

ALLIANCE OF MARINE MAMMAL PARKS AND AQUARIUMS

An international organization dedicated to conservation through public display, education, and research

June 14, 2010

National Marine Fisheries Service
Office of Protect Resources
1315 East-West Highway
Silver Spring, MD 20910

Via E-Mail

RE: File No. 15537

Dear Madam/Sir:

The Alliance of Marine Mammal Parks and Aquariums is aware of the recent Institute for Marine Mammal Studies permit application published in the Federal Register 20 May, 2010, by the National Marine Fisheries Service.

IMMS is accurate in citing in its application the 2005 Alliance Harris poll in which respondents agreed that zoological parks and aquariums play a significant role in educating the public about marine mammals and the importance of our oceans. Inspiring children and adults to care about marine mammals in the wild translates into changes in conservation-related behavior. Education is a core mission of Alliance member facilities.

However, IMMS does not quote the Alliance poll and its finding that 94 percent of respondents support the zoological park and aquariums' efforts to rescue, medically treat and rehabilitate injured wild animals and marine mammals so that they can be returned to the wild.

Because of our expertise and knowledge of marine mammals, Alliance members are important contributors to NMFS' Marine Mammal Health and Stranding Response Program. In the last decade, approximately 40,000 marine mammals have stranded, according to the agency. Alliance members are there to assist with staff, resources, equipment, and rehabilitation facilities.

In preparation for emergency animal rescue response calls, members of the Alliance are currently working with federal and state agencies to provide animal care expertise, stranded animal rescue experience, and resources in a coordinated and comprehensive plan to save dolphins, manatees and sea turtles affected by the Gulf Coast oil spill.

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Many Alliance members throughout the world work in partnerships with their governments and rescue orphaned, injured, sick, or starving marine mammals. Members assist with animals that have died on the beach; oversee necropsies to find the cause of death, which gives clues to the conditions in our oceans; and rescue those who need a helping hand before being returned to the sea. It is not uncommon for members to provide around-the-clock veterinary care to these animals. The accumulated knowledge, collective experience, and resources of parks and aquariums are the primary factors in successful rehabilitation efforts of dolphins and whales. It's a costly and staff-intensive activity, but the trainers, veterinarians, and animal husbandry staff who work at zoological parks and aquariums have chosen to do so because they care deeply about marine mammals.

A reader of the IMMS application could misconstrue the arguments made justifying its request to take releasable California sea lions. One could conclude that the members of the MMHSRP are generally "forced to euthanize animals due to lack of facilities and financial resources to care for them," risking the health of wild animals through releases by introducing disease from rehabilitated marine mammals, stressing wild animals by releasing animals that compete for food, and conducting many unsuccessful releases of rehabilitated animals.

Such a reading of the application would be unfortunate.

The Alliance takes this opportunity to express its strong support for NMFS' creation and administration of the U.S. stranding network. We speak for the caring professionals at our member facilities and the volunteers who have dedicated thousands of hours to our stranding efforts when we say that helping even one dolphin, sea lion, seal, otter, or manatee back to the ocean is their reward.

Sincerely,

Marilee Menard

Marilee Menard
Executive Director



United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health
Inspection
Service

Animal Care

4700 River Road
Riverdale, MD
20737

June 21, 2010

Jennifer Skidmore
NOAA, NMFS, OPR
1315 East West Highway
Silver Spring, MD 20910

Dear Ms. Skidmore:

Thank you for the opportunity to review and comment on the application for a permit under the MMPA to obtain releasable California sea lions from the National Marine Mammal Stranding Response Program (File No. 15537) for the purposes of public display, submitted to your office by IMMS and Moby Solangi, Gulfport, Mississippi.

APHIS has previously commented on similar requests from other facilities in the U.S., and has enclosed the substance of these comments for your review. Based on the procedures established under the MMPA, APHIS feels that if such permits are entertained by your office, they would need to be take permits, as if the animals were being intentionally removed from the wild. As the intent of the Marine Mammal Stranding Response Program is to rehabilitate and return all appropriate animals to the wild, providing them the help they need to overcome temporary health issues, we do not see how retaining these animals benefits the originating population(s).

As there is a protocol in place to determine if an animal needs to be retained in human care for its own good (non-releasable), and given that there has not been a paucity of such designated animals, there does not appear to be any scientific or welfare justifications to retain releasable animals.

Although we cannot provide information directly, we must, for the sake of completeness, state that APHIS has been approached by multiple parties that question the fitness of the applicant to care for marine mammals under the Animal Welfare Act (AWA) (public display). These parties have raised issue with the care of the animals (veterinary) and the ability to place the animal's needs first. These issues appear to stem from the 2005 Hurricane Katrina loss of the facility and animals.

Based on information and arguments provided during the current disagreement regarding the placement of a stranded dolphin, IMMS appears to be arguing both sides of the issue as



it related to the authority of your office to administer and enforce the MMPA. On the one hand, we received documentation claiming that the stranding facility should own the animals it cares for. In this instance, IMMS contradicts that and acknowledges that you do have the authority to determine the fate (care, release, and placement) of stranded animals. APHIS does readily agree that under the MMPA, for cetaceans and pinnipeds (except walrus), NMFS has jurisdiction over animals in the wild, and we recognize that, until a stranded animal has been determined to be nonreleasable and transferred officially to the public display inventory under the MMPA, the animals are considered to be in the wild. APHIS does not support the contention by the applicant in the dolphin matter that it is under APHIS jurisdiction prior to NMFS determination of placement.

The facility in Gulfport was built with Federal grants to become a stranding and rehabilitation center. Although the facility has met APHIS requirements for licensure as a public display facility, we believe that the facility was not intended to be built for the financial benefit of the owner. Additionally, until the facility acquires public display animals, APHIS cannot comment on its ability to comply with the AWA – this cannot be done until covered animals are present.

We must also note that APHIS works cooperatively with your office to help place all marine mammals deemed nonreleasable. At this time, we are unaware of any such animals having to be euthanized because the industry would not undertake the humanitarian efforts to accept and care for these animals. The majority of animals placed have been successfully managed as public display animals. Since there is not a need to breed pinnipeds in captivity (even though they do it quite well), there appears to be no reason to retain healthy sea lions from the stranding network for such purposes. If they are not needed as public display animals (plenty in U.S. to go around) nor as breeding animals, there appears to be no medical, behavioral, or scientific reason to keep these animals from returning to their own environment.

Consequently, we must recommend denial of this permit at this time.

Thank you, again, for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Kohn".

Barbara Kohn
Senior Staff Veterinarian
Animal Care

Enclosures



From October 2007:

This application requests a permit to take releasable stranded pinnipeds – 2.6 for California sea lions, harbor seals, gray seals, harp seals, and hooded seals. The requested animals would be taken for public display purposes.

_____ is an AWA licensed facility and is substantially in compliance with AWA requirements. However, we cannot support the permit as written, as it is not consistent with the requirements of the MMPA. Under the AWA, all regulated facilities must comply with all appropriate State, Federal, and local laws. It is our understanding that the proper procedure for obtaining releasable stranded animals for public display is to apply and receive a take permit under the MMPA. Then, releasable rehabilitated animals may be used to meet the permitted takes.

We recommend that these procedures be followed for the above mentioned reason, in addition to the fact that there is not a paucity of public display animals available for sale or transfer, and that the facility in question is a member of an industry organization that has professed cooperation and support between member facilities. In addition, non-releasable animals are available on a routine basis and should be placed preferentially. The purpose of the rehabilitation and stranding network is to care for animals for release back into the wild, not as a route for providing public display animals. Similar permit requests have met the same obstacles.

From April 2004:

This is a permit request to obtain stranded but releasable young California sea lions and harbor seals for public display.

We can confirm that the facility is licensed under the Animal Welfare Act (AWA), and has the room for a limited number of animals. To address issues raised during past discussions and the recent liaison committee meeting, we do have concerns over the precedent this permit might create.

It is our understanding of the MMPA stranding and rehabilitation provisions that all animals deemed releasable should be returned to the ocean. Those deemed nonreleasable can be transferred to the public display inventory if requested by an appropriate facility. To use releasable animals for public display as detailed in the application would appear to be a violation of the intent of the MMPA. Although the MMPA is not our law, it would appear that if this permit were to be approved as written, it would, indeed, constitute a take from the wild, as a stranded but rehabilitated and releasable animal is still legally considered in the wild.

Additionally, the current pinniped inventory in captivity for these species demonstrates that there are sufficient numbers of animals being born and maintained currently to provide animals for any public display needs. Under the AWA, inability to pay is never a defense for violating the Act. We do not feel it should be so here, as well. It brings up the question that if one cannot afford an animal (including its purchase), should they get one?

If the permit is issued, we would recommend considering the following conditions:

- applicant must take first animals that meet the criteria of releasability, regardless of age. NMFS should determine which animals are eligible.



Animal Welfare Institute

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June 21, 2010

Mr. P. Michael Payne
Chief, Permits, Conservation and Education Division
Office of Protected Resources
NMFS
1315 East-West Highway
Room 13705
Silver Spring, MD 20910
NMFS.Pr1Comments@noaa.gov

Dear Mr. Payne:

Re: File No. 15537: Request to acquire eight (8) stranded, releasable California sea lions for public display purposes (Federal Register Notice Vol. 75, No. 97, Pages 28239-28240)

The Animal Welfare Institute (AWI) submits the following comments in response to the above-referenced request made by the Institute for Marine Mammal Studies (IMMS) in Gulfport, MS to obtain releasable, stranded California sea lions (two males and six females) from the National Marine Mammal Stranding Response Program. The stated purpose is for public display in its new facility, the Center for Marine Education and Research (CMER). The applicant has stated that it will not consider animals who are disabled or impaired in any way.

We are appalled that NMFS is even considering this request. The notion of keeping healthy, releasable animals in captivity purely for breeding and public display purposes is absurd. AWI urges NMFS to deny the applicant's request because it is illegal and would set an incredibly dangerous precedent.

If approved the proposal would contravene Federal regulations

NMFS regulations [50 C.F.R. 216.27(a)(1)] regarding the release/non-releasability and disposition of stranded animals state that "any marine mammal held for rehabilitation must be released" within six months of capture, and clearly indicate that it is referencing release *to the wild*. It is not intended to allow healthy animals to be transferred to captive display facilities for breeding and display purposes.

The justifications for the request are absurd

The applicant states that the reason for its request to take releasable, stranded sea lions is because of a lack of animals available through other facilities and the very long waiting list of facilities waiting to receive non-releasable sea lions. Impatience is hardly justification to keep a stranded, releasable sea lion in captivity. It is clear that the applicant is attempting to create a new method of obtaining animals for public display.

The applicant also refers to the prevalence of “nuisance” sea lions and suggests that humans may also benefit from the removal of these eight sea lions because this will somehow reduce the number of negative human-sea lion interactions. The applicant is asking NMFS to operate on the assumption that all sea lions are nuisance animals, and therefore the eight animals in question, which is entirely groundless.

The applicant also demonstrates a serious lack of understanding of the causes of sea lion strandings. In its application, it states that “In most cases, when an animal strands, nature has rejected it, and it is no longer part of the ecosystem.” This notion is completely false and should not be used to justify why it is somehow permissible to use these “rejected” animals for personal use. There are a variety of reasons why sea lions might strand, some of them being entanglement, malnutrition, gunshot wounds, and exposure to toxins such as domoic acid. Furthermore, the applicant is not even seeking to rescue such animals but instead seeks animals that are healthy and most likely able to be integrated into the wild. In doing so, the applicant would not only be removing these healthy animals from the wild, preventing them from adding to the gene pool, but also denying potential placement for non-releasable sea lions that would otherwise face euthanasia for lack of placement.

The proposal if successful would have no educational value

As the applicant stated in its application, it is only interested in “healthy, young animals that will be able to perform shows and educational demonstrations for the general public” and the sea lions will be used in “meet-and-greet type scenarios – such as posing for photos with guests, shaking hands/flippers with guests, and other educational activities.” AWI does not recognize any educational value in meet-and-greet type scenarios, posing for photos with sea lions or shaking hands with sea lions. As elucidated during the April 27th House Subcommittee oversight hearing titled “Marine Mammals In Captivity: What Constitutes Meaningful Public Education?”, captive marine mammal facilities are currently self-prescribing the term “educational” to their activities and evaluations of these so-called “educational activities” are not conducted by an independent authority such as NMFS. AWI feels that such an evaluation is urgently necessary to ensure that these programs will actually be providing accurate and well-balanced information to the public.

