



**Prepared Statement of  
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on behalf of  
The Alliance of Marine Mammal Parks and Aquariums**

**on**

**Enhancing the Marine Mammal Protection Act**

**Before the  
Senate Committee on Commerce, Science, and Transportation  
Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard**

**Wednesday, April 25, 2018**

The members of the Alliance of Marine Mammal Parks and Aquariums (AMMPA) appreciate the opportunity to testify before the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard regarding the Marine Mammal Protection Act (MMPA).

## **INTRODUCTION**

AMMPA is an international association and accrediting body for marine parks, aquariums, and zoos dedicated to the highest standards of care for marine mammals and to their conservation in the wild. AMMPA members advance the goals and objectives of marine mammal conservation through public display, education, research, and the rescue and rehabilitation of injured, orphaned, and distressed animals in the wild. Collectively, AMMPA's 64 members represent the greatest body of marine mammal care and husbandry experience and expertise in the world.

In 1993, AMMPA joined other representatives from the zoological community to testify in support of the MMPA. Today, 25 years later, our support for the Act and its conservation mission remains strong.

## **AMMPA'S CONSERVATION MISSION:**

AMMPA members are wholeheartedly committed to the conservation of marine mammals and the marine environment. We advance our conservation goals through a multifaceted approach that includes education, research, and wildlife rescue, rehabilitation, and care. We believe the Marine Mammal Protection Act is working relatively well in accomplishing its conservation goals and allowing us to accomplish ours.

The MMPA specifically recognizes the important role played by the zoological community in the conservation and management of marine mammals. The Act's legislative history clearly shows that Congress understands that interactions with marine mammals at zoological facilities generate the general public's good will toward marine mammals and inspire their support for conservation and management measures for these and many other marine animals. The record also shows that Congress understands that limiting the extraordinary contributions of the public display community to the conservation of these animals would have long-lasting and irreparably negative results for the country's marine wildlife and the people of United States.

### **I. EDUCATION**

Education is a top priority for AMMPA members, and it is an integral part of our conservation mission. The millions of people who visit AMMPA parks every year have an opportunity to connect with animals in meaningful and memorable ways. For many, visiting one of our facilities is often the first and may be the only experience they have with marine mammals. AMMPA programs strengthen the human-animal bond and leave visitors with a sense of wonder and a deeper understanding of marine mammals and their marine habitats. These connections, combined with formal and informal education programs, inspire guests who come away with a powerful appreciation for the connection between their own actions, the natural environment, and the importance of conservation. This is a particularly important link to the natural world for the increasingly urbanized young people of this country.

AMMPA members also have robust education programs that extend beyond the parks. These include innovative distance learning programs, websites, TV programming, Skype visits, and education partnerships. AMMPA members also provide off-site school programs, outreach to community organizations and teacher training, curriculum development, and instructional guides.

An informed and inspired global public is more likely to advocate for the conservation of marine mammals and their habitats and support research and conservation projects important to

understanding challenges these animals face in the wild. Research confirms that zoological education programs have been successful in increasing conservation-related knowledge, influencing individual behavior, and inspiring personal responsibility for environmental stewardship.

## **II. RESEARCH**

Research is another key element of AMMPA's conservation mission. AMMPA members spend millions of dollars supporting marine mammal and ocean research. We conduct, fund, and support hundreds of scientific studies that help scientists better understand our ocean and its inhabitants. This research not only enhances animal care in AMMPA facilities, but often directly benefits animals in the wild. Knowledge acquired through research using husbandry data from animals in public display facilities, in tandem with field research, is essential to marine mammal conservation and one of the most effective ways of ensuring the health and sustainability of wild marine mammal populations in the 21st century and beyond. (See the attached letter signed by 82 members of the scientific community who acknowledge the importance of marine mammals in zoos, aquariums, and marine mammal facilities and express their support for research conducted at these facilities.)

