

I. APPLICATION FOR A PERMIT FOR PUBLIC DISPLAY UNDER THE MARINE MAMMAL PROTECTION ACT.

This request is for the importation of two male beluga whales from Grupo Empresarial Chapultepec, S.A. DE C.V. (“GECSA”), a Mexican corporation headquartered in Mexico City, Mexico.

II. DATE OF APPLICATION.

June 20, 2005.

III. APPLICANT.

The applicant, Georgia Aquarium, Inc. (“GAI”), is a private 501(c)(3) corporation. GAI is constructing, and will operate, an aquarium in Atlanta, Georgia. The Aquarium expects to become open to the public in November, 2005. All correspondence regarding this application should be addressed to:

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IV. DESCRIPTION OF THE MARINE MAMMALS AND THE PROPOSED ACTIVITY.

A. Statement of Work.

The beluga whales are being imported for public display.

B. Summary of Marine Mammals to be Imported.

1. Species to Be Imported.

This application is for the importation of two adult beluga whales,
 Delphinapterus leucas.

Sex	Estimated Size	Estimated Age	Reproductive Condition	GECSA Identification
Male	11'4"	15 years	Adult	Nico
Male	11'1"	15 years	Adult	Gasper

2. Marine Mammal Parts to Be Imported.

The proposed activity will not involve the importation of any marine mammal parts.

3. Description of the Status of Stocks.

The activity to be conducted under this permit will have no detrimental impact upon this species or its ecosystem. The two beluga whales have been maintained by GECSA since 1998.

Beluga whales, *Delphinapterus leucas*, are widely distributed in a circumpolar manner throughout the arctic and sub-arctic (Sergeant and Brodie, 1975; Kleinenburg et al., 1964). The species is encountered in coastal areas (Lowry et al., 1982, Sergeant and Brodie, 1969a; Kleinenburg et al., 1964) as well as offshore (Harrison and Hall, 1978). Beluga whales are gregarious and sometimes occur in groups of over 1000 animals especially during migrations and summer calving periods (Seaman and Burns, 1981; Fraker, 1977). The distribution of belugas in the winter appears to be limited to areas of open water and/or of pack ice (Lowry et al., 1982). In the summer, belugas frequent river estuaries during calving (Sergeant and Brodie, 1969b; Fraker, 1980; Sergeant, 1973).

Beluga whales are found in North American waters extending from Alaska across the Canadian western Arctic to Hudson Bay among islands

in the eastern Arctic and into the Gulf of St. Lawrence. (Brodie, 1989)

There have been no dedicated surveys to estimate the population of belugas in the Russian Arctic. Ognetrov (1987) postulated that a total of 15,000-20,000 animals inhabited the White, Barents, and Kara Seas. However, the quoted work presents results of counts in the White Sea only, and there is no data available regarding the abundance of belugas in the other seas of Russia. (Boltunov et al. 2002). Thus, there is no reliable data regarding the abundance of belugas in the Eastern Siberia Sea or the Sea of Okhotsk. However, of the Arctic cetaceans in Russia, belugas are by far the most abundant. (Heide-Jorgensen, 2002).

The Marine Mammal Commission's 1995 Annual Report to Congress suggested that the worldwide beluga population was estimated to be between 50,000 and 70,000 animals. However, more recent NOAA Fisheries data as well as data from Canada's Department of Fisheries and Oceans suggest there are 125,000-197,000 belugas in the U.S. and Canada alone (NOAA Fisheries, www.noaa.gov/fisheries; and DFO, www.dfo-mpo.ca).

A NOAA Technical Memorandum on the Alaska Marine Mammal Stock Assessments in 2000 listed all Alaska populations of belugas – with the exception of the Cook Inlet population – as stable or increasing. In fact, the study noted that the Bristol Bay population may be at or above its historical level prior to human intervention. (NOAA Technical

Memorandum NMFS-AFSC-119, Alaska Marine Mammal Stock Assessment, 2000).

C. Description of the Proposed Activity.

1. Dates and Locations.

Authorization is requested to import two beluga whales identified as Nico and Gasper from GECSA to GAI or, if GAI has not received the requisite licenses from the Animal and Plant Health Inspection Service (“APHIS”) pursuant to the Animal Welfare Act (“AWA”) and from the National Marine Fisheries Service (“NMFS”) for operation as a public display facility pursuant to the Marine Mammal Protection Act (“MMPA”) on the date on which a permit to import these animals is granted, GAI requests that the animals be imported to Mystic Aquarium located at 55 Coogan Blvd Mystic, CT 06355. If that occurs, when GAI has received the necessary approvals, the animals will be transferred to GAI. The reason for this request is the two beluga whales at issue are currently maintained in substandard conditions and it is in the best interest of these animals that they be removed from their current environment as quickly as possible. Thus, if GAI has not yet received the requisite approvals to hold the animals at the time this permit application is granted, GAI requests that the animals be transported to Mystic Aquarium for immediate medical and other treatment and, subsequently, be transferred to GAI. Mystic Aquarium has been approved by NMFS as a public

display facility and holds an APHIS license for the care and maintenance of beluga whales.

The importation of the two beluga whales would occur as promptly as possible upon approval of this permit application. Although final transport arrangements have not been made, GAI will be requesting that either Hartford, CT or Atlanta, GA be deemed a temporary port of entry into the United States for this single transport so as to minimize transport time and eliminate the additional take off and landing time required to transit through a designated port of entry for marine mammals. If this is not possible, then the port of entry will be New Orleans, LA.

2. Proposed Duration of Permit.

GAI requests authorization to import these animals on or before July 15, 2005. Due to the environment in which these animals are currently held and the ongoing health risk to the animals, GAI requests that this permit application be expedited to allow adequate and appropriate medical treatment to be implemented as soon as possible and to remove the stressors associated with the roller coaster, highway and other items noted in this application. GAI believes immediate action is necessary to protect the health and well being of the animals. The duration of the permit would be twelve (12) months from the date granted.

3. The Type of Taking Involved.

This request is for the importation of two beluga whales which have been maintained since 1998 in a pool at LaFeria de Chapultepec, an amusement park managed by GECSA. GAI will be taking title to, and assuming custody of, these animals.

D. Collection from the Wild.

There will be no collection of animals from the wild and, therefore, this section is not applicable.

E. Taking of Marine Mammal Parts.

There will be no taking of marine mammal parts obtained from any animal currently in the wild or in an aquarium environment and, therefore, this section is not applicable.

