



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

**OCT 05 2011**

Moby Solangi, Ph.D.  
President  
Institute for Marine Mammal Studies  
P.O. Box 207  
Gulfport, MS 39502

Dear Dr. Solangi:

The National Marine Fisheries Service has issued Permit No. 15537 to the Institute for Marine Mammal Studies (IMMS). This permit authorizes IMMS to acquire up to eight California sea lions (two males and six females) over a 5-year period from cooperating rehabilitation centers for the purposes of public display at your facility in Gulfport, Mississippi. This permit is effective upon your signature.

This permit does not preclude you from accepting animals that have been deemed non-releasable by NMFS and the stranding network; or, from acquiring animals from Naval facilities, zoos, or aquaria in the U.S. These animals may be received through separate authorizations. NMFS strongly encourages you to first explore the option of obtaining non-releasable rehabilitated animals or animals already in captivity at other institutions before obtaining releasable rehabilitated animals that the stranding network intends for return to the wild.

NMFS will not make arrangements for animals to be provided beyond the normal disposition process and rehabilitation facilities are under no obligation to provide animals to fulfill this permit. You are solely responsible for establishing partnerships with cooperating rehabilitation facilities to evaluate and select individuals for your program. The NMFS Regional Administrator will determine, upon recommendation from the custodian and attending veterinarian of the rehabilitated marine mammal, the releasability of said animal according to 50 CFR 216.27. If this is an animal that the rehabilitation facility, through a partnership with IMMS, would recommend for transfer to IMMS for public display rather than release, then the NMFS Regional Administrator will provide such determination to the Director, NMFS Office of Protected Resources (Office Director). The rehabilitation facility holding the animal must receive authorization from the Office Director, prior to transfer of the animal from the rehabilitation facility to IMMS for purposes of public display. Releasable rehabilitated animals taken under the authority of this permit will be converted to public display status upon transfer to the Permit Holder, IMMS.

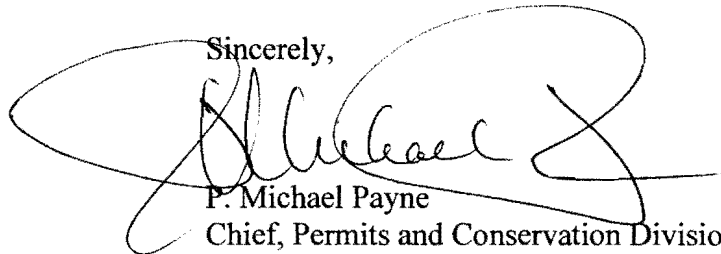


In accordance with the MMPA, NMFS is required to maintain an accurate inventory of marine mammals held in captivity. As indicated by Special Condition E.1., upon acquisition of any animal, please fill out an enclosed Marine Mammal Data Sheet and return it to the Director, Office of Protected Resources within 30 days. In the event of a death or the birth of any progeny, NMFS is to be notified within 30 days, as required by Special Condition E.2.

The original permit and a file copy of the signature page are enclosed. Please sign and date both, and return the signature page marked "**file copy**" to our office. The Permit is not valid until the signed copy is received in our office. You may submit the copy by facsimile to 301/713-0376 and confirm it by mail.

If you have any questions regarding the Special Conditions of your Permit or the reporting requirements, please contact Jennifer Skidmore or Amy Sloan by telephone at 301/427-8401.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Michael Payne", written over a large, loopy scribble that extends across the signature line.

P. Michael Payne  
Chief, Permits and Conservation Division  
Office of Protected Resources

Enclosures

cc w/encl: Tim Ragen, Ph.D., MMC  
Barbara Kohn, D.V.M., APHIS



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

Permit No. 15537  
Expiration Date: October 5, 2016

## PUBLIC DISPLAY PERMIT TO TAKE MARINE MAMMALS

### I. Authorization

This permit is issued to Institute for Marine Mammal Studies (IMMS), P.O. Box 207, Gulfport, MS 39502 [Dr. Moby Solangi, Responsible Party] pursuant to the provisions of the Marine Mammal Protection Act of 1972, as amended (MMPA; U.S.C. 1361-1407), and the regulations governing the taking and importing of marine mammals (50 CFR Part 216).

### II. Abstract

The objective of the permitted activity, as described in the application, is for the acquisition of stranded, releasable California sea lions (*Zalophus californianus*) from the NMFS Marine Mammal Health and Stranding Response Program for the purposes of public display.

### III. Terms and Conditions

The activities authorized herein must occur by the means, in the areas, and for the purposes set forth in the permit application, and as limited by the Terms and Conditions specified in this permit, including attachments. Permit noncompliance constitutes a violation and is grounds for permit modification, suspension, or revocation, and for enforcement action.

#### A. Duration of Permit

Personnel listed in Condition C.1 of this permit (hereinafter "Personnel") may conduct activities authorized by this permit through October 5, 2016. This permit expires on the date indicated and is non-renewable. This permit may be extended by the Director, NMFS Office of Protected Resources (Office Director), pursuant to applicable regulations and the requirements of the MMPA.

#### B. Number and Kind(s) of Protected Species, Location(s) and Manner of Taking

1. Up to eight (two male and six female) rehabilitated California sea lions (*Zalophus californianus*) that have met the release criteria may be obtained from rehabilitation facilities in the Southwest Region of the U.S. that possess current Stranding Agreements with NMFS.



