



# MARINE MAMMAL COMMISSION

30 August 2011

Mr. P. Michael Payne, Chief  
Permits, Conservation, and Education Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Re: Request for Amendment, Permit No. 87-1851  
(Daniel P. Costa, Ph.D.)

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit amendment request with regard to the goals, policies, and requirements of the Marine Mammal Protection Act. Permit 87-1851 authorizes tagging studies and physiological research on leopard, southern elephant, crabeater, Weddell, and Ross seals. It also authorizes research regarding foraging, diving, energetics, food habits, and at-sea distribution of California sea lions. The current permit expires on 31 January 2012. Dr. Costa is requesting amendment of the permit to allow a one-year extension and to increase the number of Weddell seals the he may include in his studies from 35 to 70.

## RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service approve the requested permit amendment, provided that—

- it require Dr. Costa to obtain all necessary permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) before importing or exporting any marine mammal part; and
- the conditions contained in the permit as currently amended remain in effect.

## RATIONALE

The current permit authorizes the permit holder to capture, restrain, sedate, administer isotopes (i.e.,  $^3\text{H}^{18}\text{O}$ ) to, collect tissue samples from, attach instruments to, and recapture and resample the pinnipeds at a later date. Dr. Costa is requesting an amendment to increase the number of Weddell seals (males or females) that can be included in his studies from 35 to 70. The increase would allow him to conduct the activities currently authorized on 35 Weddell seals and then weigh and measure the pups of those females when they are recaptured for resampling and removal of instruments. The requested extension would enable Dr. Costa to complete a study initiated in January 2010 examining the foraging behavior and habitat use of Weddell seals in the Ross Sea. The amendment would remain in effect until 31 December 2012.

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If a lactating female dies during the research activities, Dr. Costa proposes to euthanize her pup under certain conditions. Some researchers have suggested that pups do not begin swimming until three weeks of age and pups less than 75 kg will not survive without their mothers. However, some pups are weaned at less than 75 kg. To address this problem, Dr. Costa would euthanize such pups unless they are at least 28 days old and weigh at least 50 kg. He would use an overdose of ketamine/valium or telazol for that purpose. The carcasses would be returned to McMurdo Station and enter the general waste stream, which is shipped out of McMurdo. This follows the current protocol for disposing of necropsied pups that are collected opportunistically. In addition, Dr. Costa proposes to increase the number of authorized mortalities from three per year to four per year, not to exceed eight during the lifetime of the permit.

CITES export permits are issued on a 6-month basis and import permits are issued on a yearly basis. As such, Dr. Costa would have to apply for reissuance of his CITES permits to import or export marine mammal parts that are collected under his requested permit amendment. Therefore, the Marine Mammal Commission recommends that the National Marine Fisheries Service approve the requested permit amendment, provided that it advise Dr. Costa of the need to obtain all necessary permits under CITES before importing or exporting any marine mammal part and that the conditions contained in the permit as currently amended remain in effect.

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the Marine Mammal Protection Act.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Ragen" followed by a flourish and the letters "for".

Timothy J. Ragen, Ph.D.  
Executive Director