



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

JUN 30 2014

Mr. Brad Andrews
Chief Zoological Officer
Sea World LLC
9205 South Park Circle
Suite 400
Orlando, Florida 32819

Dear Mr. Andrews:

Enclosed is Permit No. 17754 issued to Sea World Inc., which authorizes the importation into the United States of one female, captive-born Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) from the Kamogawa SeaWorld, Chiba, Japan to Sea World San Antonio in Texas for the purpose of public display.

Please review the permit to ensure that you understand what is authorized and that you will comply with the permit conditions. The original permit and a file copy of the signature page are enclosed. Please sign and date both signature pages, and return the signature page marked "FILE COPY" to our office. In the future, should you need to modify this authorization, please submit a request to the Chief, Permits and Conservation Division.

An inspection of the subject animal is required at the time of import into the United States (*i.e.*, at the port of entry) by the U.S. Fish and Wildlife Service and Animal and Plant Health Inspection Service. We also request that you contact our Office once a transport date has been confirmed.

Please note that Permit No. 17754 is not valid until our office receives the signed copy of the signature page. You may submit the copy by facsimile to 301/713-0376 and confirm by mail. If you have any questions concerning the permit, please contact Jennifer Skidmore or Amy Sloan at 301/427-8401.

Sincerely,

Jolie Harrison
Acting Chief, Permits and Conservation Division
Office of Protected Resources

Enclosures

cc w/encl: Rebecca Lent, Ph.D., MMC
Barbara Kohn, D.V.M., APHIS





Permit No. 17754
Expiration Date: June 30, 2017

PERMIT TO IMPORT MARINE MAMMALS FOR PUBLIC DISPLAY

I. Authorization

This permit is issued to Sea World LLC, 9205 South Park Circle, Suite 400, Orlando, Florida 32819 [Brad Andrews, Responsible Party], pursuant to the provisions of the Marine Mammal Protection Act of 1972 as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR Part 216).

II. Abstract

The objective of the permitted activity, as described in the application, is to import one Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) from Kamogawa SeaWorld, Chiba, Japan to Sea World San Antonio in Texas for the purposes of public display.

III. Terms and Conditions

The activities authorized herein must occur by the means, in the areas, and for the purposes set forth in the permit application, and as limited by the Terms and Conditions specified in this permit, including attachments and appendices. Permit noncompliance constitutes a violation and is grounds for permit modification, suspension, or revocation, and for enforcement action.

A. Duration of Permit

Personnel listed in Condition C.1 of this permit (hereinafter "Personnel") may conduct the import activity authorized by this permit through June 30, 2017. This permit expires on the date indicated and is non-renewable. This permit may be extended by the Director, NMFS Office of Protected Resources, pursuant to applicable regulations and the requirements of the MMPA.

B. Number and Kind(s) of Protected Species, Location(s) and Manner of Taking

1. This permit authorizes the importation of one female, captive-born Pacific white-sided dolphin identified as "Kirara."

2. Personnel must comply with the following conditions related to the manner of import:
 - a. The importation of the Pacific white-sided dolphin authorized above shall be conducted as described, and for the purposes set forth, in the application.
 - b. The subject animal must be transported from Japan to the United States in accordance with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service standards entitled "Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals" (9 CFR Part 3, Subpart E).
 - c. Prior to importation into the United States, Sea World LLC must have the travel plan documented at their facility, and the animal must be accompanied by a health certificate signed within 10 days of the transport.
 - d. The importation of marine mammals is subject to the provisions of 50 CFR part 14 (*i.e.*, no marine mammal may be imported without the required Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permits).
 - e. Designated Ports of Entry: There are ports of entry designated for the importation or exportation of wildlife, referred to hereafter as "designated ports" (50 CFR 14.12). USFWS wildlife inspectors at these ports should be notified at least 48 hours prior to import or export. To use a port of entry other than a designated port, the Permit Holder or PI must obtain a Designated Port Exception Permit from the USFWS as required in 50 CFR 14.31 and 14.32. A Wildlife Declaration Form 3-177 must be filed with the USFWS inspector at the time of importation/exportation. The list of designated ports, exemption permit information and Form 3-177 may be obtained from the USFWS website (http://www.fws.gov/le/ImpExp/Info_Importers_Exporters.htm).
 - f. The marine mammal authorized by this permit must be imported in a humane manner. In the event the Office Director determines that any method of import authorized herein or otherwise is not humane, import by such method shall immediately cease and shall not resume until an acceptable method of import has been prescribed by the Office Director. Any inhumane import shall subject the Permit Holder to the penalties of the MMPA, including revocation of this permit.
 - g. The Permit Holder shall not import any marine mammal that is pregnant, a lactating female, or an unweaned young animal, unless such import is specifically authorized in this permit.

