

National Marine Fisheries Service

Marine Mammal Public Display Permit Application for Importation

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Introduction

Section 104 of the Marine Mammal Protection Act (MMPA) allows marine mammals to be held for public display purposes including importing marine mammals. NOAA Fisheries has jurisdiction over cetaceans (dolphins, porpoises, and whales) and most pinnipeds (seals and sea lions).

A facility wanting to import a marine mammal into the United States must meet the following MMPA criteria:

1. Offer an education or conservation program based on industry standards.
2. Be licensed or registered by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA/APHIS) per the Animal Welfare Act.
3. Be open to the public on a regularly scheduled basis.

In addition, the following information must be provided:

- Individual animal information (species, sex, age, name/identification number);
- Confirmation each animal was originally obtained legally from their country or origin;
- Confirmation each animal is being held legally in the country where it currently resides; and
- Detailed information about the transport methods used to bring the animal(s) into the United States to ensure the MMPA "humane" standard is met.

Need help or have questions?

Visit our [public display permit web page](#) or contact us at nmfs.pr1.apps@noaa.gov.

When filling out your application:

- Your application must be a stand-alone document, readable to a layperson.
- If you do not follow these instructions, your application will be returned.
- You will need to enter this information in our online permit system [APPS](#)¹

Entering your information into APPS:

- **Save your application every 30 minutes or you will lose information!**
- Consider using these instructions as a template to draft your application in Word and then cut and paste into APPS.
- To save any information you must click the "Save" button. Once the application has been initialized you will see additional sections. Your application will remain in draft mode until you submit.

Application Instructions

Project Information

File Number: This number is generated by APPS and cannot be changed. To facilitate processing, reference this File Number in correspondence with our office.

Import Title: Provide a concise title that includes activities, species, location, and

¹ We are in the process of revising APPS and this link will be updated when the new system is available.

purpose. For example:

- *Import of four harbor seals from ABC Aquarium in Country D to XYZ Zoological Park for the purpose of public display.*

Permits Requested: A permit type will be listed based on your answers in the APPS PAG. If the option is incorrect, please contact us at nmfs.pr1.apps@noaa.gov.

Where Will the Activities Occur? List the country of export and the receiving facility's address.

Timeframe: Enter the desired start and end dates of the proposed activities in the following format: MM/DD/YYYY. The start date cannot be before the date you submit the application and should be at least 6 months after the date you submit.

Sampling Season/Project Duration: When do you anticipate the import(s) will occur?

Project Purpose

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 standards² (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 Act license issued by APHIS³. If you are a new facility in the process of applying for your APHIS license, please contact us for guidance.
 - c. Provide your hours of operation. This may include copies of facility brochures or public notices (e.g., webpage) advertising this information.

Importing Marine Mammals into the United States

1. Will you be importing marine mammals into the United States?

For importing marine mammals into the United States, include the following information:

2. Identify the animal(s) to be imported and location information including:

² Standards for education and conservation programs developed and endorsed by the Association of Zoos and Aquariums, formally 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 at the time, were published in the Federal Register on October 6, 1994 (59 FR 50900). If applicable, these AZA/Alliance standards may be referenced as the standards on which your education or conservation program is based. However, please note that while these professionally recognized standards have been provided by the AZA and Alliance, they represent only one example of such standards. Other professionally recognized standards of the public display community may differ from this example. If your education or conservation program is based upon different professionally recognized standards of the public display community, please provide a copy of these standards.

³ As issued under 7 U.S.C. 2131 et seq.

- a. Animal identification
 - b. Estimated or known age
 - c. Size (length and/or weight)
 - d. Sex
 - e. Reproductive condition⁴
 - f. Country of origin
 - g. Exporting facility
 - h. [Ports of entry](#)
 - i. Whether you will be requesting a port of entry exemption
 - j. Final destination/facility
- On the Attachments page, at the end of the application, attach a NOAA Marine Mammal Data Sheet, Species 360 specimen report, or statement from the shipping facility (if available).
3. For importing wild-caught animals:
 - a. Indicate the wild stock and the geographic location the animal was collected from. Include latitude/longitude coordinates and/or waterbody location.
 - b. Provide documentation that the take and subsequent holding was humane⁵ and legal in accordance with the capture country's laws.
 4. For importing captive-born animals:
 - a. Provide documentation of the animal's birth and transport history, including dates.
 - b. Identify the parents of the animal and, to the extent practicable, provide documentation of their origin (e.g., lineage), including the wild stock and geographic location the animals were collected from. Use NOAA ID numbers, if applicable.
 5. On the Attachments page at the end of the application, attach a statement from the exporting facility:
 - a. Documenting that the marine mammal to be imported is presently being held in compliance with the laws of the country of exportation, and
 - b. Explaining whether the requested import will likely result in the taking of marine mammals beyond those proposed:
 - c. Will marine mammals be acquired to replace the marine mammals to be imported?
 - d. Will the proposed import result in an increased demand for marine mammals?
 - e. Provide justification for these statements.
 6. Briefly describe the exhibit and the social group for this animal(s) at the destination facility, including the number, sex, and age of the resident animals. Describe your acclimation and quarantine plan.

