



MARINE MAMMAL COMMISSION

19 December 2018

Dr. Mary Cogliano, Chief
Branch of Permits, MS: IA
Division of Management Authority
U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, Virginia 22041-3803

Re: Permit Application No. 51164C
(U.S. Geological Survey,
National Wildlife Health Center)

Dear Dr. Cogliano:

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). The U.S. Geological Survey's National Wildlife Health Center (NWHC) proposes to possess, receive, and/or export samples from northern sea otters, walruses, polar bears, and West Indian manatees during a five-year period—permit MA195274 authorized similar activities.

Samples¹ would be obtained from dead stranded sea otters, walruses, polar bears, and manatees in the United States. The purpose of the research is to investigate causes of marine mammal diseases and mortalities.

General issues

Based on its informal review of NWHC's application, the Commission notes a few deficiencies. NWHC did not use FWS's 2017 application instructions when it drafted its application, likely because it submitted its application at the same time² that FWS was finalizing its instructions in August 2017. Given that it has taken FWS more than a year to conduct even a cursory review of NWHC's application, the Commission believes that any and all deficiencies should be addressed in the near term and FWS should continue processing NWHC's application in an expeditious manner. Those deficiencies include the application failing to—

¹ Including complete sea otter carcasses.

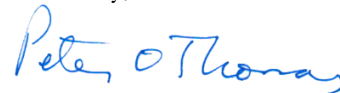
² Presumably this is one of the last applications that was submitted to FWS either before or at the same time that the 2017 application instructions were finalized.

- provide information on the circumstances under which dead specimens would be obtained, including whether specimens could originate from subsistence-hunted animals or animals that die in rehabilitation as well as dead-stranded animals³;
- specify in the take table from which age classes and sexes the samples would originate⁴; and
- provide justification for taking a species listed under the Endangered Species Act (ESA) and how the proposed activities will enhance or benefit the wild population.⁵

The Commission therefore recommends that FWS (1) return the application to NWHC with instructions to address the deficiencies stipulated herein and submit a revised application⁶ and (2) upon submission of the revised application, expeditiously process the application by providing it to the Commission for formal comment and review and publishing it in the *Federal Register* for public comment in the near future. Furthermore, the Commission recommends, prior to processing any additional applications or sending them to the Commission for review, FWS ensure that *all* applicants use the 2017 application instructions and, if an applicant has not used those application instructions, require that they do so and resubmit a revised application. FWS processes between 10 and 20 marine mammal permit applications per year so it should not be difficult for FWS to determine at the time the application is submitted⁷ whether an applicant has used the current instructions.

Kindly contact me if you have any questions concerning the Commission's recommendations.

Sincerely,



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

cc: Diane Bowen, FWS
Jonathan Sleeman, NWHC

³ Items 12 and 27 in FWS's 2014 application instructions.

⁴ Item 12 in FWS's 2014 application instructions. Presumably, NWHC would obtain samples from all age classes and either sex.

⁵ Item 41 in FWS's 2014 application instructions.

⁶ See the Commission's [18 December 2018 letter](#) delineating why submitting a revised application is necessary.

⁷ Rather than many months later when an analyst reviews the information within the application.