



MARINE MAMMAL COMMISSION

26 April 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-231088
(U.S. Fish and Wildlife Service,
Boguerón, Puerto Rico)

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 Commission's recommendations and comments on this application are essentially the same as those provided in its letter of 31 March 2010 (enclosed and incorporated here by reference) on application No. PRT-770191 submitted by the Service's Jacksonville Field Office. That is, the Marine Mammal Commission recommends that the Fish and Wildlife Service issue an enhancement permit under the Endangered Species Act authorizing the proposed activities, but that authorization of activities under the Marine Mammal Protection Act be issued 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's Caribbean Ecological Services Field Office is seeking a marine mammal enhancement permit pursuant to section 10(a)(1) of the Endangered Species Act and section 104(c)(4) of the Marine Mammal Protection Act to administer the rescue, rehabilitation, and release program for the Antillean manatee in Puerto Rico. The proposed enhancement activities include salvaging dead specimens; capturing and recapturing live animals for the purpose of rescue (including unangling animals from nets and debris); providing medical treatment (including administering drugs, conducting routine sampling for diagnosis, and treatment); transporting animals; maintaining animals in captivity, rehabilitating and providing short-term and long-term care to stranded and injured manatees; euthanizing; tagging and freeze-branding manatees; releasing rehabilitated and medically cleared animals to the wild and monitoring those animals; and incidentally harassing non-target manatees that may be in the vicinity of targeted animals. Upon the

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request of other Caribbean countries, wild manatees rescued in those countries could be imported to Puerto Rico for critical care and rehabilitation at facilities holding valid Letters of Authorization under section 109(h) of the Marine Mammal Protection Act. Also, “conditionally non-releasable” Florida manatees could be imported and maintained at these facilities to act as surrogate mothers to enhance the rehabilitation of orphaned Antillean manatee calves. The applicant states that import permits would be requested on a case-by-case basis, and all activities would be closely coordinated with the Service’s Law Enforcement Division. The application is not clear as to whether authorization is requested to import and export biological specimens taken from rescued manatees.

As noted in its 31 March 2010 letter, the Commission believes that issuance of an enhancement permit under section 10(a)(1)(A) of the Endangered Species Act is appropriate but that the proposed activities are more appropriately authorized pursuant to section 109(h) of the Marine Mammal Protection Act, rather than section 104(c)(4) of that Act. If the Service nevertheless decides to authorize the 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, i.e., that—

- the authorized activities are likely to contribute significantly to maintaining or increasing the number or distribution of Antillean and Florida manatees necessary to ensure the survival or recovery of the stocks;
- the requested activities are consistent with the recovery plans for Antillean and Florida manatees;
- captive maintenance is likely to contribute to these 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, clarify whether authorization is requested to import or export biological samples from Antillean or Florida manatees and, if so, the estimated number of 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

Enclosure