Some vital physiological and behavioral data can only be gathered from animals in human care because, for many physiological parameters, the mere act of collecting information in the wild can interfere with and skew the natural processes scientists are trying to measure. Terrie M. Williams, professor of biology at the University of California – Santa Cruz, recently posted comments about her experience working with a bottlenose dolphin at Long Marine Lab. Throughout the post, Williams reflects on what will happen to the wild animals researchers have been trying to save. "I fear that the ensuing ignorance concerning marine mammal biology will keep wild dolphins, whales, seals and sea otters at risk. The evidence is clear as carcasses and sick animals wash up on our shores every day. We desperately need the science to solve the problems." Williams continued, "...after 30 years of conducting marine mammal science, I've learned that it is unrealistic to think that we will solve the threats to wild marine mammals by only studying them in the oceans."

Specific examples of research involving AMMPA facilities include the collection of hearing data by Hubbs-SeaWorld Research Institute scientists on a variety of marine mammals in zoological parks that have been used to help set the first science-based guidelines for protecting marine mammals from noise. Research on animals in zoological parks provides vital 'ground-truthing' of methods used to study wild marine mammals, including calibrating equipment, validating assays to study impacts of toxins and pathogens, and testing new approaches to studying feeding behavior and habitat use. Transmitters attached by researchers to rescued and rehabilitated marine mammals are revealing important data on the animals' movements and habitat use--information that is needed by resource managers as they develop management and conservation plans. In addition to rescuing animals injured through interactions with marine debris and fishing gear, zoological parks are helping to prevent these entanglements

from occurring in the first place through experiments designed to better understand the conditions that lead to harmful interactions, and through tests of equipment and procedures hypothesized to prevent entanglements or enable animals to escape once entangled. Zoological parks also provide important public outreach to their millions of guests each year on best practices for marine mammal viewing and fishing and on the perils facing ocean wildlife. For example, AMMPA members also collaborate with NOAA on projects like Dolphin SMART, a program designed to reduce the disruption of wild dolphins by encouraging responsible viewing of these marine mammals, and helping to train dolphin and whale watching tour operators on appropriate ways of conducting dolphin and whale watching tours.

### **III. RESCUE AND REHABILITATION**

AMMPA facilities are global leaders in marine mammal rescue and rehabilitation. We respond to more than 2,000 stranded marine animals each year, voluntarily investing more than \$3 million annually on the recovery, rescue, and rehabilitation of these animals. Under the MMPA, the National Oceanic and Atmospheric Administration (“NOAA”) established stranding networks to respond to animals in need. We have played an integral role as first responders for decades.

The accumulated knowledge, collective experience, and resources of AMMPA facilities are the primary factors in many successful rehabilitation efforts. Our expertise and training programs involving animals in our care also benefit other members of the stranding network. For example, Dolphin Quest hosts training workshops for stranding team members, which provide volunteers with hands-on experience working with live animals. We teach the volunteers how to take a heart rate and evaluate respiration, something they will need to manage during a wild animal rescue. We also teach the stranding team members how to monitor vital signs and recognize situations and behaviors that might present a danger to team members or the public.

The need has been particularly acute in recent years with unusual mortality events (UMEs) involving cetaceans on the Atlantic coast and intracoastal waterways (e.g., four UMEs in bottlenose dolphins since 2001) and elevated levels of strandings seen among California sea lions and Guadalupe fur seals in California.

One notable stranding case recently took place in Alaska. Last September, a beluga whale calf was found stranded on the Cook Inlet mud flats. Alliance member organizations, including Georgia Aquarium, Mystic Aquarium, SeaWorld, and Vancouver Aquarium, as well as Shedd Aquarium, joined together to provide expertise and assistance in caring for this stranded calf. After months of 24/7 monitoring and care at Alaska SeaLife Center, the calf, named Tyonek, gained weight and his health improved. NOAA Fisheries determined Tyonek to be non-releasable. Because of his young age--he was less than one month old when he was rescued--he was found to be nutritionally and socially dependent and lacked the survival and socialization skills needed to be successful on his own in the wild. As provided for in the MMPA, Administrator Chris Oliver and his colleagues at NOAA Fisheries considered options and

determined that SeaWorld San Antonio was the location best suited for Tyonek's long-term care. Earlier this year, he made the 4,000 mile-journey from Alaska to Texas and has integrated into a social group that includes mature females who act as surrogate mothers and two young male calves who provide companionship.