- h. No marine mammal may be imported unless the Office Director determines that the methods of taking, holding, and transporting marine mammals in the country of origin are consistent with applicable provisions and policies of the MMPA.
3. Personnel must comply with the following conditions related to public display in the U.S.:
 - a. Sea World LLC and any subsequent recipient must continue to meet the three public display criteria required by §104(c)(2)(a) of the MMPA. Sea World LLC must notify the Office Director by certified mail if the APHIS licenses issued to any of its facilities are revoked, suspended, or terminated.
 - b. The marine mammal obtained under this permit may not be taken, sold, exported, transported or otherwise transferred, for any purpose other than public display unless a separate permit for scientific research or enhancement purposes has been issued.
 - c. The marine mammal obtained under this permit may not be released into the wild unless such a release has been specifically authorized under a separate scientific research permit that has been issued for that purpose.
 - d. The terms and conditions of this permit shall remain in effect as long as the subject marine mammal imported hereunder is maintained under the authority and responsibility of Sea World LLC.

C. Qualifications, Responsibilities, and Designation of Personnel

1. The following individual is authorized as the Responsible Party for this permit: Brad Andrews.
2. The following Personnel are authorized as transport supervisors: Chuck Tompkins, Chris Dold, D.V.M., James McBain, D.V.M., Bill Winhall, Keith Yip, Bill Hughes, and Scott Gearhart, D.V.M.
3. At the discretion of the Responsible Party, additional qualified Sea World staff may participate in the import of this animal.
4. Individuals conducting permitted activities must possess qualifications commensurate with their roles and responsibilities. The Responsible Party on behalf of the Permit Holder is ultimately responsible for activities of individuals operating under the authority of this permit.

5. Personnel involved in permitted activities must be reasonable in number and essential to conduct of the permitted activities.
6. Persons who require state or Federal licenses to conduct activities authorized under the permit (*e.g.*, veterinarians, pilots) must be duly licensed when undertaking such activities.

D. Possession of Permit

1. This permit cannot be transferred or assigned to any other person.
2. The Permit Holder and persons operating under the authority of this permit must possess a copy of this permit when:
 - a. engaged in the permitted activity;
 - b. the animal is in transit; and
 - c. the animal imported under the permit is in the possession of such persons.
3. A duplicate copy of this permit must accompany or be attached to the container, package, enclosure, or other means of containment in which a protected species or protected species part is placed for purposes of storage, transit, supervision or care. For the captive subject marine mammal, a copy of this permit shall be kept on file at the maintaining facility.

E. Reports

1. Upon completion of the importation from Japan, Sea World LLC must complete the attached Marine Mammal Data Sheet for the subject animal and submit it to the Office Director, Office of Protected Resources, 1315 East West Highway, Suite 13705, Silver Spring, Maryland 20910.
2. Upon request of the Office Director, Sea World LLC shall review and verify the accuracy of its Marine Mammal Inventory Report Summary (MMIRS). All reports shall be submitted to the Office Director at the address indicated above, in the requested format.

F. Notifications

1. Prior to any subsequent transfer or transport of the subject animal within the United States, Sea World LLC must provide written notification to the Office Director of the proposed transfer or transport. A completed Marine Mammal Transfer/Transport Notification form (attached) must be received by the Office Director at least 15 days in advance of the intended transfer or transport. Sea World LLC must assure that the intended recipient meets the three public display criteria required by §104(c)(2)(a) of the MMPA.
2. In the event of the death of the subject animal or birth of progeny, including stillbirths, Sea World LLC must notify the Office Director within 30 days by submitting a Marine Mammal Data Sheet for the animal.
3. Any progeny born in the United States will be subject to the MMPA.