The applicant also states that “If sea lions and other marine mammals can captivate the public by being a vital part of an educational message about marine conservation, then as the oceans benefit from better conservation practices, so will human beings.” Also

discussed during the hearing and of concern to AWI, was the lack of quantifiable evidence that marine conservation is furthered by the use of mammals in captivity so this statement is once again based on assumptions.

By issuing a permit, NMFS would be setting an incredibly dangerous precedent

Granting the applicant's request to remove healthy, releasable sea lions for public display would set a terrible precedent and would undoubtedly lead to other facilities making similar requests. This would be unfortunate for the animals involved and would also limit the amount of space available for non-releasable animals.

AWI respectfully requests you deny the request of the Institute for Marine Mammal Studies to acquire eight healthy, releasable California sea lions for public display purposes. The proposed activity is not in accordance with NMFS regulations and many of the applicant's rationalizations for the atypical request are based on assumptions. When considering this request please also bear in mind the dangerous precedent such an action would set.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Susan Millward". The signature is written in a cursive, flowing style.

Susan Millward
Executive Director



June 21, 2010

Chief
Permits, Conservation and Education Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Rm. 13705
Silver Spring, MD 20910

Via Email: NMFS.Pr1Comments@noaa.gov

Re: File Number 15537, Institute for Marine Mammal Studies Permit Application to Obtain Stranded, Releasable California Sea Lions

I write this letter to express concern over the permit application under review, cited above. The Institute for Marine Mammal Studies (IMMS) has proposed the “take” of up to eight, releasable California sea lions through the National Marine Mammal Stranding Network.

The Marine Mammal Center (TMMC) is a non-profit hospital, research and education organization in Marin County, California. We have treated over 15,000 seals, sea lions and other marine mammals in our 35 year history, and in 2010 are currently on pace to match 2009’s record number of 1,700 patients in a single year. While centered in Sausalito on the Pacific coast, our federally permitted rescue operations occur over 600 miles of California coastline, from Mendocino to San Luis Obispo County. The Center’s central work in patient care allows two other significant mission priorities to be achieved. First, each patient affords us tremendous learning opportunities and the Center’s research team is a recognized leader in advancing the science of marine mammal health, and by extension the health of the oceans. Second, the Center believes strongly that it has a role to play in promoting greater stewardship of the oceans, and to that end, we lead education programs for school children, and among our visitors to provide both knowledge and inspiration.

My strong feeling, based on the experience of 35 years of rehabilitation effort at TMMC, is that *non-releasable* animals be considered for IMMS, and that this approach should be pursued through the NMFS offices as it standardly is done for other public display and scientific organizations.

In citing Dr. Moore’s article in Marine Mammal Science (on which TMMC’s Director of Veterinary Science is a co-author), the permit author inappropriately presents the community’s

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efforts at defining best practice for release of rehabilitated animals as a general indictment against the release of healthy, rehabilitated marine mammals. In a like manner, the permit applicant cites content in TMMC's volunteer newsletters to build an argument regarding a lack of resources, and a surplus of animals that cannot be released. In so doing, he misrepresents both the issues our facilities face in terms of patient numbers, and our responsible practices towards the disposition of animals post-treatment.

With regard to patient numbers, TMMC has indeed seen a large number of patients—in our 35 year history, and significantly in 2009, and thus far in 2010. As a volunteer driven, not-for-profit organization, high patient numbers are always going to spur discussion regarding resources (of time, personnel and finances, among other considerations). Such constraints are real, but never have they led to a situation in which we have stopped bringing in patients that warrant our care. In addition, as an argument towards the abundance (or over-abundance) of California sea lions on the California coast, the number of patients seen by a rehabilitation facility is but one, unscientific part of a story on the species population.

Further, the permit applicant misrepresents what prompted TMMC's policy discussions on euthanasia by pairing that reference with a discussion on high patient numbers. In fact, the policy discussion was driven over quality of life considerations for animals that are fully treated, but which may have conditions that make them poor candidates for long-term placement (e.g., a predisposition towards seizure activity, thus presenting a risk of drowning, as is the case with animals treated from domoic acid intoxication). It was not written as a response to high patient numbers. Non-releasable, otherwise healthy, animals are, in fact, successfully transferred under NMFS authority, to qualified long-term holding facilities, with some frequency, by this facility and others.

Finally, the premise of the applicant's permit application suggests a purpose for our work that is distinctly different than what was intended, by the federal government, and by this institution's mission. Our intent is to bring animals in that need our care, rehabilitate them and return healthy animals to the ocean. For those that cannot be released, there is a well established process through the NMFS for vetting potential receiving institutions and placing these animals where they can receive appropriate long-term care.

As the executive director of The Marine Mammal Center, I strongly disagree with the applicant's petition for the use of releasable sea lions and refute the applicant's conclusions based on statements and information derived from The Marine Mammal Center.

Sincerely,

A handwritten signature in black ink, appearing to read "Boehm", with a large, stylized initial "B" that loops around the start of the name.

Jeff Boehm

[2000 Bunker Road – Fort Cronkhite · Sausalito, CA 94965](http://2000BunkerRoad.com) - Tel. 415.289.SEAL · Fax 415.289.7333 · TMMC.org

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Subject: Fwd: Application 15537
From: NMFS.PRIComments@noaa.gov
Date: Tue, 15 Jun 2010 14:06:49 -0400
To: Jennifer.Skidmore@noaa.gov

From: The Director of NOAA

Subject: Application 15537
From: [REDACTED]
Date: Sun, 13 Jun 2010 10:42:42 -0500
To: NMFS.PRIComments@noaa.gov

I am writing to comment on applicaton #15537to house releasable stranded California Sea lions.

As I read through the application Dr. Solangi appears to have good arguments and a good educational plan. However I take issue with the fact that he would rather use releasable sea lions vs. non-releasable. I was in the business of marine mammal training for 25 years and I have worked with many different sea lions from aggressive animals to blind animals to animals who lost the use of their hind flippers. Without exception as long as progressive techniques of operant conditioning training was correctly applied all of these animals responded in a positive way and most are still alive in their 20's some still participating in programs. My personal opinion is that compromised animals as long as they are pain free are the true ambassadors of wild counterparts. And just a note that Sea World has rescued several renegade bulls from the salmon ladders that are now participating in their programs. Dr. Solangi states that his facility is not set up for animals like these. My question would be how is he going to handle young animals that will grow up to be aggressive bulls?

Secondly Dr. Solangi describes his facility as perhaps adequate but in this day and age that's all it is. 20' diameter pools at 6' feet deep barely meet the minimum requirements. I acknowledge the 650,000 gallon pool which one would hope is where most of the collection would spend thier time. The smaller pools should only be utilized for temporary holding or quarentine. Again in my opinion a 6' depth barely meets the regulatory requirement of one and one half the length of the largest individual.

Lastly I have had the experience to have worked indirectly with Dr. Solangi but directly with animals in his collection. The associated facility contracted animals and trainers from Marine Animal Production for many years. I experienced INEXPERIENCED trainers being sent with dolphins and sea lions. I was there when upon Dr. Solangi's direction yet under the supervision of a licsenced veterinarian who was also contracted by MAP, a healthy adult male bottlenose dolphin was overdosed with a medication to alter his aggressiveness to younger animals. He was found dead on the bottom of a pool the next day. The correct direction would have been to manage the animal in a more appropriate social group than through drugs. I experienced less than quality fish that was fed to the animals. I feel that the associated facility was used as a way station for animals that Marine Animal Production would rather not have had in their own facility or did not have room for. For example an adult female was sent as part of the contract but she was clearly not a show animal, in fact if there is autism in dolphins she was the classic case. She would not respond to training, did not socialize with humans or other dolphins, swam in a sterotypic pattern, would only eat one fish (tiny smelt) at a time and ultimately stopped eating for 3 months. She was force fed to keep her allive. When she finally started to eat on her own she was immediately transported back to Mississippi where she died a short time later. Finally many dolphins died in the associated facility. I was gone for a 10 year period. When I returned more animals died. It took me to say to the director "NO more dolphins here until we figure out what is taking them out!" In all honesty a costly effort was made on both facilities' parts to figure out what was happening. An organism was discovered but never the source. Finally new management at the associated facility dissolved the contract with

MAP at a financial loss but in the best interest of the remaining animals. In my opinion MAP would not have made that decision.

In conclusion I hope you take a careful look at the history of Marine Animal Production and the number of deaths of its animals before you give Dr. Solangi another permit to keep marine mammals.

Sincerely, Laura J. Bottaro, Behaviorist, Curator

Application 15537.eml

June 21, 2010

To: NMFS Permits

Re: File # 15537 IMMS

I understand Moby Solangi is trying to get a permit for 8 sea lions. I was the bookkeeper at Marine Life and Marine Animal Productions when hurricane Katrina came on shore. I don't believe that he should be allowed to have any animals on a permanent basis. He was not prepared for moving the animals we had at Marine Life. He did not even have a truck to move the animals. He kept the park open on Saturday, instead of closing and letting the employees get everything and the animals out of the park. On Sunday he took the truck that the gift shop supervisor had secured and loaded with merchandise on Saturday to move the animals. He left 8 dolphins, 18 sea lions and all the animals in the reef tank to fin for themselves during the hurricane. And as you know they were all washed away from the facility. Six of the sea lions were not able to be saved after the storm. All Moby is concerned about is the almighty Dollar, not the animals. He only wants the animals so that he can continue to get Federal Grant money. He showed that when he recently rescued a dolphin and rehabbed it and is now filing suit to keep the dolphin- stating that he had spent all that money on it. Well I thought that was what IMMS was supposed to do, help stranded animals and return them to their natural habitat. He probably used grant money to save the dolphin. Please do not allow this man to have any more animals. If you have any questions, please feel free to call me at [REDACTED]

Paula M. Carrigan

[REDACTED]

RECEIVED
9/21/10 [REDACTED]



20 June 2010

P. Michael Payne, Chief
 Permits, Conservation and Education Division
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 National Marine Fisheries Service
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Treasurer
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Director Emeritus
 Dr. Robbins Barstow

re: Marine Mammals; File No. 15537

Cetacean Society International (CSI) requests that no permit be given to the Institute for Marine Mammal Studies (IMMS) to obtain stranded, releasable California sea lions (*Zalophus californianus*) from the National Marine Mammal Stranding Response Program for the purposes of public display. CSI is an all-volunteer 501(c)3 non-profit organization with competence to comment on this application as demonstrated by several decades of advocacy regarding the public display of and stranding responses for marine mammals.

Specific reasons for CSI's request for the denial of this permit include:

1. This permit would conflict with NMFS regulation 50 C.F.R. 216.27(a)(1), regarding the release, non-releasability and disposition of stranded animals. The regulations states that "any marine mammal held for rehabilitation must be released" within six months of capture. The regulation clearly is intended to prevent the "back door" acquisition of captive display animals that has plagued the industry for decades. The applicant presents an excellent example of why NMFS had good reason to create this regulation, and has no good reason to establish a conflicting precedent.

In Section IV. B., the applicant states that its proposed acquisition of eight rehabilitated California sea lions "would help alleviate issues as to what to do with stranded animals." The applicant's commercial solution to perceived issues is inconsistent with the function and purpose of U.S. marine mammal stranding response programs and relevant regulations.

2. The applicant does not have an adequate display facility, but what does exist includes a sub-standard tank holding a solitary, stranded dolphin the applicant logically wishes to display for as long as it lives. NOAA has ordered the applicant to send the dolphin to a facility where other non-releasable dolphins would provide companionship. The applicant has refused and is challenging the order. It is logical to assume this is because the applicant has begun a \$75 million project to construct Ocean Expo in D'Iberville, Mississippi, billed as an "interactive experience with dolphins and other marine life." Although the applicant has successfully manipulated federal and community funding for the project as an economic incentive for the region, the source of Ocean Expo's future inventory is not defined. It is, however, convenient to the Gulf of Mexico.

Permits, Conservation and Education Division
20 June 2010
Page 2

The applicant may expect to acquire marine mammals for rehabilitation as a result of the oil spill that is currently overwhelming the region's habitats. While we certainly do not imply that the applicant or anyone else could perceive such a tragedy as an opportunity to stock a public display facility, with 50 C.F.R. 216.27(a)(1) in place such temptations are moot .

If permitted this application will be followed by many others, with stranding responses openly reoriented to select otherwise releasable marine mammals solely for the purposes of commercial profit through display and breeding. For this reason alone the permit must be denied.