When AMMPA members participate in a rescue, our goal is to restore the animal to good health so it may safely be returned to the wild. However, that is not always possible. In coordination with NOAA, AMMPA members have provided long-term homes to non-releasable animals such as Tyonek. This, too, is consistent with our conservation mission. When Tyonek was transferred to SeaWorld San Antonio, NOAA Administrator Oliver stated that the scientific knowledge gained by learning from him for years to come will benefit Cook Inlet beluga research and recovery. AMMPA members agree.

### **CONSERVATION GOALS UNDER THE MMPA - CHALLENGES**

From the perspective of the zoological community, we believe the MMPA is relatively effective in accomplishing its conservation goals and allowing us to accomplish ours. Congress, in its wisdom, enacted amendments to the MMPA in 1994 that clarified that the Animal and Plant Health Inspection Service (APHIS) has the sole authority to regulate marine mammals in human care, and NMFS has the authority to regulate marine mammals in the wild. This allowed the Act to better serve its underlying conservation goals by ending duplicative regulatory demands and easing the then unwieldy and duplicative regulatory structure. The case of Tyonek is just one of many examples of the public-private partnerships under the MMPA that create successful conservation outcomes. As AMMPA testified before this Committee in 1993, the MMPA is truly a significant environmental statute.

That is not to say that the zoological community has no challenges associated with provisions in the MMPA. Fortunately, AMMPA members have recently engaged in constructive dialogue on some MMPA-related concerns with NOAA Administrator Oliver and his colleagues at NMFS, and we are hopeful that many of these challenges can be administratively addressed.

### **MARINE MAMMAL INVENTORY**

To offer a few specific examples of these challenges--first, under the MMPA, NMFS is required to maintain an inventory of marine mammals in zoological facilities. As discussed below, the need for an inventory is an anachronism. But more importantly, the inventory contains significant errors, many dating back four decades. To the frustration of AMMPA members, efforts to correct these errors over the years have been unsuccessful.

The marine mammal inventory is largely a holdover from the days prior to the 1994 MMPA amendments when both NMFS and APHIS claimed jurisdiction to regulate the care and maintenance of marine mammals in public display facilities. In 1994, Congress chose to allow

NMFS to continue to maintain the marine mammal inventory, information that NMFS began collecting in the early 1970's. In part, this may have been related to the fact that in the 70's and 80's, NMFS had received several permit applications from public display facilities seeking to collect marine mammals from the wild. At the time, NMFS's marine mammal inventory was seen as a tool that could be helpful in reviewing these "take" permit applications. Today, 24 years after the passage of the 1994 amendments, the fact is that no marine mammal has been collected from U.S. waters for public display purposes since 1993. The importance of NMFS maintaining this inventory designed to track animals in human care for purposes related to animal take permit applications and wild population management is questionable. The NMFS marine mammal inventory also duplicates information reviewed by APHIS and their team of inspectors in fulfilling their responsibilities under the Animal Welfare Act.

Even putting aside the questionable need for an inventory at this point, there are additional, more pressing problems relating to the inventory. One major one is the fact that information contained in the inventory is often obtained through FOIA requests and then manipulated and used against our community by organizations that unambiguously say their goal is to end the use of animals in zoological facilities, agriculture, and other sectors. In February of this year, evidence of this was seen in the Hawaii legislature. A committee was considering legislation that sought to ban the transfer of cetaceans in human care "for breeding or entertainment purposes." Not only did animal extremists supporting this bill say they used "research" gleaned from the NMFS inventory to support this legislation, the bill sponsors included inaccuracies from the NMFS inventory in the actual bill text. The information about Dolphin Quest from the inventory that was the basis of this "research" was grossly inaccurate and referenced animals that were never at Dolphin Quest and died before Dolphin Quest was even founded.

