



MARINE MAMMAL COMMISSION

9 February 2015

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 Amendment Application No. 15543
(Randall S. Wells, Ph.D.,
Mote Marine Laboratory)

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. Wells is seeking to amend permit 15543 that authorizes him to conduct research on bottlenose dolphins in Florida. The current permit expires on 30 September 2015.

Dr. Wells is authorized to harass, photograph/videotape, observe/track, record vocalizations, capture, handle, restrain, measure/weigh, mark/tag, sample, conduct various procedures on (i.e., ultrasound, playback experiments, auditory brainstem response), and instrument bottlenose dolphins of both sexes and various age classes (see the Florida take table for specifics). He also is authorized to kill unintentionally¹ up to two bottlenose dolphins during the five-year period. The purposes are to continue a long-term study of free-ranging bottlenose dolphins to investigate (1) abundance, stock structure, and other demographics, (2) distribution, foraging ecology, and habitat use, (3) disease and health, (4) hearing and acoustics, and (5) human interactions.

Dr. Wells is requesting multiple changes to its permit, which include—

- (1) adding biopsy sampling of up to 160 non-neonate bottlenose dolphins each in Pensacola Bay (Florida), Mobile Bay (Alabama), and Terrebonne Bay (Louisiana) to determine the abundance and health of dolphins in bay, sound, estuary, and associated coastal waters;
- (2) adding doubly-labeled water technique² for up to 10 bottlenose dolphins (females with and without calves and calves 2 to 3 years of age) per year in Sarasota Bay to determine energetic

¹ The Commission understands this is to include intentional mortalities via euthanasia as well.

² All activities associated with the technique are already permitted including gastric lavage, except the administration of the isotopes and holding the animals for additional time.

- needs of those animals, ultimately to inform the Population Consequences of Disturbance framework; and
- (3) adding the authorized procedures for up to 25 Atlantic spotted dolphins per year and up to 2 mortalities (intentional via euthanasia or unintentional)³ during the permit duration to determine distribution, foraging ecology, and habitat use.

Dr. Wells would capture the Atlantic spotted dolphins using break-away hoop nets, the same method used to capture bottlenose dolphins in shelf waters. Based upon an in-water veterinary assessment, the animal would be (1) released immediately, (2) tagged with a satellite-linked transmitter in-water and released, or (3) brought onboard the capture vessel, tagged with a satellite-linked transmitter, and subjected to additional measurements and sampling. If at any time in the health assessment process, the veterinary staff determines that the animal does not tolerate handling well, the animal would be released immediately. All subadult and adult dolphins, except for females with calves, are candidates for capture-release. Dr. Wells would avoid capturing adult females with dependent calves. If adult females are captured, an in-water, ultrasound exam to check for pregnancy would occur as soon as possible—only limited sampling would occur on pregnant females. If a lactating adult female is captured, she would be released immediately. Dr. Wells' Institutional Animal Care and Use Committee (IACUC) has reviewed and approved the protocols associated with bottlenose dolphins. He must wait until the research permit is issued before he can submit the protocols for spotted dolphins. However, he does not anticipate any problems with obtaining IACUC approval, as the same protocols have already been approved for bottlenose dolphins.

Although lactating adult females would be released immediately and pregnant females would be sampled minimally, Dr. Wells indicated in his take table that a fetus, presumably of any stage of development, could be counted against the authorized number of mortalities for spotted dolphins. However, Dr. Wells' current permit does not specify that incidentally killed fetuses would be counted against the authorized number of mortalities for bottlenose dolphins, and the Commission is unaware of any other cetacean permits that account for such mortalities. The Commission has commented on this matter several times in the context of pinniped research permits and again notes that NMFS does not seem to have a consistent policy regarding when the death of a fetus would be considered a mortality and when to include such a condition in its research permits. The Commission has advised NMFS regarding the need to adopt a consistent approach that provides applicants with clear guidance about how and when to account for fetuses that may die as a result of a pregnant animal dying⁴ during research activities. Until such guidance is provided, NMFS should refrain from issuing permits that require fetuses to be counted against any mortality limit. The Commission has discussed this matter with NMFS's Permit Office and is confident that NMFS will resolve this issue in a timely manner. Therefore, the Commission recommends that NMFS issue the permit amendment, provided that (1) the current permit conditions remain in effect and (2) NMFS resolves the fetus issue before issuing the final permit amendment for Dr. Wells and before publishing in the *Federal Register* any proposed permit applications or permit amendment applications that may be affected by NMFS's guidance on the matter.

³ Including conducting a necropsy.

⁴ Or a pregnant animal aborting a fetus.

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Kindly contact me if you have any questions concerning the Commission's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large initial "R" and a distinct "Lent" at the end.

Rebecca J. Lent, Ph.D.
Executive Director