



# MARINE MAMMAL COMMISSION

3 December 2019

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. 98121C  
(University of California at Davis)  
Permit Application No. 02713D  
(Stanford University)

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 applications with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA).

University of California at Davis (UC Davis) is requesting authorization to import, receive and possess muscle tissue samples from Atlantic walrus during a five-year period. Samples would be obtained from animals killed during subsistence hunts in Canada. The purpose of the research is to investigate muscle tissue as a bioindicator of the effects of climate change on walrus prey.

Stanford University (Stanford) is requesting authorization to import, receive, and possess blood samples from polar bears during a five-year period. Samples would be obtained from two male and two female adult polar bears captured during permitted research activities<sup>1</sup>. The purpose of the research is to investigate the adaptive immune system of polar bears.

## **Completeness and accuracy of applications**

In its informal review of the two applications, the Commission had noted several deficiencies and inconsistencies, including that both UC Davis and Stanford had not used U.S. Fish and Wildlife Service's (FWS) 2017 application instructions<sup>2</sup>. The Commission requested that FWS ask the applicants to follow the 2017 application instructions, address the noted shortcomings and

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<sup>1</sup> Samples are authorized to be collected by Dr. Andrew Derocher under permit SAR18002 as issued by the Manitoba Government.

<sup>2</sup> The applications had been submitted in June 2018 and August 2018, respectively.

questions, and submit revised applications that incorporated responses to the Commission's concerns.

The Commission received responses from FWS to some but not all of its concerns with the original applications. It was evident that FWS had not passed along a few of the Commission's comments and questions to the applicants, including that UC Davis and Stanford did not use the 2017 application instructions, and thus critical pieces of information were not incorporated into the applications<sup>3</sup>. In addition, FWS did not ask the applicants to incorporate their responses to Commission and FWS questions and comments into revised applications. Instead, it accepted responses from the applicants in supplementary documents appended to the original applications<sup>4</sup>. Although most of the responses received from FWS regarding the original applications of UC Davis and Stanford sufficiently addressed the Commission's initial concerns with those applications, the applications are still technically incomplete until those responses are incorporated. Additionally, basic information required in FWS's 2017 application instructions is still lacking and inconsistencies still exist, including discrepancies between the original applications and supplementary documents. The Commission's outstanding issues with each application are provided herein.

UC Davis's application fails to—

- provide sufficient details of the research, including any references to previous scientific literature or how the study builds on or duplicates previous studies<sup>5</sup>;
- consistently indicate the number of samples that would be imported<sup>6</sup>; and
- incorporate responses to questions and comments posed by the Commission and FWS, including descriptions of the (1) subsistence hunt from which samples were collected, (2) method by which samples would be preserved, shipped, and stored, and (3) expected research schedule.

Stanford's application fails to—

- provide a detailed description of how polar bears were captured for sampling, including handling and sampling protocols, as well as a description of how the take was humane<sup>7</sup>;
- specify how samples would be preserved and stored<sup>8</sup>;
- explicitly state where and how remaining samples or portions of samples would be disposed of, since Stanford did not definitively indicate that all samples would be completely consumed during analysis<sup>9</sup>; and

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<sup>3</sup> See the Commission's [27 March 2019 letter for Florida Fish and Wildlife Conservation Commission \(FWC\)](#) explaining the purpose of the Commission's informal comments on applications.

<sup>4</sup> See the Commission's [18 December 2018 letter for Dr. Karyn Rode](#) explaining why submission of a revised application is necessary.

<sup>5</sup> Item 37 of FWS's 2014 application instructions.

<sup>6</sup> UC Davis requested in its original application to import 38 samples but listed 138 samples for import in its take table. The supplementary document stated that 138 samples were requested for import.

<sup>7</sup> Item 12(l) of FWS's 2017 application instructions.

<sup>8</sup> Item 12(m) of FWS's 2017 application instructions.

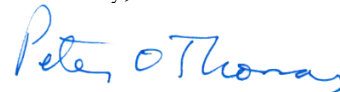
<sup>9</sup> Item 18(f) of FWS's 2017 application instructions.

- incorporate responses to questions and comments posed by the Commission and FWS, including the (1) number of samples requested for import and (2) method by which samples would be shipped.

These remaining issues with the applications of UC Davis and Stanford are relatively easily rectified and the requested activities are not of significant conservation concern. However, it is still imperative that all applications contain accurate, complete, and consistent information. Therefore, the Commission recommends that FWS ensure that, before final permits are issued to UC Davis and Stanford, (1) responses provided in supplementary material are incorporated into their applications, (2) inconsistencies within the applications and between supplementary material and the applications are rectified, and (3) all outstanding questions, including those from FWS's 2017 application instructions, are addressed, and incorporated into the applications. Furthermore, the Commission recommends that, 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 it does so and that it submits a revised application. FWS processes between 10 and 20 marine mammal permit applications per year so it should be feasible to determine at the time the application is submitted<sup>10</sup> whether an applicant has used the current 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

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<sup>10</sup> Rather than many months later when an analyst reviews the information within the application.