G. Observers and Inspections

1. NMFS may review activities conducted under this permit. At the request of NMFS, the Permit Holder must cooperate with any such review by:
 - a. Allowing an employee of NOAA or other person designated by the Director, NMFS Office of Protected Resources to observe permitted activities; and
 - b. Providing all documents or other information relating to the permitted activities.

H. Modification, Suspension, and Revocation

1. Permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR part 904.
2. The Director, NMFS Office of Protected Resources may modify, suspend, or revoke this permit in whole or in part:
 - a. In order to make the permit consistent with a change made after the date of permit issuance with respect to applicable regulations prescribed under section 103 of the MMPA;

- b. In a case in which a violation of the terms and conditions of the permit is found;
 - c. In response to a written request¹ from the Permit Holder;
 - d. If NMFS determines that the application or other information pertaining to the permitted activities (including, but not limited to, reports pursuant to Section E of this permit and information provided to NOAA personnel pursuant to Section G of this permit) includes false information.
3. Issuance of this permit does not guarantee or imply that NMFS will issue or approve subsequent permits or amendments for the same or similar activities requested by the Permit Holder, including those of a continuing nature.

I. Penalties and Permit Sanctions

- 1. A person who violates a provision of this permit, the MMPA, or the regulations at 50 CFR 216 is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA, and 15 CFR part 904.
- 2. NMFS shall be the sole arbiter of whether a given activity is within the scope and bounds of the authorization granted in this permit.
 - a. The Permit Holder must contact the Permits Division for verification before conducting the activity if they are unsure whether an activity is within the scope of the permit.
 - b. Failure to verify, where NMFS subsequently determines that an activity was outside the scope of the permit, may be used as evidence of a violation of the permit, the MMPA, and applicable regulations in any enforcement actions.

¹ The Permit Holder may request changes to the permit related to: the objectives or purposes of the permitted activities; the species or number of animals taken; and the location, time, or manner of taking or importing protected species. Such requests must be submitted in writing to the Permits Division in the format specified in the application instructions.

J. Acceptance of Permit

1. In signing this permit, the Permit Holder:

- a. Agrees to abide by all terms and conditions set forth in the permit, all restrictions and relevant regulations under 50 CFR Part 216 and all restrictions and requirements under the MMPA;
- b. Acknowledges that the authority to conduct certain activities specified in the permit is conditional and subject to authorization by the Office Director; and
- c. Acknowledges that this permit does not relieve the Permit Holder of the responsibility to obtain any other permits, or comply with any other Federal, State, local, or international laws or regulations.

for Pura Cayado
 Donna S. Wieting
 Director
 Office of Protected Resources
 National Marine Fisheries Service

JUN 27 2014

Date Issued

 Brad Andrews
 Chief Zoological Officer
 Sea World LLC
 Responsible Party

Date Effective

J. Acceptance of Permit

1. In signing this permit, the Permit Holder:

- a. Agrees to abide by all terms and conditions set forth in the permit, all restrictions and relevant regulations under 50 CFR Part 216 and all restrictions and requirements under the MMPA;
- b. Acknowledges that the authority to conduct certain activities specified in the permit is conditional and subject to authorization by the Office Director; and
- c. Acknowledges that this permit does not relieve the Permit Holder of the responsibility to obtain any other permits, or comply with any other Federal, State, local, or international laws or regulations.

for Pammy Gayard
 Donna S. Whiting
 Director
 Office of Protected Resources
 National Marine Fisheries Service

 JUN 27 2014
 Date Issued

 Brad Andrews
 Chief Zoological Officer
 Sea World LLC
 Responsible Party

 Date Effective

FILE COPY

MARINE MAMMAL DATA SHEET

Date _____
SHT# _____

OMB No. 0648-0084, exp 8/31/2016

HN: _____ SN: _____
For NMFS Use Only

I. Holder-Specific:

Holder: _____ Facility: _____
Person or other Entity With Custody of the Marine Mammal Name of Facility (if different from Holder)

