



MARINE MAMMAL COMMISSION

17 August 2015

Ms. Jolie Harrison, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3225

Re: Permit Amendment Application No. 14450
(Southeast Fisheries Science Center)

Dear Ms. Harrison:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit amendment application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA). Southeast Fisheries Science Center (SEFSC) is seeking to amend permit 14450 to conduct research on cetaceans during a five-year period—the permit expires on 28 February 2019.

SEFSC is authorized to conduct research on cetaceans in U.S. and international waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. Researchers are authorized to conduct aerial and vessel-based line-transect surveys, acoustic recordings, behavioral observations, photo-identification studies, biopsy sampling, and tagging studies¹. The objectives are to continue a long-term study documenting (1) stock structure and abundance, (2) distribution and movement patterns, (3) habitat use, (4) foraging ecology, and (5) potential interaction with anthropogenic activities.

Researchers propose to instrument with dart (including shallow-penetrating LIMPET dart tags and deep-penetrating, implantable tags) and/or suction-cup tags individuals from 24 non-ESA listed cetacean species (see the Take Table). The objectives are to collect additional data in support of stock assessment reports. Researchers would tag only adult cetaceans that are not accompanied by a dependent calf. They could approach each individual no more than four times² and could instrument an individual with up to two tags³ at once. SEFSC also is requesting authorization to import samples⁴ collected (1) from stranded marine mammals, marine mammals involved in permitted scientific research, and marine mammals legally hunted for subsistence purposes in foreign countries and (2) on the high seas under the SEFSC's permit. In addition, SEFSC could export samples collected under its permit or from stranded marine mammals. Samples would be analyzed for genetics, stable isotopes, and aging purposes.

¹ Only species listed under the Endangered Species Act (ESA) are authorized to be tagged currently.

² Which would include tag misses and unsuccessful tagging attempts.

³ One suction-cup and one dart or implantable tag.

⁴ Including skin, muscle, bone, teeth, and blubber.

SEFSC's Institutional Animal Care and Use Committee has reviewed and approved the research protocols. Researchers would approach animals generally at slow speeds and would tag only animals that appear healthy and in good body condition. Further, the permit already is conditioned to require researchers to exercise caution when approaching animals and retreat from animals if behaviors indicate the approach may be interfering with reproduction, feeding, or other vital functions.

SEFSC is proposing to instrument only adult Bryde's whales with deep-penetrating, implantable tags⁵. For similar previous requests and based on associated Commission recommendations, NMFS has not authorized the tagging of either killer whales or minke whales with such tags. The Commission also is unaware of any other permits that authorize instrumenting Bryde's whales with such tags. The concern continues to be that, although those tags are designed to penetrate the body and anchor in the fascia between the muscle and blubber, the tags could strike a vertebra or rib or cut deeply into the muscle layer causing undue harm and adversely affecting the individual. SEFSC notes the maximum depth of tag penetration ranges from 10 to 29 cm depending on the species, but does not specify the maximum penetration depth for the tags to be used with Bryde's whales. Although Bryde's whales⁶ may reach close to twice the length of killer whales and minke whales, they inhabit warmer waters year-round and may have thinner blubber layers. As such, the Commission remains concerned that undue harm to the whales could result from instrumenting them with deep-penetrating, implantable tags. Furthermore, the population of Bryde's whales for which SEFSC is requesting authorization to tag is extremely small at an estimated 33 individuals. Therefore, the Commission recommends that the National Marine Fisheries Service condition the permit to prohibit the use of deep-penetrating, implantable tags on Bryde's whales until SEFSC can provide information regarding the depth of the skin and blubber layer of Bryde's whales relative to the maximum penetrating depth of the tags to be used and can justify that the tags would not penetrate the muscle layer more than necessary to anchor the tag and would not pose risk of accidentally hitting a vertebra or rib.

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the MMPA. Kindly contact me if you have any questions concerning the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director

⁵ That is, tags that are cylindrical in shape that are meant to be fully implanted with only the antenna protruding from the animal.

⁶ In addition, SEFSC indicated that Bryde's whales that inhabit the Gulf of Mexico are not the largest example of Bryde's whales.