Transport Questions

1. Mode(s) of transportation: Describe the vehicle or other platform used to transport

⁴ Permit holders may not import a marine mammal that is pregnant, lactating, or either unweaned or less than 8 months old, whichever comes later, unless the Office Director determines that such importation is necessary for the protection and welfare of the animal. Contact nmfs.pr1.apps@noaa.gov for questions on such importations, which are not covered by this application.

⁵Humane means using the method that involves the least possible degree of pain and suffering possible.

animals.

2. Maximum transport time including stop-overs.
3. Description of the container (e.g., cage, tank) used to hold the animal during transit: Include details (e.g., material of container, dimensions). You may attach photos or illustrations on the Attachments page at the end of the application.
4. Describe any special care procedures (e.g., moisture, medicines) to be administered during transport (e.g., moisture, medicines, aeration, management of environmental parameters).

Project Supplemental Information

Effects and Mitigation

1. Humane determination: Explain how you determined your methods involve the least possible degree of pain and suffering possible and why there are no feasible alternative methods.

Resources Needed to Accomplish Objectives

2. Explain how your expertise, facilities, and resources⁶ are adequate to accomplish your proposed objectives and activities.
3. List relevant proposals, contracts, grant awards, or letters of agreement that would demonstrate your resources. Copies must be made available upon request.
4. Indicate the status of other international, federal, state, or local authorizations and permits you have applied for, secured, or will apply for.

Project Locations

1. Add **New Location**. Choose Captive as your location and provide the names of the exporting and recipient facilities in the **Location Details**. Use the [Take Table](#) to list the species you plan to import.

Take Table

The take table summarizes the estimated number of animals you expect to import annually. Create a new take table for each shipping facility and list the species you expect to import and the procedures you will conduct. Create separate rows for each individual animal. See Table 2 at the end of these instructions for an example.

Columns you will fill out in the take table:

1. **Select**: Leave this box blank unless you need to copy, move, or delete the row.
2. **Species**: Use the drop down list.
3. **Listing Unit/Stock**: Provide the MMPA stock for your species. You may refer to our [website](#) for species listed under the MMPA.
4. **Life Stage**: Identify from below as appropriate.

⁶ **Expertise** includes a summary of the cumulative experience of you and your personnel. **Facilities** include such things as your existing infrastructure or laboratories. **Resources** include financial (e.g., current funding and/or history of securing funding); material (e.g., transport equipment); and other resources (e.g., collaborative partnerships) that can be drawn on to support your work.

Cetaceans	Pinnipeds
Adult	Adult
Calf	Juvenile
Juvenile	Subadult
	Pup

5. **Sex:** Note the specific animal's sex in this column.
6. **Take Action:** Choose "Import".
7. **Observe/Collect Method:** Choose "Captive."
8. **Expected Take:** List '1' for each row.
9. **Procedures:** Choose "captive permanent" and "transport." An example take table is provided below.
10. **Details** (Optional): You may enter details on each take table line.

Anticipated Effects on the Environment

1. Will you be working in or near areas with unique environmental characteristics or important scientific, cultural or historical resources? Yes or no.
Examples include:
 - Animals used for subsistence
 - Archaeological resources
 - [Critical Habitat of ESA-listed species](#)
 - [Essential Fish Habitat](#) including wetlands, coral reefs, sea grasses, and rivers
 - Federally recognized Tribal and Native Alaskan lands, cultural or natural resources, or religious or cultural sites
 - [Marine Protected Areas](#)
 - [National](#) or State Parks
 - [National Marine Sanctuaries](#) and [National Monuments](#)
 - [National Historic Landmarks](#)
 - Sites listed in or eligible for listing in the [National Register of Historic Places](#)
 - [Wild and Scenic Rivers](#)
 - [Wilderness Areas](#)
 - [Wildlife Refuges](#)
 - a. If yes, please list those areas. As applicable, mention if you will need to or have already obtained permission (licenses, permits, authorizations) to work in these areas.
 - b. How would your activities affect such resources? What measures will you take to ensure your work does not cause loss or destruction of such resources?
 - c. For marine mammal activities in Alaska or Washington, how will you ensure your project does not adversely affect the availability (e.g., distribution, abundance) or suitability (e.g., food safety) of marine mammals for subsistence uses?
2. Discuss if your activities have the potential to impact the physical or biological environment, in particular coastal and marine environments. Impacts can be positive or negative. Examples of potential impacts include:
 - Altering substrate while anchoring vessels and buoys