Date assumed custody: _____ Date arrived at Facility: _____

City/State/Zip (include Country for foreign facilities): _____
Location of FacilityAnimal Identification No. _____ Animal Name: _____
(assigned by holder) (assigned by holder)Captive Purpose(s): Public display Scientific research Enhancement

II. Animal-Specific:

Species: _____ Sex: Male Female Unknown
Common Name - Scientific Name

Population Name: _____

NOAA Identification No. _____ check here if unknown or not yet assignedDate of birth: _____ Actual EstimatedCaptive Origin (check only one): Captive born Wild capture Beach/stranded Unknown

Date of original captivity: _____ (ATTACH documentation if before December 21, 1972.)

III. Source:

 Indicate how and from whom custody of this animal was obtained, including change in facility. Captive birth Transfer/ Name of Previous Holder: _____
Transport Name of Previous Facility: _____ Import Permit No. _____ or For medical treatment otherwise unavailable (16 U.S.C. 1379(h)(2)) Beach/Stranded (Please see notes) Wild Capture Permit No. _____ Collector: _____Location: _____
Latitude/Longitude Geographical Name

IV. Disposition:

 The date and reason this animal left your custody or changed facility. Transfer/ Date: _____ Recipient: _____
Transport Facility: _____ Death Date: _____ Cause: Premature/still birth Euthanasia OtherIf "Euthanasia," indicate reason: life-threatening condition involving pain/suffering or other

If "Other Cause," describe briefly: _____

 Release Date: _____ Permit No. _____ or Unauthorized release/escape
(reintroduction)Location: _____
Geographic Location Tag number or description of other identifying markings

Marine Mammal Data Sheet (MMDS)

NOAA FORM 89-882

OMB No. 0648-0084; Exp. 7/31/2013

NOTES:

The Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 *et seq.*) requires that persons holding marine mammals submit certain information to the National Marine Fisheries Service (NMFS). The MMPA requires that NMFS maintain an inventory of all marine mammals held for public display purposes and scientific research/enhancement (i.e., all marine mammals held captive except for those in captivity before December 21, 1972). In addition, the MMPA requires that NMFS be given advance notice 15 days prior to the transfer/transport of any marine mammal. To ensure compliance with these and related MMPA requirements, NMFS recommends that persons holding marine mammals in captivity use this *Marine Mammal Data Sheet* (MMDS) to submit inventory information regarding their captive marine mammals to NMFS. Use of this form will ensure that the MMPA required information is submitted in a consistent manner and that the NMFS marine mammal inventory is accurate and up-to-date.

Marine Mammal Data Sheets should be used when submitting information to NMFS in compliance with MMPA requirements applicable to persons holding marine mammals, including notifications of any additions/changes to your marine mammal inventory due to:

- Birth, Death, Transfer/Transport
- Retention or Transfer of Rehabilitated Beached and Stranded Marine Mammals (Authorization or Permit)
- Wild Capture, Import, Reintroduction to the Wild, including release or escape (Permit)
- Other (Corrections, etc.)

The animal-specific information in Section II will not change, whereas data in Sections I, III and/or IV will change with transfers/transports (changes of custody and/or facility/location). In accordance with MMPA requirements, NMFS requests notification of any change in custody or facility/location, including captive births and deaths. A copy of the Marine Mammal Inventory Report Summary (MMIRS) may be provided periodically and may be requested at any time by contacting the Permits, Conservation and Education Division at the address listed below.

All permit documentation including reports and inventory information required herein, is subject to the Freedom of Information Act (FOIA) with personal or sensitive information that is subject to the Privacy Act redacted when released under FOIA.

