



Prepared for:



# DRAFT Programmatic Environmental Impact Statement Appendices A-L

Hawaiian Monk Seal Recovery Actions

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*Appendix H*  
*Disposition of Marine Mammal*  
*Parts/Biological Samples*

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## *APPENDIX H - DISPOSITION OF MARINE MAMMAL PARTS/BIOLOGICAL SAMPLES*

All marine mammal parts/biological samples taken/collected, received/possessed (including analysis and curation), or imported/exported under the authority of the permit must be maintained according to accepted curatorial standards. The terms and conditions of the permit remain in effect as long as biological samples authorized are maintained under the authority and responsibility of the Permit Holder.

Unless other disposition is specified in the permit application, the Permit Holder may retain marine mammal parts not consumed in analysis or otherwise disposed of during or after research or enhancement activities authorized by this permit if the marine mammal parts are maintained in a properly curated collection and made available for research or enhancement purposes at the request of the Office Director. The Permit Holder may use remaining samples for analyses not described in the permit application provided that the project descriptions are submitted to the Chief, Permits Division. NMFS encourages researchers to deposit any remaining specimens in the NMFS National Marine Mammal Tissue Bank (<http://www.nmfs.noaa.gov/pr/health/tissue/>).

Researchers may transfer marine mammal parts collected or imported under this permit for scientific research, curation, or educational purposes to recipients authorized by the appropriate Regional Office, or other authorized recipients consistent with 50 CFR 216.37.

Under no circumstances may marine mammal parts or cell lines developed from marine mammal parts collected, received, or imported/exported under the authority of this permit be bought or sold. Recipients of any marine mammal parts taken under the authority of this permit must adhere to the conditions of this permit and the regulations at 50 CFR 216.37. Researchers receiving or developing of cell lines must either be designated as a Co-investigator (CI) on this permit or be a holder of or a CI on a permit that authorizes research on marine mammal cell lines.

The Permit Holder must maintain a record of all marine mammal parts/biological samples obtained under this permit. This record must include the number and type of parts; a description of each animal from which parts were taken including, species, age, size, sex, reproductive condition; date and location of acquisition; circumstances causing death or nature of sample collection; unique identifying number; legal authority for original sample/part collection, and disposition of parts.

The Permit Holder may not import specimens into the U.S. from marine mammals taken in any high seas driftnet fishery after December 31, 1992; deliberately killed or harassed for the purposes of fulfilling a permit; or taken illegally in the country of origin.

Imported marine mammal parts must be taken in a humane manner and in compliance with the MMPA, ESA, and any applicable foreign laws. Importation of marine mammal parts is subject to the provisions of 50 CFR parts 14, 23 [CITES], 216, and 222.

Any specimens of species listed in the Appendices to CITES must be accompanied by valid CITES documentation from the exporting country, and, in the case of Appendix I species, and Appendix I and II species collected in the open ocean (i.e., in the marine environment outside of any country's territorial jurisdiction), from the CITES Management Authority of the importing country.

All specimens imported into the U.S. must be cleared through a U.S. Fish and Wildlife Service (USFWS) port designated for wildlife and must be accompanied by documentation giving a description of each animal from which specimen materials were taken including, species identification, age, size, sex, reproductive condition; date and location of acquisition; circumstances causing death or nature of specimen collection; and legal authority for original specimen collection.

Designated Ports of Entry: Honolulu is the designated for the importation or exportation of wildlife from/to Hawaii and is referred to as a "designated port" (50 CFR 14.12). Please notify the USFWS wildlife inspectors at this port at least 48 hours prior to import or export (3375 Koapaka St. #B296, Honolulu, Hawaii 96819-1867; 808-861-8525 phone; 808-861-8515 fax). To use a port of entry other than a designated port, the Permit Holder or PI must obtain a Designated Port Exception Permit from the USFWS as required in 50 CFR 14.31 and 14.32. A Wildlife Declaration Form 3-177 must be filed with the USFWS inspector at the time of importation/exportation.

Federal regulations (50 CFR 216.37 Marine mammal parts) governing the transfer of marine mammal parts taken or imported under permit is included in all research and enhancement permits that authorize sample collection. 50 CFR 216.37 specifies the following:

With respect to marine mammal parts acquired by take or import authorized under a permit issued under this subpart: (a) Marine mammal parts are transferrable if: (1) The person transferring the part receives no remuneration of any kind for the marine mammal part; (2) The person receiving the marine mammal part is: (i) An employee of NMFS, the U.S. Fish and Wildlife Service, or any other governmental agency with conservation and management responsibilities, who receives the part in the course of their official duties; (ii) A holder of a special exception permit which authorizes the take, import, or other

activity involving the possession of a marine mammal part of the same species as the subject part; or (iii) In the case of marine mammal parts from a species that is not depleted, endangered or threatened, a person who is authorized under section 112(c) of the MMPA and subpart C of this part to take or import marine mammals or marine mammal parts; (iv) Any other person specifically authorized by the Regional Director, consistent with the requirements of paragraphs (a)(1) and (a)(3) through (6) of this section. (3) The marine mammal part is transferred for the purpose of scientific research, maintenance in a properly curated, professionally accredited scientific collection, or education, provided that, for transfers for educational purposes, the recipient is a museum, educational institution or equivalent that will ensure that the part is available to the public as part of an educational program; (4) A unique number assigned by the permit holder is marked on or affixed to the marine mammal part or container; (5) The person receiving the marine mammal part agrees that, as a condition of receipt, subsequent transfers may only occur subject to the provisions of paragraph (a) of this section; and (6) Within 30 days after the transfer, the person transferring the marine mammal part notifies the Regional Director of the transfer, including a description of the part, the person to whom the part was transferred, the purpose of the transfer, certification that the recipient has agreed to comply with the requirements of paragraph (a) of this section for subsequent transfers, and, if applicable, the recipient's permit number.

(b) Marine mammal parts may be loaned to another person for a purpose described in paragraph (a)(3) of this section and without the agreement and notification required under paragraphs (a)(5) and (6) of this section, if: (1) A record of the loan is maintained; and (2) The loan is for not more than one year. Loans for a period greater than 12 months, including loan extensions or renewals, require notification of the Regional Director under paragraph (a)(6).

(c) Unless other disposition is specified in the permit, a holder of a special exception permit may retain marine mammal parts not destroyed or otherwise disposed of during or after a scientific research or enhancement activity, if such marine mammal parts are: (1) Maintained as part of a properly curated, professionally accredited collection; or (2) Made available for purposes of scientific research or enhancement at the request of the Office Director.

(d) Marine mammal parts may be exported and subsequently reimported by a permit holder or subsequent authorized recipient, for the purpose of scientific research, maintenance in a properly curated, professionally accredited scientific collection, or education, provided that: (1) The permit holder or other person receives no remuneration for the marine mammal part; (2) A unique number assigned by the permit holder is marked on or affixed to the marine mammal specimen or container; (3) The marine mammal part is exported or reimported in compliance with all applicable domestic and foreign laws; (4) If exported or reimported for educational purposes, the recipient is a museum, educational institution, or equivalent that will ensure that the part is available to the public as

part of an educational program; and (5) Special reports are submitted within 30 days after both export and reimport as required by the Office Director under 216.38.