



MARINE MAMMAL COMMISSION

4 September 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. 21938
(Southeast 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 application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA). Southeast Fisheries Science Center (SEFSC) is seeking to renew its permit to conduct research on cetaceans in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea during a five-year period—permit 14450 authorized similar activities.

SEFSC proposes to conduct research on numerous species of cetaceans in the Atlantic Ocean, Gulf of Mexico and Caribbean Sea year-round. The purpose of the research is to investigate (1) abundance and distribution, (2) population structure and life history parameters, (3) movement patterns and habitat use, (4) foraging and social behavior, (5) body condition and overall health, and (6) impacts from human activities on cetaceans. Researchers would harass, observe/track, photograph/videotape, record acoustically, sample, and/or instrument numerous marine mammal species of both sexes and various age classes (see the take table and application for specifics). SEFSC would use various measures to minimize impacts on marine mammals and also would be required to abide by the National Marine Fisheries Service's (NMFS) standard permit conditions. SEFSC's Institutional Animal Care and Use Committee has reviewed and approved the proposed research protocols.

Principal investigator (PI) and co-investigator (CI) qualifications

The Commission informally noted that some of the biosketches and CVs provided for the PI and multiple CIs were insufficient and did not match the duties described in the PI/CI table of authorized procedures. This has been an ongoing issue and a subject of Commission letters¹ for many years. SEFSC did provide revised biosketches and CVs and/or revised the duties that some of

¹ For example, see the Commission's [30 May 2018](#), [21 July 2017](#), [23 December 2016](#) and [9 November 2015](#) letters. The Commission also regularly comments on this issue in its informal review of research permit applications.

the personnel would be authorized to conduct. However, the experience of one of the CIs, Dr. Young, still appears insufficient.

Dr. Young's CV indicated that he had completed a five-day training for collecting biopsy samples from small odontocetes in 2012. During that training, he biopsy sampled two dolphins. However, it does not appear that Dr. Young has conducted biopsy sampling since. NMFS indicated that his experience was sufficient to serve as a CI under the permit based on Dr. Young having been trained and having successfully sampled those two animals in the field. The Commission is not so sure.

Training alone, with only two samples collected and absent any information regarding success vs. attempts, is not sufficient. Authorization of personnel to conduct various procedures unsupervised should be based on multiple factors. In the case of biopsy sampling, minimum requirements should include (1) experience² working with the focal or similar species, (2) experience hunting, spear-fishing, or using sampling devices similar to those used for biopsy sampling, (3) training both on land and on water³, and (4) successful collection of samples, including documented rates of sampling success vs. attempts. Dr. Young may have met all such requirements, but the information provided is insufficient to confirm this. The Commission recommends that NMFS adopt more specific criteria for determining when PIs or CIs have the relevant experience to conduct the various procedures unsupervised and ensure the PIs and CIs have such experience before authorizing them to conduct the procedures.

NMFS has been strongly encouraging applicants to use its qualification form⁴, which some CIs used for this application. Both NMFS and the Commission have noted that the information provided when filling out that form is much clearer and detailed than the information provided in biosketches or CVs⁵. Absent use of the form, questions continue to be raised regarding PI/CI experience and the procedures they should be authorized to conduct. NMFS has indicated that it cannot require PIs and CIs to use the form until it has been approved by the Office of Management and Budget (OMB). Fortunately, NMFS's application instructions are set to be reviewed and approved by OMB within the year and the form can be included as part of those instructions.

Given that use of the qualification form streamlines and makes the permit process more efficient for both the applicants submitting applications and the agencies reviewing those applications, its use should be a requirement. The Commission recommends that NMFS continue to strongly encourage applicants to use its qualification form until such time that it revises the application instructions in the next year and includes use of the form as a specific requirement in those instructions. Further, the Commission again recommends that, prior to deeming an application complete, NMFS thoroughly review each PI's and CI's biosketch, CV, or qualification form to ensure that the experience specified matches the duties to be conducted under the permit—if a PI's or CI's experience is insufficient and/or inconsistent with the duties specified to be

² Documentation of extensive time as measured in hours or years spent conducting behavior observations, photo-id, boat driving, etc.

³ Including having experienced PI or CIs actively informing trainees when shots should and should not be taken and why.

⁴ That was developed in consultation with the Commission.

⁵ Dr. Young's experience would be considered Level 2 based on those forms.

Ms. Jolie Harrison
4 September 2018
Page 3

conducted in the PI/CI table, NMFS should return all documentation to the applicant to be revised prior to processing the application further.

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,

A handwritten signature in blue ink that reads "Peter O. Thomas". The signature is written in a cursive style with a large initial 'P' and a distinct 'O'.

Peter O. Thomas, Ph.D.,
Executive Director