2. This permit does not guarantee that the Permit Holder will be able to obtain any releasable sea lions from rehabilitation facilities, and does not require NMFS to direct any rehabilitation facilities to provide the Permit Holder with releasable sea lions. Thus, NMFS will not make arrangements for animals to be provided to IMMS, and rehabilitation facilities are under no obligation to provide animals to fulfill this permit.
3. The Permit Holder is solely responsible for entering into cooperative agreements with partnering rehabilitation facilities, and must work directly with the facilities to be notified of any potential candidate animals to be acquired under this Permit.
4. Under no circumstances may any marine mammal acquired under the authority of this permit be bought or sold from the rehabilitation facility. This does not preclude the Permit Holder from reimbursing the rehabilitation facility for actual costs incurred during the rehabilitation and transport of the individual animal(s) in accordance with 50 CFR 216.27.
5. The NMFS Regional Administrator will determine, upon recommendation from the custodian and attending veterinarian of the rehabilitated marine mammal, the releasability status of any marine mammal identified by the Permit Holder for retention according to 50 CFR 216.27 (attached) and will provide such determination to the Office Director. The rehabilitation facility holding the animal must receive authorization from the Office Director prior to transfer of the animal from the rehabilitation facility to IMMS for purposes of public display.
6. The marine mammals that may fulfill this permit must be taken and transported in a humane manner and in accordance with standards set forth in Animal Welfare Act (AWA) regulations (9 CFR Sections 3.112-3.118). In the event the Office Director determines that any method of taking or transport authorized herein or otherwise is not humane, the taking or transport by such method shall immediately cease and shall not resume until an acceptable method of taking or transport has been prescribed by the Office Director. Any inhumane taking or transport shall subject the Permit Holder to the penalties of the MMPA including revocation of this permit.
7. The Permit Holder must ensure that the rehabilitation facility from which an animal is obtained fills out a NMFS Rehabilitation Disposition Report (NOAA Form 89-878) upon transferring animals to IMMS, and submits such form to the NMFS Southwest Regional Administrator within 30 days of the transfer.
8. IMMS must continue to meet the three public display criteria required by §104 (c)(2)(A) of the MMPA (attached). IMMS must notify the Office Director if the APHIS licenses issued to any of its facilities are revoked, suspended, or terminated.

9. Marine mammals held for public display may not be released into the wild unless such a release has been specifically authorized under a separate scientific research permit that has been issued for that purpose.
10. The terms and conditions of this permit shall remain in effect as long as the subject marine mammals are maintained under the authority and responsibility of IMMS.

C. Qualifications, Responsibilities, and Designation of Personnel

1. At the discretion of the Permit Holder, the following Personnel may participate in the conduct of the permitted activities in accordance with their qualifications and the limitations specified herein:
  - a. Responsible Party and Principal Investigator - Moby Solangi, Ph.D.
  - b. Co-Investigator(s) – none listed at this time.
2. Individuals conducting permitted activities must possess qualifications commensurate with their roles and responsibilities. The roles and responsibilities of personnel operating under this permit are as follows:
  - a. The Permit Holder is ultimately responsible for activities of individuals operating under the authority of this permit. Where the Permit Holder is an institution/facility, the Responsible Party is the person at the institution/facility who is responsible for the supervision of the Principal Investigator.
  - b. The Principal Investigator (PI) is the individual primarily responsible for activities conducted under the permit. The PI must be on site during activities conducted under this permit unless a Co-Investigator named in Condition C.1 is present to act in place of the PI.
  - c. Co-Investigators (CIs) are individuals who are qualified to conduct activities authorized by the permit without the on-site supervision of the PI. CIs assume the role and responsibility of the PI in the PI's absence.
3. Personnel involved in permitted activities must be reasonable in number and essential to conduct of the permitted activities. Essential personnel are limited to:
  - a. Individuals who perform a function directly supportive of and necessary to the permitted activity (including operation of vessels or aircraft essential to conduct of the activity);

- b. Individuals included as backup for those personnel essential to the conduct of the permitted activity; and
  - c. Individuals included for training purposes.
4. Persons who require state or Federal licenses to conduct activities authorized under the permit (*e.g.*, veterinarians, pilots) must be duly licensed when undertaking such activities.
  5. The Permit Holder may request authorization from the Chief, Permits Division to add personnel to this permit as indicated below. The Permit Holder cannot require or receive direct or indirect compensation in return for requesting authorization for such person to act as a PI or CI under the permit.
    - a. The Permit Holder may add CIs by submitting a request to the Chief, Permits Division. Where the Permit Holder is an institution/facility, the Responsible Party may request a change of PI. Requests to change the PI or add CIs must include a description of the individual's qualifications to conduct and oversee the activities authorized under this permit. If a CI will be responsible for a subset of permitted activities, the request must also specify the activities for which they would provide oversight. Submit requests
      - through the online system at <https://apps.nmfs.noaa.gov>, or
      - by email attachment to the permit analyst for this permit, or
      - by hard copy mailed or faxed to the Chief, Permits Division.

D. Possession of Permit

1. This permit cannot be transferred or assigned to any other person.
2. The Permit Holder and persons operating under the authority of this permit must possess a copy of this permit: when engaged in a permitted activity; when a protected species is in transit incidental to a permitted activity; and when a protected species taken under such permit is in the possession of such persons.
3. A duplicate copy of this permit must be attached to the container, package, enclosure, or other means of containment in which a protected species or protected species part is placed for purposes of storage, transit, supervision or care. For the captive subject marine mammals, a copy of this permit shall be kept on file in the holding facility.

