



# MARINE MAMMAL COMMISSION

8 January 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. 555-1870  
(James T. Harvey, 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. The Commission offers the following recommendation and rationale.

## **RECOMMENDATION**

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

- the Service verify that the proposed research has been reviewed and approved by the applicant's Institutional Animal Care and Use Committee in accordance with section 2.31 of the Animal and Plant Health Inspection Service's Animal Welfare Act regulations; and
- the conditions contained in the current permit remain in effect.

## **RATIONALE**

Permit No. 555-1870 authorizes the permit holder to take annually (e.g., capture, sedate, blood and biopsy sample, collect digestive contents, and tag) up to 670 harbor seals in waters off central California, Puget Sound, Washington, and Glacier Bay, Alaska, over five years. Pups under six days of age are not to be taken. The permit also authorizes the permit holder to tag a subset of these animals with various tags or tag combinations, including surgically implanting VHF tags in anesthetized animals. Authorization also is provided for the accidental death of up to two harbor seals annually and the harassment of harbor seals, California sea lions, and northern elephant seals incidental to the authorized research. The purpose of the research is to study the ecological role of harbor seals in the nearshore ecosystem and to monitor the health of harbor seals along the coasts of California, Oregon, Washington, and Southeast Alaska.

The permit holder requests that the permit be amended to authorize the capture, transport, and temporary maintenance at The Marine Mammal Center, Sausalito, California, of six harbor seals one year of age or older of either sex but excluding pregnant or lactating females. The permit holder

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would capture these animals in California and use them in a pilot study to investigate and adjust currently authorized sedation protocols for subcutaneous implantation of radio transmitters. The objective of the study would be to develop a sedation protocol that would shorten the length of time that seals are anesthetized in the field. If successful, the permit holder would use the modified method during the 2010 and 2011 summer field seasons. The permit holder also requests authorization to increase the total number of harbor seal pups of both sexes that can be captured annually in California from 40 animals (20 of each sex) to 70 animals (35 of each sex) to increase the power of his model for estimating pup survival. The amendment, if issued, would be valid through the permit's expiration date (15 April 2012).

The amendment request implies at various places that the permit holder has consulted with an Institutional Animal Care and Use Committee but does not specifically state that such a committee has reviewed and approved the proposed research. The Marine Mammal Commission recommends that, before issuing the permit, the Service verify that the required Institutional Animal Care and Use Committee review has been completed.

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 this recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director

cc: Barbara Kohn, D.V.M.