

MARINE MAMMAL STRANDING

AGREEMENT BETWEEN

**NATIONAL MARINE FISHERIES SERVICE OF THE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
DEPARTMENT OF COMMERCE**

AND

[Stranding Network Organization]

**ARTICLE I
General Authority**

Authority

1. This Agreement is entered into between the National Oceanic and Atmospheric Administration National Marine Fisheries Service [Region], (hereinafter NMFS) and the Stranding Network Participant [Stranding Network Organization] (hereinafter [Participant acronym]), under the authority of Sections 109(h), 112(c) and 403 of the Marine Mammal Protection Act of 1972, as amended (hereinafter the MMPA). **This Agreement supersedes all pre-existing Agreements between these parties.**
2. NMFS has been delegated authority to administer the MMPA. Under the MMPA, NMFS is responsible for mammals of the **Order Cetacea** and the **Order Pinnipedia** other than walruses (hereinafter marine mammals).
3. By its nature, the handling of stranded marine mammals (dead or alive) can be a dangerous activity. Liability for person(s) acting under this agreement is addressed in Section 406(a) and (b) of the MMPA (16 U.S.C. 1421e).
4. To assist in the implementation and administration of the MMPA, the [Region] Marine Mammal Stranding Network has been established to respond to stranded marine mammals within the [Region] of the United States. The [Region] consists of the following states: [List state(s)]. The geographic response area assigned to [Participant acronym] consists of the following: *(list response area including primary and secondary geographic response areas as necessary)*. If requested by NMFS, [Participant acronym] may assist in the stranding response in another Region in coordination with the NMFS Marine Mammal Stranding Coordinator(s).

ARTICLE II

Purpose and General Responsibilities

A. Purpose of Agreement. NMFS [Region] Region and the [Participant acronym] enter into this Agreement for the following purposes:

1. To provide for rapid response and investigation of stranded marine mammals [*reserved for taxa*] within the [Region] in accordance with the purposes and policies of the MMPA.
2. To implement Title IV (Marine Mammal Health and Stranding Response Program) of the MMPA:
 - a. to facilitate the collection and dissemination of reference data on the health of marine mammals and health trends of marine mammal populations in the wild;
 - b. to correlate the health of marine mammals and marine mammal populations in the wild with available data on physical, chemical, and biological environmental parameters; and
 - c. to detect and coordinate effective responses to unusual mortality events.
3. To provide the activities in which [Participant acronym] may take stranded marine mammals [*reserved for taxa*] or marine mammal parts for the primary purpose of ensuring the appropriate [rehabilitation], disposition, and utilization of stranded marine mammals or marine mammal parts under MMPA sections 109(h), 112(c), and 403 and the Agreement.
4. To define the nature and extent of services that [Participant acronym] will provide NMFS [Region] under this Agreement and NMFS responsibilities to [Participant acronym].
5. To provide for the preparation and maintenance of records containing scientific data obtained from dead and living stranded marine mammals or parts from dead stranded marine mammals.
6. To provide for the timely exchange of information for use by both parties and other network members in furthering the objectives of the MMPA under this Agreement.

B. NMFS Responsibilities

1. Provide [Participant acronym] notice of any changes to laws, regulations, policies and/or guidelines applicable to or promulgated by NMFS that may apply to [Participant acronym] activities. This includes criteria for issuance, renewal and termination of stranding agreements. Notwithstanding this responsibility, it is the responsibility of

[Participant acronym] to comply with all laws, regulations, policies and/or guidelines that apply to [Participant acronym] activities.

