



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

NOV 24 2008

Mr. Gerard Burrow
President and CEO
Sea Research Foundation
Mystic Aquarium and Institute for Exploration
55 Coogan Boulevard
Mystic, Connecticut 06355

Dear Mr. Burrow:

Enclosed is Permit No. 10028 issued to Mystic Aquarium and Institute for Exploration (Dr. Lisa Mazzaro, Principal Investigator) under the authority of the Marine Mammal Protection Act of 1972 (MMPA), as amended (16 U.S.C. *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216). This permit authorizes Mystic Aquarium to acquire up to six females and 2 males of each species over a 5-year period, for a maximum of 8 otariids and 20 phocids, from cooperating rehabilitation centers for the purposes of public display at your facility in Mystic, Connecticut. Please review the Permit to ensure that it accurately reflects what was requested. Mystic Aquarium and all those operating under this Permit are required to review and comply with the Permit, including all Special and General Conditions.

This Permit does not preclude you from accepting non-releasable animals and animals that restrand and are deemed non-releasable after being released from the stranding network, or from obtaining animals from Naval facilities, zoos, or aquaria in the U.S. These animals may be received through separate authorizations. However, NMFS encourages you to explore the option of obtaining non-releasable rehabilitated animals or animals from other institutions before obtaining releasable rehabilitated animals.

The NMFS Regional Administrator will determine, upon recommendation from the custodian and attending veterinarian of the rehabilitated marine mammal, the releasability of a marine mammal according to 50 CFR 216.27 and provide such determination to the Director, NMFS Office of Protected Resources (Office Director). The Office Director has the authority to require disposition of a releasable marine mammal for public display purposes under this Permit. In the case of animals acquired from rehabilitation centers, you must first consult with our Office prior to obtaining any rehabilitated animal to ensure that proper procedures are followed. For animals deemed releasable, the rehabilitation facility holding the animal must receive authorization from the Office Director, prior to transfer of the animal from the rehabilitation facility to Mystic Aquarium for purposes of public display.



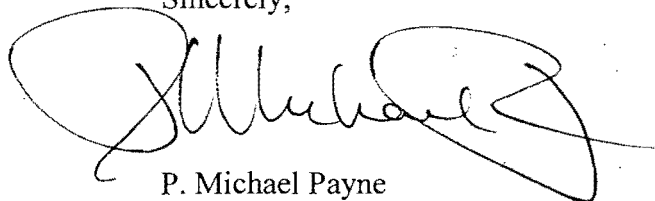
This Permit accounts for the possibility that some animals obtained under this Permit may not be suitable for your public display purposes even after a certain amount of time in captivity and training have occurred. In this case, for any animal deemed unsuitable by you, you must consult with the Permits, Conservation and Education Division regarding disposition arrangements for the animal.

According to the MMPA, NMFS is required to maintain an accurate inventory of marine mammals held in captivity. As indicated by Special Condition B.2.a, upon acquisition of any animal, please fill out an enclosed Marine Mammal Data Sheet and return it to the Director, Office of Protected Resources. 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 B.2.c.

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 301/427-2521 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 301/713-2289.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Michael Payne", written in a cursive style.

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

Enclosures

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



Permit No. 10028

Expiration Date: November 30, 2013

PUBLIC DISPLAY PERMIT TO TAKE MARINE MAMMALS

I. Authorization

This permit is issued to Mystic Aquarium and Institute for Exploration, 55 Coogan Blvd., Mystic, CT 06355 [Responsible Party: Mr. Gerard Burrow] 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. 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 all attachments and appendices. Any permit noncompliance constitutes a violation and is grounds for permit modification, suspension, or revocation, and for enforcement action.

A. Number and Kind of Marine Mammals

Table 1 outlines the number of animals, by species, authorized to be taken, and the time period in which they may be taken. Up to six females and two males of each species over a 5-year period for a maximum of eight releasable otariids and 20 releasable phocids may be acquired from cooperating rehabilitation centers.

Year	Calif. sea lion (<i>Zalophus californianus</i>)	Harbor seal (<i>Phoca vitulina</i>)	Hooded seal (<i>Cystophora cristata</i>)	Grey seal (<i>Halichoerus grypus</i>)	Harp seal (<i>Phoca groenlandicus</i>)
1	1.2 ¹				
2	0.2	1.1			
3	1.2	0.2 and/or	0.2 and/or	0.2 and/or	0.2
4		1.2 and/or	0.2 and/or	0.2 and/or	0.2
5		0.1 and/or	1.2 and/or	1.2 and/or	1.2

