

Thank you APHIS for allowing me to comment on your proposed changes of Animal Welfare Act regulations concerning marine mammals in zoological environments 81 Fed. Reg. 5629 (February 3, 2016).

My name is Linda Erb, and I am the Vice President of Animal Care and Training at Dolphin Research Center (DRC), Grassy Key, FL. I have been privileged to work with our family of marine mammals for 37 years and developed the first structured Swim-With-The-Dolphins program in the United States for DRC in 1986. I have trained three generations of marine mammals in our interactive programs, as well as two generations of trainers. My daughter is a senior trainer with DRC. I was President of the International Marine Animal Trainers Association in 2014-2015 and am currently Past President of this organization. Former students/trainers that I taught have gone on to leadership roles in training at SeaWorld Orlando, SeaWorld's Discovery Cove, Disney's Living Seas, Marineland of Florida, The Virginia Marine Science Center, Karen Pryor's Clicker Training Academy and the Wildlife Conservation Society at the Bronx Zoo.

In addition to interactive program training, I am an expert in training research and husbandry behaviors, experienced with rescue and rehabilitation of marine mammals, and assisted government agencies (NMFS and APHIS) with the confiscation and rescue of Molly and Jake from Sugarloaf Dolphin Sanctuary and the rescue of former US Navy dolphins Buck and Luther when they were abandoned at sea by extremist Ric O'Barry in 1996. It is with these many years of personal and professional experience that I would like to give my input regarding your proposed regulations.

From their development until this day, my first priority in interactive programs, as with any aspect of the lives of the marine mammals in our care, is to ensure the safety and stability, both physically and mentally, of the animals involved. The programs are not "one-size-fits-all". Animals join programs that they show interest and enthusiasm in.

When the interactive programs began I trained the animals using the concept that the person/guest was just like a prop in the water that the dolphins would be trained to interact with. I did not think the dolphins would really relate personally with the guests who were essentially strangers to them. I then saw something amazing happen. I believe due to their relationship with me and our shared trust, as well as the guests following the rules of etiquette when meeting the dolphins, I saw the dolphins embracing these sessions with enthusiasm and making personal connections with individual guests.

DRC mainstreams guests with special needs into programs where they can safely participate. I have seen the dolphins adapt to each guest's abilities, especially those with special needs. Tursi, our 42 year old matriarch, decided on her own to add clicking vocalizations the entire time she interacted with a blind guest. The woman could "hear" Tursi's position and the pair were able to safely perform all of the

behaviors in the program. During multiple programs involving quadriplegic guests, I have watched as the dolphins and guests worked together to accomplish the dorsal pull. Because many of these guests cannot grasp with their hands, the dolphins will frequently offer their dorsal fin and let the guest wrap their arm around the fin, basically hooking the dorsal with their inner elbow. None of these specialized behaviors were trained. They are the result of the dolphin/s choosing to adapt and work with individual guests.

These are just a couple of examples – I have many, many more. I just wanted to stress that these interactive programs ARE enriching for the animals. Their trainers swim with them every day. But an excited 10 year old little girl being beside them, sharing her excitement, smiles and cheers...they can only get **that** from participating in an interactive program with members of the public. The result of our safe, educational and enriching programs are two-fold: providing our marine mammals with uniquely enriching sessions, and providing guests the opportunity to make connections that inspire them for a lifetime to care for and conserve these species.

The following are my comments on specific regulations:

3.103(b) Shade: APHIS should consider the depth of lagoons/pools and the colors of walls/sea floor as providing “shade”. Darker colors and depth allow animals the opportunity to be away from sunlight.

3.104(d): I oppose the suggestion to add California sea lions to Group II if two adult males are housed together. This species is very social and the animal care experts at facilities make decisions based on each individual’s needs. The constraints that this change imposes would impede facilities’ ability to take in stranded California sea lions that are desperately in need of homes, especially those slated for destruction at the Bonneville Dam.

3.111 Interactive Programs: Based on the safety record of these programs for 30 years, it is not necessary to have an additional layer of regulations governing them.

Definition of Interactive Program: If the participant does not enter the water, a cetacean’s primary enclosure, by the agency’s own proposed definition, it is not an interactive program. I would propose the following be added to the definition:

Such programs exclude, but such exclusions are not limited to, **sessions in which the human participants sit on the dock or ledge or remain poolside, programs in which animal care staff bring marine mammals, such as, but not limited to pinnipeds, into a public area under stimulus control**

Sanctuary Area: I suggest this is changed to **Public Free Area**. The word “sanctuary” implies the animals need a refuge or escape from something and that something negative is happening. Nothing could be further from the truth, as evidenced by our 30-year safety record for the animals as well as the guests. We frequently will see dolphins (especially the youngsters) who are not participating in

an interactive program choose to swim over to that dock and join in. This is the opposite of seeking sanctuary. The dolphins selected to participate in our interactive programs at DRC find them entertaining and enriching.