3. Also in Section IV. B. of its application, the applicant (IMMS) states that the California sea lions they are requesting "would have died without human intervention to save them." Later in the same section, IMMS states that "In most cases, when an animal strands, nature has rejected it." However, in many cases, marine mammal strandings are directly related to negative human impacts on them or their habitats -- for example, they may have been shot, or entangled in fishing gear -- in which case "human intervention to save them" should not be equated with somehow overturning nature's attempt at enforcing survival of the fittest.

4. Again in Section IV. B., under the heading "Status of the Stocks", the applicant states that California sea lions "are social animals" and "are often seen in groups of several hundred individuals." Compare this life in the wild with the contemplated confinement of eight rehabilitated and releasable sea lions in IMMS's proposed "sea lion housing area." As described in Section VI.A. of this permit application, this "housing area" would consist of a pool that is 20 feet in diameter and up to 6 feet deep. Clearly this captive environment should be seen as a detrimental effect on individual sea lions, refuting the applicant's claim in the first sentence of Section IV.F. that "There are no adverse impacts on the individual sea lions," and the repeated claim in Section IV.F.(a) that "There are no significant adverse effects on the individual sea lions anticipated ..."

5. Further on in Section IV. B., the applicant states that "stranding facilities are operating beyond their capacity, and are forced to euthanize animals due to lack of facilities and financial resources to care for them. Our proposed take is certainly a better alternative for the animal than euthanasia." Perhaps the applicant believes that stranding networks should profit from responses, perhaps prioritizing commercialism over humane purposes. This statement by IMMF is intended to obfuscate matters, since IMMF is not proposing to take animals that would otherwise have been euthanized. IMMF is specifically requesting that they be allowed to take individual sea lions that have already been rehabilitated and that are ready to be released to the wild! Their taking of these animals would in no way lessen the overcrowding or financial pressures on overburdened stranding facilities.

6. Still later in Section IV. B., the applicant states that "sea lions have gone beyond their habitat and have begun intruding on the human habitat," with the implication that this encroachment by the sea lions is leading to "a great deal of animosity towards marine mammals" and resulting violence perpetrated by humans against them. While this indeed is a valid observation, it is unclear how IMMS's taking of eight individual sea lions could have any kind of meaningful impact on this situation -- unless, of course, the proposed taking under this permit is seen as a precedent (which, as shown above, would be in direct violation of NMFS regulations).

Permits, Conservation and Education Division

20 June 2010

Page 3

7. In Section IV.C(1), the applicant states: "... we would request NMFS to authorize and instruct the different stranding facilities to cooperate with us and make available to IMMS pertinent information (medical, behavior/feeding records, etc.) on the candidate sea lion(s). If NMFS will help us in this regard, then we will be able to examine and inspect ... animals for selection." Beyond burdening NMFS, this would be an additional burden on the stranding facilities under its jurisdiction -- facilities which the applicant has acknowledged are "operating beyond their capacity." This requested "help" to be provided by already overburdened stranding facilities would seem to only exacerbate the problem of insufficient resources ostensibly leading to euthanizing otherwise treatable individuals. If IMMS wants to alleviate the euthanasia issue it should amend this application to specifically request animals that would otherwise be euthanized due to lack of resources at the stranding facilities.

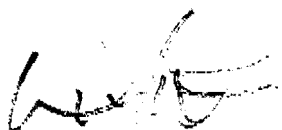
8. In Section IV.F.(a), the applicant's claim that "There are no significant adverse effects ... as a result of keeping these animals in captivity for public display, as opposed to releasing them to the wild or euthanizing them." This statement is fatuous and misleading, especially as IMMS is proposing to take animals that have already been rehabilitated -- not animals that are designated for euthanasia!

9. Also in Section IV.F.(a), the applicant offers the dramatic observation that "if you euthanize an animal, it cannot serve as an ambassador for its species." Again, this seems like a cynical ploy at manipulation of emotions and obfuscation of fact, since nowhere in its application does IMMS propose taking individual sea lions that would otherwise be designated for euthanasia.

10. In Section IV.F. (c), the applicant states that "The removal of these requested sea lions would likely impact the human environment in a positive way by helping to alleviate pressures associated with their overabundant population." While CSI agrees that human overpopulation is impacting the environment, this issue is not relevant here. If the applicant's believes they are doing a service to the environment by keeping these eight sea lions from being returned to the wild they should quantify and compare the environmental cost/benefit to maintain these animals in captivity.

Thank you for your consideration of our comments. We urge NMFS to reject this applicant's permit application.

Sincerely,



William W. Rossiter
President



Subject: Fwd: Comment on IMMS permit for sea lions-File # 15537
From: NMFS.PR1Comments@noaa.gov
Date: Tue, 15 Jun 2010 14:08:21 -0400
To: Jennifer.Skidmore@noaa.gov

From the Fwd: Comment on IMMS permit for sea lions-File # 15537

Subject: Comment on IMMS permit for sea lions-File # 15537
From: [REDACTED]
Date: Tue, 15 Jun 2010 09:11:33 -0400
To: NMFS.PR1Comments@noaa.gov

Office of Protected Resources:

I am responding to this comment period to strongly encourage NMFS to deny permit application file #15537 for the acquisition of releasable stranded California sea lions for public display. From 1986 until 1994 I worked as a dolphin and sea lion trainer for Marine Animals Productions (head trainer from 1990 until 1994) of which Dr. Moby Solangi was President and CEO. It is my opinion, that during the time of my employment, Dr. Solangi showed a gross disregard for the health and well being of his animals (bottlenose dolphins and California sea lions). When it came to caring for the animals, corners were frequently cut to save money. Many of the staff members sent with animals to parks outside of Mississippi were untrained or inexperienced and lacked the ability to provide proper care to the animals they worked with. At Dr. Solangi's request drugs prescribed by licensed veterinarians were sometimes substituted with other cheaper, inappropriate or ineffective medications (e.g., antibiotics). On one occasion, I witnessed a healthy dolphin die very shortly after being given the drug Dilantin to control his aggression towards a younger female animal. That animal should have been placed in an appropriate social group, not medicated to control his behavior. It was later told to me that the amount of drug given was many times the recommended dosage. On several occasions I witnessed critically ill dolphins being transported from out-of-state facilities back to Mississippi. Some of those animals had to endure transports of hundreds of miles by truck to get there. Some died soon after the transport. It is my opinion that Dr. Solangi's husbandry practices and cost saving short cuts, cost animals their lives, as did his decision to leave his animals in the path of a very large hurricane. If responsible measures had been taken at that time, there would be no need for these releasable sea lions to be requested. I think Dr. Solangi's record over the years speaks for itself. In reference to the current application, I believe that the sizes of the pools that will be provided for these eight animals, although legal, are inadequate by today's standards. You are the agency tasked with over-seeing the well being of marine mammals, and I encourage you to take actions that best serve the interest of the animals that depend on you.

Holly H. Edwards, Ph.D.
Zoologist/Research Scientist

Comment on IMMS permit for sea lions-File # 15537.eml



THE HUMANE SOCIETY OF THE UNITED STATES

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Office of Protected Resources
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1315 East-West Highway, Rm. 13705
Silver Spring, Md. 20910

Emailed to: NMFS.PR1@comments.noaa.gov

June 10, 2010

Re: File Number 15537, IMMS Permit Request to Keep Releasable Sea Lions

Dear Mr. Payne,

On behalf of the more than 11 million members and constituents of The Humane Society of the United States (The HSUS) and the Earth Island Institute, I am writing these comments opposing the permit request by Dr. Moby Solangi of the Institute for Marine Mammal Studies (IMMS). 75 Fed. Reg. 28,239 (May 20, 2010). The permit requests permission to selectively obtain from stranding networks eight (8) healthy and releasable young California sea lions over the period of the next 5 years for purposes of public display and breeding. If not for the proposed intervention of IMMS, these animals would otherwise be released. We see little or no difference between this and actually capturing them from the wild for the purpose of making a profit from their breeding and display. This seriously undermines the Marine Mammal Protection Act's (MMPA) provisions addressing response to stranded animals.

General Comments

Prior to providing specific comments on facts and assertions in the permit application, we would like to provide some overarching comments. The Marine Mammal Health and Stranding Response program of the National Marine Fisheries Service (NMFS) has issued Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation, and Release and prepared a Programmatic Environmental Impact Statement (NMFS 2009). Under both the status quo option and the preferred alternative in the Programmatic Environmental Impact Statement (PEIS), "[a]nimals deemed releasable after rehabilitation would be returned to the wild..." (PEIS at 4.23). It also states in the agreement that stranding networks must sign in order to get

authorization to respond to stranded animals that they “may take live stranded marine mammals in a humane manner with the *goal of rehabilitation and release*” (NMFS 2009a, emphasis added). This agreement also states that “[a]ny marine mammal eligible for release must be released as early as possible and no later than 6 months after being taken for rehabilitation unless the attending veterinarian determines that: the marine mammal might adversely affect marine mammals in the wild; release is unlikely to be successful due to the physical condition and behavior of the marine mammal; or more time is needed” (PEIS at Appendix C). Again, we point out that the expectation is that rehabilitated animals will be returned to the wild. The applicant is expecting the NMFS to make an exception to established policy and signed agreements with stranding networks in order to accommodate his desire not to have to wait for animals in a manner expected of other captive display facilities (application at 7).

Further, the applicant’s high-handed request that the NMFS “instruct the different stranding facilities to cooperate with us and make available to IMMS pertinent information...on the candidate sea lions” (application at page 5) indicates his own awareness that stranding networks are unlikely to wish to voluntarily provide perfectly healthy young sea lions to a facility that will keep them in permanent captivity and use them to breed additional animals. This is counter to the mission of most stranding networks, and counter to both established policy and their own signed agreements with the NMFS.

Further, NMFS cannot grant the requested permit because authorization would violate the MMPA. Pursuant to Section 109(h) of the MMPA, federal and state officials “or a person designated under section 112(c)” are authorized to take marine mammals if the taking “is for the protection or welfare of the mammal.” 16 U.S.C. § 1379(h)(1). The provision then expressly requires “[i]n any case where it is feasible to return to its natural habitat a marine mammal taken or imported under the circumstances described in this subsection, steps to achieve that result should *shall be taken.*” *Id.* § 1379(h)(3) (emphasis added).

The MMPA’s stranding response provisions then authorize NMFS to enter into agreements pursuant to section 112(c) with stranding responders to implement section 109(h). *Id.* § 1421b(a). Accordingly, stranding response and rehabilitation is authorized pursuant to section 109(h), and all animals taken pursuant to that authority must be released to the wild if the release “is feasible.” *Id.* § 1379(h)(3). NMFS explained this requirement in its 1993 proposed rulemaking implementing the stranding response authority: “[c]onsistent with section 109(h)(3), the proposed regulations would require the release of the rehabilitated marine mammals to the wild, if feasible.” 58 Fed. Reg. 53,320 (Oct. 14, 1993).

The NMFS regulations governing the release, non-releasability, and disposition under special exception permits (50 C.F.R. 216.27(a)(1)) also state that “any marine mammal held for rehabilitation *must be released* within six months of capture or import” (emphasis added) unless the attending veterinarian determines that: the animal may adversely affect wild marine mammals; the release will likely not be successful, given the condition or behavior of the animal; or more time is needed to make an assessment. Further, releasability in the latter case must be reevaluated at intervals of no less than 6 months for up to 24 months “at which time there will be a rebuttable presumption that release into the wild is not feasible” (50 CFR 216.27 (a)). This makes it clear that the term “release” refers to release to the wild and that healthy marine mammals are expected to be released into the wild. It does not sanction keeping releasable animals indefinitely in captivity, absent a veterinary concern.

Moreover, Section 216.27(c) governs transfer of stranded animals to a captive facility for scientific or public display purposes. However, these provisions can only be interpreted to allow the retention or transfer of *non-releasable* animals. Any contrary interpretation violates the plain language of the MMPA.

There is no basis in MMPA for authorizing IMMS to obtain and permanently keep a releasable marine mammal.

Specific Comments on the Application

Keeping Healthy Animals

The applicant states that “[b]asically, we are interested in healthy young animals that will be able to perform shows and educational demonstrations for the general public, and which will be compatible to be housed with other sea lions” (application at 6).

While the applicant states that he will give “consideration” to non-releasable stranded sea lions, he also specifies criteria that appear to limit consideration to young, perfectly healthy (i.e. releasable) animals. He states that he will not consider animals who are “disabled or impaired” in any way “including but not limited to blind animals, animals that cannot walk or swim normally or are otherwise not healthy and/or have conditions that may affect their long-term health adversely.” He also rejected the possibility of taking California sea lions captured at Bonneville Dam, though his application made much of the importance to society of removing “nuisance” animals from situations of conflict.