E. Reports

1. Upon acquisition of any animal, IMMS must complete an attached Marine Mammal Data Sheet for each of the subject animals and submit it to the Director, Office of Protected Resources within 30 days.
2. In the event of the death of any of the subject animals or the birth of progeny, including stillbirths, IMMS must notify the Office Director within 30 days by submitting an updated Marine Mammal Data Sheet for the animal.
3. Any progeny born will be subject to the MMPA.
4. Upon request of the Office Director, IMMS shall review and verify the accuracy of its Marine Mammal Inventory Report Summary (MMIRS). All MMIRS reports shall be submitted to the Office Director in the requested format.

F. Notifications

Prior to any transfer or transport of the subject animals from IMMS to public display facilities within the U.S., IMMS must provide written notification to the Office Director of the proposed transfer or transport. The Office Director must receive a completed Marine Mammal Transfer/Transport Notification form (attached) at least 15 days in advance of the intended transfer or transport. IMMS must assure that the intended recipient meets the three public display criteria required by §104 (c)(2)(a) of the MMPA.

G. Observers and Inspections

1. NMFS may review activities conducted pursuant to this permit. At the request of NMFS, the Permit Holder must cooperate with any such review by:
  - a. Allowing an employee of NOAA or other person designated by the Director, NMFS Office of Protected Resources to observe permitted activities; and
  - b. Providing all documents or other information relating to the permitted activities.

## H. Modification, Suspension, and Revocation

1. Permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR Part 904.
2. The Office Director may modify, suspend, or revoke this permit in whole or in part:
  - a. In order to make the permit consistent with a change made after the date of permit issuance with respect to applicable regulation prescribed under section 103 of the MMPA;
  - b. In a case in which a violation of the terms and conditions of the permit is found;
  - c. In response to a written request<sup>1</sup> from the Permit Holder;
  - d. If NMFS determines that the application or other information pertaining to the permitted activities (including, but not limited to, reports pursuant to Section E of this permit and information provided to NOAA personnel pursuant to Section G of this permit) includes false information; or
  - e. If any court finds unlawful or remands, vacates or enjoins the permit or any term of the permit for any reason.

## I. Penalties and Permit Sanctions

1. A person who violates a provision of this permit, the MMPA, or the regulations at 50 CFR 216 is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA and 15 CFR Part 904.
2. NMFS shall be the sole arbiter of whether a given activity is within the scope and bounds of the authorization granted in this permit. The Permit Holder must contact the Permits Division for verification before conducting the activity if they are unsure whether an activity is within the scope of the permit. Failure to verify, where NMFS subsequently determines that an activity was outside the scope of

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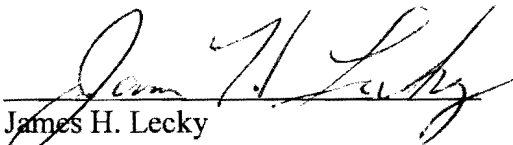
<sup>1</sup> The Permit Holder may request changes to the permit related to: the objectives or purposes of the permitted activities; the species or number of animals taken; and the location, time, or manner of taking or importing protected species. Such requests must be submitted in writing to the Permits Division in the format specified in the application instructions.



the permit, may be used as evidence of a violation of the permit, the MMPA, and applicable regulations in any enforcement actions.

J. Acceptance of Permit

1. In signing this permit, the Permit Holder:
  - a. Agrees to abide by all terms and conditions set forth in the permit, all restrictions and relevant regulations under 50 CFR Part 216, and all restrictions and requirements under the MMPA;
  - b. Acknowledges that the authority to conduct certain activities specified in the permit is conditional and subject to authorization by the Office Director; and
  - c. Acknowledges that this permit does not relieve the Permit Holder of the responsibility to obtain any other permits, or comply with any other Federal, State, local, or international laws or regulations.

  
James H. Lecky  
Director, Office of Protected Resources  
National Marine Fisheries Service

OCT 05 2011

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Date

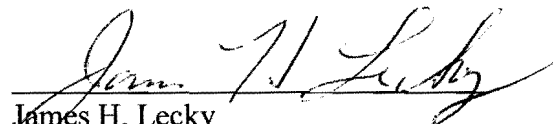
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Dr. Moby Solangi  
Responsible Party  
Institute for Marine Mammal Studies

\_\_\_\_\_  
Date

the permit, may be used as evidence of a violation of the permit, the MMPA, and applicable regulations in any enforcement actions.

J. Acceptance of Permit

1. In signing this permit, the Permit Holder:
  - a. Agrees to abide by all terms and conditions set forth in the permit, all restrictions and relevant regulations under 50 CFR Part 216, and all restrictions and requirements under the MMPA;
  - b. Acknowledges that the authority to conduct certain activities specified in the permit is conditional and subject to authorization by the Office Director; and
  - c. Acknowledges that this permit does not relieve the Permit Holder of the responsibility to obtain any other permits, or comply with any other Federal, State, local, or international laws or regulations.

  
James H. Lecky  
Director, Office of Protected Resources  
National Marine Fisheries Service

OCT 05 2011

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. Moby Solangi  
Responsible Party  
Institute for Marine Mammal Studies

\_\_\_\_\_  
Date

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products imported into the United States before the date on which a notice is published in the FEDERAL REGISTER with respect to the designation of the species or stock concerned as depleted or endangered.