F. Effects of the Proposed Activity.

1. Effects on the Individual Animals.

There are no adverse effects on the animals anticipated as a result of the act of importation. The importation will be done in accordance with the highest approved standards so as to minimize any temporary stress on the animals. Thus, a chartered aircraft will fly the animals to the airport closest to their final destination. The transport will comply with APHIS and International Air Transport Association (“IATA”) standards for the

transport of marine mammals. The transport will be attended by two staff and two veterinarians with over 75 years combined experience in cetacean care and transport. Post transport management and medical treatment will provide these animals with the care they need to address both their physical and psychological needs. The GAI team consists of husbandry, veterinary, and life support systems staff with extensive professional experience in beluga whale management and treating stranded cetaceans - which in many ways resembles the type of care these animals will require upon placement at a new facility. See Part V(A)-(D) which provides further detail on the qualifications of the individuals accompanying the animals during transport, the transport unit, and the mode of transport. The referenced sections also include a veterinary certification as to the adequacy of the transport plan.

G. Impact on the Species.

The importation will have no impact on species in the wild as there will be no removal of animals from the wild associated with this import. The animals to be imported were removed from the wild in 1996 and 1997. Moreover, GECSA has no intention of replacing these animals through further captures from the wild. Exhibit 1 is a letter from GECSA so stating.

H. Impact on the Marine Environment.

For reasons stated in the immediately preceding section, there will be no impact on the marine environment from the importation of these species.

I. Impact on the Human Environment.

A review of the factors set forth in 40 C.F.R. § 1508.27 clearly demonstrates that issuance of this permit will not significantly affect the quality of the human environment.

1. There will be no adverse impacts on the environment resulting from this importation. Specifically, there will be no adverse impact on beluga whales remaining in the environment as there will be no taking involved in this import and no taking will result from this import. The impacts from this importation can only be positive in achieving a medical rescue of animals clearly held under seriously substandard and adverse conditions.
2. The importation will not affect public health or safety. There will be no risk to the public health because of the importation. There will be no threat to public safety from the transport as the general public will not be involved. The transport will be done by trained professionals.
3. There are no unique characteristics of a geographic region affected by the importation.
4. The effect of the importation on the quality of the human environment is not likely to be highly controversial. For an action to qualify as “highly controversial” there must be a substantial dispute about the size, nature or effect of the major federal action rather than the existence of opposition to it. The Fund for Animals v. Williams, 246 F.Supp.2d 27, 45 (D.D.C. 2003), citing Friends of the Earth v. Army Corps of Engineers, 109

F.Supp.2d 30, 43 (D.D.C. 2000); Rucker v. Willis, 484 F.2d 158, 162 (4th Cir. 1973). A “controversy” does not exist merely because some individuals or groups are highly agitated about, vigorously oppose, or have raised questions about the action.

That kind of bootstrap reasoning would permit such an opponent to sidestep his burdens under the law simply by declaring the existence of a “controversy.” . . . [I]f controversy were equated with opposition, the [environmental impact statement] outcome would be governed by a “heckler’s veto.” The Fund For Animals v. Williams, 246 F.Supp.2d at 45 n.18. Nor does “controversy” exist simply because there are conflicting views among experts. Id. at 45, citing Sierra Club v. Watkins, 808 F. Supp. 852, 862 (D.D.C. 1991). Disagreement among experts relied upon NMFS and outside experts, or experts hired by parties opposing a permit, also does not create a controversy under the National Environmental Policy Act (“NEPA”). When specialists express conflicting views, an agency must have discretion to rely on the reasonable opinions of its own qualified experts. The Fund For Animals v. Williams, 246 F.Supp.2d at 46, citing Sierra Club v. Watkins, 808 F. Supp. at 862 (noting that “disagreement [among experts] does not render the agency’s action arbitrary and capricious.”)

Here, the agency action is the importation of two beluga whales for public display. There is no serious scientific debate about the process and procedures used to transport animals. GAI will be using standard and

accepted procedures. GAI will not be experimenting with new transport processes or procedures. Furthermore, there is no scientific controversy about public display. Whatever controversy may exist regarding public display is philosophical and that fails to satisfy the legal standard for controversy under NEPA. Moreover, Congress has statutorily resolved this issue by specifically authorizing and approving the public display of marine mammals.

5. There are no uncertain, unique, or unknown risks from the import. Beluga whales have been maintained in an aquarium environment for many years and the proper procedures for doing so are well established. Such procedures will be employed by GAI and by Mystic Aquarium if the animals are placed at that facility temporarily. Further, standard, accepted, and well tested techniques will be used in the transport of the animals.

6. Approval of the permit application does not constitute a precedent for future actions with significant effects on the human environment, nor does it represent a decision in principle about a future issue. The type of “precedent” referred to in 40 C.F.R. § 1508.27(b)(6) is a situation where an action by an agency constitutes an irreversible precedent for a future action by that agency. It is not that someone outside the agency may be more likely to ask the agency to act on a permit. Thus, the courts have held that for an action to establish a “precedent” it must “form a link in a change of bureaucratic commitment that will become progressively harder to undo the longer it continues.” The Fund for Animals v. Williams, 246

F.2d at 47, quoting Sierra Club v. Marsh, 769 F.2d 868, 879 (1st Cir. 1985). Indeed, absent proof that approval of this permit application will constitute a “binding precedent” with respect to future applications there is no “precedent” within the meaning of the applicable regulations. Town of Cave Creek v. Federal Aviation Administration, 325 F.3d 320, (D.C. Cir. 2003). Given that any future permit application to import beluga whales is to be judged on its own “particular circumstances and problems,” no precedent arises. Id. at 332.

7. This importation is not part of any cumulatively significant impact. A cumulative impact is defined as that resulting from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions. 40 C.F.R. § 1508.7. The proposed import is a single event unrelated to any other event and, therefore, there is no cumulative impact resulting from this importation. Moreover, no one can allege a related chain of impacts as this importation will not result in the removal of any additional animals from the wild by GECSA. Rather, this import will effect a medical rescue.
8. There is no impact from the import on any protected scientific, cultural, or historic sites or resources.
9. Beluga whales are not listed under the Endangered Species Act and, therefore, there is no impact on species protected under that statute.
10. The proposed import will not violate any federal, state, or local law.

