



MARINE MAMMAL COMMISSION

8 December 2022

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 Amendment Application No. 100361
(Mote Marine Laboratory and Aquarium)

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 amendment application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA). Mote Marine Laboratory and Aquarium (Mote) is authorized to conduct research on manatees during a five-year period—permit 100361 expires on 17 February 2025. The purpose of the research is to investigate manatee (1) abundance and distribution, (2) life history parameters and survival, (3) disease and health, (4) genetics, (5) habitat use, (6) sensory and cognitive abilities, and/or (7) physiology and thermal biology. Researchers are authorized to harass, observe, photograph/videotape, sample, and conduct captive studies on numerous manatees each year.

Mote has proposed to include new research activities¹ and revise the protocols of some currently-permitted activities. Mote's Institutional Animal Care and Use Committee (IACUC) appears to have approved some of the research protocols², although several of the approvals that were provided in the amendment application have expired.

Mote submitted its original permit application to FWS in 2016 and it was provided to the Commission for review in December 2016. At that time, the Commission noted deficiencies in the information contained in the application and provided specific questions to be addressed before the application could be considered complete. FWS provided the Commission a revised application for review in October 2017 and, in November 2017, published notice of the application's availability for public review and comment in the *Federal Register* (82 Fed. Reg. 51857). The Commission reviewed the revised application, noted that questions identical or similar to those initially raised with respect to the original application remained unanswered, and requested additional information to resolve those questions.

¹Including conducting active and passive acoustic studies, thermal biology studies, and microbiome studies, and collecting samples from carcasses.

²The Commission notes that there is an apparent conflict of interest of the principal investigator (PI) to both oversee the permit and review and vote on whether to approve the proposed IACUC research protocols.

In June 2018, FWS provided the Commission with answers to some, but not all, of the questions. The Commission recommended in its [2 July 2018 letter](#) that any final permit address the numerous outstanding issues. FWS issued Mote's final permit on 18 February 2020 but failed to incorporate the Commission's recommendations or provide a detailed explanation why the recommendations were not followed or adopted, consistent with section 202(a)(7)(d) of the MMPA. Further, the issued permit contains numerous errors and inconsistencies, some of which appear to have led to confusion regarding which research activities can be conducted at facilities outside of Mote.

In an effort to eliminate that confusion in the amendment application, Mote highlighted which facilities could conduct captive research. PIs and CIs are authorized to conduct the various procedures (see permit condition M), facilities are not. As such, Tables 3 and 4 in the 2020 permit are not valid, because they delineate numerous facilities that are authorized to conduct the various procedures and those facilities do not comport with the affiliations of the personnel listed in condition M. Similarly, Mote proposed to conduct procedures at various facilities in the application amendment but did not indicate who would be conducting them. The 2020 permit also omitted several procedures that Mote believes it is authorized to conduct. For example, Mote indicated in the amendment application that it was authorized to conduct passive acoustic studies on captive manatees, yet the 2020 permit makes no mention of passive acoustic studies. In addition, the permit does not delineate on which age class or sex any of the authorized procedures could be conducted. Before FWS considers authorizing additional research activities under Mote's permit, the Commission recommends that FWS (1) clarify that PIs and CIs, not facilities, are authorized to conduct the various procedures under the permit and therefore either someone at the other facilities would need to be added as a CI on the permit or an authorized PI or CI would need to travel to the other facilities to conduct the procedures, (2) delineate all procedures which are authorized to be conducted under the permit, and (3) specify the age classes and sexes upon which each procedure could be conducted under the permit.

Many of the issues that were raised by the Commission in 2016 and were listed in its [2 July 2018 letter](#) have yet to be resolved, contributing to the lack of clarity and numerous errors in the 2020 permit. Based on the remaining deficiencies and confusion, the Commission recommends that FWS refrain from processing the amendment request until (1) it has addressed all outstanding issues and corrected all errors in the issued permit, (2) personnel have clearly described their experience with all procedures that they are or would be authorized to conduct³, (3) it has ensured that Mote understands what research procedures it is currently authorized to conduct, who is authorized to conduct each procedure, where each activity can occur, and what samples it is authorized to receive, and (4) Mote provides a revised amendment application and a 30-day comment period is afforded to the public and the Commission for review of the complete and accurate previously-issued permit and the amendment request. If the aforementioned recommendations are not followed, then the Commission recommends that the amendment request be denied.

³ Including proof of FAA certification for CIs that may be piloting unmanned aerial systems.

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

Sincerely,

A handwritten signature in blue ink that reads "Peter O. Thomas". The signature is written in a cursive style with a large initial "P" and a distinct "O" in the middle name.

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