(c) Section 216.12(b) shall not apply to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

[39 FR 1852, Jan. 15, 1974, as amended at 56 FR 43888, Sept. 5, 1991; 59 FR 50376, Oct. 3, 1994]

**§ 216.26 Collection of certain marine mammal parts without prior authorization.**

Notwithstanding any other provision of this subpart:

(a) Any bones, teeth or ivory of any dead marine mammal may be collected from a beach or from land within  $\frac{1}{4}$  of a mile of the ocean. The term *ocean* includes bays and estuaries.

(b) Notwithstanding the provisions of subpart D, soft parts that are sloughed, excreted, or discharged naturally by a living marine mammal in the wild may be collected or imported for bona fide scientific research and enhancement, provided that collection does not involve the taking of a living marine mammal in the wild.

(c) Any marine mammal part collected under paragraph (a) of this section or any marine mammal part collected and imported under paragraph (b) of this section must be registered and identified, and may be transferred or otherwise possessed, in accordance with § 216.22(c). In registering a marine mammal part collected or imported under paragraph (b) of this section, the person who collected or imported the part must also state the scientific research or enhancement purpose for which the part was collected or imported.

(d) No person may purchase, sell or trade for commercial purposes any marine mammal part collected or imported under this section.

(e) The export of parts collected without prior authorization under paragraph (b) of this section may occur

if consistent with the provisions at § 216.37(d) under subpart D.

[39 FR 1852, Jan. 15, 1974, as amended at 59 FR 50376, Oct. 3, 1994; 61 FR 21933, May 10, 1996]

**§ 216.27 Release, non-releasability, and disposition under special exception permits for rehabilitated marine mammals.**

(a) *Release requirements.* (1) Any marine mammal held for rehabilitation must be released within six months of capture or import unless the attending veterinarian determines that:

(i) The marine mammal might adversely affect marine mammals in the wild;

(ii) Release of the marine mammal to the wild will not likely be successful given the physical condition and behavior of the marine mammal; or

(iii) More time is needed to determine whether the release of the marine mammal to the wild will likely be successful. Releasability must be reevaluated at intervals of no less than six months until 24 months from capture or import, at which time there will be a rebuttable presumption that release into the wild is not feasible.

(2) The custodian of the rehabilitated marine mammal shall provide written notification prior to any release into the wild.

(i) Notification shall be provided to:

(A) The NMFS Regional Director at least 15 days in advance of releasing any beached or stranded marine mammal, unless advance notice is waived in writing by the Regional Director; or

(B) The Office Director at least 30 days in advance of releasing any imported marine mammal.

(ii) Notification shall include the following:

(A) A description of the marine mammal, including its physical condition and estimated age;

(B) The date and location of release; and

(C) The method and duration of transport prior to release.

(3) The Regional Director, or the Office Director as appropriate, may:

(i) Require additional information prior to any release;

§216.27

50 CFR Ch. II (10-1-08 Edition)

(ii) Change the date or location of release, or the method or duration of transport prior to release;

(iii) Impose additional conditions to improve the likelihood of success or to monitor the success of the release; or

(iv) Require other disposition of the marine mammal.

(4) All marine mammals must be released near wild populations of the same species, and stock if known, unless a waiver is granted by the Regional Director or the Office Director.

(5) All marine mammals released must be tagged or marked in a manner acceptable to the Regional Director or the Office Director. The tag number or description of the marking must be reported to the Regional Director or Office Director following release.

(b) *Non-releasability and postponed determinations.* (1) The attending veterinarian shall provide the Regional Director or Office Director with a written report setting forth the basis of any determination under paragraphs (a)(1)(i) through (iii) of this section.

(2) Upon receipt of a report under paragraph (b)(1) of this section, the Regional Director or Office Director, in their sole discretion, may:

(i) Order the release of the marine mammal;

(ii) Order continued rehabilitation for an additional 6 months; or

(iii) Order other disposition as authorized.

(3) No later than 30 days after a marine mammal is determined unreleasable in accordance with paragraphs (a)(1)(i) through (iii) of this section, the person with authorized custody must:

(i) Request authorization to retain or transfer custody of the marine mammal in accordance with paragraph (c) of this section, or;

(ii) Humanely euthanize the marine mammal or arrange any other disposition of the marine mammal authorized by the Regional Director or Office Director.

(4) Notwithstanding any of the provisions of this section, the Office Director may require use of a rehabilitated marine mammal for any activity authorized under subpart D in lieu of animals taken from the wild.

(5) Any rehabilitated beached or stranded marine mammal placed on public display following a non-releasability determination under paragraph (a)(1) of this section and pending disposition under paragraph (c) of this section, or any marine mammal imported for medical treatment otherwise unavailable and placed on public display pending disposition after such medical treatment is concluded, must be held in captive maintenance consistent with all requirements for public display.

(c) *Disposition for a special exception purpose.* (1) Upon receipt of an authorization request made under paragraph (b)(3)(i) of this section, or release notification under (a)(2), the Office Director may authorize the retention or transfer of custody of the marine mammal for a special exception purpose authorized under subpart D.

(2) The Office Director will first consider requests from a person authorized to hold the marine mammal for rehabilitation. The Office Director may authorize such person to retain or transfer custody of the marine mammal for scientific research, enhancement, or public display purposes.