2. Provide guidance and assistance regarding investigation of marine mammal unusual mortality events including financial and physical resources (example: NOAA laboratory assistance) when available and authorized (in accordance with Section 405 of MMPA – UME National Contingency Fund) and in coordination with the Working Group on Marine Mammal Unusual Mortality Events.
3. Alert [Participant acronym] when NMFS has been notified that there are diseases of concern that are emerging, reportable, and/or zoonotic within the Region.
4. Pursuant to criteria established under MMPA Section 407, provide access to the National Marine Mammal Health and Stranding Response Program Database, as developed, and access to marine mammal tissues in the National Marine Mammal Tissue Bank.
5. As needed and as resources are available, provide specialized marine mammal stranding response and investigation training on a local, regional or national basis.
6. Pursuant to MMPA Section 402, collect and update periodically and make available to stranding network participants and other qualified scientists, existing information on:
 - a. procedures and practices for rescuing and rehabilitating stranded marine mammals, including criteria used by the stranding network participants, on a species-by-species basis, for determining at what point a marine mammal undergoing rescue and rehabilitation is returnable to the wild;
 - b. procedures and practices for collecting, preserving, labeling, and transporting marine mammal tissues for physical, chemical, and biological analyses;
 - c. appropriate scientific literature on marine mammal health, disease, and rehabilitation;
 - d. compilation and analyses of strandings by region to monitor species, numbers, conditions, and causes of illness and death in stranded marine mammals;
 - e. other life history and reference level data, including marine mammal tissue analyses that would allow comparison of the causes of illness and death in stranded marine mammals with physical, chemical, and biological environmental parameters.

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C. **Joint Responsibilities** NMFS [Region] Region and [Participant acronym] will work cooperatively:

1. To implement Title IV of the MMPA.
2. To effectively respond to and investigate the causes and impacts of Marine Mammal Unusual Mortality Events.
3. To collect the appropriate data for determination of the impact of serious injuries and mortalities due to human interactions.
4. To collect reference data on marine mammal health.
5. To collect data on the frequency and causes of strandings.
6. To interpret findings and identify health trends and diseases of concern to include emerging, reportable, and zoonotic diseases.

ARTICLE III
Dead Animal Response

Reserved
OR

A. [Participant acronym] may take species of marine mammals under the MMPA for the purpose of dead animal investigation and response.

This Agreement does not authorize the taking of any marine mammal species listed as endangered or threatened under the Endangered Species Act of 1973 (hereinafter ESA), as amended. Authorization to take ESA listed species is currently provided under MMPA/ESA permit #932-1489-01 and requires authorization and coordination with NMFS [Region] Regional Stranding Coordinator in the event of a stranding involving a threatened or endangered marine mammal.

Subject to the conditions contained in this Agreement, the MMPA, and the implementing regulations, [Participant acronym] may take dead stranded marine mammals or parts therefrom for the collection of data on the health and health trends of wild populations, for the detection of marine mammal unusual mortality events, for research or education on marine mammal biology and life history, for the determination of cause of death, for the detection of human caused and natural mortality, or for other research as deemed appropriate by the NMFS [Region] Regional Administrator. These activities specifically include the following:

1. Obtaining measurements and biological samples from dead stranded marine mammals.
 - a. Non-diagnostic parts, tissues, cells, gametes, or cell cultures to be used for scientific research, species enhancement, or education shall be transferred only to persons or labs that have received prior written authorization from the NMFS [Region] Regional Administrator and/or that have a NMFS MMPA/ESA scientific research permit.
 - b. Diagnostic parts, tissue samples, fluid specimens, parts, or cells may be sent to labs within the U. S. for diagnostic use without any additional authorizations (50 CFR 216.22).
2. Disposing of dead stranded marine mammals at an appropriate landfill or other suitable location.
3. Taking and transporting dead stranded or floating dead marine mammals to facilities or individuals approved pursuant to 50 C.F.R. 216.22 for scientific research, maintenance in a properly curated, professionally accredited scientific collection, or for

educational purposes.

4. This Agreement does not authorize the sale or offer of sale of any marine mammal or marine mammal parts, including cells, gametes, or cell cultures.

