

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^{2,3} 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)

<u>NOAA ID Number</u>	<u>Species</u>	<u>Holder ID Number/Animal Name</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 (MMTTN)). 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.