Marine Mammal Transfer/Transport Notifications

NMFS recommends that:

1. Holders notify NMFS of proposed transfers/transports by completing a *Marine Mammal Transfer/Transport Notification* (MMTTN) form, forwarding it to the Receiver for signature and submitting it to NMFS. It is not necessary to submit the MMDS for the animals proposed to be transferred/transported, but sufficient information must be included on the MMTTN to identify the animal(s).
2. The MMTTN must be received by NMFS at least 15 days prior to the actual transfer/transport date. Should you need to transfer/transport an animal before the required 15 day notification, please contact NMFS regarding an emergency waiver.
3. NMFS will reply with an acknowledgement letter and MMDS(s) to be updated upon receipt of the animal(s). The transfer/transport should occur within 60 days after initial submission of the MMTTN. If an extension is necessary, please contact NMFS.
4. At any time within 30 days of the transfer/transport, the Holder should forward to NMFS the updated MMDS for each animal actually transferred/transported (i.e. Section I and, as necessary, Section III to verify receipt of the animal(s)).

Beached and Stranded Marine Mammals – Retention or Transport

The retention or transport/retention of rehabilitated beached and stranded marine mammals requires a permit or written authorization under the MMPA. A permit is required to obtain such marine mammals for purposes of scientific research or enhancing the survival or recovery of species or stocks, or to retain or obtain such marine mammals for public display purposes where such animals have been determined releasable. Where such marine mammals have been determined non-releasable, NMFS authorization is required to retain or obtain them for public display purposes. Please contact the Permits, Conservation and Education Division at the number or address below for information on submitting such a permit application or authorization request.

QUESTIONS? If you need assistance completing this form please contact the Permits Division at (301-427-8401) or write to us at:

Permits, Conservation and Education Division - F/PR1
Office of Protected Resources
National Marine Fisheries Service
1315 East West Highway, Room 13705
Silver Spring, MD 20910

Or by facsimile
at (301) 713-0376

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information to complete this form. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden, to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

MARINE MAMMAL TRANSFER/TRANSPORT NOTIFICATION

OMB No. 0648-0084; Exp.: 08/31/2016

I. GENERAL: Transfer/transport notifications must be RECEIVED by the National Marine Fisheries Service (NMFS) at least 15 days before the date of transfer/transport. Only the marine mammals identified below may be transferred/transported. A new Marine Mammal Transfer/Transport Notification should be submitted if transfer/transport does not occur within 60 days of the date the notice is received by the NMFS. Within 30 days following the transfer/transport the Holder should submit updated Marine Mammal Data Sheets for the marine mammals transferred/transported.

Sections II through V must be completed for the transfer/transport of marine mammals for purposes of public display. Transfer/transport of marine mammals for public display purposes requires notification only; however, to ensure this right is invoked in accordance with the requirements of the Marine Mammal Protection Act of 1972 (MMPA), as amended (16 U.S.C. 1361 *et seq.*), the Holder and Receiver must certify the Receiver's compliance with the three public display criteria in Section IV. See attached NOTES concerning the transfer/transport of marine mammals associated with imports, exports, captures from the wild, transfer/transport between foreign facilities, and obtaining or retaining marine mammals from rehabilitated beached and stranded stock for which a determination has been made that their return to their natural habitat is not feasible.

Sections II, III and V must be completed for the transfer/transport of marine mammals for purposes of scientific research or enhancing the survival or recovery of a species or stock (enhancement). Persons intending to obtain marine mammals for scientific or enhancement purposes must first be issued a permit under section 104(c) of the MMPA.

II. SHIPPER: On ___/___/___ (planned transfer/transport date¹), ___ (Number) animals identified below and presently

held by _____ at _____ will be
Holder^{3,3} Name of Facility (if different than Holder)⁴

transferred/transported to _____ at _____
Receiving Holder³ Name of Facility (if different than Receiving Holder)⁴

III. TRANSACTION (please check one): Transfer -- custody is changing (sale or purchase)
 Transport -- physical movement (loan)
 Transfer and Transport

ANIMAL IDENTIFICATION (please identify all animals to be transferred/transported; use an attachment if more than four animals will be proposed to be transferred/transported)

NOAA ID Number	Species	Holder ID Number/Animal Name
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

