



MARINE MAMMAL COMMISSION

2 March 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 Application No. 18673
(Leslie Cornick, Ph.D.,
Alaska Pacific University)

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. Cornick is requesting authorization to conduct research on northern fur seals in Alaska during a five-year period.

Dr. Cornick would conduct research on northern fur seals on St. Paul Island from September–November of each year. The purpose of the research is to investigate foraging ecology and diet among rookeries in the Pribilof Islands. She would capture¹, restrain, sedate, measure/weigh, sample (blood, vibrissae, blubber, and muscle), attach instruments to, and conduct ultrasound on up to 10 lactating adult females and 10 juvenile males per year. All procedures, with the exception of sedation and blubber and muscle biopsy, also would be conducted on up to 10 paired pups of either sex each year. Identifiable scats would be collected opportunistically from sampled individuals and from other fur seals for comparative diet analysis. In addition, Dr. Cornick could harass up to 900 fur seals incidental to the research activities. The Commission is unsure whether the level of incidental taking is sufficient for the proposed activities, because the activities would occur later in the breeding season when fur seal territories are less rigid and more seals could be disturbed. Therefore, the Commission recommends that NMFS issue the permit, provided it authorize a sufficient number of incidental takes given the methods to be used during the proposed activities and the presence and behavior of fur seals at that time of the year.

To minimize disturbance, Dr. Cornick would conduct slow movements, talk in a low voice, use hand signals, and maintain a low profile while in the rookery. Only the minimum number of personnel would be participating in the activities to ensure animal and researcher safety and efficacy.

¹ Using a mobile blind and/or herding boards.

Dr. Cornick would capture fur seals from the edges of rookery and would not select female-pup pairs if the pups are overly small. When handling females and pups, the pup would be held until the female recovers from sedation and until they can be released together. An experienced veterinarian would be monitoring the animals and would administer any necessary intervening care. Dr. Cornick also indicated she would consult with the National Marine Mammal Laboratory (NMML) regarding research logistics, techniques, and equipment. The Commission understands Dr. Cornick consulted with NMML in 2014 regarding the survey design, appropriate rookeries from which to conduct the proposed activities, and sampling juvenile males. Dr. Cornick further stated that it was her intention to request a second consultation to finalize logistics, address equipment issues, and incorporate any further study design questions. The Commission strongly encourages that this be done prior to the first field season. Dr. Cornick's Institutional Animal Care and Use Committee is in the processes of reviewing the research protocols, the approval would be sent to NMFS once it is received.

Dr. Cornick is requesting authorization for up to four fur seal mortalities (intentional via euthanasia and unintentional)² per year. Dr. Cornick indicated in her application that if a lactating female dies during the activities up to three mortalities could be counted against the total authorized take—one for the female, one for her pup, and one for a fetus (presumably of any developmental stage) if the female is pregnant when she dies. The Commission assumes the applicant requested authorization for the remaining mortality in case one of the juvenile males dies during the activities. In the event a female seal dies, Dr. Cornick indicated that she would contact NMML immediately to determine whether euthanasia is the appropriate course of action for any dependent pup, as it may be preferable to tag and monitor the pup if it is close to or at weaning. The Commission believes that such a decision can be made with the information in hand, which includes the intent to capture robust pups at the end of the breeding season. In addition, the Commission has commented on the fetus matter previously and again encourages NMFS to adopt 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 for a consistent approach that provides applicants with clear guidance regarding how and when to account for fetuses that may die as a result of a pregnant animal dying³ 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 multiple times and is confident that NMFS will resolve this issue based on those discussions in a timely manner. For these reasons, the Commission recommends that NMFS (1) consult with NMML regarding whether euthanasia of dependent pups may be preferable to tagging and monitoring those pups, (2) resolve the fetus issue before issuing the final permit for Dr. Cornick and before publishing any proposed permit applications or permit amendment applications that may be affected by NMFS's guidance, and (3) reduce any authorized mortalities accordingly if euthanasia of pups will not be required and fetuses no longer will be counted against the total authorized take.

² Including conducting a necropsy.

³ Or a pregnant animal aborting a fetus.

Ms. Jolie Harrison
2 March 2015
Page 3

The Commission believes that the activities for which Dr. Cornick has requested a permit are consistent with the purposes and policies of the MMPA. Kindly contact me if you have any questions concerning the Commission's recommendations.

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