In the early days of the inventory, AMMPA members found that facilities were not given the opportunity to correct errors we discovered in the inventory about the animals in our care. The process was later adjusted so that NMFS staff would send annual reports to facilities asking that they review the data and report errors to NMFS. (Compounding the challenge of correcting inaccurate information, for a period of time after the passage of the 1994 amendments to the MMPA, NMFS stopped sending out the yearly inventory report to public display facilities to update.) Although AMMPA members reviewed the records and provided corrections to NMFS, to our frustration, frequently these errors were never corrected. And the following year, we would go through the same exercise, only to find that the corrections were not made. As a result, the historical data continues to be full of inaccuracies

Based on how the information was collected in the past, the inventory also includes information that falls outside of the eight statutorily mandated points specified in the MMPA for inclusion in the inventory. These eight points are: 1) the name of the marine mammal or other identification; 2) the sex of the marine mammal; 3) the estimated or actual birth date of the marine mammal; 4) the date of acquisition or disposition of the marine mammal by the permit holder; 5) the source from whom the marine mammal was acquired, including the location of the take from the wild, if applicable; 6) if the marine mammal is transferred, the name of the recipient; 7) a notation if the animal was acquired as a result of a stranding; and 8)

the date of death of the marine mammal and the cause of death when determined. (See 16 U.S.C. § 1374 (c) (10) (a) – (h))

Information beyond the eight limited points required by the statute is not required to be part of the inventory, and any additional information should be purged, including data that may have once been listed in the inventory. To help ensure accuracy, facilities should be able to review and correct the inventory for inaccurate or superfluous information. This includes any “double” information, such as a name of an animal and multiple ID numbers, which is not part of the statutory requirement and often ends up creating confusion. In turn, NMFS must ensure that these corrections are accurately reflected in the inventory before providing potentially damaging and inaccurate information to the public. Furthermore, if the inventory contains old information, albeit strictly limited only to the eight points required by the MMPA, that for whatever reason is no longer verifiable, the fact that the specific information is no longer verifiable should be noted in the inventory.

An additional problem with the inventory concerns the issue of whether stillbirth information must be reported to NMFS for inclusion in the inventory.

AMMPA believes the statute does not require that stillbirths be reported at all and that such information was never intended to be part of the inventory. We would like to see these points clarified. Although the word “stillbirth” is not found in the statute, reporting stillbirths is something NMFS has been erroneously advocating for several decades through a proposed rulemaking and other means which rightly were never finalized.

The inventory is intended to keep track of the number and whereabouts of marine mammals in zoo, aquarium, and marine park collections. Notifying NMFS about an animal that is born dead does not fulfill the purpose of the inventory since a stillborn animal will never become part of the inventory of animals at a public display facility. The MMPA does require that a person holding a permit for the take or import of marine mammals must “notify the Secretary of the birth of such progeny within 30 days after the date of birth.” The same paragraph of the MMPA also requires that such a person must “notify the Secretary of the sale, purchase or transport of such progeny no later than 15 days before such action.” Finally, the same paragraph states that the information regarding a “birth” is limited to the information that is “required for the inventory established under paragraph (10)” (i.e., the paragraph relating to the Marine Mammal Inventory] ( See in general 16 U.S.C. § 1374(c)(8)(B)(i) – (ii)) Again, reporting “stillbirths” neither fits into nor fulfills the statutory scheme or purpose of the “birth” notification, as a stillborn was never part of a collection and therefore would not be sold, purchased, or transported. AMMPA’s understanding of what is required has remained the same over the years: namely, that animals alive at the 30-day mark, now clearly a part of our collections, are to be reported.

In the past, NMFS has implied that mortality rates are the reason for reporting stillbirths. AMMPA acknowledges that mortality rates are one indicator of appropriate animal care at public display facilities. However, as was made clear by the 1994 amendments to the MMPA,

animal care is solely under the purview of APHIS under the Animal Welfare Act and thus outside of NMFS's jurisdiction with respect to maintaining the inventory.

