



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Washington, D.C. 20235

FEB 10 1988

Mr. Mark Hemmeter
Vice President
Hemmeter Corporation
1441 Kapiolani Boulevard, 18th Floor
Honolulu, Hawaii 96814

Dear Mr. Hemmeter:

Enclosed is Permit No. 625 issued to the Hyatt Regency Waikoloa Resort authorizing the capture and permanent maintenance of eight (8) Atlantic bottlenose dolphins (Tursiops truncatus) under the provisions of the Marine Mammal Protection Act of 1972 (MMPA). ~~It is required that you review and comply with the Permit, the Special and General Conditions attached thereto, and the enclosed Act and regulations prior to and while engaging in the authorized activities.~~

Before the animals are transferred to Hawaii they should be certified by a qualified marine mammal veterinarian to be free of disease and exotic pathogens. A Import Permit from Hawaii's State Department of Agriculture is required to transport the animals into Hawaii.

Please note that Special Condition B-3 requires that your facilities be inspected after they are completed and the final Animal and Health Inspection Service (APHIS) report be submitted to the National Marine Fisheries Service (NMFS). Upon receipt of a satisfactory inspection report NMFS will issue final authorization for transfer of the animals.

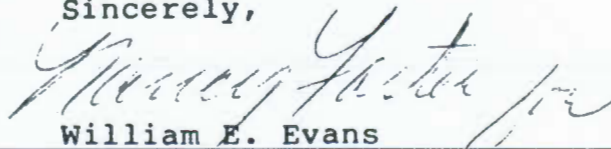
Also Special Condition B.4 requires that you or your collecting agent contact the Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702 (813/893-3141), prior to any capture efforts in order to coordinate the date and specific location of the taking of Atlantic bottlenose dolphins. You are advised, in this respect, that the collection area requested in your application may not be available for collection because of status of stocks or other considerations. For this reason, early consultation with the Regional Director is essential. The Regional Director shall coordinate the Permit Holder's collection activities and research activities being conducted in the proposed collection area, so as



to avoid possible interference and cumulative adverse impacts on the subject population. A NMFS observer may be assigned to view the taking should the Regional Director determine that to be desirable.

A fee of \$200.00 is being charged to cover the costs of issuance of this Permit. We would appreciate receiving a check for this amount payable to the National Oceanic and Atmospheric Administration. Please submit the check to the Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Sincerely,



William E. Evans
Assistant Administrator
for Fisheries

Enclosures

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Permit to take Marine Mammals Permit No. 625

The Hyatt Regency Waikoloa Resort is hereby authorized to take the marine mammals specified below for public display subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking of Marine Mammals (50 CFR Part 216), and the Conditions hereinafter set out.

A. Name and Number of Marine Mammals

1. Eight (8) Atlantic bottlenose dolphins (Tursiops truncatus) not less than 6'6" may be captured, transported and permanently maintained for public display purposes. The collection of animals larger than the minimum size is encouraged.
2. An unspecified number of Atlantic bottlenose dolphins may be chased, encircled, temporarily retained and then released in the course of collecting the authorized animals.

B. Special Conditions

1. The taking authorized by this Permit shall be conducted as described and for the purposes set forth in, the Application, except as restricted by Permit Conditions.
2. Authorization to conduct the proposed human/dolphin swim program with animals taken under the authority of this Permit is not granted at this time. The National Marine Fisheries Service (NMFS) is conducting a review of all human/dolphin swim programs. You may request a modification of this Permit to change this restriction once the NMFS review has been completed, if it is appropriate.

3. The facilities at the Hyatt Regency Waikoloa Resort shall be completed and have received a final satisfactory Animal and Plant Health Inspection Service (APHIS) inspection prior to the transport of the authorized animals to Hawaii. You are required to provide a copy of the final APHIS inspection report to NMFS and request written authorization from the Assistant Administrator for Fisheries prior to transport of the animals.
4. The date and specific location of the taking, and the desirability of National Marine Fisheries Service observers shall be determined by the Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702 (813/893-3141). The Holder or collecting agent shall therefore notify the Regional Director sufficiently in advance of each collecting trip to allow for such determinations.
5. The Permit Holder shall submit written notification to the Administrator, Western Pacific Program Office (WPP0), Southwest Region, National Marine Fisheries Service, 2570 Dole Street, Honolulu, Hawaii 96822-2396 (808/955-8831) at least two weeks prior to the expected arrival of animals in Hawaii. The Administrator, WPP0, will make arrangements to monitor transport and delivery, should he determine that to be desirable.
6. The Department of Agriculture's regulations and standards on marine mammal maintenance (copy enclosed) shall apply and are made a part hereof.
7. The collecting agent or Permit Holder shall submit a post-collection report indicating the numbers and, to the extent possible, ages and sexes of animals chased, encircled, held and released in the course of collecting the authorized animals.
8. This Permit is valid with respect to the taking authorized herein until December 31, 1989.