The applicant states that his facility would reserve the (presumably sole) right to determine whether to “accept or reject an individual animal” and if it “is not suitable for our program, it

would not be selected from the stranding network's pool of animals, and it would be released back into the wild according to the criteria and protocol of the stranding network" (application at 7). We find repugnant his view of healthy young rehabilitated sea lions who are awaiting release as a "pool" from which he may pick and choose.

Moreover, the applicant's request to be allowed to pick and choose from available stranded animals is simply further evidence that granting the application would violate the requirements of the MMPA, which prioritizes release of such animals into the wild over any captive use, and requires such release where feasible. 16 U.S.C. § 1379(h).

Poor Justification for Taking Animals From the Wild

The applicant states that he wishes to keep stranded animals who would otherwise have been released to the wild. This is, in essence, identical to taking them from the wild. Yet his application fails to provide adequate justification for so doing.

On page 4, the applicant cites statistics on the many animals who have been stranded in the southwestern U.S. and states that the Marine Mammal Center of Sausalito was sometimes forced to euthanize animals. We point out that the applicant states that this was done "for animals that could not be released or placed in adequate long-term captive care facilities," and in 2008, when strandings of "emaciated and weak" animals outpaced the capacity of their facility, they were "forced to euthanize animals due to lack of facilities and financial resources to care for them." He goes on to say that his "proposed take is certainly a better alternative for the animal than euthanasia." We might agree but for the fact that he is NOT proposing to take non-releasable animals for which no other placement is available, or which are ill and for which there is no suitable rehabilitation placement and euthanasia is the only option. He is proposing to take animals who were already admitted to a facility and were deemed healthy and *could be* released, such that euthanasia would not even be a consideration for them. This piece of his argument is disingenuous at best and profoundly flawed at worst.

Although the applicant asserts that he wishes to take animals who have been shown to be healthy (p. 6), paradoxically he cites as justification literature that instead indicates that poorly screened animals who are at times released back to the wild could pose a risk to wild populations. The applicant cannot have it both ways. If the animals he wishes to select are healthy enough not to pose a risk to other captive animals, they will certainly not pose a risk to those in the wild if they are released. Further, the literature he cites (Moore et al. 2007 and a 1991 workshop report) predates the issuance of the NMFS' release of guidelines for response to and release of marine mammals that specify screening and documentation that animals are

disease-free before release into the wild. Thus the critiques he cites have been subsequently addressed by NMFS and are no longer a pressing concern.

The animosity toward California sea lions that he cites on page 4 is toward adult males in the Columbia River. He has specifically stated in response to a reviewer (posted on the website for his permit) that he will not accept these animals into his facility, thus he proposes no relief for the problem he cites. And his argument that, as a result of his proposed actions, “a few less nuisance animals [may be] intruding into human environments” (application at 9 and 10) is fallacious. The photos and sources he cites overwhelmingly discuss and/or depict male sea lions, and of the eight animals he is proposing to permanently remove *six are females*, which is not the sex that is often depicted as “intruding.” Those at Bonneville Dam, for example, are all males. While we agree that the public needs to be sensitized to living in peace with animals rather than killing them, we believe that this can be better accomplished through the use of non-releasable animals who have had unfortunate encounters with humans from which educational lessons can be built. In particular, retaining one or more of the male sea lions captured at Bonneville Dam would do more to demonstrate the importance of compassion for animals than his proposed retention of otherwise healthy and releasable females.

The applicant describes stranded sea lions as animals that nature has “expelled” and nature’s rejects (application at 8) who would otherwise have died but for human intervention. This ignores the fact that some animals strand as a result of entanglement in marine debris or from other anthropogenic causes, which has nothing to do with nature “rejecting” them. But the veterinary care that he trumpets for saving their lives was provided at the expense of other facilities, not IMMS. These facilities have rescued and rehabilitated animals for the purpose of providing veterinary treatment and *releasing* healthy animals back to the wild (TMMC undated). The applicant is not seeking to in some way rescue “nature’s rejects” or absorb the costs borne by these facilities. Instead he is seeking to profit from the selfless service provided by stranding networks and rehabilitation facilities.

Further, in building a facility and then refusing non-releasable animals he is depriving placements for deserving non-releasable sea lions who might have euthanasia as their only option.

Another spurious and unsupported reason he provides is that “if you euthanize an animal, it cannot serve as an ambassador for its species” (application at 8). Again, we point out that he is seeking to obtain healthy sea lions who otherwise would have been released to the wild. They would *not* have been euthanized, so he is “saving” them from nothing.

The applicant also states that he feels a rationale for his taking “releasable, stranded California sea lions” is “because there is a paucity of animals available through other public display facilities” and cites a “very long waiting list of 20 or more facilities that are waiting.” He then suggests, with only his convenience in mind, that “for a facility that has no animals, waiting for a suitable non-releasable sea lion for a long, indefinite period of time is not a prudent option” (application at 7). It may not be an option that he finds attractive, but it is hardly the fault of NMFS or the sea lions (who are a public trust resource of the U.S.) that the applicant built a captive display facility without any prospect of filling it with animals. This is not the movie “Field of Dreams” in which a character presciently opines “if you build it [they] will come.” The applicant must wait for non-releasable animals, just as must many other facilities.

Stocking a Captive Breeding Program

The applicant specifies that he wishes to obtain eight weaned pups or juveniles estimated to be two years or less in age that are comprised of six females and two males. He states specifically that these sea lions “may add important genetic diversity to the captive population. As our inventory grows, IMMS has intentions to breed the sea lions that we acquire” (application at 8). He further states that at some future time “when we have collected several animals that have reached sexual maturity, we will look to developing partnerships with other interested organizations for breeding purposes” (ibid).

Thus he is taking healthy animals that would otherwise live and breed in the wild (essentially “capturing” them from the wild) in order to breed them in captivity and presumably profit from them.

Questions Regarding the Quality of the Education Program

The applicant states that his facility will comply with guidelines for educational programs and yet cites such “educational presentations” as “shaking hands/flippers with guests and other educational activities.” We fail to see how this is educational. Further, he states that he does not expect to use the animals in swim-with-the-sea-lion-program activities “at this time.” This may mean that he will change the purpose of their use at some later date. We oppose the notion of granting custody of animals to a captive display facility without a clear specification of his intended use of them.

The Facility in Which Animals Will Be Displayed

Page 15 of the application describes a separate sea lion housing area with two separate animal areas, each with a permanent shaded pool, dry resting area and two pen enclosures. The applicant also describes the veterinary hospital in which animals can receive veterinary care. This “hospital” is described as having a “large treatment room, a surgical suite, a surgical recovery room, and an x-ray room.” However, the photos provided on page 12 and 14 in Appendix J show exam tables in the veterinary hospital that appear far too small for adult pinnipeds (which is what the juveniles in his proposal will become in short order).

In fact, The HSUS is aware of an inspection of this facility that was conducted on April 26, 2010 by Janet Whaley, D.V.M. of NMFS and Laurie Gage, D.V.M of APHIS (NOAA 2010). These veterinarians observed that “the diagnostic equipment, such as the radiographic unit, that we saw in the hospital was dated,” though they noted that the applicant’s veterinarian stated that “she hoped to get a modern digital radiography unit” (ibid.). Drs. Whaley and Gage noted that the applicant’s veterinary hospital “appeared to be designed for small domestic animals,” although the staff showed Drs. Whaley and Gage “a room in the back that had a slightly larger table that they said could be used for pinnipeds” (ibid.). The purpose of their visit was to assess conditions for a captive dolphin, and the veterinarians noted that “there was no room in this veterinary hospital that appeared to be designed to care for cetaceans” (ibid.). While they did not comment on its suitability for pinnipeds, we question how an area that was considered inappropriate for cetaceans would be more fitting for pinnipeds. And, while the size of the “larger table” was not specified in this report by the government veterinarians, examination of the photos that accompany the application in Appendix J lead us to question whether this larger exam table is of an appropriate size and design for treating a large male sea lion. Before being permitted the custody of marine mammals, the IMMS must have appropriate facilities to treat any that may become ill or injured.

Of greater concern is the proposed housing for the sea lions. The applicant describes the pools that will be used for pinnipeds, but does not relate how their sizes compare to those required by NMFS and APHIS for holding the number of pinnipeds he requests. This information should have been supplied. For example, he should state whether two pools, each with a diameter of 20 feet and 6 feet in depth and a surrounding dry area of 286 square feet, are sufficient for holding 2 male and 6 female sea lions until they reach full size at adulthood. If not, then he must explain how he plans to house them as they grow. Indeed, we believe that pools of this size may not be sufficient for such a purpose.

The regulatory requirements for pinnipeds, according to APHIS, are for a pool area with a minimum horizontal dimension (MHD) that is 1.5 times the average adult length of the longest species of pinniped housed in the area (APHIS 2004). They state as an example that the “MHD for a pinniped has been calculated to be 24 ft. If the pool were round, a pool 24ft in diameter would meet this requirement” (ibid.). As described in the application, the applicant’s pools are smaller than this. Even the dry resting areas seem insufficient with regard to APHIS requirements for the number of California sea lions he proposes to obtain (see APHIS 2004 at Table V). Thus each of his pools and resting facilities seem insufficient in size for one sea lion, let alone up to eight. If the applicant intends to house them elsewhere, he must submit an application with specifications for *that* facility, not this one.

As such, the facility is inappropriate to house the number, ages and sexes of pinnipeds he has proposed and a permit should be denied on that fact alone. We understand that the applicant is considering building another, larger facility, but it is not the sufficiency of some future facility (whose marine mammal housing capabilities are not known or described herein) that we are being asked to judge

Controversial and Precedent-setting Nature of the Application

In describing the potential environmental impacts of the permit, the applicant contends on page 12 of the application that it is not controversial, because courts have held that mere opposition does not constitute controversy. Our opposition to granting this permit is not based simply on agitation regarding captivity and we do not question that there is little likelihood of adverse impact on the marine mammal stock, and perhaps not even on the individual animals—though we would argue that a life of freedom is preferable to a life within the confines of a tank and his facilities seem inadequate to his desire for these eight animals. The nature of the controversy with regard to this permit application is that, if not for the proposed action of IMMS, otherwise healthy sea lions would be released to the wild. Instead, the applicant proposes to, in essence, remove them from the wild and keep them captive and use them to generate profit as a result of their display, performance and/or breeding. This is really no different than actually capturing healthy animals from the wild for profit. This proposed permit would result in a gross circumvention of the law and regulations that govern the careful and limited circumstances under which capture of healthy wild animals for the purpose of public display is allowed. If this is allowed, healthy marine mammals could become captives with only a hapless stranding network in between the animal and the profiteer. And that novel and unlawful action is controversial.

Indeed, contrary to the applicant's assertion on this same page, we argue that his application will in fact set a precedent (i.e., "a bureaucratic commitment that becomes progressively harder to undo the longer it continues"). See 40 C.F.R. § 1508.27(b)(6). Since his application is based to a large extent on his desire to "jump the line" of display facilities waiting for non-releasable sea lions or progeny from other display facilities because a long wait seems to him "not a prudent option" (see application at 7), we cannot imagine why, if he is successful in this attempt, other facilities would not wish to use a similar argument and make similar requests for releasable animals. How is the NMFS to deny them once it has approved the applicant's request? Indeed, granting his request would make it harder to prevent what amounts to taking healthy sea lions (and perhaps other species) from the wild simply because they stranded and were made whole but it is too time-consuming or expensive to obtain them through the appropriate channels. See *Anderson v. Evans*, 314 F.3d 1006 (9th Cir. 2002) (finding agency failed to consider possible precedent of requesting whaling quota could be used a precedent for other countries to request a similar quota), Similarly, the agency must consider "[w]hether the action is related to other actions with individually insignificant but cumulatively significant impacts." 40 C.F.R. § 1508.27(b)(7). If NMFS begins granting permits to captive display facilities for maintaining otherwise releaseable stranded animals, the agency must disclose and analyze the impacts of that policy on the welfare of pinnipeds.

Finally, this action has significant environmental impacts because it "threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment." 40 C.F.R. § 1508.27(b)(10). As described above, the MMPA requires that animals taken by stranding networks and other licensed rehabilitators must be released to the wild whenever feasible, and releasable animals cannot be retained for public display or other purposes. 16 U.S.C. § 1379(h)(3). If NMFS issues this permit, it will violate the MMPA.