Based on this analysis, the proposed import meets the requirements for a categorical exclusion under NOAA Administrative Order 216-6, Sections 5.05a and 5.05b. Indeed, pursuant to Section 5.05b, prior NEPA analyses for similar actions demonstrates that this importation will not have significant impacts on the quality of the human environment. Prior applications for permits to import beluga whales for public display have been considered to be categorically excluded from the requirements of NEPA. For example, the import permit filed by Sea World, Inc. to import a beluga whale from Vancouver Aquarium Marine Science Center for purposes of public display (File No. 116-1662) and the application from Sea World, Inc. to import a beluga whale from Duisburg Zoo (File No. 116-1729) were both considered to be categorically exempt from NEPA.

Moreover, this permit application does not fall within any criteria set forth in NOAA Administrative Order 216-6, 5.05c regarding exceptions to categorical exclusions. No unique geographic areas are affected, there is no controversy as that term is defined and interpreted by the courts, there are no uncertain environmental impacts or unique or unknown risks, the importation does not constitute a precedent as that term has been interpreted, the import will not result in cumulative significant impacts, and the import will not affect species protected under the Endangered Species Act.

Section 6.03f.2(a) of the Administrative Order also requires that the agency take into account any population shifts with the subject species when considering whether a categorical exclusion is appropriate. In this case, the animals are being transferred from one facility to another facility and, therefore, wild populations will not be affected by the transfer and shifts in those populations are irrelevant.

Finally, pursuant to NOAA Administrative Order 216-6, Section 6.03f.2(a), permits for public display qualify for a categorical exclusion.

V. IMPORT REQUIREMENTS.

A. The Names and Qualifications of the Personnel Accompanying the Animals During Import.

The animals will be transported under the direct supervision of GAI professional staff with extensive experience in the transport, medical care, and management of beluga whales. The names and qualifications of these individuals are listed below.

Tim Binder, Director of Husbandry at the Georgia Aquarium, has been working with cetaceans for 28 years including the daily care and long term management of whales and dolphins. He has extensive experience transporting marine mammals domestically and internationally by land and air.

Eric Gaglione, Assistant Manager of Husbandry at the Georgia Aquarium, has been working with cetaceans for 20 years including the daily care and long term management of whales and dolphins. He has extensive experience transporting marine mammals by land and air.

Dr. Howard Krum, VMD, MS is the Manager of Veterinary Services and Conservation Management at the Georgia Aquarium and has over 13 years in aquatic animal medicine including the care, management and transportation of cetaceans.

Dr. J. Lawrence Dunn, VMD, Staff Veterinarian at the Mystic Aquarium, has over 30 years professional experience in aquatic animal medicine with a strong focus on cetaceans and has transported whales and dolphins extensively by land and air.

This team has 80 years of combined experience working directly with beluga whales and over 90 years of experience with aquatic animal care.

B. Description of the Transportation Unit.

The animals will be transported in a specially designed and constructed transport unit. The transport containers are made of structurally reinforced fiberglass, are designed specifically for air transport of aquatic animals, and exceed IATA standards for transporting cetaceans. The two units are 17'6" long, 8' wide and 7.5' tall. The animals are supported inside the transport boxes on stretchers made of soft nylon canvas. Water in the transport boxes will support the animals' body and provide for proper thermoregulation. The transport will be conducted using all contemporary methods as outlined in the CRC Handbook of Marine Mammal Medicine, Second Edition (Dierauf & Gulland, 2001).

C. Mode of Transportation.

Transport will be via charter aircraft and truck in accordance with professionally accepted techniques and in compliance with all applicable regulations, standards and conditions set forth under the Marine Mammal Protection Act, Animal Welfare Act, and Lacey Act. The animals will remain under the care of GECSA until they are removed

from the pool at LaFeria at which time GAI will assume responsibility for the care and maintenance of the animals.

GAI husbandry and veterinary care staff with extensive experience in cetacean transport will attend the whales throughout transport. Prior to the date of transport, a platform and ramp will be constructed to span the north edge of the holding pool at LaFeria and a small section of the roller coaster support structure will be removed to create a point of egress for moving the animals from their current location. A hoist will lift the animals out of the holding pool and place them in a specially designed cart waiting on the platform. Each animal will be rolled down the ramp to a position where they will be crane lifted into the transport units secured on a flatbed trailer. Once secured in the transport units, the animals will be driven to the airport and transferred to the charter aircraft. This activity will occur at night when air temperatures are cooler and traffic less congested. Extra water and ice will be utilized to keep the animals cool and moist during transit to the airport and while loading and off-loading. Drive time to the airport from LaFeria at this time of day is no more than 30 minutes. Flight time to Hartford, CT is approximately 5.5 hours. If the animals are transported directly to Atlanta, then the flight time will be approximately 3 hours. The animals will be transferred to a waiting tractor trailer and transported to the facilities in Mystic or Atlanta. Drive time from Hartford to Mystic Aquarium is approximately 1 hour and from the Atlanta airport to the Georgia Aquarium is 15 minutes. The animals will be tended continuously during transport so they are kept cool and wet. The animals' positions will be monitored and adjustments made as needed to keep them comfortable. Air and water

temperatures will be controlled to keep them cool. The aircraft will be pressurized to avoid exposure to air pressure to which the whales may not be accustomed.

The transport aircraft and flight crew will be positioned in Mexico City the day prior to the transport to provide adequate time to ensure that the transport aircraft is airworthy and capable of executing the transport. In the event of an equipment failure that would prevent the aircraft from flying, the transport will be delayed until the plane is airworthy or a suitable replacement has been secured. If unanticipated delays occur once the animals have been removed from their pool, the animals will be maintained to provide for their health and well being as discussed in the CRC Handbook for Marine Mammal Medicine. In the unlikely event of an extended delay, the animals may be returned to the pool at LaFeria de Chapultepec until the problems have been resolved and the transport is rescheduled.

D. Veterinary Certification.

Exhibit 2 is a written certification from the attending veterinarian responsible for the animals during import stating that the transport plan is satisfactory from a veterinary perspective and that the attending veterinarian will assess the condition of the animals prior to transport to assure their suitability for transport.

E. Country of Exportation.

The beluga whales were both taken from the White Sea in Russia in 1996 and 1997 and, in 1998, were exported from Russia to Mexico. This permit application is to re-export the animals from Mexico to the United States. The export from Russia to

Mexico was conducted by Promotora de Centros de Esparcimiento S.A. de C.V., Paseo de la Reforma No. 155 1 er. Piso Col. Lomas de Chapultepec Mexico, D.F. 11000 which was subsequently purchased by GECSA.