C. All General Conditions attached as Section C shall apply and are made a part hereof.



William E. Evans
Assistant Administrator for Fisheries
National Marine Fisheries Service

2/10/88
Date

C. General Conditions

1. Responsibilities of Permit Holders

a. The Permit Holder, in effecting the taking and/or importing authorized by this permit, will be considered to have accepted and to be prepared to comply with the provisions of this Permit, applicable Regulations, and the Act.

b. The Holder shall be responsible for the activities of any individual who is operating under the authority of the Holder's Permit relating to the taking, importing, transportation, or maintenance and care of any marine mammals authorized to be taken or imported hereunder.

c. Under the terms of the Regulations, a violation of any of the terms and conditions of this Permit shall subject the Holder and/or any individual who is operating under the authority of the Holder's Permit to penalties provided in the Act.

d. All personnel of the Holder, including veterinarians, requiring State or Federal licenses to practice their profession shall be, and so long as employed by the Holder in that capacity, remain, duly licensed under the appropriate law.

e. As stated in Section 216.34 of the Regulations:

1. This Permit must be in the possession of the person to which it was issued, or an agent of such person, during:

- a. The time of the authorized taking or importing;
- b. The period of any transit of such person or agent which is incident to such taking or importing; and
- c. Any other time while any marine mammal taken or imported under this Permit is in the possession of such person or agent.

2. A duplicate copy of this Permit must be physically attached to the container, package, enclosure or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision or care.

2. Requirements for Taking, Importing, and Transporting Marine Mammals

a. No marine mammal authorized to be taken or imported hereunder, as the case may be, shall be taken by the Holder or any other person, in violation of the law of any country having jurisdiction over the taking.

b. This Permit does not authorize the Holder or any other person to take marine mammals in the territorial waters of any country without the consent of such country. The Holder is responsible for securing such consent and complying with appropriate laws of that country.

c. No marine mammal may be imported unless the Assistant Administrator for Fisheries determines that the methods of taking, holding, and transporting marine mammals in the country of origin are consistent with the provisions and policies of the Act.

d. Importation of marine mammals is subject to the provisions of 50 CFR Part 14. Importers are advised to see 50 CFR Part 14 for importation requirements and information.

e. The marine mammals authorized by this Permit to be taken shall be taken in a manner determined by the Assistant Administrator to be acceptable.

f. All marine mammals must be taken in a humane manner. In the event the Assistant Administrator for Fisheries determines that any method of taking authorized herein or otherwise is not humane, taking by such method shall immediately cease and taking shall not resume until an acceptable method of taking has been prescribed by the Assistant Administrator for Fisheries. Any inhumane taking shall subject the Holder to the penalties of the Act, including revocation of this Permit.

g. The Holder shall neither take nor import any mammal which is pregnant, a lactating female, or is an unweaned young mammal, unless such taking or importing is specifically authorized in Section B of this Permit.

h. The Holder shall employ a duly certificated common carrier by air, water, rail, or road in the transportation of any marine mammals, except that the Holder may use a private vehicle for such transportation if such vehicle is operated by Holder's personnel and the provisions of this subsection are complied with in the course of the transportation involved.

i. All aspects of the transportation plans must be found satisfactory by a duly licensed doctor of veterinary medicine.

3. Veterinary Program

a. A doctor of veterinary medicine shall be on the staff of the Holder, or otherwise generally available to the Holder when needed, in order to:

1. ensure that the taking of marine mammals is conducted in a humane manner;
2. provide prompt and appropriate medical treatment of marine mammals being captured, transported, or maintained in captivity;
3. supervise medically necessary humane destruction of sick, diseased, stressed, injured, or lame animals; and
4. provide for the development and implementation of an appropriate disease control program.

b. In the event of the humane destruction of an animal, the Holder shall perform an autopsy on the animal and within seven days of the death of such animals, shall notify the appropriate regional office of the National Marine Fisheries Service of the death and send to such office a copy of the autopsy report.

c. Any pregnant animals shall receive proper veterinary attention. All births involving any animal taken under this Permit shall be reported to the Assistant Administrator for Fisheries.

