



# MARINE MAMMAL COMMISSION

6 June 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, Maryland 20910

Re: Request to Amend Permit Application No. 15453  
(Waikiki Aquarium)

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced amendment request with regard to the goals, policies, and requirements of the Marine Mammal Protection Act. On 27 January 2011 the National Marine Fisheries Service published a notice in the *Federal Register* (76 Fed. Reg. 4867) regarding the Waikiki Aquarium's application for a permit to conduct research on captive Hawaiian monk seals and to continue and expand enhancement efforts for the species. The applicant is seeking a five-year authorization. The Commission commented on the original application by letter of 23 February 2011 (see enclosure). The Service is still in the process of reviewing that application.

The Aquarium now is requesting that the application be amended. It is seeking authorization to hold up to three, rather than two, permanently captive Hawaiian monk seals at any given time. The additional animal would provide a replacement should one of its two extant seals die or otherwise become unavailable for research.

## RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested permit for maintaining and conducting the specified research on three Hawaiian monk seals at the Aquarium, subject to the conditions recommended in the Commission's 23 February 2011 letter. Those conditions require that for any research that may have adverse impacts on the seals, (1) only one seal be tested at first and research involving the other seals be allowed only if no adverse responses are detected, and (2) the applicant halt research activities and consult with the Service and the Commission should any of the seals die in the course of conducting the research.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Ragen for".

Timothy J. Ragen, Ph.D.  
Executive Director

Enclosure