



MARINE MAMMAL COMMISSION

17 December 2021

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. 63201D
(San Diego Zoo Alliance)

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). San Diego Zoo Alliance (SDZA) is requesting to receive parts from West Indian manatees during a five-year period. Samples could be obtained from animals that stranded alive or dead in the United States. The stated purpose is to establish cell lines in San Diego Zoo's Frozen Zoo, although the application indicated that there were no proposed research projects on these cell lines at this time.

Based on the Commission's informal review of the application, it was evident that the Fish and Wildlife Service (FWS) should not authorize the requested activity under an MMPA scientific research permit, which is used to authorize the import, export, and/or re-export of marine mammal parts for scientific research purposes. FWS's 2017 application instructions explicitly state that for the transfer within the United States of dead marine mammal specimens for the purpose of public display or scientific research, applicants should use Form 3-200-87. The activity would then be authorized through a Letter of Authorization, which does not require public comment.

Following its review, Commission staff relayed to FWS that if SDZA could justify how the transfer of manatee parts to the Frozen Zoo would meet the *bona fide* research requirement, it would only need to complete and submit Form 3-200-87. The Commission also recalled a similar situation in 2017 when an applicant had requested to receive several manatee mandibles from a U.S. specimen for scientific research. Based on the Commission's informal advice at that time, FWS appropriately withdrew the applicant's permit application and authorized the request through a Letter of Authorization. The Commission thus expected that FWS would proceed with the same approach in the current instance.

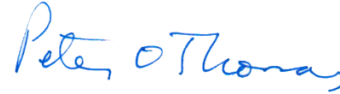
However, rather than withdraw the application and proceed with Form 3-200-87, FWS instead published SDZA's permit application in the *Federal Register* (86 Fed. Reg. 70516) for public

Dr. Mary Cogliano
17 December 2021
Page 2

comment. As such, due to the inappropriate mechanism by which the requested activity is proposed to be authorized, the Commission recommends that FWS withdraw SDZA's application request and instead authorize in an expeditious manner the transfer of parts under a Letter of Authorization after receipt of Form 3-200-87 verifying that the *bona fide* requirement would be met.

Please contact me if you have any questions regarding the Commission's recommendation.

Sincerely,



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