Conclusion

For all the reasons described above, the NMFS must deny this permit and see that the applicant follows the NMFS well-established procedures for obtaining non-releasable animals and, if that means waiting until a suitable candidate becomes available, then so be it. The NMFS should not violate the MMPA to satisfy this applicant.

Thank you for the opportunity to comment on the proposal by IMMS. Please contact me if I can elaborate on our comments and concerns.

Sincerely,

A handwritten signature in black ink that reads "Sharon B. Young". The signature is written in a cursive style with a large, sweeping "Y" at the end.

Sharon B. Young
Marine Issues Field Director
The Humane Society of the U.S.
syoung@hsus.org

Resources Cited

APHIS 2004. Animal and Plant Health Inspection Service Animal Care Resource Guide. Exhibitor Inspection Guide. Primary Enclosure Space Requirements. Available at:
http://www.aphis.usda.gov/animal_welfare/downloads/manuals/eig/11.4_eig.pdf

TMMC, undated. The Marine Mammal Center of Sausalito. Mission Statement. Available at:
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NMFS 2009. Final Programmatic Environmental Impact Statement (PEIS) on the Marine Mammal Health and Stranding Response Program (MMHSRP) Available at:
<http://www.nmfs.noaa.gov/pr/health/eis.htm>

NMFS 2009(a). National Template Marine Mammal Stranding Agreement between The NMFS and [a stranding network organization]. Available at:
http://www.nmfs.noaa.gov/pr/pdfs/health/eis_appendixc.pdf

NOAA 2010. Memorandum for the Files. Subject: Site visit Report to the Institute for Marine Mammal Studies—Gulfport, Mississippi to Review the Health and Health Records of a Juvenile

Stranded Bottlenose Dolphin. Available from Nation Marine Fisheries Service, Marine Mammal Stranding and Health Response Program. Silver Spring, Md. 20910.

Subject: Fwd: File No. 15537
From: NMFS.PR1Comments@noaa.gov
Date: Wed, 23 Jun 2010 15:39:00 -0400
To: Jennifer.Skidmore@noaa.gov

From the PR1 Comments Line

Subject: File No. 15537
From: [REDACTED]
Date: Mon, 21 Jun 2010 14:08:13 -0400
To: "NMFS.Pr1Comments@noaa.gov" <NMFS.PR1Comments@noaa.gov>

Good Afternoon:

I am writing to oppose issuance a permit to the Institute for Marine Mammal Studies (IMMS) under the direction of Dr. Moby Solangy, to obtain stranded, releasable California sea lions (*Zalophus californianus*) from the National Marine Mammal Stranding Response Program for the purposes of public display. As a former employee of NMFS/F/PR1, I am quite familiar with Dr. Solangy's reputation and former treatment of animals. It is clear from Dr. Solangy's prior neglect of marine mammals previously under his care that he cannot be trusted with maintaining them in captivity in a non-harmful manner, and does not have the best interest of the animals at heart. As you may recall, Dr. Solangy failed to evacuate the marine mammals under his care at Marine Animal Productions when Hurricane Katrina hit the Gulf Coast of Mississippi. As a result, several dolphins and sea lions were lost at sea or killed. One newsworthy incident involved a California Sea Lion that was euthanized (i.e., shot), but a local law enforcement officer because it was suffering from a broken back. The pain and suffering of these animals could and should have been avoided. Granting Dr. Solangy a permit to keep any marine mammal in captivity would put additional animals in harm's way. Although his application states he has a contingency plan in case of natural disaster, there is nothing to compel him to follow that plan. Based on his actions thus far, the NMFS has no reason to believe that he will follow-through on his proposed plan.

Finally, although California sea lions are not endangered, and holding stranded sea lions for the purposes of public display will not negatively impact the population, allowing Dr. Solangy to obtain any marine mammals would put those individuals at risk of mistreatment, pain, and suffering. It is your agency's responsibility to protect these animals from acts of pursuit that have the potential to injure, regardless of their listing status. For these reasons, I urge you to reject the IMMS application for a permit to obtain stranded California sea lions for the purposes of public display.

Thank you for the opportunity to comment on this application.

Warm regards,
Sara McDonald

Sara L. McDonald, Doctoral Student
Marine Science and Conservation Program
Duke University Marine Laboratory

File No. 15537.eml **Content-Type:** message/rfc822
Content-Encoding: 7bit

6-16-10

My name is Terri Miles. I've been ask if I wanted to make a comment regarding Moby Solangi and my experience working with him. I have agreed to give this comment on my own accord with no outside pressure.

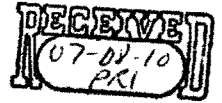
I worked with Moby from June 1984 to July 1989 at which time I left because I did not agree with most of the things he was doing. When he tried to cover up the death of animals (dolphins and sea lions) I openly disagreed with him, especially since we were doing government collections at the time, I knew we had to have all our records and documentation correct. I would record all the animals' health, food, diet and any other issues by hand in each of their charts and one day I came across duplicate charts that had been rewritten in his or someone else's writing. He knew I would not change any of the records and enter false information so he would take my sheets out of the charts and change them. I know of several animal deaths that he covered up or did not report to the fisheries department as required. After 5 years of this I had enough and decided to move on and not be a part of his lies and decete any longer. IF ask weather Moby should have animals in his control I would say absolutely not. Maybe a hermit crab or horseshoe crab but definitely no other animals should be left in his care. I even rescued a dog from his house while I worked with him that was so tormented and mistreated it took me 6 months to gain this dogs trust to even give her a bath. He had this cocker spaniel chained up in his yard, does that sound like someone that should have control of animals, I think not. Please reconsider this and his JMMS deal he has going on and investigate how he is running things there.

Terri Miles
6/16/10

RECEIVED
Auto 9/10



MARINE MAMMAL COMMISSION



6 July 2010

Mr. P. Michael Payne, Chief
Permits, Conservation, and Education Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Re: Permit Application No. 15537
(Institute for Marine Mammal Science)

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act.

The applicant is requesting authorization to acquire from U.S. rehabilitation facilities up to eight stranded, rehabilitated California sea lions during a five-year period for purposes of public display. The applicant is seeking authorization to acquire animals deemed to be releasable but has indicated a willingness first to consider accepting non-releasable animals (excluding disabled or impaired animals or animals that are not healthy and/or have illnesses or conditions that may adversely affect their long-term health).

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service approve the permit request, provided that the Service—

- require that the applicant obtain non-releasable sea lions—as determined by the stranding facility's attending veterinarian, in consultation with the Service and appropriate behavioral experts, and based on the Service's release criteria for stranded, rehabilitated marine mammals—provided that such animals are available and suitable for the intended purpose;
- authorize transfer or retention of animals determined to be releasable only as a secondary option and only if non-releasable animals are not available or are determined by the Service, in consultation with the applicant, to be unsuitable for the applicant's purposes;
- require a reasonable (e.g., one-year) waiting period from the date of permit issuance to see if suitable, non-releasable animals become available before allowing the applicant to acquire releasable animals;
- consult with the Animal and Plant Health Inspection Service to ensure that the applicant's plans and facilities for transport and maintenance of the requested animals—including any progeny—are adequate to provide for their health and well-being;
- require the applicant to provide a written justification explaining the need for a captive breeding program for California sea lions before such a program is authorized;

Mr. P. Michael Payne

6 July 2010

Page 2

- consult with the Animal and Plant Health Inspection Service before issuing the permit to confirm that the probability is extremely low that these animals might be introduced into the Gulf of Mexico, even under the most severe weather conditions; and
- ensure that the applicant's education program is acceptable (i.e., a program is in place as a component of the proposed public display of these animals, the basic message of the program is consistent with the policies of the Marine Mammal Protection Act, and the program includes accurate information about the life history and other aspects of the species).

RATIONALE

Section 109(h)(3) of the Marine Mammal Protection Act requires that, whenever feasible, rehabilitated stranded animals maintained under that authority be returned to their natural habitat. The Marine Mammal Commission therefore recommends that, if the National Marine Fisheries Service issues the requested permit, it require that the applicant obtain non-releasable sea lions—as determined by the stranding facility's attending veterinarian, in consultation with the Service and appropriate behavioral experts, and based on the Service's release criteria for stranded, rehabilitated marine mammals—provided that such animals are available and suitable for the intended purpose. Further, the Marine Mammal Commission recommends that the National Marine Fisheries Service authorize the transfer or retention of animals determined to be releasable only as a secondary option and only if non-releasable animals are not available or are determined by the Service, in consultation with the applicant, to be unsuitable for the applicant's purposes. In this regard, the Commission notes that strandings of California sea lions occur on a highly seasonal basis. Consequently, depending upon the time of year that the permit is issued, non-releasable animals may not be as readily available as at other times. The Marine Mammal Commission therefore recommends that the permit, if issued, require a reasonable waiting period (e.g., one year) from the date of permit issuance to see whether suitable, non-releasable animals become available before allowing the applicant to acquire releasable animals.

The applicant is requesting authorization to obtain pups or juveniles (two males and six females) estimated to be two years or less in age. The application does not, but should, provide information on whether the applicant's current facilities (e.g., space, medical and quarantine facilities, etc.) are adequate to house and care for these animals as they mature. In addition, the applicant intends to initiate a breeding program. If a breeding program is instituted, the applicant's facilities also will need to be of sufficient size to house any progeny of the subject animals into adulthood. The Marine Mammal Commission therefore recommends that the National Marine Fisheries Service consult with the Animal and Plant Health Inspection Service to ensure that the applicant's plans and facilities for transport and maintenance of the requested animals—including any progeny—are adequate to provide for their health and well-being.

The Commission also has serious concerns about whether a captive breeding program for California sea lions should be authorized, given the frequent availability of non-releasable individuals that could be housed in public display facilities. The Marine Mammal Commission therefore

Mr. P. Michael Payne
6 July 2010
Page 3

recommends that the National Marine Fisheries Service require the applicant to provide a written justification explaining the need for such a breeding program before considering authorizing one.

The Commission notes that the applicant's previous facility was destroyed by Hurricane Katrina and that some marine mammals were released into the Gulf of Mexico as a result. Because California sea lions are not native to that area and are quite adaptable to a variety of environments, it is important that these animals not be introduced into the Gulf ecosystem. Therefore, the applicant should be required to provide assurance that the facilities where the sea lions will be kept is capable of withstanding similar forces of nature or, in the alternative, that the applicant has an adequate contingency plan in place to ensure that California sea lions are not unintentionally released from the facility. The Marine Mammal Commission therefore recommends that, before issuing the permit, the National Marine Fisheries Service consult with the Animal and Plant Health Inspection Service to confirm that the probability is extremely low that these animals might be introduced into the Gulf of Mexico, even under the most severe weather conditions.

The application states that the institute's education program is consistent with professionally recognized standards, including those of the American Zoo and Aquarium Association. The application also states that the requested animals would be "used in educational presentations to the general public, meet-and-greet type scenarios—such as posing for photos with guests, shaking hands/flippers with guests, and other educational activities." The Commission questions whether such activities can accurately be characterized as "educational." Rather, they appear to constitute entertainment and public relations. Certainly, they are inconsistent with the natural behavior of sea lions in the wild, and they would misrepresent to the public the true character of the animals. Therefore, the Marine Mammal Commission recommends that, prior to issuing the requested permit, the National Marine Fisheries Service ensure that the applicant's education program is acceptable (i.e., a program is in place as a component of the proposed public display of these animals, the basic message of the program is consistent with the policies of the Marine Mammal Protection Act, and the program includes accurate information about the life history and other aspects of the species).

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the Marine Mammal Protection Act.

Please contact me if you have any questions concerning this recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director

cc: Barbara A. Kohn, D.V.M.

P. Michael Payne, Chief
Permits, Conservation and Education Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Rm. 13705
Silver Spring, Md. 20910

Emailed to: NMFS.PRI@comments.noaa.gov

June 5 2010

Re: File Number 15537, IMMS Permit Request to Keep Releasable Sea Lions

Dear Mr. Payne,

We write to express concerns regarding a permit application by the Institute for Marine Mammal Studies (IMMS) to obtain eight releasable California sea lions from west coast stranding networks. In his application, Dr. Solangi has used a peer reviewed paper published in *Marine Mammal Science* authored by the undersigned, to question the advisability of releasing stranded animals. Clearly our work was intended to encourage adequate testing of animals to assure that, among other things, released animals do not carry diseases into wild populations. Since Dr. Solangi is seeking to obtain animals that are disease-free, such animals presumably would pose no risk to their conspecifics in the wild. Thus his citation of our paper in support of his request is misleading and inappropriate.