F. Description of the Taking of the Country of Origin.

When the animals were taken from the White Sea in 1996 and 1997, they were approximately seven years old. There is no evidence that the animals were not collected in accordance with all applicable laws of Russia. Indeed, the existence of a CITES export permit granted by the appropriate Russian authorities allows the inference that the original taking was in full compliance with the laws of Russia. There is also no evidence that the animals were taken in a manner which would not meet the standards of humaneness set forth in the Marine Mammal Protection Act. GAI has no documents associated with the initial capture of the animals although GAI has made numerous attempts to obtain such documents. What GAI has learned is that the animals were collected by Utrish Dolphinarium.

The Utrish Dolphinarium is a branch of the Severtsov Institute for Ecology and Evolution of the Russian Academy of Science. This organization has been collecting marine mammals in Russia for public display for the past decade. They have collected beluga whales in the White Sea in eastern Russia and the Sea of Okhotsk in Russia's Far East. During the late 1990's, the Utrish Dolphinarium sold beluga whales to foreign facilities using the company "Zoolex" as a broker.

The Georgia Aquarium first made contact with the Utrish Dolphinarium in March 2004 in an effort to learn about the collection process associated with the animals subject

to this permit application. A series of communications over the ensuing months led to a meeting in Moscow at the Russian Academy of Science on July 15, 2004. In attendance were Mr. Tim Binder, Georgia Aquarium, Dr. Lev Mukhametov, Director of the Utrish Dolphinarium, and Mr. Yuri Prishchepo, Deputy Director of the Severtsov Institute of Ecology. The meeting included discussions on the Russian permitting process for collecting beluga whales and as well as collecting techniques. The meeting resulted in an agreement between the parties that Mr. Binder would be allowed to observe a beluga collection scheduled to occur in the Sea of Okhotsk in late summer 2004.

On September 4, 2004, Mr. Binder traveled with Dr. Mukhametov from Moscow to Chkalov Island in the Sea of Okhotsk and observed a collection of beluga whales for public display facilities in Asia. That collection was in accordance with contemporary standards utilizing a combination of four smaller boats to circle the animals and two larger boats which carried a soft nylon net one kilometer in length. The boats would anchor in shallow water frequented by the belugas and wait for a group of whales to swim by. The collection team would assess each group of animals and would not attempt to set the net if there were too many animals, mother calf pairs, or large adults present. When a group of animals swam by that was made up predominantly of juvenile or young adults the smaller boats were dispatched in opposite directions in a spaced out, coordinated manner to move in a wide “circle” around the whales causing them to swim in the center of the “circle.” At the same time, the two net boats, each carrying half of the net, followed the smaller boats in opposite directions allowing the net to splay behind them. When the net was completely deployed, the animals were encircled within the net. The smaller boats then positioned themselves strategically around the circumference of

the net moving slowly back and forth to ensure the animals did not become entangled. It should be noted that during the five days observing this technique there were no entanglements.

Once the net was “set,” the team assessed the animals swimming inside the net. If there were any mother calf pairs or large adults present, the net was opened and all of the animals were allowed to leave so as not to endanger the animals or people. When a set did not include mother/calf pairs or large animals and there was a beluga that was 2.5-3.5 meters long (the target specimen size), the net was slowly “pursed” to cause the circle to grow smaller while the smaller boats continued moving along the perimeter of the net watching for entanglement. Once the circle was small enough to allow the collectors to easily access the animals, four to six people entered the water and guided the target animal into a sling for transport to Chkalov Island and transfer to a floating sea pen. At the sea pen, the animals were cared for by husbandry and veterinary staff from the Utrish Dolphinarium. In each case noted, the animals began eating no later than the second day after collection.

It is our understanding that the collection of the animals subject to this application was done in the same way with two minor differences. Belugas frequenting the White Sea commonly swim up tidal rivers and creeks. When collecting in this area the Utrish Dolphinarium watched for an appropriate specimen to swim up a river and then placed a barrier net across the mouth of the river. As the tide receded and the animal returned down river, it was blocked by the net. The collectors then entered the water and “pursed” the net around the animal until the staff was able to place the animal in a sling for

transport to the holding pen. This approach utilized boats only for transporting gear and/or a newly collected animal.

Since March 2004, GAI has made multiple requests of Utrish Dolphinarium and of Zoolex for copies of permits or other official documents relating to the capture of the animals subject to this permit application. The only documents GAI has received are letters from Utrish Dolphinarium which are attached as Exhibit 3.

Even if someone were to come forward with evidence challenging the assertion of Utrish Dolphinarium that the collection of the animals subject to this application was humane, that should not be used as a basis to leave the animals in their current environment. GAI is not responsible for, and cannot change, the past. GAI can change the present. The humaneness standards of the MMPA compel the approval of this application for import.

The animals were exported from Russia in compliance with all applicable laws of that country and in compliance with the requirements of the Convention on International Trade in Endangered Species of Fauna and Flora (“CITES”). See Exhibit 4. See also Exhibit 1. GECSA is procuring the re-export permit required by CITES.

G. Documentation Concerning Current Holding in Compliance with the Laws of Mexico.

The two belugas were imported to Mexico in full compliance with the laws of that nation. See Exhibit 5. See also Exhibit 1. Further, GECSA operates in full compliance with applicable Mexican law. See Exhibit 6.

H. Statement on Replacement of the Animals.

The importation will not result in the collection of beluga whales from the wild nor will replacement animals be collected by GECSA. See Exhibit 1.

