



MARINE MAMMAL COMMISSION

17 September 2010

Ms. Nadene G. Kennedy
Permit Office, Room 755
Office of Polar Programs
National Science Foundation
4201 Wilson Boulevard
Arlington, VA 22230

Dear Ms. Kennedy:

By notice in the *Federal Register* dated 7 September 2010 (75 Fed. Reg. 54389), your office sought comments on a permit modification request from Daniel P. Costa, Ph.D. Dr. Costa seeks authorization under the Antarctic Conservation Act of 1978 to administer isotopes and to attach small drag-inducing devices to Weddell seals, in addition to ARGOS telemetry tags, time-depth recorders, and accelerometers. The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the amendment request with regard to the goals, policies, and requirements of the Marine Mammal Protection Act and the Antarctic Conservation Act and offers the following recommendations.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Science Foundation—

- issue the requested authorization only after it has confirmed that the National Marine Fisheries Service has issued a permit amendment under the Marine Mammal Protection Act to authorize the proposed activities; and
- advise the permit holder of the need to obtain all necessary permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora before importing or exporting any marine mammal parts.

RATIONALE

Permit 87-1851-02 authorizes the permit holder to conduct research on crabeater, Weddell, Ross, leopard, and southern elephant seals. It allows the permit holder to capture these seals, administer isotopes (i.e., $^3\text{H}^{18}\text{O}$), collect tissue samples, attach instruments, and recapture and resample the animals at a later date. As published in the National Marine Fisheries Service's 8 July 2010 *Federal Register* notice (75 Fed. Reg. 39206), the permit holder has requested amendment of the permit to allow the attachment of a drag-inducing device on 8 of the 40 Weddell seals that he currently is authorized to capture, sample, and release. By letter of 2 August 2010, the Commission provided comments to the Service regarding the amendment request. To the Commission's knowledge, the Service has not yet announced its approval of the amendment request. Therefore, the Marine Mammal Commission recommends that the National Science Foundation issue the requested authorization only after it has confirmed that the National Marine Fisheries Service has

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issued a permit amendment under the Marine Mammal Protection Act authorizing the proposed activities.

Further, if the permit holder intends to export biological samples from southern elephant seals collected in Antarctica into the United States, he also may need to obtain authorization under the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The Marine Mammal Commission recommends that the National Science Foundation advise the permit holder of the need to obtain all necessary permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora before importing or exporting any marine mammal parts.

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

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director

Cc: Mr. P. Michael Payne