



# MARINE MAMMAL COMMISSION

25 January 2023

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. 33776D  
(U.S. Geological Survey)

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 (MMPA). U.S. Geological Survey (USGS) is seeking to renew its permit to conduct research on Pacific walrus in Alaska during a five-year period. Permit 801652 authorized similar activities.

Researchers would harass, observe, photograph/videotape<sup>1</sup>, sample<sup>2</sup>, and instrument<sup>3</sup> individuals of any age class and either sex. The purpose of the research is to investigate (1) abundance and distribution, (2) demography, (3) population structure and trends, (4) movement patterns and habitat use, and (5) foraging ecology of walrus. USGS requested up to two unintentional mortalities<sup>4</sup> of walrus in a given year. USGS would implement various measures to minimize impacts on walrus and also would be required to abide by the U.S. Fish and Wildlife Service's (FWS) standard permit conditions. It is unclear whether USGS's Institutional Animal Care and Use Committee has reviewed and approved the research protocols<sup>5</sup>.

The Commission initially reviewed and commented on USGS's application in its [10 December 2019 letter](#). At that time, the Commission noted numerous deficiencies and inconsistencies and requested that FWS ask the applicant to address the noted shortcomings and questions and submit a revised application. The Commission received responses to only some of its concerns and a revised application was never submitted. The Commission recommended that FWS deny the requested permit based on missing and unclear information and the remaining inconsistencies in USGS's application and supplementary documents.

In late August 2022, the Commission began working with FWS to reassess and resolve the outstanding questions and comments on USGS's application. The Commission appreciates that FWS acknowledged that the Commission's questions from 2019 were valid and its comments were

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<sup>1</sup> Including using unmanned aircraft systems (UAS).

<sup>2</sup> Including remotely-collected skin and blubber samples using a crossbow.

<sup>3</sup> With remotely-deployed satellite-linked radio tags using a crossbow.

<sup>4</sup> Including euthanasia for humaneness purposes.

<sup>5</sup> FWS indicated that USGS would be required under the permit to obtain IACUC approval prior to conducting the proposed research activities.

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To be dated  
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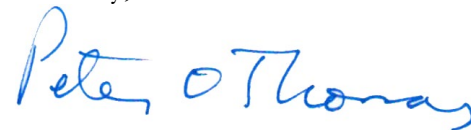
accurate and welcomes the effort by FWS to ensure that all outstanding issues were addressed. As such, the Commission recommends that FWS issue the permit, contingent on the clarifications provided by USGS.

Although written responses to the Commission's questions and comments were provided and deemed to override the application information submitted previously, some of the concerns expressed in the [10 December 2019 letter](#) are still relevant. For example, although the supplementary documentation contains updated requests and clarifications, the application itself is still technically incomplete until those responses have been incorporated. The final application packet includes (1) the original 38-page application and supporting materials and (2) 163 pages of email correspondence, protocols, reports, resumes, and summary notes that were appended to the original application. Since USGS has not revised its application that was submitted in 2018, many contradictions remain throughout the 201-page final application packet. The most recent take table is from June 2019 and is not accurate, several personnel changes have occurred, and a personnel table delineating which procedures each researcher would be authorized to conduct has yet to be provided. While the Commission appreciates the time and effort spent by FWS in recent months to work with USGS to process the permit application, the Commission reiterates that, since the application itself ultimately underpins any permit issued, an application that contains inaccurate, inconsistent, or unclear information puts the permit holder at risk of violating the permit unintentionally as a result of the lack of clarity regarding what the agency intended for the permit to authorize. Reviewers, whether from the Commission or the public<sup>6</sup>, should not have to sort through supplementary documents to discern what the applicant plans to do or to piece together responses to the application requirements.

The Commission understands that FWS plans to redistribute the responsibilities for marine mammal permit review and issuance from headquarters to the regions in the near future. If that occurs, the Commission recommends that FWS take that opportunity to re-evaluate its permit processing protocols and requirements. Updated protocols could clarify application requirements and improve the quality of applications. High-quality applications and a streamlined permitting process would improve and expedite permit review. Expediting the process could ultimately allow scientific research to be conducted in a more timely manner. As such changes go forward, the Commission encourages collaboration with the National Marine Fisheries Service to help ensure scientific research of all marine mammal species is held to the same or comparable standards.

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>6</sup> Who were afforded another 30-day comment period on 18 January 2023 (88 Fed. Reg. 2962).