I. Import Necessary for the Welfare of the Animals.

The beluga whales have been maintained at LaFeria de Chapultepec in Mexico City since 1998. LaFeria de Chapultepec is an amusement park with a daily attendance during peak season of 15,000-20,000 people. The animals are housed in a pool surrounded 360° by the world's second largest wooden roller coaster with a track that is 8000 feet long with a maximum height of 110 feet. There are two levels on which the roller coaster cars pass around the pool. The lower level is just 15 feet above the pool's surface on the west side. Cars on this track pass along the west and north side of the pool before careening downward along the east side to an elevation that is below the surface of the pool water's elevation. On the upper level, the roller coaster cars climb to the top of the roller coaster on the west side of the pool, pass along the north side high in the air, and then accelerate while proceeding downward along the east side of the pool. When the cars pass by the pool, the roller coaster support structure around the pool, as well as the wall which serves as the "stage wall," can easily be seen to be vibrating. The LaFeria animal care staff noted they can feel the vibrations of the cars passing when they are scuba diving in the pool. During a May 6, 2005 site inspection by GAI officials, the roller coaster cars passed around the pool 39 times in a 30 minute period. Assuming the amusement park operates only eight hours a day, the roller coaster passes within 20 feet of the pool as much as 624 times a day. The park is open during the low season of the

fall and winter months Monday-Thursday from 10:00 a.m. to 6:00 p.m.; Fridays 10:00 a.m. to 7:00 p.m.; and Saturdays, Sundays and holidays from 10:00 a.m. to 9:00 p.m. During the high season of spring and summer, the park is open seven days a week from 10:00 a.m. to 9:00 p.m.

Two factors add to the overall noise to which the animals are subjected, thus compounding the ambient air noise from the roller coaster operations. The first factor adding to the overall noise to which the animals are subjected is that the roller coaster support structure is imbedded in the ground or on a slab surrounding the pool in which the animals are housed. There is no question that sound from the roller coaster is transmitted into the pool via vibration through the pool walls. The second factor adding to the air noise from the roller coaster is that a major six lane highway carrying an exceedingly high volume of traffic is located 100 yards from the pool. This highway goes from Laredo to Acapulco, a distance of 2000 kilometers, with no stop light. An estimated 1,000,000 cars drive past the roller coaster each day. Exhibit 7 contains pictures of the pool and the surrounding area.

The sound vibrations from the roller coaster, its support structure, and the highway cannot fail to have a negative impact on the animals. Vibratory noise from these sources is broadband but likely to be highest at low frequencies (most likely 50 to 150 Hz). Although the beluga hearing threshold at 100 Hz is approximately 125 dB re 1 micropascal, it is probable that the noise level exceeds this at least during the hours of operation of the roller coaster. Given that these animals are being exposed for an 8-hour minimum during the low season and a 10-hour minimum during the high season, the duration of exposure is significant and continuous. Given this situation, the number of

years of continuous exposure for at least 8 hours per day, and a minimum intensity level of 125 dB re 1 micropascal at frequencies ranging from 50 Hz to 1000Hz, it is quite likely some hearing loss has occurred in these animals. In essence, they have undergone the equivalent of “occupational hearing damage” similar to that of an exposed worker over an extended period of time. In humans and terrestrial animals, such an exposure is known to lead to a myriad of pathologies ranging from stress and annoyance to sleep deprivation and disease.

Another factor that may be impacting these animals is the air quality to which they are subjected. Mexico City has been cited as one of the most polluted cities in the world (<http://www.sbg.ac.at/ipk/avstudio/pierofun/mexico/air.htm>). While there is no data to suggest that this situation is problematic for beluga whales, it has been identified as a risk to human health. Intuitively, one might conclude that breathing poor quality air can only add to the list of environmental insults with which these animals must contend.

Compounding the problems caused by the proximity of the pool to the roller coaster and highway is the fact that the pool design is inadequate. Moreover, the animal training program is rudimentary and there is no active environmental enrichment. There is a high turnover in training staff with the senior trainer having just four years of experience. Further, the pool offers no opportunity for the animals to be out of the line of sight of each other. The poor pool design features contribute to health problems with the animals. Indeed, there is ongoing aggression between the animals with the subordinate animal exhibiting current and old wounds to its tail caused by the aggressive animal. Proper pool design and contemporary training and environmental enrichment programs

would likely prevent these problems. However, since the subordinate animal has no place to retreat when aggression is occurring, it continues to suffer significant injury.

The lack of proper environmental stimulation and the overall environment in which the animals are placed reflects itself in the animals' behavior in other significant ways. Beluga whales are gregarious creatures that normally show interest in their trainer and the visiting public. During the February 2005 site inspection by GAI staff, the two beluga whales were not interactive with GAI staff or the animals' own training staff. Rather, the animals remained in one end of the pool swimming in repetitive vertical patterns, surfacing to breathe, swimming straight down, and then repeating the pattern over and over and over. This is abnormal behavior and indicative of the poor physical environment, the absence of environmental stimulation, and the constant stress created by the noise to which the animals are subjected.

Not only are there significant problems with the main pool, but the medical pool is inadequate in every respect. The size of this pool is wholly inadequate for any long term holding of the animals for medical treatment. The medical pool is 21' x 17'8" and is 14' deep. The medical pool is also inadequately constructed for temporary medical treatment. When it is necessary to access the animals for veterinary examination, they are moved into the medical pool, a water tight door is put into place, and the pool is drained. The GECSA staff has little confidence in the water tight door and, therefore, the main Exhibit pool is drained to the level of the gateway leading into the medical pool. Fill time after the pool is drained exceeds 18 hours. The pool is re-salted by dumping bags of salt directly into the Exhibit pool. As a result this scenario, the animals are not returned to a stable environment for nearly two days after physical examination.

Veterinary work is performed with the animals on the pool bottom where they rest without being placed on any foam or other protective padding. Not surprisingly, the GECSA animal care staff told GAI officials that the animals appear nervous during such restraint and are not easily held still.

The water treatment system at GECSA is also problematic. Water salinity is maintained by dumping bags of salt directly into the pool with the animals instead of having the salt prefiltered before being added to the pool. Thus, salt concentrations after treatment are at differing levels throughout the pool and whatever contaminants are contained within the bags of salt are added to the pool without any filtration. Chlorine is used as a pool disinfectant and the method of adding it to the pool is unpredictable. Chlorine levels are measured hourly during the day to prevent the level from getting too high. A more advanced method of dosing chlorine would only require the level to be checked once or twice each day.

Veterinary care for the animals is also inadequate. The veterinarian retained by GECSA resigned approximately three months ago and has not been replaced. GAI also learned that a well respected consulting veterinarian from Florida worked for LaFeria for six months but was never paid. Furthermore, it is our understanding that even when a veterinarian was retained the veterinarian visited the facility to inspect the animals approximately only once a year. In these circumstances, the animal training staff become the de facto veterinary staff. However, the animal care staff has no veterinary training. Data gleaned during the February 2005 site inspection by GAI staff suggested that the animal training staff has substantial turnover and that new employees have limited training for rudimentary care animal care tasks, let alone veterinary observation and care.