B. [Participant acronym] Responsibilities

1. [Participant acronym] shall respond in a timely manner to reports of dead stranded marine mammals [*reserved for taxa and schedule*] and cooperate with Federal, state and local government officials and employees and other stranding network participants when responding to these strandings. If the [Participant acronym] receives a report of a dead stranded marine mammal [*reserved for taxa*] and does not have the capability to respond to the report, [Participant acronym] shall notify the [Region] Regional Stranding Coordinator within [hours, days]. Also, if the [Region] Regional Stranding Coordinator receives a report of a dead stranded marine mammal [*reserved for taxa*], the Regional Stranding Coordinator may contact [Participant acronym] to determine whether [Participant acronym] has the capability to respond to the stranding.
2. [Participant acronym] shall cooperate with other members of the NMFS [Region] Stranding Network and the National Marine Mammal Stranding Program as well as Federal, state, and local officials and employees in matters relating to stranded marine mammals or their disposition and comply with NMFS laws, regulations, policies and/or guidelines applicable to or promulgated by NMFS that apply to activities under this Agreement
3. [Participant acronym] shall be subject to the direction of a designated employee representing the NMFS [Region] Regional Administrator or Office of Law Enforcement with respect to the taking of a stranded marine mammal.
4. [Participant acronym] shall collect and provide the following information for each stranded marine mammal:
 - a. Complete the NOAA Form 89864, OMB #0648-0178 (the Marine Mammal Stranding Report - "Level A" Form) for each stranded marine mammal. This form shall be sent to the [Region] Region Stranding Coordinator, [Address], according to the following schedule [*reserved schedule*]:
 - b. Notify [*immediately or*] within 24 hours the NMFS [Region] Regional Stranding Coordinator regarding possible or confirmed human interactions [*reserved*], suspected unusual mortality events, out of habitat situations, mass stranding events, mass mortalities, large whale strandings, and any strandings involving endangered or threatened species or identified species of concern [*list species*]. [*Reserved* {In addition, NMFS [Region] Region requests that [Participant acronym] report any right whale sightings that occur or are reported as part of

their normal activities. Please see Attachment B for contact information.}];

- c. Notify [immediately or] within 24 hours the NMFS [Region] Regional Stranding Coordinator of any diseases of concern (e.g., emerging, reportable, and/or zoonotic diseases) that are detected which could affect human health or the health of wild marine mammal populations;
- d. If requested by the NMFS [Region] Regional Stranding Coordinator for certain stranding events (for example, strandings involving large whales, human interaction, disease outbreaks, pre-event investigations, or unusual mortality events), provide to the Regional Stranding Coordinator preliminary data from the Level A - Marine Mammal Stranding Report within 24 hours, and [Participant acronym] shall coordinate and cooperate with the Regional Stranding Coordinator to investigate such strandings or mortalities.
- e. Report within 30 days of the stranding, the retention or transfer of any parts salvaged from the stranded marine mammal collected under this agreement to NMFS [Region] Regional Stranding Coordinator, [Address], as required by 50 CFR 216.22. [Participant acronym] must provide the institution name where specimen materials have been deposited and ensure that retained or transferred parts are marked with the field identification number from the stranded animal.
- f. Collect and make available any gear, debris, or other objects (for example, bullets, arrows, net webbing, etc.) recovered from a stranded marine mammal that may be evidence of human interaction. [Participant acronym] must comply with chain of custody procedures or any other instructions as specified by NMFS [Region] and/or NMFS Office of Law Enforcement personnel.
- g. If requested by the NMFS [Region] Regional Stranding Coordinator, [Participant acronym] provide to the Regional Stranding Coordinator copies of any photographs, films, and/or videotapes documenting any stranding (particularly for those strandings when human interactions are reported or suspected). This requirement will be subject to negotiation with NMFS for any reimbursement for duplication and mailing. Any photography, film and/or videotape of the stranding response used for educational or commercial purposes of stranding response must include a credit, acknowledgment, or caption indicating that the stranding response was conducted under an Agreement between NMFS and [Participant acronym] under the authority of the MMPA. NMFS will not reproduce, modify, distribute, or publicly display the photograph, film, and/or videotape without consent of the author, unless required to release a copy under Federal law or order (such as the Freedom of Information Act).
- h. If requested, [Participant acronym] shall coordinate with NMFS [Region] to develop and implement a media plan relating to stranding events.

