



MARINE MAMMAL COMMISSION

4 November 2010

Mr. Timothy J. Van Norman
Chief, Branch of Permits
Division of Management Authority
U.S. Fish and Wildlife Service
4401 North Fairfax Drive
Arlington, VA 22203

Re: Request for Renewal and Amendment of
Permit No. PRT-773494
(Florida Fish and Wildlife Conservation Commission)

Dear Mr. Van Norman:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced request to amend and renew an existing permit with regard to the goals, policies, and requirements of the Marine Mammal Protection Act.

RECOMMENDATION

The Marine Mammal Commission recommends that the Fish and Wildlife Service defer issuance of the requested permit amendment and renewal until the applicant—

- has clarified the additional number of manatees that could be taken by biopsy sampling and explained the reason for biopsy sampling an individual animal up to 10 times annually;
- has explained why it is necessary to take incidentally a subset of manatees up to 30 times annually and either has provided a reasoned basis for assuming that the proposed number of takes will not have significant effects on the manatees and their habitat-use patterns or has described how the applicant will evaluate the potential effect of that many takes; and
- has provided written documentation demonstrating that the procedures proposed in the amendment request have been reviewed and approved by the applicant's Institutional Animal Care and Use Committee.

RATIONALE

Changes Requested

Permit No. PRT-773494 authorizes the permit holder to capture, handle, tag, freeze-brand, and sample up to 90 West Indian manatees annually, 30 of which may be animals that were held for rehabilitation and released. The permit also authorizes the permit holder to import and export or re-export salvaged specimens and biological samples (tissues, parts, and whole carcasses) taken opportunistically from West Indian, Amazonian, and West African manatees and dugongs that were obtained incidental to legal takes, rescues, and captures in accordance with the laws of the country of origin. The purpose of the research is to study manatee and dugong distribution, abundance, large-

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scale and fine-scale movements, habitat use, survival rates, site fidelity, and reproduction. The permit is valid through 20 April 2013.

The permit holder is requesting that the permit be amended to authorize researchers to collect up to 900 skin biopsy samples for genetic analysis from free-ranging manatees (each individual to be sampled up to 10 times annually); harass up to 10 times annually up to 1,800 manatees incidental to collecting skin biopsy samples from target animals; harass an additional 200 manatees (above the currently authorized 1,000 individuals) up to 30 times annually incidental to conducting photo-identification, tracking, tag exchange, behavioral observations, equipment removal and exchange activities, and hydrographic characterization surveys; and harass an additional 1,100 manatees (above the currently authorized 5,100) up to 10 times annually incidental to aerial surveys.

Clarification and Justification of Number of Animals Taken

The amendment requests authorization to collect up to 900 skin biopsies from free-ranging manatees up to 10 times annually. This description is not clear with regard to the number of manatees that could be taken. The amendment request also is not clear as to why the applicant needs up to 10 biopsy samples annually from an individual animal. The Marine Mammal Commission therefore recommends that the Fish and Wildlife Service defer issuance of the requested permit amendment until the applicant has clarified the additional number of manatees that could be taken by biopsy sampling and explained the reason for biopsy sampling an individual animal up to 10 times annually.

The application also seeks authorization to harass an additional 200 manatees (above the currently authorized 1,000 animals) up to 30 times annually incidental to various research activities. The applicant does not describe the basis for so many incidental takes or provide evidence that such frequent taking does not cause a significant cumulative impact. Therefore, the Marine Mammal Commission recommends that the Fish and Wildlife Service defer issuance of the permit amendment and renewal request until the applicant has explained why it is necessary to take incidentally a subset of manatees up to 30 times annually and either has provided a reasoned basis for assuming that the proposed number of takes will not have significant effects on the manatees and their habitat-use patterns or has described how the applicant will evaluate the potential effect of that many takes.

Institutional Animal Care and Use Committee Review

The existing permit states that the “[p]ermittee and authorized research collaborators must maintain compliance with all provisions of the Animal Welfare Act as required by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service.” The permit also requires annual reports including “[c]opies of researchers’ Institutional Animal Care and Use Committee (IACUC) approvals if research was conducted under an institutional IACUC separate from FWRI.”

For reasons that are not clear to the Commission, the permit holder’s amendment request refers to an attached letter from the Animal and Plant Health Inspection Service certifying that the

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activities being conducted by the permit holder are exempt from licensing or registration under the Animal Welfare Act. The letter does not provide the basis for such an exemption. As noted in the Commission's 25 February 2008 letter (copy enclosed) regarding the applicant's request to renew and amend Permit No PRT-773404, the permit holder is conducting research that involves invasive procedures and activities that could harm or materially alter the behavior of the subject animals. Such activities require review by an Institutional Animal Care and Use Committee under section 2.31 of Animal and Plant Health Inspection Service's Animal Welfare Act regulations. Thus, the Commission does not concur that the activities being conducted and proposed by the permit holder are exempt from those regulations. Therefore, the Marine Mammal Commission recommends that the Fish and Wildlife Service defer issuance of the requested permit amendment and renewal until the applicant has provided written documentation demonstrating that the procedures proposed in the amendment have been reviewed and approved by the applicant's Institutional Animal Care and Use Committee.

Please contact me if you have any questions concerning this recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director

cc: Barbara Kohn, D.V.M.