The head trainer at the park recently resigned and the lead person has just four years of experience.

At the time of the GAI staff site inspection, both animals were being treated with Pantozol for gastric distress which is typically caused by stress. One animal was receiving the antibiotic Baytril to treat a respiratory infection. In a follow-up site visit by GAI staff in May 2005, it was learned that the animal was taken off Baytril at the end of its treatment but no follow-up examination was conducted to determine if the treatment was successful. As noted above, one animal is subordinate to the other and regularly incurs wounds to its tail from attack by the more aggressive animal. The distal end of the tail flukes are tattered with 40% of the area covered with necrotic tissues and fresh injuries. This condition is not being treated and no efforts are underway to attempt to alter the aggression that causes these injuries from occurring. Exhibit 8 contains pictures of the tail fluke, flipper, and other injuries of the subordinate animal. The subordinate animal also has raised skin lesions over a significant portion of its right and ventral sides and around both pectoral flippers. These lesions appear to be associated with a virus that is brought on by stress. The lesions are not being treated. Biopsies of these lesions were obtained by GAI staff during a recent site visit to determine the cause of this disorder and possible treatment. It is unlikely that this condition will be resolved as long as these animals remain in this environment.

The combination of a substandard facility, limited staff experience and high turnover, inadequate veterinary care, rudimentary husbandry practices, and all of the environmental stresses placed on these animals creates a situation in which these animals will not thrive. Gasper's chronic skin disorder, left untreated, will likely lead to more

complicated medical problems and he may ultimately experience secondary infections that will be debilitating and possibly life threatening. Without proper environmental enrichment and training, the aggression between these two animals is not being properly managed and Gasper is destined to suffer ongoing psychological and physical harm. Although no physical effects are obvious in Nico, it is logical that the stress of this environment is also having a deleterious impact on this animal. Without a doubt, if left in this environment, these animals will not thrive and are destined to live a stressful and unhealthy life.

The importation, if approved, will have an immediate and much needed positive impact on the physical and mental health of the animals. Removing these animals from their current situation can only be considered a medical rescue. Regardless of whether the animals are taken directly to the Georgia Aquarium or are temporarily placed at Mystic Aquarium, their situation will be dramatically improved.

As discussed above, the import of the two beluga whales at issue is a medical rescue necessary for the protection and welfare of the animals. In that regard, the length of time these animals have been in a captive setting and the long term medical condition of the subordinate animal makes these animals unlikely candidates for release to the wild. In addition, little is known about the genetic compatibility of belugas from Russian waters compared to that of belugas in other parts of the world. Release of these animals to any area other than that from where they were collected may represent a potential compromise to the genetics of the population into which they would be released. It is impractical, and potentially impossible for political reasons, to consider that these animals could be returned to the White Sea and adequately monitored after their release.

VI. EXPORTS.

There are no exports of animals from the United States contemplated in this permit application and, therefore, this section is not applicable.

VII. REQUIREMENTS FOR PUBLIC DISPLAY.

A. The Facility at Which the Marine Mammals Will be Maintained.

If the animals cannot be moved directly to GAI, the Aquatic Animal Study Center (“AASC”) at Mystic Aquarium will be used to house these animals until they can be transferred to the Georgia Aquarium. This off-Exhibit facility was designed specifically for the care and maintenance of sick or stranded cetaceans and it is an ideal facility for treating these animals. The AASC is a 200,000 gallon system consisting of two large 40’ diameter pools connected by a 12’ transfer pool. Exhibit 9 is a diagram of the AASC facility. The life support system filters the water every 75 minutes and the pools can be heated or chilled to maintain temperature appropriate to the species. Ozone gas is used for bacteria control, greatly reducing the level of chlorine needed to maintain a healthy environment. An overhead jib crane provides quick and easy access to the animals for veterinary examinations. To access the animals for a veterinary procedure, the animals are placed in one pool, a water tight door is placed in the entry way to the pool and the water is drained low enough to enable handlers to put each animal in a stretcher to be lifted by the overhead jib crane. Each animal is then placed one at a time on closed cell foam padding for the veterinary examination. Once the procedure is over and the animals have been returned to shallow water, water from the adjacent pool is transferred, thus allowing the animals to be in full pool depth within 1 to 2 hours. Makeup freshwater is

added to the pools as they fill and a brine solution is pumped in through the filters to return salt to the system.

Mystic Aquarium has a dedicated staff with a long history of cetacean management. There are advanced veterinary laboratory facilities on site and the aquarium has relationships with research facilities and universities for processing additional biological samples. Mystic employs a professional animal care staff consisting of a staff veterinarian and a full time veterinary intern with extensive experience in animal training and environmental enrichment.

While at Mystic, the animals will be under the care of Mystic's Dr. J. Lawrence Dunn, Staff Veterinarian. Dr. Dunn has over 30 years of experience in marine mammal medicine working with numerous species of cetaceans including extensive experience with both aquarium collection and stranded whales and dolphins. Dr. Dunn will be supported by Georgia Aquarium's Drs. Howard Krum and Tonya Clauss who have experience in the practice of cetacean medicine for both aquarium collection and stranded animals. The daily care and maintenance of the animals will be under the direction of Tim Binder, Director of Husbandry and Eric Gaglione, Assistant Manager of Husbandry for the Georgia Aquarium, both of whom have extensive experience in the care and maintenance of beluga whales and of numerous other cetacean species. Mystic Aquarium will provide experienced support staff to assist with the care of these animals as needed. The animal care program at Mystic Aquarium exceeds the standards of the American Zoo and Aquarium Association ("AZA") and the Alliance of Marine Mammal Parks and Aquariums ("Alliance").

