



**NOAA
FISHERIES**

Protected Resources



Public comments close:
October 29, 2012

Public meeting:
October 12, 2012; 2-5pm

Public comments opened:
August 30, 2012

Application complete:
July 18, 2012

Application submitted:
June 15, 2012

For more information, visit:
http://www.nmfs.noaa.gov/pr/permits/georgia_aquarium_belugas.htm

Georgia Aquarium's Permit Application to Import Beluga Whales

We request public comment on

1. Georgia Aquarium's application to import 18 beluga whales
2. NOAA Fisheries' Draft Environmental Assessment (EA) on the Federal action to permit the importation of these whales

Application information

The Georgia Aquarium has applied for a permit to import 18 beluga whales from the Utrish Marine Mammal Research Station in Russia to the U.S. for public display (File No. 17324). These animals were captured from the Russian Sea of Okhotsk in 2006, 2010, and 2011.

The Marine Mammal Protection Act (MMPA) allows for the importation - or removal from the wild - of marine mammals for public display. NOAA Fisheries has jurisdiction over cetaceans (dolphins, porpoises, and whales), including beluga whales, and pinnipeds (seals and sea lions).

If we issue the permit, the animals would be imported and be the legal responsibility of the Georgia Aquarium. Some animals would be transported under breeding loan agreements to U.S. partners, including Shedd Aquarium and Sea World Parks of Florida, Texas, and California.

What are NOAA Fisheries' responsibilities under the MMPA?

We may issue permits for the importation or removal from the wild of a marine mammal for public display with certain conditions. The Secretary (of Commerce) must determine that the animals were taken humanely, as defined in the MMPA, and the permit must specify the location and number of animals and the methods of capture, supervision, and care during transport.

What are NOAA Fisheries' responsibilities under the National Environmental Policy Act (NEPA)?

NEPA requires federal agencies, including NOAA Fisheries, to consider the environmental consequences of proposed actions and reasonable alternatives to those actions. This requirement applies to our decision-making process for this permit application.

The Draft Environmental Assessment (EA) for this proposed action is available for review and comment concurrent with the application. We prepared the Draft EA to assist our decision-making by analyzing the potential for adverse impacts on the species resulting from issuing the proposed permit to import these beluga whales; however the draft EA does not dictate what decision we make.

Submit Public Comments

The application and draft EA are available for comment for 60 days, until October 29, 2012.

You may submit comments, identified by NOAA-NMFS-2012-0158:

- Online at www.regulations.gov
- By mail to:
Chief, Permits and Conservation Division
Office of Protected Resources
NOAA Fisheries
1315 East-West Highway, Room 13705
Silver Spring, MD 20910
- By fax to: 301-713-0376; Attn: Jennifer Skidmore
- At the Registration Desk at the Public Meeting



What does a facility need to have marine mammals on public display?

Facilities must meet the following criteria, as outlined by the MMPA:

1. Offer an education or conservation program;
2. Be open to the public on a regularly scheduled basis; and
3. Be licensed or registered by the Animal and Plant Health Inspection Service (USDA/APHIS) per the Animal Welfare Act (AWA).

What is the purpose of the public meeting? How will public comments be used by NOAA Fisheries?

This meeting is part of the MMPA and NEPA public review-and-input processes on the application and draft EA. NOAA Fisheries will review comments received during the public comment period and incorporate them into our final decision.

The comment process is not a vote, and substantive comments are more useful to us in our decision-making process than a general “for” or “against” comment. We have specific criteria that we must consider in making our decision to issue or deny the permit. Substantive comments address those criteria and discuss why you believe the application does or doesn’t meet them.

Tips for submitting effective comments can be found at:

http://www.regulations.gov/docs/Tips_For_Submitting_Effective_Comments.pdf

How will NOAA Fisheries make a decision?

We will use the MMPA Issuance Criteria (§ 216.34 and 216.35). The relevant criteria are:

- The proposed activity is humane and doesn’t present unnecessary risks to the health and welfare of marine mammals.
- The proposed activity, by itself or in combination with other activities, will not likely have a significant adverse impact on the species or stock.
- The applicant has adequate:
 - expertise, facilities, and resources to accomplish the described objectives and activities.
 - qualifications, facilities, and resources for the proper care and maintenance of the marine mammal.
- The requested import will not likely result in the taking of marine mammals beyond those authorized by the permit.
- The original take and import must be conducted in a humane manner, and in compliance with the MMPA, foreign laws, and CITES.
- At the time of taking or import, marine mammals may not, unless specifically authorized in the permit, be:
 - pregnant or lactating, or
 - unweaned or less than eight months old.

How long has it been since NOAA Fisheries authorized the capture of wild cetaceans for public display?

NOAA Fisheries has not received an application to capture wild cetaceans from U.S. waters, or to import cetaceans that had been recently captured in foreign waters, in more than 20 years.

The last such permits were issued to the Shedd Aquarium. A total of eight Pacific white-sided dolphins were removed from the wild in California in 1988 and 1993 under a five-year permit. Belugas captured in Canada were imported for display in the U.S. under permit in 1992.

For more detailed information on permits for public display of marine mammals, please visit: http://www.nmfs.noaa.gov/pr/permits/public_display.htm