



MARINE MAMMAL COMMISSION

18 August 2011

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 published in the *Federal Register* on 8 August 2011 (76 Fed. Reg. 48183), the National Science Foundation sought comments on a permit application from Southwest Fisheries Science Center. The Center is seeking authorization under the Antarctic Conservation Act of 1978 to conduct research on pinnipeds on the South Shetland Islands and Antarctic Peninsula, Antarctica. The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the permit request with regard to the goals, policies, and requirements of the Marine Mammal Protection Act and Antarctic Conservation Act and offers the following recommendations.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Science Foundation issue the requested permit, provided that it—

- contacts the Center to confirm whether it expects to harass Antarctic fur seals, leopard seals, southern elephant seals, and Weddell seals incidental to census or survey activities and includes those takes in the permit, when issued; and
- advises the Center of the need to obtain all necessary permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora before importing or exporting any marine mammal part.

RATIONALE

Permit 16472, to be issued by the National Marine Fisheries Service under the Marine Mammal Protection Act, will authorize the Center to conduct research on numerous pinniped species in Antarctica. The Center is requesting authorization to harass, capture, handle, administer drugs to, measure, weigh, sample, perform diagnostics (i.e., ultrasound blubber depth) on, collect digestive contents from, mark/tag, and attach instruments to various numbers of individuals of each pinniped species. Specifically, the Center proposes to conduct those activities on 200 Antarctic fur seal juveniles or adults, 600 Antarctic fur seal pups, 50 leopard seal juveniles or adults, 50 southern elephant seal juveniles or adults, 100 southern elephant seal pups, 30 Weddell seal adults or juveniles, and 20 Weddell seal pups per year for the next five years. The purposes of the research would continue a long-term project of more than 25 years to monitor and investigate (1) abundance and distribution, (2) population dynamics, (3) life history parameters, (4) foraging ecology,

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(5) reproductive success and attendance behavior, and (6) energetics. The Center would conduct the proposed research activities primarily at Cape Shirreff on the South Shetland Islands, an Antarctic specially protected area. However, researchers may enter other specially protected areas when conducting pinniped surveys (see the *Federal Register* notice for specific areas). The Center would adhere strictly to the guidelines for entering a specially protected area and would minimize disruption to flora and fauna in those areas.

The Center also requests authorization to take Ross and crabeater seals by incidental harassment during various types of surveys (e.g., ground, vessel, and aerial). It is unclear why the applicant did not include a request for authorization to take the other species of pinnipeds incidental to those surveys, as those takes will be delineated in Permit 16472 when issued. It may be that the Center unintentionally omitted such a request. The Marine Mammal Commission therefore recommends that the National Science Foundation contact the Center to confirm whether it expects to harass Antarctic fur seals, leopard seals, southern elephant seals, and Weddell seals incidental to census or survey activities and include those takes in the requested permit, when issued.

In addition to the samples collected from live animals, the Center would collect tissue samples from dead stranded pinnipeds or cetaceans opportunistically. All samples collected during the field season would be imported to the United States. As such, the Marine Mammal Commission recommends that the National Science Foundation advise the Center of the need to obtain all necessary permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora before importing or exporting marine mammal part.

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 and the Antarctic Conservation Act.

Please contact me if you have any questions regarding the Commission's recommendations.

Sincerely,



FOR

Timothy J. Ragen, Ph.D.
Executive Director

Cc: Mr. P. Michael Payne