

NOAA 99-R134
FOR IMMEDIATE RELEASE
Contact: Stephanie Dorezas
6/10/99

ACTIVISTS FINED \$59,500 IN SUGARLOAF DOLPHIN RELEASE

Former "Flipper" dolphin trainer Richard O'Barry, and his associate Lloyd A. Good III, have been found guilty of violating the Marine Mammal Protection Act for releasing two captive dolphins off the Florida coast in May that were not prepared to survive in the wild and sustained life-threatening injuries. O'Barry, Good, and their respective corporate entities were ordered to pay civil penalties totaling \$59,500, the Commerce Department's National Oceanic and Atmospheric Administration announced today.

Judge Peter A. Fitzpatrick, a U.S. Administrative Law Judge, fined Richard O'Barry of Coconut Grove, Fla.; Lloyd Good III of Sugarloaf Key, Fla.; Sugarloaf Dolphin Sanctuary Inc. of Sugarloaf Key Fla.; and the Dolphin Project Inc. of South Miami, Fla., have been fined civil penalties of \$40,000 for illegally "taking" by harassment and illegally transporting each of the dolphins -- the maximum penalty provided by law. The Sugarloaf Dolphin Sanctuary was fined an additional \$19,500 for failing to notify NOAA Fisheries prior to the transport of the dolphins. The defendants have 30 days in which to appeal the case.

"This case involved the reckless and intentional release of two captive dolphins by overzealous activists who had not prepared the animals to survive in the wild," said NOAA prosecuting attorney Joel La Bissonniere. "We are very pleased with the judge's decision in this case. The judge's ruling supports our position that the release of captive dolphins to the wild needs to be conducted according to peer-reviewed scientific protocols and authorized pursuant to a [MMPA](#) scientific research permit, in order to protect the health and welfare of the animals."

O'Barry and Good released the two dolphins, named "Luther" and "Buck," approximately six miles off the coast of Key West, Fla., on May 23, 1996. The day after the dolphins were released, Luther appeared in a congested Key West marina with deep lacerations, approaching people, and begging for food. Buck, found two weeks after his release over 40 miles away, had similar deep lacerations and was emaciated.

NOAA Fisheries determined that the dolphins were in need of medical attention. With the help of members of the southeast marine mammal stranding network, the [U.S. Navy](#), [U.S. Coast Guard](#) and [Florida Marine Patrol](#), NOAA Fisheries successfully rescued the animals and provided veterinary care.

The two dolphins had been collected from the wild off the coast of Mississippi during the 1980's, and were in captivity for almost 10 years. They were initially in the U.S. Navy's marine mammal program, and were transferred to the Sugarloaf Dolphin Sanctuary in 1994 as part of a project that intended to return them to the wild. Although the Sugarloaf Dolphin Sanctuary obtained the necessary authorizations to have the dolphins on public

display, a scientific research permit was never obtained or even requested prior to the release.

Releasing captive marine mammals to the wild can be hazardous to both the released animal and wild marine mammal populations if conducted improperly and without appropriate safeguards. Issues of concern include: (1) the ability of released animals to adequately forage and defend themselves from predators; (2) any behavioral patterns developed in captivity that could affect the social behavior of wild animals, as well as the social integration of the released animals; and (3) disease transmission and/or unwanted genetic exchange between released animals and wild stocks. According to NOAA Fisheries, any marine mammal release should be conducted with a MMPA scientific research permit to protect the health and welfare of marine mammals. The MMPA scientific research permit is required to ensure that humane protocols be in place that maximize the release's chance of success, and provide for long-term follow-up monitoring and emergency contingency plans in case it is necessary to rescue a released animal.

"Releasing captive dolphins to the wild has been romanticized in recent years, and has been promoted as a noble pursuit. However, the injuries these dolphins suffered and their obvious dependence on humans highlights the need for any release project to be conducted responsibly and scientifically," said NOAA Fisheries [Office of Protected Resources](#) Director Hilda Diaz-Soltero "This decision sends a strong message that the abuse and abandonment of dolphins will not be tolerated."

[NOAA](#) Fisheries is an agency of the [Commerce Department](#)'s National Oceanic and Atmospheric Administration. [NOAA Fisheries](#) is dedicated to protecting and preserving our nation's living marine resources through scientific research, management, enforcement, and conservation.