



MARINE MAMMAL COMMISSION

23 December 2016

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 Application No. 20443
(Alaska Department of Fish and Game)

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 request with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA). Alaska Department of Fish and Game (ADFG) proposes to conduct research on harbor seals in Alaska during a five-year period—permit 16094 authorized the same activities.

ADFG proposes to conduct research on harbor seals in Southeast Alaska, Gulf of Alaska, and the Bering Sea. The purpose of the research is to investigate (1) abundance and distribution, (2) various life-history parameters including genetic studies focusing on gene flow and stock structure, (3) foraging ecology and physiology, (4) disease and health, and/or (5) impacts of disturbance on harbor seals. Researchers would harass, capture, handle, restrain, measure/weight, sedate, mark¹, sample², conduct procedures on³, and/or attach instruments⁴ on numerous non-neonate harbor seals each year (see the Take Table). Instruments would fall off during the animals' annual molt. Each dependent pup would be held until the female has recovered from anesthesia and the pair can be reunited. Researchers could conduct aerial, vessel, and ground surveys⁵ of the various haul-out sites⁶. Non-target harbor seals and harbor porpoises may be captured and harassed incidentally during the proposed activities.

ADFG requests up to 4 harbor seal mortalities⁷ per year, not to exceed 10 during the five-year period. In previous years, a total of two harbor porpoises have become entangled in the capture

¹ With flipper and PIT tags.

² Including blood, vibrissae, hair, swabs, milk, feces, skin, blubber, muscle, and/or a tooth. A tooth would be extracted only from juvenile or adult harbor seals and muscle would be collected from all age classes except unweaned pups. All samples could be imported/exported for analysis.

³ Including conducting ultrasound, photogrammetry, and/or lavage.

⁴ Up to three instruments with a combined instrumentation mass of less than 1 percent of the body mass for pups and less than 3 percent of the body mass for other age classes.

⁵ Including collecting feces.

⁶ Including photographing and conducting photogrammetry on the seals.

⁷ By either unintentional mortality or intentional mortality (i.e., euthanasia for humaneness purposes).

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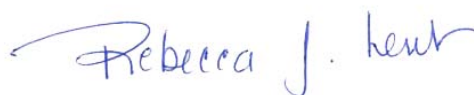
nets and have been released unharmed. To prepare for situations in which harbor porpoises are seriously injured or subsequently drown before being freed from the net, ADFG requests up to two harbor porpoise mortalities⁷ per year during the proposed harbor seal capture activities.

To minimize impacts during capture activities, ADFG would only set nets when harbor seals are confirmed to be at nearby haul-out sites, constantly tend the capture nets, cease net setting if non-target animals are observed, and open the net as quickly as possible to free non-target animals. Researchers would work as quickly as possible to minimize capture time for each animal, including females with pups, which would be processed first and released together. After a female and her pup are released, researchers would monitor the study site for at least 24 hours to ensure the pup has not been abandoned. Research activities would not knowingly be conducted when neonate pups are present, and any dependent pup captured without the female would be released at the capture site rather than from the processing vessel. Researchers in vessels also would not approach harbor seals until after the 25th of June, which is after the peak pupping and nursing season. To minimize disturbance of non-target animals, ADFG would moderate vessel speeds and paths to avoid marine mammals per the National Marine Fisheries Service's (NMFS) approach guidelines. In addition, researchers would photograph seals from a cliff, when possible, and would approach all seals slowly when collecting feces. Further, ADFG would coordinate its activities with numerous other researchers working in Alaska including from the Marine Mammal Laboratory. ADFG's Institutional Animal Care and Use Committee has reviewed and approved the proposed research protocols.

Under research permits, principal investigators (PIs) and co-investigators (CIs) are authorized to conduct various activities unsupervised provided that they include sufficient justification regarding their relevant experience. With respect to experience of some of the CIs, the CVs and/or qualification documentation for Dr. Kelly Hastings, Dr. Mandy Keogh, and Ms. Kate Wynne do not provide sufficient justification for them to be authorized to conduct all of the activities for which authorization has been requested. It is unclear from the documentation provided whether those personnel have the appropriate experience but the documentation was lacking or whether they do not have experience necessary to conduct the various activities. Regardless, the Commission believes that PIs and CIs should not be authorized to conduct any proposed activity until they can demonstrate that they have experience conducting that activity unsupervised on the target species or a similar species. Ideally, NMFS should have identified and resolved these documentation discrepancies prior to deeming the application complete. The Commission therefore recommends that NMFS authorize Dr. Hastings, Dr. Keogh, and Ms. Wynne to conduct only those activities for which they have provided documentation demonstrating that they have sufficient experience to conduct them unsupervised on harbor seals or a similar species.

Please contact me if you have any questions regarding the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director