



# MARINE MAMMAL COMMISSION

1 September 2010

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. 14352  
(Gregory D. Bossart, V.M.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 No. 14352 authorizes the permit holder to capture, examine, measure, sample, biopsy-sample, freeze-brand, tag, extract a tooth from, and release up to 40 Atlantic bottlenose dolphins, except calves one year of age and younger and animals accompanying such calves, in the Indian River Lagoon, Florida. The permit holder is further authorized to accidentally kill two dolphins over the five-year duration of the permit and to inadvertently harass up to 400 dolphins annually in the course of the research. The research is a continuation and refinement of studies conducted by the National Marine Fisheries Service (Permit No. 998-1678) concerning health assessment and surveillance, emerging infectious diseases, immune status, genetics, contaminant analyses, and antibiotic resistance in this species.

The permit holder is requesting that the permit be amended to authorize the taking by harassment (e.g., capture, sample, freeze-brand, tag, and release) of an additional 50 bottlenose dolphins from a new study area in the vicinity of Charleston, South Carolina, and to harass up to 400 dolphins annually during pre- and post-capture surveys in the area. The permit holder states that the objectives of the proposed amendment are the same as those for the Indian River Lagoon project and that it will allow comparisons of dolphin populations in the two areas. The Marine Mammal Commission offers the following recommendations and comments.

## RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service defer issuance of the requested amendment until the permit holder has provided documentation demonstrating compliance with section 2.31 of the Animal and Plant Health Inspection Service's Animal Welfare Act regulations, which require the review and approval by an Institutional Animal Care and Use Committee of research activities that involve an invasive procedure or that harm or materially alter the behavior of the animals under study.

The Marine Mammal Commission further recommends that, upon its receipt of such documentation, the National Marine Fisheries Service issue the permit amendment, provided that—

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- the Service ensures that activities to be conducted under this permit and those of other permit holders who may be carrying out research on the same species or in the same areas are coordinated and, to the extent possible, data are shared to avoid unnecessary duplication of research and disturbance of animals;
- the conditions contained in the current permit remain in effect; and
- the Service advises the applicant to contact the Fish and Wildlife Service regarding the possible need for an authorization to take Florida manatees incidental to conducting research on dolphins.

## **RATIONALE**

The permit holder has indicated that the proposed research activities will be reviewed by Harbor Branch Oceanographic Institution's Institutional Animal Care and Use Committee. The Marine Mammal Commission recommends that the Service defer approval of the amendment request until the permit holder has provided documentation demonstrating that such a review has been completed and approved by the Committee.

The Marine Mammal Commission recommends that the Service ensure that activities to be conducted under this permit and those of other permit holders who may be carrying out research on the same species or in the same areas are coordinated and, as possible, data are shared. The Marine Mammal Commission also recommends that the conditions contained in the current permit remain in effect, including the requirement that an activity be suspended, pending review and authorization from the Service to proceed, if more than two animals are accidentally killed during the five-year duration of the permit.

The permit holder states that West Indian manatees could be inadvertently taken (i.e., caught in capture nets) during the proposed research on dolphins. The Marine Mammal Commission therefore recommends that the National Marine Fisheries Service advise the applicant to contact the Fish and Wildlife Service regarding the possible need for an authorization for the incidental taking of this species.

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 these recommendations.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director

cc: Barbara Kohn, D.V.M.