IV. RECEIVING FACILITY: Is receiving the marine mammal(s) identified above and these marine mammals will be held for the purpose of (Check all that apply):

Public Display (Complete Section IV)
 Scientific Research (Permit Required) - Permit No. _____
 Enhancement (Permit Required) - Permit No. _____

V. TRANSFER/TRANSPORT FOR PURPOSES OF PUBLIC DISPLAY

The Receiving Facility listed in Section III (Check at least one box for each item below):

1) Offers an education or conservation program that is based on professionally recognized standards of the public display Community⁵. The standards on which the receiving person/facility's education/conservation program is based are:

AZA standards, Alliance standards, or ATTACHED;

2) Is registered or holds an exhibitors license issued under the Animal Welfare Act (7 U.S.C. 2131 *et seq.*)
[If receiver is a foreign facility, check this box G and see attached Export requirements.]

USDA License/Registration Number _____ Expiration Date _____

A copy of the USDA License/Registration is: ATTACHED⁶, or has been submitted previously and has not changed; and

3) Maintains (i.e., owns, leases or otherwise controls) facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis with access that is not limited or restricted other than by charging an admission fee. A description of the schedule during which the facility is open to the public (e.g., a public notice or brochure advertising this information) is:

ATTACHED⁴, or has been submitted with a previous Marine Mammal Transfer/Transport Notification

MARINE MAMMAL NOTIFICATION (Continued)

VI. CERTIFICATION

I hereby certify that this notice and any attached supplemental information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted in compliance with the Marine Mammal Protection Act of 1972 (MMPA) (16 U.S.C. 1361 *et seq.*), and regulations (50 CFR Part 216), and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001 or to penalties provided under the MMPA of 1972, as amended.

HOLDER:

RECEIVING FACILITY:

Signature of Responsible Person

Signature of Responsible Person

Name of Responsible Person⁷

Name of Responsible Person⁷

Title

Title

Facility Name/Company

Facility Name/Company

Street Address

Street Address

Mailing Address, if different

Mailing Address, if different

City/State/Zip Code

City/State/Zip Code

Phone Number

Phone Number

FAX Number (optional)

FAX Number (optional)

Email Address (optional)

Email Address (optional)

Primary Contact (if other than Responsible Person)

Primary Contact (if other than Responsible Person)

VII. PLEASE SUBMIT THIS NOTIFICATION AND ANY SUPPLEMENTAL INFORMATION TO:

Permits, Conservation and Education Division - F/PR1
Marine Mammal Inventory
Office of Protected Resources
National Marine Fisheries Service
1315 East West Highway, Room 13705
Silver Spring, MD 20910

OR

By Facsimile to (301) 713-0376

PLEASE NOTE: NOTIFICATIONS must be received at least 15 days before the date of transfer/transport.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information to complete this form. Send comments regarding this burden estimate or any other aspect of this collection of information to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

NOTES

The Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 *et seq.*) requires that the National Marine Fisheries Service (NMFS) be given advance notification 15 days prior to the transfer/transport of most marine mammals (cetaceans and pinnipeds, except for walrus), and that the U.S. Fish and Wildlife Service (FWS) be given 15 days' advance notification of any walrus, polar bear, manatee sp., dugong, marine otter or sea otter. To ensure compliance with MMPA requirements, NMFS recommends persons transferring/transporting marine mammals submit this notification in the attached format (i.e., Marine Mammal Transfer/Transport Notification (MMITN)). The NMFS receipt date is the start date of the required 15 days notification. NMFS will accept a transfer/transport notification by facsimile ONLY IF: (a) the facsimile transmitted is complete, signed and in the attached format; and (b) the original is forwarded to NMFS by express mail and received within three working days. If the marine mammals are listed as endangered or threatened under the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq.*) or subject to the Convention on International Trade in Endangered Species (CITES), permit and other requirements of the ESA and CITES must be met.