Furthermore, in our paper we point out that a major problem facing rehabilitation programs is a lack of available space for non-releasable animals. Requesting releasable animals to stock a display colony further reduces space available for non-releasable animals and creates a disincentive for display facilities to accept non-releasable animals. Why hold sick animals if otherwise healthy animals are equally available? In this sense our paper supports more good space for non-releasable animals - not less. Therefore, the application is a further direct misrepresentation of what we say in our paper. We suggest that animals for captive display be considered from all available sources in a priority that affords the best animal use. In keeping with our published paper, we would assign higher priority to non-releasable animals (that benefit from the ongoing care), captive bred surplus animals (to prevent overcrowding of existing colonies), and transfers from existing colonies (improve conditions for existing colonies). We find it hard to believe that one could not fill the available spaces with animals from any of the former groups. Does NMFS require that applicants demonstrate that they have exhausted all other options before requesting releasable animals?

We also wish to point out that the regulations of the National Marine Fisheries Service do not appear to countenance transfer of releasable animals to facilities that would keep them captive. In the case of 50 CFR 216.27, the intent of the regulation is to ensure that marine mammals taken into rehabilitation facilities are released back into the wild within six months," **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." (emphasis added). The IMMS is specifically requesting healthy animals that could otherwise have been released into wild and, thereby subverting the intent of the regulations.

As people who have responded to innumerable marine mammal strandings, we feel that the intent of the application is inappropriate and not supported by scientific, ethical or regulatory precedent.

Sincerely,

Michael Moore, Woods Hole Oceanographic Institution
Frances Gulland, The Marine Mammal Center
Susan Barco, Virginia Aquarium & Marine Science Center Foundation
Kathleen Touhey Moore, International Fund for Animal Welfare
Randall Wells, Chicago Zoological Society
Greg Early

Via: FAX

June 21, 2010

Mr. P. Michael Payne
Division Chief
Permits, Conservation and Education Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13705
Silver Springs, Maryland 20910

Re: File No. 15537

Dear Sir:

I wish to comment on the above file and permit application by the Institute for Marine Mammal Studies to obtain eight stranded, releasable California sea lions (*Zalophus californianus*) from the National Marine Mammal Stranding and Health Response Program for the purpose of public display.

Aside from the demeaning way in which the application was written suggesting that the dedicated response team members, of which IMMS by way of a NMFS Letter of Authorization are also members, are incompetent, I wish to add that, in my own opinion and direct experience with observing his husbandry and medical practices, that Dr. Solangi has no business directing a rehabilitation program or caring for marine animals.

Following hurricane Katrina I was responsible for transferring all of the Marine Animal Production animals to the Bahamas; Dr. Solangi was the director of MAP. As I and my colleagues began reviewing the history of the individual animals we were appalled at what seemed to me to be an extreme use of drugs and medications used on the animals, the experimental approach to treatment and references in the records to "research" on the animals.

These records are available and I suggest someone from your office request a review of the records before a decision is made to grant this permit.

Sincerely,



Frank L. Murru

Cc: Ms. Jennifer Skidmore

RECEIVED
6/21/10 8:40

Fwd: In regard to permit for sea lions for Moby Solangi

Subject: Fwd: In regard to permit for sea lions for Moby Solangi
From: NMFS.PRIComments@noaa.gov
Date: Wed, 23 Jun 2010 15:39:31 -0400
To: Jennifer.Skidmore@noaa.gov

From the PR1 Comments List

Subject: In regard to permit for sea lions for Moby Solangi
From: [REDACTED]
Date: Sun, 20 Jun 2010 12:41:03 -0400
To: NMFS.PRIComments@noaa.gov

Moby Solangi has applied for a permit for keeping sea lions in Mississippi. I worked for his former company for 8 years and think that he should not be given this permit based on his past history in keeping marine mammals. He is not doing this for the interest of the animals, this is purely for profit and his past behavior has been the bottom line/profits and he has compromised the health, safety and well being of these animals in exchange for this. The NMFS should look into the complaints that have been made about him on this issue for many years.


Eydie Proffitt

In regard to permit for sea lions for Moby Solangi.eml

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12 June 2010



National Marine Fisheries Service
Office of Protect Resources
1315 East-West Highway
Silver Spring, MD 20910

RE: File No. 15537

Dear Madam/Sir:

This letter comments on the application of the Institute for Marine Mammal Studies (IMMS), which has applied for a permit to obtain eight stranded, releasable California sea lions (*Zalophus californianus*) from the National Marine Mammal Stranding and Health Response Program (NMMSHRP) for the purposes of public display over a five-year period.

Whereas the following comments may not be appropriate in this forum, I find them entirely relevant examples of the type and kind of stewardship and decision making skills characteristic of Dr. Solangi in past instances wherein he was responsible for marine mammals. My record of association with Dr. Solangi is through employment with Marine Life Oceanarium (MLO), Marine Animal Productions (MAP), and the IMMS and this employment dates back to 1991. I was director of operations, education, and programs for MLO and conducted scientific research for the IMMS, until August 2006, after which time, marine mammals owned by MAP had been successfully sold and relocated to new facilities in the aftermath of hurricane Katrina. My comments below pertain to actions and statements I witnessed of Dr. Mobishir Solangi as he conducted the business of the IMMS and other companies he was responsible for (e.g. MAP & MLO).

The Saturday prior to Hurricane Katrina, 26 August 2010, Dr. Solangi, acting as president of all three above named companies decided that no evacuations were necessary and that he directed that MLO be open and operate as normal that day. Marine Life Oceanarium was in fact open for business and conducted its normal routine and regularly scheduled marine mammal shows into the evening before the eve of hurricane Katrina.

The morning of Katrina's eve, Dr Solangi gave direction for staff members to move records, equipment, and files to the offices of the IMMS located across Highway 90 (Beach Blvd) across the street from MLO. Dr. Solangi directed staff to transfer dolphins from the pool closest to the harbor called the 'Bay Pool' into the 'Stadium Pool' a tank located 30 yards from the Bay Pool at the MLO facility located in the Gulfport, Mississippi small craft harbor. The majority owner of MAP and MLO Donald P. Jacobs

arrived at the park shortly after noon and demanded to know of Dr. Solangi why any animal was still left in the park and not evacuated. After which, Dr. Solangi told Mr. Jacobs to “calm down” and Dr Solangi directed the staff to capture the dolphins in the Stadium Pool and transfer some of them to the ‘Main Tank’ located between the Stadium Pool and the Bay Pool but elevated approximately thirty feet above mean low tide while other dolphins were prepared for transport to hotel swimming pools located approximately five miles north of MLO on Highway 49. In total, six dolphins were at hotel swimming pools and eight dolphins were left at MLO that day.

By the evening of 28 August 2010, sea lions started to be evacuated by members of the staff and taken to Timothy Hoffland’s house located in Orange Grove approximately nine miles north of MLO. By the time darkness set in and staff members were no longer able to capture sea lions, staff members dispersed between the four locations where animals were: MLO, two hotels, and eight sea lions at Mr. Hoffland’s house. A single staff member was left with the remaining eight dolphins, more than twenty California Sea Lions (some of which were left in fully enclosed pens and others in a tank near the harbor), and a harbor seal all left in the park.

The sole remaining staff member was given instructions to leave the facility at midnight after shutting down all life support systems. The staff member faithfully carried out these instructions and the next time I saw the facility was around 4:00 PM CDT 29 August 2010, the day of Hurricane Katrina. When I arrived, Timothy Hoffland and other staff members were already on scene and saw what I saw, nothing but empty destroyed tanks and debris. I entered the Main Tank where the eight dolphins had been left the night before and felt around the bottom and under the debris that littered the tank for at least an hour in waist deep water searching for dolphin carcasses. I found no dolphins. I got out of the tank and told the gathered staff that “the dolphins have gone home” as in they are in the Gulf of Mexico and suggested focus on searching for sea lions and caring for the six remaining dolphins at the hotel swimming pools.

Three California Sea Lions and a Harbor Seal were presumed swept out from their pool as an approximately thirty-five foot long sail boat sat atop their pool. Other sea lions that had been left in the park in fully enclosed cages were found dead or in great distress and euthanized. All the sea lions except Cody the seal were recovered. Cody was never seen again.

It took two weeks after Katrina to round up the last of the sea lions. Two days after the last sea lion was accounted for and recaptured, the eight dolphins from the Main Tank were all spotted swimming together near the opening to the Gulfport small craft harbor. Staff from many facilities, NOAA staff, and other individuals participated with the month long process of collecting these dolphins back from the wild. Several of the younger animals were captive born which necessitated recovery of the group.

Eventually the eight dolphins were all recaptured and taken to the US Navy Sea Bee Center in Gulfport, Mississippi where temporary pools were set up inside of a warehouse. Dr Solangi asked a few senior staff members including myself to look for potential foster

homes for the dolphins. A few facilities volunteered free places to house our dolphins for many months or years if necessary. Ultimately, Dr. Solangi never agreed to any terms because he was attempting to negotiate a fee from any institution offering free housing assistance for the marine animals. I confronted Dr. Solangi about this and he told me I did not understand how business works and I told him that he has no leverage in the situation.

I will never forget the words I told him, I said “ Moby, you know who Warren Buffet is?” To which Dr Solangi nodded and I continued “he has this expression called BATNA, best alternative to a negotiated agreement and Moby; everyone knows we don’t have a place to put these animals. We have no leverage, no alternative to a negotiated agreement. How can you expect anybody to pay us when they know if they wait you out, you will be forced to sell because you have no place to keep them and everybody knows this?” Dr. Solangi disagreed with me.

In November 2005, Donald P. Jacobs fired Dr Solangi from MAP and MLO. Dr. Solangi was no longer allowed onto the Navy Sea Bee Center and this continued for the remainder of the dolphin’s six month stay there. Soon thereafter, Dr. Solangi initiated legal proceedings against his partner, Donald P Jacobs to block the sale of the dolphins.

The approximate six months that the dolphins spent inside the warehouse at the Sea Bee base, I worked the night shift. The indoor tanks made water quality difficult and ultimately multiple water changes were required daily and performed by SAIC staff members volunteered to MAP by the US Navy to tend to the dolphin’s water and filtration systems while MAP trainers fed the dolphins. I mostly vacuumed the dolphin pools, monitored life support systems overnight, and spent time in the water cleaning tanks or playing with the dolphins.

I was the sole staff member working with the dolphins and sea lions for MLO and MAP after November 2005 who supported Mr. Jacobs’s decision to sell the animals as a group to a single entity rather than Dr. Solangi’s attempts to rent the animals for money in smaller groups. Although, the other staff members supported Dr. Solangi, they were paid by Mr. Jacobs and today each and every one of these individuals with few exceptions still work for Dr. Solangi and the IMMS.

In January 2006, I arrived in the Bahamas shortly after the dolphins arrived to their new owners and into their new home. The natural Bahamian waters had healed the dolphin’s scars quickly and the disposition of the animals was much better than before and I gauge this by the following story.

A day or so after I returned from the Bahamas, Don Jacobs and I were walking through the ruins of Marine Life Oceanarium and he asked me if I thought he made the right decision regarding selling the dolphins. Without hesitation, I told him “Jill Dolphin, the oldest of all the dolphins, led them back and that she was the last dolphin to be recaptured. During attempts to recapture her, she was aloof and disinterested in coming onboard whereas most of the other dolphins came back with little training or hesitation.”

As hurricane Rita was approaching the Mississippi Sound, the final moments had come for Jill to make her mind up, and at the last moment she let her guard down and was captured by the tail with a noose and dragged aboard. I told Mr. Jacobs, "I could see her scratching her metaphorical dolphin chin as if contemplating that she had made a bad decision hanging around too long waiting to ensure the other dolphins were safe."