The facilities at the Georgia Aquarium are state of the art. The system where these animals will be housed is a three pool, 800,000 gallon system. Exhibit 10 is a diagram of the GAI beluga whale facility. The main Exhibit pool includes a shallow water swim-out where animals can be accessed behaviorally without removing them from the water. The secondary pool meets APHIS standards as a primary holding pool. The medical channel connecting the secondary and main Exhibit pools includes a pneumatic lift bottom allowing access to the animals within 2-5 minutes. Following examination, the pool bottom is lowered and the animals are in full pool depth in less than 5 minutes. An overhead crane rail system allows the animals to be placed in two of three pools upon arrival and will also allow staff to place the animals on closed cell foam on the deck for veterinary access. The GAI Department of Veterinary Services and Conservation Medicine consists of three full-time veterinarians, six laboratory staff, and a nutrition division. More than 5800 square feet has been developed, including laboratory, pharmacy, diagnostic support, surgery, clinical holding, quarantine, and office/conference space, to support the animal collection at the Georgia Aquarium. A strong affiliation with the University of Georgia's School of Veterinary Medicine provides the Georgia Aquarium with a broad range of diagnostic support, including clinical pathology and microbiology. Water quality and life support systems are monitored 24 hours a day through a combination of laboratory and computer automated systems. A team of life support operators staff the Aquarium 24 hours a day. The staff at the Georgia Aquarium has extensive experience working with beluga whales and in the daily care and rehabilitation of numerous species of cetaceans. The team of professionals working at

the Georgia Aquarium has over one hundred years of experience in the training, handling, and environmental enrichment of marine mammals.

The management of these animals at the Georgia Aquarium will be under the direction of Tim Binder, Director of Husbandry, who has been working with cetaceans for 28 years including the daily care and long term management of whales and dolphins. Other key individuals on the Georgia Aquarium's staff include Eric Gaglione, Dr. Howard Krum, and Dr. Tonya Clauss. Mr. Gaglione, the Assistant Manager of Husbandry, has been working with cetaceans for 20 years including the daily care and long term management of whales and dolphins. Dr. Howard Krum, MS, VMD, MA is the Manager of Veterinary Services and Conservation Management at the Georgia Aquarium and has over 13 years in aquatic animal medicine including the care, management and transportation of cetaceans. During his tenure as Department Head of Veterinary Services at the New England Aquarium, Dr. Krum gained invaluable experience treating and caring for stranded cetaceans. Dr. Tonya Clauss, DVM is the Assistant Manager of Veterinary Services and gained experience dealing with stranded cetaceans as Staff Veterinarian at Mote Marine Laboratory in Sarasota, Florida.

The life support system for the beluga whale exhibit at the Georgia Aquarium is comprised of high rate sand filters, protein skimmers, ozonators, heat exchangers and a denitrification system. Eight large pumps pump 13,600 gallons per minute through the sand filters and protein skimmers. Side streams of filtered water pass through two ozone contactors for disinfection. Two other side streams deliver water to heat exchangers for temperature control and to the denitrification system for the conversion of nitrogenous waste to non-toxic by products. The entire system's water is filtered every 60 minutes

and the design temperature is 54°F. The water in the system is a seawater mix with a combination of major salts as would be found in the ocean. The system is fully automated and can be monitored by life support technicians via the internet. Alarm conditions noted by the control computer will page operators notifying them of the nature of the problem until the problem has been resolved. Laboratory technicians monitor water chemistries including temperature, pH, salinity, oxidants, oxidant reduction potential (ORP), ammonia, nitrite, nitrates, and dissolved oxygen daily. The Georgia Aquarium lab also conducts weekly tests for coliform bacteria. Other parameters are tested on an as needed basis both in house and through outside laboratories. In addition, the Georgia Aquarium's Exhibit is indoor with a filtered and temperature controlled air supply.

The Georgia Aquarium, located at 225 Baker Street, Atlanta, GA 30313, will be opening November 23, 2005 without restriction other than an admission fee. The hours of operation and cost of admission have yet to be determined but will be provided prior to transport to this facility.

Mystic Aquarium & Institute for Exploration, located at 55 Coogan Blvd., Mystic, CT 06355, is open daily under the following schedule: March to December: Sunday-Saturday – 9:00 a.m.-6:00 p.m.; December to March: Monday-Friday, 10:00 a.m.-5:00 p.m. and Saturday, Sunday and Holidays, 9:00 a.m.-6:00 p.m. Mystic Aquarium is closed Thanksgiving Day and Christmas Day. The general admission rates are as follows: adults - \$16.00; seniors (age 60+) - \$15.00; children (age 3-12) - \$11.00; and children 2 and under are free. Mystic Aquarium's website is www.mysticaquarium.org.

B. APHIS License.

Exhibit 11 contains the APHIS license issued to Mystic Aquarium. GAI will provide a similar license to NMFS immediately upon its receipt from APHIS.

C. Education or Conservation Program.

Mystic Aquarium has previously been found to meet the MMPA standard of providing education or conservation programs. Exhibit 12 contains a description of the education and conservation programs at Mystic Aquarium, including a list of research activities and publications.

The educational programming being developed by the Georgia Aquarium is based on the professional standards established by the AZA and Alliance. Through its mission, as well as the mission of its Education Department, the Georgia Aquarium is committed to the highest education standards possible for its guests and students alike. The following description of the education program to be offered at the Georgia Aquarium was prepared by the Aquarium's Education Department.

The Vision: *The Georgia Aquarium is one of the world's foremost Aquarium experiences for visitors of all ages. The Exhibits are entertaining, creative, and interactive in ways to reveal the mystery, beauty, and wonder of the underwater world.*

- 1) The aquarium will instill a sense of wonder for the oceans and fresh waters of the world, and an awareness, understanding, and respect for the diversity of unique creatures that inhabit the aquatic environment.
- 2) The Georgia Aquarium is envisioned as a prestigious and important institution recognized internationally as an authority in innovative educational methods and as a world leader in promoting efforts to conserve aquatic wildlife and habitats.
- 3) This vision will be achieved by creating programs, Exhibits, and experiences in a wide range of settings, allowing each visitor to sense the underwater world in personal and unique ways.

Mission statement: *The mission of the Georgia Aquarium is to be an entertaining, educational, and scientific institution featuring Exhibitions and programs of the highest standards, offering engaging visitor experiences, and promoting the conservation of aquatic biodiversity throughout the world.*

The Georgia Aquarium will achieve this mission by:

- 1) creating and operating exciting Exhibits and programs and by producing attractive and informative publications, website materials, film, video, and other educational materials
- 2) developing and presenting unique theatrical and media productions; integrating animal behavioral enhancements and demonstrations within our Exhibit presentations; and encouraging activities which invite visitors to participate in aquarium programs and activities;
- 3) studying, displaying, and interpreting the ecology, history, status, and future of freshwater and marine ecosystems and their uses;
- 4) inspiring enthusiasm, appreciation, and stewardship among people of all ages for the marine and freshwater ecosystems of the world;
- 5) supporting, conducting and disseminating basic and applied research on environmental issues and stimulating our community's and our visitors' thoughtful consideration of them;
- 6) identifying and explaining significant ecological and environmental issues and problems and stimulating our community's and our visitors' thoughtful consideration of them; and
- 7) fully participating in the community life of Atlanta and Georgia as a prestigious institution and based upon sound, sustainable values and attitudes centered on the mission and responsibilities of the Georgia Aquarium.

