



MARINE MAMMAL COMMISSION

19 March 2018

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. 21251
(Waikiki Aquarium)

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 application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA). Waikiki Aquarium is seeking to renew its permit to conduct research on captive monk seals during a five-year period—permit 15453 authorized similar activities.

Waikiki Aquarium proposes to conduct research on up to three captive monk seals year-round. The purpose of the research is to investigate (1) feeding behavior and (2) the correlation of ventral vibrissae and molt in monk seals. Researchers would harass, observe, measure, photograph/videotape, and conduct feeding trials on monk seals (see the take table and application for specifics). Waikiki Aquarium's Institutional Animal Care and Use Committee has reviewed and approved the research protocols.

General application issues

The Commission noted multiple issues with Waikiki Aquarium's original application that NMFS had provided for the Commission's review. Specifically, husbandry and captive maintenance activities¹ were interspersed within the proposed research activities and the captive maintenance portion of the application was lacking altogether. There also were inaccurate references to education rather than enhancement² in the application, missing procedures in the research take table, and missing data in the captive maintenance take table. The Commission additionally noted that NMFS, in its attempt to amend the take tables, inserted husbandry and captive maintenance activities in the research take table and provided inconsistent content compared to other captive research permits. NMFS has since revised Waikiki Aquarium's application and take tables accordingly.

¹ Which are not authorized under a scientific research permit under section 104(c) of the MMPA.

² Under the Endangered Species Act.

The Commission further questioned why the research take table included three mortalities³. In this instance, the research activities include photographing and videotaping trained seals and measuring their vibrissae—activities that are not known to seriously injure or kill animals. Research-related mortalities are authorized when researchers are conducting invasive procedures, transporting animals, sedating or anesthetizing animals, or generally have the potential to kill an animal. Those authorized mortalities also do not equate to the maximum number of animals in the study⁴. Moreover, Waikiki Aquarium did not discuss research-related mortalities⁵ within the application. The inclusion of mortalities in the research take table was very likely an error, similar to the other issues described herein. Unlike those issues, NMFS was reticent to fix this one. Thus, the Commission recommends that NMFS refrain from authorizing research-related mortalities associated with Waikiki Aquarium's proposed feeding and vibrissae/molt studies.

The Commission contends that all of these issues should have been addressed prior to the application being deemed complete and provided to the Commission and public for review. Therefore, the Commission also recommends that, prior to deeming an application complete, NMFS ensure (1) all applications contain the relevant information and sections, (2) the take tables match the proposed activities stipulated in the application and have a consistent format compared to other similar permits, particularly for those involving captive animals, and (3) the types of taking and numbers of takes requested are logical based on the activities proposed.

The Commission believes that the proposed activities are consistent with the purposes and policies of the MMPA. Kindly contact me if you have any questions concerning the Commission's recommendations.

Sincerely,



Peter O. Thomas, Ph.D.
Executive Director

³ Unintentional and intentional via euthanasia for humaneness purposes.

⁴ As a point of reference, permit 15453 authorized only two monk seal mortalities based on conducting the previously-authorized vaccine study. Three monk seals can be held at Waikiki Aquarium at any one time.

⁵ Unintentional mortalities are not discussed in the application at all, but euthanasia based on health status of the animals was discussed. Those mortalities fall under husbandry and captive maintenance activities and are included in the captive maintenance take table.