5. It is presumed that [Participant acronym] shall bear any and all expenses incurred with the taking, collection, or other activities pursuant to this Agreement. NMFS may be able to support costs associated with specific analyses and additional requests as part of the Marine Mammal Health and Stranding Response Program.
6. Subject to available resources, [Participant acronym] shall assist local officials in the clean up of beach areas where necropsy or specimen collection contributes to soiling of the site.

ARTICLE IV
Live Strandings: First response

Reserved
OR

A. [Participant acronym] may take species of marine mammals covered under the MMPA for the purpose of live stranding first response (initial assessment and care at the site of stranding), beach triage, beach release, translocation and/or transportation to an authorized rehabilitation center.

This Agreement does not authorize the taking of any marine mammal species listed as endangered or threatened under the Endangered Species Act of 1973, as amended. Authorization to take ESA listed species is currently provided under MMPA/ESA permit #932-1489-01 and requires authorization and coordination with NMFS [Region] Regional Stranding Coordinator in the event of a stranding involving a threatened or endangered marine mammal.

In addition to the activities provided in previous Articles of this Agreement, and subject to the conditions contained in this Agreement, the MMPA, and its implementing regulations, [Participant acronym] may take live stranded marine mammals in a humane manner for the protection or welfare of the marine mammal. If the animal dies during the course of response and/or investigation, then the terms and responsibilities contained in Article III shall apply. The activities provided for under this Article specifically include the following:

1. Taking (i.e., harassment, capture) a live stranded marine mammal for purposes of “first or emergency response”, initial assessment and triage.
2. Possessing a marine mammal incidental to taking it for purposes listed in this Article. However, this Agreement does not authorize the sale or offer of sale of any marine mammal or marine mammal parts, including cells, gametes, or cell cultures.
3. Returning live stranded marine mammals to their natural habitat and tagging such animals. Invasive tagging using other than standard methods (e.g., one-bolt roto or cattle ear tags, freeze branding) must first be approved by NMFS [Region] Region. Tagging is restricted to monitoring success of marine mammals released to the wild. Any projects outside the scope of monitoring release success must be authorized under a NMFS scientific research permit.
4. Taking measurements, blood or other diagnostic samples from live stranded marine mammals for health assessment. Any “intrusive procedures” (as defined in 50 CFR 216.3), measurements or sampling for scientific research purposes (outside the scope of normal medical practices for the care of an animal) must first be approved by the NMFS

Regional Stranding Coordinator and must be authorized under a NMFS scientific research permit.

- a. Non-diagnostic parts, tissues, cells, gametes, or cell cultures to be used for scientific research, species enhancement, or education shall be transferred only to persons or labs that have received prior written authorization from the NMFS [Region] Regional Administrator and/or that have a NMFS MMPA/ESA scientific research permit.
 - b. Diagnostic parts, tissue samples, fluid specimens, parts, or cells may be sent to labs within the U. S. for diagnostic use without any additional authorizations (50 CFR 216.22).
5. *[(Reserved) Performing humane euthanasia. Euthanasia shall only be performed by an attending veterinarian or by a person acting under the direct supervision of an attending veterinarian. When using controlled drugs, such person shall comply with all applicable state and Federal laws and regulations.]* Stranding network participant authorization to euthanize ESA-listed species is provided under MMPA/ESA permit #932-1489-01 and requires authorization and coordination with NMFS [Region] Regional Stranding Coordinator. For reference, see attachment C – 2000 Report of the American Veterinary Medical Association Panel on Euthanasia and attachment D – Chapter on Euthanasia in the 2nd Edition of the CRC Handbook of Marine Mammal Medicine.
6. Transporting live stranded marine mammals for rescue and rehabilitation to a NMFS approved rehabilitation or temporary holding facility.