Further, the ability to track/document stillbirths in wild populations is impossible. Therefore, stillbirths of animals in human care have no scientific correlation with stillbirths in wild populations. In fact, the scientific community that tracks killer whale populations in the Pacific Northwest does not count a birth into their inventory unless and until they see it the following year.

AMMPA will continue to work with NMFS and encourage the agency to make it clear that the information in the NMFS marine mammal inventory does not meet the rigorous criteria to serve as a scientific database for general research purposes and is not suitable for such use. In the end, however, Congress should clarify that the reporting of stillbirths is not, and never was, a requirement and further that such information should not be a part of any inventory.

AMMPA has been working with NMFS to ensure that the inventory contains accurate, factual information, and only the information required by statute. There is no question that AMMPA members and NMFS would be better able to fulfill their conservation missions if our resources weren't diverted to addressing problems associated with this inventory. AMMPA members understand that the agency itself is burdened by FOIA requests for information contained in the inventory, and we appreciate the willingness of Administrator Oliver and the career staff at NMFS to address some of these concerns, although it is a work in progress.

## **IMPORTATION FOR PURPOSES OF PUBLIC DISPLAY**

Over the past several years, NMFS has issued both draft and final documents that indicate its position is that the MMPA prohibits the importation of animals born in human care that have at least one parent that originated from a stock designated as "depleted." E.g., 81 Fed. Reg. 74711, 74714 (Nov. 28, 2016) ("importation ... from this [stock designated as depleted] (**or their progeny**) into the United States for the purpose of public display will now be prohibited") (emphasis added). Given the MMPA's definition of "population stock," NMFS' interpretation is not supported by the plain language of the MMPA. Specifically, the MMPA defines the term "population stock" or "stock" to mean "a group of marine mammals of the same species or smaller taxa **in a common spatial arrangement, that interbreed when mature.**" 16 U.S.C. §1362(11) (emphasis added). Animals born in human care, however, are not interbreeding with members of a stock designated as depleted because they are geographically separate from that stock. Nor are they in a common spatial arrangement with that stock. Thus, it cannot be that the MMPA's importation prohibitions are intended to apply to a member of a depleted stock's progeny that is born in human care.

As a practical matter, if a population in human care originated with an animal taken from the wild 20 years ago, and that animal has produced several generations of offspring, NMFS currently prohibits any zoo or aquarium from importing those offspring. That is true even for

the offspring of an animal taken from a stock that was not designated as “depleted” at the time of the original take. In taking this position, NMFS incorrectly interprets the MMPA as prohibiting their importation. This undermines not only the intent of the MMPA’s language in the definition of “population stock” and “stock” but also the spirit of the statute.

It must also be noted that NMFS has adopted its interpretation--that is, applying the MMPA’s importation prohibitions to a member of a depleted stock’s progeny born in human care--without undertaking a formal rulemaking. At the very least, NMFS must engage in a formal rulemaking process, including notice and an opportunity for public comment, prior to imposing its mistaken interpretation which departs from the plain meaning of the statute with respect to the scope of the MMPA’s importation prohibitions.

### **DRAFT PROCEDURAL DIRECTIVE – RELEASABLE REHABILITATED MARINE MAMMALS**

AMMPA also has concerns about a NMFS draft procedural directive on releasable rehabilitated marine mammals. The stated purpose of the draft is to clarify NMFS’s interpretation of MMPA regulations pertaining to release, non-releasability, and disposition under special exception permits for rehabilitated marine mammals.

As mentioned earlier, AMMPA members have a long history of working closely with NMFS to rescue, rehabilitate, and release marine mammals back into the wild and to provide homes for rehabilitated animals deemed non-releasable. These activities are central to our conservation mission.