(3) The Office Director may authorize retention or transfer of custody of the marine mammal only if:

(i) Documentation has been submitted to the Office Director that the person retaining the subject animal or the person receiving custody of the subject animal by transfer, hereinafter referred to as the recipient, complies with public display requirements of 16 U.S.C. 1374(c)(2)(A) or, for purposes of scientific research and enhancement, holds an applicable permit, or an application for such a special exception permit under §216.33 or a request for a major amendment under §216.39 has been submitted to the Office Director and has been found complete;

(ii) The recipient agrees to hold the marine mammal in conformance with all applicable requirements and standards; and

(iii) The recipient acknowledges that the marine mammal is subject to seizure by the Office Director:

(A) If, at any time pending issuance of the major amendment or permit, the Office Director determines that seizure

is necessary in the interest of the health or welfare of the marine mammal;

(B) If the major amendment or permit is denied; or

(C) If the recipient is issued a notice of violation and assessment, or is subject to permit sanctions, in accordance with 15 CFR part 904.

(4) There shall be no remuneration associated with any transfer, provided that, the transferee may reimburse the transferor for any and all costs associated with the rehabilitation and transport of the marine mammal.

(5) Marine mammals undergoing rehabilitation or pending disposition under this section shall not be subject to public display, unless such activities are specifically authorized by the Regional Director or the Office Director, and conducted consistent with the requirements applicable to public display. Such marine mammals shall not be trained for performance or be included in any aspect of a program involving interaction with the public; and

(6) Marine mammals undergoing rehabilitation shall not be subject to intrusive research, unless such activities are specifically authorized by the Office Director in consultation with the Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals, and are conducted pursuant to a scientific research permit.

(d) Reporting. In addition to the report required under §216.22(b), the person authorized to hold marine mammals for rehabilitation must submit reports to the Regional Director or Office Director regarding release or other disposition. These reports must be provided in the form and frequency specified by the Regional Director or Office Director.

[61 FR 21933, May 10, 1996]

### Subpart D—Special Exceptions

§ 216.30 [Reserved]

§ 216.31 Definitions.

For the purpose of this subpart, the definitions set forth in 50 CFR part 217 shall apply to all threatened and endangered marine mammals, unless a

more restrictive definition exists under the MMPA or part 216.

[61 FR 21935, May 10, 1996]

#### § 216.32 Scope.

The regulations of this subpart apply to:

(a) All marine mammals and marine mammal parts taken or born in captivity after December 20, 1972; and

(b) All marine mammals and marine mammal parts that are listed as threatened or endangered under the ESA.

[61 FR 21935, May 10, 1996]

#### § 216.33 Permit application submission, review, and decision procedures.

(a) *Application submission.* Persons seeking a special exemption permit under this subpart must submit an application to the Office Director. The application must be signed by the applicant, and provide in a properly formatted manner all information necessary to process the application. Written instructions addressing information requirements and formatting may be obtained from the Office Director upon request.

(b) *Applications to export living marine mammals.* For applicants seeking a special exception permit to export living marine mammals, the application must:

(1) Be submitted through the Convention on International Trade in Endangered Fauna and Flora management authority of the foreign government or, if different, the appropriate agency or agencies of the foreign government that exercises oversight over marine mammals.

(2) Include a certification from the foreign government that:

(i) The information set forth in the application is accurate;

(ii) The laws and regulations of the foreign government involved allow enforcement of the terms and conditions of the permit, and that the foreign government will enforce all terms and conditions; and

(iii) The foreign government involved will afford comity to any permit amendment, modification, suspension or revocation decision.

**Section 104. Permits** 16 U.S.C. 1374

(c) [IMPORTATION FOR DISPLAY OR RESEARCH.] —

(2)(A) A permit may be issued to take or import a marine mammal for the purpose of public display only to a person which the Secretary determines—

(i) offers a program for education or conservation purposes that is based on professionally recognized standards of the public display community;

(ii) is registered or holds a license issued under 7 U.S.C. 2131 et seq. ; and

(iii) maintains facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and that access to such facilities is not limited or restricted other than by charging of an admission fee.

# MARINE MAMMAL DATA SHEET

Date \_\_\_\_\_  
SHT# \_\_\_\_\_

OMB No. 0648-0084, exp 6/30/13

HN: \_\_\_\_\_ SN: \_\_\_\_\_  
For NMFS Use Only

## I. Holder-Specific:

Holder: \_\_\_\_\_ Facility: \_\_\_\_\_  
Person or other Entity With Custody of the Marine Mammal Name of Facility (if different from Holder)

Date assumed custody: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Date arrived at Facility: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

City/State/Zip (include Country for foreign facilities): \_\_\_\_\_  
Location of FacilityAnimal Identification No. \_\_\_\_\_ Animal Name: \_\_\_\_\_  
(assigned by holder) (assigned by holder)Captive Purpose(s):  Public display  Scientific research  Enhancement

## II. Animal-Specific:

Species: \_\_\_\_\_ Sex:  Male  Female  Unknown  
Common Name - Scientific Name

Population Name: \_\_\_\_\_

NOAA Identification No. \_\_\_\_\_ ( check here if unknown or not yet assigned)Date of birth: \_\_\_\_ - \_\_\_\_ - \_\_\_\_  Actual  EstimatedCaptive Origin (check only one):  Captive born  Wild capture  Beach/stranded  Unknown

Date of original captivity: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ (ATTACH documentation if before December 21, 1972.)