Persons exporting marine mammals must comply with the EXPORT requirements described on the back of this page. Permits are required for the IMPORTATION of marine mammals, for their CAPTURE from the wild, or for the RETENTION of rehabilitated beached and stranded marine mammals that have been determined releasable (i.e., in lieu of the release and re-capture of such marine mammals under a capture permit, a permit must be issued for their retention.) Permits are also required to obtain marine mammals for scientific research or enhancement purposes from captive stock, whether by transfer from another person/facility or by retention of non-releasable rehabilitated beached and stranded stock. Written authorization (not a permit) from NMFS is required to retain or obtain for public display purposes rehabilitated beached and stranded stock determined non-releasable (i.e., this required authorization is in addition to the 15 days' advance notification required for any transfer/transport). Requests for authorization to obtain or retain such marine mammals must be submitted to NMFS after the determination is made that release to the wild is not feasible and at least 15 days' before their transfer/transport or use for public display purposes.

A notice of receipt of permit applications is required by statute to be published in the *Federal Register* and applications and supporting documentation are available for review by the public at every stage of processing and during the life of the permit. The provisions at 50 CFR 216.33 implement these statutory requirements, and are referenced in and attached to the Application Instructions. All permit documentation including reports and the information required herein, is subject to the Freedom of Information Act (FOIA) with personal or sensitive information that is subject to the Privacy Act redacted when released under FOIA.

1. This is a planned or target date ONLY. Where a specific target date cannot be identified, a period of up to seven days may be identified instead (e.g., 1/4 - 1/11). Actual transfer/transport may occur on a different date but may not occur until at least 15 days following NMFS receipt of the transfer/transport notification.
2. "Holder" means a person (i.e., any individual or public or private entity) with permanent custody of the marine mammal to be transferred/transported. All marine mammal transports between facilities/location require notification regardless of whether such facilities are owned, operated or otherwise controlled by the same or different persons, or whether the transfer/transport is temporary or permanent.
3. The name of the holder/receiving holder need not be the same as the facility. The holder/receiving holder may be a person or corporate entity that owns/operates several facilities; or the holder/receiving holder may hold marine mammals in multiple facilities. In any case, and particularly in circumstances where the name of the holder/receiving holder is different from the facility, NMFS requests that the facility be identified.
4. "Receiving Holder/Receiving Facility" means a person (i.e., any individual or public or private entity) that is receiving the marine mammals to be transferred/transported. The receiving facility who obtains marine mammals for public display purposes must meet the three requirements of Section IV, including maintaining (i.e., owning, leasing or otherwise controlling) facilities at the receiving location for the public display of marine mammals.
5. Standards for education and conservation programs developed and endorsed by the American Association of Zoos and Aquariums (AZA) and the Alliance of Marine Mammal Parks and Aquariums (Alliance), representing approximately 60% of the U.S. marine mammal public display community, were published in the *Federal Register* on October 6, 1994 (59 FR 50900). Please call the Permits, Conservation and Education Division at the number below or write to the address listed in Section VI, if you would like a copy of this notice. If applicable, the AZA/Alliance standards may be referenced as the standards on which your education or conservation program is based by simply checking the applicable "box." However, please note that while these professionally recognized standards have been provided by the AZA and Alliance, they represent only two examples of such standards. Other professionally recognized standards of the public display community may differ from these examples. If your education or conservation program is based upon different professionally recognized standards of the public display community, please provide a copy of those standards. NMFS maintains a record of such standards for reference purposes only.
6. Please attach this documentation only if the standards or restriction on public access have changed or if your Exhibitor's License has changed or been renewed since your last submission of this information.
7. Principal Officer, Director, President or other person with responsibility for and authority to determine the disposition of the marine mammals involved.

QUESTIONS? If you need assistance in completing a Marine Mammal Transfer/Transport Notification, please contact the Permits, Conservation and Education Division at the address listed in Section VI or call us at (301) 427-8401.