3.111(a) Space Requirements: Take out the last sentence that reads: The sanctuary area must meet the minimum space requirements found in 3.104. In my 37 years observing dolphin behavior, I have seen that their favorite places are often our shallow lagoons. Wild dolphins frequent the waters near DRC and they also regularly swim in 4'-6' of water. Our dolphins play and chase fish in these areas. This is a natural and enriching experience and will inhibit their welfare if taken away.

3.111(b) Water Clarity:. Over decades of observing literally thousands of interactive programs and other training sessions, I know that the animals do not have to be visible at all times in a program to ensure safety. At DRC the dolphins and guests interact at or above the surface of the water. For 30 years trainers have been able to safely supervise these interactions. There is no need to have perfectly clear water to see the dolphins, even when they are deep under water. Additionally the water depth provides them respite from the sun, which is important and another concern APHIS is addressing in these proposed regulations. Please revise to read: ...that attendants are able to safely supervise and manage ~~observe~~ the marine mammals...

3.111 (d) Handling: Interactive sessions are simply another training/enrichment session for the animals. Animal care and training experts at each facility should determine the number of these opportunities in each day for each animal, based on individuals needs and interest. Based on my 37 years of experience with interactive programs, I do not think they should not be limited to 3 hours / day.

3.111(d)(4) One trainer/ One animal ratio: I **strongly** disagree with this recommendation. By restricting this, APHIS takes away the ability of expert trainers and animal care staff to create enriching and variable experiences for the animals in their facilities. These animals are social and enjoy having other animals as partners in their training sessions. Interactive programs are no different. Additionally mothers and calves share a trainer so the mother dolphin can supervise the calf. Changing this arrangement would break the trust between trainer and dolphins and I cannot support it. Experienced trainers are more than capable of working in partnership with more than one animal at a time to conduct safe interactive programs.

3.111(d)(8) I strongly disagree with APHIS providing specific language to define "unsafe" behavior. Behavior must be interpreted by the experienced animal care and training staff at each facility. They are experts at knowing each animal's history and personality, and reading all aspects of each situation. I also disagree that APHIS

should require written criteria of the “retraining of such an animal”. Animal training teams at each facility have successful management plans for the safety of our programs, as is evidenced by our 30 year record of conducting them.

3.111(f)(5): Recordkeeping: I believe this proposed change is unnecessary and will create not only an undue burden on facilities and their animal care team, but will also impede creativity and variability in the marine mammal’s lives, which is key to their welfare. Per your description, this rule would require that facilities inform APHIS, within 30 days, of any changes to the interactive program, such as, but not limited to, personnel, animals, facilities, and behaviors used. At DRC dolphins move in and out of programs depending on what they enjoy; they utilize different interconnected lagoons sometimes daily for flexibility and the enrichment of a novel area.

I would suggest APHIS require facilities to keep a written record of any NEW animals joining interactive programs for the first time (such as calves when they begin attending with their mothers, or newly adopted animals). Facilities should also keep written documentation of any new areas (i.e. new pools that are constructed, or in the case of natural water facility like DRC, new sea pens), but **not** the movement of animals from one existing pool/lagoon to another.

Finally, reporting all new behaviors in these programs is, again, burdensome and not necessary. As I mentioned at the start of this comment, sometimes the new behaviors are the dolphin’s ideas! Or trainers change an existing behavior to add enrichment for the dolphins. For example instead of having the dolphins do the traditional handshake they may ask the dolphin to hold a ball while doing the behavior, or vocalize while doing it. Reporting all of these nuances that are simply standard procedure for those of us conducting safe interactive programs really serves no purpose, except to take the trainers’ valuable time away from the animals they care for to create a document to send to APHIS.

In closing I would like to ask that APHIS proceed with careful consideration to the facts. This week at DRC we had the honor once again of hosting a Wounded Warrior Project event. These heroes come back home with many injuries, some visible but many invisible. The dolphins help them heal, open up their hearts, help them trust and communicate again. How? By connecting with these heroes in what you are defining as interactive programs. Please do not regulate these amazing opportunities out of existence. There is no need, no science that supports it, and the history of the programs shows the truth – they are safe for animals and people. Let us continue to help make connections that create conservationists, touch lives, change lives, and even save lives.

I appreciate the work of APHIS and their goals of ensuring the best care of the marine mammals I have dedicated my life to. I am willing to provide any additional

help you may need as you move towards the best regulations to protect marine mammals. Thank you again for this opportunity to provide feedback.