



MARINE MAMMAL COMMISSION

29 March 2021

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. 24378
(Janice Straley,
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). Ms. Straley is seeking to renew her permit to conduct research on cetaceans in Alaska during a five-year period—permit 18529 authorized the same activities.

Ms. Straley proposes to conduct research year-round on numerous species of cetaceans, primarily in the Gulf of Alaska, Prince William Sound, and southeast Alaska waters. The purpose of the research is to investigate (1) population structure and life history parameters, (2) distribution and movement patterns, (3) foraging ecology, (4) social behavior, and (5) fisheries interactions. Researchers would harass, observe, photograph/videotape¹, record acoustically², sample³, and/or instrument⁴ numerous cetaceans of both sexes and various age classes (see the application and take tables for specifics). Various species of marine mammals could be harassed incidental to the proposed activities. Researchers 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. The University of Alaska's Institutional Animal Care and Use Committee is currently reviewing the proposed research protocols—the Commission understands that approval would be obtained before the proposed activities begin.

Personnel qualifications

Based on the personnel table, several co-investigators (CIs) would be authorized to conduct certain invasive procedures under the permit, including suction-cup and dart tagging. However, in

¹ With unmanned aircraft systems (UAS).

² Prey fields also would be mapped with echosounders.

³ Including collecting biopsies, sloughed skin, feces, exhaled breath with a pole or UAS, and remains from killer whale predation events. Samples could be exported for analysis.

⁴ With suction-cup and/or dart tags.

their qualification forms (QFs), the CIs either indicated that their levels of experience⁵ entailed receiving training in or assisting others with those activities (Level 1) or did not specify any experience at all. The Commission has repeatedly asserted⁶ that personnel who have only assisted others or received training in conducting an invasive procedure, or who do not adequately describe their experience conducting the invasive procedure, should not be authorized to conduct the procedure unsupervised. Thus, the Commission recommends that NMFS authorize a principal investigator (PI) or CI only to conduct invasive procedures that he or she has at least performed under supervision (Level 2 or greater).

Personnel table

The personnel table in the application lists the names of the PI and CIs, a statement that he or she could conduct all Level B or Level A and B activities, and in some instances, specific procedures that he or she could conduct. For example, Ms. Straley would be authorized to conduct all Level A and Level B activities, yet it is unclear whether she intended to conduct UAS flights, a Level B activity, as no experience was specified for this activity in her QF. In its more general 14 November 2019 letter on these matters, the Commission asserted that it is difficult to discern which activity a PI or CI would be authorized to conduct when numerous procedures have been proposed, especially when an individual's QF does not specify any demonstrated experience for some of those procedures. This issue is compounded by the classification of the proposed activities as Level A or Level B, as there may be confusion regarding how an activity should be classified. To clarify which procedure a PI or CI would be authorized to conduct, the personnel table should list the PI and each CI and each procedure with X's designating activities to be conducted by him or her (see Table 1 in the Addendum as an example). Such tables have been used routinely by other applicants who have proposed to conduct numerous invasive procedures⁷. Therefore, to provide clarity regarding the procedures that the PI and each CI is requesting authorization to conduct and ultimately is authorized to conduct if the permit is issued, the Commission recommends that NMFS require Ms. Straley to provide a personnel table based on the example provided in the Addendum.

Takes per animal

Ms. Straley proposes to tag animals of various cetacean species up to three times annually with each tag type, and as such, an animal could be taken up to three times in a year for each tagging activity. However, only one take per animal is indicated in the tagging rows in the take table. The "takes per animal" column is intended to describe the number of times an individual could be taken by the specified procedures in a given year, which is consistent with NMFS's 2016 application instructions. Furthermore, multiple takes per animal are indicated in rows related to biopsy sampling of humpback, killer and sperm whales. The application states that animals could be biopsy sampled up to three times for killer whales and up to five times for humpback and sperm whales. The Commission understands that NMFS will be removing the "takes per animal" column in its revised

⁵ Level 1 denotes having assisted or received education/training in performing the procedure, but **not having successfully performed** the procedure. Level 2 denotes having performed the procedure while **under supervision or training** of an expert (e.g., PI, CI, or veterinarian). Level 3 denotes having performed the procedure **without supervision** by a PI/CI. Level 4 denotes being considered an **expert** in performing this procedure, and having **supervised or trained** others in performing this procedure.

⁶ e.g., in its [14 November 2019 letter](#) on NMFS's revised application instructions,

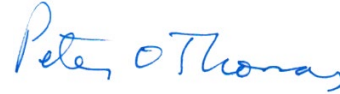
⁷ e.g., Scripps Institution of Oceanography permit 22835 and Baird permit 20605.

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application instructions. However, until those instructions are finalized and implemented officially, the Commission must assess an application based on the current, 2016 application instructions. Therefore, to ensure clarity, the Commission recommends that NMFS base the “takes per animal” in Ms. Straley’s permit on the estimated number of times an individual could be taken in a given year by the various tagging methods.

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

Sincerely,



Peter O. Thomas, Ph.D.
Executive Director

Addendum

Table 1. Example personnel table.

Name	Role	Survey	Exhale sampling (pole)	Biopsy	Suction-cup tag	Dart tag	UAS
Jon Doe	PI	X	X	X	X	X	
Jim Doe	CI	X	X				X
James Doe	CI	X	X	X	X		
Jane Doe	CI	X	X	X	X	X	
Mary Doe	CI	X	X	X	X		
Dave Doe	CI	X	X				
Harry Doe	CI	X					X