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OFFICE OF THE SECRETARY
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SECNAVINST 3900.41G
ASN(RD&A)
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SECNAV INSTRUCTION 3900.41G

From: Secretary of the Navy

Subj: ACQUISITION, TRANSPORT, CARE AND MAINTENANCE OF MARINE
MAMMALS

Ref: (a) 16 U.S.C. §1361 *et seq.*
(b) 50 CFR 216
(c) 10 U.S.C. §7524
(d) 7 U.S.C. §2131 *et seq.*
(e) SECNAVINST 3900.38C

1. Purpose. To revise policies and procedures governing the acquisition, transport, care, and maintenance of marine mammals by, within, or for the naval establishment. This is a complete revision and should be read in its entirety.

2. Cancellation. SECNAVINST 3900.41F.

3. Applicability. This instruction applies to all personnel, both military and civilian, of the Department of the Navy and to all naval-sponsored marine programs that involve the acquisition, transport, care, and maintenance of marine mammals.

4. Definitions

a. The term "marine mammal" as defined in reference (a), and implemented through reference (b), includes those specimens of the following orders: Cetacea (whales, dolphins and porpoises) and Pinnipedia (seals and sea lions).

b. The term "take" is defined in reference (a), and implemented through reference (b), and applies herein to the acquisition of wild marine mammals for national defense purposes.

c. The term "humane" as defined in reference (a), and implemented through reference (b), in the context of the taking, transporting, treating, or maintaining of a marine mammal means the method which involves the least possible degree of pain and suffering practicable to the mammal involved.

5. Background

a. References (a) and (b) establish statutory provisions and regulatory requirements for the take and transfer of marine mammals. Reference (c) grants the Secretary of Defense authority to authorize the taking of not more than 25 marine mammals each year for national defense purposes. Marine mammals required by the Navy can be acquired only after issuance of a permit or concurrence with the appropriate federal agency.

b. Reference (d) establishes minimum requirements for the care and treatment of marine mammals. Reference (e) provides basic policy on the humane care and treatment of laboratory animals used for research, development, test, and evaluation.

6. Organization

a. The Deputy Assistant Secretary of the Navy for Expeditionary Warfare (DASN(ExW)), Office of the Assistant Secretary of the Navy (Research, Development and Acquisition) (ASN(RD&A)) is designated to act as the coordinator for the Secretary of the Navy (SECNAV) in carrying out Navy-Marine Corps responsibilities. In that capacity, he or she will establish Department of the Navy policy, and will provide liaison with the Departments of Agriculture, Commerce, Interior, and other outside agencies as needed for issues relating to marine mammals.

b. The Chief of Naval Operations (CNO), Director, Expeditionary Warfare (OPNAV (N85)) is designated as the lead sponsor and capabilities manager for operational marine mammal systems (MMS). OPNAV (N85) shall ensure that the provisions of this instruction are complied with by fleet activities. Upon OPNAV (N85) request concerning operational MMS issues involving potential impacts on the environment or on Navy environmental policy, CNO Director, Energy and Environmental Readiness (OPNAV (N45)) shall provide guidance and technical review.

c. The Biosciences Division of the Space and Naval Warfare Systems Center, Pacific (SSC Pacific Code 715) is designated as the lead laboratory for all Navy-sponsored programs that involve the acquisition, transport, care and maintenance of marine mammals. Acting for DASN(ExW), SSC Pacific Code 715 will:

(1) Ensure that all personnel engaged in Navy-sponsored liaison with the regulatory and other agencies regarding marine mammal acquisition, transport, care, maintenance and transfer adhere to the provisions of this instruction.

(2) Act as the principal naval point of contact for liaison with the regulatory and other outside agencies regarding marine mammal acquisition, transport, care, maintenance and transfer.

(3) Maintain a senior scientist for animal care who will direct and supervise a program of animal husbandry and veterinary care for all marine mammals within Department of the Navy responsibility.

(4) Ensure that all naval marine mammals receive the highest quality of humane care and maintenance per all applicable laws and regulations.

d. The Public Affairs Office of the Space and Naval Warfare Systems Center, Pacific is the release authority for information on Navy-sponsored MMS and programs, coordinated as necessary with the OPNAV (N85); Commander, Space and Naval Warfare Systems Command; and the Chief of Information. Fleet units normally assigned marine mammals will coordinate release of information concerning MMS with the SSC Pacific public affairs officer prior to release. Fleet units to which marine mammals are temporarily assigned, such as for exercise participation, are not authorized to release information without prior approval of the SSC Pacific public affairs officer.

7. Policy

a. Marine mammals will be provided the highest quality of humane care and treatment. In case of a conflict between standards in references (a), (b), (d), (e) and subparagraph 6c of this instruction, that standard providing the highest level of care and treatment will be used.

b. Marine mammals under the Department of the Navy cognizance will be acquired, maintained, transported, and transferred in full accordance with appropriate Federal laws and regulations.

8. Action. Navy and Marine Corps activities conducting, administering, or sponsoring applicable work with marine mammals, as defined in paragraph 4, will:

a. Comply with this instruction and references (a) through (e).

b. Forward all applications and licenses for marine mammal permits and authorizations to SSC Pacific Code 715 for review and technical assistance required to comply with references (a) and (d) prior to submission to the appropriate agency.

9. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per SECNAV Manual 5210.1 of November 2007.



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