



MARINE MAMMAL COMMISSION

11 December 2012

Mr. Timothy J. Van Norman
Chief, Branch of Permits
Division of Management Authority
U.S. Fish and Wildlife Service
4401 North Fairfax Drive
Arlington, VA 22203

Re: Permit Application No. MA73634A
(Alaska SeaLife Center)

Dear Mr. Van Norman:

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 Alaska SeaLife Center is seeking to change the authorization under which non-releasable rehabilitated northern sea otters are being maintained by the facility. The otters, which currently are being maintained under section 109(h) of the Act (i.e., taking for the welfare of an animal), would be transferred to a public display permit (section 104(c)). If and when the Service issues the public display permit, the Center would export the otters to foreign facilities that meet the Act's comparability requirements.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the Fish and Wildlife Service issue the requested public display permit, provided that the Service, in consultation with the Animal and Plant Health Inspection Service, is satisfied that the Center's facilities for maintaining the sea otters meet the requirements established under the Animal Welfare Act and are adequate to provide for the animals' health and well-being.

Further, the Marine Mammal Commission recommends that the Service authorize subsequent transfers to foreign facilities of sea otters maintained under the Center's permit, provided that it—

- determines, in consultation with the Animal and Plant Health Inspection Service, that the plan for transporting the animals is appropriate and the recipient facility meets requirements comparable to those established under the Animal Welfare Act and is adequate to provide for the animals' health and well-being; and
- obtains a statement from the responsible government official in the recipient country that comity will be given to applicable U.S. requirements and laws concerning the care and maintenance of the otters.

RATIONALE

The Alaska SeaLife Center is requesting that the authorization under which rehabilitated non-releasable northern sea otters are maintained at the facility be changed from a letter of authorization under section 109(h) to a public display permit under section 104(c) for up to two animals per year during a five-year period. Once under the public display permit, the Center would export the otters to foreign facilities. Those sea otters would originate from the southcentral or southeastern Alaska populations and primarily would be pups or juveniles of either sex. Sea otters from the threatened southwestern Alaska population would not be covered by this permit.

The Center would remove stranded sea otters from the wild and would rehabilitate them under its letter of authorization, which allows it to engage in activities under 109(h) of the Marine Mammal Protection Act. After rehabilitation, some otters are deemed not releasable back to the wild. Section 104(c)(7) of the Act provides a mechanism for issuing public display permits to qualified facilities for the long-term care of such animals. Once a permit has been issued to a domestic facility, the animals may be transferred to other facilities in accordance with section 104(c)(2)(B) of the Act. Both U.S. and foreign facilities are eligible to receive such animals.

For identification purposes, sea otters would be tagged with external flipper tags and internal passive integrated responder tags prior to transport to another facility. They also would be medically stable prior to transport. Transport to another facility could be either by ground or aircraft and would comply with Animal Plant and Health Inspection Service standards, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) guidelines, and International Air Transport Association regulations.

The Center plans to transport otters via truck or aircraft in ventilated kennels with drainage. An animal care attendant would accompany each otter during transport to monitor, feed, maintain appropriate environmental conditions (e.g., temperature), provide care, and record the otter's activities. The Center would develop an itinerary and transport plan specific to each transfer to minimize the animal's level of stress. Such plans would be shared with the Service and other relevant agencies for review. The Center, Association of Zoos and Aquariums, and Alliance of Marine Mammal Parks are collaborating to determine which foreign facilities are interested in providing long-term care for the otters and would meet comparability requirements under the Marine Mammal Protection Act and the Animal Welfare Act. Ideally, adequate facilities would be pre-approved by the Animal Plant and Health Inspection Service so that otters can be transferred promptly when they become available. However, the Center is prepared to hold any otters it collects until it has obtained the required permits under CITES, the government of the recipient country has provided adequate assurance of comity to applicable U.S. requirements and laws, the Animal Plant and Health Inspection Service has certified that the recipient facility meets care and maintenance standards comparable to those applicable in the United States, and the facility has provided prior notice of the transport or export as required under section 104(c)(2)(E) of the Marine Mammal Protection Act. At any given time, the Center can accommodate up to 167 sea otters in its public display facilities (including 5 otters in its main sea otter exhibit) and up to an additional 23 sea otters in its rehabilitation facilities, without exceeding the Animal Plant and Health Inspection Service's space requirements.

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The Center (1) is open to the public on a regularly scheduled basis with access that is not limited or restricted other than by charging an admission fee, (2) offers an educational program based on professionally recognized standards, and (3) holds Exhibitor's License 96-C-0024, issued by the Department of Agriculture under the Animal Welfare Act. Therefore, the Center meets the issuance requirements for a public display permit under the Marine Mammal Protection Act. Therefore, the Marine Mammal Commission recommends that the Fish and Wildlife Service issue the requested public display permit, provided that the Service, in consultation with the Animal and Plant Health Inspection Service, is satisfied that the Center's facilities for maintaining the sea otters meet the requirements established under the Animal Welfare Act and are adequate to provide for the animals' health and well-being. Further, the Marine Mammal Commission recommends that the Service authorize subsequent transfers to foreign facilities of sea otters maintained under the Center's permit, provided that it (1) determines, in consultation with the Animal and Plant Health Inspection Service, that the plan for transporting the animals is appropriate and the recipient facility meets requirements comparable to those established under the Animal Welfare Act and is adequate to provide for the animals' health and well-being and (2) obtains a statement from the responsible government official in the recipient country that comity will be given to applicable U.S. requirements and laws concerning the care and maintenance of the otters.

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 these recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Peter O Thomas, Sr".

Timothy J. Ragen, Ph.D.
Executive Director

cc: Barbara Kohn, D.V.M.