B. [Participant acronym] Responsibilities

1. [Participant acronym] shall respond in a timely manner to reports of live stranded marine mammals *[reserved for taxa and schedule]* and cooperate with Federal, state and local government officials and employees and other stranding network participants when responding to these strandings. If [Participant acronym] receives a report of a live stranded marine mammal *[reserved for taxa]* and does not have the capability to respond to the report, [Participant acronym] shall notify the [Region] Regional Stranding Coordinator within [hours, days]. Also, if the [Region] Regional Stranding Coordinator receives a report of a live stranded marine mammal *[reserved for taxa]*, the Regional Stranding Coordinator may contact [Participant acronym] to determine whether [Participant acronym] has the capability to respond to the stranding.
2. [Participant acronym] shall take all steps reasonably practicable under the circumstances to prevent further injury to any live stranded marine mammal or injury to any network personnel.
3. [Participant acronym] shall cooperate with other members of the NMFS [Region]

Stranding Network and the National Marine Mammal Stranding Program as well as Federal, state, and local officials and employees in matters relating to stranded marine mammals or their disposition and comply with NMFS laws, regulations, policies and/or guidelines applicable to or promulgated by NMFS that apply to activities under this Agreement

4. [Participant acronym] shall be subject to the direction of a designated employee representing the NMFS [Region] Regional Administrator or Office of Law Enforcement with respect to the taking of a stranded marine mammal.
5. [Participant acronym] shall collect and provide the following information for each stranded marine mammal:
 - a. Complete the NOAA Form 89864, OMB # 0648-0178 (the Marine Mammal Stranding Report - "Level A" Data) for each stranded marine mammal. The form shall be sent to the [Region] Regional Stranding Coordinator, [Address], according to the following schedule *[reserved schedule]*:
 - b. Notify *[immediately or]* within 24 hours the NMFS [Region] Regional Stranding Coordinator regarding possible or confirmed human interactions *[reserved]*, suspected unusual mortality events, out of habitat situations, mass stranding events, mass mortalities, all live cetacean strandings, and any strandings involving endangered or threatened species or identified species of concern. *[Reserved {In addition, NMFS [Region] Region requests that [Participant acronym] report any right whale sightings that occur or are reported as part of their normal activities. Please see Attachment B for contact information.}]*;
 - c. If requested by the NMFS [Region] Regional Stranding Coordinator for certain stranding events (for example, strandings involving large whales, human interaction, disease outbreaks, pre-event investigations, or unusual mortality events), provide to the Regional Stranding Coordinator preliminary data from the Level A - Marine Mammal Stranding Report within 24 hours, and [Participant acronym] shall coordinate and cooperate with the Regional Stranding Coordinator to investigate such strandings or mortalities.
 - d. For all live cetacean stranding events, the NMFS [Region] Regional Stranding Coordinator may request expedited reporting *[within 24 hours]* by [Participant acronym]. [Participant acronym] shall provide the NMFS [Region] Regional Stranding Coordinator with preliminary or complete stranding reports, if available, including analytical results and necropsy reports *[within 24 hours]*;
 - e. In certain circumstances (e.g., unusual mortality event, possible human interaction case, out of habitat situation), the NMFS [Region] Regional Stranding Coordinator may request expedited reporting of live pinnipeds by [Participant