## III. Source:

 Indicate how and from whom custody of this animal was obtained, including change in facility. Captive birth Transfer/ Name of Previous Holder: \_\_\_\_\_  
Transport Name of Previous Facility: \_\_\_\_\_ Import Permit No. \_\_\_\_\_ or  For medical treatment otherwise unavailable (16 U.S.C. 1379(h)(2)) Beach/Stranded (Please see notes) Wild Capture Permit No. \_\_\_\_\_ Collector: \_\_\_\_\_Location: \_\_\_\_\_ / \_\_\_\_\_  
Latitude/Longitude Geographical Name

## IV. Disposition:

 The date and reason this animal left your custody or changed facility. Transfer/ Date: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Recipient: \_\_\_\_\_  
Transport Facility: \_\_\_\_\_ Death Date: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Cause:  Premature/still birth  Euthanasia  OtherIf "Euthanasia," indicate reason:  life-threatening condition involving pain/suffering or  other

If "Other Cause," describe briefly: \_\_\_\_\_

 Release Date: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Permit No. \_\_\_\_\_ or  Unauthorized release/escape  
(reintroduction)Location: \_\_\_\_\_  
Geographic Location Tag number or description of other identifying markings

## Marine Mammal Data Sheet (MMDS)

NOAA FORM 89-882

OMB No. 0648-0084; Exp. 6/30/2013

### NOTES:

The Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 *et seq.*) requires that persons holding marine mammals submit certain information to the National Marine Fisheries Service (NMFS). The MMPA requires that NMFS maintain an inventory of all marine mammals held for public display purposes and scientific research/enhancement (i.e., all marine mammals held captive except for those in captivity before December 21, 1972). In addition, the MMPA requires that NMFS be given advance notice 15 days prior to the transfer/transport of any marine mammal. To ensure compliance with these and related MMPA requirements, NMFS recommends that persons holding marine mammals in captivity use this *Marine Mammal Data Sheet* (MMDS) to submit inventory information regarding their captive marine mammals to NMFS. Use of this form will ensure that the MMPA required information is submitted in a consistent manner and that the NMFS marine mammal inventory is accurate and up-to-date.

*Marine Mammal Data Sheets* should be used when submitting information to NMFS in compliance with MMPA requirements applicable to persons holding marine mammals, including notifications of any additions/changes to your marine mammal inventory due to:

- Birth, Death, Transfer/Transport
- Retention or Transfer of Rehabilitated Beached and Stranded Marine Mammals (Authorization or Permit)
- Wild Capture, Import, Reintroduction to the Wild, including release or escape (Permit)
- Other (Corrections, etc.)

The animal-specific information in Section II will not change, whereas data in Sections I, III and/or IV will change with transfers/transports (changes of custody and/or facility/location). In accordance with MMPA requirements, NMFS requests notification of any change in custody or facility/location, including captive births and deaths. A copy of the Marine Mammal Inventory Report Summary (MMIRS) may be provided periodically and may be requested at any time by contacting the Permits, Conservation and Education Division at the address listed below.

All permit documentation including reports and inventory information required herein, is subject to the Freedom of Information Act (FOIA) with personal or sensitive information that is subject to the Privacy Act redacted when released under FOIA.

### Marine Mammal Transfer/Transport Notifications

NMFS recommends that:

1. Holders notify NMFS of proposed transfers/transports by completing a *Marine Mammal Transfer/Transport Notification* (MMTTN) form, forwarding it to the Receiver for signature and submitting it to NMFS. It is not necessary to submit the MMDS for the animals proposed to be transferred/transported, but sufficient information must be included on the MMTTN to identify the animal(s).
2. The MMTTN must be received by NMFS at least 15 days prior to the actual transfer/transport date. Should you need to transfer/transport an animal before the required 15 day notification, please contact NMFS regarding an emergency waiver.
3. NMFS will reply with an acknowledgement letter and MMDS(s) to be updated upon receipt of the animal(s). The transfer/transport should occur within 60 days after initial submission of the MMTTN. If an extension is necessary, please contact NMFS.
4. At any time within 30 days of the transfer/transport, the Holder should forward to NMFS the updated MMDS for each animal actually transferred/transported (i.e. Section I and, as necessary, Section III to verify receipt of the animal(s)).

### Beached and Stranded Marine Mammals – Retention or Transport

The retention or transport/retention of rehabilitated beached and stranded marine mammals requires a permit or written authorization under the MMPA. A permit is required to obtain such marine mammals for purposes of scientific research or enhancing the survival or recovery of species or stocks, or to retain or obtain such marine mammals for public display purposes where such animals have been determined releasable. Where such marine mammals have been determined non-releasable, NMFS authorization is required to retain or obtain them for public display purposes. Please contact the Permits, Conservation and Education Division at the number or address below for information on submitting such a permit application or authorization request.

**QUESTIONS?** If you need assistance completing this form please contact the Permits Division at (301-427-8401) or write to us at:

**Permits, Conservation and Education Division - F/PR1**  
**Office of Protected Resources**  
**National Marine Fisheries Service**  
**1315 East West Highway, Room 13705**  
**Silver Spring, MD 20910**

**Or by facsimile**  
**at (301) 713-0376**

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information to complete this form. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden, to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.





**MARINE MAMMAL NOTIFICATION (Continued)**

**VI. CERTIFICATION**

I hereby certify that this notice and any attached supplemental information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted in compliance with the Marine Mammal Protection Act of 1972 (MMPA) (16 U.S.C. 1361 *et seq.*), and regulations (50 CFR Part 216), and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001 or to penalties provided under the MMPA of 1972, as amended.