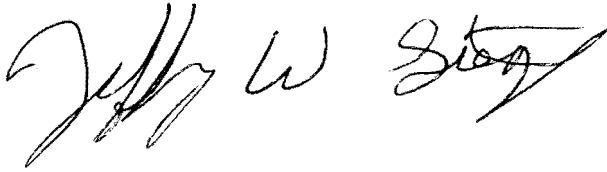
While in the Navy warehouse, Jill Dolphin's attitude deteriorated and as the months wore on she became withdrawn and listless. "The first day I saw Jill Dolphin at her new home in the Bahamas a few days after she arrived there herself at this new home, I saw an entirely new dolphin. All remorse or regret was gone from her and I never seen her any happier in the nearly fifteen years I'd known, trained, and swam with her. The dolphin's injuries, cuts, and scars had dramatically healed in the few days they were in the natural Bahamian sea waters. Cloudy eyes became clear, skin became normal, and the animals responded very well to all their new trainers." I believe to this day Mr. Jacobs made the correct choice of what was best for the dolphins as evidenced by the survival of each and every dolphin recovered from the gulf to this day. Under Dr. Solangi's care prior to hurricane Katrina, he typically lost a couple of dolphins and/or sea lions each year to premature death from various causes both known and unknown during my fifteen years of employment.

I strongly object to the IMMS proposal being addressed by this letter and urge that this application be rejected. The federal government has already fully funded the IMMS and I find it repugnant that the IMMS now seeks free sea lions on top of the millions of grant dollars already received by the IMMS and Dr. Solangi. Especially considering that Dr. Solangi pledged his partner's facilities in 2001 as the in kind match in order to receive the public funding without Dr. Solangi having to pledge a dime of his own companies money towards any proposed IMMS project. Additionally, Dr. Solangi told members of the IMMS staff specifically not to share any information of IMMS endeavors with his business partner, Donald P. Jacobs. I question how any individual operating a non-profit organization dependent on public funds for its existence can expect to profit from such activities as receiving free animals from the government in order to set up personal revenue streams generating profit from the sea lions proposed for acquisition in this application.

Of great concern to me, is the stated intent of the applicant to train these sea lions for use in revenue generating programs open to the paying public to participate with demonstrations, interaction programs, and other activities cited in his application and stated by Dr. Solangi to the Sun Herald, Biloxi, MS newspaper and local television news station, WLOX, Biloxi, MS

I propose that Dr Solangi, the IMMS, and/or his investment group, as a condition to have or hold releasable marine mammals, pay a fee to hold any rescued marine mammal acquired from the NMMSHRP or any other rescued marine mammal within the jurisdiction regulated by United States Federal code, and that this fee be paid to the National Oceanic and Atmospheric Administration (NOAA) NMMSHRP periodically and perpetually for the lifetime of each individual marine mammal acquired under this

application. These fees are to be paid to and collected by the NMMSHRP and these fees may not be derived from any grant money received by the IMMS or pledged as an indirect expense against any grant, but rather these fees should be collected from any and all proceeds derived by the use of these animals in any and all public display, education, and interaction programs.

A handwritten signature in black ink, appearing to read "Jeffrey W. Steg". The signature is written in a cursive style with a large, sweeping initial "J" and a distinct "W".

[REDACTED]
[REDACTED]
[REDACTED]
NMFS
Office of Protection Resources
1315 East - West Hwy
Silver Spring, MD 20910

Re: Your file # 15537


To whom it may concern;

I have been a commercial fisherman most of my life (83 years of age). I took a job at Marine Life of Gulfport, MS (now closed due to Katrina) running their catch boat to catch fish for their Reef Tank and also to catch the Dolphins that they needed. On the Dolphin trips that I made, Mobi Solangi would always go with us and tell us which Dolphins to run the net around and try to catch. Most of the days we would catch what he wanted so we didn't have to go Dolphin fishing very often.

There was a time when we made a set on a bunch of Dolphin and lost six or seven. It was out around Grand Pass (MS). I don't remember the exact date of the collection but Mobi was there. There was a big group and we let most of them get by and tried to catch just a few. When we made the set with the set the Dolphins inside the net tried to join the others. They got wrapped up in the net and drown. I don't know if Mobi ever reported this or not. My job was to run the boat and do what Mobi told me to do. That day we took the Dead Dolphins over to Cat Island Channel (MS) and chucked them overboard.

I hope you find this information helpful.

Respectfully Submitted;


Joseph Stevens

[REDACTED]

RECEIVED
9/21/09



Michael Payne, Chief
National Marine Fisheries Service/NOAA
Conservation and Education Division
Office of Protected Resources
1315 East-West Highway
Silver Spring, MD 20910

June 16, 2010

File No. 15537: IMMS Request for Retention of Releasable Pinnipeds for Public Display

Mr. Payne:

On behalf of the more than 70,000 supporters of WDCS, the Whale and Dolphin Conservation Society, I am writing to strongly oppose the March 5, 2010 Application for a Permit for Public Display Under the Marine Mammal Protection Act, submitted by Dr. Moby Solangi on behalf of the Institute for Marine Mammals Studies (IMMS) ([FR Doc 2010-12123](#)).

WDCS, the Whale and Dolphin Conservation Society, is a conservation and welfare organization representing over 80,000 supporters worldwide, with offices in the US, UK, Germany, Argentina and Australia. Since its inception in 1987, WDCS has funded and conducted extensive research on issues relating to cetaceans in the wild and in captivity, and is recognized internationally as a respected source of information on the scientific, biological, political and legal aspects of cetacean protection. WDCS serves as a global voice for the protection and conservation of whales and dolphins and their environment, through campaigns, scientific research, field projects, legal advocacy and educational outreach programs.

Under 50 CFR 216.27, the intent of the relevant implementing regulations regarding the disposition of rehabilitated animals is clearly to ensure that marine mammals taken into rehabilitation facilities are released back into the wild within six months or retention, *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* (emphasis added). The applicant is specifically requesting healthy animals that can be released into wild and, therefore, the intent of this regulation is not being met and undermines existing agency regulations.

We do not believe the applicant has substantiated many of the claims made within the application or in his follow-up responses to NMFS reviewers, as posted on the permit application web page (<http://www.nmfs.noaa.gov/pr/permits/review.htm>). For example, he implies that releasing the animals back into the wild exacerbates 'overpopulation' issues, causes competition for food, and introduces pathogens into the environment. He also asserts that released animals are likely to restrand, making release futile. Not only does the applicant himself go on to contradict these claims within his

own application (“therefore there should be no impact upon this species in the wild or on its ecosystem”) NMFS’ own analysis contradicts these assertions.

Given these limitations, the analysis concluded that 1) most released rehabilitated pinnipeds are not restranding (dead or alive) and appear to be returning to wild populations; 2) pinniped rehabilitation programs are not contributing to detectable increases in marine mammal-fishery interactions; 3) animals from rehabilitation center programs are not contributing significantly to population growth since they comprise <0.1 % of any species’ population.¹

Further, the applicant states that he “will not consider disabled or impaired sea lions including but not limited to blind animals, animals that cannot walk or swim normally, or are otherwise not healthy and/or have illnesses or conditions that may affect their long-term health adversely” It is therefore, disingenuous, at best, to assert that granting this permit will reduce the risk of disease to the wild population, as he is only intending to obtain healthy animals which would be disease-free, and presumably available and appropriate for public display or entertainment purposes.

We will remind NMFS that the applicant is in the process of securing funding for the completion of his approved Ocean Expo theme park in nearby D’Illberville, Mississippi, which he has indicated will contain marine mammals.² We view this application as a very important test case in clarifying NMFS’ important role in holding permit requests for public display to the highest standards, and especially considering the recent NOI for permitting regulations review and modification which addresses the differences between enhancement, scientific research and public display activities. This test case may dictate the oversight and control of future permit requests where the requests to source marine mammals tests the boundaries of permitting regulations and threatens the very intent and purpose of not only the Marine Mammal Protection Act, but of the permit process itself.

We believe the applicant is misleading in his interpretation of Moore et al. (2007). While this paper does state that “historically” stranded/rehabilitated animals had a low survival rate or were placed into captive facilities, it is in reference to strandings in the 1970s. Moore et al. (2007) also notes that, at that time, “release of rehabilitated stranded marine mammals was not considered a serious issue”. This is certainly not the case some 30 years later. And while the applicant notes that the publication substantiates the potential introduction of pathogens into the environment, again, IMMS is requesting only healthy animals which would not pose the risk that is discussed in the cited paper.

The applicant discusses the potential to reduce nuisance animals and notes that some “nuisance animals” may be subjected to lethal removal. While we do not dispute the validity of this assertion, we do not believe the juvenile animals requested meet the definition of nuisance animals, particularly those subjected to lethal removal. The animals subjected to lethal removal in the Bonneville Dam/Columbia River are typically large males. The applicant is requesting all juvenile animals and primarily females. Therefore, there will be no reduction of nuisance animals as a result of the permit request. In fact, animals otherwise slated for “lethal removal” from the Columbia River would serve

¹ Proceedings of the Second Marine Mammal Stranding Workshop Miami, Florida, December 3-5, 1987
<http://spo.nwr.noaa.gov/tr98.pdf>

² In a Sun Herald Article, dated April 10, Moby Solangi stated that he had secured \$10M in federal monies towards the \$75M project that will be ‘an interactive experience with dolphins and other marine life.’
<http://www.sunherald.com/2010/04/10/v-print/2089739/solangi-says-everyone-will-benefit-from-Ocean-Expo>

as better “ambassadors” for helping his visitors understand and value wild animals than would obtaining healthy animals who are young and posed no threat or conflict, and would be viable contributors to natural populations where they belong.

The applicant’s argument that the animals are better off in captivity to serve as ambassadors for their species cites only one study done by captive facilities. While we do not believe that individual personal opinion should be a consideration by NMFS for issuing permits, we wish to point out that broader public opinion surveys contradict these findings and are an important criterion in considering the impacts of permit applications. For example, in a survey of 1,000 US citizens conducted by Yale University, four-fifths of the public stated that marine mammals should not be kept in captivity unless there are major educational or scientific benefits.³ A survey conducted in 2007 found that only 30 percent of the US public believed there is a scientific benefit to keeping dolphins in captivity.⁴ Furthermore, in a 2003 survey of the Canadian public, 74 percent of respondents believed that it was better to view marine mammals in the wild, or indirectly through television or movies, not through captivity.⁵ We believe it is a well-founded statement that alternatively, zoo and aquarium visitors want to be entertained, with those seeking an education in the minority.⁶

Further, the applicant states that they are better in captivity serving as ambassadors for their species rather than facing euthanasia. We must point out that the healthy animals he is seeking would not have been euthanized, so he has not “saved” them from death, but would instead have prevented healthy animals from returning to live in the wild where they can be functioning components of their ecosystems.

Throughout the application, the applicant makes every attempt to paint the natural world as a hostile place, that has ‘rejected’ these animals (*applicant states: “in most cases, when an animal strands, nature has rejected it, and it is no longer part of the ecosystem*) and that they are no longer important to the ecosystem, and alternatively, would have more value in a captive facility. WDCS rejects these general, unsupported claims, and alternatively believes that the welfare of individual animals is very relevant to the overall health of populations. For instance, we know that the structure and cohesiveness of some marine mammal societies is reliant upon the composition of specific genders and relationships. Many studies of wildlife populations have demonstrated that the removal of females can produce seriously harmful consequences to animal populations over the long term.⁷ For instance, the removal of key individuals within dolphin family or social groups can cause traumatic social disruption.⁸ To permanently remove potentially functional and important components of wild populations is counter to the aims of the MMPA and general conservation principles. Furthermore, we find it entirely presumptuous that the applicant would profess to know the various reasons why these animals stranded, presuming that they had been ‘expelled and rejected’ from their ecosystems by nature. Animals strand for a variety of reasons, and it is not a true statement that they are rejects

³ S.R. Kellert, *American Perceptions of Marine Mammals and Their Management* (Washington, DC: The Humane Society of the United States, 1999).

⁴ Harris Interactive fielded this web-based survey on behalf of WSPA from 7-9 November 2007, interviewing a nationwide sample of 2,628 US adults aged 18 years and older.

⁵ A telephone poll of 350 greater Vancouver residents was conducted 13-24 August 2003 by R. A. Malatest and Associates, Victoria, British Columbia, on behalf of Zoocheck Canada.

⁶ Y. Jiang et al., “Public awareness and marine mammals in captivity,” *Tourism Review International* 11 (2008): 237-250.

⁷ Oldfield, M. 1988. Threatened mammals affected by human exploitation of the female-offspring bond. *Conservation Biology* 2.3:260-274. *See also*

⁸ Williams, R. and Lusseau, D. 2006. Killer whale social networks can be vulnerable to targeted removals. *Biology Letters* 2(4): 497-500.; Lusseau, D. & Newman M.E.J. 2004. Identifying the role that animals play in their social networks. *Proceedings of the Royal Society of London B* 271 S6: S477-S481.

and no longer valuable to their communities and wild counterparts. Furthermore, whether an animal is preyed upon after release is a natural phenomenon that serves the greater purposes of the marine ecosystem and is not a justification for maintaining them in captivity.

