



MARINE MAMMAL COMMISSION

5 May 2011

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 20910-3225

Re: Amendment to Permit No. 14329
(North Pacific Universities Marine Mammal Research
Consortium, University of British Columbia)

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 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 permit holder is required to provide documentation regarding the review and approval of the research activities by the University of British Columbia's Animal Care Committee sufficient to demonstrate compliance with the Animal Welfare Act; and
- the conditions contained in the current permit remain in effect, including having an experienced marine mammal veterinarian present to ensure proper dosages and protocols for use of sedatives and anesthesia and for emergency response.

RATIONALE

Permit No. 14329 authorizes the permit holder to harass, capture, sedate, sample, mark/tag, and instrument northern fur seals in Alaska. Northern fur seals, California sea lions, northern elephant seals, and harbor seals may be harassed incidental to the authorized research activities. The permit also authorizes the unintentional deaths of up to 34 northern fur seals per year. The purpose of the permitted research is to study foraging ecology, demographics, behavior, and changes in body size that might be associated with the decline of northern fur seals in Alaska. The permit is valid until 31 August 2014.

The permit holder requests that the permit be amended to authorize the following procedures to be performed on 35 lactating females per year. The females involved were already included as subjects in the original permit. The procedures would include—

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- restraining animals using gas anesthesia applied by qualified personnel;
- gluing a small tri-axial accelerometer to their heads to detect foraging events at sea;
- injecting them with doubly-labeled water to determine a field metabolic rate associated with a foraging trip;
- drawing 5 to 10 mL of blood three or four times from individuals injected with doubly-labeled water; and
- holding the animals in a cage for up to three hours between two of the blood draws.

To obtain morphometric measurements and assess energy transfer, the permit holder also requests that the permit be amended to authorize the capture and recapture of the pups of the 35 lactating females up to six times each. Each pup would be physically restrained and marked with flipper tags, hair dye, hair bleach, fluorescent paint, or a glued-on head tag. The pups would be recaptured after subsequent suckling events.

The permit holder indicated in the original application that all proposed research must be authorized under permits issued by the University of British Columbia's Animal Care Committee. However, no such permit or other documentation of the committee's review has been provided, either for the original authorization or for the requested amendment. Assuming that the University of British Columbia meets the definition of a research facility under the Animal Welfare Act (9 C.F.R. § 1.1), research conducted in the United States presumably requires review by an Institutional Animal Care and Use Committee in accordance with section 2.31 of the Act's regulations. The Marine Mammal Commission therefore recommends that the National Marine Fisheries Service require the permit holder to provide documentation regarding the review and approval of the research activities by the University of British Columbia's Animal Care Committee sufficient to demonstrate compliance with the Animal Welfare Act.

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. As such, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested permit amendment, provided that the conditions contained in the current permit remain in effect, including having an experienced marine mammal veterinarian present to ensure proper dosages and protocols for use of sedatives and anesthesia and for emergency response.

Please contact me if you have any questions concerning the Commission's recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director