**HOLDER:**

**RECEIVING FACILITY:**

\_\_\_\_\_  
Signature of Responsible Person

\_\_\_\_\_  
Signature of Responsible Person

\_\_\_\_\_  
Name of Responsible Person<sup>7</sup>

\_\_\_\_\_  
Name of Responsible Person<sup>7</sup>

\_\_\_\_\_  
Title

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Title

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Facility Name/Company

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Facility Name/Company

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Street Address

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Mailing Address, if different

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Mailing Address, if different

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City/State/Zip Code

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City/State/Zip Code

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Phone Number

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Phone Number

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FAX Number (optional)

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FAX Number (optional)

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Email Address (optional)

\_\_\_\_\_  
Email Address (optional)

\_\_\_\_\_  
Primary Contact (if other than Responsible Person)

\_\_\_\_\_  
Primary Contact (if other than Responsible Person)

**VII. PLEASE SUBMIT THIS NOTIFICATION AND ANY SUPPLEMENTAL INFORMATION TO:**

Permits, Conservation and Education Division - F/PR1  
Marine Mammal Inventory  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East West Highway, Room 13705  
Silver Spring, MD 20910

**OR**

By Facsimile to (301) 713-0376

PLEASE NOTE: NOTIFICATIONS must be **received at least 15 days before** the date of transfer/transport.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information to complete this form. Send comments regarding this burden estimate or any other aspect of this collection of information to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

## NOTES

The Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 *et seq.*) requires that the National Marine Fisheries Service (NMFS) be given advance notification 15 days prior to the transfer/transport of most marine mammals (cetaceans and pinnipeds, except for walrus), and that the U.S. Fish and Wildlife Service (FWS) be given 15 days' advance notification of any walrus, polar bear, manatee sp., dugong, marine otter or sea otter. To ensure compliance with MMPA requirements, NMFS recommends persons transferring/transporting marine mammals submit this notification in the attached format (i.e., Marine Mammal Transfer/Transport Notification (MMTTN)). The NMFS receipt date is the start date of the required 15 days notification. NMFS will accept a transfer/transport notification by facsimile ONLY IF: (a) the facsimile transmitted is complete, signed and in the attached format; and (b) the original is forwarded to NMFS by express mail and received within three working days. If the marine mammals are listed as endangered or threatened under the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq.*) or subject to the Convention on International Trade in Endangered Species (CITES), permit and other requirements of the ESA and CITES must be met.

Persons exporting marine mammals must comply with the EXPORT requirements described on the back of this page. Permits are required for the IMPORTATION of marine mammals, for their CAPTURE from the wild, or for the RETENTION of rehabilitated beached and stranded marine mammals that have been determined releasable (i.e., in lieu of the release and re-capture of such marine mammals under a capture permit, a permit must be issued for their retention.) Permits are also required to obtain marine mammals for scientific research or enhancement purposes from captive stock, whether by transfer from another person/facility or by retention of non-releasable rehabilitated beached and stranded stock. Written authorization (not a permit) from NMFS is required to retain or obtain for public display purposes rehabilitated beached and stranded stock determined non-releasable (i.e., this required authorization is in addition to the 15 days' advance notification required for any transfer/transport). Requests for authorization to obtain or retain such marine mammals must be submitted to NMFS after the determination is made that release to the wild is not feasible and at least 15 days' before their transfer/transport or use for public display purposes.

A notice of receipt of permit applications is required by statute to be published in the *Federal Register* and applications and supporting documentation are available for review by the public at every stage of processing and during the life of the permit. The provisions at 50 CFR 216.33 implement these statutory requirements, and are referenced in and attached to the Application Instructions. All permit documentation including reports and the information required herein, is subject to the Freedom of Information Act (FOIA) with personal or sensitive information that is subject to the Privacy Act redacted when released under FOIA.

1. This is a planned or target date ONLY. Where a specific target date cannot be identified, a period of up to seven days may be identified instead (e.g., 1/4 - 1/11). Actual transfer/transport may occur on a different date but may not occur until at least 15 days following NMFS receipt of the transfer/transport notification.
2. "Holder" means a person (i.e., any individual or public or private entity) with permanent custody of the marine mammal to be transferred/transported. All marine mammal transports between facilities/location require notification regardless of whether such facilities are owned, operated or otherwise controlled by the same or different persons, or whether the transfer/transport is temporary or permanent.
3. The name of the holder/receiving holder need not be the same as the facility. The holder/receiving holder may be a person or corporate entity that owns/operates several facilities; or the holder/receiving holder may hold marine mammals in multiple facilities. In any case, and particularly in circumstances where the name of the holder/receiving holder is different from the facility, NMFS requests that the facility be identified.
4. "Receiving Holder/Receiving Facility" means a person (i.e., any individual or public or private entity) that is receiving the marine mammals to be transferred/transported. The receiving facility who obtains marine mammals for public display purposes must meet the three requirements of Section IV, including maintaining (i.e., owning, leasing or otherwise controlling) facilities at the receiving location for the public display of marine mammals.
5. Standards for education and conservation programs developed and endorsed by the American Association of Zoos and Aquariums (AZA) and the Alliance of Marine Mammal Parks and Aquariums (Alliance), representing approximately 60% of the U.S. marine mammal public display community, were published in the *Federal Register* on October 6, 1994 (59 FR 50900). Please call the Permits, Conservation and Education Division at the number below or write to the address listed in Section VI, if you would like a copy of this notice. If applicable, the AZA/Alliance standards may be referenced as the standards on which your education or conservation program is based by simply checking the applicable "box." However, please note that while these professionally recognized standards have been provided by the AZA and Alliance, they represent only two examples of such standards. Other professionally recognized standards of the public display community may differ from these examples. If your education or conservation program is based upon different professionally recognized standards of the public display community, please provide a copy of those standards. NMFS maintains a record of such standards for reference purposes only.
6. Please attach this documentation only if the standards or restriction on public access have changed or if your Exhibitor's License has changed or been renewed since your last submission of this information.
7. Principal Officer, Director, President or other person with responsibility for and authority to determine the disposition of the marine mammals involved.

