



**Procedural Directive**  
**Facility Standards for Rehabilitating ESA-Listed Species Under the MMHSRP Scientific Research and Enhancement Permit**

**Background**

Under the authority of Section 112(c) of the Marine Mammal Protection Act (MMPA), the National Marine Fisheries Service (NMFS) may enter into a Stranding Agreement with a person or organization for marine mammal stranding response and rehabilitation. The Stranding Agreement authorizes the taking of marine mammals under Section 109(h) of the MMPA, but does not provide authorization for take of species listed as endangered or threatened under the Endangered Species Act of 1973 (ESA), as amended. Authorization under section 10(a)(1)(A) of the ESA to take ESA-listed marine mammals under NMFS' jurisdiction for enhancement purposes is currently provided under NMFS Permit No. 932-1905/MA-009526, issued to the NMFS National Marine Mammal Health and Stranding Response Program (MMHSRP). Take of ESA-listed marine mammals under the MMHSRP permit for stranding response and rehabilitation by Stranding Agreement holders requires Co-Investigator authorization and direction from the NMFS MMHSRP Coordinator and the appropriate Regional Stranding Coordinator in the event of a stranding involving a threatened or endangered species of marine mammal.

In this procedural directive, NMFS outlines the necessary facility standards for rehabilitating ESA-listed species. If the facility does not comply with this Procedural Directive's standards, then NMFS will make arrangements to transfer the ESA-listed species to a facility in compliance. The minimum standards for all marine mammal rehabilitation facilities are described in NMFS' [\*Policies and Best Practices for Marine Mammal Response, Rehabilitation, and Release – Standards for Rehabilitation Facilities\*](#). Additional requirements for ESA-listed species are included below.

*Short-Term (<96 hours) Rehabilitation Facilities*

- NMFS has determined that the facility meets minimum standards for rehabilitation facilities and has specific accommodations available in the facility for each ESA-listed species and for ESA-listed species with a specific medical condition.
- At the request of the Principal Investigator for the MMHSRP's Permit No. 932-1905/MA-009526 (hereinafter "PI"), a facility that may not meet minimum rehabilitation standards for long-term holding can serve as a temporary stabilization location prior to transferring the animal to a long-term holding facility. The facility must comply with all requests and recommendations for stabilization care from NMFS or consulting veterinary/wildlife experts. Facility needs to be pre-approved by the PI prior to holding an animal for temporary stabilization.
- Exceptions to the <96 hour short-term holding timeframe may be made on a case-by-case basis with agreement from NMFS (at a minimum, the PI and the Regional Stranding Coordinator), the short-term facility and the long-term rehabilitation facility receiving the animal.

Long-Term (>96 hours) Rehabilitation Facilities

- NMFS has determined that the facility meets minimum standards for rehabilitation facilities and has specific accommodations available in the facility for each ESA-listed species and for ESA-listed species with a specific medical condition. In addition, the facility implements specific modifications as defined by the PI, attending veterinarian or NMFS consulting veterinarian/wildlife experts.
- Facility has dedicated space to use for individually housing ESA-listed species or to provide an appropriate social environment with adequate room for more than one animal of a social species if needed or appropriate as deemed by the attending veterinarian. (For example, if the attending veterinarian believes that a Steller sea lion pup should be co-housed with another animal and no other Steller sea lions of appropriate age or medical condition are available, then the attending veterinarian may deem it appropriate to house the animal with an appropriate age/medical class California sea lion.) This dedicated space may be used for other non-listed species when ESA-listed animals are not on-site and at the discretion of the attending veterinarian as long as appropriate disinfectant and other procedures to prevent transmission of disease are in place.