However, we find the proposed directive, which seeks to apply existing permit requirements for a take from the wild to a releasable rehabilitated marine mammal, to be inappropriate for application to releasable animals. First, NMFS has received only a handful of requests from public display facilities to retain releasable animals. Nonetheless, it is an option that deserves careful and thoughtful consideration under circumstances that may merit it.

Considerations associated with a true take from the wild are significantly different than for an animal that has stranded and been rehabilitated. Rather than force this unique fact pattern into an existing and incompatible permitting regime, in comments filed on December 15, 2017, AMMPA urged NMFS to reject the draft directive and to propose reasonable and appropriate policies and procedures specifically applicable to rehabilitated marine mammals deemed releasable. Furthermore, we strongly believe that a policy as significant as this should be addressed through a formal rulemaking process and should be reviewed by the Office of Management and Budget.

Obtaining a permit to collect animals from the wild is a lengthy, costly, and difficult process, requiring extensive population and environmental assessments. Imposing these same time-consuming and costly requirements on a facility seeking to obtain a releasable rehabilitated animal would be excessive and onerous. In fact, it is reasonable to anticipate that such a

requirement would essentially establish a barrier that would make it nearly impossible for a public display facility to ever obtain and provide long-term care for a releasable animal because of the associated costs, length of time the process requires to complete, and exposure to potential litigation from those who oppose any animals in human care, creating a tremendous burden on both the regulated community and the agency.

Further, these requirements, as described in the Application Instructions and Supplemental Information for Public Display Permits Under the Marine Mammal Protection Act (OMB No. 0648-0084), do not make sense with respect to a stranded and rehabilitated animal. For example, how should an applicant who is interested in acquiring a stranded animal respond to questions such as:

- How will the proposed activity affect the individual's behavior, physiology, etc.;
- What impacts will there be from the removal of individuals from the population and from incidental disturbance;
- Describe the effects on the human environment; and
- Describe the effects on the marine ecosystem?

In addition, further review of the Application Instructions shows that answering questions related to a take from the wild for a releasable rehabilitated animal would be like trying to fit a square peg into a round hole. It simply doesn't work. For example, under IV. Description of the Marine Mammals and the Proposed Activity of the Application Instructions, the applicant must list:

- Specific geographic location(s) of the take, including locations from which the animals will be imported;
- Non-target species, including but not limited to, marine mammals, reptiles, sea birds, sharks, etc., and any ESA-listed species (plant or animal) that may occur in the capture area, and therefore, may be taken (e.g., disturbed, harassed, or injured) incidentally during the course of your proposed activities. Include any USFWS species that may be taken;
- Indicate the status of each species or stock as determined under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Appendix I, II or III) as applicable. Note that species listed as depleted under the MMPA or threatened or endangered under the ESA cannot be covered under this permit;
- Provide a written certification from the attending veterinarian responsible for the animals during and immediately after capture that the methods of capture and post-capture care will be adequate to ensure the well-being of the animals; and
- Give a detailed description of the manner of capture, including gear to be used. Describe the techniques and equipment to be used to approach, capture, and restrain; for example, indicate: (a) any drugs or other substances to be used, including the name, dosage, and method of administration; and/or (b) the method of capture and restraint.

NMFS notes in the draft directive that the agency has issued only three permits from 2005-

2016 to allow the retention of releasable marine mammals for public display purposes and only one of these permits was actually used. From the perspective of AMMPA's members, it is not surprising that this situation infrequently presents itself. When we voluntarily donate our time and resources to participate in a rescue, our objective is to save the animal and, consistent with Title IV and section 109(h) of the MMPA, to return the animal to the wild. This is true to our conservation mission.

AMMPA believes this draft procedural directive is inappropriate for application to releasable animals. In our comments, we encouraged NMFS to reject the draft directive and to propose a new process that is compatible with the principles of the Marine Mammal Protection Act.