¹ numbers are written as males.females

B. Special Conditions

1. Acquisition/Disposition of Animals

- a. The NMFS Regional Administrator will determine, upon recommendation from the custodian and attending veterinarian of the rehabilitated marine mammal, the releasability 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 Director, NMFS Office of Protected Resources (Office Director). The Office Director has the authority to require disposition of a releasable marine mammal for public display purposes under this Permit.
- b. If a releasable rehabilitated animal is deemed unsuitable for public display purposes, the Permit Holder must consult with the Chief, Permits, Conservation and Education Division, to determine the most appropriate disposition for the animal, which may include returning the animal to the original rehabilitation facility from which it was obtained for care and release back to the wild. The Permit Holder must indicate the level of training the animal has received and the duration of captivity.
- c. For rehabilitated animals that have been deemed releasable, the date of accession into rehabilitation must be considered for the holding time of the animal if the animal is deemed unsuitable for the public display program (see Condition B.1.b above). Permit Holders using pinnipeds obtained from rehabilitated stock must follow regulations regarding the release, non-releasability, and disposition under special exception permits for rehabilitated marine mammals (50 CFR 216.27; attached).
- d. 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 pinnipeds to Mystic Aquarium. This form must also be filled out prior to subsequent disposition of the animal if deemed unsuitable for the public display program.
- e. Mystic Aquarium must continue to meet the three public display criteria required by §104 (c)(2)(a) of the MMPA (attached). Mystic Aquarium must notify the Office Director if the APHIS licenses issued to any of its facilities are revoked, suspended, or terminated.

- f. The marine mammals obtained under this Permit 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 or according to the regulations at 50 CFR 216.27 for rehabilitated marine mammals, as determined by the Office Director.
- g. 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 Mystic Aquarium.
- h. The authority to acquire the animals authorized herein shall extend from the date of issuance through **November 30, 2013**.

2. Notifications/Reports

- a. Upon acquisition of any animal, Mystic Aquarium must complete an attached Marine Mammal Data Sheet for each of the subject animals and submit it to the Director, Office of Protected Resources.
- b. Prior to any transfer or transport of the subject animals within the U.S., Mystic Aquarium 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. Mystic Aquarium must assure that the intended recipient meets the three public display criteria required by §104 (c)(2)(a) of the MMPA.
- c. In the event of the death of any of the subject animals or the birth of progeny, including stillbirths, Mystic Aquarium must notify the Office Director within 30 days by submitting an updated Marine Mammal Data Sheet for the animal.
- d. Any progeny born will be subject to the MMPA.
- e. Upon request of the Office Director, Mystic Aquarium 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.

C. General Conditions

1. Responsibilities of the Permit Holder

- a. The Permit Holder, in signing this Permit, shall be considered to have accepted and to be prepared to comply with, the provisions of this Permit, applicable regulations, and the MMPA.
- b. The Permit Holder is responsible for all activities of any individual who is operating under the authority of the Permit.
- c. Individuals conducting activities authorized under the Permit must possess qualifications commensurate with their duties and responsibilities, or must be under the direct supervision of a person with such qualifications.
- d. Under 50 CFR §216.40 of the Regulations, a violation of any of the terms and conditions of this Permit or the Regulations shall subject the Permit Holder and/or any individual who is operating under the authority of the Holder's Permit to civil and criminal penalties, permit sanctions, and forfeiture as authorized in the MMPA and 15 CFR part 904. This Permit is subject to suspension, revocation, and modification in accordance with the provisions of Subpart D of 15 CFR part 904.
- e. Persons who require state or Federal licenses to conduct activities authorized under the Permit must be duly licensed when undertaking such activities.
- f. The Permit Holder or designated agent shall possess a copy of this Permit when engaged in the permitted activity, when a marine mammal is in transit incidental to such activity, and whenever a marine mammal is in the possession of the Permit Holder or agent. A copy of this Permit shall be affixed to any container, enclosure, or other means of containment, in which either marine mammal is placed for purposes of transit, supervision, or care. For the captive subject marine mammals, a copy of this Permit shall be kept on file in the holding facility.

2. Requirements for Transporting

The marine mammals authorized by 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.

3. Transferability and Assignability

This Permit is not transferable or assignable to any other person or entity, and the Permit Holder may not require any direct or indirect compensation from another person in return for requesting authorization for such person to conduct the taking, import, or export activities authorized in this permit.

4. Permit Amendments

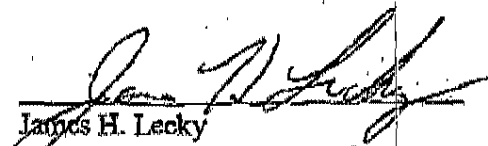
- a. Requests by the Permit Holder for an amendment to the provisions of this Permit must be submitted in writing to the Office Director.
- b. The Office Director may amend the provisions of this Permit upon reasonable notice to the Permit Holder.

5. Penalties and Permit Sanctions


- a. Any person who violates any provision of this Permit is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA or 15 CFR part 904 [Civil Procedures].
- b. Any falsification of information pertaining to the permitted activities, including information provided to NOAA personnel, will be considered a violation of the Permit.
- c. All 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.

- d. Marine mammals obtained under the authority of this Permit are subject to seizure by the Office Director if necessary for the health and welfare of the animal or if the Permit Holder is issued a notice of violation and assessment or is subject to permit sanctions in accordance with 15 CFR part 904.

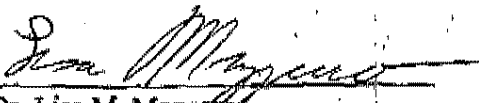
NOV 24 2008


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

Date


Mr. Gerard Burrow
Responsible Party
Mystic Aquarium and Institute for Exploration

Nov 24, 2008
Date


Dr. Lisa M. Mazzaro
Principal Investigator
Mystic Aquarium and Institute for Exploration

Nov 25, 2008
Date

NMFS Permit No. 10028
Expiration Date: November 30, 2013