



MARINE MAMMAL COMMISSION

2 October 2009

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

Re: Permit Application No. 14301
(University of Alaska Museum)

Dear Mr. Payne:

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

The applicant is requesting authorization to collect, receive, and/or import, on an opportunistic basis, and export an unspecified number of parts of cetaceans and pinnipeds (except walruses) taken worldwide from dead stranded marine mammals, marine mammals taken by Alaska Native subsistence hunters, and animals authorized to be taken for scientific research purposes by scientists in academic, federal, and state institutions. The proposed activities are a continuation of those authorized under the applicant's previous permit (No. 704-1698), which expired in December 2008. Specimens would be used for purposes of bona fide research at the University of Alaska and other institutions in the United States and worldwide. The permit is requested for five years.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested research permit authorizing the collection, receipt, and retention of specimen materials subject to the following conditions—

- the University be responsible for maintaining detailed accounts of how, when, and where all samples were collected and obtained; and the University periodically provide sufficiently detailed reports to the Service concerning how those samples were obtained and are being used to enable the Service to determine that the permit holder is meeting the requirements of all applicable laws, including the Marine Mammal Protection Act, the Endangered Species Act, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Whaling Convention Act, and the Antarctic Conservation Act of 1978; and
- researchers not authorized to conduct research under the permit or who do not hold other valid research permits and who wish to use those specimens be required to obtain a permit or other appropriate authorization from the Service before obtaining such materials from the permit holder.

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RATIONALE

In its 25 September 2003 letter (enclosed and incorporated by reference) regarding the University's previous application, the Commission noted that scientists need to be able to rely on the availability of archived specimens obtained from a variety of sources for many different types of studies, but that a museum has little way of knowing at the time of accession what information scientists in the future may seek from such specimens. Thus, the speculative nature of future research makes it difficult at the permitting stage to determine that collecting and archiving specimens for research purposes will further a bona fide scientific purpose, as required by the Marine Mammal Protection Act. In its letter, the Commission recommended that the Service address this issue by adopting a generic approach for authorizing the collection and use of specimen materials by institutions for eventual use for research purposes: that is, authorize the collection and retention of specimens by the institution in the first instance but defer authorization for the use of such materials until a specific research proposal has been developed. In addition, the Commission suggested that the Service consider developing regulations to govern the issuance of research permits to institutions that archive and share specimens and samples of marine mammals and marine mammal parts.

Consistent with its previous recommendation, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested research permit authorizing the collection, receipt, and retention of specimen materials, provided that (1) the University be responsible for maintaining detailed accounts of how, when, and where all samples were collected and obtained and periodically provide sufficiently detailed reports to the Service concerning how those samples were obtained and are being used to enable the Service to determine that the permit holder is meeting the requirements of all applicable laws, including the Marine Mammal Protection Act, the Endangered Species Act, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Whaling Convention Act, and the Antarctic Conservation Act of 1978; and (2) researchers not authorized to conduct research under the permit or who do not hold other valid research permits and who wish to use those specimens be required to obtain a permit or other appropriate authorization from the Service before obtaining such materials from the permit holder.

Please contact me if you have any questions concerning this recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director

Enclosure