



MARINE MAMMAL COMMISSION

11 February 2013

Mr. P. Michael Payne, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3225

Re: Permit Application No. 17005
(Peter Rogers, Ph.D.,
Georgia Institute of Technology)

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. Rogers is requesting authorization to conduct research on stranded cetaceans along U.S. coasts to assess the elastic properties of their head tissues during a five-year period.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit but require Dr. Rogers to report any deaths to the Service that occur during ultrasound testing.

RATIONALE

Dr. Rogers proposes to conduct ultrasound on cetaceans at stranding sites (either on the beach or a temporary pool) on an opportunistic basis. The objectives of the proposed research are to (1) determine any short-term changes in soft tissue elasticity if an animal dies during stranding response and (2) assess differences between intact and harvested tissues from deceased stranded animals.

Dr. Rogers and co-investigators would cooperate with local stranding networks to perform ultrasound on up to 10 individuals per year of any cetacean species that is not listed as threatened or endangered under the Endangered Species Act or depleted under the Marine Mammal Protection Act. Researchers would use an ultrasound-based system to determine the tissue properties of cetacean heads and provide parameters needed to model how cetacean head tissues respond to sound. In the future, such information could be useful for marine mammal stranding responders attempting to diagnose the status of a stranded animal. The studies would involve up to a 40-minute session with any live animal and up to a 30-minute session on that same individual if it is euthanized by the stranding responders or dies during the stranding response due to underlying medical conditions. The onsite veterinarian or stranding coordinator would be consulted regarding the

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suitability and selection of any animal for ultrasound testing. Testing would be performed on individual cetaceans from all age classes and both sexes. A test would be stopped at any point if the veterinarian or coordinator observes a negative change in the animal's health or behavior.

If an animal is euthanized or dies, stranding responders would collect tissues from the animal's head, which Dr. Rogers and colleagues would analyze at his laboratory in Atlanta. Euthanasia and collection of the tissues would be authorized under section 109(h) of the Marine Mammal Protection Act and transfer to and possession of those tissues by Georgia Institute of Technology would be authorized under 50 CFR 216.22 and 216.37.

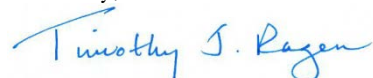
Dr. Rogers would not harass any other marine mammal species incidental to the proposed activities and does not expect any deaths to occur from ultrasound testing. However, if an animal subsequently dies during ultrasound testing, those deaths also would be authorized under section 109(h) of the Marine Mammal Protection Act. Although the deaths would be covered under a separate authorization, the Commission believes that the Service should require Dr. Rogers to report those deaths and associated circumstances to the Service.

Dr. Rogers indicated that his Institutional Animal Care and Use Committee will review the proposed research protocols only after the Service issues the permit. However, he indicated that similar protocols have been approved in the past. As such, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit but require Dr. Rogers to report to the Service any deaths that occur during ultrasound testing.

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