To implement these goals, the Education Department of the Georgia Aquarium prepared the following Vision and Mission statements together with the implementation plan.

The Vision: *The Georgia Aquarium Education Department will provide the world's most engaging learning experience; one that is innovative, interdisciplinary, and interactive.*

Mission statement: *The Georgia Aquarium Education Department is dedicated to educating audiences of all ages while promoting a learning experience that inspires our guests to appreciate the world's aquatic biodiversity and promotes conservation action.*

The education programs developed for school groups will be innovative, interdisciplinary, and interactive. These programs are designed to help students meet the educational objectives of the Georgia curriculum as well as national curriculum standards. The programs will utilize an informal education lesson plan format (hands-on, tactile, and visual learning) to enhance student understanding in the formal education domain. It is our goal to reach at least 70,000 students through our educational programming in our first year. These students will range from pre-kindergarten to graduate students and will come from varied backgrounds including public schools, private schools and students educated at home. Programs

will be interdisciplinary in nature and will allow students to understand the interdependency of animals, organisms, and ecosystems.

It is only fitting that the world class status that has been established for the main level of the aquarium continues to take place on the education level. We have acquired feedback from a multitude of sources in the education community including the State Board of Education, teachers, administrators and students to ensure that our program design meets the diverse needs of our guests. Our educational advisory committee has been an active component of the Georgia Aquarium for over two years. The advisory committee has served as a mechanism to understand the diverse needs of the community that we serve.

The Georgia Aquarium currently has four program options designed for the educational experience of our student guests. These program options include a pre-kindergarten program for younger students, a guided tour program, a theater program, and the learning lab program. These experiences are being designed to be hands-on, fun and educational. Our curriculum experts and advisors have worked to develop a model for each of the above mentioned programs. Phase one of the programming is complete with times, locations, and a conceptual experience. The next phase is currently underway and this will involve the development of actual activities for each space. Through our programming, we want our students to gain an appreciation for aquatic organisms and their habitats as well as understanding that humans have a significant impact on aquatic ecosystems and can play an active role in preserving these environments.

The education programs at the Georgia Aquarium will be unique in that they will have an assessment component that ties them to the Georgia performance standards as well as to national curriculum standards. Having an assessment tool that is aligned with the formal education curriculum of Georgia is critical, as the Georgia Department of Education has placed a heavy emphasis on student improvement on standardized tests. Aquariums throughout the country offer a wide range of educational programming from tours to aquatic lab programs, yet most do not address student needs relative to performance on standardized testing. The Georgia Aquarium will become a trailblazer in this domain with the hope of developing a framework that other aquariums can utilize in efforts to merge formal and informal educational realms.

Students will take an on-line pre-assessment test prior to their aquarium visit. The pre-assessment tool will mirror questions found on the Iowa Test of Basic Skills, The Criterion-Referenced Competency Tests, Scholastic Assessment Test, and the Georgia High School Graduation Test. These tools are currently being used as means of assessing the students of Georgia at various grade levels. After their aquarium visit, students will participate in a post-visit assessment and their gains will be compiled in an education database. Student gains on standardized tests are powerful tools for understanding the effectiveness of our teaching tools and methods.

The teacher programs developed by and for the Education Department of the Georgia Aquarium will involve curriculum immersion opportunities where teachers will learn content knowledge as well as effective methods for teaching. The teacher training programs will focus on the Pedagogical Content Knowledge framework where teachers master the content knowledge, then spend time gearing the material to the appropriate grade levels and using their

understanding of learning styles to develop effective lesson plans. The professional development programs for teachers will incorporate opportunities for teachers to learn effective tools for assessment and evaluation of student performance. These programs are being developed based on current research data that has examined effective strategies for teaching teachers, and on input from teacher training professionals at Georgia State University and the University of Georgia. Our hope is to expand our teacher training list to include the Atlanta University Center, Emory University, and Georgia Institute of Technology.

Currently, we are working with the Georgia Department of Education on approving staff development credit courses for teachers. In that regard, we anticipate having staff development courses available for teacher workshops.

Public Programming Specific to Beluga Whales

The Georgia Aquarium will offer a wide range of educational experiences for our guests to aid in their understanding of beluga whales and their current status. Our programming will focus primarily on helping our guests, the general public and school aged children understand the natural history of beluga whales as well as current research, conservation, rehabilitation and rescue efforts that are being utilized for these amazing animals. Our educational programs will focus on helping our guests understand the unique ecosystem where beluga whales are found and the many obstacles they face in an effort to thrive in their natural environment. We are anticipating having an opportunity to expose over 2 million guests to our beluga whales and helping to make life long connections between beluga whales and our guests at the Georgia Aquarium.

For the general public, there will be regularly scheduled presentations by trained aquarium staff members who will discuss beluga whales and their natural environment. These presentations will address the natural predators of beluga whales and how beluga whales have a unique niche where they have been able to thrive in a harsh environment where many other species would perish. These presentations will also expose our general public guests to the conservation efforts taking place to ensure the survival of beluga whales. Our guests will be made aware of the status of beluga whales in the wild and the conservation organizations that are playing an active role conserving belugas. The general public will also learn about the research conducted related to beluga whales. Topics related to research will explore beluga whale migration and other forms of animal behavior research. Our program will also review how these animals are successfully cared for and maintained in an aquarium setting. The general public will receive an overview of the training required for belugas to be successful in an aquarium setting.

VIII. PREVIOUS PERMITS.

No previous permits have been issued to GAI for the taking, import, or export of marine mammals and no other permits are being sought in connection with the requested import permit. As noted above, the animals may be placed at Mystic Aquarium on a temporary basis depending upon the date on which this permit application is approved.

IX. CERTIFICATION AND SIGNATURE.

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972, 16 U.S.C. § 1361, and regulations issued there under, 50 C.F.R. Part 216. I also understand that any false statement may subject me to the criminal penalties of 18 U.S.C. § 1001, or to penalties provided under the Marine Mammal Protection Act of 1972.

Jeffery S. Swanagan
Executive Director

Date

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