Staffing Standards

- Facility meets the minimum standard that appropriate veterinary medical care is provided as needed and requested 7 days a week.
- Attending veterinarian and animal care personnel have prior experience with subject ESA-listed species and specific expertise for treatment of medical conditions present in each ESA-listed species held, or consult experts with specific expertise. Attending veterinarian is available and actively consults with the PI and consulting veterinarian. Recommended treatments discussed during consultations with the NMFS MMPA/ESA permit holder and consulting veterinarian are addressed as advised by the PI or consulting veterinarian. Attending veterinarian and animal care staff are available on-site full-time if needed and promptly implement activities requested by the PI.
- Attending veterinarian is available on-call 24 hours a day and is on-site at least 20 hours per week, or more if needed. Whenever procedures are conducted on ESA-listed species, they must be under the direct supervision of professional staff and the attending veterinarian. The attending veterinarian or animal care staff notifies the PI prior to conducting major medical procedures (*e.g.* procedures requiring sedation/anesthesia and/or surgery). Recommendations from the PI or NMFS consulting veterinarian(s) are implemented in accordance with the time frame determined by the PI or consulting veterinarian(s).
- Attending veterinarian consults with the PI and the appropriate Regional Stranding Coordinator regarding the recommendation for release and the release plan for ESA-listed species. The MMHSRP Permit (No. 932-1905/MA-009526) is conditioned to require that the PI approve release determinations for rehabilitated threatened and endangered marine mammals. These Permit conditions are included in Appendix A. After the PI approves the

release determination, the appropriate NMFS Regional Administrator will issue a letter of concurrence for the release of the marine mammal.

**References**

Endangered Species Act (ESA) – 16 U.S.C. §1531 et. seq.

Marine Mammal Protection Act (MMPA) 16 U.S.C. §1421 et. seq.

Marine Mammal Protection Act Implementing Regulations 50 C.F.R. §216.27(a)(3)

Policies and Best Practices - Marine Mammal Stranding Response, Rehabilitation and Release – Standards for Rehabilitation Facilities, NOAA National Marine Fisheries Service, February 2009.

**Supported by references**

This procedural directive is supported by the reference listed in Policy Directive 02-xxx.

## Appendix A

### Permit No. 932-1905/MA-009526 Enhancement Conditions for Activities on Threatened and Endangered Species under NMFS Jurisdiction Conducted Pursuant to ESA Section 10(a)(1)(a) and MMPA Sections 109(h), 112(c), and Title IV

1. Response, rescue, disentanglement, rehabilitation, release, euthanasia, and necropsies of threatened and endangered cetaceans and pinnipeds under NMFS jurisdiction must be conducted in accordance with the following:
  - a. “*Policies and Best Practices for Marine Mammal Stranding Response, Rehabilitation, and Release*” (hereinafter “*NMFS Policies and Best Practices*”) in Appendix C of the Programmatic Environmental Impact Statement for the Marine Mammal Health and Stranding Response Program - Final Programmatic Environmental Impact Statement [FEIS]: [http://www.nmfs.noaa.gov/pr/pdfs/health/eis\\_appendixc.pdf](http://www.nmfs.noaa.gov/pr/pdfs/health/eis_appendixc.pdf); and “*Marine Mammal Oil Spill Response Guidelines*” in Appendix L of the FEIS: [http://www.nmfs.noaa.gov/pr/pdfs/health/eis\\_appendixl.pdf](http://www.nmfs.noaa.gov/pr/pdfs/health/eis_appendixl.pdf).
  - b. The Permit Holder or PI may request exceptions to these requirements from the Permits Division on a case-by-case basis.
  - c. Release determinations for rehabilitated threatened and endangered marine mammals must be approved by the PI.
  - d. Euthanasia of stranded (e.g., sick, injured, entangled) or rehabilitating threatened and endangered marine mammals must be approved by the PI.
2. In order to avoid, minimize, or eliminate impacts on the affected species, non-target species, and the environment, mitigation measures described in Chapter 5 of the FEIS must be followed for the activities authorized by this permit as listed in (1) above: [http://www.nmfs.noaa.gov/pr/pdfs/health/eis\\_chapter5.pdf](http://www.nmfs.noaa.gov/pr/pdfs/health/eis_chapter5.pdf). These mitigation measures must also be followed with regard to ensuring human health and safety.
3. The PI must notify the Permits Division prior to disentanglements of pinnipeds on or near rookeries and on densely populated haul outs. Such activities must be conducted in a manner to minimize danger to non-target animals. If standard protocols have been submitted for prior approval, notification is not required.
4. Hazing protocols for threatened and endangered species must be developed and updated based on the best available science. Such protocols must be submitted to the Permits Division.
5. The Permit Holder must provide annual updates to protocols for all response activities involving threatened and endangered species authorized by this permit. These should be included with the permit annual reports.