



MARINE MAMMAL COMMISSION

31 March 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, Virginia 22203

Re: Application No. PRT-770191
(Jacksonville Field Office,
U.S. Fish and Wildlife Service)

Dear Mr. Van Norman:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act. The Commission offers the following recommendations.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the Fish and Wildlife Service issue an enhancement permit under the Endangered Species Act authorizing the identified activities, but that authorization of activities under Marine Mammal Protection Act be pursuant to section 109(h) rather than by means of an enhancement permit issued under section 104(c)(4) of that Act. If the Service nevertheless decides to authorize the proposed activities under a Marine Mammal Protection Act enhancement permit, the Marine Mammal Commission recommends that the Fish and Wildlife Service fully document its rationale for determining that the requirements of section 104(c)(4) have been met.

RATIONALE

The Fish and Wildlife Service is requesting renewal of its enhancement permit to take Florida manatees for the purpose of rehabilitation and post-release monitoring (e.g., rescue, captive maintenance, release, etc.), to import rescued manatees from the Bahamas and the Virgin Islands, and to import and export biological specimens taken from rescued manatees.

As noted in its letters on previous requests submitted by the Service seeking authorization to conduct these and similar activities, the Commission believes that issuance of an enhancement permit under section 10(a)(1)(A) of the Endangered Species Act is appropriate. However, the Commission continues to believe that the activities the Service is proposing to undertake would more appropriately be authorized pursuant to section 109(h) of the Marine Mammal Protection Act rather than section 104(c)(4) of the Act. If the Service nevertheless decides to authorize the activities

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under a Marine Mammal Protection Act enhancement permit, the Marine Mammal Commission recommends that the Fish and Wildlife Service fully document its rationale for determining that the requirements of section 104(c)(4) have been met, i.e., that—

- the authorized activities are likely to contribute significantly to maintaining or increasing the numbers or distribution of Florida manatees necessary to ensure the survival or recovery of the stock;
- the requested activities are consistent with the recovery plan for Florida manatees;
- captive maintenance is likely to contribute to the species' survival or recovery by maintaining a viable gene pool, increasing productivity, providing useful biological information, or establishing animal reserves;
- rehabilitated manatees and their progeny will be returned to the wild as soon as feasible; and
- any public display of manatees being maintained in captivity under the permit is incidental to the authorized enhancement activities and will not interfere with the attainment of the recovery objectives.

In addition, the application does not, but should, describe the types and, as possible, the number of biological samples that would be imported or exported annually under the permit.

Please contact me if you have any questions concerning these recommendations.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director