In addition, we find the applicant's request for *releasable* sea lions more an indication of impatience motivated by profit, rather than education. Apparently, the waiting list for non-releasable stranded animals is too long, and the applicant has found every reason to justify thwarting the permitting system that currently only allows the retention of marine mammals in public display once deemed *non-releasable* to now include releasable animals for the purposes of interactive programs and entertainment. Regardless of the status and health of these populations, the mandate under the MMPA and permitting regulations is to return individuals to their natural environments to maintain healthy, functioning populations.

In summary, we do not believe that the IMMS provides *any* justification of its need to acquire healthy animals from stranding networks for captive display and breeding in their private facility. Granting this application will set a dangerous precedent for undermining efforts to maintain and restore populations of marine mammals in the wild for all to enjoy, a guiding principle of the MMPA, and instead support a request for personal and private gain. We believe that NMFS must deny this permit on both principle and conservation grounds.

Sincere regards,

Regina Asmutis-Silvia
Senior Biologist

Courtney S. Vail
US Policy Officer

June 14, 2010

Mr. P. Michael Payne, Chief
Permits, Conservation and Education Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13705
Silver Spring, MD 20910

Dear Mr. Payne,

RE: File No. 15537: Permit to obtain eight stranded, releasable California sea lions (*Zalophus californianus*) for public display purposes by the Institute for Marine Mammal Studies

On behalf of the World Society for the Protection of Animals and our hundreds of thousands of supporters in the U.S. and around the world, I am writing to express our strong opposition to the above-referenced permit application by the Institute for Marine Mammal Studies (IMMS) to obtain eight stranded, releasable California sea lions (*Z. californianus*) for the purpose of public display. Rationale for our opposition is discussed below.

Legal Issues

According to Title 50 CFR Part 216.27, a rehabilitated marine mammal must be released back into the wild within six months of capture if it poses no threat to wild populations, the animal is physically and behaviorally healthy, and it is likely to survive if released¹. Animals that conform to IMMS's requirements ("healthy, young animals" with no "illnesses or conditions that may affect their long-term health" and that are "not disabled or impaired"²) would most certainly be deemed releasable by a veterinarian and are required to be returned to the wild. Although the applicant appears to be making their request for rehabilitated sea lions for public display, under Title 50 CFR Part 216, subpart d (Special Exceptions), IMMS's request to keep healthy, releasable sea lions for public display purposes nonetheless undermines the intention of 50 CFR Part 216.27.

Proper Role of Stranding Networks and Rehabilitation Facilities

According to the Marine Mammal Health and Stranding Response Program (MMHSRP) Development Plan developed by NMFS in 1994, the role of National Stranding Network participants, such as IMMS, is to gather basic biological information and, in the case of live strandings, attempt to rehabilitate and return animals to the wild³. As an active participant of the National Stranding Network, IMMS should meet these expectations by focusing on the successful rehabilitation and release of stranded marine mammals, not on maintaining releasable animals for public display purposes. The applicant's intention to keep stranded animals for public display rather than to increase the odds of their successful release threatens to undermine the MMHSRP and what it intended for the role of network members in ensuring the successful release of rehabilitated animals.

Furthermore, rehabilitation facilities should only be called upon when all other options have been exhausted. Only stranded animals that cannot be immediately released or refloated at the stranding site should be transferred to temporary holding facilities with the sole objective of increasing the possibility of a successful release back into the wild.

¹ Title 50 CFR: Wildlife and Fisheries. Chapter II, Subchapter C, Part 216.27: Release, non-releasability, and disposition under special exception permits for rehabilitated mammals.

² IMMS Permit Application No. 15537, page 6.

³ Becker PR, D Wilkinson, and TI Lillestolen. 1994. Marine Mammal Health and Stranding Response Program Development Plan, NOAA Tech Memo, NMFS-OPR-94-2, 35 pp.

Inconsistent Conservation Message

IMMS states that the California sea lion population is at an “all time high⁴” and repeatedly mentions the issue of overpopulation throughout their application. They also suggests that releasing eight sea lions back into the wild will only exacerbate the overpopulation problem, and consequently increase intraspecific competition for food. In reality, removing eight individuals would not be sufficient to alleviate any natural intraspecific competition for food among individuals in the wild population. For instance, Potential Biological Removal (PBR) is 8,511 based on a minimum population size of 141,842⁵. Keeping these eight individuals would do nothing for conservation or management of the species and, in fact, would only be harmful to the individual animals involved.

Suggesting that keeping releasable wildlife captive is beneficial to individual animals (“keeping a stranded, releasable sea lion in captivity...will have a positive effect on the individual animal as it will be provided good nutrition and high-quality health/medical care...”⁶) and to the wild population (“there would be less competition for food” “our take would decrease the load and stress on the wild population”⁷) provides an extremely distorted and misleading conservation message. Wild animals are adapted to the natural challenges of their environment and these rigors, such as intraspecific competition, do not justify captivity. Falsely representing the natural environment and the role of wildlife does little to encourage respect for and protection of natural habitats and the wildlife that live there.

The applicant also suggests that releasing stranded sea lions back into the wild poses a risk to the wild population due to potential disease transmission. But the animals IMMS is requesting are healthy and disease-free; the very animals that can be safely released back into the wild.

IMMS’s statements about overabundance of sea lions in the wild are directly contrary to their stated intention to create a captive-breeding program to increase genetic diversity of the captive population (“as our inventory grows, IMMS has intentions to breed the sea lions we acquire”⁸). If IMMS is an organization purportedly seeking to promote conservation issues, then why would they develop a captive-breeding program for an overabundant population? Rather than enhancing wild populations, it appears that IMMS’s goal is to generate revenue by producing sea lion pups for public display. Once these animals reach adulthood, they will continue to be used for commercial display or traded and sold to other entertainment venues when they become surplus to IMMS. It is not the responsibility of the NMFS to facilitate commercial propagation of marine mammals for explicitly non-conservation purposes.

Lack of Educational Value

The Marine Mammal Protection Act (MMPA) permits the take or import of marine mammals for public display if the applicant, “offers a program for education or conservation.....”⁹. WSPA seriously questions the value of any information disseminated through programs displaying releasable animals in captivity. Viewing captive marine mammals, particularly those trained to interact with humans or to perform “tricks,” give the public a false picture of the animals’ natural history, constituting a form of miseducation at the outset. Furthermore, it reinforces a dangerous public misconception that it is appropriate to physically interact with marine mammals.

The applicant also suggests that the requested sea lions are to act as ambassadors for their species; however non-releasable animals, especially those with anthropogenically-caused injuries, are not only in need of long-term housing but could also act as the best ambassadors to educate the public about

⁴ IMMS Permit Application No. 15537, page 3.

⁵ National Marine Fisheries Service, Marine Mammal Stock Assessment Report. 2007. California sea lion (*Z. californianus californianus*). 7 pp.

^{6, 7} IMMS Permit Application No. 15537, page 8.

⁸ IMMS Permit Application No. 15537, page 8.

⁹ Marine Mammal Protection Act of 1972. Section 104(c)(2)(A).

wildlife-human conflicts. The animals IMMS has requested are the very animals that do not serve as educational examples of the problems faced by wildlife.

Animal Welfare and Ethics of Captivity

Long-term care facilities may be a humane and responsible alternative to euthanasia for non-releasable marine mammals. However, permanently confining healthy, releasable animals in order to generate revenue or for entertainment purposes is a serious ethical issue that should be considered.

IMMS states that "there are no significant adverse effects on the individual sea lions anticipated as a result of keeping these animals¹⁰." However, the transport process, physical handling, forced interactions with humans, and a drastically limited social and physical environment most certainly adversely impacts the individual animals involved. The perils of handling and permanent confinement of wild marine mammals is not only inhumane, but can also cause high levels of stress, which can severely compromise the health of those animals involved¹¹. The applicant's request, therefore, fails to meet the Issuance Criteria listed under 50 CFR Part 216.34(a)(1).

Additionally, IMMS desires "healthy, young animals that would be able to perform shows and educational demonstrations to the public¹²." The purpose of a long-term care facility should be to provide humane care for those animals in need of permanent housing because they are too sick or injured to be released. Proper long-term care facilities should have the best interests of the animals in mind, not their potential as performance animals. In addition, the applicant suggests that keeping the eight sea lions in captivity is a better option than euthanasia. However, the healthy sea lions they are requesting are not animals that would be euthanized to begin with.

IMMS also suggests that stranded California sea lions are those that "nature has already expelled/rejected from the wild population¹³." However, in a contradictory statement included in their application, they refer to an excerpt from a National Stranding Conference presentation¹⁴ regarding the "upsurge in the number of California sea lions that have been shot" by humans because of the belief that they are competing with fisherman for fish. According to the conference presentation and other peer reviewed literature^{15,16}, sea lions frequently strand due to anthropomorphic causes, not natural selection. Stranded animals, especially those that strand due to human-related activities, deserve rehabilitation and a second chance at a natural existence in the wild.

IMMS History

IMMS has a mixed history of good and ill repute. While they are an active participant of the National Stranding Network and has rehabilitated many marine animals, their recent debate with NOAA's NMFS regarding housing a lone bottlenose dolphin (*Tursiops truncatus*) for public display at their facility is cause for concern. A wild bottlenose dolphin would socialize with up to hundreds of other animals in the wild, so it is appropriate that NMFS has requested the IMMS facility complete a plan for acquiring a suitable companion dolphin or that the dolphin be re-housed in a facility with another dolphin or group of dolphins. IMMS's claim that NMFS's request is overly demanding shows their disregard for the rationale behind the

¹⁰ IMMS Permit Application No. 15537, page 8.

¹¹ WSPA and HSUS. 2009. The Case Against Marine Mammals in Captivity. 76 pp.

¹² IMMS Permit Application No. 15537, page 6.

¹³ IMMS Permit Application No. 15537, page 8.

¹⁴ Duffield DA, NB Barros, D D'Alessandro, K Chandler, J Hussa, T Boothe, and JM Rice. Challenges for the northern OR/southern WA marine mammals stranding network. Presentation, National Stranding Conference, WV, Apr 6-9, 2010.

¹⁵ Barocchi M, LE Morgan, and KD Hanni. 1993. Frequency of fishery interactions among live stranded pinipeds in central and northern California (abstract). 10th Biennial Conference on the Biology of Marine Mammals, Galveston, TX, Nov 11-15, 1993.

¹⁶ Deiter RL. 1991. Recovery and necropsy of marine mammal carcasses in and near the Point Reyes National Seashore, May 1982-March 1987. In: JE Reynolds III and DK Odell (Eds), Marine mammal strandings in the U.S., proceedings of the 2nd marine mammal stranding workshop, Miami, FL, Dec 3-5, 1987. p. 123-141. NOAA tech. report, NMFS 98.

regulations in place and for the needs of the lone dolphin. It is only logical to believe they will also consider the welfare of the requested sea lions second to their revenue-generating activities. This brings into question the applicant's qualifications to properly care for the requested marine mammals, failing to meet the Issuance Criteria listed under 50 CFR Part 216.34(a)(6).

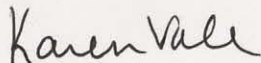
Conclusion

We strongly urge NMFS to deny IMMS' permit application (File No. 15537) based on the above-mentioned arguments. Not only does the applicant's request violate the intent of 50 CFR Part 216.27, which requires the release of physically and behaviorally healthy marine mammals, but IMMS's mishandling of their role as a Stranding Network participant and rehabilitation facility also undermines the MMPA. As a Stranding Network participant and rehabilitation facility, their primary objective should be to gather basic biological information and attempt to rehabilitate and return live-stranded animals to the wild, not keep healthy, releasable animals for captive display purposes.

In their application, IMMS describes the desired animals to be "healthy, young animals that would be able to perform shows and educational demonstrations to the public¹⁷," including "meet and greet scenarios" and "shaking flippers/hands with guests¹⁸." IMMS seems to be evaluating stranded animals – and considering housing these animals – solely based on their display potential (i.e., entertainment value), not for conservation of the species, sincere educational value, or benefit to individual animals in need (i.e., those non-releasable individuals requiring permanent housing due to debilitation or injuries sustained from stranding or other incident).

Thank you for the opportunity to share our concerns and comments concerning this issue.

Sincerely,



Karen Vale
U.S. Programs Jr. Manager
World Society for the Protection of Animals

^{17, 18} IMMS Permit Application No. 15537, page 6.