on pinnipeds that breed in the Channel Islands, California, with a focus on California sea lions. The applicant also is requesting authorization for research on harbor seals and northern elephant seals and incidental harassment of northern fur seals. The research would occur in California, Oregon, Washington, and U.S. waters during a five-year period.

## **RECOMMENDATIONS**

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit, contingent on conditioning the permit to require suspension of research activities and review by the Service if six or more sea lions are unintentionally killed in one year and consult with the Commission if 10 sea lions are unintentionally killed in one year.

## **RATIONALE**

The applicant would conduct most of the proposed research in the Channel Islands but also would conduct research on the mainland and in waters of California, Oregon, and Washington. The proposed research would extend a long-term (more than 20 years) study focusing primarily on California sea lions, including their (1) population size and age/sex structure, (2) health, (3) demographic parameters, (4) breeding behavior, (5) weaning patterns, and (6) inter- and intra-island foraging ecology. The research also would seek to refine chemical immobilization techniques for sea lions, and investigate resource partitioning by sea lions, harbor seals, and elephant seals.

To conduct this research, the applicant would harass, capture, handle, restrain, administer drugs, sedate, measure, weigh, mark, sample, perform diagnostics on (i.e., sonography for pregnancy and blubber depth), and attach instruments to numerous individuals of each pinniped species (see table on following page). Some individual pinnipeds would be recaptured from two to eight times a

year and subjected to the same procedures. The applicant would mark study animals using flipper tags, hot brands, neoprene patches, hair dye, paint, and/or bleach. The applicant also would have the option of collecting blood, blubber, hair, milk, skin, urine, vibrissae, swabs, feces, and stomach contents (by enema or lavage) from each individual pinniped. The permit would allow the applicant to euthanize up to 100 moribund full-term pups and 40 premature pups during the five-year period to collect information on animal health. In addition, the applicant has requested authorization for unintentional death of up to 49 sea lions, 4 harbor seals, and 4 northern elephant seals during the five-year period. The applicant would perform necropsies and collect tissue samples, teeth, and skeletal remains from euthanized or fresh carcasses. All samples would be archived at the National Marine Mammal Laboratory.

Procedure <sup>1</sup>	Pinniped species <sup>1</sup>			
	California sea lions	Pacific harbor seals	Northern elephant seals	Northern fur seals
Capture, sample, mark, and instrument	3,315 <sup>2</sup>	50	50	0
Remotely sample and mark	100	0	0	0
Incidentally harass <sup>3</sup>	506,060	985	2,716	4,500

<sup>1</sup> Annual takes

<sup>2</sup> Only a subset would be instrumented with devices

<sup>3</sup> Includes approaching within 100 m of any pinniped and approaching individual pinnipeds multiple times

Under the requested permit, the applicant would be allowed to instrument males and females of all ages. However, the applicant would apply no more than three devices to each subject animal and the combined weight of those instruments would not exceed 1 percent of the animal's body mass. The devices may include satellite tags, GPS tags, time/depth recorders, VHF radio transmitters, dead-reckoning devices, and acoustic tags. The applicant would attach the devices to a subject animal's head or between its shoulders using glue or to its flippers using flipper tags.

The applicant has indicated that the Institutional Animal Care and Use Committee at the National Marine Fisheries Service's Alaska/Northwest Science Center has reviewed and approved the research activities and associated takes, as required by section 2.31 of the Animal and Plant Health Inspection Service's Animal Welfare Act regulations.

### Unintentional Mortalities

The applicant has requested more takes of sea lions than authorized in its previous permit (i.e., 3,315 vs. 1,540). Subsequently, the requested unintentional deaths of sea lions also have increased (i.e., 49 vs. 30). The increase in unintentional deaths is based on an expansion of the scope of the proposed research activities and an increase in the associated takes. Because the requested unintentional mortalities have increased, the Marine Mammal Commission recommends that the

Mr. P. Michael Payne  
13 April 2011  
Page 3

National Marine Fisheries Service condition the permit to require suspension of research activities and review by the Service if six or more sea lions are unintentionally killed in one year. Further, the Marine Mammal Commission recommends that the Service consult with the Commission if 10 sea lions are unintentionally killed in one year.

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,

A handwritten signature in blue ink that reads "Timothy J. Ragen". The signature is written in a cursive style with a large, looped 'T' and 'R'.

Timothy J. Ragen, Ph.D.  
Executive Director