



May 7, 2026

Adrienne Thomas
NOAA PRA Officer
National Oceanic and Atmospheric Administration
Department of Commerce

RE: OMB Control Number 0648-0084

Dear Ms. Thomas:

The Alliance of Marine Mammal Parks and Aquariums (AMMPA) is pleased to comment on the notice, published by the National Oceanic and Atmospheric Administration (NOAA) and required under the Paperwork Reduction Act, regarding the revision and renewal of application instructions for permits and authorizations to take, import, or export marine mammals, or other threatened or endangered species under the authority of the Marine Mammal Protection Act (MMPA), the Fur Seal Act (FSA), and the Endangered Species Act (ESA) (91 Fed. Reg. 11289; March 9, 2026).

I. Introduction

AMMPA is the preeminent international association and accrediting body for marine parks, aquariums, zoos, and research facilities throughout the world that exhibit marine mammals. AMMPA members collectively represent the greatest body of experience with and knowledge of marine mammal care and management, and our mission is to support the highest standards of care for marine mammals and to contribute to their conservation in the wild.

AMMPA members spend millions of dollars supporting marine mammal and ocean research, conducting, funding, and supporting hundreds of scientific studies that help us better understand our ocean and its inhabitants. They also are global leaders in marine mammal rescue and rehabilitation and make vital contributions to understanding the threats and conservation needs of wild populations of marine animals. Drawing on the extraordinary body of knowledge and expertise gained from working with animals in their facilities, AMMPA members act as partners and advisors to local, state, and federal government agencies, including NOAA.

An international organization dedicated to conservation through public display, education, and research.



II. AMMPA Comments on Proposed Revisions to Permit and Authorization Application Instructions

A. Removing the five-year limit on MMPA permit and authorization durations

Consistent with the support AMMPA expressed in June 2024 for NOAA’s proposal to lift the five-year restriction on certain MMPA Section 104 permits and Letters of Confirmation (LOCs), AMMPA supports the proposed change to revise all MMPA Section 104 permit and authorization application instructions to remove the five-year limit on MMPA permit and authorization durations. The application instructions must be consistent with NMFS’ final rule.¹ Similarly, we support harmonizing other applications, including applications for General Authorization Letters of Intent, so they are consistent with the NMFS final rule.

B. Estimating and reporting of “takes” during uncrewed aircraft system (UAS) operations

AMMPA agrees that the current 1,000-foot threshold used to estimate and report “takes” during uncrewed aircraft system (UAS) operations should be revised. Scientific evidence indicates that this altitude substantially exceeds the distance at which cetaceans are capable of detecting UAS activity and, as such, is not an appropriate proxy for potential disturbance. A lower, evidence-based threshold is warranted. In addition, regulatory guidance should account for UAS-specific characteristics, particularly size and acoustic output, as these factors have been shown to significantly influence animal responses. Smaller, quieter UAS platforms should be afforded more permissive operating allowance consistent with their reduced impact.

UAS technology has become an indispensable tool in marine mammal research and conservation, providing a safe and non-invasive means of data collection. For example, researchers from Stephen F. Austin State University and Oklahoma State University – Oklahoma Aerospace Institute for Research and Education, in partnership with Dolphin Quest, have developed a groundbreaking UAS platform known as PHASM or Passive Health Assessment of Sea Mammals. PHASM is a silent, fixed-wing UAS equipped with a specialized sampling mechanism.² This technology has been used to study wild bottlenose dolphin populations, enabling scientists to collect exhaled breath samples from dolphins at a close range without eliciting observable behavioral responses (NOAA/NMFS permit number 28894). This and similar innovations underscore the value of UAS in obtaining critical biological data while minimizing disturbance.

¹ 89 FR 100393, December 12, 2024

² Gassen, D., Yap, Z, Jacob, J.D., Damiano, S. Gunnars, T., & Bruck, J. (2024, 29 July – 2 August 2024). Development and Flight Testing of a Passive Collection Uncrewed Aircraft System for Dolphin Health Assessment. AIAA Aviation Forum and ASCEND 2024, Las Vegas, Nevada.

More broadly, UAS platforms enable researchers to study marine mammal populations that are difficult to access by vessel, are highly sensitive to human presence, or cannot be safely approached for traditional sampling. The current 1,000-foot guideline leads scientists to wildly overestimate takes and imposes unnecessary operational constraints that may limit the effectiveness of this research without providing commensurable conservation benefit.

Empirical research further supports revising the existing threshold. Working with bottlenose dolphins from Dolphin Quest Bermuda, a MSc thesis study conducted by Savannah Damiano, *Dolphin Behavioral Responses to Uncrewed Aerial Systems as a Function of Exposure, Height, and Type*,³ found that under 300 feet, height directly above the animals was not a strong predictor of look response behavior.

Field observations are consistent with these findings. Fixed-wing PHASM operations have documented approaches within two meters of dolphins with little to no observable reaction, attributable in part to the system's low acoustic signature. Similarly, Damiano's research shows that small commercial UAS platforms, such as those in the DJI Mini series, have been operated at altitudes as low as 20 feet directly above the animals without significant behavioral changes, particularly in cases where animals had prior exposure.

