



MARINE MAMMAL COMMISSION

31 October 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. 20648
(Heidi Pearson, Ph.D.,
University of Alaska Southeast)

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). Dr. Pearson proposes to conduct research on cetaceans in Alaska during a five-year period.

Dr. Pearson proposes to conduct research on cetaceans in waters primarily near Juneau year-round. The purpose of the research is to investigate (1) social behavior and foraging ecology, (2) movement patterns and habitat use, (3) health, and (4) impacts of human activities on cetaceans. Dr. Pearson would harass, observe, photograph/videotape, acoustically record, sample, and instrument various species of cetaceans of certain age classes and either sex (see the take table and application for specifics). She would use various measures to minimize impacts on marine mammals and would be required to abide by the National Marine Fisheries Service's (NMFS) standard permit conditions. Dr. Pearson's Institutional Animal Care and Use Committee has reviewed and approved some of the research protocols and is currently reviewing the remaining protocols.

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

The Commission informally noted that some of the 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. Thus, the Commission again recommends that, prior to deeming an application complete, NMFS thoroughly review each PI's and CI's biosketch, CV, or qualification form² to ensure that the

¹ For example, see the Commission's [4 September 2018](#), [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.

² That was developed in consultation with the Commission.

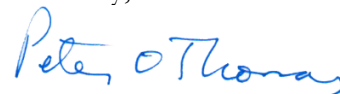
experience specified matches the duties to be conducted under the permit—if a PI's or CI's experience is insufficient and/or inconsistent with the duties specified to be conducted in the PI/CI table, NMFS should return all documentation to the applicant to be revised prior to processing the application further.

In response to the Commission's informal comments regarding relevant experience, Dr. Pearson did supplement the information that she provided for herself and another CI. However, NMFS requested that Dr. Pearson provide additional information specifying how many dolphins each had successfully instrumented with suction-cup tags. That information has yet to be provided, so the Commission cannot comment on the sufficiency of their actual experience. But, in this instance, successfully deploying tags on 5 dusky dolphins during the three-year timeframe stipulated in the CVs may be insufficient; whereas, 10 successful deployments may not be. Irrespective of the particular details, NMFS needs to develop criteria for determining when PIs and CIs have sufficient experience for the various procedures researchers plan to conduct. Such criteria should include some measure of successful vs. unsuccessful attempts, particularly for remotely-conducted procedures³. Therefore, the Commission again recommends that NMFS (1) adopt more specific criteria for determining when PIs and CIs have the relevant experience to conduct the various procedures unsupervised and (2) ensure that the PIs and CIs have such experience before authorizing them to conduct the procedures.

Although NMFS has been encouraging applicants to use its qualification form, it was not used for Dr. Pearson's 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 CVs. 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 makes the permit process more efficient for both the applicants submitting applications and the agencies reviewing those applications, its use should be required. The Commission recommends that NMFS continue to *strongly* encourage applicants to use the qualification form until such time that the application instructions are revised and use of the form is a specific requirement in the instructions.

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 Biopsy sampling and tagging of cetaceans, remotely-deployed sedation of pinnipeds, etc.