EXPORTS

Foreign persons/facilities receiving custody of marine mammals by EXPORT from the United States must meet standards that are comparable to those applicable to persons transporting and receiving custody of marine mammals in the United States for purposes of public display, scientific research or enhancement. This means, for example, that export for scientific research or enhancement purposes requires issuance of a permit under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*). However, marine mammals may be exported for public display purposes without an MMPA permit if either: the marine mammals to be exported are being held for public display purposes and the Holder and Receiving Holder/Facility submit a Marine Mammal Transfer/Transport Notification and comply with the export-specific requirements listed below; OR the marine mammals to be exported are being held for scientific research or enhancement purposes and NMFS authorizes the export of such marine mammals after the Holder and Receiving Holder/Facility comply with the export-specific requirements listed below. In the latter case, i.e., where marine mammals to be exported are being held for a purpose other than public display, NMFS may determine that a 30-day opportunity for public comment is necessary and, therefore, authorization must be requested at least 60 days in advance of such a proposed export.

Please note that the notification required for the export of marine mammals presently being held for public display must be accompanied or preceded by documentation meeting transfer/transport and export requirements, including a letter from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) stating that the foreign facility concerned meets standards comparable to those applicable to U.S. licensees and registrants under the Animal Welfare Act (7 U.S.C. 2131 *et seq.*). Similarly, NMFS must receive an APHIS comparability determination before authorizing the export of marine mammals presently being held for purposes other than public display; i.e., marine mammals being held for scientific research or enhancement purposes or non-releasable marine mammals from rehabilitated beached and stranded stock. To make this MMPA-required comparable standards determination, the foreign Receiver must submit sufficient documentation to APHIS on which to base such a determination, or be inspected by an APHIS inspector or other person designated by APHIS at the expense of the importer or exporter. When documentation is submitted, the foreign government involved must certify its accuracy. Please contact Animal Care, APHIS, Riverdale, MD 20737 (301-734-7833) for guidance concerning documentation or inspection options.

Subsequent transfer/transport of exported marine mammals, or their progeny, between foreign holders of such marine mammals must adhere to the above requirements. Foreign transfer/transport notifications must be submitted to NMFS through the appropriate agency of the foreign government (e.g., the Convention on International Trade in Endangered Species (CITES) management authority). A Marine Mammal Transfer/Transport Notification must be submitted at least 15 days before the transfer/transport of exported marine mammals between facilities located in the same country. Before exported marine mammals are transported/exported to another foreign country, the Shipper and Receiver must submit a Marine Mammal Transfer/Transport Notification AND the government of the foreign Receiver must submit the certification statements listed below. Although an MMPA permit may not be required for public display exports, any person exporting or importing protected species, including marine mammals, must comply with other applicable U.S. law and may need to obtain a CITES permit. Information concerning CITES permit requirements is available from the Office of Management Authority, U.S. Fish and Wildlife Service, U.S. Department of the Interior, 4401 North Fairfax Drive, Room 420, Arlington, VA 22203 (703-358-2104).

In summary, to export marine mammals for purposes of public display:

The foreign Receiver must:

- (1) Offer an education or conservation program comparable to one that is based on professionally recognized standards of the U.S. public display community;
- (2) Meet standards comparable to the requirements that a person in the United States must meet to be registered or be issued a license under the Animal Welfare Act (7 U.S.C. 2131 *et seq.*); and
- (3) Maintain facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis with access that is not limited or restricted other than by charging an admission fee.

AND

The appropriate agency of the foreign government (e.g., the Convention on International Trade in Endangered Species (CITES) management authority of the government) must submit a statement certifying that:

- (1) The information submitted concerning the foreign facility is accurate;
- (2) The laws and regulations of the government involved permit that government's enforcement of requirements equivalent to the requirements of the U.S. Marine Mammal Protection Act (MMPA) and Animal Welfare Act (AWA), and that government will enforce such requirements; and
- (3) If it is determined that the foreign facility involved has acted in a manner inconsistent with a requirement of the MMPA or the AWA that would be applicable if the foreign facility were a U.S. facility, the government concerned will afford comity to an enforcement decision that may be made by NMFS, including seizure or arrangements for other disposition of marine mammals exported from the United States and the progeny of such marine mammals and the recovery of expenses for such seizure or other disposition.

All three certification statements are required by NMFS to ensure compliance with MMPA requirements. APHIS requires only that the accuracy of the information be certified as a prerequisite for making a comparability determination.