The type of UAS is a critical determinant of animal response. Larger and louder systems elicit stronger behavioral reactions, whereas smaller, quieter platforms consistently produce minimal responses. Regulatory frameworks should reflect these differences by incorporating sound performance-based distinctions and allowing more permissive use of low-noise, small-format UAS.

Finally, we note that the current regulatory framework appears to rely on a sensitization model, under which repeated exposure to the UAS is assumed to increase the likelihood or severity of disturbance. However, the available data suggest the opposite effect. In Damiano's study, dolphins exhibited decreased responsiveness with repeated exposure, indicating habituation rather than sensitization. This finding calls into question the applicability of the current "take" model as it relates to UAS operations.

For these reasons, while we support the proposal to decrease the 1,000-foot threshold, we recommend the agency consider adopting an evidence-based approach that incorporates distance, altitude, UAS visual and acoustic characteristics, and observed patterns of animal response.

³ Damiano, Savannah, "Dolphin Behavioral Responses to Uncrewed Aerial Systems as a Function of Exposure, Height, and Type" (2023). Electronic Theses and Dissertations. 527. <https://scholarworks.sfasu.edu/etds/527>.

C. Streamlining instructions for importing marine mammals for public display

The proposal to separate the import application instructions for public display from the application for a capture from the wild for purposes of public display is a constructive revision that should improve clarity and usability for applicants. Additionally, the effort to streamline data collection, including the proposed modifications to life stage categories, is a welcome improvement.

However, the continued requirement for applicants to provide information regarding the cost of admission warrants further consideration. Although the cost of admission is public information, it is not evident that it is necessary for the Department to carry out its statutory responsibility, nor is its practical utility clear.

The Marine Mammal Protection Act sets the criteria that:

- (2) (A) A permit may be issued to take or import a marine mammal for the purpose of public display only to a person which the Secretary determines—
 - (i) offers a program for education or conservation purposes that is based on professionally recognized standards of the public display community;
 - (ii) is registered or holds a license issued under 7 U.S.C. 2131 et seq.; and
 - (iii) maintains facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and that access to such facilities is not limited or restricted other than by charging of an admission fee.⁴

Public display application instructions under “Project Purpose” require applicants to:

“1. Provide the following information required for maintaining marine mammals for public display purposes:

- a. Describe the educational program and include educational materials as attachments or provide a webpage where this information is available. Specify the professionally recognized standards (e.g., AMMPA or AZA accreditation) of the public display community upon which the education or conservation program offered by the applicant is based.
- b. Include a copy of your current Animal Welfare license issued by APHIS. If you are a new facility in the process of applying for your APHIS license, please contact us for guidance.

⁴ 16 USC 1374(c)(2)

- c. Provide your hours of operation *and cost of admission*. (Emphasis added)
This may include copies of facility brochures or public notices (e.g., webpage) advertising this information.”

The inclusion of hours of operation is directly relevant to determining whether a facility is open to the public on a regularly scheduled basis, as required by statute.

By contrast, the requirement to provide the cost of admission does not appear necessary to assess compliance with the statutory standard. The Act does not require the Department to evaluate, regulate, or determine the reasonableness of admission fees. Rather, it requires only that access not be restricted beyond the charging of such a fee. Accordingly, compliance could be established through a straightforward certification, such as a yes-or-no response to whether access to the facility is limited or restricted in any manner other than by charging an admission fee.

In the absence of a clear explanation of the relevance of admission cost information or the statutory authority supporting its collection, AMMPA respectfully recommends that the Department discontinue requiring applicants to provide information regarding the cost of admission.

AMMPA also recommends removing the requirement that MMPA Public Display Permits for wild capture and importation include the name of the transport company. This requirement fails to recognize the limited number of qualified transport providers and the reality that applicants often must adjust plans based on availability and other logistical factors. This is a challenge for wild capture applications, which must be submitted at least one year in advance, as well as for importation applications which, according to the instructions, must be submitted at least six months before the date of the planned activities. This timing makes it difficult to identify a transport company with certainty at the time of application.

In addition, given ongoing anti-zoo campaigns by some organizations, requiring disclosure of transport company names can expose these businesses to unnecessary harassment.

D. Revising the current online application system Authorizations and Permits for Protected Species (APPS)

AMMPA members support NOAA’s efforts to streamline and improve the APPS system and look forward to working with the agency as the process moves forward.

III. Estimated Time Per Response

Generally speaking, even with the proposed revisions which are intended to simplify the process, the amount of information required to prepare a thorough application for most of the permits covered by this information collection request (ICR) is extensive. AMMPA members find that it frequently takes more time to complete the applications than the estimates listed in this ICR. In addition to compiling information from within the applicant's organization, applicants must also coordinate and communicate with multiple vendors and partners, some of whom are located in different time zones.

Based on the experience of AMMPA members, one estimate in particular that merits review is the 10-hour estimate for photography permit applications. AMMPA recommends the time estimate should be increased to 16 hours.

IV. Conclusion

AMMPA appreciates the opportunity to respond to this ICR and looks forward to continuing to work with NOAA as the proposed revisions to the instructions are reviewed and implemented.

Sincerely,



Kathleen Dezio
President & CEO
Alliance of Marine Mammal Parks & Aquariums