

**NOAA's National Marine Fisheries Service
Endangered Species Act Section 7 Consultation**

Biological Opinion

Agency: Permits, Conservation, and Education Division of the
Office of Protected Resources, NOAA's National Marine
Fisheries Service

Activity Considered: Issuance of enhancement permit No. 14186 to Sea World,
Inc. to authorize the continued maintenance of captive
Guadalupe fur seals at Sea World of California.

Consultation Conducted by: Endangered Species Division of the Office of Protected
Resources, NOAA's National Marine Fisheries Service

Approved by: *Heather for J. H. Seelby*

Date: *June 17, 2010*

Section 7(a)(2) of the Endangered Species Act (ESA) (16 U.S.C. 1536(a)(2)) requires that each federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of such species. When the action of a federal agency "may affect" a listed species or critical habitat designated for them, that agency is required to consult with either NOAA's National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service, depending upon the listed resources that may be affected. For the action described in this document, the action agency is the NMFS' Office of Protected Resources – Permits, Conservation, and Education Division. The consulting agency is the NMFS' Office of Protected Resources – Endangered Species Division.

This document represents the NMFS' biological opinion (Opinion) of the effects of the proposed enhancement permit on the threatened Guadalupe fur seal, as has been prepared in accordance with Section 7 of the ESA. This Opinion is based on our review of the Permits, Conservation, and Education Division's initiation document, the draft permit, the Environmental Assessment and Biological Opinion for the original permit, Sea World's permit application, and the annual reports under the previous permit.

Consultation history

The NMFS' Permits, Conservation, and Education Division (Permits Division) requested consultation with the NMFS' Endangered Species Division on the proposal to issue an enhancement permit authorizing the permanent maintenance of up to six non-releasable stranded Guadalupe fur seal. Issuance of the permit constitutes a federal action, which may affect marine species listed under the ESA.