- [Participant acronym]. In these circumstances, [Participant acronym] shall provide the NMFS [Region] Regional Stranding Coordinator with preliminary or complete stranding reports, if available, including analytical results and necropsy reports [within 24 hours];
- f. Notify [immediately or] within 24 hours the NMFS [Region] Regional Stranding Coordinator any diseases of concern (e.g., any emerging, reportable, and/or zoonotic diseases) that are detected which could affect human health or the health of wild marine mammal populations;
 - g. Report within 30 days of the stranding, the retention or transfer of any parts from any stranded marine mammal collected under this agreement to NMFS [Region] Regional Stranding Coordinator, [Address], as required by 50 CFR 216.22. [Participant acronym] must provide the institution name where specimen materials have been deposited and ensure that retained or transferred parts are marked with the field identification number from the stranded animal;
 - h. Collect and make available any gear, debris, or other objects (for example, bullets, arrows, net webbing, etc.) that may be evidence of human interaction recovered from a stranded marine mammal that may be evidence of human interaction. [Participant acronym] must comply with chain of custody procedures or any other instructions as specified by NMFS [Region] and/or NMFS Office of Law Enforcement personnel;
 - i. If requested by the NMFS [Region] Regional Stranding Coordinator, [Participant acronym] shall provide to the Regional Stranding Coordinator copies of any photographs, films, and/or videotapes documenting any stranding (particularly for those strandings when human interactions are reported or suspected). This requirement shall be subject to negotiation with NMFS for any reimbursement for duplication and mailing. Any photography, film, or videotape of stranding response used for educational or commercial purposes of stranding response must include a credit, acknowledgment, or caption indicating that the stranding response was conducted under an Agreement between NMFS and [Participant acronym] under the authority of the MMPA. NMFS will not reproduce, modify, distribute, or publicly display the photograph, film, and/or videotape without consent of the author, unless required to release a copy under Federal law or order (such as the Freedom of Information Act);
 - j. If requested, [Participant acronym] must coordinate with NMFS [Region] to develop and implement a media plan relating to stranding events.
6. It is presumed that [Participant acronym] shall bear any and all expenses incurred with the taking, collection, or other activities pursuant to this Agreement. NMFS may be able to support costs associated with additional requests and specific analyses as part of the

Marine Mammal Health and Stranding Response Program.

7. Subject to available resources, [Participant acronym] shall assist local officials in the clean up of beach areas where should the animal be euthanized and necropsy or specimen collection may contribute to the soiling of the site.

ARTICLE V
Live animal response: Rehabilitation and release
Reserved
OR

A. [Participant acronym] may take live stranded marine mammals for rehabilitation and release.

This Agreement does not authorize the taking of any marine mammal species listed as endangered or threatened under the Endangered Species Act of 1973, as amended. Authorization to take ESA listed species is currently provided under MMPA/ESA permit #932-1489-01 and requires authorization and coordination with NMFS [Region] Regional Stranding Coordinator in the event of a stranding involving a threatened or endangered marine mammal.

In addition to the activities provided under previous Articles of this Agreement, and subject to the conditions contained in this Agreement, the MMPA, and the implementing regulations, [Participant acronym] may take live stranded marine mammals in a humane manner for rehabilitation and release which specifically includes the following activities:

1. Transferring marine mammals to another NMFS approved rehabilitation facility, temporary placement in a scientific research facility holding a current NMFS scientific research permit and United States Department of Agriculture Animal, Plant and Health Inspection Service (APHIS) license, release back to the wild, or permanent disposition to an authorized facility after consultation with and authorization by the NMFS [Region].
2. Scientific research may be conducted on stranded animals in a rehabilitation facility, only if the responsible individual has a scientific research permit and the facility holds an APHIS “public display or research” license in accordance to the Animal Welfare Act.
3. Making a final recommendation for release or nonrelease determination in consultation with NMFS [Region] according to any applicable NMFS guidelines and regulations including 50 CFR 216.27 (Release, non-releasability, and disposition under special exception permits for rehabilitated marine mammals). During a Marine Mammal Unusual Mortality Event, NMFS [Region] may provide additional requirements for

rehabilitation (e.g., isolation) and release as recommended in the National Contingency Plan for Response to Unusual Marine Mammal Mortality Events; D.W. Wilkinson, NOAA Technical Memorandum NMFS-OPR-9, September 1996. NMFS will prescribe these requirements in consultation with the Working Group for Marine Mammal Unusual Mortality Events.