- Using bottom trawls or other types of nets
 - Erecting blinds or other structures
 - Ingress and egress of researchers
 - Injuring or killing benthic organisms (e.g., sea grass, corals)
 - Altering the physical or chemical characteristics of water (e.g., oil spills)
 - Affecting a species' abundance or distribution
3. Invasive Species
 - a. Does your project involve activities known or suspected of introducing or spreading invasive species, intentionally or not? Examples include transporting animals, discharging ballast water, and using boats/equipment at multiple sites.
 - b. Describe measures you would take to prevent the possible introduction or spread of non-indigenous or invasive species, including plants, animals, microbes, or other biological agents.
 4. Biological Specimens
 - a. Will your activities involve collecting, handling, or transporting potentially infectious agents or pathogens, such as biological specimens (animals, blood, tissues)?
 - b. Will your activities involve using or transporting hazardous substances, such as toxic chemicals?
 - c. If yes to either question, describe the protocols you will use to ensure that public health and human safety are not adversely affected, such as by spread of zoonotic diseases, chemical injuries, or contamination of food or water supplies.
 5. Do your activities involve equipment (e.g., scientific instruments) or techniques that are untested, or have unknown or uncertain impacts on the biological or physical environment? If yes:
 - a. Briefly describe the equipment or techniques and provide any information about the use of these in your study area and/or with other taxa and what is known about their impacts.
 - b. Discuss the degree to which they are likely to be adopted by others for similar activities or applied more broadly.

Project Contacts

The person entering the application in APPS will automatically be assigned the following roles: **Applicant/Permit Holder, Transport Lead (TL), Veterinarian, and Primary Contact.**

1. You may need to change or add personnel.
2. Use the guidance below to help you decide who should have what role.
3. To prevent duplicate entries, **ALWAYS search APPS for the person before entering a new contact.** Start with the last name in the APPS search box.
4. **Include a table** with the names of the personnel and their specific roles (see example [Table 2](#)). **Attach the table on the [Attachments page](#).**
5. As you add personnel, **check whether each person already has a Qualifications Form (QF) in APPS.** It will appear next to their name once you add them to your Contacts page. If there is not a QF in APPS, then attach one for each person. See [Qualifications and Experience](#) below.

Descriptions of Personnel Roles

A project must have a Responsible Party if the Applicant/Permit Holder is an organization, institution, or agency. The Responsible Party or Applicant/Permit Holder is an official who has the legal authority to bind the organization, institution, or agency and is ultimately responsible for the activities of any individual operating under the authority of the permit.

The **Transport Lead (TL)** is the individual primarily responsible for the import and any related activities conducted under the permit, such as the curator. The TL:

- Must have qualifications, knowledge, and experience relevant to the activities authorized by the permit.
- Must be on site during activities conducted under the permit.

The **Primary Contact** is the person who we contact with questions or updates about the application. This may be the registrar or other person responsible for maintaining the marine mammal inventory records at the facility. Please include full name, title, and contact info for this person.

The Applicant/Permit Holder or Responsible Party, TL, and Primary Contact will have access to APPS to enter and edit the application, submit reports and modification requests, and will receive automatic emails from APPS.

The **Veterinarian** is responsible for: 1) overseeing the medical care of the animal(s) being imported or collected from the wild, and 2) providing the written statement (required in the Project Description) certifying that the methods of import/capture and post-import/capture care will be adequate to ensure the well-being of the animal(s).

In addition, you must submit a table (see Table 1 below) describing the personnel who will be working under the permit. Attach this table on the Attachments page.

- Identify the personnel under Project Contacts who will accompany the animals.
- Include a table (see Table 1) listing the names of the TL and veterinarian, and the specific procedures they will oversee or conduct.
- Attach a QF for the PI and each CI. See [Qualifications and Experience](#) below.

Table 1. Personnel Roles and Requirements

Name/Affiliation	Role	Activities
Jane Doe, Institution A, City, State	Responsible Party	Director of Institution A
John Smith, Ph.D., Institution A, City, State	Transport Lead	Team lead overseeing the transport
Jane Smith, D.V.M., Institution A, City, State	Veterinarian	Attending veterinarian

As you add personnel, check whether each person already has a QF in APPS.