There have been many occasions when NMFS has asked AMMPA members to provide long-term homes to rescued marine mammals that have been deemed non-releasable. These are not animals that AMMPA members sought to integrate into their collections. Nonetheless, AMMPA members have readily agreed to provide this long-term and costly care, even though some of these animals never were suitable to be integrated into the facility's existing populations. This includes sea lions from the Bonneville Dam, blind Hawaiian monk seals, and sea lions rescued in California that were suffering from domoic acid poisoning that can destroy the brains of sea lions until they no longer know basic survival functions, such as how to evade predators and find food, and can cause sea lions to have seizures and paralysis. We agree to provide care to animals like these because we see it as the right and compassionate thing to do and because it is consistent with our conservation mission.

On occasion, AMMPA members have disagreed with agency determinations that certain animals are releasable. Scientific data documenting the survival rates of these released animals is lacking. Anecdotally, AMMPA members know that, despite our best efforts, a significant number of released animals end up stranding again, some multiple times. Sadly, it is likely that some others simply do not survive.

Assessing the releasability of an animal is not an exact science. Nor, in our experience, is a consistent standard used across all regions. AMMPA members have noted inconsistencies among regions not only on questions related to when an animal is deemed releasable but even on when they are considered candidates for rescue. Some regional directors recommend, as a general practice, that stranded neonates be euthanized—including animals that AMMPA experts believe could be saved. Other regions direct stranding response teams to euthanize certain species of whales, citing the lack of experience with the species and what they believe to be a lower probability of success. The recent case of the neonate beluga calf, Tyonek, who was successfully rescued, rehabilitated and is now an ambassador for his species and is contributing to the future conservation of Cook Inlet belugas, is evidence that, thanks in large part to the knowledge and expertise of AMMPA members, stranding networks are able to save neonates and whales. In reviewing conservation programs under the Marine Mammal Protection Act, we urge the Senate to be mindful of and encourage NMFS to address these inconsistencies.

In the eyes of AMMPA members, the value of animals that never recover fully enough to be safely and successfully released, such as those non-releasable animals placed in zoological facilities through NFMS' administrative procedures, should not be underestimated. These animals have important conservation, scientific, and education value.

All animals in our care are at the center of our education and conservation missions, programs, and activities and are essential to promoting environmental stewardship. This is true for animals that are in our care for only a short time, such as those that are rescued, rehabilitated, and released. It is also true for animals that are in our care long-term, such as animals that are determined to be non-releasable. Rescue work performed by AMMPA members contributes to our collective understanding of the natural history and husbandry of these animals. It also helps us gain a more detailed understanding of marine mammal physiology and behavior and provide a meaningful conservation message to the public. Scientists affiliated with AMMPA member facilities work closely with animal care staff and veterinarians to expand our scientific knowledge about these species. The knowledge gained from working with these animals directly benefits animals in the wild and enhances our ability to successfully rescue, rehabilitate, and release animals in the future.

Finally, it is important to highlight the value of the Prescott Grant program, named in honor of our late colleague, John Prescott, the former Executive Director of the New England Aquarium and the man who testified on behalf of AMMPA before this Committee on the Marine Mammal Protection Act nearly 25 years ago. The Prescott program, which provides the only direct funding available to the U.S. national marine mammal stranding network, is modestly funded, but has been highly impactful since its inception in 2002. With its requirement for matching funds, the program has leveraged more than \$17 million in non-federal support for marine mammal rescue, release, and research. Unfortunately, in its FY2019 budget request, NOAA proposed eliminating the program and its entire current budget of \$3,029,000, down from its original \$4 million annual level. Not only does this eliminate the only source of federal funding available for these programs, it also will decrease the data and resources from the national stranding network, which helps NOAA establish links between marine mammal health and the condition of coastal ecosystems. AMMPA strongly encourages Congress and the agency to restore full funding to this essential program.

## **CONCLUSION**

Marine mammals in the wild today are threatened at unprecedented levels from pollution, ship strikes, entanglement in fishing debris, novel diseases, and prey scarcity. The conservation work done by marine parks, aquariums, and zoos is needed now more than ever. We thank the Committee for holding this hearing and look forward to working with you to ensure the Act is interpreted and applied in a way that enhances our ability to contribute to marine conservation.