4. Returning rehabilitated stranded marine mammals to their natural habitat and tagging such animals. Invasive tagging using other than standard methods (e.g., one-bolt roto or cattle ear tags, freeze branding) must first be approved by NMFS [Region] Region. Tagging is restricted to monitoring success of marine mammals released to the wild. Any projects outside the scope of monitoring release success must be authorized under a NMFS scientific research permit.
5. *[(Reserved) Performing humane euthanasia. Euthanasia shall only be performed by an attending veterinarian or by a person acting under the direct supervision of an attending veterinarian. When using controlled drugs, such person shall comply with all applicable state and Federal laws and regulations.]* Stranding network participant authorization to euthanize ESA-listed species is provided under MMPA/ESA permit #932-1489-01 and requires authorization and coordination with NMFS [Region] Regional Stranding Coordinator. For reference, see attachment C – 2000 Report of the American Veterinary Medical Association Panel on Euthanasia and attachment D – Chapter on Euthanasia in the 2nd Edition of the CRC Handbook of Marine Mammal Medicine.

B. [Participant acronym] Responsibilities

1. [Participant acronym] shall comply with NMFS laws, regulations, policies, and/or guidelines applicable to or promulgated by NMFS that apply to activities under this Agreement.
2. Upon release or other disposition of any marine mammal under this Article, [Participant acronym] shall complete the NOAA Form 89878, OMB # 0648-0178 (the Marine Mammal Rehabilitation Disposition Report). The form shall be sent to the [Region] Regional Stranding Coordinator, [Address], according to the following schedule *[reserved schedule]*:
3. [Participant acronym] shall, in compliance with applicable guidelines and applicable regulations, include a signed medical and behavior clearance by the rehabilitation facility's attending veterinarian and lead animal care specialist as part of a release determination. This information must be submitted to NMFS [Region] following the timeline and other requirements in 50 CFR 216.27(a) unless a previous waiver has been agreed to by the [Region] Regional Administrator.
4. [Participant acronym] shall be responsible for the custody of any living marine mammal

taken pursuant to this Article using standards for humane care and for practicing accepted medical evaluation and treatment (e.g., American Veterinary Medical Association, American Zoological Association and the International Association for Aquatic Animal Medicine). It is required under 50 CFR 216.22 that methods of care and maintenance of marine mammals in rehabilitation be reported to NMFS.

5. [Participant acronym] shall isolate stranded rehabilitating marine mammals from other wild or domestic animals and from any animal in permanent captivity (e.g., public display, scientific research, or enhancement).
6. [Participant acronym] shall prohibit the public display and training for performance of stranded rehabilitating marine mammals as required by 50 CFR 216.27(c)(5). This includes any aspect of a program involving interaction with the public
7. [Participant acronym] shall immediately report to the NMFS [Region] Regional Stranding Coordinator any diseases of concern (e.g., disease associated with an unusual mortality event, any emerging, reportable, and/or zoonotic diseases) that are detected which could affect human health or the health of wild marine mammal populations. NMFS [Region] may request that the facility temporarily not admit new cases of stranded marine mammals due to the severity of the disease of concern.
8. Upon request by the NMFS [Region] Regional Administrator, [Participant acronym] shall permit the NMFS [Region] Regional Stranding Coordinator, other appropriate NMFS employees, or any other appropriate persons duly designated by the NMFS [Region] Regional Administrator to inspect the facilities and inspect and/or request records that pertain to rehabilitation activities.

ARTICLE VI Designees

Reserved OR

A. Delegation of authority and responsibilities under this Agreement.

[Participant acronym] may designate a [*reserved-person*], organization, or institution to act on behalf of [Participant acronym] as a designee in accordance with this agreement. Such a designation requires prior written approval from NMFS [Region] (Attachment A). Any [*reserved-person*], organization or institution so designated shall be deemed an agent of [Participant acronym] and is subject to all applicable provisions of this Agreement as well as applicable laws, regulations, and guidelines. Any breach of the provisions of this Agreement by a designee of [Participant acronym] shall be deemed a breach by [Participant acronym]. [Participant acronym] must submit information (see requirements listed below) and a copy of any agreement between [Participant acronym] and its prospective designee at least 30 days prior to any prospective designation, to the NMFS [Region] Regional Stranding Coordinator and the Regional Administrator [Addresses].