**QUESTIONS?** If you need assistance in completing a Marine Mammal Transfer/Transport Notification, please contact the Permits, Conservation and Education Division at the address listed in Section VI or call us at (301) 427-8401.

## EXPORTS

Foreign persons/facilities receiving custody of marine mammals by EXPORT from the United States must meet standards that are comparable to those applicable to persons transporting and receiving custody of marine mammals in the United States for purposes of public display, scientific research or enhancement. This means, for example, that export for scientific research or enhancement purposes requires issuance of a permit under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*). However, marine mammals may be exported for public display purposes without an MMPA permit if either: the marine mammals to be exported are being held for public display purposes and the Holder and Receiving Holder/Facility submit a Marine Mammal Transfer/Transport Notification and comply with the export-specific requirements listed below; OR the marine mammals to be exported are being held for scientific research or enhancement purposes and NMFS authorizes the export of such marine mammals after the Holder and Receiving Holder/Facility comply with the export-specific requirements listed below. In the latter case, i.e., where marine mammals to be exported are being held for a purpose other than public display, NMFS may determine that a 30-day opportunity for public comment is necessary and, therefore, authorization must be requested at least 60 days in advance of such a proposed export.

Please note that the notification required for the export of marine mammals presently being held for public display must be accompanied or preceded by documentation meeting transfer/transport and export requirements, including a letter from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) stating that the foreign facility concerned meets standards comparable to those applicable to U.S. licensees and registrants under the Animal Welfare Act (7 U.S.C. 2131 *et seq.*). Similarly, NMFS must receive an APHIS comparability determination before authorizing the export of marine mammals presently being held for purposes other than public display; i.e., marine mammals being held for scientific research or enhancement purposes or non-releasable marine mammals from rehabilitated beached and stranded stock. To make this MMPA-required comparable standards determination, the foreign Receiver must submit sufficient documentation to APHIS on which to base such a determination, or be inspected by an APHIS inspector or other person designated by APHIS at the expense of the importer or exporter. When documentation is submitted, the foreign government involved must certify its accuracy. Please contact Animal Care, APHIS, Riverdale, MD 20737 (301-734-7833) for guidance concerning documentation or inspection options.

Subsequent transfer/transport of exported marine mammals, or their progeny, between foreign holders of such marine mammals must adhere to the above requirements. Foreign transfer/transport notifications must be submitted to NMFS through the appropriate agency of the foreign government (e.g., the Convention on International Trade in Endangered Species (CITES) management authority). A Marine Mammal Transfer/Transport Notification must be submitted at least 15 days before the transfer/transport of exported marine mammals between facilities located in the same country. Before exported marine mammals are transported/exported to another foreign country, the Shipper and Receiver must submit a Marine Mammal Transfer/Transport Notification AND the government of the foreign Receiver must submit the certification statements listed below. Although an MMPA permit may not be required for public display exports, any person exporting or importing protected species, including marine mammals, must comply with other applicable U.S. law and may need to obtain a CITES permit. Information concerning CITES permit requirements is available from the Office of Management Authority, U.S. Fish and Wildlife Service, U.S. Department of the Interior, 4401 North Fairfax Drive, Room 420, Arlington, VA 22203 (703-358-2104).

In summary, to export marine mammals for purposes of public display:

The foreign Receiver must:

- (1) Offer an education or conservation program comparable to one that is based on professionally recognized standards of the U.S. public display community;
- (2) Meet standards comparable to the requirements that a person in the United States must meet to be registered or be issued a license under the Animal Welfare Act (7 U.S.C. 2131 *et seq.*); and
- (3) Maintain facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis with access that is not limited or restricted other than by charging an admission fee.

**AND**

The appropriate agency of the foreign government (e.g., the Convention on International Trade in Endangered Species (CITES) management authority of the government) must submit a statement certifying that:

- (1) The information submitted concerning the foreign facility is accurate;
- (2) The laws and regulations of the government involved permit that government's enforcement of requirements equivalent to the requirements of the U.S. Marine Mammal Protection Act (MMPA) and Animal Welfare Act (AWA), and that government will enforce such requirements; and
- (3) If it is determined that the foreign facility involved has acted in a manner inconsistent with a requirement of the MMPA or the AWA that would be applicable if the foreign facility were a U.S. facility, the government concerned will afford comity to an enforcement decision that may be made by NMFS, including seizure or arrangements for other disposition of marine mammals exported from the United States and the progeny of such marine mammals and the recovery of expenses for such seizure or other disposition.

All three certification statements are required by NMFS to ensure compliance with MMPA requirements. APHIS requires only that the accuracy of the information be certified as a prerequisite for making a comparability determination.