Qualifications and Experience

Persons authorized as the TL or Veterinarian must have qualifications corresponding to their duties. We recommend the TL and Veterinarian submit a QF. Once you fill out a QF and attach it to your profile in APPS, you won't need to upload a new QF unless you acquire new skills, your level of experience changes, or 10 years have passed. Each contact should only have 1 QF file in their profile; it will apply to all permits they are affiliated with. They may replace the QF with an updated version as they gain new experience.

If you do not provide sufficient information, we will not authorize the person(s).

Attachments

You can attach files requested throughout the application on the Attachments page..

- Preferred file formats: Microsoft Word, Excel, or PDF.
- As applicable, attach a personnel table (See Table 1) with the names of the PI and CIs, and the specific procedures they will oversee or conduct.
- Examples of required files, depending on the permit type: literature references, map, figures, and photographs.

Certification and Signature

Before you can submit your application you must authenticate your identity, certify that all information is correct, and sign the application.

Submit Application

Submit your application via our online system [APPS](#). If you encounter problems email us at nmfs.pr1.apps@noaa.gov.

Additional Information

What is this permit not for?

- A public display permit is not required to maintain marine mammals in public display facilities, such as zoos and aquariums.
- Public display permits are not available for species listed as depleted under the MMPA or threatened or endangered under the Endangered Species Act (ESA).

When should you apply?

- At least 6 months in advance of import

What is the process for getting a permit?

1. Follow these instructions and contact the Permits and Conservation Division at nmfs.pr1.apps@noaa.gov or 301-427-8401 with any questions.
2. Submit your application via [APPS](#).
 - a. A permit analyst will review your application and contact you if additional information is needed.
3. Address any questions within 60 days or your application will be withdrawn.

- a. Once we consider your application complete, we will publish a notice in the [Federal Register](#), which starts a mandatory 30-day public comment period.
- b. We will also send your application to subject matter experts (e.g., partner institutions, federal agencies, and state organizations) for review. Public display applications will be sent to the Marine Mammal Commission and to the USDA, Animal and Plant Health Inspection Service for their review and comment.
- 4. Address any questions received during the comment period.
 - a. We will draft the permit and supporting documentation (including National Environmental Policy Act analyses, responses to public comments, and documentation of MMPA and ESA issuance criteria).
 - b. The documents will be reviewed by various NMFS offices including a legal review.
 - c. The Office Director will decide whether to issue or deny your permit.

What is the process for requesting an amendment to a permit?

Use [APPS](#) to request an amendment to your permit. You'll need to provide a description of your proposed changes and include all the necessary details for those changes, as applicable. Use these application instructions as a guide. For example, changes to your objectives will require that you discuss all the points in the Project Purpose section. Additions to personnel should include QF and descriptions of their roles.

Applicable Laws and Regulations

Under section 104(c) of the [MMPA](#), persons may be authorized to import or take marine mammals for public display purposes. Interested persons are required to submit an application in accordance with the MMPA and the implementing regulations at [50 CFR part 216, subpart D](#). These instructions for applying for a public display permit are drawn from, but do not substitute for, the MMPA and its regulations. Under [NEPA](#), Federal agencies must assess the effects of federal actions on the environment. NMFS regulations implementing the permit provisions of the MMPA are in 50 CFR sections 216.33 – 216.35, and 216.12. Section 216.33 contains requirements for application submission, the process for application review, and issuance or denial procedures. Section 216.34 specifies issuance criteria, specifically indicating that the applicant must demonstrate how their proposed activity meets the criteria. Section 216.35 specifies permit restrictions, including limitations on importation. Section 216.12 specifies conditions under which importation of marine mammals is prohibited, including by permit.

All permit documentation, including the application, permit and amendments, reports, inventory information, and any other associated documents are subject to the [Freedom of Information Act](#).

Paperwork Reduction Act Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved

OMB Control Number for this information collection is 0648-0084. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are required to obtain a permit pursuant to the MMPA, NEPA, and their implementing regulations. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief, Permits and Conservation Division, Office of Protected Resources, F/PR1, NOAA/National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910; email nmfs.pr1.pps@noaa.gov.

Table 2. Example Take Table (Import activities)

Import of one harbor seal from Foreign Facility Name in Foreign Country to Facility Name, City, State, United States.

Species common name	Stock/ Listing Unit	Production/ Origin	Life Stage	Sex	Expected Take	Take Action	Observe/ Collect Method	Procedures	Details
Harbor seal	Western North Atlantic Stock	Captive	Adult	Female	1	Import	Captive	Import; Transport	ID No. X12, "Rosey" (captive born, 9/8/2012). Offspring of dam, ID No. X10, "Honey" (wild capture, Western North Atlantic Stock, est DOB, 6/7/2010) and sire, ID No. Y11, "Fred" (non-releasable, Western North Atlantic Stock, est. DOB 3/17/2011).