



MARINE MAMMAL COMMISSION

25 November 2009

Ms. Nadene G. Kennedy
Permit Office, Room 755
Office of Polar Programs
National Science Foundation
4201 Wilson Boulevard
Arlington, VA 22230

Dear Ms. Kennedy:

By notice in the *Federal Register* dated 26 October 2009 (74 Fed. Reg. 55069), the Office of Polar Programs requested comments on a permit application from Louis L. Jacobs, Southern Methodist University, seeking authorization under the Antarctic Conservation Act of 1978 to collect and import the remains of mummified pinnipeds (i.e., southern elephant, Weddell, crabeater, leopard, and Antarctic fur seals) for destructive chemical analysis, radiocarbon dating, and archiving at the university's Shuler Museum of Paleontology.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Science Foundation—

- defer issuance of the requested authorization until it has been notified that the National Marine Fisheries Service has issued a permit under the Marine Mammal Protection Act to authorize the proposed activities or that the Service has confirmed that the activities are otherwise authorized under the Act;
- restrict the collection of material from mummified remains to the minimum required for radiocarbon dating, organochlorine analysis, and stable isotope analysis;
- require that the permit holder record the precise location (i.e., GPS coordinates) of each carcass from which samples are obtained and that these data be archived in a national database for use by other researchers; and
- advise the permit holder of the possible need to obtain an import permit under the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) and suggest that he consult with the Fish and Wildlife Service concerning the applicable requirements.

RATIONALE

The *Federal Register* notice does not indicate whether the permit applicant possesses or is in the process of obtaining a permit for the proposed activities under the Marine Mammal Protection Act or, alternatively, whether the applicant believes that the collection and importation of these specimens is authorized under some other provision of the Act. The Marine Mammal Commission therefore recommends that the National Science Foundation defer issuance of the requested authorization until it has been notified that the National Marine Fisheries Service has issued a permit

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under the Marine Mammal Protection Act to authorize the proposed activities or that the Service has confirmed that the activities are otherwise authorized under the Act.

It appears that the applicant is proposing to remove the entire mummified remains of individual animals for study and archiving. The Commission notes that the mummified seals that occur in various Antarctic locations such as the Dry Valleys, Vestfold Hills, and Seymour Island are a fairly limited resource that is not replaceable. These remains are a potentially valuable scientific resource that, if left in place, would provide other researchers an opportunity to obtain historic samples for future analyses, an opportunity that would be lost if the remains are removed. The Commission believes that authorization to remove whole mummified animals should be granted only if the National Science Foundation determines that the benefits of removal outweigh the benefits that might be gained by leaving them on site. A conservative approach in making this determination would be more in keeping with the purposes and policies of the Antarctic Conservation Act. It may be possible to structure an authorization that allows the applicant to collect the samples needed for the proposed analyses while leaving the mummified carcasses on site for future study. The Marine Mammal Commission therefore recommends that, prior to authorizing the requested collection of specimens, the National Science Foundation require the applicant to describe more precisely the size and amount of samples needed and limit collection to only what is required to conduct the proposed radiocarbon dating, organochlorine analysis, and stable isotope analysis, leaving the rest of the mummified remains in place. If collections are authorized, the Marine Mammal Commission further recommends that the permit holder be required to record the precise location (i.e., GPS coordinates) of each carcass from which samples are obtained and that these data be archived in a national database for use by other researchers.

In addition, if the applicant intends to import marine mammal remains collected in Antarctica into the United States, then, depending on the species involved, he also may need to obtain an authorization under the Convention on International Trade in Endangered Species of Fauna and Flora (CITES). For example, southern elephant seals and all *Arctocephalus* species are listed on the CITES appendices and are subject to permit requirements under the Convention. The Marine Mammal Commission therefore recommends that the National Science Foundation advise the permit holder of the possible need to obtain a CITES import permit and suggest that he consult with the Fish and Wildlife Service concerning the applicable requirements.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director

Cc: Mr. P. Michael Payne
Mr. Timothy J. Van Norman