4. Records and Reports

a. The Holder shall submit a report within 30 days of the taking or importing authorized herein, describing the method and location of the taking, including any problems or complications which might have arisen in connection with the taking. The Holder shall submit a report by January 1, following the date of issuance of this Permit, and annually thereafter, describing the health and condition of the marine mammals. These reports shall be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235.

b. The Holder shall submit a report within 30 days of the taking or importing of scientific specimen materials listing the species, type of material, method of preservation, and the disposition of the specimens. This report shall be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service.

c. The Permit Holder shall maintain sufficient written records regarding the marine mammals taken or imported as authorized herein, and regarding each marine mammal of the species authorized herein to be taken or imported in its possession or otherwise acquired, to allow for adequate identification of each such mammal. Such records shall include, but are not limited to, species, physical description of the animal, date and location of acquisition (whether by capture or other means), and identifying characteristics, either natural or artificially produced. Such records shall be available for inspection by a duly authorized representative of the Assistant Administrator for Fisheries at the facility in which the animal is located.

d. In the event of mortality of these marine mammals, the Holder shall provide a report of the death within 30 days, including autopsy and clinical history, in a form consistent with accepted veterinary medical practices, and a copy of the records required in Section C-4c of this Permit.

e. In the event that any marine mammal is killed during the course of taking or importing, said marine mammal shall be considered as having been taken or imported, and the number of live animals of the kind permitted to be taken or imported shall be reduced accordingly, unless the Assistant Administrator for Fisheries determines that the death was due to causes beyond the control of the Holder, and that the remains of the mammal were disposed of in a satisfactory manner, in which case the Holder shall be entitled to take or import an additional animal.

f. If, within 30 days of taking or importing a marine mammal dies or is determined by the Holder to be unacceptable for his purposes, the Holder shall be entitled to take or import an additional mammal provided that the unacceptable animal, or the remains of the dead animal, is disposed of in a manner satisfactory to and approved in advance by the Assistant Administrator for Fisheries and provided further that in the case of death the Assistant Administrator determines such death was due to causes beyond the control of the Holder. The foregoing replacement privilege, shall apply only in those cases in which the Assistant Administrator determines that the status of stock to which the animal in question belongs will not be adversely affected by further taking.

5. Sale or Disposition of Mammals or Progeny

a. The Holder shall not sell or otherwise dispose of (1) any mammal, the taking or importation of which is authorized by this Permit, or the progeny of any such mammal, or (2) any mammal in his possession or control on the date of the issuance of this Permit or subsequently acquired, which is of the same species as any mammal the taking or importation of which is authorized by this Permit, or the progeny of such a mammal except with the approval of the Assistant Administrator and subject to such terms and conditions as the Assistant Administrator may prescribe. All animals subject to this paragraph shall be marked or otherwise identified in a manner satisfactory to the Assistant Administrator for Fisheries.

b. In the event of the death of any marine mammal or of the species of marine mammal authorized to be taken or imported, the Holder shall make every reasonable attempt to notify the scientific community of the availability of specimen materials. ~~The Holder may contact the appropriate Regional Director or the Assistant Administrator for assistance in this matter.~~

c. The Holder is authorized to deposit specimen materials that have been taken or imported, into scientific collections which meet the minimum standards of collection curation and data recording and maintenance as established by the scientific community. The Holder is authorized to export and re-import such materials as necessary.

6. Display Program

a. Any marine mammal taken or imported pursuant to the terms hereof may not be displayed at any facility of the Holder other than the facility for which the permit was sought, unless specific permission is requested and obtained from the Assistant Administrator. However, the Holder may hold the mammals at another facility acceptable to the Assistant Administrator in the manner required hereunder.

b. Any display program in which any of the marine mammals taken or imported hereunder are to participate shall be designed so as not to fatigue or overwork the mammals. A duly licensed veterinarian shall certify to the Assistant Administrator that any display programs involving any mammals taken or imported pursuant to this Permit will not unduly fatigue or injure such animals.

7. Research Program

a. The Holder is authorized to conduct scientific research on any marine mammal taken hereunder provided such scientific research reasonably can be expected not to cause death or permanent injury to the animal and is approved in advance by the Assistant Administrator.

8. Inspection

Upon request by the Assistant Administrator, the Holder shall permit any employee(s) of the National Marine Fisheries Service or any other person(s) duly designated by the Assistant Administrator, to inspect the Holder's records and facilities insofar as such records and facilities pertain to activities authorized by this Permit, relate to species covered by this Permit, or pertain to the Assistant Administrator's responsibilities under the Act.

9. Transferability and Assignability

The Holder shall not transfer or assign the permit granted herein to any other person, as person is defined in Section 3(9) of the Act. This Permit is of no force and effect if transferred or assigned to any other such person.

10. Permit Amendments

a. The provisions of this Permit may be amended upon reasonable notice by the Assistant Administrator.

11. Permit Fee

a. Section 216.31(d)(8) of the Regulations provides for a reasonable fee to be charged to cover the costs of issuance of this Permit. The fee for this Permit is \$200.00.