



MARINE MAMMAL COMMISSION

30 April 2020

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. 23310
(Marilyn Mazzoil, Ph.D.,
Dolphin Census, Inc.)

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. Mazzoil proposed to conduct research on bottlenose dolphins in coastal waters of Florida and Georgia during a five-year period—permit 18182 authorized similar activities.

The purpose of the research is to investigate the (1) biology, (2) behavior, (3) and health of bottlenose dolphins along the coasts of Georgia and Florida, as well as the response of dolphins to human-caused threats. Dr. Mazzoil would harass, observe, photograph/videotape¹, passively record, and/or sample² numerous bottlenose dolphins of any age class and either sex (see the application and take table for specifics). Researchers 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. The Commission understands that Dr. Mazzoil will submit her research protocols to her Institutional Animal Care and Use Committee for approval upon issuance of this permit.

Takes per animal

Dr. Mazzoil stated in her application that individual bottlenose dolphins could be approached up to 50 times in a year during vessel- or UAS-based surveys. Although those individuals could be harassed multiple times per year, Dr. Mazzoil requested only one take per animal in her take table. In its informal review of the application, the Commission noted that Dr. Mazzoil should increase the number of takes per animal based on the maximum number of times an individual could be taken during those activities, which is consistent with NMFS's 2016 application instructions.

¹ Including using unamanned aircraft systems (UAS).

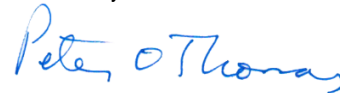
² Including biopsy samples and exhaled air.

However, NMFS stated that it was not standard practice to include multiple takes per animal in the take tables of cetacean permits involving surveys, asserting that dolphins would not be identifiable in the field and that such information was already sufficiently described in the text of the application. The Commission finds this explanation unsatisfactory. Applicants who conduct research on pinnipeds or cetaceans generally base the “takes per animal” on the maximum number of times that an animal could be taken (i.e., number of surveys that would be conducted). NMFS also commonly uses this approach when issuing permits involving cetaceans³, as well as pinnipeds⁴. In fact, Dr. Mazzoil’s previous permit 18182 indicated in the take table multiple takes per animal for surveys in the same study areas. Furthermore, including a statement in the details section that animals may be taken more than once a year while leaving a 1 in the “takes per animal” column is contradictory. Thus, it remains unclear to the Commission and the public whether and how many times Dr. Mazzoil would be authorized to take an individual in a year during vessel- or UAS-based surveys.

Dr. Mazzoil correctly specified that some animals could be biopsy sampled twice in a given year by indicating a “2” in the “takes per animal” column of the row related to biopsy sampling. Consistent with the biopsy sampling row, the Commission recommends that NMFS base the “takes per animal” column in the row related to vessel- and UAS-based surveys on the estimated number of times an individual could be taken in a given year.

The Commission believes that the proposed activities are consistent with the purposes and policies of the MMPA. Please contact me if you have any questions regarding the Commission’s recommendation.

Sincerely,



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

³ See, for example, permits issued to the Marine Mammal Lab (MML, 20465) and Tamara McGuire (18016).

⁴ See, for example, permits issued to MML (16087 and 18528) and Alaska Department of Fish and Game (20466, 20443, and 18537).