B. [Participant acronym] Requirements: [Participant acronym] must provide the following information to the NMFS [Region] Regional Stranding Coordinator and Regional Administrator 30 days prior to any action by the designee:

1. Complete name of the [*reserved-person*], organization, or institution.
2. Resumes or CVs of all designees and key personnel.
3. Justification Statement for designation.
4. For rehabilitation facilities, a facility operation plan including personnel, veterinary care, equipment list, and other requirements stated under any applicable NMFS laws, regulations, policies, and/or guidelines.
5. Oversight plan including how [Participant acronym] will monitor the activities of the designee under this Agreement.

ARTICLE VII

Rights of States and Local Governments

Nothing in this Agreement shall be construed to affect the rights or responsibilities of other Federal, state or local government officials or employees in the course of their duties with respect to taking of marine mammals in a humane manner (including euthanasia) for protection or welfare of the marine mammal, protection of public health and welfare or non-lethal removal of nuisance animals (MMPA Sec 109h).

ARTICLE VIII

Effective Date

The terms of this Agreement shall become effective upon the signature of [Participant acronym] and NMFS [Region]. For new participants, NMFS will enter into this Agreement for a probationary period of one year from the effective date. Subsequently, if NMFS determines that services rendered under this Agreement have been satisfactory, this Agreement may be extended for a multi-year period. For multi-year agreements, no later than 90 days prior to the expiration date, [Participant acronym] shall indicate in writing to the NMFS [Region] Regional Administrator that a renewal of this Agreement is requested and provide the necessary information as prescribed by the NMFS [Region] Regional Administrator. Following NMFS review of information to determine if [Participant acronym] meet applicable requirements, the Agreement may be renewed if agreed to in writing by both parties.

Period of Agreement

Unless renewed or otherwise terminated as provided in this Agreement, this Agreement shall expire at the end of the following applicable period:

- 1 year for new stranding network participant
- 3 years for live animal responder and rehabilitator (Article IV and V)
- 5 years for dead animal responder (Article III)

ARTICLE IX

Review or Termination

This agreement may be modified at any time by NMFS [Region] upon 30 days written notice to [Participant acronym]. [Participant acronym] may request modification of the Agreement in writing. This Agreement may be terminated upon 30 days written notice by [Participant

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[Participant acronym]. Upon at least 30 days written notice to [Participant acronym], the NMFS [Region] may terminate this agreement, or any part thereof for any reason, including but not limited to violations of any applicable laws, regulations, or guidelines, or failure to satisfy the terms and responsibilities of this Agreement.

For violations of any applicable laws, regulations, or guidelines, or failure to satisfy the terms and responsibilities of this Agreement, the NMFS [Region] Regional Administrator shall provide [Participant acronym] notice and an opportunity to correct any deficiency under this Agreement. In that case, [Participant acronym] will be notified of any deficiency and given a time period to correct any such deficiencies. [Participant acronym] shall correct any such deficiencies within the given time period, unless the NMFS [Region] finds that there is good cause to extend the time period. If [Participant acronym] fails to correct any such deficiencies within the given time period, then the Agreement shall be terminated.

Termination of the Agreement by either party shall automatically terminate any designations by [Participant acronym] to any designee under this Agreement.

THIS AGREEMENT IS ENTERED INTO AND MADE EFFECTIVE THIS

Date _____

APPROVED:

NMFS[Region] Region

[Stranding Network Organization]

Signature of Regional Administrator

Signature of Authorized Representative

Reserved OR

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Attachment A: Statement of Agreement for designation of authority and responsibilities, to any [person], organization or institution to act as agents under this Agreement.

AGREEMENT

I have read the conditions as stated above for participating in the Stranding Network as an agent of the _____ (Stranding Network Organization) under its Agreement with NMFS [Region] Region and agree to abide by all applicable provisions of the Agreement between the National Marine Fisheries Service [Region] Region and _____ (Stranding Network Organization).

NMFS [Region] Region

**Authorized Representative
of Stranding Network Organization**

**Authorized Representative
of Designee**

Signatures

Title

Affiliation

Date

Reserved OR

DRAFT

November 3, 2004

Attachment B: NMFS[[Region](#)] Region Contact Information